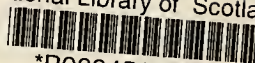




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X

# The Dukes of Albany

AND

THEIR CASTLE OF DOUNE

BY

WILLIAM FRASER



EDINBURGH 1881

REPRINTED FROM  
'THE RED BOOK OF MENTEITH'

By WILLIAM FRASER

EDINBURGH 1880.



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## PREFATORY NOTE.

THESE Memoirs of the two first Dukes of Albany, who were also Earls of Menteith, and became famous as Governors of Scotland, are reprinted from "The Red Book of Menteith," and may be acceptable to those who do not possess that larger work.

Since these Memoirs were printed, there have been published two volumes of the Exchequer Rolls of Scotland, extending over the period embraced in the lives of those two royal Dukes. In his prefaces to these valuable Rolls, the learned editor has done much to elucidate many historical, genealogical, and heraldic questions, particularly in his chapter on the "Stewart Genealogy." He has, however, failed to throw light on several points connected with Menteith, as to which we hope he will be pleased to receive a supplement to his information, as the result of our more extended investigations.

Robert Stewart, the third son of King Robert the Second, is stated to have been "Earl of Menteith by marriage, and of Fife by inheritance from the Countess Isobel."<sup>1</sup> The latter part of the statement may admit of argument, for while in the indenture between the Countess Isobel and Robert, Earl of Menteith, in 1371, now for the first time correctly printed in the larger work from the original indenture, in terms of which he obtained the earldom of Fife, there is reference to a former entail of the lands, nothing is said of the dignity, and the presumption is that he was specially created Earl of Fife by his father. But, on the other hand, the statement that Sir Robert Stewart was, or became Earl of Menteith "by marriage" with Lady Margaret Graham, the daughter of Sir John Graham, is erroneous, as Sir Robert nowhere holds that dignity until after his father's accession. In 1364, three years after his

<sup>1</sup> Exchequer Rolls, vol. ii. p. lxxxi.

marriage, he is styled in the Exchequer Rolls simply Robert Stewart of Menteith.<sup>1</sup> The records of Parliament show that in 1367<sup>2</sup> and 1368,<sup>3</sup> he was present in Parliament as Lord of Menteith only, and it is not until the day after his father's coronation that he pays homage as Earl.<sup>4</sup> From his influential position it cannot be doubted that if Sir Robert Stewart had really been entitled to the dignity of Earl of Menteith through the courtesy of his wife, it would have been accorded to him soon after his marriage. But there is evidence that he continued a commoner for several years, and until the coronation of his father as King Robert the Second. From and after that ceremony he was Earl of Menteith, and the inference clearly is that he became so by special creation on that occasion.

This fact goes entirely against the theory broached in these prefaces to the Exchequer Rolls as to female descent in peerages. The same may be said of a former Menteith marriage, on which some light is thrown from a statement by the late Mr. Riddell. Walter Comyn, who married the elder co-heiress of Maurice, third Earl of Menteith, in 1231, is after the marriage styled Earl of Menteith. It has been doubted whether he did not receive the dignity by courtesy of his wife, but Mr. Riddell quotes an old roll or inventory of charters by Alexander II.,<sup>5</sup> as containing a charter by that monarch "Walteri Cumyng de comitatu de Menteithe," which goes far to establish the fact that the dignity was conferred upon him, as upon Sir Robert Stewart, by a special creation.

The editor of the Exchequer Rolls assumes that the husband of the lady Elene of Mar, daughter of Gratney, Earl of Mar, was the famous Sir John Menteith, the reputed betrayer of Wallace. In this he follows the late Mr.

<sup>1</sup> Exchequer Rolls, vol. ii. p. 166.

<sup>4</sup> Acts of the Parliaments of Scotland,

<sup>2</sup> Acts of the Parliaments of Scotland,

vol. i. p. 545.

vol. i. p. 501.

<sup>3</sup> *Ibid.* p. 505.

<sup>5</sup> Peerage and Consistorial Law, p. 1050.



Riddell, who states that Sir John and the husband of Lady Elene of Mar were one and the same person.<sup>1</sup> This view is refuted, however, by the authorities quoted both by Mr. Riddell and the editor of the Exchequer Rolls. Mr. Riddell founds on a charter of 1359, preserved in the records of Parliament,<sup>2</sup> granted by King David the Second to Sir John Menteith, the son of Lady Elene of Mar, reconveying to him the lands of Strathgartney, which had been taken by the King from the same Sir John in 1344. These lands are in that charter stated to have been granted by King Robert the Bruce to Sir John Menteith and Lady Elene of Mar in free marriage. But a missing charter of King Robert the Bruce, referred to in the Exchequer Rolls<sup>3</sup> as proving the above, though the full significance of the entry has been overlooked, designs the grantee, the husband of Lady Elene of Mar, as "John Monteith, son to John Monteith." There is thus evidence that there were in succession to each other three persons who bore the name and designation of Sir John Menteith, and that Lady Elene of Mar was the wife of the second Sir John Menteith, who was not the famous Sir John, but his son.

Although in the prefaces to the Exchequer Rolls it is nowhere distinctly stated that the reputed betrayer of Wallace and the husband of Lady Elene of Mar were one and the same person, it is affirmed that Joanna of Menteith, Countess of Strathern, was the daughter of Sir John Menteith and Lady Elene of Mar.<sup>4</sup> That Joanna of Strathern was the daughter of the first Sir John Menteith is proved from authentic evidence,<sup>5</sup> and has never been disputed, but it is a mistake to say that she was the daughter of Lady Elene of Mar. As we have shown, Lady Elene was not the wife of the first Sir

<sup>1</sup> Tracts, Legal and Historical, 1835, p. 149. son's Index, p. 23, No. 6.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. i. p. 524.

<sup>4</sup> Exchequer Rolls, vol. ii. p. ci, note.

<sup>3</sup> Exchequer Rolls, vol. ii. p. lvi; Robert-

<sup>5</sup> Robertson's Index of Missing Charters, p. 18, No. 69.

John Menteith, and even if she had been she could not have been the mother of Joanna of Strathern. For if it be the case, as stated in the Exchequer Rolls, that Joanna was the wife of Earl Malise of Strathern, the father of the Earl Malise whose wife was implicated in the Soulis conspiracy in 1320<sup>1</sup> (and this statement is also made by other authorities), then she must have been married some time before that event. But from various data it may be shown that Lady Elene of Mar, even if married in 1320, could not then have had a marriageable daughter. Supposing that Gratney, Earl of Mar, married Lady Christian Bruce, the mother of Lady Elene, in 1292,<sup>2</sup> and allowing for the birth of their son Donald in or about 1293, it will be seen that Lady Elene in 1320 must have been at the utmost little more than twenty-five years of age. It is probable that she was even younger, and also that she was not married until after that date. The lands of Strathgartney, as is stated in the charter by King David the Second before referred to, were granted to her and her husband in free marriage, thus suggesting that these lands were her wedding-gift from her uncle, King Robert the Bruce. But these lands were taken from Sir John Logie only about 1320, and it is probable therefore that the marriage of Lady Elene of Mar did not take place until that year at least.

Another Menteith marriage which is mentioned in the preface to the last published volume of the Exchequer Rolls may also be here adverted to. The editor conjectures that Sir John Moray, the first husband of Lady Margaret Graham, styled Countess of Menteith, must have been Sir John Moray of Bothwell.<sup>3</sup> This conjecture is well founded, but the evidence which completes the proof desiderated has been overlooked. This is furnished by a charter of certain lands in the barony of Avach, granted by Muriella, widow of Sir William Rose of Kilravock, with consent of her overlord,

<sup>1</sup> Exchequer Rolls, vol. ii. p. ci, note.

<sup>2</sup> *Ibid.* vol. iv. p. clxxvi, note.

<sup>3</sup> *Ibid.*

Sir John Moray of Bothwell, whom she also styles "Earl of Menteith and Panitarius of Scotland."<sup>1</sup>

In the same volume, as we have already remarked, much research has been brought to bear on the elucidation of the "Stewart genealogy" from King Robert the Second.<sup>2</sup> In one important case, however, the result is somewhat misleading. The editor states that a daughter of King Robert the Second, whose name he is unable to give, seems to have married Sir John of Keith, eldest son of William of Keith, Marischal.<sup>3</sup> In a subsequent page he represents another daughter of the King, Lady Jean, as having married John Lyon of Glamis.<sup>4</sup> This marriage took place at first without consent of King Robert the Second, and the editor of the Exchequer Rolls refers to and states the terms of a remission in the Glamis Charter-chest,<sup>5</sup> granted by the King, with consent of his sons, to his daughter Jean and Sir John Lyon for their marriage. But the fact has been entirely overlooked that this document proves that the daughter of unknown name, the wife of Sir John Keith, and Lady Jean, the wife of Sir John Lyon, were one and the same princess. In the remission she is designed Johanna of Keith, being then the widow of Sir John Keith, her first husband. The original remission has been carefully preserved at Glamis, and by the permission of the Earl of Strathmore, who is the descendant and representative of the marriage of the Princess Jean Stewart with his ancestor Sir John Lyon, we are enabled to print the document in this work from the original.

An indenture, which was entered into between Robert, Duke of Albany, and Archibald, fourth Earl of Douglas, on the 20th of June 1409, has been printed in the Appendix to the preface of the fourth volume of the Exchequer Rolls,<sup>6</sup> accompanied by the statement that it "has hitherto

<sup>1</sup> Rose of Kilravock (Spalding Club), p. 116.

<sup>2</sup> Vol. iv. p. cliii, *et seq.*

<sup>3</sup> *Ibid.* p. clxii.

<sup>4</sup> Exchequer Rolls, vol. iv. p. clxiv.

<sup>5</sup> *Ibid.* vol. iii. p. lii, note.

<sup>6</sup> Vol. iv. p. ccix.

escaped notice.”<sup>1</sup> We think it right to explain that the bond was first printed in “The Red Book of Menteith,” from the original in Her Majesty’s General Register House, and was actually printed as part of that work before it appeared in the Exchequer Rolls. In so far as we are concerned, there was no oversight of such an important indenture, although the print of it in the Exchequer Rolls, while last made, was accidentally first published.

In the same way the documents relating to the marriage of Janet Stewart, eldest daughter of Robert, Duke of Albany, and David de Loen, which are referred to in the Exchequer Rolls,<sup>2</sup> were, along with other relative documents, printed in “The Red Book of Menteith,” from the originals in the General Register House long anterior to the publication of the Rolls.

The letters of King James the First now printed in this work for the first time, are referred to in the preface to the Exchequer Rolls<sup>3</sup> as preserved in the General Register House. But the existence of these letters was not known to the editor of the Rolls till after they were brought to light again in November last, as explained in the preamble to them in this work.<sup>4</sup>

In the controversy about Macaulay’s denunciation of John Graham of Claverhouse, the brilliant historian was much taken to task by Professor Aytoun and other critics for his mistake in calling him James instead of John Graham, thus showing, it was said, ignorance of the very name of the man whom he denounced. The editor of the Rolls has fallen into a similar mistake as to the name of the author of a well-known law work which he quotes, Steuart’s answers to “Dirleton’s Doubts.” The author was the celebrated Sir James Steuart of Goodtrees, but the editor calls him Sir John Steuart.<sup>5</sup> While noticing this slip, occurring amidst much that is accurate, we readily pardon it as a specimen of mistakes to which authors and editors are alike liable.

<sup>1</sup> Vol. iv. p. lvi, note 1.

<sup>2</sup> *Ibid.* pp. clxxxiv, clxxxv.

<sup>3</sup> *Ibid.* p. lxxviii.

<sup>4</sup> Page 153, *postea*.

<sup>5</sup> Exchequer Rolls, vol. iv. p. clxxx.



## SUMMARY OF THE MEMOIRS.

SIR ROBERT STEWART, TENTH EARL OF MENTEITH, AFTERWARDS EARL OF  
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# MEMOIR

OF

## ROBERT, DUKE OF ALBANY, EARL OF FIFE AND MENTEITH, ETC.

---

ALTHOUGH it was only for a brief period that the earldom of Menteith gave to Sir Robert Stewart the exclusive designation by which he was at first known among the barons of Scotland, he was, during the greater part of his long life, the owner and lord of that earldom. Its fortunes were therefore bound up with his, and it is proper, on that account, that some notice should be taken of this illustrious nobleman. The higher, and perhaps in the case of the earldom of Fife, more ancient dignities to which Sir Robert Stewart afterwards attained, rather eclipsed his connection with the earldom of Menteith, and he is less known in history as Earl of Menteith than as Earl of Fife and Duke of Albany.

Various other considerations render it highly desirable that the life of this Earl of Menteith should be inquired into with as great minuteness as the annals of the time in which he lived will permit. The high position which he occupied in the Scottish Court, the influence he wielded in the disposal of State affairs as Earl of Fife and Menteith, Duke of Albany, and Governor of Scotland, as well as his near relationship to the four monarchs who reigned during his long life, all tended to make him more of a sovereign than a subject. The story of his life embraces the history of Scotland for nearly eighty years of an eventful period. In his time the dynasty of the Bruces

came to an end, and was replaced by that of the Stewarts, of which he himself was for long the mainstay. A prince and statesman of such prominence could not fail to secure a high place in history, and to have his character variously estimated by historians. Contemporary writers, to whom he was well known, have extolled his character as one of great excellence, while later writers, both of history and romance, have not hesitated to make his vices more than counterbalance his virtues.

The most untoward events in his long administration of the royal authority were the death of his eldest nephew, David, Duke of Rothesay and Prince of Scotland, and the long captivity of his youngest nephew, Prince James, afterwards King James the First. Of the death of Rothesay, both the Duke of Albany and the Earl of Douglas were openly accused, but after full investigation were both acquitted by the King and Parliament.

A conviction that the character of this distinguished prince has been misapprehended in many important particulars, has led to the full, if somewhat protracted, details which form this Memoir. They are given that the reader may judge for himself of the true character of Albany.

Sir Robert Stewart, as formerly stated, was the third son of Robert Stewart, Earl of Strathern, afterwards King Robert the Second, by his wife Elizabeth More, daughter of Sir Adam More, knight, of Rowallan. He has been commonly considered as the second son of the Earl of Strathern, but this is a mistake. The first son was John, who was created Earl of Carrick, and afterwards succeeded his father on the throne of Scotland as King Robert the Third; the second was Walter, who by his marriage with Lady Isabella, styled Countess of Fife, became Lord of Fife, but died about the year 1362, while yet a young man. A charter was granted by David the Second to Robert, High Steward of Scotland, of the lands of Kintyre, with the advocation of the kirks thereof in fee; and to John Stewart, his son

by Elizabeth More, and failing John, to Walter his second brother.<sup>1</sup> Walter Stewart, Lord of Fife, in the year 1362, received from the Chamberlain, by command of the King, the sum of £6, 13s. 4d.<sup>2</sup> On account of his early death Walter Stewart had not the same opportunities of distinguishing himself as his brothers, and has thus been overlooked by historians, who have given to Robert the position of second son, while in reality he was the third.

Sir Robert Stewart was born in 1339. His father, who was hereditary High Steward of Scotland, had been appointed sole governor of the realm after the death of Sir Andrew Moray in the previous year, 1338, when the country was again struggling for liberty. Of Sir Robert we find nothing on record before he had reached his twenty-second year, but it is probable that as soon as he was able to bear arms he accompanied his father in some of his excursions against the English.

He married Lady Margaret Graham, styled Countess of Menteith, in the year 1361. The arrangements for the marriage have already been related in the preceding Memoir. After his marriage Sir Robert became Lord of Menteith, and was known by that designation among the barons of Scotland. His position was one of power and influence, and according to the feudal customs of those times, he entered into leagues and bonds, offensive and defensive, with neighbouring barons. One such bond had been made by him with his father the High Steward, as appears from the renunciation by the latter of all such bonds and leagues, when he swore allegiance to King David on 14th May 1363, at Inchmurdach.<sup>3</sup> In the year 1364 Robert Stewart of Menteith received £10 from the Chamberlain by gift of the King.<sup>4</sup> The Lord of Menteith was one of the barons

<sup>1</sup> Robertson's Index, p. 60.

<sup>2</sup> Chamberlain Accounts, vol. i. p. 396.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 369.

<sup>4</sup> Chamberlain Accounts, vol. i. p. 411.

elected by the three Estates of the realm to hold a Parliament at Scone on the 27th of September 1367, where the ways and means of paying the remaining portion of the redemption money of King David the Second were discussed. He was also present in the Parliaments held at Scone and Perth in 1368 and 1369.<sup>1</sup>

The turbulent spirit of the Highlanders was then, and for long afterwards, a source of great perplexity and annoyance to both King and Parliament. On two occasions, at the Parliaments of June 1368 and March following, the Lord of Menteith was charged by King David in person to stand to his allegiance and further the peace of the realm by maintaining order in the earldom of Menteith, and any other lands of which he was superior. His father the High Steward, and his brother, John, Lord of Kyle, were charged by the King in like manner at the same time, and all promised obedience to his wishes.<sup>2</sup> The reason for this demand on them was not any disaffection on their part, or on the part of their vassals, but the relationship in which they stood to John, Lord of the Isles, who, with some other Highland chiefs, was in open rebellion against the King, and refused to allow his people to pay their share of the heavy public burdens. The Lord of the Isles was the brother-in-law of the Lord of Menteith, having married his sister, Lady Margaret Stewart, a daughter of the Earl of Strathern; and it was on account of this relationship, as well as the contiguity of the lands of Menteith, Strathern, and Kyle, that the lords of these lands were looked to by the King as having it in their power to pacify or restrain the recalcitrant Lord of the Isles.

In the Parliament of 1368 a case was brought judicially under the notice of the King, in which the opposing parties were the Lord of Menteith and

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. pp. 501-506.

<sup>2</sup> *Ibid.* pp. 503, 507.



Sir Archibald Douglas. The Lord of Menteith complained to the King that Sir Archibald Douglas was withholding a terce which was due to his wife from lands held by Sir Archibald, and requested that the King would cause right and justice to be done. Sir Archibald, he said, had promised, in the hearing of his Majesty, when they were lately at Aberdeen, to be present at this Parliament and arrange the matter. The King put the question to Sir Archibald Douglas, who replied that he was willing and prepared to do whatever he was rightfully and reasonably bound to perform, or had promised to his Majesty; but he did not believe that he was under legal obligation to do what was required of him in this Parliament, or that he had promised to do so. Still, he added, if it was his Majesty's pleasure, or if the order and form of law or the custom of the realm required it to be arranged at this time, he was willing to agree, notwithstanding the shortness of the time. The Lord of Menteith reiterated what he had said, that Sir Archibald had obliged himself to settle the question in this Parliament. The issue was that the King, after consulting with those who had been present with him at Aberdeen at the time when the promise was alleged to have been made, decided that Sir Archibald had only promised to be present at this Parliament in connection with this affair, if he was legally required to be present. The King refused to enter further into the case, as it was a question of common law, and the parties were instructed to pursue and defend the cause in other courts, according to the usual forms. This decision was ordered to be recorded.<sup>1</sup> The dispute appears to have been afterwards amicably settled. It is the only instance on record of any disagreement between the Regent and the house of Douglas, who were ever afterwards sworn friends.

Sir Robert Stewart witnessed several charters as Lord of Menteith. Two

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 505.

of these, granted by his father, are printed, one bearing the date 16th October 1369;<sup>1</sup> the other is undated.<sup>2</sup>

The death of King David the Second on 22d February 1371, without children, left the throne to his nephew, the High Steward, who was crowned at Scone on the 26th of March following. On the same day on which his father was crowned, Sir Robert appears to have been created EARL OF MENTEITH, as on the day after the coronation, Sir Robert Stewart, Earl of Menteith, was one of the nobles who performed homage and swore fealty to King Robert the Second.<sup>3</sup> Sir Robert might have obtained the title earlier but for the late King's jealousy against his father.

Three days after his creation as Earl of Menteith, on the 30th of March 1371, an agreement was made between him and Lady Isabella, styled Countess of Fife, in which the latter recognised the Earl as her true and lawful heir-apparent, by virtue both of the entail made by her father, Sir Duncan, Earl of Fife, in favour of Alan, Earl of Menteith, grandfather of Margaret, Countess of Menteith, the wife of Earl Robert, and of the entail made by Lady Isabella herself and her late husband, Walter Stewart, elder brother of Sir Robert, in his favour. The Countess of Fife had married four husbands in succession, who were all dead, and she had no living child to claim the earldom. In these circumstances influence had been brought to bear on the Countess which compelled her to resign the earldom in favour of other persons than the Earl of Menteith, and she now sought his aid to recover it for her. She promised, on the earldom being restored, to resign it immediately into the hands of the King for a grant to the Earl of Menteith.

Sir Robert Sibbald, in his *History of Fife*, printed a copy of this indenture, in which he erroneously calls Walter Stewart the son of Robert, Earl of

<sup>1</sup> Vol. ii. of this work, p. 250.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. i. p. 561.

<sup>3</sup> *Ibid.* p. 545.

Menteith, instead of the brother. This inaccurate description of Walter Stewart was adopted by Lord Hailes, when arguing in the Sutherland Peerage Case that titles of honour were descendible to females.<sup>1</sup> The original indenture, however, has now been printed,<sup>2</sup> and conclusively shows that Lord Hailes had been misled by Sibbald.

Success attended the efforts of the Earl of Menteith. The earldom of Fife was recovered, resigned by the Countess of Fife, and bestowed by King Robert the Second upon the Earl of Menteith, presumably on the conditions agreed to in the indenture. No direct evidence has been obtained to show that these steps were duly and formally attended to, but that they had really taken place is evident from the Earl of Menteith's being present with the King at Scone on the 6th of March 1372, and witnessing a charter under the style and designation of Earl of Fife and Menteith.<sup>3</sup> From the date of the making of the indenture with the Countess of Fife up to the 4th of December 1371, when he witnessed at Dundonald, as Earl of Menteith, the confirmation by the King of a gift by John Kennedy of Dunure to the Chapter of Glasgow, of a chapel and three chaplainries in the parish of Maybole,<sup>4</sup> he frequently witnessed charters by his father at Scone, St. Andrews, and Edinburgh, and invariably as Earl of Menteith only. This shows that the title of Earl of Fife must have been acquired by him subsequent to 4th December 1371, but before the 6th of the following March, after which date he is always designed Earl of Fife and Menteith, the title of Fife having precedence as the older dignity. Under this title, he granted to Sir Robert Stewart of Schanbothy the lands of Gerpot and Cragy, with the third part of the lands of Kulbak, in the barony of Leuchars, in

<sup>1</sup> Sutherland Peerage Case, p. 24, note.

<sup>3</sup> Acts of the Parliaments of Scotland, vol. xii. p. 18.

<sup>2</sup> Vol. ii. of this work, p. 251.

<sup>4</sup> Registrum Glasguense, p. 289.

Fife, and the charter was confirmed by the King his father, at Perth, on 20th December 1372.<sup>1</sup>

Ten or eleven years after the marriage of Sir Robert Stewart and Lady Margaret Graham, the families of Menteith and Moubray were brought into contact for the second time, and on this occasion under more auspicious circumstances than formerly. The first known connection was in the reign of King Robert the Bruce, when Roger of Moubray was forfeited for treason, and his barony of Barnbogle given to Murdach, Earl of Menteith. The barony, however, was surrendered by Sir John Graham and Lady Mary, Earl and Countess of Menteith, to King David the Second, in return for an acquittance for two thousand marks due by them to the Crown in respect of their marriage,<sup>2</sup> and in 1361 that King restored it to the family of Moubray in the person of Philippa of Moubray and her husband, Sir Bartholomew of Loen.

The history of this lady is somewhat romantic. She appears to have been contracted to one husband, Bertold of Lon, but afterwards to have married a second, Thomas of Weston, while the former was alive. In the year 1343 the question arose as to which of these was her proper husband, and two notarial instruments, drawn up in that year, inform us that the decision was in favour of the claim of Bertold of Lon to that position.

The first of these instruments narrates that on the 30th of October 1343, Mr. John Feuere, as procurator for Bertold of Lon and Philippa of Moubray, appeared before a notary and witnesses in the parish church of St. Mary Magdalene, in Milk Street, London, and earnestly inquired at two priests then and there present, namely, John, called of Pont, London, and John of Evesham, if they or either of them were aware of a contract of marriage entered into at any time between the said Bertold and Philippa. John of

<sup>1</sup> *Registrum Magni Sigilli*, p. 99.

<sup>2</sup> Page 105, *supra*.

Pont replied expressly that he saw, heard, and was personally present when Bertold, in the house of John of Weston, citizen and draper, Thames Street, London, on Wednesday, the octave after the Feast of St. John the Baptist (1st July) 1338, contracted marriage with Philippa, in these words: "I, Bertold of Lon, take thee, Philippa of Moubray, as my wife for all the time of my life, and to this I plight thee my troth." Philippa also immediately replied to Bertold in these words: "And I, Philippa of Moubray, take thee, Bertold of Lon, as my husband for all the time of my life, and to this I plight thee my troth." John of Evesham testified that the said Philippa, when seriously ill and despairing of life, confessed to him, as having at that time the care of her soul, for the exoneration of her conscience, that she had no right to Thomas of Weston, her pretended husband, because she had first contracted marriage with the said Bertold of Lon; and that at that time he solemnly enjoined the said Philippa, for the safety of her soul, utterly to disown Thomas of Weston, her pretended husband, and cleave to the said Bertold as her lawful husband.

The second notarial instrument relates that on 18th December 1343, at the parish church of All Hallows, in the Ropery, London, letters from the Archdeacon of London were read, instructing the rector of that church to declare the marriage-contract between Thomas of Weston and Philippa of Moubray null and void, and that between Bertold of Lon and the said Philippa valid and lawful, and also to procure the marriage of the two last-named persons in the face of the church, after thirty days from the date of the letters.<sup>1</sup>

After their marriage, Sir Bartholomew of Loen and his wife Philippa returned to Scotland, and were received into the favour of King David the Second, from whom, as stated, they received the barony of Barnbogle. A

<sup>1</sup> Vol. ii. of this work, pp. 232-234.



son was born to them, and it was proposed that he should have to wife Janet Stewart, perhaps the eldest daughter of the Earl of Fife and Menteith and his Countess, Lady Margaret, and at this time only eight or nine years of age. Their parents entered into an indenture at Edinburgh, on 21st July 1372, in which it was arranged that David, son and heir to Sir Bertold and Lady Philippa, should marry Janet Stewart, daughter of Sir Robert Stewart, Earl of Fife and Menteith, and Lady Margaret his spouse. Sir Bertold and Lady Philippa were to provide for their honourable maintenance when married, and David and Janet, or the survivor of them, and the children to be lawfully begotten between them were to be their heirs, but failing them, the estate was to revert to the lawful heirs of Lady Philippa. If David should happen to die during the life of his parents, they became bound to provide for Janet a forty pound land, with pertinents, within the barony of Barnbogle, for her maintenance during her life. Moreover, if after the completion of the marriage, both David and his parents died and Janet survived, she was to hold the whole of the barony and possessions of Sir Bertold and Philippa, but on her death these were immediately to revert to the heirs of the foresaid Philippa. The Earl of Fife and Menteith, for his part, promised to assist Sir Bertold with all his counsel and help, and to further the recovery by Sir Bertold of all lands to which, in right of his wife, he could by hereditary right lay claim in any part of Scotland.<sup>1</sup>

This last condition was the subject of a special bond of maintenance, made by the Earl of Fife and Menteith to Sir Bertold of Loen, a few years later at Stirling, on 25th November 1375, in which the Earl made the additional promise to maintain him against all men, except the King, his own brothers, the Earl of Douglas and his son Sir James, Sir Archibald Douglas, and his own cause.<sup>2</sup>

<sup>1</sup> Vol. ii. of this work, p. 258.

<sup>2</sup> *Ibid.* p. 260.



King Robert the Second had great confidence in the abilities and tact of his son the Earl of Menteith, and frequently employed him in the management of State affairs, even at this early stage of his reign. Along with his elder brother, John, Earl of Carrick, he was deputed to preside at the courts of redress frequently held on the Marches during the fourteen years' truce between Scotland and England.<sup>1</sup> The two brothers are said to have presided on alternate days. These Courts were rendered necessary by the depredations of the Borderers on both sides, which were generally carried on in defiance of all truces.

The custody of the Castle of Stirling was committed by the King to the Earl of Fife and Menteith, by a charter dated 7th February 1373. For its maintenance the Earl was to receive the fourteen chalders of corn and the twelve chalders of oatmeal due from the lands of Bothkennar in Stirlingshire, as well as two hundred marks annually from the Lord Chamberlain. The money was to be raised from the lands, farms, and annual rents belonging to the Crown in the shire, with the wards, reliefs, marriages, fines, and escheats which might happen, all which were made over to the Earl on the express condition that they should be accounted for to the Lord Chamberlain. If the income from these sources exceeded the sum of two hundred marks, the surplus was to be paid to the Treasury; if it proved deficient, the Lord Chamberlain was bound to pay the balance. The office of keeper was made hereditary to the Earl and his lawful heirs-male, and it embraced the power of appointing and dismissing the constable and janitors of the castle.<sup>2</sup> During his term of office, which continued until his death in 1420, the castle underwent considerable repairs and improvements, and additions were made to the munitions of defence.<sup>3</sup>

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 383.

<sup>3</sup> Exchequer Rolls, vol. ii. pp. 437-621 ;

<sup>2</sup> Registrum Magni Sigilli, p. 125.

vol. iii. pp. 654-702.

The arrangement about the payment of the two hundred marks does not seem to have been successful, and another was made, probably about the year 1379, by which the fee was paid direct from the Treasury.

On the same day on which he received the custody of Stirling Castle, the Earl of Fife and Menteith entered into an agreement with Sir Robert Erskine, by which the Earl became bound to be a good lord, and a faithful, kind, and affectionate friend to Sir Robert Erskine, his brother, and their heirs. This was solemnly sworn to by the Earl in presence of his father at Perth, and the agreement was sealed with the King's privy seal, and the seals of the Earls of Carrick and Fife and Menteith.<sup>1</sup>

Although King Robert the Second had already, by a formal Act of Parliament, secured the succession of his eldest son, John, Earl of Carrick, and his heirs, to the throne, he yet deemed it necessary to guard against the possible failure of his line through the death of the Earl of Carrick or failure of heirs. For this purpose a Grand Council or Parliament was summoned to meet at Scone on the 4th of April 1373. By this Council it was ordained that, failing the King's eldest son and his heirs, the succession should devolve on Sir Robert Stewart, Earl of Fife and Menteith, the second surviving son of the King by his first wife, and his heirs. In the event of his failure, the Crown was to be inherited by the King's other sons. To this ordinance a very formal and solemn assent was given by the whole nobility, clergy, and Parliament, and a great concourse of the clergy and people, after the statute was explained to them, gave their consent in front of the great altar at Scone, by lifting up their hands.<sup>2</sup>

In June of the same year, the Earl of Fife and Menteith was at Aberdeen with the King, and while there witnessed the royal confirma-

<sup>1</sup> Original in the Charter-chest of the Earl of Mar and Kellie.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. i. p. 549.

tion of a grant by Walter of Menteith of Petmaealdore to the parish church of St. Deveniek of Methliek of a piece of land. The charter is dated the 16th of June 1373.<sup>1</sup>

It was a common custom at that time, when the state of affairs between the two countries permitted, for Scottish noblemen to send their servants, or employ merchants to go, into England to purchase malt for them. Application had to be made in the first place to the English Government, who granted the required permission if they saw fit. Such licences were occasionally obtained by the Earl of Fife and Menteith. One from King Edward the Third on 8th August 1375, empowered John Young of Linlithgow, one of the Earl's squires, to go into the county of Lincoln, and purchase there for ready money three hundred quarters of malt, which he was to convey to the Port of Barton-upon-Humber, and ship to Scotland for the maintenance of the Earl and his family.<sup>2</sup>

Three years later, in April 1378, we find the Earl of Douglas associated with the Earl of Fife and Menteith in a like transaction, and obtaining permission from Richard the Second of England for two of their servants to purchase for them divers pewter vessels, worsteds, chairs, cages, stoups, and leather bottles for their own use in Scotland. The goods were to be shipped from the Port of London.<sup>3</sup> And at a later period, in January 1383, one Malcolm Forsyth was commissioned to purchase for the Earl of Fife and Menteith eight hundred quarters of malt, half of which was to be procured in Lincolnshire, and the other half in the counties of Norfolk and Suffolk.<sup>4</sup>

Robert, Earl of Fife and Menteith, obtained from the King a gift of the baronies of Redhall in Midlothian, and Glendochart in Perthshire, by a

<sup>1</sup> *Registrum Episcopatus Aberdonensis*,  
vol. i. p. 114.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. p. 971.

<sup>3</sup> *Ibid.* vol. ii. p. 7.

<sup>4</sup> *Ibid.* p. 47.

charter dated at Methven, 22d January 1376. These two baronies formerly belonged to Alexander of Menzies, and in the beginning of the year 1374<sup>1</sup> were let by him in liferent to the Earl of Fife and Menteith, with the exception of certain lands; but Alexander of Menzies having resigned both the baronies into the King's hands, they were at this time granted by the latter to his son Earl Robert, and his heirs in fee.<sup>2</sup> Two months later the King also bestowed on him, by a charter dated at Perth 19th March 1376, the lands of Lethberdsehelis, in the constabulary of Linlithgow, which had belonged to Adam of Argent, but which had been resigned by him into the hands of King Robert the Second.<sup>3</sup> About this time also, or during the year 1376, Earl Robert executed a deed of exambion, whereby he gave his castle and all his lands in the barony of Leuehars, in Fifeshire, to Sir William Ramsay of Colluthy, in exchange for the lands of Balnefery, Mundolo, Balnageth, and Tarres, in Inverness-shire. In addition to these lands, Sir William Ramsay agreed to render three suits yearly at the Earl of Fife and Menteith's court at the Mathelaw, and a pair of gilt spurs, if asked, at the feast of the Nativity of John the Baptist.<sup>4</sup>

The Earl also held lands in the earldom of Lennox. This appears from a charter granted by him to Sir Patriek of Graham, of a half earueate of the land of Achynrosse, in that earldom. The charter was confirmed by King Robert the Second at Perth, on the 13th of June 1377.<sup>5</sup>

During the next five years the Earl of Fife and Menteith accompanied his father the King in his royal progresses through different parts of the country. One circuit was accomplished by the middle of the year 1378, when we find the Court at Dundee, Kindrocht, Dunkeld, Stirling, and

<sup>1</sup> *Registrum Magni Sigilli*, p. 101.

<sup>2</sup> *Ibid.* p. 128.

<sup>3</sup> *Ibid.* p. 130.

<sup>4</sup> *History of the Carnegies Earls of Southesk*, by William Fraser, vol. ii. p. 490.

<sup>5</sup> *Registrum Magni Sigilli*, p. 154.

Edinburgh successively, and a return made to Perth by way of Dunfermline. At other times Inverness and Aberdeen were visited, with several of the intervening towns. In the course of these royal progresses charters were granted and confirmed, and the Earl of Fife and Menteith frequently appears as a witness. In the month of October 1380 the Earl of Fife and Menteith was, along with the poet Sir John Barbour, Archdeacon of Aberdeen, and others, at Kintore, the manor of Sir William of Keith, the Marischal of Scotland.

The office of High Chamberlain of Scotland having become vacant through the death of Sir John Lyon of Glamis, who was slain by Sir James Lindsay, Lord of Crawford, on 4th November 1382,<sup>1</sup> King Robert the Second bestowed it on his son, the Earl of Fife and Menteith. Sir John Lyon had been a favourite of King Robert, who, by a charter dated 18th March 1372, bestowed upon him the Thanage of Glamis.<sup>2</sup> This gift was confirmed by a charter granted at Edinburgh, on 7th January 1373-4, by John, Earl of Carrick, Robert, Earl of Fife and Menteith, and Alexander, Lord of Badenoch, in which they narrate their father's gift, and promise for themselves and their heirs never to revoke it, to whatever state or even regal dignity any of them might attain, but that they would rather renew the gift as often as there should be necessity, or the said John should require them.<sup>3</sup>

After receiving the honour of knighthood, Sir John Lyon became a member of the royal family through his marriage with the Lady Jean Stewart, daughter of King Robert the Second. Lady Jean or Johanna was the widow of Sir John Keith, eldest son of Sir William Keith, marischal of Scotland, a fact hitherto unrecognised by genealogists. He died about the year 1374, leaving her with one son, Robert, who died young. A few years later she formed a private matrimonial alliance with Sir John Lyon. Their

<sup>1</sup> Exchequer Rolls, vol. iii. p. 657.

<sup>2</sup> *Registrum Magni Sigilli*, p. 90.

<sup>3</sup> Original Charter at Glamis Castle.



marriage was afterwards acknowledged by King Robert, with consent of his sons, the Earls of Carrick, Fife and Menteith, and Alexander, Lord of Badenoch, as appears from a letter under the Great Seal, given at Dundonald on 10th May 1378.<sup>1</sup> In that letter, the King, after narrating the marriage of John Lyon and Johanna of Keith, declares that he retains no displeasure against either, and being expressly desirous that no blame may be imputed to them, he forbids any one to bring any accusation, judicial or otherwise, against them, or in any way to impeach their good fame, under pain of forfeiture. In the same year Sir John Lyon was made Chamberlain of Scotland, and held it until his death, as stated above.

The Earl of Fife and Menteith held the office for upwards of twenty years, until, in 1408, he devolved it upon John, Earl of Buchan, his eldest son by his second Countess. No one dignified this office more than did the Earl of Fife and Menteith, for, notwithstanding the high honours which from time to time were conferred upon him, he retained the post and faithfully performed its duties. In 1389 he obtained the assistance of two deputies, Patrick of Lumley, who was appointed Chamberlain-Depute south of the Forth, and Sir Walter of Tulach, Chamberlain-Depute north of the Forth. After the death of the former, Sir Adam and Sir John Forster successively held the office of depute, and when Sir Walter of Tulach died, no less a personage than David, Earl of Crawford, was appointed as his successor.<sup>2</sup> As Chamberlain of Scotland, the Earl of Fife and Menteith received a mandate from the King, dated at Edinburgh, 6th January 1383, to pay annually to his half-brother, John, Earl of Moray, the sum of £100 sterling, from the great customs of the burghs of Elgin and Forres.<sup>3</sup> The fee for the office of Chamberlain during the Earl's tenure was £200 yearly.

<sup>1</sup> Original at Glamis Castle.

<sup>2</sup> Exchequer Rolls, vol. iii. p. liv.

<sup>3</sup> Registrum Magni Sigilli, p. 172.



About this time the Earl's first wife, Lady Margaret Graham, must have died. He married, as his second wife, Muriella, daughter of Sir William Keith, Marischal of Scotland, whose eldest son, as we have seen, had reached maturity in or before the year 1408.

As Earl of Fife, Earl Robert relaxed somewhat the ancient privilege peculiar to that earldom, known as the law of the Clan Macduff, by which any one who had slain a man suddenly, was entitled, on payment of a fine of cattle, to a complete remission, if he could prove that he was related within the ninth degree to the original Thane Macduff. Such a privilege, it is to be feared, was too commonly taken advantage of for the satisfaction of private or personal revenge; and when King Robert the Second, in the month of November 1384, passed an ordinance for the better regulation of the northern parts of Scotland, the Earl of Fife voluntarily came under obligation personally to observe this law, and to see that it was respected by all within his bounds. He, however, protested for the free use of his right, though he promised not to exercise it in prejudice of the ordinance which had been issued.<sup>1</sup>

At a Council held at Glasgow in the month of September 1384,<sup>2</sup> the Earl of Fife and Menteith was present. In the month of February following he formed a member of the Court at Arnele, and witnessed the confirmation there by his father, on the 28th, of a charter by Sir William Keith, Marischal of Scotland, to a chaplain in the choir of the Cathedral Church of Aberdeen.<sup>3</sup> At Stirling, on the 20th March 1385, the Earl of Fife and Menteith granted to Sir William Stewart, for homage and service, the lands of Great and Little Jargarw, in the barony of Logierait in Perthshire, which lands had formerly belonged to Lady Margaret Stewart, daughter and heirress of the late Thomas

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 551.

<sup>2</sup> *Ibid.* p. 565.

<sup>3</sup> Registrum Aberdonense, vol. i. p. 129.

Stewart, Earl of Angus, but had been resigned by her into the hands of the Earl of Fife and Menteith.<sup>1</sup>

A dispute having arisen between the Earl of Fife and Menteith and John of Logy, in which the latter called in question the right of the Earl to the possession of the lands of Logy and Stragartney, the matter was referred to the arbitration of Andrew Mercer, Lord of Meikleour. These lands had belonged to Sir John Logy, who was executed for taking part in the conspiracy of William of Soulis against King Robert the Bruce, while his estates were forfeited to the Crown. The lands of Logy seem to have been given to the Earl of Douglas,<sup>2</sup> while those of Stragartney were bestowed on Sir John of Menteith and Elene of Mar his spouse.<sup>3</sup> Notwithstanding the possession of Stragartney by Sir John of Menteith, David the Second issued a precept for infefting John of Logy, the son of the late Sir John Logy, in these lands;<sup>4</sup> but afterwards, on being informed by his Council of the reasons for Sir John Logy's forfeiture, he recalled the infeftment, and restored Stragartney to Sir John of Menteith.<sup>5</sup> Not long after the King's marriage to Margaret of Logy, John of Logy received from him the lands of Logy by a new grant. How they, with the lands of Stragartney, came to be in the possession of Sir Robert Stewart, does not appear, but that they were, is evident from the indenture of arbitration drawn up at the instance of Andrew Mercer.<sup>6</sup> The Lord of Meikleour, after hearing the parties, adjudged that the lands belonged to John of Logy, and the Earl, having agreed to abide by the decision of the arbiter, at once transferred the lands to him with due formalities. The agreement and decision were made known to King

<sup>1</sup> Original in the Douglas Charter-chest.

<sup>2</sup> Robertson's Index, p. 31.

<sup>3</sup> Vol. ii. of this work, p. 238.

<sup>4</sup> The Red Book of Grandtully, by William Fraser, vol. i. p. 127.

<sup>5</sup> Vol. ii. of this work, p. 238.

<sup>6</sup> *Ibid.* p. 260.

Robert the Second, and affirmed in presence of the Court by the Earl of Fife and Menteith and John of Logy. The resignation by the former in favour of the latter was made within the Castle of Edinburgh, on Whitsunday 1387, and was attested by John, Earl of Carrick, in a letter dated 5th May 1389.<sup>1</sup> The King afterwards confirmed the lands of Logy to John of Logy; and when the men of Stragartney were inclined to demur to the claims made upon them by their new lord, the Earl of Fife and Menteith wrote to them, that although he had formerly prohibited them from obeying John of Logy, their lord, before the latter had made good his claims to the lands, they should now serve him as their lawful lord.<sup>2</sup> This arrangement between the Earl of Fife and Menteith and John of Logy was sacredly kept by both parties. It is interesting to note that John of Logy was Chamberlain to the Duke of Rothesay while he was Earl of Carrick.<sup>3</sup>

In the year 1385, Scotland was visited by a French army under the command of John de Vienne, Admiral of France, who brought with him fifty thousand francs in gold, and a large number of suits of armour. These were sent over by the King of France, who wished to carry on his war with England by attacking it from the Scottish borders, and hoped to be assisted by the Scots. With some reluctance King Robert the Second agreed to the proposals made by the French admiral, and the Scottish army, under the command of the Earl of Fife and Menteith, accompanied the French to the Borders. When they had laid siege to Roxburgh Castle, a question arose whether in the event of its capture the castle should belong to the French King or to the Scots. The latter would by no means entertain the claim put forward by the French, that the castle should belong to their king, and the siege was therefore abandoned. Meanwhile the English

<sup>1</sup> *Antiquities of Aberdeenshire*, vol. iii. p. 133, footnote.

<sup>2</sup> Vol. ii. of this work, p. 265.

<sup>3</sup> *Exchequer Rolls*, vol. iii. pp. 325-353.

King, apprised of what was taking place, had reached the Borders at the head of a large and well-disciplined army, to which the French troops would have given battle had they not been restrained by their allies. The Scottish leaders knew they could not risk the contest, and prudently retired into their own country, leaving Richard to follow, which he did, devastating the country as he passed, and penetrating to Edinburgh, reduced it to ashes. The Earl of Fife and Menteith, on the other hand, led the Scottish army into Cumberland, and retaliated by laying waste part of that district; and as the English retreated, the allied Scottish and French army returned to the capital. The expedition had been an unfavourable one for the French troops, and on their return, aided by the Scots, with whom they were in no favour, they re-embarked for their own land, disgusted and in worse plight than when they came. But before John de Vienne was permitted to depart he had to distribute the fifty thousand francs which were brought to Scotland, of which the King received 10,000, the Earl of Carriek 5500, the Earl of Fife and Menteith 3000, the Earl of Douglas 7500, and other nobles various sums.<sup>1</sup>

After the withdrawal of the French the Earl of Menteith assembled an army of about thirty thousand men, and accompanied by James, Earl of Douglas, Sir Archibald Douglas, Lord of Galloway, and other nobles, made a descent upon a part of Cumberland which had escaped invasion since the time of King Robert the Bruce. Unopposed in their progress, the Scots penetrated to Cockermouth, where amongst the plunder, the collection of which is said to have occupied three days, was found a very ancient charter, to which was affixed a large wax seal. The peculiarity of this charter was its brevity, its entire contents, as translated by Bower, being—

<sup>1</sup> Rymer's *Fœdera*, vol. vii. p. 485.

"I, King Adelstane, giffys here to Paulan, Oddam and Roddam, als gude and als fair as evir thai myn war: and tharto witnes Mald my wyf."<sup>1</sup>

The brevity of this charter must have favourably impressed the Earl, for the historian adds that afterwards, when he became Duke of Albany and Governor of Scotland, and prolix obligations or charters were read by those pleading before him in Court, he was wont to say that greater confidence and trust were preserved in former days, when writs were made so compendious, than now, when, by lengthy documents, our new lawyers confused their deeds by frivolous exceptions and tedious ambiguities.<sup>2</sup>

The success of this expedition was complete, and a meed of praise is bestowed on the Scottish leader by the poet Wyntoun, who says that the Scots were well and wisely led:—

The Erle of Fyfe welle prysyd wes  
Of governyng and gret besynes,  
And als of gud cumpany,  
Swá that the yhowng cheŵalry  
Of that rowte mare wilful ware  
To ryde wyth hym, than thai war are.<sup>3</sup>

For a short time after this there was no engagement with the English which called for the skill of the Earl, and he is found present at the Court of his father in various places in Scotland, at Methven, Glasgow, Linlithgow, Kilwinning, Scone, and Edinburgh. At the last-named town, on 12th May 1388, as Chamberlain of Scotland, he granted a charter to the Abbey of Holyrood, confirming a charter by David the First, founder of the Abbey, by which it had exemption from all tolls and customs throughout the whole kingdom,<sup>4</sup> a privilege which was taken advantage of by the monks of Melrose.

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 403.

<sup>3</sup> Wyntoun's Cronykil, Macpherson's ed. vol. ii. p. 332.

<sup>2</sup> *Ibid.*

<sup>4</sup> Charters of Holyrood, p. 100.



In the summer of the year 1388, another invasion of England was determined on by the Scots, who assembled in strong force near Jedburgh, under the command of the Earl of Fife and Menteith. While the Scottish leaders were consulting as to the course to be pursued, an English spy was taken, and influenced by information obtained from him, the Earl divided his army into two unequal portions. The smaller part was commanded by the young and valiant James, second Earl of Douglas and Mar, whose instructions were to create a diversion in favour of the larger army led by the Earl of Fife and Menteith. This was rendered necessary by the fact that the English army lay at a distance, waiting to see what direction the Scottish army intended to take. The plan was entirely successful; the Earl of Douglas, with his small force, so completely engaged the attention of the English leaders, that the larger body of troops, under the command of the Earl of Fife and Menteith, entered England by Carlisle unobserved by the English army, and after committing great havoc, returned to Scotland without encountering any opposition. The chief interest of this incursion, however, lay in the daring exploits of Douglas in the east of England and in face of the large English army. His untimely death on the field of Otterburn spread a deep gloom over the victorious army on its homeward journey, even though they brought with them Percy himself as a prisoner.

One of the castles of this renowned Earl of Douglas was Tantallon, in the barony of North Berwick, which he held for homage and service from the Earl of Fife and Menteith. The superiority of the lands of North Berwick and the Castle of Tantallon belonged to Earl Robert, and on the death of Douglas, as his vassal, he ought to have gone personally to receive or recognise the tenantry and castle. Public business, however, was pressing, and in a Parliament held at Liulithgow, on the 18th August 1388, the Earl of Fife and Menteith sought advice and direction from the King and



Parliament. His tenant, he said, in the barony and castle of North Berwick had died, and if he should require to go personally to receive or recognise this tenantry with the castle, while the defence of the realm, at present disquieted with war, required his care and attention, omission of which would be hazardous to the State, the journey would be a grievous labour to himself, and unprofitable and expensive both to him and the country. After consultation, the Parliament issued a special decree that he should and ought lawfully to enjoy and use the barony, entry or exit, with its fortalice or castle as a tenantry held of him, until the true heirs of James Earl of Douglas should have made out their right and title to them in due form of law. It was also ordained by the Parliament that the King should issue letters commanding the free tenants and inhabitants of North Berwick, together with the Keeper and Constable of the Castle of Tantallon, to answer to the Earl of Fife and Menteith, as their Lord Superior in the meantime.<sup>1</sup> In accordance with this resolution of Parliament, King Robert the Second, on the same 18th August, wrote to the free tenants of the barony of North Berwick, and the Keeper and Constable of the Castle of Tantallon, to obey the Earl of Fife and Menteith, and to deliver up the castle into the Earl's hands.<sup>2</sup> When, however, the Earl, in the close of this year, became Guardian of Scotland, special care was taken that the claims of the heirs of James Earl of Douglas should be duly respected, if made; and as they would then require to be preferred before the Guardian's own Court, a special Act of Parliament was enacted, by which the King should be able to interpose his authority on any undue impediment being thrown in their way.<sup>3</sup>

The name of the Constable of Tantallon Castle at that time was Alan of Lauder, as appears in a commission or order made under the King's Privy Seal, and dated 7th January 1389, in which he is enjoined to make the castle

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 555.

<sup>2</sup> *Ibid.* p. 565.

<sup>3</sup> *Ibid.* p. 556.

free to the Earl.<sup>1</sup> Earl Robert seems at this time to have paid a visit to the fortress, and found that it was the temporary dwelling-place of Lady Margaret Stewart, Countess of Mar and Angus. The Earl of Fife and Menteith treated this lady kindly, and evinced his love and friendship for her family; for by a formal deed, dated at Tantallon the 20th January 1389, he gave her liberty to remain in the castle as long as she chose, while it remained in his hands, to enjoy all her former privileges unrestrained, and to remove with her family and servants when she chose. He promised that she should not be disturbed by him, or any one through him, and obliged himself by oath to maintain her, her men, her lands, and all her possessions, against any that would wrong them, in as tender a manner as if they were his own property.<sup>2</sup>

King Robert the Second, by reason of his advanced age, becoming unequal to the weighty duties of the government, and his eldest son, John, Earl of Carrick, being incapacitated by infirmity from relieving him of them, the hopes of the Parliament and people of Scotland turned to the Earl of Fife and Menteith, whose abilities and services had already commanded their respect. In a council held at Edinburgh on the 1st December 1388, the King personally submitted the case to the three Estates, as having already been considered and agreed to by his General Council. They, after much consultation, also consented that the Earl should be made Guardian of the kingdom under the King, his eldest son, John, Earl of Carrick, and the eldest son and heir of the latter, yet with the authority of the King, for the administration of justice and conservation of the laws within the realm, and its defence against all enemies. The King thereupon admitted him to the office of Guardian, and instructed the Chancellor to prepare his commission, which should continue

<sup>1</sup> Historical Manuscripts Commissioners' Report, vol. v. p. 611.

<sup>2</sup> Original in Douglas Charter-chest.

until the recovery of the Earl of Carrick from his weakness, or until the latter's eldest son should be able to assume the government.<sup>1</sup> On the 11th April following, the Earl was granted the sum of one thousand marks annually for the support of the office.<sup>2</sup> The Earl was also Chamberlain of Scotland, and on that account a clause is added prohibiting him from applying more than the above-mentioned sum for the expenses of this office of Guardian. A precept, which was issued at Edinburgh on 26th May 1389, commences, "Robert Erle of Fyf and of Menteth, Wardane and Chambirlyan of Scotland." It was addressed to the collectors of the great customs of the Burghs of Edinburgh, Haddington, and Dunbar, and informed them that by virtue of a charter of King David, confirmed by King Robert the Second, the Abbey of Melrose was entitled to import and export goods duty free, and therefore forbids them to ask or receive dues from those belonging to that abbey.<sup>3</sup> This precept was duly respected, as a memorandum by the custumars of Linlithgow in their account for the year 1403-4, states that by command of the Duke of Albany fifteen sacks of wool belonging to Melrose had been passed without the exaction of custom, by reason of the gift of alms to the Abbey.<sup>4</sup>

After his visit to Tantallon, the Earl of Fife and Menteith went to Montrose, where he was on the 26th of January 1389, and attested the confirmation of a charter by Patrick of Graham, Lord of Kincardine, to his son, Patrick of Graham, of the lands of Kinpont and Illieston.<sup>5</sup>

During the year 1389 the Earl led another Scottish army into the north of England. He was provoked by the taunts of the Earl Marshal of England, who, ever since the defeat of the English at Otterburn and

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 555.

<sup>2</sup> *Ibid.* p. 557.

<sup>3</sup> Liber de Melros, vol. ii. p. 449.

<sup>4</sup> Exchequer Rolls, vol. iii. p. 593.

<sup>5</sup> Vol. ii. of this work, p. 265.

capture of Percy, had derided the Scots, and boasted that if they would meet him in a fair field, even though the Scots were twice as numerous as the English, he would fight them. It was nothing uncommon for Border warfare to be waged on such chivalrous terms, but on this occasion the Governor thought the dignity of the kingdom insulted. He therefore assembled a considerable army, and accompanied by Sir Archibald Douglas and other nobles, proceeded across the Borders to meet the Earl Marshal of England. When the armies met, the Earl of Fife and Menteith challenged the Earl Marshal to make good his boasting, but the latter declined to venture a battle, and keeping close in his entrenchments, replied that he was not at liberty to risk the lives of the lieges of the King of England. After waiting for some time without any movement taking place on the part of the English, the Scots returned home, wasting that part of England through which they passed.<sup>1</sup>

Subsequent to this invasion, in the same year, the French and English had agreed at Boulogne upon a three years' truce, and both parties consenting to invite the Scots to become a party to it, each sent two Commissioners to King Robert at Dunfermline. They first went to Sir Archibald Douglas to obtain his influence towards the success of their mission, but he replied that he had little or nothing to say in the matter, which really belonged to the King and the Warden. The Commissioners next betook themselves to the Warden, the Earl of Fife and Menteith, who in his turn disclaimed any power to make peace or war, and said that all was in the King's will. On at last coming to the King himself, they succeeded in persuading him to join the Treaty;<sup>2</sup> and it seems to have been faithfully kept by the three nations. In connection with this visit the following entry occurs in the Chamberlain's accounts:—

<sup>1</sup> Wyntoun's *Cronykil*, vol. ii. p. 345.

<sup>2</sup> *Ibid.* pp. 346-348.

Paid for wine, spices, and cloth bought for the King's expenses at Dunfermline, when the French and English ambassadors came to him, £19, 11s. 10d.<sup>1</sup>

Soon after this the King, by a charter dated 12th August 1389, bestowed on the Earl of Fife and Menteith the lands of Coulè and Onele,<sup>2</sup> and by another charter, of the same date, the barony of Strathurde, with the lands of Strabravne, Dysfer, and Twefer, and the loch of Tay, with the island, all in Perthshire.<sup>3</sup> All these lands had formed part of the possessions of Isabella, Countess of Fife, but were resigned by her at Dunfermline the same day on which they were granted to the Earl of Fife and Menteith. The Earl afterwards accompanied his father to Dundee and Aberdeen, thence to Perth and Linlithgow; and after visiting Arnelle, where the Earl was with the King for a few days at the end of March 1390,<sup>4</sup> the King betook himself to his castle of Dundonald in Ayrshire, where he died on the 19th of April 1390.<sup>5</sup>

After the accession of his elder brother, John, Earl of Carrick, to the throne as King Robert the Third, the Earl of Fife and Menteith still continued in the office of Governor, and performed the active part of those duties which should have devolved on the Sovereign.

Indeed, his elder brother, before he became King, as well as his father, seems frequently to have sought advice and assistance from Earl Robert. One such occasion was the marriage of Archibald, afterwards fourth Earl of Douglas, to Margaret, daughter of the Earl of Carrick, when the marriage-contract was drawn up between John, Earl of Carrick, and Robert, Earl of

<sup>1</sup> Exchequer Rolls, vol. iii. p. 699.

<sup>4</sup> Registrum Magni Sigilli, pp. 177-180.

<sup>2</sup> Historical Manuscript Commissioners' Report, vol. v. p. 626.

<sup>5</sup> Fordun, a Goodall, vol. ii. p. 414; Wytoun's Cronykil, vol. ii. p. 349.

<sup>3</sup> The Red Book of Grandtully, by William Fraser, vol. i. p. 191.



Fife and Menteith, on the one part, and Archibald, third Earl of Douglas, on the other. Earl Robert seems to have advanced a considerable sum of money to his brother on this occasion, which was not repaid by the year 1394, as in the Lord Chamberlain's account, rendered on 26th March of that year, a sum of £748 is admitted to be due by the King, the letters of obligation having been granted while he was Earl of Carrick. In this account Earl Robert's receipt is obtained for £523, 0s. 2d., and a former payment of £101, 3s. 6d. is noted as having been made in the year 1392, which left still owing £123, 16s. 4d.<sup>1</sup> In the following year's account the subject again occupies a place in the report by the auditors, who express themselves as not satisfied with the demand made at that time upon the Exchequer for the balance; and while they pay the sum to the Earl of Fife and Menteith, they add the following—

“Memorandum, that while the Earl of Fife has allocation of £123, 16s. 4d., a sum due him by the King by reason of a certain contract of marriage between the said King and the said Earl on the one part, and the Earl of Douglas on the other, yet because it appears to the auditors that the sum now allocated is not due, it has been determined between them respecting the account, that the said Earl of Fife shall exhibit his charter, which he holds from the King, made hereanent, and that when the charter has been inspected and the rolls of accounts, with other evidents, declaration should be made in the hearing of the King; and should it be found that the allocation or payment is not due as before mentioned, he shall be bound to restore that sum to the King, or allow the payment of it as due at the next auditing or accounting between them; which the said Earl promised effectually to do.”<sup>2</sup>

It does appear, on an examination of the account rendered on 26th March 1394, as if the claim had then been settled, for the Earl of Fife received in supplement of the payment of the sum due to him by the King's

<sup>1</sup> Exchequer Rolls, vol. iii. p. 343.

<sup>2</sup> *Ibid.* p. 377.



letters of obligation, £98, 9s., and it is added that he took allocation of twenty marks due from the lands of Cragroth, in supplement of the payment of the sum due him by the King, which he holds is fully paid.<sup>1</sup> But the two sums here mentioned do not amount to the balance of the money formerly mentioned as due, and this reference in the same account is therefore probably to an entirely different obligation.

There is also mention made in the account rendered on 7th April 1395 of another obligation, given in the form of letters under the Great Seal, and granted by King Robert the Third when he was Earl of Carrick, on account of which Earl Robert received payment of 204 marks, or £136, and expressed himself satisfied up to next Easter.<sup>2</sup> This obligation probably has reference to a grant by King Robert to his brother, the Earl of Fife and Menteith, in connection with the lands of the abthanery of Dull, whence the Earl drew annually at Easter the hereditary annuity of 204 marks.<sup>3</sup> The Earl seems to have made good his claim to the balance, as nothing further occurs respecting it in subsequent accounts.

For a time the country had rest from war, and the Earl was chiefly engaged with the meetings of Council and Parliament, which were frequently held during the earlier years of King Robert the Third's reign, and at different places throughout the country, where charters were granted or confirmed by the King. He was present at Scone on the 18th of March 1391, and attested a notarial instrument which was prepared on the occasion of a petition by Sir Thomas Erskine to the King.<sup>4</sup> In this document the King is represented as sitting in full parliament on a hill to the north of the Abbey of Scone, beyond the cemetery, when Sir Thomas Erskine approached, and after informing the King that he had heard that a contract had been

<sup>1</sup> Exchequer Rolls, vol. iii. p. 349.

<sup>4</sup> Acts of the Parliaments of Scotland,

<sup>2</sup> *Ibid.* p. 372.

<sup>3</sup> *Ibid.* p. 427, etc.

vol. i. p. 578.

made between Sir Malcolm Drummond and Sir John Swinton regarding the lands of Mar and Garioch, to which Sir Malcolm's wife was the true and lawful heir, but failing her, Sir Thomas Erskine's wife was the next heir to one-half of the earldom, petitioned that if any such agreement had been made in prejudice of the right of his wife, his Majesty would not confirm it. The King replied that the request was a reasonable one, and would be granted. The complaint of Sir Thomas Erskine and the reply of the King are as follows:—

“My Lorde the kyng, it is done me til vndirstand that thare is a certane contract made bytwene Sir Malcolme of Dromonde and Sir Johne of Swyntone apone the landis of the erledome of Marre and the lordshipe of Garvyauch, of the quhilkes erldome and lordshipe Issabelle, the said Sir Malcolm's wyf, is verray and lauchfulle ayre ; and failliand of the ayrez of hir body, the half of the fornemmyt erldome and lordshipe perteignys to my wyfe of richt of heretage : Tharefore I require yow for Goddis sake, as my lorde and my kyng, as lauchful actornay to my saide wyfe, that in case gif ony sic contract be made in preiudice of my saide wyfe of that at aucht of richt and of lauch perteigne til hir in fee and heritage, failliand of the saide Issabelle as is before saide, that yhe graut na confirmacioun thare apone in hurtyng of the commone lauch of the kynryk and of my wyvis richt, swa that sic contract, gif ony be, make na preiudice no hurtyng to my fornemmyt wife of that at scho aucht to succede to as lauchful ayre. To the qwhilk our lorde the kyng answerit, saiaund that he had weel herd and vndirstand his request, and said that hym thocht his request was resounable, and said als that it suld nocht be his will in that case, no in nane othir, oucht to do or to conferme that suld ryn ony man in preiudice of thair heritage attour the commoue lauch, and namely in oucht at rynt the said Sir Thomas or his wyfe in sic manere : Apon the qwhilk our lorde the kynges grant the said Sir Thomas, and als apone his saide request, requerit me, notare before said, to make hym aue Instrument.”<sup>1</sup>

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 578.

On the 17th of February 1392, a meeting took place between the Earl of Fife and Menteith and Duncan, Earl of Lennox, at Inchmurrin, the island residence of the latter in Loch Lomond, the result of which was an agreement between the two Earls that Sir Murdoch Stewart, eldest son of the Earl of Fife and Menteith, should marry Lady Isabella, eldest daughter of the Earl of Lennox. It was provided that the earldom of Lennox should be resigned into the King's hands, and a new grant obtained in favour of Earl Duncan and any heirs-male which he might have; failing whom, the earldom was to descend to Sir Murdoch Stewart and Lady Isabella. The marriage took place shortly afterwards.<sup>1</sup> The Earl of Fife and Menteith was justiciar of the shires of Stirling and Dumbarton, and one condition of the contract was that Duncan, Earl of Lennox, should be made substitute and depute to the Earl of Fife and Menteith in the lands comprising the lordship of Lennox, and have a third part of the profits of the justiciary of that lordship.<sup>2</sup> It must have been in compliance with this article of the agreement that on the 6th March 1401, at Stirling, the Earl of Fife and Menteith granted to Duncan, Earl of Lennox, and his heirs, under the form of entail between him and Murdoch Stewart the Duke's son and heir, the office of crowner (coronator) of the entire earldom of the Lennox, with all the fees and emoluments belonging of right to that office, with power to appoint deputies and servants at pleasure, which office, it is added in the deed of appointment, belonged, with its pertinents, heritably to the Lord or Laird (Dominus) of Drummond.<sup>3</sup>

King Robert the Third, although a mild and just Prince, lacked the strength of character and martial vigour of both his father and brother. He saw in the independent nobility by which he was surrounded, those

<sup>1</sup> The Lennox, by William Fraser, vol. i. p. 248.

<sup>2</sup> *Ibid.* vol. ii. p. 44.

<sup>3</sup> Cartularium de Levenax, p. 95.

elements of discord which might at any time break loose and threaten the stability of his throne. Owing to lameness caused by a kick from a horse, he was personally incapable of great activity, and perhaps in the hope of securing some support should the hour of need arrive, he bestowed pensions on several of the nobles and knights. His brother, the Earl of Fife and Menteith, was one of these. By a charter, dated 8th February 1393, he was granted the sum of two hundred marks yearly (£133, 6s. 8d. Scots) for homage and service, and for retinue to the eldest son of the King, David Stewart, Earl of Carrick, or in the event of his death, to Sir Robert Stewart, his second son. The money was to be uplifted from the customs of the burghs of Linlithgow and Cupar, and in case of deficiency, the sum was to be completed from the Treasury.<sup>1</sup>

During the year 1395 the Earl of Fife and Menteith seems to have been employed in some business at Linlithgow concerning the castle of Calder, which he had undertaken at the King's command and instructions. What the service was we are not informed in the memorandum annexed by the Exchequer Auditors to the Chamberlain's account, rendered on 27th April 1396, which only relates the fact, and minutes that the Earl begged that it might be reduced to writing that he had sought, and that he ought to have, for reasons stated by him, allocation of £30, 1s. 8d. sterling, which he had expended in the above piece of service.<sup>2</sup>

In that or the following year, Earl Robert negotiated a loan with his brother the King, in virtue of which the Earl obtained the sum of £583, 17s. 7d. In return the Earl granted his letters obligatory, promising to repay the money at certain terms within three years. The letters obligatory, it is added, are to remain with the King in the coffer in his chamber.<sup>3</sup>

The deplorable state of matters in the northern parts of Scotland called

<sup>1</sup> *Registrum Magni Sigilli*, p. 213.

<sup>2</sup> *Exchequer Rolls*, vol. iii. p. 404.

<sup>3</sup> *Ibid.*

urgently for the interference of the Government, and in 1397 the Earl of Fife and Menteith, along with Prince David, Earl of Carrick, now in his twentieth year, was despatched to compose the differences existing there. The account of William Chalmer and Robert Davidson, customars of Aberdeen in that year, contains a payment of £51, 16s. to the expenses of the Earl of Fife, and of £40 to the Earl of Carrick.<sup>1</sup> The sums of money were not paid to the respective Earls, but to Walter of Tulach, chamberlain-depute north of the Forth, who in his account, rendered on the 2d of May 1398, has the sum of £59, 19s. 6d. allowed for the expenses of the Earl of Fife and Menteith. In a note he added that this sum had not been paid until the King was consulted, and the matter arranged between him and his brother. The Earl had fallen considerably in arrears with his accounts, and was in debt to the Treasury. They were therefore unwilling to pay more to him until the King, Prince David, the Earl himself, and the Privy Council had conferred together and come to an understanding. The auditors reported that the Earl was due no less than £930, 19s. 7d. Two years later the amount of debt was reduced by various ways to £471, 17s. 3d., which the King, with the advice of his Council, taking into consideration the expenses and labours of the Earl (now Duke of Albany), and for other causes, remitted to him, so that matters were now equal between them.<sup>2</sup>

On the 28th of April 1398, during a meeting of the Parliament at Scone, the King created his son David, then Earl of Carrick and Athole, Duke of Rothesay, and his brother Robert, then Earl of Fife and Menteith, Duke of Albany.<sup>3</sup> The title of Rothesay was taken from the ancient royal castle of that name in the island of Bute, and the title of Albany was

<sup>1</sup> Exchequer Rolls, vol. iii. p. 442.

<sup>2</sup> *Ibid.* pp. 461, 513.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 422.



supposed to be taken from the country between the Forth and the Spey, or Scotland proper.<sup>1</sup>

The services which took place at the investiture of the Dukes on the Sunday in the Church of the Monastery of St. Michael at Scone, were conducted with great pomp and ceremony. The King himself invested them with furred mantles and caps, and with the rest of the insignia, suitable and customary for Dukes. Walter Trail, the Bishop of St. Andrews, celebrated mass and preached before the King and Queen.<sup>2</sup> The proceedings are said to have been prolonged through fifteen days.<sup>3</sup> This was the first appearance of the title of Duke in Scotland, and its introduction is said to have been occasioned by a claim of precedency made by the Duke of Lancaster over the Earls of Carrick and Fife and Menteith, at a meeting of Scottish and English commissioners at Haudenstank, on the Borders, near Kelso, in the preceding month.<sup>4</sup>

Pinkerton, in mentioning the creation of the two Dukes, displays his usual animus against Albany. He says that the heir-apparent of the kingdom was created Duke of Rothesay, a miserable hamlet in the Isle of Bute, while the whole island would not have afforded a territorial title to a baron; and the Earl of Fife had the real style of heir-apparent in the title of Duke of Albany, or of all Scotland north of the Firths of Clyde and Forth.<sup>5</sup>

Pinkerton cites the creation of Albany as another proof of his insatiable ambition. But that historian misrepresents the origin of the title of Rothesay, which was taken from a great and historical castle, at that time the favourite residence of the kings, and where Robert the Third both lived and died.

<sup>1</sup> Macpherson says that the ducal title of Albany was totally unconnected with territory, for it is Scotland itself or nothing.—[Geographical Illustrations of Scottish History, 1796.]

<sup>2</sup> *Registrum Moraviense*, p. 382.

<sup>3</sup> *Liber Pluscardensis*, p. 332.

<sup>4</sup> Rymer's *Fœdera*, vol. viii. p. 35.

<sup>5</sup> *History of Scotland*, vol. i. p. 52.



The title of Rothesay was thus very appropriate for the heir to the throne, and it has since continued to be one of the titles of the Princes of Scotland. The title of Albany was somewhat sentimental, and did not represent any well-defined territory. If, along with the personal title of Duke, Albany had received the extensive territory indicated by Pinkerton as included in the name, there might have been some ground for charging him with ambition; but there is no evidence that he received in the supposed country of Albany even a single acre along with the title.

The Parliament which met at Perth in the month of January 1399 appointed the Duke of Rothesay as the King's Lieutenant throughout the whole country for three years. For his guidance and assistance a select council was named, having at its head the Duke of Albany. The appointment of a lieutenant was not a supersession of the Duke of Albany in his office of Guardian of Scotland, as he does not appear to have held that office after the year 1392. At all events, the payments of his salary as Guardian ceased in that year.

It cannot be denied that much confusion and crime prevailed at this time in the country, and that some steps were necessary for the preservation of order and the better protection of life and property. But to attribute this state of affairs to the wilful mismanagement of the Duke of Albany, who is said "to have prostituted his office of Governor to his own selfish designs, and purchased the support of the nobles by offering them an immunity for their offences,"<sup>1</sup> is rather an exaggeration of the reasons assigned in Parliament by those who desired the appointment of the Prince. The only mention made of the Duke of Albany is as a wise and loyal councillor. As stated, he was no longer Governor, and the Parliament, in deploring the state of misgovernment in the country, laid the blame heavily upon the King.

<sup>1</sup> Tytler, vol. ii. p. 394.

Whereas, the Act of Parliament says, it is our judgment that the misgovernment of the realm and default in the administration of the common law should be imputed to the King and his officers; and if therefore it is the pleasure of our lord the King to excuse his own failures, it is in his power to summon his officers to whom he has given commission and accuse them before his Council, who on hearing their reply would be ready to judge as to their mismanagement, for no man ought to be condemned before he be called and accused.

Since, the Act proceeds, it is well seen and known that our lord the king, for sickness of his person, cannot travel to govern the realm, or to restrain trespassers and rebels, it appears to the Council most expedient that the Duke of Rothesay be the King's Lieutenant generally through all the country for the space of three years, having full power and commission of the King to govern the land in all things as the King should do in his person if he were present; that is to say, to punish trespassers, to restrain trespasses, and to treat and remit with the conditions after following; that is to say, that he be obliged by his letters, and sworn, to govern his person and the office committed to him with the Parliament, and in their absence, with the Council of wise and loyal men, of whom the names are:—In the first, the Duke of Albany, the Lord of Brechin, the Bishops of Andristoun (St. Andrews), Glasgow, and Aberdeen, the Earls of Douglas, Ross, Moray, and Crawford, the Lord of Dalkeith, Sir Thomas Hay, Constable; Sir William Keith, Marischal; Sir Thomas Erskine, Sir Patrick Graham, Sir John Livingstone, Sir William Stewart, Sir John Ramorgny, Adam Forester, the Abbot of Holyrood, the Archdean of Lothian, and Mr. Walter Forester: the which Parliament and special Council shall be obliged by their letters, and sworn to give him faithful counsel for the common profit, not having an eye to feed any friendship, etc.<sup>1</sup>

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 572.

There is nothing in the Act to show dissatisfaction with the Duke of Albany's discharge of any business intrusted to him, and it can scarcely be doubted that although no longer Guardian, some of the weightiest parts of the government would devolve on him. He was in the full confidence of the Parliament, which placed him at the head of the Council appointed to assist the Duke of Rothesay both at home and in foreign affairs.<sup>1</sup> After the recent elevation of Prince David to the title of Duke of Rothesay, there would be a desire on the part of all to raise him still higher, so that when the Parliament decided that a Lieutenant was needed, it was agreed that the Prince should be appointed, as it were on trial, for a period of three years. There is every probability that the Duke of Albany was as sincere in wishing the Prince's success as any of the nobles; at all events, there is no evidence to warrant the imputation of the base motives of which he is accused in connection with this, and, indeed, almost every matter in which he was engaged.

The Duke of Rothesay had talents for government, and had even before this been employed in the work of the State both on the Borders and in the Highlands. A letter by Rothesay is still preserved in the British Museum, which he had probably sent to King Henry the Fourth of England during that period. It is dated from Melrose, and is interesting as a memento of this ill-fated Prince. A translation of the original, which is in Latin, is here given :—

High and mighty Prince, my most dear and loved cousin, as to the matter of which you and the Bishop of St. Andrews have spoken, I have heard and seen what you have advised in that matter, and will report it to the King, my lord, and, according to what shall seem good to him, will proceed in the advancement of the business, by the help of God, in the manner you have proposed, or otherwise, at the

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 573.

time contained in your writing, or sooner if it can well be. High and mighty Prince, if there be anything for your pleasure that I can do, courteously please to tell me; and may the Almighty God have you in his most holy keeping. Written at Melrose, the 17th day of March.

DAVID, eldest son of the King of Scotland, Earl of Carrick.<sup>1</sup>

That the Prince was brave is not disputed, and there is reason to believe he was to some extent desirous of filling his high post honourably. This is proved by his conduct during the English invasion of the following year, when King Henry the Fourth of England revived the old claim of his predecessors in the English throne to be Lords Paramount of Scotland, and gave instructions to his Border Earls to seduce as many of the Scottish people from their allegiance to their sovereign as possible.<sup>2</sup> His summons to the Scottish Court to acknowledge him as their overlord being treated with due contempt, he led a large army into Scotland and laid siege to Edinburgh Castle. The castle was then held by the Duke of Rothesay and his brother-in-law, Archibald, Earl of Douglas, who were determined to resist to the last. To assist them the Duke of Albany assembled a considerable army, and proceeded to Calder Moor, where he encamped to await the issue of events. A historian relates that some jealousies or misunderstandings existed between the Dukes of Albany and Rothesay, which prevented the former from approaching nearer to the city.<sup>3</sup> But by waiting, a combat was avoided, as the English, running short of provisions, and learning that a rebellion had broken out in Wales, retraced their steps without accomplishing their object. This invasion took place in the month of August 1400.<sup>4</sup>

Whatever coolness there may have been at this period between the uncle

<sup>1</sup> National MSS. of Scotland, Part II. No. 51.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 430.

<sup>2</sup> *Rotuli Scotiæ*, vol. ii. p. 161.

<sup>4</sup> Rymer's *Fœdera*, vol. viii. p. 158.

and nephew, a few months later they seem to have both been present at a Parliament held at Scone on 21st February 1401,<sup>1</sup> when various measures were passed tending to benefit the realm. Weak as the government of Scotland during the reign of King Robert the Third certainly was, it is interesting to note almost the first attempts at a legislation tending to render property more secure, and to check the grasping violence of the feudal barons, who often took advantage of their power to resume lands illegally from their vassals. This abuse, which interrupted both the agricultural and commercial improvement of the country, it was striven to redress by strict legislation in regard to *briefes of inquests* for services of heirs, and by special regulations as to the legal relations between a vassal and his overlord. The question of succession to younger brothers was also settled. The King's lieutenants and other judges were specially commanded to hear and do speedy justice on the complaints of churchmen, widows, orphans, and pupils or minors, a class of persons who were peculiarly liable to suffer from the strong hand. Other enactments of a similar character were made, and whatever share either of the two royal Dukes had in promoting these beneficial measures, there can be no doubt they could not have been passed without the consent of the Duke of Albany, himself the lord of two earldoms, and the head of the Council of State.

The tenor of these Acts passed during his lieutenancy seems to throw a darker shade upon the conduct of the Duke of Rothesay, who, whatever his talents for government may have been, abused to an alarming extent the too absolute powers placed in his hands. He forced the provincial customs officers to supply him with money, and when they refused, he took it from them by force, in one case seizing and detaining the person of the officer until he paid the sum demanded. His private conduct was scandalous, and ultimately proved dangerous to the State. Although engaged to be married

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. pp. 575, 576.



to the daughter of George Dunbar, Earl of March, he slighted her, and for the sake of a larger dowry married Marjory Douglas, the daughter of Archibald, third Earl of Douglas, which gave great offence to the Earl of March, and was the occasion of war with England, whither that Earl, after casting off his allegiance to King Robert the Third, betook himself. Before leaving his castle, the Earl of March wrote the following letter to King Henry the Fourth of England. It shows the depth of resentment to which Rothesay's act gave rise:—

Excellent, mychty, and uoble Prince, likis yhour realte, to wit, that I am gretly wrangit be the Duc of Rothesay, the quhilk spousit my douchter, and now agayn hys oblisying to me, made be hys lettre and his seal and agayues the law of halikire, spouses ane other wif, as it ys said, of the quhilk wrangis and defowle to me and my douchter in swilk manere done, I, as ane of yhour poer kyn, gif it likis yhow, requeris yhow of help and suppowell fore swilk honest seruice as I may do efter my power to yhour noble lordship and to yhour lande ; fore tretee of the quhilk matere will yhe dedeyn to charge the Lord the Fournivalle, ore the Erle of Westmerland at yhour likyng, to the Marche with swilk gudely haste as yhow likis. qware that I may haue spekyng with quhilk of thaim that yhe will send, and schew hym clerly myne eutent, the quhilk I darre uocht discouer to nane other bot tyll ane of thaim be cause of kyn, and the grete lewtee that I traist iu thaim, and as I suppose yhe traist in thaim, on the tother part : Alsa, noble Prince, will yhe dedeyn to graunt and to send me yhour saufconduyt, endurand quhill the fest of the natiuite of Seint John the Baptist, fore a hundreth knichtis and squiers, and seruantz, gudes, hors and hernais, als wele within wallit town as with owt, or in qwat other resonable manere that yhow likis, fore trauaill yng and dwellyng within yhour land gif I hafe myster. And, excellent Prince, syn that I clayme to be of kyn till yhow, and it peraventour uocht kuaweu on yhour parte, I schew it to yhour lordship be this my lettre that gif Dame Alice the Bowmound was yhour graunde dame, dame Mariory Conyne, hyrre full sister, was my graunde dame ou the tother syde, sa that I am hot of the feirde degre of kyn tyll yhow, the quhilk in alde tyme was callit ueire ; and syn I am in swilk degre tyll yhow, I



requere yhow, as be way of tendirness thare of, and fore my service in manere as I hafe before writyn, that yhe will vouchesauf tyll help me and suppowell me tyll gete amendes of the wrangis and the defowle that ys done me, sendand tyll me gif yhow likis yhour answere of this, with all gudely haste : And, noble Prince, mervaille yhe nocht that I write my lettres in Englis, fore that ys mare clere to myne vnderstandyng than Latyne ore Fraunche. Excellent, myelty, and noble Princee, the haly Trinite hafe yhow euermare in kepyng. Writyn at my castell of Dunbarr, the xviii day of Feuerer (1400).

LE COUNT DE LA MARCHE DESCOCE.

Au tresexcellent, trespuissant, et tresnoble Princee le Roy Dengleterre.<sup>1</sup>

The King of England granted the safe-conduct craved by the Earl on the 8th of March following, and four days later issued instructions to Ralph, Earl of Westmoreland, and the Abbot of Alnwick, to meet with the Earl of March and negotiate matters,<sup>2</sup> the result of which was that he was received by the English King, and afterwards served him faithfully for some years against his own countrymen. One result of this secession was the invasion of Scotland above referred to.

Unhappily also for the Prince, the death, in the year 1401, of his mother, Queen Anabella Drummond, who had in some degree checked his licentiousness and folly, loosed the last bond of restraint; and, spurning the warnings of his Council, he plunged anew into the depths of his former courses, whereupon the Council informed the King of his conduct. The term of three years for which the Prince had been appointed had now expired, and the King, in his own helplessness and decrepitude, wrote to his brother the Duke of Albany, as Governor of the kingdom, to arrest the Prince and keep him in custody for a time, until, chastised by the rod of discipline, he should learn to demean himself better.<sup>3</sup> Sir William

<sup>1</sup> National mss. of Scotland, Part II. No. 53.

<sup>2</sup> *Rotuli Scotiae*, vol. ii. p. 153.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 431.

Lindsay of Rossie and Sir John Ramorgny, two Councillors of the King's household, were the messengers and bearers of the letter from the King to his brother Albany. Both of these knights were said to have had a grudge against the Prince, the former because the Prince had plighted his troth to his sister Euphemia of Lindsay, but had abandoned her in the same way as he had done the daughter of the Earl of March. Sir John Ramorgny, who was held in high estimation as a councillor both to the King and the Prince, was a bold and eloquent man, learned in the law, and was the King's prolocutor in difficult cases. He was a pensioned retainer of the Duke of Rothesay, and for a time acted as his Chamberlain; even the Queen employed his services, and on two occasions he was intrusted with the conduct of negotiations in France and in England.<sup>1</sup> Yet he, it was said, had first of all suggested to the Duke of Rothesay to lay hands on his uncle Albany, and put him to death when occasion offered. The Prince, to his credit, spurned the diabolical suggestion. Sir John Ramorgny afterwards, it was said, suggested to the Duke of Albany to take the Prince's life, for if he did not, he added, the Duke of Rothesay intended to take his.

These two knights are said to have proposed to the King the course to be taken, and after the King had given instructions to his brother, they counselled the Prince to take possession of the castle of St. Andrews, as the Bishop of that see had lately died, and to hold it for his father until the appointment of a successor. The Prince, acting on their advice, set out with a small retinue for St. Andrews; but while he was on the way, and between the towns of Nydie and Strathtyrum, they arrested him, and conveyed him by force to the castle of St. Andrews. Here he was detained until information had been conveyed to the Duke of Albany, who was

<sup>1</sup> Exchequer Rolls, vol. iii. pp. 445-701.

then with the Council at Culross. The Council were acquainted with what had taken place, and after consultation as to what should be done, the Duke of Albany, together with the Prince's brother-in-law, Archibald, Earl of Douglas, repaired to St. Andrews, and with a party of soldiers conveyed the Prince to Falkland Tower. The Prince during the journey to Falkland was scarcely treated with the honour due to his rank, being set on a baggage-horse, with a rough russet cloak thrown over his shoulders on account of the cold and heavy rain. In Falkland he was placed in an "honourable apartment," and intrusted to the care of John Wright, constable of the castle, and another retainer, John Selkirk. During his confinement there the unfortunate Prince died from dysentery on the 26th March 1402, and was buried in Lindores Abbey. Some said that his death was caused by starvation.

The disease of dysentery, which was the reputed cause of Rothesay's death, became very prevalent towards the end of the regency of Duke Robert, and in the beginning of the regency of his son, Duke Murdoch. It was popularly called the "Quhew."<sup>1</sup> Many persons of all ranks were cut off by that fatal malady. Among these were Henry Sinclair, Earl of Orkney, James Douglas, Lord of Dalkeith, and George Dunbar, Earl of March, who was one of the most fortunate warriors of his age.

The Duke of Albany has been ostentatiously charged by certain modern historians with the murder of his nephew, having the Earl of Douglas as an accomplice. But this grave charge is not only not proven, but the case is long since a *res judicata*, having been decided after a formal trial by the highest court in the nation, by whom the accused were openly acquitted.

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 460. Only a year or two before the death of Rothesay an old chronicler records that there was the "ferd mortalyte," meaning the fourth plague or pestilence. [Old Chronicle ms., Reg. 17 D. xx, as quoted by Pinkerton, vol. i. p. 502.]

The death of the Prince is stated in an authoritative document, to be afterwards referred to, as entirely owing to natural causes; while the only historian of the age who notices with any detail the circumstances of his death, states that dysentery was the cause. Nor was this by any means an unlikely cause. All admit the debauchery and excesses of the prince, a course of life which, at his years, could only be expected to have its natural issue in a premature death. The circumstances of his capture, and his exposure to the inclemency of the weather, would tend to foster the germs of such a disease, which no doubt was fatally accelerated by compulsory confinement and its attendant grief to a high-spirited youth. Rothesay's conduct had so scandalised the nation that restraint was a necessity. His guardians, Albany and Douglas, who were so appointed for the public good, were not responsible for its results.

In "The Fair Maid of Perth," Rothesay, his father the King, and his uncle Albany, afforded excellent subjects for the splendid powers of Sir Walter Scott. His portrait of King Robert the Third is drawn with a masterly hand, a fine mixture of reality and romance. In the dialogue between Rothesay and Sir John Ramorgny, who is represented as one of the prince's profligate associates, the novelist thus makes Rothesay describe himself:—

"I think I know your cast of morals, Sir John; you are weary of merry folly,—the churchmen call it vice,—and long for a little serious crime. A murder now, or a massacre, would enhance the flavour of debauch, as the taste of the olive gives zest to wine. But my worst acts are but merry malice; I have no relish for the bloody trade, and abhor to see or hear of its being acted even on the meanest caitiff. Should I ever fill the throne, I suppose, like my father before me, I must drop my own name, and be dubbed Robert in honour of the Bruce—well, an' if it be so—every Scots lad shall have his flagon in one hand, and the other around his lass's neck, and

manhood shall be tried by kisses and bumpers, not by dirks and dourlachs ; and they shall write on my grave, ‘ Here lies Robert, fourth of his name. He won not battles like Robert the First. He rose not from a count to a king like Robert the Second. He founded not churches like Robert the Third, but was contented to live and die king of good fellows !’ Of all my two centuries of ancestors, I would only emulate the fame of

‘ Old King Coull  
Who had a brown bowl.’”

Albany has been represented as ambitious, and that to further his own ends he compassed the death of his nephew. If so, it has been left to later historians to discover the fact, as contemporary historians not only do not accuse Albany of the murder of Rothesay, but give him a very flattering character, altogether inconsistent with his having been guilty of such an odious crime. Such a crime, too, is all the more improbable when the Earl of Douglas is accused as an accomplice, whose own advancement and that of his family would have been better secured by the succession of his brother-in-law to the Crown than by his death.

In the time of Rothesay the alliances between the royal house of Stewart and the noble house of Douglas were very close. Rothesay had married Marjory Douglas, daughter of Archibald, third Earl of Douglas ; and her brother, Archibald, the fourth Earl, was married to the Princess Margaret, the eldest sister of Rothesay. Rothesay and Douglas were thus doubly brothers-in-law. The Princess Mary, the second sister of Rothesay, was married to George Douglas, first Earl of Angus, cousin of the Earl of Douglas, while the Princess Elizabeth, the youngest sister of Rothesay, was married to James Douglas, Lord of Dalkeith. The three sisters of Rothesay were thus married to the representatives of the three Douglas families of Douglas, Angus, and Dalkeith.



The Earl of Douglas, as well as his cousins of Angus and Dalkeith, had thus every motive to preserve the life of Rothesay, and when the Earl of Douglas was charged along with Albany as the murderer of the Prince, it is not surprising that the charge utterly broke down, and that the accused received an ample exculpation. Indeed, all the romance which novelists, founding upon the fables of Boece, have woven round the untimely death of this ill-fated Prince, vanish before the light furnished by the legal evidence bearing upon the case, as well as the testimony of contemporary historians.

The death of his son was a severe blow to the infirm King, who beheld the hopes he had cherished all shattered, and to a great extent by his own over-indulgence to the Prince. The peculiar circumstances in which the death of Rothesay had occurred stirred the popular mind to a feeling of mournful regret for the sprightly but profligate Prince. Rumours were raised of foul play on the part of the Duke of Albany and Earl of Douglas towards Rothesay. The suspicion got abroad, and probably at the request of the accused it was made the subject of a judicial investigation by the Parliament which met at Edinburgh on the 16th of May 1402 and following days, when Albany and Douglas were declared to have been unjustly suspected. To set the matter finally at rest, the King himself, on the 20th May 1402, caused letters to be prepared under the Great Seal, which embodied the result of the investigation by the Parliament. The letters recited that the Duke of Albany and Earl of Douglas had caused the Duke of Rothesay to be arrested and placed in the castle of St. Andrews, afterwards at Falkland, where he is known to have departed this life by Divine Providence, and not otherwise. The document proceeds to relate that the Duke and Earl compeared before the Parliament, and on being accused before the King and questioned by him, admitted that they had arrested the Duke of Rothesay, and that he had died in their custody.



Their reasons for the arrest, which were said to be concerned with the public welfare, they intimated privately to the King, who did not think fit to make them known in the present circumstances. All things being taken into consideration, and deliberately and gravely discussed by the Parliament, the King openly and publicly declared in Parliament that his brother Robert, and his son-in-law Archibald, were innocent and free of the charge of treason, and from every charge of blame, rancour, or injury which might be imputed to them in connection with this event. The King further declares that whatever indignation or offence he had conceived against them in this matter, he now voluntarily, from his own certain knowledge, and in accordance with the judgment of this Parliament, renounced, and wished it to be considered annihilated for ever; and he ends the declaration by strictly forbidding all his subjects, whatever their state or condition, to detract, by word or deed, from the good fame of the Duke and Earl.<sup>1</sup>

After the investigation thus made by the Parliament, and their decision, as well as that of the father of the Prince himself; considering also the facts stated by the historians of the time, that the Prince was taken by command of his father, and only placed in ward at Falkland after the Council had agreed that it should be so; and further, considering the great attachment of the Duke of Albany to his brother King Robert, and the high character which is given to him by his contemporaries, he must be freed from the imputation of causing the death of his nephew the Duke of Rothesay. There is not a shadow of anything like proof to show that he was guilty of such a crime; none of the attendant circumstances can be legitimately construed as pointing to his guilt. Albany did but his duty to his country, his King, and the Prince himself, by putting him

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 582.

under the restraint which his own father authorised, but was himself too weak to impose, and it is a great injustice to the memory of this famous Regent to affirm that because the Prince died under his roof he was guilty of his murder. No less is it a most unworthy slur against the Scottish nobility to insinuate that though they believed the Duke of Albany guilty, they were afraid to raise their voice against him. This accords ill with the known disposition of the noblemen of that age, who, if they were in some respects rude, had at least something of rough honesty at a time when refined diplomacy had less place. Nor was the Duke of Albany the overbearing tyrant which he is represented to be, for from the Exchequer Rolls we find that the Duke was frequently taken to task by the Exchequer Auditors, and money refused to him by them. Was it likely that the proud nobility could be more easily intimidated than these officers of the Crown, who were probably appointed by Albany himself as Regent? Those who have defamed the memory of the Duke ought at least to have founded on facts which might stand the light of research; but not a single fact has been produced to prove that Albany was guilty of the murder of Rothesay.

The Duke of Albany had taken advantage of a short truce which followed the retreat of the English from Edinburgh to obtain from England renewed supplies of grain and malt. On his behalf two merchants obtained a safe-conduct from the King of England to enable them to purchase an hundred quarters of each of these commodities and convey them to Scotland. At the same time, and bearing the same date as the safe-conduct for the merchants, 11th February 1401, permission was obtained for John of Cornton, chaplain to the Duke of Albany, Henry of Wedale, John Portere, Richard Johnesone, Nicholas of the Hall, and John Levenax, with six servants, to proceed to different parts of England on the business of the Duke

of Albany.<sup>1</sup> Another safe-conduct was granted on the 1st September, the same year, at the special request of the Duke, for six of his retainers, Henry of Wedall, William Ydil, Richard Johanson, John of the Chamber, John Porter, and John of Levenax, and six servants, to procure two sets of armour from London for the Duke's own use, also twelve hogsheads of wine and four hundred quarters of grain.<sup>2</sup>

Duke Robert was appealed to by the burghers of Perth and Dundee to act as arbiter in a dispute between them as to their rights to purchase the cargoes of ships trading on a venture and entering the Firth of Tay. The burgesses of Perth laid claim to this as an exclusive right, averring that no such ship should discharge her merchandise before reaching the Bridge of Tay. Against this the Dundee burgesses stoutly reclaimed, stating that they had a free haven for all such ships. Both burghs bound themselves to receive the award as final. At the meeting of Council the procurators of both burghs were present, and the burgesses of Dundee were successful in obtaining a decree authorising them to buy any ships on trading ventures that were willing to put in at their port, notwithstanding the claims made by Perth. In the award, which was given in the Friars' Church of Edinburgh, on 19th May 1402, the Duke only designs himself Chamberlain of Scotland. There were with him two bishops, a number of knights, and others to form a Council.<sup>3</sup>

It would appear, however, that on the expiry of the Duke of Rothesay's period of lieutenancy, the Duke of Albany was again created governor of the realm under his brother the King. He began by taking steps to avenge the inroads which the English, under the leadership of the Percies and the Earl of March, had been making since the departure of the latter from Scotland. Rumours of an intended invasion by the Duke of Albany and Earl of Douglas

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 156.

<sup>2</sup> *Ibid.* p. 159.

<sup>3</sup> *Charters, etc.*, relating to the Burgh of Dundee, p. 18.

reached Westminster. The King of England instructed his northern sheriffs to prepare for the fray, by letters dated 23d May 1402.<sup>1</sup> The only conflict that then followed was that at Nesbit Moor on 22d June, where a small body of the Scots, under the command of Sir Patrick Hepburn of Hailes, was vanquished by March and Percy.<sup>2</sup> To revenge this defeat the Earl of Douglas collected his forces, and requested the counsel and help of the Governor, as he was desirous, if he consented, of invading England. The Duke of Albany approved of the Earl's purpose, and sent along with him his son Murdach, Master of Fife, and the Earls of Angus and Moray. Having mustered an army of about ten thousand men, they entered England and ravaged the country as far as Newcastle-on-Tyne, but on their return were intercepted by Percy, who, counselled by the Earl of March, had delayed his attack till the Scots, laden with booty, had commenced their retreat. On observing the English posted in front of him, the Earl of Douglas drew up his troops in a compact phalanx on an eminence called Homildon Hill, a disposition which proved fatal to the Scots, as it exposed them to the shafts of the English bowmen. Great slaughter was made by the arrows among the troops of Douglas before they could strike a blow in return, and when, maddened by the galling fire, they broke their ranks and rushed forward to meet the enemy, it was at a great disadvantage. They were entirely defeated, many prisoners being taken, among whom was Murdach Stewart, the eldest son of the Duke of Albany. The Earls of Douglas, Moray, and Angus, and a great number of noblemen, were also taken, and on receiving news of the victory, the King of England sent special instructions to the Earl of Northumberland, and the two leaders of the English troops, that none of the prisoners, whatever their rank or station, were to be released on ransom.<sup>3</sup>

<sup>1</sup> Rymer's *Fœdera*, vol. viii. p. 257.

<sup>2</sup> Fordun, a Goodall, vol. ii. p. 433.

<sup>3</sup> Rymer's *Fœdera*, vol. viii. p. 278.

After his victories at Nesbit Moor and Homildon, Percy proposed to the Earl of March that they should lay waste the whole of the south of Scotland, beginning at the Marches at least as far north as the Firth of Forth, or Scottish Sea as it was then called. On March consenting, their united forces laid siege to the Castle of Cocklaws in Teviotdale, which was commanded by John Greenlaw, its captain. The fortalice sustained the siege bravely, until the captain, seeing no hope of succour, agreed to capitulate, unless relieved by the King or Governor in six weeks. The terms were agreed to, and Percy withdrew from the siege. Meanwhile, John Gledstanes of that Ilk, who was lord of the castle, bore the tidings of the siege and treaty to the King, then at Buchan, who sent him with letters to the Duke of Albany at Falkland, instructing him to call a council and consult what was to be done. The Duke, on hearing the tidings, was amazed, and blamed the stupidity of the captain, but forbade him upon pain of death to implement the treaty. He commanded him to persevere in holding out the castle, in the hope that it would be relieved, and he would soon inform him as to what was finally to be done. As the shortness of the time did not permit the convocation of Parliament, the Governor wrote to the more sagacious prelates and magnates in the neighbourhood to meet with him at Falkland, and advise what was to be done. At the conference all expressed the opinion that the fortress should be given up to the English, as it did not seem worth while imperilling the safety of the kingdom on its account. On hearing this, the Duke, not a little indignant, arose in their midst, and pointing to his page, Patrick of Kinbuck, who was standing at a distance, exclaimed warmly, "I vow to God and St. Fillan that if in life I shall be there on the appointed day, although none but my boy Pate should accompany me."<sup>1</sup>

<sup>1</sup> St. Fillan appears to have been the patron saint of Albany. In his Castle of Doune there was a chapel dedicated to that saint, and on the banks of the river Teith, a short



All were astonished at the warmth of the Duke, and with tears of joy replied, "May God confirm this your purpose, and those of us who are soldiers, placing our trust in the Most High, shall not be wanting in this important business." The Governor immediately afterwards assembled an army and proceeded to Cocklaws; but before coming thither, he, among other achievements, took the Castle of Innerwick in East Lothian, and razed it to the ground.

Percy had departed from Cocklaws soon after the making of the treaty with its captain, as his real purpose in raising his forces seems to have been to contest the right of Henry the Fourth of England to the throne. An extensive insurrection had been planned, but some of the conspirators withdrew from the plot, and the English King, having received timely information, met the troops of Percy at Shrewsbury. In the engagement which followed Percy was killed, and the news of his death was intimated to the Duke of Albany on his arrival at Cocklaws. He thereupon invested the fortress with his army, and having intimated the tidings withdrew, and immediately afterwards dismissed it.<sup>1</sup> The army led by the Duke is said to have consisted of fifty thousand horse and almost as many foot soldiers, among whom there seems to have been an impression that there was an understanding between Percy and the Governor. However, the Duke of Albany by this movement prevented any claim which England might afterwards have made for the fulfilment of the treaty made between Percy and the captain of Cocklaws. Soon afterwards a truce was arranged between England and France, and on a suggestion being made that Scotland as the ally of France might be included, the King of England commenced negotia-

way below the Castle of Doune, there was another chapel dedicated to the same saint. They were called the chapels of St. Fillan

within and without the Castle of Doune.

<sup>1</sup> Fordun, a Goodall, vol. ii. pp. 435-438.



tions for peace, with the result that a truce between England and Scotland was also agreed to.<sup>1</sup>

When Walter Trail, Bishop of St. Andrews, died, Thomas Stewart, Archdeacon of St. Andrews, a brother of King Robert and the Duke of Albany, was chosen bishop-elect in his place; but before his appointment was confirmed by the Pope, he was prevailed upon by Albany to decline the office. It appears that Walter of Denniston, parson of Kincardine O'Neil, had occupied the Castle of Dumbarton in the year 1399, and still held it in 1402, and would not render it to the King unless he was promised the see of St. Andrews. To avoid anything like civil strife, the Duke of Albany, as remarked, procured his election by prevailing on his brother to resign, so that the parson might obtain it. Walter of Denniston thereupon gave up the castle, and obtained the bishopric, but did not long enjoy it, as he died in the end of the same year.<sup>2</sup> The castle was afterwards in the hands of the King, who held his Court there in the close of the year 1403.<sup>3</sup>

The Duke of Albany continued to attend to the duties of his office as the King's lieutenant,<sup>4</sup> and is generally found at the court of his royal brother, now at Linlithgow, now at Rothesay, at Perth, and other places.

So many were the duties of the Duke at this time that all of them could not be attended to by him in person. Some were deputed to others, and some were left undone. In 1403, when the first year of Albany's lieutenancy since the death of the Duke of Rothesay had expired, there was a deficiency in the exchequer, and the fee for the office had not been paid; whereupon the Duke complained and protested for its payment, both for the past year and for the future, according to the resolution of the King and

<sup>1</sup> Rymer's *Fœdera*, vol. viii. pp. 318, 363.

<sup>3</sup> *Antiquities of Aberdeen*, vol. ii. p. 140.

<sup>2</sup> Wyntoun's *Cronykil*, vol. ii. pp. 389-399.

<sup>4</sup> *Registrum Aberdonense*, vol. i. p. 209.

Parliament. He explained that for a whole year he had laboured and incurred expenses in the discharge of this office of lieutenant, but as he had not held the Statute Courts, he had not been able to levy any fees. Some of these courts he had assigned to deputies, and at the instance of his Privy Council had delayed others, and there were no other sources of royal income from which he could uplift his fee.<sup>1</sup> The sum of £182, 0s. 6½d. was paid to him in the following year in part payment of his services as the King's lieutenant, but strictly on condition that he should produce at next auditing of Exchequer an account of his fees for holding Statute Courts, and all other fees of his office.<sup>2</sup> The Duke was also himself frequently engaged in the work of the auditors of the Treasury, and received several payments on that account.<sup>3</sup> He also discharged part of the duties pertaining to the office of his son Murdach, who had been created justiciar north of the Forth, but was at that time a prisoner in England. For holding five ayres between the 9th of July 1404 and the 27th March 1406, the Duke of Albany received a payment of £100. In the absence of his son Murdach, the Duke protested for the payment of 400 marks of arrears of pension due to him by the custumars of Aberdeen.<sup>4</sup>

Both the Duke of Albany and the King were naturally desirous for the restoration of Murdach Stewart and the Earl of Douglas, also a prisoner in England, and Sir David Fleming and Sir William Murehead were sent there as commissioners to negotiate for their release, and to arrange a peace between the kingdoms. The King of England met the wishes of King Robert by appointing commissioners on his own side to confer with those of the Scots,<sup>5</sup> and a truce was entered into, to last until the following Easter,<sup>6</sup>

<sup>1</sup> Exchequer Rolls, vol. iii. p. 589.

<sup>2</sup> *Ibid.* p. 610.

<sup>3</sup> *Ibid.* pp. 644-647.

<sup>4</sup> Exchequer Rolls, vol. iii. p. 645.

<sup>5</sup> *Rotuli Scotiæ*, vol. ii. p. 167.

<sup>6</sup> Rymer's *Fœdera*, vol. viii. p. 363.

but no progress was made towards releasing the prisoners. Another commissioner, Rothesay Herald, King-of-Arms, seems to have been despatched to the English Court some time afterwards with a letter from the Duke of Albany, and to have obtained for Murdach Stewart the privilege of being kept at the Court of King Henry the Fourth, to which arrangement, although it would in due time increase the amount of ransom by the greater expense of residence, the Duke of Albany agreed. Rothesay Herald was again sent to Westminster with another letter from the Duke, who thanks the King of England for his consideration to his son, and refers to the bearer for an explanation why the day appointed for conferring anent a truce had not been kept. This reference fixes the date of the letter as the year 1404.<sup>1</sup> The original letter in Latin is in the British Museum. The following is a translation:—

MOST EXCELLENT PRINCE,—I believe it is sufficiently known to your Highness how I lately wrote to you by Rothesay Herald, King-of-Arms, that I was most willing that you should keep my son, Murdach Stewart, your kinsman, if it please you, with you in your honourable court, and that I would rather have a conference with yourself upon his release than with any of your subjects. And now I have learned by messengers, that after he came to your honourable presence you caused him to be treated honourably, and with favour, for which I now thank your excellency from my heart, requesting your excellency to continue the same good treatment towards him in future. Moreover, most excellent Prince, your letters last presented to me by the said Rothesay I have received thankfully as was meet, and have fully understood the credence given to him by you, how graciously you replied with regard to the release of my foresaid son, that if I should send any of my people to your royal Majesty concerning the same and other business interesting me, you would, on their arrival, act so kindly and graciously in these matters, that I should have reason to be content. I also return thanks as much as I can to your royal Highness, both for your favourable audience and for the kind conference held with the said Rothesay on different occasions, on my part,

<sup>1</sup> Rymer's *Fœdera*, vol. viii. pp. 345, 348.

about the foresaid matters and others most tenderly touching the state of both kingdoms, as you know, and that you would have him excused if you please, for that he has not yet come to your Majesty as he promised to you, as I am given to understand that by a certain cause he had been prevented, as he can clearly explain to you by word of mouth ; and him I thought fit at present specially to commission to your Majesty upon certain matters touching my said son, and divers other things which have been previously spoken of between you and him, and also to intimate to your Highness how that last day on the Marches, in the month of February last past, assigned for holding a conference between the commissioners of my dread sovereign the King and your commissioners, by reason of an unforeseen accident failed and miscarried, as the said Rothesay by word of mouth can more fully explain to you. To whom, in what he has to say concerning the said matters and others on my part, kindly deign to give audience and firm credence. And if there be anything useful to be done in these parts, be pleased to inform me of the same by the said King-of-Arms or other messengers, and I will willingly perform them to the best of my power. May the Most High be pleased to preserve your royal Majesty for the peace and quiet of your people. Written at our Manor of Falkland, the second day of the month of June (1404).

Your kinsman, if it please you,

ROBERT, DUKE OF ALBANY,

Brother-german of the King of Scotland, and his Lieutenant-General.

To the most excellent and most serene Prince, Lord Henry, by the grace of God,  
King of the English.<sup>1</sup>

Communications of an epistolary nature seem to have been at that time more frequent between the two kingdoms than the scanty number of manuscripts now preserved would indicate. From the same source we obtain another letter by the Duke of Albany, as the King's lieutenant, on a matter which employed the pens of not only the Duke, but the King himself, the Bishop of St. Andrews, the Earl of Crawford, and David Fleming,<sup>2</sup> while

<sup>1</sup> National mss. of Scotland, Part II. No. 57.

<sup>2</sup> *Ibid.* No. 56.

Commissioners were also sent to make verbal explanations. A translation of this letter,<sup>1</sup> which was written in the beginning of the year 1405, is also here given :—

MOST ILLUSTRIOUS PRINCE AND LORD,—May it please your serene Highness to know that in these days last bygone, namely, on the fourteenth day of the month of December, some of your lieges, with an armed barge, attacked, took, and carried off with them a certain ship coming from the parts of Flanders laden with divers goods and effects to the city of St. Andrews, worth and appraised by the common estimation of trustworthy merchants at one thousand pounds of sterlings and upwards, within the bounds of the rivers and territory of my Lord the King, and landed at the port of Halyeland in your kingdom, with the said goods and ship, contrary to the truce last agreed on and entered into and sworn on both sides by you and my Lord the King ; and since my Lord the King always is and has been in the intention of keeping the said truce unimpaired and undisturbed both by him and his people, he is confident that you ought to do the same in all respects, because by the grace of God, not the smallest offence shall be wrought against the effect of the foresaid truce by my said Lord or his subjects as far as in them lies. I therefore beg and entreat your serene Highness, as earnestly as I can, to be pleased to cause the said ship with its goods to be restored and made good, so that in this matter the honour of your royal Majesty may be preserved unhurt. Upon which my Lord the King also writes to your serene Highness more fully and at length. But, most serene Prince and Lord, for furnishing further and fuller information to you in the premises, there goes to the presence of your serene Highness, Thomas Ra, citizen of St. Andrews, with certain others joined with him, whom deign to receive very graciously on our recommendation, and aid them in the successful and desired recovery of the said goods and ship by your opportune royal favours. May the Most High preserve your royal Majesty through happier times. Written at Stirling, the tenth day of January (1405).

ROBERT, DUKE OF ALBANY, EARL OF FIFE AND OF MENTEITH,  
Brother-germaun of the King of Scotland, and his Lieutenant-General.

To the most excellent Lord Henry.

<sup>1</sup> National MSS. of Scotland, Part II. No. 55.



Grief for the death of his eldest son had told heavily on the feeble mind of Robert the Third, but his spirit was utterly broken by a disaster which now befell his only surviving son, Prince James, a youth of fourteen years, and an object of much solicitude to him. James had been placed under the care of Henry Wardlaw, Bishop of St. Andrews, a learned and judicious prelate, and had for his companion Henry Percy, son of the Percy slain at Shrewsbury, a lad about the same age as himself. The fears of the King for his son's safety, and his desire to secure for him as perfect an education as possible, led him to send James to the French Court. On his way to France, the Prince, with his guardian and attendants, was taken by an English vessel off Flamborough Head, and conveyed to the King at London, where he was placed in the Tower. The unfortunate Robert received the news of his son's capture while sitting at supper in his castle of Rothesay in Bute, and was so affected with the disaster that he rejected all food, refused to be comforted, and, sinking under his grief, died on the 4th of April 1406.<sup>1</sup>

The Earl of Northumberland and his grandson Henry Percy had, after the failure of the conspiracy against King Henry the Fourth of England, betaken themselves for safety to the Castle of St. Andrews, where they, with another English nobleman, Lord Bardolph, were kindly entertained. One historian asserts that the Duke of Albany, in order to procure the release of his son Murdach and the Earl of Douglas, resolved to deliver up the Earl of Northumberland and Lord Bardolph to the King of England, and adds that the base project was only accidentally discovered by Sir David Fleming, who revealed it to the two noblemen, and counselled flight.<sup>2</sup> Although no authority is given for the assertion, it affords occasion to the historian again to denounce the Duke of Albany's treachery. So prejudiced is this author against Albany, that he charges him with almost every evil

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 439.

<sup>2</sup> Tytler's History of Scotland, vol. ii. p. 451.



which happened in his time. Even a Lollard could not be taken to the stake but the Duke of Albany is held to have incited the clergy to the cruel deed, although churchmen scarcely required the State to stir them up to this work.<sup>1</sup> Wyntoun's account of how the Earl of Northumberland and Lord Bardolph met their fate is ignored by this historian, for the reason, perhaps, that the share assigned to Albany in the matter does not accord with his own notions of the Duke's character. Wyntoun relates that the old Earl of Northumberland, when he could no longer find safety by remaining in England, sought it by travelling in France, and afterwards in Scotland, where he was honourably received by the Bishop of St. Andrews. On the invitation of Albany, Northumberland and Bardolph removed from St. Andrews to Perth, so that being farther from the sea they might be less liable to the dangers of capture. While they remained in Perth they were kindly treated by the Duke; and when letters came from England, inviting them back to their own country, he strongly advised them not to go, but to remain where they were for some time longer, as he suspected it was a stratagem to entrap them. They, however, resolved to go, as they did not think any Englishman north of York would seek to injure them. Albany put no obstacle in their way. They went, and were put to death by Richard Rukby, one of the vassals of the Earl of Northumberland, who had sent the invitations, and after their death he cut off their heads, and sent them to the King of England.<sup>2</sup> The account given by Fordun is to the same effect.<sup>3</sup>

Walsingham, it is true, narrates the story somewhat differently. He says that the Earl of Northumberland and Lord Bardolph, on their flight from England, were received by Sir David Fleming into Berwick, but afterwards escaped from Scotland on being warned by the latter that the

<sup>1</sup> Tytler's *History of Scotland*, vol. iii. pp. 23, 24.

<sup>2</sup> Wyntoun's *Cronykil*, vol. ii. pp. 410, 411.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 441.

Scots were conspiring to hand them over to King Henry in exchange for certain prisoners, whom he does not name. On this account, he adds, Sir David Fleming was slain by the Scots, and the Scots themselves were provoked to civil war, so that by reason of the weakness caused by this discord they were compelled to seek annual truces from England. One such truce having been agreed to by land, the Scots sent the son and heir of their King by sea to France, etc.<sup>1</sup>

But Walsingham's statement may justly be dismissed on account of its inaccuracies. There is no evidence of any civil strife in Scotland following on the death of Sir David Fleming—nothing beyond the single battle in which he met his fate. No truces whatever were made with England on account of such contention. The death of Fleming did not occur until Prince James had set sail for France, as that knight had accompanied him to the ship at North Berwick. The truce under cover of which the Prince was despatched was one very near its term of expiry, and embraced both sea and land, as is evident from the treaty itself,<sup>2</sup> and the remonstrance made by the Scots immediately after the capture of the Prince against its infraction by sea.<sup>3</sup> As to the warning said to have been given to the two English Lords by Sir David Fleming, it is difficult to believe that the Earl of Northumberland fled for his life from the Scottish Court, and yet left his grandson and heir there to be honourably maintained and educated for so many years.

The death of Sir David Fleming is attributed by some modern historians to the malignant resentment of the Duke of Albany against Fleming, for his reputed assistance in the escape of Northumberland and the Prince, although, if that were true in the case of the latter, he unwittingly co-operated in facilitating what one suggests was a concerted plot between Albany

<sup>1</sup> Walsingham, ed. 1574, p. 417.

<sup>2</sup> Rymer's *Fœdera*, vol. viii. p. 363.

<sup>3</sup> *Ibid.* p. 450.

and the English King for the capture of the Prince. Yet Fleming was allied to the Duke of Albany by the marriage of his son Sir Malcolm Fleming and Lady Elizabeth Stewart, Albany's daughter, and was moreover held in the highest repute by both King Robert and the Duke, and employed by them in the most weighty concerns of the State. Proof is needed for the assertion that Albany caused Fleming to be put to death, but none is afforded. Both Wyntoun and Bower record the circumstances of Fleming's death, yet nowhere is the remotest hint given of Albany's connection with it; and the language of the latter historian plainly indicates its cause to have been a private quarrel betwixt Sir Alexander Seton, who afterwards became Lord of Gordon, and Sir David Fleming. After stating the fact of Sir David's convoying the Prince to the Bass, and that there was with him a strong party of the chiefs of the Lothians, he adds that in returning he was pursued by Sir James Douglas, second son of the Earl of Douglas, and overtaken at Langhirdmanstone Moor, where, after a severe battle, he was slain on the 14th of February 1406. Divers nobles and knights were taken, but they were afterwards released. Sir James Douglas was instigated to the deed by Sir Alexander Seton.<sup>1</sup>

The Duke of Albany is altogether misrepresented by those writers who present him to posterity as a man of unscrupulous ambition, who rejoiced in the miseries of others when they helped forward his own aims, and was deterred by no crime, if its perpetration could only secure their accomplishment. Had the character of Albany been that given him by popular writers of our own day, he could never have retained the confidence and good-will of the nobility, the churchmen, and the general community of Scotland, as he did for a length of time far exceeding that of any other Governor who swayed the destinies of the country.

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 439.

Shortly after the death of Robert the Third, in the month of June 1406, the Three Estates of the realm met in Parliament, at Perth, and declared Prince James to be their true and lawful King, notwithstanding that he was detained in England an unwilling captive. By an ordinance of this same Parliament, Albany was chosen Governor of the entire kingdom. In that same month he was asked by some Prussian merchants to inquire into a wanton attack by an English war-ship upon two trading vessels which were loading at the port of Blackness, in the Firth of Forth, so far back as the year 1402. After inquiry he issued an instrument drawn up in Latin, of which the following is a translation :—

Robert, Duke of Albany, Earl of Fife and of Menteith, guardian and governor of the kingdom of Scotland, to all to whose knowledge these present letters shall come, greeting in the Lord. The laws claim, and reason persuades, that it is pious and meritorious to bear testimony to the truth, that the way of injury may be thereby shut up to evildoers, and the path of truth shine with due light. Hence it is that we, on the special request made to me by letter by prudent and discreet men, the councillors of the city of Dantzic, and others, merchants of the parts of Prussia, have caused true, faithful, and diligent information to be taken upon oath of trustworthy men, from which information it is manifestly known to us that on the feast of the nativity of St. John the Baptist, in the year of our Lord 1402, a certain English admiral, namely, Lord of le Grey of Godenoy (Codnor), with a ship, equipped with men of arms in great numbers for war, came within the Firth in the kingdom of Scotland as far as the harbour commonly called of Blackness, and there hostilely attacked two ships laden with fine wheat meal and other merchandise, of which the masters were Nicholas Rotermont and Bernard Johnson ; one of these the foresaid Englishmen took the same night, namely, the ship of Rotermont of Bremen, with the sailors and the merchandise then in it, and in the morning burned, near the foresaid harbour, the other ship belonging to the foresaid Bernard, the ship being first emptied by them of all goods and merchandise, and the sailors being either slain or drowned in the sea. The masters of the ships or their men never afforded any aid, assistance,

or defence to the Scots against the English unless by lawfully pursuing their merchandise. And this we make known by the tenor of the present letters to all whom it concerns, or whom this present matter touches, or may touch in future. To which, for the sake of testimony, we have commanded the seal of our office to be appended, at the town of Perth, the 28th day of the month of June, the year of God 1406.<sup>1</sup>

Among the first acts of the Governor was the opening of negotiations with Henry the Fourth of England by the despatch of Rothesay, King-of-Arms, as commissioner for the King and kingdom of Scotland, to the English Court, to treat of the infractions of the truce upon the sea,<sup>2</sup> and no doubt, as Crawford says, with special reference to Prince James's capture, to inquire under what pretence of justice or law he came to be taken in the time of a truce.<sup>3</sup> Whatever the result of his mission was, a large and influential embassy, consisting of the Lord Chancellor of Scotland, Gilbert, Bishop of Aberdeen, Robert, Bishop of Dunkeld, Sir David Lindsay Earl of Crawford, Sir Alexander Stewart Earl of Mar, William Graham of Kincardine, and a hundred horsemen, was sent into England in the month of December of the same year,<sup>4</sup> which, as it surpassed in dignity the embassies usually sent on the subject of a truce, it is natural to suppose must have had some much more weighty trust. That could only be negotiations for the liberation of their King; and so it is stated in the account rendered by the executors of the late Sir David Lindsay, Earl of Crawford, chamberlain-depute, at Perth, on 16th March 1407 :—

For the expenses of the commissioners sent into England on the common business of the realm, about the death of the King, and afterwards for the liberation of the son and heir of our late King, £120.<sup>5</sup>

<sup>1</sup> Enclosure in a communication by English commissioners to Rupert, King of the Romans, in Cottonian Library, British Museum.

<sup>2</sup> Rymer's *Fœdera*, vol. viii. p. 450.

<sup>3</sup> Officers of State, p. 303.

<sup>4</sup> Rymer's *Fœdera*, vol. viii. p. 461.

<sup>5</sup> Chamberlain Rolls, vol. iii. p. 8.



The only result attained, so far as known, by this embassy, was a prolongation of the truce for another year. But the fact of these negotiations taking place proves the falseness of the imputations made against Albany, who, while stigmatised as a usurper of the supreme power, is represented as glorying in the captivity of the Prince, and wickedly refusing to take any steps for his release. On the contrary, the Duke sought the restoration of Prince James, and availed himself of every opportunity that offered for that purpose. This is amply proved by facts.

In the Chamberlain's account rendered at Perth on the 20th May 1409 from the 27th March 1408, there occurs the following entry, which shows that between these two dates negotiations for the Prince's release had been going on :—

By payment made to the Earl of Orkney for his labour in the business of his highness Prince James, son of our King, at present in England, £20.<sup>1</sup>

Again, betwixt the 21st July 1410 and the 12th June 1412, another embassy had been in England on the same business. The names of the commissioners were John Stewart, Lord of Lorn, Master Robert of Lany, Provost of St. Andrews, and Sir John of Busby, Canon of Moray, and they are mentioned as having been sent in embassy to the King of England to treat for the liberation of the King and Sir Murdach the Duke's son. For their expenses they received £130.<sup>2</sup>

These negotiations were frequently interrupted by the outbreak of hostilities, but when, in the early summer of 1412, the King of England agreed to a truce between the two countries, which was to extend to the close of the year 1418,<sup>3</sup> Albany at once resumed his efforts for the release of James. On the 16th April 1413, Henry received into his safe-conduct the following persons as commissioners from the Duke of Albany, viz., Walter,

<sup>1</sup> Chamberlain Rolls, vol. iii. p. 27.    <sup>2</sup> *Ibid.* p. 48.    <sup>3</sup> Rymer's *Fœdera*, vol. viii. p. 737.

Bishop of Brechin, William, Lord of Graham, Alexander Ogilvy, Sheriff of Angus, Master Robert of Lany, Licentiate in Decrees, and John of Wemyss, with an escort of thirty persons. To these were added, by separate safe-conducts, William Douglas of Drumlanrig, John of Dunkeld, Gilbert Scott, and John Sinclair, with a following of twenty persons. Their business was to treat concerning the liberation of the King of Scotland (*super deliberatione Regis Scotiæ*).<sup>1</sup> This embassy is proved to have been in communication with the King of England, from the renewed grants of safe-conducts to Sir William Douglas, Lord of Drumlanrig, Alexander Descheles, and John of Welles, who are mentioned as having been lately in the King's presence, treating with him about the King of Scotland.<sup>2</sup> The following entry in the Chamberlain's account for the year beginning 12th June 1412, and ending 5th July 1413, probably in connection with this same embassy, is interesting:—

And for the expenses of the Lord of Graham and Master Robert of Lany, Provost of St. Andrews, ambassadors of the realm passing into England for the deliverance of the King, by command of the Lord Governor, because that William of Borthwick, junior, had carried off by force more than one hundred nobles from those entrusted with the ordained expenses of the foresaid ambassadors, £50.<sup>3</sup>

Notwithstanding the unsuccessful efforts of these commissioners to effect the release of the King, the attempt was not given up. Again, in the account of the following year, between the 5th July 1413 and the 27th June 1414, there occur in the same record these two entries:—

To a herald going thrice into England for safe-conducts of ambassadors sent into England to the King, £20.

And to Master Robert of Lany and Sir Robert of Maxwell, sent into England for the deliverance of our Lord the King, £120.<sup>4</sup>

<sup>1</sup> Rymer's *Fœdera*, vol. ix. pp. 5, 6.

<sup>3</sup> Chamberlain Rolls, vol. iii. p. 58.

<sup>2</sup> *Ibid.* p. 79.

<sup>4</sup> *Ibid.* pp. 66, 67.

The letter appointing these two commissioners to this embassy, and the instructions given to them for their direction in the negotiations, have both been preserved. They are written in Latin, and the following is a translation :—

Robert, Duke of Albany, Earl of Fife and of Menteith, and Governor of the kingdom of Scotland, to all to whose knowledge the present letters shall come, greeting in the Lord. Know your nniversity that we, fully confiding in the fidelity, circumspection, and industry of our beloved and faithful Robert of Maxwel of Caldorewod, knight, our cousin, and Master Robert of Lany, Provost of St. Andrews, Licentiate in Decreets, have made, constituted, and ordained, and by these presents do, alike of our certain knowledge and deliberate connsel, make, constitute, and ordain them, our and the said kingdom's ambassadors, commissioners, and special messengers, giving and granting to them full, free, and general power to appear in the presence of the most serene Prince, Henry, King of England, our adversary, and to treat, agree, and conclude with him, or his commissioners whomsoever having sufficient power from him, respecting the liberation of the illustrious Prince James, son of my late Lord the King, and concerning a general or particular truce, both by land and sea, to be taken and confirmed between us, the foresaid kingdom of Scotland, the lieges, subjects, and confederates of the same, on the one part, and our said adversary, his kingdom, his lieges, subjects, and confederates, on the other, such and to endure for so long a time as to our said commissioners shall seem expedient ; and to ask and receive in our name from the said King of England, his oath upon the confirmation and conservation of the present truce between the most excellent prince the Lord King of France and himself, their kingdoms and dominions, subjects and confederates, which was last taken and entered into by their said commissioners of both nations : Which truce, for ourselves and the said kingdom of Scotland, lieges and subjects of the same, we have accepted, and by the tenor of these presents do accept. Also to ask and receive from the said King of England, or his deputies or commissioners, reformation of all and sundry attempts against the form of truce taken and confirmed in times past between the kingdoms of Scotland and England ; and generally to do, transact, agree, and conclude

upon all and every other thing which may be necessary or in any way helpful anent the premises, even if they require a more special mandate ; promising that we shall perpetually hold valid, satisfactory, stable, and sure, whatever our said commissioners shall think fit to do in the premises or in any one of them. Given under the testimony of our Great Seal at Falkland, the 22d day of the month of May, the year of our Lord one thousand four hundred and fourteen, and of our government the ninth year.<sup>1</sup>

The instructions are as follows :—

These are the articles with which Sir Robert Maxwell of Calderwood and Master Robert of Lany, Provost of St. Andrews, ambassadors and commissioners of an excellent prince, the Lord Duke of Albany, Governor of Scotland, are burdened to propose to the most excellent and potent prince Lord Henry, by the grace of God, most illustrious King of England [27th May, 2d year of Henry the Fifth, *i.e.* 1414].

First, To notify to the Lord King foresaid, that the said Governor, for himself and the kingdom of Scotland, has accepted the truce lately made and entered into by the Commissioners of France and England as confirmed by the Kings, which also for himself and the kingdom of Scotland he is prepared to confirm.

Likewise, to provide, treat, and agree with the foresaid Lord King for the freedom and deliverance of the most serene Prince the Lord King of Scotland, who was taken and arrested on the sea while a youth in time of truce, and has now been detained for many years.

Also, to treat and agree about the redemption of a noble man, Sir Murdach, son of the Governor above mentioned.

Also, to treat and provide respecting a further and longer truce or cessation of warfare for the welfare of both kingdoms, with the Lord's assistance.

Also, to make provision for a remedy for attempts made in times of truce, and how hereafter the truce may and ought to be inviolably observed, and transgressors of both kingdoms punished.

Also, to require the said Lord King that he vouchsafe that the said truce be ratified, if he so please, by oath, as the Governor is prepared to swear when he shall be required hereanent.<sup>2</sup>

<sup>1</sup> Original in Cottonian Library, British Museum.

<sup>2</sup> *Ibid.*

Another journey was undertaken by these two ambassadors in the following year for this same purpose, £50 being again allowed for their expenses; and, in addition to them, others seem to have been from time to time engaged in the business. Sir William of Cockburn, one of the custumars of Haddington, was, in 1414, due on his account £67, 10s. 3d., which the Governor, of his favour and by counsel of the auditors, remitted on account of his great labours in England on behalf of King James, and for the defence of the kingdom in the time of war.<sup>1</sup>

In fact, no efforts were spared to procure the release of James from the captivity in which he had so unjustly been detained. All the embassies sent by the Duke of Albany to the English Court are not likely to have been recorded, and besides those mentioned, others are chronicled, without statement of their object being made in the documents which relate the facts. But enough have been quoted to show both the sincerity and the activity of the now aged Governor in seeking the restoration of his nephew. These efforts were still unsuccessful, but the want of success is not chargeable to Albany. He had striven for a longer period to procure the return of his own son, in which surely his sincerity will not be questioned, and until now he had been as unsuccessful as in the case of James. Murdach was an important State prisoner, even more so than his fellow-prisoner the Earl of Douglas, whose release had been accomplished sooner; but the King of Scotland was far more important than either or both, in the eyes of the English King—too precious in his present position to be readily restored.

Yet King Henry the Fifth was at last prevailed upon to come to terms. Hostilities had broken out in spite of the six years' truce which had been made, and on their subsidence the English King relented somewhat, and liberated several of the imprisoned Scottish nobility, of whom he had yet a

<sup>1</sup> Exchequer Rolls, vol. iv. pp. 198, 223.



considerable number. At that time another embassy, consisting of John of Hailes, Abbot of Balmerino, Sir John Forrester of Corstorphine, and Walter Ogilvy, with a retinue of forty horsemen, was sent to England with instructions either to procure the release of King James, or if Henry would not consent to that, at least to obtain leave for him to visit Scotland on parole. The safe-conduct for this embassy was granted on 26th April 1416.<sup>1</sup> Henry so far met the wishes of Albany, as expressed by his commissioners, that he appointed Thomas, Bishop of Durham, Henry, Earl of Northumberland, and Ralph, Earl of Westmoreland, to receive hostages and obligations to the extent of 100,000 marks for the return of James.<sup>2</sup> The commission to these nobles was granted on the 8th December of the same year, and on the same day safe-conducts were also made out for the chief of the Scottish nobility, along with the Bishops of Aberdeen and Glasgow, to come to King James in England.<sup>3</sup> But these negotiations also came to no practical result, as the arrangement was never carried out.

No doubt in thus seeking the release of James on parole, the commissioners would refer as a precedent to the former case of King David the Second having been allowed to visit his kingdom on like terms. But the mention of such an event was not likely to facilitate the wished-for liberation, as the English would remember that the ransom of David had never been fully paid, and they had not much reason to expect that in the unimproved condition of Scottish finance they would have more success in the case of James. To the Scots, the prospects of having another such ransom to provide would be anything but pleasant, and it would seem that so long as Albany was spared to manage the affairs of the realm, they were not extremely desirous of incurring such another load of debt. The King was still young, and they probably hoped that something would turn up by

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 341.

<sup>2</sup> *Ibid.* p. 417.

<sup>3</sup> *Ibid.* p. 419.

which they might obtain his restoration on easier terms, which, indeed, in a manner quite unexpected, was eventually the case.

The arrangement of 1416 is said by some historians to have originated not with Albany, who is at the same time accused for permitting the young King to remain so long in exile, but with those of the nobility who had returned from England, and were successful in spite of the alleged disloyal inactivity of the Duke.<sup>1</sup> A glance at the real facts is fatal to all such conjectures.

For the sake of connection we have considered this question fully here, at the expense of the due order of the occurrences in the life of the Duke of Albany—to these we now return.

An early act of the Governor's was the renewal of the treaty between Scotland and France, to effect which he sent envoys to the Court of Charles the Sixth, where it was readily ratified in the month of February 1407.<sup>2</sup>

On the death in 1394, without lawful issue, of his brother, Alexander, Earl of Buchan, popularly known as "the Wolf of Badenoch," the earldom of Buchan was inherited by Albany as his brother's heir; and he, by a charter dated 20th September 1406, granted the earldom to John Stewart, his eldest son by Lady Muriella Keith.<sup>3</sup> John thereupon became Lord of Buchan, and was created Earl by his father about 1408. To this son Albany committed his office of Lord Chamberlain of Scotland, by a charter dated 12th March 1407, which allowed him a fee of 300 marks and one deputy,<sup>4</sup> although it would seem that the Duke himself received yearly up to 1414 the annual fee for that office; if so, it was probably by arrangement with his son the Earl of Buchan.<sup>5</sup>

The King of England seems to have objected to the Duke of Albany being called Governor of Scotland, and to have protested against the title

<sup>1</sup> Tytler, vol. iii. p. 40.

<sup>2</sup> Acts of the Parliaments of Scotland,  
vol. xii. p. 21.

<sup>3</sup> Sutherland Peerage Case, p. 28.

<sup>4</sup> Registrum Magni Sigilli, p. 227.

<sup>5</sup> Chamberlain Rolls, vol. iii. pp. 26, 39, 59, 67.

to the messengers of the Duke when at the English Court, and hence arose the epithet of "Pretended Governor of Scotland," which is found in one or two of the documents relating to negotiations between Scotland and England in the year 1407. Whether Henry the Fourth was moved to this by a feeling of resentment at that epithet having been applied to his own claim to be King of England on his accession to the English throne when King Richard the Second was deposed,<sup>1</sup> or from a fear that the claim of James to the Scottish Throne was not duly respected, does not appear. The protest was altogether uncalled for, and was not followed up by King Henry.

During this year a considerable amount of negotiation took place between the two kingdoms. A truce had been agreed upon in the previous year to continue till Easter of 1407 (March 27th), and application seems to have been made by the Duke of Albany for its prolongation. The King of England referred the matter for consideration to some of the English bishops, and they returned answer to the King in a letter dated 2d March. Of that letter, which is in French, the following is a translation :—

MOST DREAD AND OUR SOVEREIGN LORD,—I commend me to your high royal Majesty, whom may it please to know, that by commandment of your gracious letters addressed to your humble bedesmen, the Bishop of London, the Bishop of Durham, and me, your most humble servant, we have met together to consult about the business touching the commission and instructions to be drawn up and given to your special commissioners to treat respecting the prorogation of the truce ; and we have seen the letters of the very reverend father in God, the Archbishop of Canterbury, your Chancellor, in which he has given answer to your very honourable letters lately sent to him, so we, having regard to certain special points in your said letters, according as it seems to us and your said Chancellor, have signified and declared, and in terms

<sup>1</sup> In a communication by King Charles the Sixth of France to King Robert the Third of Scotland, about the year 1400, the former

refers to the King of England as "the Duke of Lancaster, calling himself King of England."—[Report on *Fœdera*, App. D. p. 69.]

of his said reply, have charged, on the part of your Highness, Symon Gaunstede, one of the directors of your Chancery, to prepare two kinds of commissions, the one of which gives power to your commissioners to treat and agree about the renewal of the truce with the commissioners of the Duke of Albany, Governor of the kingdom of Scotland, as on behalf of Scotland; and the other gives power to your commissioners to treat and agree upon the said renewal with the commissioners of Scotland, having sufficient and like power on their part as your commissioners have on theirs.

And because we doubt that by some of your commissions the said Duke may take advantage of the name and right of Governor of the kingdom of Scotland, in defiance of the protestation recently made on your part in presence of the messengers of the said Duke, it seems in our humble opinion to be expedient to await the coming of your said Chancellor to London, which will be on Monday or Tuesday next at latest, as is said, without proceeding further in this matter; and that the letters under your Privy Seal addressed to the said Duke and to our most honoured Lord John, your son, and to your most honoured brother, the Earl of Westmoreland, do not pass in the meantime, but yet that letters under your signet should be sent to your said son and brother, to cause prorogue the truce between the Marchers: also as we think well that this be done by virtue of your commandment given to your foresaid son at his departure from your high presence, seeing that since the wardens of the Marches on both sides can arrange particular truces for a month, more or less, in the way they have formerly done . . . no danger can happen for the time. Which our simple advice, saving always your high discretion, the said Bishops have charged me in their absence to make known to your Highness. May the Blessed Trinity always keep you in most happy life, prosperity, and health of body, for the safety of your people. Written at London, Wednesday, in haste.<sup>1</sup>

Your humble servant and bedesman,  
JOHAN.

To the King, our most dread and Sovereign Lord.<sup>2</sup>

In the meantime Henry wrote to Albany, saying that his Council were then absent, but that the truce might be prolonged if arrangements could

<sup>1</sup> 2d March, 5th year of King Henry the Fourth, added in a later hand.

<sup>2</sup> Original in Cottonian Library, British Museum.

be made. On receiving this information, the Duke of Albany assembled his Council, and in reply sent the letter, in Latin, of which the following is a translation :—

MOST SERENE PRINCE,—For the kind reception of our letters, and the gracious audience vouchsafed by your Highness to our ambassadors, the bearers of these letters, namely, our beloved councillors, Sir William Graham of Kincardine, and Sir John Stewart of Lorn, knights, we return your Highness our most hearty thanks.

We have received with grateful affection from our ambassadors, on their return to us from your presence, the letter of your Highness, which, among other things, intimates that on account of the absence of your Council, and for other causes expressed in your said letters, you were unable to give the answer desired by them in your presence on our behalf, unless they should wish . . . to direct ; especially as the matters proposed by them were arduous, and concerned the state, welfare, and honour of the kingdoms of Scotland and England. Which being duly considered, it seems expedient to you (if it should also be our pleasure), as your said letters contain, that in the fear of Almighty God, for the tranquillity of the kingdoms . . . and for avoiding the effusion of Christian blood between the kingdoms, the truce now existing between the foresaid kingdoms, which endures to the Feast of Pasch next to come,<sup>1</sup> to another term more . . . might be amicably renewed, that meanwhile the treaty upon the foregoing and other matters mutually affecting us may be more effectually kept and . . . Moreover, as to (our) will (respecting) the renewal of the truce . . . fifteenth day of the Purification of St. Mary<sup>2</sup> bypast, you now desire to be fully informed by our letters.

Concerning which, most serene Prince, on account of the (shortness) of the time . . . and the entry of the said commissioners to our presence, and also on account of the absence of the Lords from our Council and kingdom, we could not conveniently . . . Whereupon, your said letter having been more fully understood, we caused the Council of the kingdom to be assembled in our presence for deliberation on their contents . . . to endure to the Feast of Pasch,<sup>3</sup> the year following the expiry of the said truce, in the same manner, form, and effect as the said last truce was made and

<sup>1</sup> Easter, 27th March 1407.

<sup>2</sup> 16th February.

<sup>3</sup> 15th April 1408.



confirmed at Kelso . . . special commissioners of both parties, with all possible speed, before the expiry of the said truce, for the avoiding of those mishaps which might arise from the delay of this renewal beyond the forementioned period, notwithstanding the great and insufferable losses, grievauces, and injuries repeatedly inflicted and perpetrated by your subjects, both by sea and land, upon the inhabitants of Scotland (in violation of the forementioned truce).

Concerning which we cannot obtain any reformation or redress from you or your subjects, although . . . you and they have been many times required with effect, both in the Marches of the kingdoms in your province and elsewhere.

Besides, most serene Prince, it seems expedient to us and our Council, and highly necessary for the welfare and quiet of both kingdoms, that some certain day of truce in the Marches of the said kingdoms should be appointed, where certain ambassadors and commissioners of noble estate, with a sufficient commission on behalf of either kingdom, might meet to treat and agree upon a perpetual peace to be maintained by the grace of God, or at least for a long truce, with reparation and due redress of all and sundry losses, grievance, and injuries, and all other attempts on both sides against the present and past truces, howsoever and by whomsoever perpetrated or to be perpetrated; and, if it please you, it is agreeable to us and to our Council of the kingdom of Scotland, that such a day be appointed in the week following the Feast of St. Peter, which is called "Lammasday,"<sup>1</sup> next to come, in the Marches at Hawdenstank: And you will be pleased to inform us what you shall deem meet to do in this behalf by your letters as speedily as possible by the bearer of these our letters.

May the Most High preserve your Highness in a lengthened peace, for the peace and quiet of all his people.

Written at the town of Perth, the second day of the month of March (1407).

ROBERT, son of the King of Scotland, Duke of Albany,

Earl of Fife and of Menteith, and Governor of the kingdom of Scotland.

To the Most Serene Prince Henry, by the grace of God, King of England.<sup>2</sup>

<sup>1</sup> 1st August.

Museum. A paper document, much mutilated.

<sup>2</sup> Original in Cottonian Library, British

To which the King of England responded in the following letter in Latin, of which a translation is here given:—

Henry, by the grace of God, etc., to the Duke of Albany, etc., greeting, and increase of sincere love. Replying in a friendly manner to our letters which we lately sent your Excellency, among other things you wrote that after consideration of the causes expressed in your said letters, it was agreeable to you and the Council of the kingdom of Scotland assembled thereanent, that the present truce, which lasts till the feast of Easter, should be continued or renewed, to endure until the feast of Easter in the following year, in the same manner, form, and effect as the last truce made and confirmed at Kelso; and that the said renewal . . . special Commissioners on both sides with all possible speed before the expiry of the said truce, for avoiding of any damages which might arise from the delay of such renewal beyond the forementioned term.

Moreover, it seems expedient to you and your Council, and highly necessary to the welfare and peace of both kingdoms, as you have written, that a certain day should be appointed on the Marches of the said kingdoms where certain ambassadors and commissioners of noble rank, with sufficient commissions on the part of either kingdom to treat and agree upon a perpetual peace, to be obtained by the grace of God, or at least a long truce, together with reparation and a due reformation of all and sundry losses, grievances, and injuries and other attempts on both sides against the present and former truces. And, provided that it were agreeable to us, you and the Council of the said kingdom of Scotland it seems are content that such day should be appointed the week next after the feast of St. Peter, which is called Lammas Day, next following, on the Marches at Haudenstank, of which you desire to be speedily informed by our letters.

Wherefore, your Excellence will be pleased to know that when we received your said letters on the 18th day of this month of March, and not before, the Lords of our Council, and especially our Chancellor of England, being absent at the present time, and not to return until the fifteenth day of Easter<sup>1</sup> next to come, we were unable, in

<sup>1</sup> 10th April 1407.

consequence of the shortness of the time, to send our commissioners against the said feast of Easter<sup>1</sup> for the foresaid renovation. But it being our sincere desire, as it is also yours, that on account of the fear of God, to avoid the shedding of Christian blood, that the blessings of peace and tranquillity may be preserved between the kingdoms, we shall ordain, as we are able in good manner, all pretence being laid aside, that certain commissioners of ours, namely, Ralph Euer, Robert Umfrevil, and John Miteford, knights, shall proceed to the parts of the Marches foresaid, furnished with sufficient power, namely, to treat and agree upon a truce to continue for a year in the same manner and form (as we thought good more fully to unfold our mind to our and your kinsman, the Earl of Douglas, before his departure from our country, as that Earl, when he arrives, can relate to your Highness in our name by word of mouth), and to treat and agree with the deputies of the said kingdom of Scotland upon a certain day and place, at which the ambassadors and commissioners of noble rank on both sides shall be bound to meet for establishing a final peace, or otherwise a long truce, together with reparations and reformations of attempts on both sides, so that, on our part, God willing, no failure shall be found, but that such a conclusion shall be arrived at in the premises, which parties on both sides . . . Because in following the doctrine of the apostle "to follow peace with all men," we are stirred up to show our love to the Author of Peace. Moreover, desiring also that although . . . in a suitable time, namely, before the expiry of the former truce at the feast of Pasch now instant, they were not able to meet on account of the shortness of the time of this truce, nevertheless on both parts are preserved . . . we write at present to our dearest son John, our Constable of England, and to our dearest brother the Earl of Westmoreland, keepers of the Marches on our part . . . that they may cause such truce, even after the expiry of the same, to be faithfully kept by our lieges, fully trusting that you will cause the like to be done on your part.

Given, etc., xxii. [day of March].

Indorsed : Copy of a letter directed to the Duke of Albany.<sup>2</sup>

<sup>1</sup> 27th March.

Cottonian Library, British Museum, much

<sup>2</sup> Contemporaneous Draft on vellum in the mutilated.

Arrangements were accordingly made for the meeting proposed to be held on Lammas Day, at least on the English side, as Henry, by a mandate issued on 8th July 1407,<sup>1</sup> empowered his son John, Constable of England, and Warden of the East Marches, to negotiate a truce which should continue till next Easter.<sup>2</sup> This either had not satisfied the Scots, or the Border depredations by the English had become too much for the patience of Albany, as we find him meditating an invasion of England at the head of a large army. On the 8th of September 1407, Henry wrote to the Sheriffs of some of the northern counties of England to be prepared to meet him with all the strength of their respective shires, and accompany him wherever it might be necessary, and tells them that he had most certain information from sure and trustworthy sources that "Robert, Duke of Albany, pretended Governor of Scotland, our common adversary and enemy, was proposing to invade the kingdom of England with no mean multitude and power of the Scots and other enemies, against the form of the present truce entered into between us and the kingdom of Scotland."<sup>3</sup> But it does not appear that pacific relations were really interrupted between the two nations, as shortly afterwards letters were again passing betwixt the Governor and the King. The following is a translation of one, written in Latin, from Albany to Henry, about two months after this attack was expected. It is dated the 4th of November:—

MOST EXCELLENT PRINCE,—We received gladly some time ago the letter of your Highness, along with your safe-conduct granted to certain persons of our Council, presented to us by Leicester (King)-of-Arms, and have fully understood all that is contained in them according to their order.

<sup>1</sup> This and some other documents relating to the same period are misdated in the *Fœdera*. The year 1405 should be 1407.

<sup>2</sup> Rymer's *Fœdera*, vol. viii. p. 403.

<sup>3</sup> *Ibid.* p. 414.

Concerning which, as they touch closely the (welfare) of both kingdoms, we send to your presence, without delay, certain of the persons named in the said safe-conduct who are more fully acquainted with our intention, and who, on their arrival, will more intimately inform you concerning the same than we can presently do by writing of letters. . . . Most excellent Prince, on the return lately of our dearest nephew, the Earl of Mar, to our presence, we learned the numerous courtesies and favours which as often as possible you conferred on him and his in displaying their martial accomplishments on this occasion in your noble presence, for which with all our heart we thank you . . . the treatment heretofore in manifold ways bestowed upon our son, Murdach Stewart, and our cousin the Earl of Douglas, (we desire) your Majesty to continue towards them in the future.

Moreover, if there is anything in these parts which we can do for your pleasure certify (us thereof), and we shall accomplish the same to your satisfaction, saving always our state.

May the Most High long preserve your Excellency, and grant you felicity and peace.

Written at the town of Perth, the 4th day of the month of November (1407).

ROBERT, Duke of Albany, Earl of Fife and of Menteith,  
and Governor of the Kingdom of Scotland.

To the Most Excellent Prince and Lord, Henry, by the Grace of God, King of England.<sup>1</sup>

The continuation of the truces between England and Scotland was never very certain, and when they were observed by the Borderers, it was often with a bad grace. In 1409, on the expiry of a year's truce, the Castle of Jedburgh was taken from the English, and was ordered to be levelled with the ground. The task was no easy one, as the mortar with which it was built had become as hard as the stone itself. At a meeting of Parliament at Perth, it was proposed that the expense should be met by levying a tax of twopence on every home in the country; but this Albany strongly opposed, saying that

<sup>1</sup> Original in Cottonian Library, British Museum.



taxes had never been imposed during the period of his governorship, neither should he levy them now, as the poor would curse him who introduced such an abuse, and he instructed the expenses of the demolishing of the castle to be paid out of the royal customs. This procedure added greatly to his popularity.<sup>1</sup> Yet it is noteworthy that in this very year the Treasury was due a large sum of money to the Duke for arrears of the salary of his office as Governor. The Lord Chamberlain, in his account rendered at Perth on the 20th May 1409, reported a balance of £1492, 19s. 9d., which sum, he added, had been paid to his father the Governor, as part of his fee for the office of Governor of the kingdom for previous years, and also for the year of this account. And thus, he says, he has received for the fee of his office during the past three years, since the death of the King his brother, only £2466, 8s. 5d., leaving as the complement of the £3000 not paid to him for the three years last past, namely, 1406, 1407, and 1408, or the year of this account, the sum of £533, 11s. 7d. In addition to this, Albany himself protested that although he had incurred heavy expenses, and laboured much before the death of the King in his office as the Lieutenant of the King, he had not been paid the fee appointed to him by the King and Parliament; and he accordingly asked that payment should be made to him early when time and opportunity afforded, and the royal revenues were more abundant.<sup>2</sup> In the previous year, 1408, the Duke granted £20, being the relief of the lands of Garthgunnok in Stirlingshire, pertaining to John Normaville, towards the making of the bridge of Stirling, for the soul of our late lord King.<sup>3</sup>

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 444. Two entries in the Exchequer Accounts concerning this business are interesting. For guarding the masons employed in the demolition of the castle, James Douglas, brother of the Earl, received £20, and Robert of Hawick, employed

about the same work and the building of the King's kitchen in the Castle of Edinburgh, received a similar sum.—[Exchequer Rolls, vol. iv. pp. 115, 117.]

<sup>2</sup> Chamberlain Rolls, vol. iii. pp. 28, 29.

<sup>3</sup> Exchequer Rolls, vol. iv. p. 68.

The Earl of Douglas had returned to Scotland in the year 1408, having with great difficulty obtained leave only to visit his native land. It required years of prolonged negotiations, and it was not until twelve Scottish noblemen had consented to become hostages for him during his absence, that the King of England permitted him to return.<sup>1</sup> In the same year, George Dunbar, Earl of March, was restored to his earldom by the good offices of Walter Haliburton, Lord of Dirleton, who effected his reconciliation with the Governor. The consent of the Earl of Douglas was obtained by his receiving the Castle of Lochmaben and lordship of Annandale in recompense for the Castle of Dunbar, which he had occupied on March's flight into England.<sup>2</sup> Haliburton, by whom this reconciliation was brought about, had become the son-in-law of the Duke of Albany, by marrying his daughter, Isabella, Dowager Countess of Ross.<sup>3</sup> For his services on that occasion Haliburton received hereditary possession of a forty pound land in the town of Brigham, in the county of Berwick.<sup>4</sup>

Shortly afterwards, in June 1409, the Duke of Albany and Archibald, Earl of Douglas, while the latter was still only on his parole from imprisonment in England, entered into a bond for mutual assistance and support, in which both agreed to defend each other against all their opponents, their allegiance to their sovereign, King James, alone excepted. The one was to inform the other of anything prejudicial to him which might come to his knowledge; in the event of their disagreeing, provision was made for an amicable settlement by means of the arbitration of a council of

<sup>1</sup> *Rotuli Scotiæ*, pp. 182-186. Original Indenture in Douglas Charter-chest.

<sup>2</sup> Fordun, a Goodall, vol. ii. p. 444.

<sup>3</sup> *Ibid.* Another Walter Haliburton married, about the year 1403, Lady Mary Douglas,

daughter of Archibald, third Earl of Douglas, and widow of David, Duke of Rothesay. She survived till about the year 1420.—[Exchequer Rolls, vol. iii. p. 594; iv. p. 343.]

<sup>4</sup> Fordun, a Goodall, vol. ii. p. 444.

seven persons chosen by both; if a question of fee and heritage arose, and the award of the council proved out of harmony with the opinions of the parties, the cause was to be settled by reference to the law ("in lufely manere as the lach will"); in case of discord or slaughter among their followers, and failure of their lords to bring about an arrangement, they promised to fall from them and refer the matter to the law of the land; they further agreed, that if any of their sons or grandsons, or of their brothers, should cause riot or disturbance in the country, or should rebel against or disobey either the Duke or the Earl against reason, the one should assist the other, either personally, or by one of his two eldest sons, with all their power, to suppress such rebellion. It was further agreed that if it happened the said Lord the Duke to grow in time to come to the estate of king, that this bond, as touching equal fellowship and estate, should then expire, but that all kindness should be kept betwixt them in time to come; and a clause in the indenture gave two of the grandsons of the Duke of Albany, Robert Stewart of Fife and Walter Stewart of the Lennox, and two sons of the Earl of Douglas, Archibald and James, both of whom were at this time in Durham as hostages for their father, the option of being included in the bond with their fathers.<sup>1</sup>

The relations between Albany and Douglas, ever warm and close, were drawn yet closer by a matrimonial alliance, John Stewart, Earl of Buchan, the second son of the Duke, marrying Lady Elizabeth Douglas, daughter of the Earl. An indenture between Albany and Douglas, with this as its object, was made at Perth on 21st July 1410.<sup>2</sup>

The release of the Earl of Douglas on parole was only to extend till Easter 1409, but the month of January following had arrived, and yet he showed no disposition to re-enter into the ward of the King of England. This gave occasion to a remonstrance by the latter, which was sent to Albany by

<sup>1</sup> Vol. ii. of this work, p. 277.

<sup>2</sup> *Ibid.* p. 281.

the hands of Edmund Bugge, one of the King's squires. His instructions were as follows :—

Instruccion geven to Emond Bugge, squier of the chambre of our sovereign lord the Kynge, sent by the same our lord the Kynge toward the Duc of Albanie, for to shewe hym the matires that folweth.

First, al thow that Archibaud Erl of Douglas, as it is notoirly knowen, and he hym self, as trewe knyght, may noght withseye it, be prisoner to our forsaid lord the Kynge, and for some chargeant nedes touchyng his estat, by hym shewed to the forseid our lord the Kynge, at his greet instance and pursuyte, yn conservacioun of hys estat, were licenced to goo in to Scotland vpon certain seuretee, yeven to the Kynge owr forseid sovereign lord, as wel by lettres of the same Erl sealed of hys armes, as by oth and in other manere, for to have be retourned and entred agayn at feste of Pasque last passed yn to the Castel of Durem, yn and to the warde of Sir Johan of Lancastre, sone to our forsaid lord the Kynge, other elles to the same our lord the Kynge yn what place he were at that tyme withoute fraude or mal engin. Neretheles, the forsaid Erl hath noght maked nor perfourmed that entree atte forseide feste, nother after hider to, althow that to do it he hath be duely requered.

And for so myche our forseid sovereign lord the Kynge, willyngge and dessiryngge the honeur of the ordre of knyghthood be kept in alle sides, requereth the forsaid Duc, yn conservacioun of the honeur of the forseid ordre of knyghthood, that he lette noght ne yeve no lettyngge to the forseid Erl of Douglas, prisoner to our forseid sovereign lord the Kynge, to come, entre and tourne agayn to hym as his trewe prisoner, as he is holden, bote that the same Duc consaille and excite the forseid Erl to doo it effectuely, as a trewe prisoner aghte doo, withoute fraude or mal engin.

Also, seththe the forseide Duc hath writen to the forseid our sovereign lord the Kynge, desiryngge and prayngge the deliverance of Mordake of Fyfe, sone and heir to the same Duc, it liketh wel to our forseide lord the Kynge, atte instance and priere of the forsaid Duc, that the forsaide Mordake, his sone and heir, be delivred by raunceon of fifty thousand marke, to be payed in cas that onre forsaid lord the Kynge take eny moneye for hym.

And yn cas that the forsaid Duc wil noght assente to the paieuent of swich a somme in manere forsaid, thenne it may discretly be asked of hym, yf he wil fynde any weyes thorgh whiche our forsaide lord the Kynge may be moeved and induced to condescende to the deliverance of the forseid Mordake his prisoner. And yn this caas, it wole lyke wel oure forseid lord the Kynge here hem and condescende to alle weyes resonable in fulfillynge of the desir of the same Duc in that partie, so that it be to the comun good of bothe royaumes of Engeland and Scotland.

And if it happe that the forseyde Duc wil desire, for the commoditee and comun profit, and for the good and tranquillitee of the forsaid royaumes of England and Scotland, and ofe the subgettes of the same, that ferme pees, other longe and good trieues, as wel by see as by lande may be accorded and stablissed, theune we may there upon certifie the Kynge our sovereign lord forsaid.

And if peraventure the same Duc wil holde hym coy and no thyngge touche of such weyes of pees other long trieues, thenne may the forsaid Emond Bugge of his propre mocion discretly touche of swiche weyes of pees or longe trieues as is above seyde, and yf by that mocion and touchynge the forseid Emond may fele the forseide Duc be ther of right desirous and assentyngge to eny of swiche weyes, thenne it may be seide to the forsaid Duc, that if swich pees or trieues be taken, they may be so good and so expedient for bothe roiaumes and the comun profit of the same, that our forsaid lord the Kynge shal mowe by that the better be enclyned to the deliverance of the forsaid Mordake for litel or right noght takynge for his raunceon, so that the same Duc make the forsaid Erl entre agayn as prisoner as he is holden.

Also ther as the herault of the same Duc cleped Albany hath moeved amonges othir thyngges to our forsaid lord the Kynge of contract of matrimonie to be maked betwixt my Lord John, sone to our forseyd lord the Kynge, and a doughter of the forsaid Duc; If that be proceded of the mocion and desir of the same Duc or noo, it is unknownen to our sovereign lord the Kynge forsaid.

And therefore our same lord sovereign the Kynge wyl that the forseyd Emond enfourme the forseyde Duc ofe and upon the same matire moeved by his forsaid heraud. And in caas that the mocion of that same matire have proceded ofe the wettyngge and desir of the forsaid Duc, thenne wil the same Duc certifie his



wille to our forsaied lord the Kynge by his lettres by the forseyd Emond. Whereupon the same our sovereign lord the Kynge, deliberacion had, wol yeve ther opon so effectuel answerc to the forseid Dne, that therofe, by the grace of God, he shal be content of resonu.

In wisesse of which thyng our forsaide sovereign lord the Kynge hath do set to this present instructioun his prive seal and his signet also. Writen at Westmonster, the xxv day of Januer, the yeer of the regne of the same our lord the Kynge enleventhe.<sup>1</sup>

The Earl of Douglas did not return to his captivity in England, as he succeeded in raising the money required for his ransom, and in this way fulfilled the requirements of knighthood.<sup>2</sup> The son of the Duke, Sir Murdach Stewart, had to remain in captivity, as the 50,000 marks demanded for his ransom could not be procured, and no other honourable mode of release presented itself to the Duke, as he was evidently not inclined to place the nation at any disadvantage in its relations with England for his own gratification.

The instructions of this commissioner bring to light a somewhat surprising motion for the union of the royal houses of Stewart and Lancaster, in the persons of John, son of the King of England, and a daughter of the Duke of Albany. Whether it had been part of the Duke's instructions to his herald does not appear. The King of England expresses his doubts as to that, and desires to be better informed by letters from the Duke himself on the subject. But here the matter ends, as no other document is known which relates the result of the mission of Edmund Bugge in this particular.

He was, at all events, successful in procuring that there should be a prolongation of the peace between the two countries, and after his return a

<sup>1</sup> Original in Cottonian Library, British Museum.

<sup>2</sup> Rymer's *Fœdera*, vol. ix. p. 7.

truce, to continue till 21st May 1411, was arranged at Hawdenstank on the 21st April, between the commissioners appointed by the King of England and Governor of Scotland. Albany was satisfied with the truce proposed by his commissioners, and on the 6th May wrote from Falkland Castle to King Henry the Fourth, intimating his entire acquiescence with the arrangement, which was that, on the last day of the month of May, letters of certification should be made and despatched by King Henry at Kelso, and the Duke at Berwick, and declaring that if the truce was accepted, it would be firmly maintained and observed by him and the people of Scotland, in all form and effect, as the truce of the previous year.<sup>1</sup>

Instead of accepting the truce on the last day of the month of May, as arranged, King Henry on that day appointed commissioners to meet with others to be appointed by the Scots on the 17th of June, to procure a truce lasting only till the feast of All Saints (1st November). This appears to have been resented by the Scots, as tidings reached the English Court in the beginning of July, that an invasion of England was intended by a considerable body of the Scots within a short time; and Henry issued letters on the 5th to a large number of knights and others to resist any such attack.<sup>2</sup> About this time Fast Castle, an almost impregnable fortress on the rocky coast of Berwickshire, was taken from the English by the skill and bravery of Patrick Dunbar, a son of the Earl of March,<sup>3</sup>—a happy result of the reconciliation of Albany with March and his family, who had hitherto held out the Scottish castles for the English against their own countrymen. It was but a few years previously that George Dunbar, another son of the Earl, had maintained the fortress of Colbrandspath for King Henry against the Governor.<sup>4</sup>

<sup>1</sup> Rymer's *Fœdera*, vol. viii. p. 635.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 444.

<sup>2</sup> *Ibid.* p. 640.

<sup>4</sup> Rymer's *Fœdera*, vol. viii. p. 410.

Before the close of the year matters had again become smother, and overtures were made for the making of another truce. The same commissioner, Edmund Bugge, was sent to the Governor, who wrote to Henry on the 2d of October, proposing a meeting between commissioners of the two nations; and in reply received a letter, of which the following is a translation :—

Henry, etc., to the noble and mighty Prince, the Duke of Albany, our most dear cousin, greeting and love. Noble Prince, our most dear cousin. --Returning lately to our presence, our well-beloved esquire, Edmund Bugge, presented to us on your behalf your letters written at Edinburgh, the second day of October last past, containing, among other things, that for the common profit of the two realms, and for the avoiding of the irreparable damages which by the waging of war would be likely to ensue (which God avert), it is your intention and will that commissioners of high and noble estate on each side, provided with sufficient powers for the causes expressed in our letters, presented to you by our said esquire, should meet at Haddenstank on Monday, the tenth day of February next coming, always reserving our willingness to consent ; whereof, and of our pleasure as to other matters, you desire to be certified by our letters, at the Abbey of Kelso, on the Feast of St. Andrew next coming.

Whereupon, noble Prince, our most dear cousin, be pleased to know that it is our intention, and that herein we are well inclined to cause to be sent at the day and place above expressed, our commissioners of such rank as your said letters make mention. But by reason of other most important concerns, to which it is highly necessary to have, in haste, the advice of the highest and wisest of our realm, we cannot well provide for the presence of men of such rank. On which account we have ordained to send to you at Kelso, on the 27th day of January next coming, our dear and trusty knight, Richard Redmayne, and our beloved clerk, Master Richard Holm, canon of York, to meet there, at that time, with commissioners of like rank of your side, to lay down distinctly the tenor of such treaties as shall be likely to be kept and maintained, and also the rank of the grand commissioners on the one part, and on the other, and the day and place at which they might meet on the March, for

making a final treaty of peace, or a long truce between the two realms, according to that which, on their meeting, may seem most expedient and needful, and to treat meanwhile on the reparation to be made for attempts contrary to the truce. Concerning which, noble Prince, our most dear cousin, in case that you are willing, on your part, to act in like manner, and what shall be your intention in this case be pleased to certify by your letters before Christmas next coming, at our town of Berwick, to our most dear son John, Warden of our East March towards Scotland, to whom we have written, to receive the same certification on our behalf for the more speedy fulfilment of the business.

Noble, etc., may our Saviour have you in his holy keeping.

Given at the Abbey of St. Alban's, the 14th day of November (1410).<sup>1</sup>

The regency of Albany was signalised by the establishment of the University of St. Andrews, which was the first in Scotland. It was opened in the year 1410, and several of the clergy were appointed Professors, and began their prelections; but the deed of foundation was not obtained from Rome until the year 1413.

Alexander Leslie, ninth Earl of Ross, married Lady Isabella Stewart, one of Albany's daughters. To them was born a daughter Euphemia, who is said to have been deformed, and on that account to have entered a convent. Her father died before 1405, as in that year she was under the care of the Duke, her grandfather, who, in a precept of sasine to Donald Caldor of the offices of Sheriff of Nairn and Constable of Nairn Castle, granted at Dingwall on the 11th of July of that year, is styled Lord of the Ward of Ross.<sup>2</sup> Countess Euphemia disposed her lands to her maternal uncle, John Stewart of Buchan, or, it may be, only expressed her intention of doing so, without regard to the claims of her paternal aunt Margaret, who had married Donald, Lord of the Isles, and was next heir. In right of his wife the Lord of the

<sup>1</sup> Contemporaneous Draft on vellum in the Cottonian Library, British Museum.

<sup>2</sup> The Thanes of Cawdor, p. 5.

Isles disputed the disposition of the earldom, and prepared to take it by force. Having raised an army of ten thousand men he entered the earldom, laying waste all the country he passed through, and proceeded towards Aberdeen, intending afterwards to reduce to his power all the country north of the Tay. But he was met at Harlaw by Alexander Stewart, Earl of Mar, and Alexander Ogilvy, Sheriff of Angus, with all the available strength of Mar and Garioch, Angus, and the Mearns, and on the 24th of July was fought one of the fiercest battles ever waged on Scottish soil. Although Mar's brave army suffered severely, the Lord of the Isles was practically defeated by him. Owing to the great slaughter among the loyal knights, the governor, at a Parliament held soon afterwards, declared that the sons of those who were slain should be infeft in their paternal estates without payment of the usual feudal fees, and that even minors should be permitted to enter to their lands at once.

The Duke of Albany followed up the battle of Harlaw by assembling an army and proceeding to the castle of Dingwall, the chief messuage of the earldom of Ross, which had been in the possession of the Lord of the Isles. He seized the castle, and appointed a keeper. The approach of winter prevented further operations at that time, but in the ensuing summer the Duke raised three armies and attacked Donald, Lord of the Isles, in his own strongholds. The island chieftain, however, shunned the combat, and came to the Duke's peace at Loch Gilp, where he gave hostages for his future good behaviour, and for indemnifying the injuries he had caused to the lieges.<sup>1</sup> The Duke of Albany also took the opportunity of strengthening the power of the Crown in the north, by causing a castle to be built at Inverness, under the direction of Alexander, Earl of Mar, who was for several years engaged in superintending its construction, and also with others in securing the peace of that part of the country against the Lord of the Isles and the Caterans.<sup>2</sup>

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 445.

<sup>2</sup> Chamberlain Rolls, vol. iii. pp. 47, 58, 66, 69.



The Lord of the Isles renounced, at least for the time, his claim to the earldom of Ross, which was afterwards resigned by Euphemia, Countess of Ross, into the hands of her grandfather the Governor, on 12th June 1415, and on the 15th of the same month it was regranted by the Duke to her and the heirs of her body; whom failing, to John Stewart, Earl of Buchan, and his heirs-male; failing him, to Robert Stewart his brother, and his heirs-male; and failing them, to the King and his heirs, being Kings of Scotland.<sup>1</sup> John, Earl of Buchan, afterwards possessed the earldom, and was for some time styled Earl of Buchan and Ross. He was slain in Normandy, at the battle of Verneuil, in August 1424. Dying without issue, his brother Robert should have inherited the earldom of Ross, but as it was claimed by the Lord of the Isles, King James the First appears to have taken advantage of the dispute and seized the earldom. Although Robert Stewart lived until 1431, he is never mentioned as Earl or Lord of Ross, but only as a Crown pensioner. James afterwards bestowed the earldom of Ross upon Alexander, Lord of the Isles.

The Duke of Albany was also allied by marriage with the family of Argyll, Duncan, first Lord Campbell, having married Lady Marjory Stewart, another daughter of the Duke. Albany granted a charter to his beloved son, Duncan Campbell of Lochaw, of the lands of Menstrie, in the shire of Clackmannan. To this charter, dated at Stirling, 18th January 1414, Henry Percy, Earl of Northumberland, is a witness, along with William Douglas of Logtoun.<sup>2</sup> This is probably the only instance in which a Percy and a Douglas have been found together as attesting witnesses in a royal Scotch charter. The young Earl was still a refugee at the Court of the Governor.

Although a six years' truce had been agreed to in 1412, of which the

<sup>1</sup> Original in Charter-chest at Leslie House.

<sup>2</sup> Original in the Duke of Argyll's Charter-chest.

Duke of Albany at once took advantage to seek the release of King James and the nobles and knights held in captivity by the English king, a new truce was found necessary in the following year. A commission to ambassadors was granted by the Governor, at his castle of Doune in Menteith, in the autumn of 1413, which is here translated from the original Latin :—

Robert, son of the King of Scotland, Duke of Albany, Earl of Fife and of Meuteith, and Gouvernor of the kingdom of Scotland, to all to whose knowledge these present letters shall come, greeting : Know ye that we, fully confiding in the fidelity, wisdom, and prudence of our beloved and faithful Patrick Dunbar of Bele, our cousin, William Hay of Lochorwart, and William of Borthwick, knights, have made, constituted, and ordained, and by these presents make, constitute, and ordain, with knowledge and consent of Council, them and each, conjunctly and separately, our special deputies, commissioners and ambassadors, giving and granting to them and any one of them, conjunctly or separately, our full power and special commandment to meet with any commissioners or deputies appointed by Heury, King of England, our adversary, on days and at places on the marches of England and Scotland or thereabout to be agreed upou ; also to treat and confer with the saids commissioners of our foresaid adversary, of and concerning a general truce by sea, and a particular truce by land, between us and the kingdom of Scotland and our said adversary and kingdom of England, and the lieges and subjects of both kingdoms, to be made and confirmed, and to endure for such time as shall seem expedient to you and the commissioners of our adversary ; and to treat of, do and arrauge all and every other thing needful or conducive to the due expedition of the premises, even although these should require a more special command ; holding and promising to hold whatever our said commissioners or any one of them, conjunctly or separately, shall cause to be done in the premises or any of the premises. Given under testimony of our Great Seal, at our Castle of Doune in Menteith, the 7th day of the month of August, the year of our Lord one thousand four hundred and thirteen, and of our governorship the eighth year.<sup>1</sup>

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 45. This castle has been erroneously supposed to have been erected by Murdach, second Duke of Albany. But the fact of the existence of the

The commissioners were successful in arranging a truce to last from 15th August to the 1st of June following.<sup>1</sup>

In the same year, in view of the marriage of his son, John Stewart, Earl of Buchan, which had not yet taken place, the Duke of Albany confirmed a number of charters of lands to him and his intended spouse, Lady Elizabeth Douglas. The Earl of Douglas resigned into the Governor's hands the lands of Stewartoun, Ormisheuch, and Dunlop, in the barony of Cunningham, and the lands of Trabuyage in the earldom of Carrick, all in Ayrshire, which were granted to the Earl of Buchan. The lands of Touchfraser, in Stirlingshire, which the Earl of Buchan had received six years before from his grandfather, William Keith, Marischal of Scotland, were also resigned by and regranted to him, and the Governor added the barony of Tillicoultry, in Clackmannanshire. Most of these charters were granted about the beginning of November, and one of them on the 24th of November, after the Duke had returned to Doune Castle.<sup>2</sup>

The Governor becoming anxious for the return of his eldest son, Sir Murdach, from England, had sent repeated embassies to obtain the release of both him and the King, but hitherto without success. In this year, 1413, he sent his son John, Earl of Buchan, to the King of England, along with his own chaplain, John Busby, and a squire, John Porter, to treat for Sir Murdach's release.<sup>3</sup> The last-named commissioner had special business with Sir Murdach himself, and received a safe-conduct to go to him.<sup>4</sup> There were at the same time in England two other Scottish embassies, one of which was negotiating for the release of the King, the other, some arduous business connected with the two realms.<sup>5</sup>

castle as a residence of Duke Robert, shows that his son could not have been the builder of Doune. A full history of the castle is given in a subsequent chapter of this work.

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 60.

<sup>2</sup> *Registrum Magni Sigilli*, pp. 254-256.

<sup>3</sup> Rymer's *Fœdera*, vol. ix. p. 48.

<sup>4</sup> *Ibid.* p. 125.

<sup>5</sup> *Ibid.* pp. 71, 79, 145.

The Scottish commissioners appointed to treat for the release of the Duke's son had safe-conducts from Henry the Fifth of England, dated 12th May 1415, to proceed to Calthill, near Berwick, and there exchange Henry Percy for Murdach Stewart,<sup>1</sup> but the proposal was not at that time carried out, and in the beginning of the month of August tidings reached King Henry at Southampton that the Scots were preparing to go to war with England.<sup>2</sup> On the 5th of the same month he appointed commissioners to meet with others from Albany to negotiate a truce,<sup>3</sup> but on the 14th, and also the 24th, the King of England stated that he had received information that Albany was about to lay siege to Berwick-on-Tweed both by land and sea, and had raised a very great army for this purpose, as well as equipped ships, and that the attack was to be made within a very short time, an invasion of England being also intended.<sup>4</sup> We do not find that any such grave conflict took place, save that, as an ancient historian records, in this year, 1415, the town of Penrith was burned by Archibald, Earl of Douglas, and that in return the English burned the town of Dumfries.<sup>5</sup>

Before the close of the year, however, Henry agreed to carry out the arrangement for the exchange of Sir Murdach Stewart and Henry Percy, and this was finally accomplished in the beginning of the following year. It would appear as if this exchange had been first moved by Percy himself who was anxious to return to his possessions and earldom on being assured of King Henry's good-will towards him, but the Governor refused to allow him to depart until some arrangement was made about the Scottish prisoners. He was willing, however, to agree to the exchange, and the King of England likewise agreed, but only on condition that Percy would

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 244.

<sup>2</sup> *Ibid.* p. 299.

<sup>3</sup> *Ibid.* p. 302.

<sup>4</sup> Rymer's *Fœdera*, vol. ix. pp. 307, 310.

<sup>5</sup> Fordun, a Goodall, vol. ii. p. 448.

take on himself the burden of £10,000 demanded by him for the ransom of Sir Murdach. This Percy undertook, and settled the matter with Sir Murdach afterwards.

The King of Scotland was too valuable a prize to be permitted to return to his country on similar terms, although immediately after his son's release Albany despatched an embassy to the English King to ascertain on what conditions he would consent to restore the royal captive. The commissioners were John Hailes, Abbot of Balmerino, Sir John Forrester of Corstorphine, and Walter Ogilvy, and their endeavours were so far attended with success that an arrangement was made by which James was to visit his kingdom, and return again into England, on condition of hostages to the value of 100,000 marks being found for him. The Scottish commissioners received their safe-conducts in the beginning of May 1416, and before the expiry of that year Henry appointed Thomas, Bishop of Durham, Henry, Earl of Northumberland, and Ralph, Earl of Westmoreland, to receive the hostages and securities.<sup>1</sup> On the same day (8th December 1416) on which Henry granted this commission, he also empowered the commissioners above mentioned to grant safe-conducts to some notable persons coming from Scotland to King James in England, while he himself granted the like to Walter Stewart, Earl of Athole, Sir William of Graham, Alexander Lindsay, Earl of Crawford, George Dunbar, son of the Earl of March, Henry, Bishop of St. Andrews, William, Bishop of Glasgow, William Douglas of Drumlanrig, Archibald, Earl of Douglas, Alexander Stewart, Earl of Mar and Garioch, and the two eldest sons of the Duke of Albany, Sir Murdach and John, Earl of Buchan.<sup>2</sup> Their business could only be the important one of the King's release, or to make arrangements for a temporary visit, and in this the Duke, as he could not leave the affairs of the kingdom to go in person in the expectation of

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 417.

<sup>2</sup> *Ibid.* p. 418.



meeting his Sovereign, both used his authority as Governor, and sent his two sons to represent him. The arrangement, however, was never carried into effect, and King James was still detained in England.

Albany continued, therefore, to discharge the onerous duties of Regent, and with evident acceptance to both nobles and people. He gave licence, dated 3d March 1416, to James Dundas of Dundas, to build, fortify, and erect in height his tower at Dundas in form of a castle, to surround it with walls and ditches as he pleased, and to appoint a constable, porter, and other keepers, with the powers usual to such in any Scottish castle.<sup>1</sup> To the Church likewise the Duke was generous, and maintained its privileges. He frequently ratified the grants and immunities which had been conceded to the Church by the Kings of Scotland, besides giving grants himself. On 8th September 1406, at Falkland, he granted the third part of the lands of the barony of Rosyth for the support of a chaplain in the parish church of Inverkeithing, for the souls of his wife Muriella, Duchess of Albany, her father, William Keith, Mareschal, and others;<sup>2</sup> and on the 26th of June following, he gave half of his annual rent of twenty marks of the lands of Cragorth for the sustenance of a chaplain in the chapel of Michael the Archangel in Stirling Castle, where masses might be said for his own soul and those of his two wives Margaret and Muriel, and their children, and also for the souls of the Kings of Scotland since King Robert the Bruce.<sup>3</sup> In 1406, when the Bailies of Ayr were condemned in £140 for absenting themselves from the Exchequer Audits for fourteen years past, the Governor and Lords Auditors remitted the amount on condition that the Communitas of Ayr would cause three trentalia<sup>4</sup> of masses to be

<sup>1</sup> Historical Manuscripts Commission's Third Report, Appendix, p. 413.

<sup>2</sup> Registrum Magni Sigilli, p. 227.

<sup>3</sup> *Ibid.* p. 231.

<sup>4</sup> An office for the dead lasting thirty days, or consisting of thirty masses.

celebrated for the souls of the Kings of Scotland, the Duke of Rothesay, and all the faithful deceased.<sup>1</sup> In 1408 he granted the rents of the lands of the bishopric of Moray, which were in the hands of the Crown for the time, the see being vacant, to the Earl of Moray, for the rebuilding of the Cathedral Church of that diocese at Elgin, and another grant of £79, 15s. 6d. was made to the Bishop of Moray in 1413 for the same purpose.<sup>2</sup> The whole of the fees of the Chamberlain-ayres at Edinburgh, in 1409 and 1413, with the exception of their expenses, were granted in those years to the work of St. Giles's Cathedral in that city; and on another occasion, in 1414, when the parish church of Stirling was destroyed by fire, he granted the proceeds of the Chamberlain Court held in Stirling for its restoration.<sup>3</sup> Again, on the 26th June 1417, when the Sheriffs of Aberdeen and Banff were disposed to trespass upon the privileges of the clergy in that part, the Duke wrote straitly commanding them to forbear.<sup>4</sup> And thus by a wise discretion he preserved peace and harmony in the country, and procured for himself the favour of all classes, both of clergy and laity.

Previous to 22d June 1417, the Duke was present at Justice-ayres held at Ayr, and also at Irvine.<sup>5</sup> At the latter burgh he adjudicated on a cause which had arisen betwixt the burghers and William Frances of Stane, and the following deliverance is interesting as revealing his sound discretion and prudence in such matters :—

Robert, Duke of Albany, Earl of Fife and Menteith, and Governor of the kingdom of Scotland, to all and sundry to whose knowledge the present letters shall come, greeting. Because it is pious and meritorious to bear testimony to the truth, and particularly in a cause or case in which concealment of the truth respecting fees and heritage might be created to innocent persons, hence it is that we notify to you all,

<sup>1</sup> Exchequer Rolls, vol. iv. pp. 22, 23.

<sup>2</sup> *Ibid.* pp. 68, 173.

<sup>3</sup> *Ibid.* pp. 129, 188, 210.

<sup>4</sup> Acts of the Parliaments of Scotland, vol. xii. p. 22.

<sup>5</sup> Chamberlain Rolls, vol. iii. p. 91.

by the tenor of these present letters, that on account of a certain disagreement moved between the bailies, burgesses, and community of the burgh of Irwyne on the one part, and William Frances of Stane on the other part, respecting a certain claim of heritable possession of a piece of moor lying at the west end of the chapel of Saint Bridgidie, in the barony of Conynghame in the sheriffdom of Are, on account of which disagreement moved betwixt the said parties, and for avoiding the evil and ills which might thence arise, we caused the said piece of moor, with its pertinents, to be duly recognosced into our hands a long time ago, and afterwards for putting a termination to the said disagreement, and for seeing, declaring, and finally determining to which of the said parties the said piece of moor, with its pertinents, ought to belong and of right and reason to remain with, we caused to be duly summoned by our bailie of the barony of Conynghame, by our letters-patent under our seal, the aforesaid parties, together with the better and more faithful men of the country, in proper person to appear before us on Saturday the 24th day of July, personally on the said account. On which day the said summons being duly proved before us then by good and faithful men of the country, by whom the truth of the thing could be better known, their great oath intervening, viz., John of Camera of Gadgirth, John Locarde of the Bar, Robert Roos of Tarbart, John of Arnot of Lochrig, Robert of Fergushill of the same, Henry of Conynghame, John Boyle of Caleburn, Alexander Frazer of Knock, Finlay Monfode of the same, John of Langmuir of the same, John Homil, Gilbert Spere, John Gibbounson, William Dobynsoun, and Adam Lachlane, we caused to be diligently and faithfully inquired which of the said parties was in possession of the said piece of moor at the time of our recognition aforesaid, and being sworn and well and maturely advised and counselled, in one voice, with no difference, said, declared, and finally determined that the aforesaid bailies, burgesses, and community were in possession of the said moor, with its pertinents, at the time of our recognition above mentioned, and therefore the said moor, with the pertinents, in presence of many chiefs of the realm, barons, knights, and nobles of the kingdom, namely, Murdach Stewart of Kyncelevine our lieutenant, John Stewart, Earl of Buchan, our dearest sons, John of Montgomeri of Ardrossan, Winfrid of Conynghame of Auchtermachane, knight, Alexander of Levingstoun of Kalandare,

William of Conynghame of Kilmawris, and Archibald of Conynghame of Auchinbowie, and many others of deliberate counsel, we deliver in surety to the said bailies, burgesses, and community as possessors of the same, as we were bound and ought to do in consequence of the office we had undertaken, etc. etc.<sup>1</sup>

The King of England had gone to France with the flower of his army, leaving his own kingdom in the care of his brother, the Duke of Bedford. During his absence, says an English historian, the Lollards (a political party opposed to the House of Lancaster), under the leading of Sir John Oldecastle, began to scheme madly and to incite the Scots, both by entreaties and promises of money, to enter England, assuring them that it would be easy work. William Douglas, it was said, had been spoken with at Pontefract, and promised a large amount of gold if he succeeded in raising his countrymen to undertake the invasion. They desired the Scots also to bring with them the person at that time at Albany's Court, whom many thought to be King Richard of England, so that he might show himself as King of England.<sup>2</sup> The Scots gathered to the fray with alacrity, and the Governor, dividing his army into two portions, sent one of them under Archibald, Earl of Douglas, to besiege Roxburgh Castle, while he himself proceeded to Berwick.<sup>3</sup> Douglas had commenced the siege of Roxburgh by undermining the walls, but when the Duke of Bedford, with other English nobles, was announced to be rapidly approaching, at the head of more than a hundred thousand men,<sup>4</sup> the enterprise was suddenly abandoned, and the Scots retired somewhat precipitately, on account of which the incident, says a Scottish chronicler, was afterwards commonly known as "the foul raid."<sup>5</sup>

In the year 1417, the question of the occupancy of the Papal throne

<sup>1</sup> Translation from Topographical Description of Ayrshire, by George Robertson.—Original in Irvine Town-Council Charter-chest.

<sup>2</sup> Walsingham, p. 446.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 449.

<sup>4</sup> Walsingham, p. 447.

<sup>5</sup> Fordun, a Goodall, vol. ii. p. 449

commanded the attention of the Parliament and people of Scotland in a special manner. The Council of Constance had been sitting for several years, but without any representative from Scotland, which at this time was the only kingdom adhering firmly to Pope Benedict the Thirteenth. In this year, however, the Council sent a commissioner to invite the adherence of Scotland, who made known his errand in an address before the Governor, and the three Estates of the kingdom met in Parliament at Perth. The Emperor Sigismond wrote at the same time to the Governor and Parliament urging union with the Council. On the other hand, Benedict wrote to the Governor and Parliament to stand fast in their obedience to him. The Duke of Albany personally favoured the claims of Benedict, and obtained an English friar, Robert Harding, to dispute the matter against the commissioner of the Council of Constance. The entire University of St. Andrews were quite opposed to the English priest, but he, backed by the Governor, stubbornly pursued the debate. At length the question was to be settled in Parliament on the 2d or 3d of October, and Harding did his best to keep back the kingdom from the Council, and from transferring their obedience from Benedict to Pope Martin the Fifth, who had lately been appointed by the Council of Constance; but it was to no purpose, as the Scottish clergy, preferring a united Church to standing out singly for Benedict, obtained a resolution of Parliament to accede to the Council of Constance and Pope Martin.<sup>1</sup>

The fate of King Richard the Second of England became a question during the regency of Albany. Towards the close of the reign of King Robert the Third there was brought to his Court a person said to be King Richard. He had been found wandering in the Western Islands, and was sent to King Robert by the Lord of the Isles, under the belief that he was the late King of England. Although the captive denied the identity, he was

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 451.



detained at Court, and after King Robert's death Albany continued to maintain him. On his death in 1419 he was buried at Stirling, and a monument erected to him as King Richard. Frequent references to this person, as King Richard of England, occur in the Exchequer Rolls, between the years 1408 and 1417, showing that during the Regency he was maintained at Albany's own charges. A memorandum in the account rendered on 22d June 1417, notes that Albany had received no allowance for the expenses of the custody of King Richard of England since the death of King Robert the Third, a period of eleven years. The auditors estimated the cost at 100 merks yearly, and stated the amount due to the Regent as £733, 6s. 8d.<sup>1</sup>

While the Scottish Court treated this person as Richard, and his adherents in England raised rebellions in his behalf, King Henry the Fifth dealt with him as an impostor, and the evidence adduced in the course of the discussion which the subject has evoked proves that he was Thomas Warde of Trumpington, a half-witted Englishman, who bore some resemblance to King Richard. The imposition was chiefly maintained by an accomplice, William Serle, once a servant of Richard, who obtained possession of the royal signet, and sealed forged letters in the name of his master. Serle was ultimately taken by the English and put to death.

The friendly relations between England and Scotland were still insecure, and any truces made were little regarded when anything occurred to rouse the spirits of either nation. Henry was again at war with France, and King Charles the Sixth, feeling himself in danger, wrote to Albany to afford him some help against the King of England, in accordance with the treaties between France and Scotland. Before doing so, the Governor assembled the Parliament, and by them it was agreed that the Governor's second son, John Stewart, Earl of Buchan, who was already famous as a soldier, should

<sup>1</sup> Chamberlain Rolls, vol. iii. p. 25.

go to France with seven thousand knights and soldiers. The Scots were cordially received by the French King, and won laurels for themselves in the field, the Earl of Buchan so distinguishing himself by his bravery that he was created Constable of France.<sup>1</sup> On learning that ships had been despatched to Scotland for assistance, Henry wrote to England with instructions that they should be intercepted,<sup>2</sup> but if any attempt was made to carry out this order it was not successful.

Not long after this the Duke of Albany, worn out by a long life of labour, died at Stirling, being upwards of eighty years of age. He died, says the historian, quietly in his bed, after partaking of the Sacraments, in a sound mind, and in a Christian manner. He was buried in Dunfermline Abbey, between the choir and the Chapel of our Lady, and on his tomb was placed the following epitaph:—

Jura tuens, et pacis amans, et maximus armis,  
 Robertus primus, dux in Albania summus,  
 Gratia naturae speculum, quo vera refulcit  
 Justitia, et quicquid in principe mundus adorat,  
 Occidit, et pariter decus et pax, Scotia, totus  
 Excidit, Roberto custode rebus adempto,  
 Anno milleno quater C. X. que noveno.  
 Ejusdem flamen cum Christo gaudeat. Amen.<sup>3</sup>

Bower, the continuator of Fordun, states that the death of the Duke took place on the 3d September 1419, but this is evidently a mistake, as it does not agree with his statement that Albany ruled Scotland for fifteen years. Besides, in the Chamberlain's account rendered at Perth on 28th July 1420, there is evidence of the Duke's being alive at that date,<sup>4</sup> while in

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 458.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 466.

<sup>2</sup> Rymer's *Fœdera*, vol. ix. p. 791.

<sup>4</sup> Chamberlain Rolls, vol. iii. p. 109.

that rendered about a year later he is mentioned as deceased.<sup>1</sup> And in addition to these there is in the Register of the Great Seal a charter by King James the First, dated 29th August, anno 25 (1430), confirming a charter by Robert, Duke of Albany, to William, Lord of Graham, and his wife Mariota Stewart, the Duke's sister, and Robert of Graham his son, of the lands of Aldmonros and others, dated at "Faulkland, quarto die mensis Augusti anno Domini, millesimo quadringentesimo vicesimo, et gubernacionis nostre quinto-decimo"—4th August 1420, and of our government the fifteenth year.<sup>2</sup>

It will not be amiss to notice here the character given to the Duke by those historians who lived in his time, that it may be placed in contrast with that which is generally attributed to him by later historians. The facts of his life, as related in the preceding pages, will show which view of his character is the correct one.

The prejudices of Pinkerton made him distort almost every act in the life of Albany to his discredit, yet he is obliged to admit that Albany had many good qualities. He says that his person was tall and majestic, his countenance amiable; temperance, affability, eloquence, real generosity, apparent benignity, a degree of cool prudence, bordering upon wisdom, were among his virtues, and it will be seen that this description of them is derived from contemporary historians. The vices with which Pinkerton charges Albany are vouched for by no authority whatever, but derived solely from his own imagination, which from his youth was sometimes too lively.

Tytler, who is generally impartial, has unfortunately been misled by Pinkerton in estimating the character of Albany. The contemporary historians are much more reliable than those of modern times, and we shall hear what they say of Albany.

<sup>1</sup> Chamberlain Rolls, vol. iii. p. 117.

<sup>2</sup> Registrum Magni Sigilli, Lib. iii. No. 81, ms.



The continuator of Fordun, Walter Bower, Abbot of St. Colme, in Albany's earldom of Fife, from the year 1418, says of him:—He ruled as Governor, after the death of his brother, for fifteen years; and if perchance it was the case that great crimes committed by the powerful nobles were as if winked at by the Governor, it was owing to his prudently seeking the most fitting season for bringing about a reformation, and not using force where it would not have been successful.<sup>1</sup> He was one of the most patient of men, gentle and kind, affable and communicative, ordinarily sociable, somewhat extravagant, open-handed to strangers, singular above all his compeers. In stature he was tall, and comely in form, with white hair and an amiable countenance; he was endued with patience and fortitude, with temperance and constant forbearance. Indeed, wisdom had so adorned him as if with the ornament of every virtue, that his speech was always gracious

<sup>1</sup> The crimes to which Bower seems here to refer were probably the frequent assaults made upon the officers of the Crown who collected the revenues, the custumars of Edinburgh and Linlithgow being most frequently the victims. The practice, initiated by the Duke of Rothesay when Lientenant of the King, had been imitated by several of the more powerful nobles and barons, of whom the chief offenders were the Earl of Douglas and his brother James, Walter of Haliburton, William of Borthwick, and George of Dunbar, son of the Earl of March. These at times waylaid the custumars, or enticed them into their castles, and refused to release them until they paid down certain sums of money, and at other times they shipped off their goods or removed them from bond without payment of the dues. One of the most flagrant of these assaults was

perpetrated by William of Borthwick, captain of the Castle of Edinburgh, who, in 1419 or 1420, insisted on having his goods shipped, although the Governor had prohibited exportation for the time, and when the officer in charge, Robert of Lorn, had prepared his books for the Exchequer Andit, he sent for him, took his books, and would not restore them; and in addition to this, besides the fee for the custody of the castle, his servants and those of the Earl of Douglas had taken from the customs no less a sum than £884, 16s. For his care in making a note of what skins William of Borthwick had got shipped during the prohibited time, Robert of Lorn was rewarded by the Governor with a gift of £1, 13s. 4d.—[Exchequer Rolls, vol. iv. pp. 321-323.]

and wholesome, whether in the highest Courts of the realm or in any other. This is valuable testimony as coming from one who wrote in the reign of James the Second, when, as a recent historian remarks, all were at liberty to speak freely of the actions and character of Albany, and time had been given to this writer to investigate and discover the truth.<sup>1</sup>

A later history, which does not take a favourable view of Albany's character, yet says very little about him, admits that great fertility reigned in the kingdom under the Duke's Government.<sup>2</sup>

Wyntoun also, who lived in Scotland during almost the entire period of the Duke of Albany's life, is entitled to be heard. He was Prior of St. Serf's Inch in Loehleven, in the county of Kinross adjoining Fife, and had thus ample opportunities of observing the true character of Albany, which he extolled in the following glowing encomium:—

He wes full brothire to the King,  
That last, as ye herd, máid endyng.  
He wes a [seimly] fair persown,  
And had of wertewis bie renown ;  
He wes fair [and] plesand in youtheid,  
Stout and wycht<sup>3</sup> in rype manheid ;  
In-til his eld in-til Scotland<sup>4</sup>  
Mare wys than he wes náne livand ;  
He wes of hey and faire stature.  
He luyt and hououryt his Creature ;  
At Goddis service, and at his Mes,  
In all tym rycht deŵote he wes.  
He wes a constant Catholike ;  
All Lollard he hátyt and heretike.

<sup>1</sup> Tytler's History of Scotland, vol. ii. p. 467.

<sup>2</sup> Liber Pluscardensis, p. 369.

<sup>3</sup> Brave.

<sup>4</sup> In his age in Scotland.



In chastitè he led his life,  
 But all foul lust, be-sid his wife.  
 He ete and drank bot sobirly,  
 And all tym fed hym-self fairly.  
 To Lordis a meroure clene wes he  
 Of honoure and of honestè.  
 To-giddir had all the pryneis bene  
 Of all the warld, and he thare sene.  
 Of thame all suld ná persown  
 Be than he worth mare renown.  
 Be wërtuous aporte,<sup>1</sup> fair having  
 Resemyl he couth a mychty King ;  
 To that báith curtas and cunnand<sup>2</sup>  
 He wes, báth habyl and avenand ;<sup>3</sup>  
 To knyechtis and sqwyeris and all genty  
 He wes famyliare and humyle.  
 Ye bischopis, abbotis, and prelatis,  
 Thron hym ye joysit wele your státis ;  
 In kyrke for-thi at youre alteris  
 Ye spend for hym devote prayeris.  
 All kyrkmen of laware greis,  
 Bowys to God for hym youre kueis ;  
 He wes to yow in generale  
 Lele, luvand, and rycht speciale.  
 Ladys, madynis, and women all,  
 This Prynce ye suld your consorte call !  
 And specialy with your prayeris pure  
 Commend hym til his Creature.  
 Husbandis [hále] that wynnis the corne,  
 He has oft gert you be forborne

<sup>1</sup> Conduct.<sup>2</sup> Courteous and knowing.<sup>3</sup> Able and polite.

Of thá, that litil or nocht wald pay ;  
 It is youre det for hym to pray.  
 For the pure commownys he maid defens  
 All tym wytth gret diligens ;  
 His bed-men thai suld be for-thi,  
 And pray for hym rycht hartfully.  
 Lele and luvand he wes but let  
 Tyl all, that aucht that of det.  
 For petè he wald mony spare,  
 Set cause requiryt to greve thaim sair.  
 The tend persown he wes be get  
 In lineale descens frá Sanct Margret :  
 Of that rute the kynd flewoure,  
 As flouris havand that sawoure,  
 He had, and held, and all tym grew,  
 Ay burjownaud<sup>1</sup> in bowntè new.

Thare mycht of hym yeit be said mare,  
 Gyf I to that of wertew ware ;  
 Wyth tethe for-thi my toung I steke :  
 Of hym enuch I can-noucht speke.  
 The froit of hym God grant to be  
 Sic, as in his tym wes he !  
 Thinc propire prole hym parify<sup>2</sup> frá plycht, and frá pyne,  
 Thou vertuous, inviolate, and verray Virgyne.<sup>3</sup>

There existed, in the church of St. Giles at Ediuburgh, a pillar which bore the name of the Albany pillar, from having on its capital two shields of arms, one on the south side bearing the arms of the Duke of Albany, and the other on the north those of Archibald, fourth Earl of Douglas.<sup>4</sup>

<sup>1</sup> Sprouting.

<sup>2</sup> Protect.

<sup>3</sup> Wyntoun's Cronykil, vol. ii. pp. 418-421.

<sup>4</sup> Charters of Church of St. Giles, p. xiii.

Wilson, in his Memorials of Edinburgh, suggests that this is the remaining token of an expiatory offering of a chapel for the murder of the Duke of Rothesay, which he has little doubt was committed by these two nobles.<sup>1</sup> But he might have found a better reason for the Albany and Douglas arms being in the church, in the fact of their being contributors to the reparation of that edifice,<sup>2</sup> and the custom which obtains, even in the present day, of decorating cathedrals with the armorial bearings of the nobility.

The Duchess Muriella survived the death of her husband, Duke Robert, for a considerable time, and had an annual pension from King James the First of £100.<sup>3</sup> She is frequently mentioned in the Chamberlain Accounts from 1426 to 1449, as receiving payments of her pension, and some smaller grants.<sup>4</sup> She died shortly before Whitsunday 1449.

By his two wives Duke Robert had four sons and six daughters.

1. Murdach, only son of Countess Margaret. He succeeded his father as Duke of Albany, etc., and was eleventh Earl of Menteith.
2. John Stewart, eldest son of Duchess Muriella. He became Lord Chamberlain of Scotland, and was created Earl of Buchan. He married Lady Elizabeth Douglas, daughter of Archibald, fourth Earl of Douglas. Their only child Margaret married George, Lord Seton. As already stated, the Earl of Buchan was, for his bravery in France against the English, created by the French King Constable of France. He was slain on the field of Verneuil, in France, on the 18th August 1424.
3. Andrew Stewart, second son of Duchess Muriella. In the grant of

<sup>1</sup> Memorials, vol. ii. p. 168.

<sup>3</sup> Chamberlain Rolls, vol. iii. p. 212.

<sup>2</sup> Charters of Church of St. Giles, pp. xci, xcii.

<sup>4</sup> *Ibid.* pp. 182, 219, 235, and Exchequer Rolls, vol. iv. pp. 417, 466, 613, clxxvii, etc.

the earldom of Buchan by Robert, Duke of Albany, to his son John, on 20th September 1406, the destination, in the case of the failure of heirs-male of John, is to Andrew Stewart his brother-german, and the heirs-male of his body ; whom failing, to Robert Stewart his brother-german, and his heirs-male ; the lands of Touchfraser and barony of Obeyn, given to John, Lord of Buchan, by Sir William Keith, Marischal, contained a similar destination.<sup>1</sup> Andrew appears to have died without issue before the year 1413, as in a charter granted in that year to Euphame, Countess of Ross, with a taillie to John, Earl of Buchan, he is omitted, and the destination in failure of heirs-male of John, is to Robert Stewart his brother, etc.<sup>2</sup>

4. Robert Stewart, youngest son of Duchess Muriella. He accompanied his brother John to France, and is generally stated by historians to have fallen with him in the battle of Verneuil. This, however, is a mistake, as he was alive in 1431, and received in that and the two previous years a pension out of the customs of the burgh of Dundee of £13, 6s. 8d.<sup>3</sup>

Of the six daughters of Duke Robert, Lady Janet, the eldest, is the only one of whom it can be said with certainty that Countess Margaret was the mother. But the Countess was probably also the mother of several of the others. The names of the daughters are :—

1. Lady Janet, who was contracted in marriage, on 20th July 1372, to David of Loen, eldest son of Sir Bertold of Loen and Lady Philippa Moubray of Barnbogle.<sup>4</sup>

<sup>1</sup> Registrum Magni Sigilli, pp. 229, 230.

<sup>2</sup> Robertson's Index, p. 160.

<sup>3</sup> Exchequer Rolls, vol. iv. pp. 470, 500, 532.

<sup>4</sup> See also p. 10 of this volume.

2. Lady Maria, married Sir William Abernethy of Saltoun, and had issue. Two of their sons, William and Patrick, are mentioned in the Chamberlain Accounts as grandsons of the Governor in 1407 and 1414. The latter was dead in 1418.<sup>1</sup>
3. Lady Margaret, who married, 1st, after 1390, John Swinton of Swinton, who was killed at Homildon in 1402; and 2d, Robert Stewart of Lorn, to both of whom she had issue. A son by her first husband is mentioned in the Chamberlain Accounts, in 1415 and 1417, as John of Swinton, grandson of the Governor.<sup>2</sup>
4. Lady Isabel, who married, 1st, Alexander Leslie, Earl of Ross: 2d, Walter Haliburton of Dirleton, to both of whom she had issue.
5. Lady Marjory, who married Sir Dunean Campbell of Lochaw, afterwards Lord Campbell. Their grandson was the first Earl of Argyll.
6. Lady Elizabeth, who married Sir Maleolm Fleming of Cumbernauld, and had issue.<sup>3</sup>

<sup>1</sup> Exchequer Rolls, vol. iv. pp. 42, 197, 297.

<sup>3</sup> Charter 28th June 1413, Diplomata

<sup>2</sup> *Ibid.* pp. 226, 279.

Scotiae, No. LXII.













SIR MURDACH STEWART, SECOND DUKE OF ALBANY, EARL  
OF FIFE AND ELEVENTH EARL OF MENTEITH, 1362—1425.

LADY ISABELLA, COUNTESS OF LENNOX, HIS DUCHESS, 1392—1460.

SIR MURDACH STEWART, the eldest son of Robert Stewart, then Lord of Menteith, and Lady Margaret, Countess of Menteith, was probably born in the year 1362. Owing to the long life of his father, the first Duke of Albany, Sir Murdach did not succeed to the possession of any of the earldoms until he had attained the somewhat advanced age of fifty-eight, and then to enjoy them only for a few years before the headsman's axe parted him from them for ever. During the reign of his uncle, King Robert the Third, he served his country in the honourable office of Justiciar north of the Forth.

He was appointed to that office at a meeting of Parliament held at Holyrood, Edinburgh, on the 2d of April 1389, when the three Estates, taking into consideration the unsettled condition of matters in the country, and that, without a sufficiently powerful following, the duties of that office could not be easily discharged if things continued to be the same as they then were, arranged that his father, the Earl of Fife, should, in the first instance, cause it to be administered, which the Earl promised he would do.<sup>1</sup>

Several documents afford evidence of Sir Murdach Stewart's exercise of this office. Under that designation he witnessed a charter by Hugh Fraser, Lord of Kinnell, to Walter of Tulloch, of lands in Forfarshire, which was granted at Inverness on 5th November 1390.<sup>2</sup> Nearly two years later he

<sup>1</sup> Acts of the Parliaments of Scotland, vol. i. p. 557.

<sup>2</sup> Appendix to Seventh Report by Historical MSS. Commissioners, p. 718.



presided at a justice-ayre held in the Burgh Court of Perth, where John of Logy, who had only recently recovered his lands from the Justiciar's father, Robert, Earl of Fife and Menteith, claimed jurisdiction over two men who had been brought up for trial at Perth. John of Logy showed the royal charters which conferred the rights of jurisdiction upon him, and these having been read in Court, it was agreed to transfer the men to the regality court of Logy. The document which relates this procedure styles Sir Murdach Stewart Lord of Aphane, as well as Justiciar north of the Forth.<sup>1</sup>

On the complaint and appeal of William, bishop of Moray, to the Justiciar, from an adverse judgment pronounced against him in the Sheriff-Court of Inverness, Sir Murdach Stewart issued a letter interdicting the Sheriff and bailiffs of that county from putting their judgment (if judgment, he remarks, it ought to be called) in force, and requiring their attendance, as well as that of all the assessors who consented to that decision, at his next justice-court within their bounds, to hear his determination on the matter in form of law. This letter was dated at Perth, 21st October 1398.<sup>2</sup>

The salary attached to the office of Justiciar was probably mainly dependent on the fees of the courts held, evidently with the understanding that if they did not amount to a stated sum, they were to be supplemented by the Treasury. The notices of payment in the Chamberlain's Accounts are very few, and when they do occur in connection with this office, it is a payment in complement of his annual fee, or as part payment for a certain year,<sup>3</sup> so that the full amount of the fee attached to the office is not ascertainable.

In addition to being Justiciar north of the Forth, Sir Murdach Stewart was appointed by King Robert the Third, on 16th July 1390, one of the

<sup>1</sup> Vol. ii. of this work, p. 266.

<sup>2</sup> *Registrum Moraviense*, p. 210.

<sup>3</sup> *Exchequer Rolls*, vol. iii. p. 316.

conservators of a truce between England and Scotland, who were to watch over its observance as well by sea as by land, and towards the Marches. They had power to redress all wrongs done in prejudice of this truce, and also to punish the breakers thereof.<sup>1</sup>

When Sir Murdach was about twenty-nine or thirty years of age, his father arranged his marriage with Lady Isabella, eldest daughter of Duncan, Earl of Lennox. Duncan was the last Earl of the race of Lennox, and having no sons, Lady Isabella was the heiress both to the earldom and dignity. Previous to the marriage an indenture was made, on 17th February 1392, at Inchmurrin, in Lochlomond, the island residence of the Earls of Lennox, between Earl Duncan and Robert, Earl of Fife and Menteith, in which the terms of the union were arranged as follows :—

Sir Murdach, son and heir of the Earl of Fife, should have to wife Isabella, the eldest daughter of the Earl of Lennox, and endow her in the barony of Redhall, with its pertinents, in tenandry and domain, and the Earl of Lennox agreed to resign in the King's hands all his earldom of Lennox, with its pertinents, for new infeftment to him and the heirs-male of his body ; whom failing, to Sir Murdach and Isabella, and the survivor of them two and their lawful heirs ; whom failing, to the next lawful heirs of the Earl of Lennox, and to purchase the King's consent, and also that of his father Walter, Allan's son, to this new tailzie. It was also arranged that if Earl Duncan had an heir-male born to him, and he should come to man's estate, while the Earl of Fife had a daughter to be married, then Earl Duncan's son, as he would be Earl of Lennox, should marry that daughter of the Earl of Fife ; but if the Earl of Fife had no daughter for the son of the Earl of Lennox to marry, he was to wed a next cousin of the Earl of Fife at his or Sir Murdach's assignation, but without disparagement of the Earl of Lennox

<sup>1</sup> Rymer's *Fœdera*, vol. vii. p. 633.

or his heirs-male. Earl Duncan agreed to pay for the marriage of his daughter Isabella two thousand marks sterling, of which, however, one-half was to be returned in the event of the marriage of the heir-male before mentioned, or of Earl Duncan himself: the Earl of Fife, so long as he was Justiciar of the sheriffdoms of Stirling and Dumbarton, agreed to appoint Earl Duncan his deputy and substitute in as much as pertained to the lordship of the Lennox, and to give him the third part of all his profits from that lordship. Further, the Earl of Fife and Sir Murdach his son were to be faithful helpers and counsellors to the Earl of Lennox in all his causes, while Earl Duncan was to abide by their advice with that of discreet men of his own council. The Earl of Fife was bound to procure the honourable marriage, at his own cost, of one of the other two daughters of the Earl of Lennox, Elizabeth or Margaret, while Earl Duncan and Sir Murdach were to procure the marriage of the other daughter at their cost; and finally, the Earl of Fife or Sir Murdach was to convey as much land as now properly belonged to the Earl of Lennox, heritably to the heirs-male of Sir Murdach and Lady Isabella. All which faithfully to keep and fulfil the said Earls and Sir Murdach made oath upon the Gospels.<sup>1</sup>

In terms of this arrangement, the Earl of Lennox, in the same year, resigned his earldom into the hands of King Robert the Third, who, on 8th November 1392, regranted it to the Earl, under the conditions provided for in the indenture.<sup>2</sup> The other provisions, which were not conditional on the birth of an heir-male to Earl Duncan, were carried out in due course. Lady Isabella's two sisters seem to have been married shortly afterwards, Elizabeth to Sir John Stewart, son of Sir Alexander Stewart of Darnley, and Margaret to Robert Menteith of Rusky.<sup>3</sup> By a charter of Robert, Earl

<sup>1</sup> Indenture printed in *The Lennox*, by William Fraser, vol. ii. pp. 43, 44.

<sup>2</sup> *Ibid.* p. 50.

<sup>3</sup> *Ibid.* vol. i. p. li.

of Fife and Menteith, dated at Stirling, 6th March 1401, Earl Duncan was created coronator of the whole earldom of the Lennox, with all the fees and emoluments justly belonging to that office, with power to appoint deputies and servants at his pleasure. The office was to descend to his heirs.<sup>1</sup>

Sir Murdach Stewart was one of the knights pensioned by King Robert the Third for the securing of the succession of his sons on the throne. By a charter dated at Perth on 8th February 1393, the King granted to Sir Murdach and his heirs-male, for homage and service and special retinue to his eldest son, David Stewart, Earl of Carrick, and if he should die, to his second son, Sir Robert Stewart, one hundred marks sterling annually, to be paid out of the great custom of Aberdeen. In case of deficiency at any time, the Lord Chamberlain was to pay the balance for that time.<sup>2</sup> The payment of the pension was regularly made, as appears from the entries in the Chamberlain's accounts.<sup>3</sup> The first of these entries is worth quoting, as it certifies that King Robert the Third had a second son other than Prince James, a fact which has not been generally recognised :—

By payment made to Sir Murdach Stewart, the King's nephew, for his homage and service and special retinue, to David, eldest son of the King, Earl of Carrick, to be continued for the whole term of his life, and should it chance the said David to die, to be continued to Robert Stewart, the second son of the King, one hundred marks sterling annually, to be uplifted from the great custom of Aberdeen by the hands of the King's custumars there for the time, etc., the said Murdach also acknowledging receipt, £66, 13s. 4d.

Prince Robert Stewart thus referred to had been named after his father; and he must have died soon after 1393, without issue.

<sup>1</sup> Cartularium de Levenax, p. 95.

<sup>2</sup> Registrum Magni Sigilli, p. 213.

<sup>3</sup> Exchequer Rolls, vol. iii. pp. 326, 360,

388, 414, 441, 498, 540, 629.

In one document already referred to, Sir Murdach is designed Lord of Aphthane, but his general designation during his father's lifetime was Lord of Kinlevin, and he is so styled in most of the documents issued by him as Justiciar north of the Forth which have come down to us. He is so named in a writ which records his presidency at a court held at Aberdeen in the month of February 1397, upon an inquisition sought by two heirs to a piece of land from which they alleged they had been unjustly kept back, although they were the nearest heirs of the lately deceased owner.<sup>1</sup>

Sir Murdach Stewart's career in Scotland, and his occupancy of the important offices above referred to, received a sudden check by his capture at Homildon on 14th September 1402, when the Earl of Douglas was defeated by Percy, and he himself with many other Scottish nobles taken prisoner. The circumstances which led to this engagement, and the battle itself, have already been described in the preceding memoir, and need not be repeated here. The treasonable proceedings of the Earl of Northumberland, and his subsequent defeat at Shrewsbury, with his flight into Scotland, have also been detailed, but Sir Murdach Stewart does not appear to have engaged in Percy's enterprise. Perhaps, as the most important of the Scottish prisoners, he had, after a short sojourn in some of the Northumbrian fortresses, been transferred to the English capital, and consigned to the Tower,<sup>2</sup> but on a request made by his father to the English King, he seems to have been permitted to remain afterwards at the English Court. An attempt, made by the Duke of Albany about this time, to obtain the liberation of Sir Murdach and the Earl of Douglas, who had been taken prisoner at Shrewsbury, proved of no avail, although King Robert the Third used his influence with Henry the Fourth.<sup>3</sup>

<sup>1</sup> Antiquities of Aberdeenshire, vol. iii.  
p. 263.

<sup>2</sup> Rymer's *Fœdera*, vol. viii. p. 346.

<sup>3</sup> *Ibid.* p. 358.



After Prince James was added to the number of Scottish prisoners in the hands of the King of England, repeated attempts were made to procure the restoration of both him and Sir Murdach, several of which have been referred to in the preceding memoir. In the year 1413, Sir John Stewart, Earl of Buchan, was despatched to arrange his brother's liberation,<sup>1</sup> but was no more successful than his predecessors. In the following year, 1414, another attempt was made by the despatch of Sir Robert Maxwell of Calderwood and Master Robert Lany, provost of St. Andrews, for whom a safe-conduct was granted by King Henry the Fifth on the 8th of May, to continue in force until the 1st of July.<sup>2</sup> On its receipt the Duke of Albany granted the commission to his two nuncios, of which the following is a translation :—

Robert, son of the King of Scotland, Duke of Albany, Earl of Fife and of Menteith, and Governor of the foresaid kingdom, to all to whose knowledge the present letters shall come, greeting in the Lord. Know your university, that we, fully confiding in the fidelity, circumspection, and industry of our beloved and faithful Robert Maxwelle of Caldardwodde, knight, our cousin, and Master Robert Lanyue, provost of St. Andrews, Licentiate in Decreets, have made, constituted, and ordained, and by these presents do make, constitute, and ordain them, alike of our sure knowledge and deliberate counsel, our ambassadors, commissioners, and special messengers, giving and granting to them our full power and special mandate to treat, agree, and conclude with the most serene Prince, Henry, King of England, or his commissioners whomsoever having sufficient power from him, concerning the liberation of our dearest son, Murdach Stewart, knight, and to do, transact, agree, conclude, and explain all and sundry things which may be necessary or in any way serviceable to the liberation of our son, even if they should require a more special mandate ; promising that we shall perpetually hold valid, concluded, stable, and sure, whatever our said commissioners in the premises, or any of the premises, shall think meet to do. Given under the testimony of our Seal at our

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 48.

<sup>2</sup> *Ibid.* p. 125.

Manor of Falkland, the 26th day of the month of May, in the year of our Lord 1414, and of our government the ninth year.<sup>1</sup>

At the same time, a similar safe-conduct was procured for John Porter, squire, one of the retainers of the Duke of Albany, to proceed to where Sir Murdach was for the transaction of some affairs.<sup>2</sup> King James and Sir Murdach were at this time entertained together at the Court of King Henry the Fifth, and at his expense, the cost of their maintenance, along with some others, being twenty shillings a day.<sup>3</sup>

This embassy secured no better results than any of the former, but in the following year, 1415, an arrangement was made by which Sir Murdach's freedom was obtained. Since the year 1403, Henry Percy, the grandson of the then Earl of Northumberland, had been an exile, but had found an honourable refuge in Scotland at the Court of King Robert the Third, and after his death at the Court of the Duke of Albany. King Henry the Fourth was now dead, and the young Earl of Northumberland was regarded with less disfavour by his son, King Henry the Fifth, who was not unwilling to see his return and restoration to his important earldom. But when this was moved, the Duke of Albany refused to gratify the King of England so easily, and detained Percy until an arrangement was made whereby he could be exchanged for Sir Murdach Stewart.<sup>4</sup> On 12th May 1415, King Henry granted safe-conducts to a number of Scotch nobility, Robert Stewart, son and heir of Murdach of Fife; George Dunbar, son and heir of the Earl of March; William Graham, Lord of Graham [Kincardine]; John Stewart, Earl of Buchan; John Stewart, Lord of Innermeath; Robert Maxwell, Lord of Calderwood; and Andrew Hawyll [Hawyck], parson of Lyston. These were to pass to a place called Calfhill, near Berwick, bringing with them Henry

<sup>1</sup> Original in Cottonian Library, British Museum.

<sup>2</sup> Rymer's *Fœdera*, vol. ix. p. 125.

<sup>3</sup> *Ibid.* p. 189.

<sup>4</sup> *Ibid.* p. 242.

Perey, son and heir of the late Sir Henry Percy, and having delivered him to the commissioners of the King of England, they were to receive Sir Murdaeh Stewart, and return with him to their own country.<sup>1</sup>

In pursuance of this agreement, King Henry issued an order on the 24th of May to the constable of the Tower of London, to deliver Sir Murdaeh Stewart into the care of two of the King's esquires, John Hull and William Chancellor, who were appointed to conduct him to the Borders.<sup>2</sup> Instructions were given to them as to their duties at the several stages of their journey. These instructions, along with relative letters to Sir Robert Umfraville, the Sheriff of Newcastle, the keeper of Warkworth Castle, and others, have been preserved. They are written in French, and translations are here given :—

The instruction given to John Hulle and William Chancellor, esquires, appointed by the King, our sovereign Lord, to conduct Morduk of Fife to northern parts, and there to make deliverance of him under certain manner and form as follows :—

First, the said esquires ought to conduct safely the said Morduk to the town of Newcastle-upon Tyne, and on arriving there they ought to present to the Mayor and Sheriff of the said town the letters of the King, our said sovereign Lord, addressed to them under the privy seal, in order that the said Mayor and Sheriff may be in waiting on the foresaid esquires, to safely conduct and convey the said Morduk to the castle of Werkworthe, and to bring him back if need be at the expense of the King.

Likewise, the said esquires should also deliver other similar letters to the Sheriff of Northumberland, that he may attend them in the same manner.

Again, whenever the said Morduk has come to the above-mentioned castle of Werkworth, the said esquires ought to deliver to the constable of the said castle other letters under the privy seal, directed to the said constable, to receive the said Morduk, and to assign him a competent place within the said castle, where he can be quite honourably and safely kept, until such time as he can be safely conveyed to Berwick,

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 244.

<sup>2</sup> *Ibid.* p. 250.

when the said esquires are assured of the coming of Henry of Percy, grandson to the late Earl of Northumberland, out of Scotland towards the forenamed castle of Berwick.

Also, the said esquires ought to make delivery to the keeper of the castle of Berwick, or his lieutenant there, other letters under the privy seal, directed to him for honourably receiving the aforesaid Morduk of Fyfe into the said castle of Berwick, and assigning him a place within the same castle, where the said Morduk can be honourably and surely guarded.

Also, afterwards, in case that the foresaid Henry has come to Berwick for his own liberation as well as that of the fore-mentioned Morduk, if the said esquires can be loyally informed by Sir Robert Umfraville and Sir John Wytherington, or other notable persons who have good knowledge of the person of this same Henry while he dwelt there, and if the same esquires have security of the said Henry in presence of the said knights or other notable persons, that this same Henry is willing to hold, do, and loyally perform, without fraud or dissimulation, all that the foresaid Robert and John have promised to our said Lord the King on the part of the said Henry, then the said esquires may deliver the said Morduk to those of Scotland who shall come thither to bring there the said Henry, and to receive deliverance of the said Morduk. And upon this the said esquires ought to signify to the said Henry that it is the King's will that he prepare to come to his presence as quickly as possible.

In which case the King our said Lord wills that the said esquires be entirely discharged towards him of the foresaid Morduk and of the said Henry.

Likewise, in case the said Henry be not brought thither as above, as the Scots may not be willing to allow him to be delivered up, then the said esquires can keep the foresaid Morduk there until the first day of July next coming, and for one or two days after if it seem good to them to await the arrival of the said Henry. They shall not suffer any strangers to talk with the said Morduk unless in their presence, or in the presence of one of them.

In case of the non-arrival of this same Henry, the said esquires ought to conduct the said Morduk back to the Tower of London, or elsewhere, at the will of the King.

In testimony of which thing, to this present instruction our said sovereign Lord the King has caused put his Great and Privy Seals, and also his signet. Given at Westminster, the 21st day of May, the third year of the reign of our said sovereign Lord the King.

By the commandment of the King at Westminster, the day and year above mentioned. Present there, the Earl of Dorset.

Indorsed : Instruction concernig the liberation of Mordac, Earl of Fyffe.<sup>1</sup>

DEAR AND WELL BELOVED,—Inasmuch as we have ordained and charged our beloved esquires, John Hulle and William Chancellor, to conduct Morduk of Fiffe, our prisoner, to our castle of Werkworth, for certain causes moving us thereto, we will, and straitly command you in express terms, that ye attend on our said esquires safely to convey and conduct the said Morduk to our forenamed castle, and in safely conveying him back again, if need be, according to the information of our foresaid esquires. And this by no means omit, etc. Given, etc.

To our dear and well beloved the Mayor and Sheriff of our town of Newcastle-upon-Tyne.

Similar letters, dated 22d May, were sent to the Sheriff of Northumberland, Sir John Bartram, knight, Sir Walter Fauconberge, knight, Sir John Wodryngtone, knight, and to Robert Harbottell, a squire.

DEAR AND WELL BELOVED,—We straitly command you in express terms that you receive on our behalf Morduk of Fiffe, whom our loved esquires, John Hulle and William Chaunceller, at our commandment will conduct to your presence, for certain causes moving us thereto, and assign him any competent place in our castle of Werkworth, where he can be quite honourably and safely kept for the time which our said esquires on our behalf shall declare to you. And this by no means omit, as we rely upon you. Given, etc.

To our dear and well beloved the constable of our castle of Werkworth.<sup>2</sup>

<sup>1</sup> Original in Cottonian Library, British Museum.

<sup>2</sup> *Ibid.*



On the part of the King.

BELOVED AND TRUSTY,—As we have ordained and charged our beloved esquires, John Hulle and William Chancellor, to conduct Morduk of Fyf, our prisoner, to our castle of Berwick-upon-Tweed, for certain causes moving us thereto, we will, and straitly command you in express terms, that you attend on our said esquires, safely to convey and conduct the said Morduk out of the castle of Werkworth, as far as our said castle of Berwick, and for safely conveying him back again, if need be, according to the information of our foresaid esquires; understanding we have written in like manner to our dear and trusty knight, John Wydryngtone, on the foresaid business. And this in no wise ye leave undone. Given, etc. [third year of Henry the Fifth, 21st May.]

To our dear and trusty knight, Robert Umfraville.<sup>1</sup>

A similar letter was addressed to Sir John Wydryngtone, and an order was also sent to the keeper of the Castle of Berwick, containing instructions for Sir Murdach's honourable confinement similar to those given to the constable of Warkworth.

It was not intended, however, that a pure and simple exchange of persons should be made. The King of England put a ransom of ten thousand pounds upon the head of Sir Murdach Stewart; but instead of exacting the money from the Duke of Albany, he made it a condition of Percy's return that he should pay that sum, leaving him to arrange its recovery from Sir Murdach as he best could. The following instructions to the Earl of Westmoreland disclose this arrangement. They are also in French, but only a translation is here given:—

The Instruction given to Ralph, Earl of Westmoreland, appointed by our Sovereign Lord the King to conduct Morduke of Fyffe, eldest son of the Duke of Albany, from the castle of [Warkworth] to the castle of Berwick, and there to make deliverance of the said Morduke, in form and manner underwritten.

First, the said Earl shall consider by what way, and how soon he can, conduct or send the foresaid Morduke to the said place of Berwick. If it seem expedient to him,

<sup>1</sup> Original in Cottonian Library, British Museum.

the said Earl ought to send letters of the King our Sovereign Lord, addressed to the Mayor and Sheriff of Newcastle-upon-Tyne, to attend on the said Earl, or on those whom he shall send to conduct the said Morduke to the place of Berwick above mentioned.

Likewise, if it seem expedient to the said Earl, he ought to send other letters of the King our Sovereign Lord, addressed respectively to the Sheriff of Northumberland, Sir John Bertram, Sir Walter Fauconberge, Sir John of Wodryngtone, and to Robert Harbotil, esquire, to wait upon the said Earl, or those whom he will appoint to conduct the said Morduke, in the manner as to which the said Earl shall instruct them.

But before the said Earl causes the said Morduke to be sent nearer the said place of Berwick than the castle of Werkworth or the castle of Bamberghe, as shall seem best to the said Earl, he ought to be certified by the Lord of Grey, keeper of the castle and town of Berwick, that Henry of Percy, grandson of the late Earl of Northumberland, has arrived at the said castle of Berwick or its vicinity ; that he is to do and accomplish all that Sir Robert Umfraville, Sir John Wodryngtone, and John Burtone, clerk, have promised to our Lord the King, for and in name of the foresaid Henry of Percy ; and when that same Earl of Westmoreland shall be certified that the said Henry of Percy has thus arrived at the said castle of Berwick or its vicinity, he ought to conduct or send thither the foresaid Morduke, information also being first had by means of the foresaid Sir Robert Umfraville and Sir John Wodryngtone, and other knights and notable esquires who have knowledge of the person of the foresaid Henry of Percy, that he is there personally, in good condition ; and the oath of that Henry of Percy being taken in presence of the said Earl of Westmoreland, if he shall be there, or in the presence of those whom he shall send with the said Morduke, as well as in the presence of the said Lord of Grey, keeper of Berwick, of the foresaid Sirs Robert Umfraville and John of Wodryngtone, and other esquires who shall be there for the time, that the said Henry of Percy will do and entirely fulfil all and whatever the said Robert Umfraville, John Wodryngtone, and John Burton have or any of them has promised to our said Lord the King, for and in name of the said Henry of Percy, and in special, that after the foresaid Morduke of Fyffe shall be delivered at the said place of Berwick, the said Henry of Percy in all haste possible, transport himself to the presence of our said Lord the King, in whatever place he shall be,

[or as soon as the said Henry can come to the presence of the Chancellor of England, that Henry by the judgment of the King's Council shall make him sure of ten thousand pounds for the ransom of the said Morduke, to pay in the manner he prefers; that is to say, that of all the lands, tenements, and other possessions of the said Henry, which he has at present and will have in time to come, our said Lord the King shall have and take two thousand pounds yearly, until the foresaid sum of ten thousand pounds shall be fully paid to him—vacat] and that upon the form and tenor of the said oath, the said Henry of Percy makes under his seal letters testimonial, to which also all the lords and knights who shall be present when the said oath shall be made shall cause put their seals, and such letters in due form, made and sealed and delivered to the said Earl of Westmoreland, or to those whom he shall send with the said Morduke; and besides this, in any place on this side of the water of Tweed within the kingdom of England, recognisance be taken of the said Henry of Percy, for the payment of ten thousand pounds to our Sovereign Lord the King, at the feast of St. Michael next coming, upon condition that if before the 1st day of September next, the said Henry of Percy grant security to our said Lord the King of two thousand pounds of land or of rent within the kingdom of England, to be held by our said Lord the King or his assignees, until to the satisfaction of our said Lord the King ten thousand pounds be raised and fully paid for the ransom of the foresaid Morduke, according to the form and tenor of his schedule hereto annexed, the said Morduke shall be delivered to the foresaid Henry of Percy.

Likewise, if before the 8th day of July the foresaid Earl of Westmoreland be not certified by the foresaid Lord of Grey that the before-named Henry of Percy has arrived at the castle of Berwick, in manner as above, then that Earl ought to conduct the fore-mentioned Morduke back to such place as the King our Lord shall cause to be assigned for the said Morduke's being kept until our said Lord the King as to this shall have ordained otherwise.

In witness, etc., given, etc., the 18th day of June, the third year, etc.

By commandment of the King.<sup>1</sup>

Indorsed: 18th June, anno 3, Henry 4, 1402.<sup>2</sup>

<sup>1</sup> Original in Cottonian Library, British Museum.

<sup>2</sup> Should be Henry 5, 1415.

Sir Murdach Stewart was despatched to the north in the care of his two guardians, and on the way made his escape, but was recaptured by Ralph Pudsay, who for this service was rewarded by Henry on 25th June with an annual pension for life of twenty pounds from the customs of the port of Kingston-upon-Hull.<sup>1</sup>

The exchange of the two prisoners was not carried out on this occasion, and Sir Murdach was probably located in one of the castles in the north of England under the charge of the Earl of Westmoreland, until the resumption of the negotiations in the close of the year, which brought the matter to a successful conclusion. In the interval the two countries were again on the verge of war, but the crisis passed without any formidable conflict. On 9th December, King Henry the Fifth drew up a formal document, embodying the terms on which the exchange was to take place. Of this agreement, which is in Latin, a translation is here given:—

Henry, by the grace of God, King of England and France, and Lord of Ireland, to all and singular who shall see the present letters, greeting in the Lord. As we have recently understood our dearest cousin, Robert, Duke of Albany, and Governor of the kingdom of Scotland, desires Murdach his son, whom as our prisoner we hold in our custody, to be restored safe and sound and free, in return for whose liberation he offers to restore to us our cousin Henry, grandson of the late Earl of Northumberland, whom now for a long time he has detained, as he at present detains him in his power, we, by the tenor of these presents, promise, in good faith and on the word of a king, our full assent to the said liberation and restoration mutually to be made, that if the foresaid Duke of Albany, at a certain day and place to be assigned by our commissioners and those of the said Duke, shall cause the said Henry our cousin to be brought safe and sound, free and discharged from every obligation, article, and cause on account of which . . . might be arrested, or otherwise his restoration to us impeded, or if he shall really restore or cause to be restored the said Henry to us or our commissioners, we, at

<sup>1</sup> Rymer's *Fœdera*, vol. ix. p. 280.



the same day and place, shall cause the foresaid Murdach to be brought, and in like manner shall cause him to be restored to the said Duke his father, or his commissioners, safe, free, and discharged from every obligation, article, and cause on account of which his restoration to him might be hindered, fraud and guile of whatever sort being laid aside. In testimony of which thing we have caused these letters-patent to be made. Given at our Palace of Westminster, the 9th day of December 1415, and of our reign the third year.<sup>1</sup>

Indorsed : Instructions as to the liberation of Murdac of Fife, eldest son of the Duke of Albany, and the restoration of Henry Percy by way of exchange.

No mention is made in this document of the money ransom demanded by the English King and Parliament for the release of Sir Murdach, but it is referred to in the private instructions given on the following day to those intrusted with the negotiation of the business. These instructions are written in French. A translation is here given :—

Instruction given to Sir Ralph de Yuer, Sir William [Clayton ?], Master John Hunteindun, doctor in theology and Dean of Lancaster, and Master Richard Holme, Licentiate in Laws, Canon of York, to them four, three or two of them, commissioners and deputies of the King our Sovereign Lord, to commune, treat, and agree with certain ambassadors and messengers of Robert, Duke of Albany, Governor of Scotland, of and upon the liberation and exchange of Morduke of Fiff, eldest son of the said Duke, being at present in the ward of the King our said Lord, as a safe prisoner, and of Henry of Percy, grandson to the late Earl of Northumberland, now in the ward of the said Duke.

First, the said commissioners of the King ought to induce the ambassadors of the said Duke, and arrange and accord with them, if they can, and by mutual agreement among them, to fix that on a certain day before the fifteenth of March next, the said Duke of Albany shall send the foresaid Henry of Percy to the town of Carlisle, and if the said ambassadors are willing to agree to this, then ought the said commissioners to arrange and agree with them that the King our said Lord shall send the foresaid

<sup>1</sup> Original in Cottonian Library, British Museum.



Morduke to the said place of Carlisle, to be there delivered by way of exchange for the foresaid Henry ; and to accomplish such arrangement and agreement, the said Earl of Westmoreland shall send the foresaid Morduke by his son, John of Neville, Warden of the West Marches.

And in case the ambassadors of the said Duke are unwilling to agree that the foresaid Henry should be thus sent to the said place of Carlisle, unless other surety be given for the deliverance of the said Morduke, then ought the said commissioners to arrange and agree that the King our said Lord (his letters under his Great Seal, of the tenor as follows :—Heury, etc., having been seen) shall cause them to be sent to the Earl of March of Scotland, or other Earl or person of rank of Scotland, who shall be appointed to have the charge until the foresaid exchange be effected.

And if the ambassadors of the said Duke are altogether unwilling to agree that the foresaid Henry should be thus sent to the said place of Carlisle, then ought the said commissioners of the King to arrange and agree that the said letters of the King shall be sent to the said Earl of March, or other Earl or person of rank of Scotland, to keep them as above ; and in case the said ambassadors themselves wish to arrange and agree that the said Duke, on a day to be fixed, shall send as above the foresaid Henry into the castle of Berwick, there to be restored to the said commissioners by way of exchange for the said Morduke, the said commissioners ought in this case likewise to yield ; and if such arrangement is adopted, then the foresaid Earl of Westmoreland ought to send the foresaid Morduke to the town of Newcastle-upon-Tyne, and deliver him there to the Lord of Grey, Warden of the East Marches, in order that the said Morduke may be conducted to the foresaid place of Berwick, to be there exchanged in manner as above.

In testimony, etc. Given, etc., the 10th day of December, the third year, etc. [Henry 5].

Instruction, etc., given to the above mentioned.

First, although the King our Lord caused to be made, the day of the making of these, another instructiou to his said commissioners, containing three articles concerning the foresaid liberation and interchange in one of the three ways, yet our said Lord the King wills that if the said commissioners cannot induce the ambassadors of the said Duke to agree to any of these three ways, the said commissioners ought to agree and

arrange with the said ambassadors that, on a day before the fifteenth day of March, to be fixed between them by mutual consent, our said Lord the King shall cause the foresaid Morduke to be sent, accompanied by two thousand horsemen, or other greater number, to the town of Berwick or other place upon the Marches of Scotland, which shall be assigned and agreed upon by the said commissioners and ambassadors, to be there delivered up to the said Duke or his commissioners and deputies, by way of exchange for the said Henry. Moreover, that the said ambassadors shall arrange and agree with the said commissioners that the foresaid Duke shall similarly send the foresaid Henry to be restored to our said Lord the King or to his commissioners; and in this case the said Earl ought to deliver the said Morduke, in the town of Newcastle-upon-Tyne, to the Lord of Grey, Warden of the East Marches, who ought to accompany Ralph, son of the said Earl, and the Lord of Clifford, to conduct the said Morduke to the place where the exchange is to be made.

Further, before the said commissioners cause such arrangement to be closed, they ought to receive, by some messenger from the said Henry, an obligation written in his own hand, for twenty thousand marks, by which he will be bound to pay the said sum to our said Lord the King on the sixteenth day of March next, in case that before that day, in any place on this side the Water of Tweed within the kingdom of England, the said Henry does not make, in presence of any person having power to receive this recognisance of ten thousand pounds, to be paid to our said Lord the King the 1st day of April next, upon condition that if before the said first day the said Henry make security to our said Lord the King of two thousand pounds<sup>1</sup> . . . [The remainder is wanting.]

On the 11th December King Henry granted his commission to the four persons named in the foregoing instructions, and at the same time empowered Richard, Lord of Grey, Warden of the East Marches, and John Neville, Warden of the West Marches, to facilitate the exchange by granting the necessary safe-conduits to both parties.<sup>2</sup>

The release of Sir Murdach probably took place shortly after this date, but there is no information as to how it was effected. About a year afterwards,

<sup>1</sup> Original in Cottonian Library, British Museum.

<sup>2</sup> Rotuli Scotiæ, vol. ii. p. 215.

on 24th November 1416, the Wardens of the Marches were again instructed to furnish safe-conducts to certain persons coming from Scotland with the redemption money of Sir Murdach,<sup>1</sup> but the amount is not stated. It is probable that a portion of the ten thousand pounds was meant to reimburse the King of England for the expenses of Sir Murdach's maintenance while with him, and also that a considerable sum would be deducted by Henry Percy, now Earl of Northumberland, on account of his long sojourn at the Scottish Court.

After his return to Scotland, Sir Murdach Stewart assisted his father in the government of the country, as Albany, now between seventy and eighty years of age, to lighten his own labours, appointed him his lieutenant. In that capacity he was present with his father at Dunfermline on 23d March 1420, at the receiving of William of Maisterton as a vassal of the monastery of Dunfermline.<sup>2</sup>

Sir Murdach seems also from an early period to have occasionally transacted business on the family estates, granting and confirming charters of lands as the son and heir-apparent of his father. An instance of this occurs in his confirmation of a charter granted by his father to Sir Robert Stewart of Schanbothy, of the lands of Craggy Gerpot and others, in Leuchars in Fife-shire. The charter begins thus :—

Omnibus hanc cartam visuris uel auditoris, Murdacus Senescalli, primogenitus et heres inclitissimi et potentissimi viri, domini Roberti Senescalli, Comitis de Fyff et de Meneteth, eternam in Domino salutem : Sciatis nos vidisse, audiuissse, ac maturo et diligenti intellectu concessisse quandam cartam dicti domini genitoris nostri, formam que sequitur continentem :

Omnibus hanc cartam visuris vel auditoris, Robertus Senescalli, comes de Fyff et de Meneteth, salutem, etc.

Quamquidem cartam, donationemque et concessionem de terris de Craggy, Gerpot

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 218.

<sup>2</sup> *Registrum de Dunfermelyn*, p. 282.

cum molendino, et de tercia parte terrarum de Culbaky, Fordale et Struben, cum pertinentiis, in ipsa carta contentis, necnon omnes et singulas ipsas terras, cum pertinentiis dicto domino Roberto, tenendas et habendas, sibi et heredibus suis, adeo libere, quiete, plene, pacifice et honorifice, in omnibus punctis, articulis, conditionibus, forma pariter et effectu prout ipsa carta continet et proportat, nos pro nobis et heredibus nostris volumus, concedimus ac presenti carta nostra dicto domino Roberto Senescalli et heredibus suis imperpetuum confirmamus. In cuius rei testimonium sigillum nostrum presenti carte nostre confirmatorie est appensum, his testibus, nobilibus viris, dominis Patricio de Grahame, domino de Kyncardyn, Willelmo de Grahame, eius primogenito et herede, Bernardo de Haydein, militibus, consanguineis nostris, domino Gilberto decano Dunblanensi et Johanne Rollok, clericis dicti domini genitoris nostri, ac multis aliis.<sup>1</sup>

On the death of his father, Sir Murdach Stewart became Duke of Albany and Earl of Fife and Menteith. He also succeeded to the office of Governor of Scotland. It has been said that he assumed this office as if to carry on the alleged usurpation of the government by his father; but there is no ground for the assertion, and the evidence is all the other way. It is far more probable that he was placed in it by Parliament, although no record of a meeting of that body remains, a fact applicable to too many of the parliaments of this date to be a conclusive proof that none was held.<sup>2</sup> A charter granted by Duke Murdach on 26th October 1421, bearing that it was made in the first year of his government, shows that he was not Governor previous to 26th October 1420.<sup>3</sup> But he was Governor on 16th November 1420, as he then

<sup>1</sup> History of the Carnegies, Earls of Southesk, by William Fraser, Edinburgh, vol. ii. p. 508.

<sup>2</sup> Evidence is so far afforded of such a meeting of Parliament towards the close of the year 1420 by entries in the Treasury Accounts for the year between 28th July 1420 and 24th July 1421, of payments for the expenses of Sir

Dougal, the King's chaplain, serving in his presence in England by command of the present Lord Governor and ordinance of Parliament. He seems to have received in all £21, made up by the four burghs of Dundee (£6), Montrose (£4), Perth (£5), and Aberdeen (£6). —[Exchequer Rolls, vol. iv. pp. 339, 346.]

<sup>3</sup> Original in Dougal Charter-chest.



made an indenture with Sir Alexander Stewart, Earl of Mar, in which the Duke is styled Governor of Scotland.<sup>1</sup> His appointment must, therefore, have taken place about the beginning of November 1420, almost two months after his father's death, which would leave sufficient time for the assembling of a Parliament to choose him as successor to the late Regent. Besides, it is not to be expected that the nobles of Scotland would connive at any such usurpation, and they must have done so, if such there was, when they accepted charters of confirmation from his hands as Governor. But in all their transactions they jealously guarded the rights and privileges of King James, and the Governor as much as any. King James himself repeatedly confirmed charters which had been granted by both the Governors during his captivity, which of itself shows that there had been no usurpation by either. It may therefore be concluded that Duke Murdach was duly elected successor in the office of Governor of the realm, after the three Estates had anew declared their allegiance to King James, their rightful sovereign, who was still detained in England against his own and their will, and that his exercise of the office was perfectly legitimate. King James at this time, however, was in France with the King of England, for Sir William Douglas of Drumlanrig obtained a safe-conduct to proceed to him there, in the month of September 1420,<sup>2</sup> and by him he would probably be informed of what had taken place.

Duke Murdach, by the death of his father, also became keeper of Stirling Castle, an office granted to Duke Robert for himself and his heirs, and for this received the annual fee of £133, 6s. 8d.<sup>3</sup> He was likewise heir to the hereditary pension obtained by his father from the lands of the Abthanery of Dull, amounting to £136 yearly, and to his father's pension of two hundred marks, for homage and service, and special retinue to David, Duke of Rothesay, which, with his own pension of one hundred marks for a similar

<sup>1</sup> Page 261, *postea*.    <sup>2</sup> Rymer's *Fœdera*, vol. x. p. 19.    <sup>3</sup> Chamberlain Rolls, vol. iii. p. 117.



service and retinue, increased his annual pension for this to three hundred marks. In addition to these payments, he had £1000 as fee for the office of Governor; and in the account rendered by the Exchequer Auditors on 24th July 1421, a surplus of £458, 7s. 3d. is paid Duke Murdach on account of expenses incurred in previous years, while the Lords Auditors admit as further due to him the large sum of £3152, 15s. 8½d.<sup>1</sup>

Very little has hitherto been known of the history of Murdach, Duke of Albany, especially during his period of governorship. It will, therefore, be interesting to note any documents or records which throw light upon the exercise of his office. The opinion of the contemporary historian, Bower, is that he was far too remiss in the management of affairs, and also in the control of his sons, who, he adds, were exceedingly insolent, and often acted in violation of the laws.<sup>2</sup>

Shortly after his elevation to the office of Governor of Scotland, Duke Murdach, on the 16th of November 1420, at Perth, entered into an agreement with Sir Alexander Stewart, Earl of Mar and Garioch, whereby the latter and his son, Sir Thomas Stewart, swore special fealty and retinue to the Duke during the remainder of his life, their allegiance to their Lord the King only excepted. The Governor thereby granted to the Earl of Mar half the profits of the justiciaries of Aberdeen, Banff, and Inverness, with certain exceptions, while the Earl was to secure that the justice-courts should be held to the honour of the Governor and profit of both; the Governor also promised to confirm the infeftment of the lands of Mar and Garioch, which the Earl of Mar was preparing for his son Sir Thomas, provided that the Earl of Mar showed a confirmation of our Lord the King to our Lord the Governor, given to him and his heirs and assignees, of the lands of Mar and Garioch foresaid. Another part of the agreement was that the Governor should be

<sup>1</sup> Chamberlain Rolls, vol. iii. p. 118.

<sup>2</sup> Fordun, a Goodall, vol. ii. p. 467.

“steadhaldand” to the Earl of Mar, and should give him assistance in the same manner as the late Governor; and that he would not permit his eldest son, Sir Walter Stewart, to marry the daughter of Sir Robert Erskine without obtaining the Earl of Mar’s consent. The instrument is somewhat important, and may be here given in full :—

This indenture, made at Perth the xvi day of the mounth of November, in the yeir of our Lord a thousand four hundereth and twentic, betwix [ane] excellent and mightie prince, Murtheu, Dvck of Albancy, Earll of Fife and Menteith and Governour of Scotland, on the ane pairt, and a vorschipful Lord, Schir Alexander Stewart, Earll of Marr and Garviach, on the tothir pairt, contenis and beris vitnes that it is fullelie accordit betwix thame, in forune and maner as efter sal follow, and that is to say, that the forsaid Earll of Mar is becum man of sp[eciale feale] and retenen till the forsaid Dvck of Albaney, Governour of Scotland, for all the terme of his lyffe, befor and aganis all uthiris deidlyk personis, his allcagence aucht till our Lord the King allennerlie outane, and he salle giffe his letter therupone till our forsaid Lord the Governour in deu forme under his seille, for certane gude dedis done till him be our said Lord the Governour. Alsua it is accordit that our said Lord the Governour sall gife to his darrest cousin forsaid, the Earll of Mar, the [tane] halfe of the profittis of the justry of Aberdeine, Bamffe, and Inuernes, and als oft as thay be haldane, outtane the cornis and victualis of men and horse in the halding of the said ayeris, and the said Earll of Mar sall doe all his bisness and diligence till bring justris till the honour and profit of the said Lord the Governour for beath ther profit. Alsua our Lord the Governour sall gif hes letteris patentis till the said Earll of Mar of power to be steadhaldand till him, efter the tenor of the letters, the quhilks the said Earl hede of umquihlum our Lord the Governour, whom God assoyle. Alsua the forsaid Lord the Governour is assentit and sall gife his confirmatione till his cusin, Schir Thomas Stewart, upon the infestment that the said Earll of Mar makis till the said Schir Thomas hes sone apone the landis of Mar and Garveach, if it sa beies that the said Earll of Mar shaues a confirmatione of our Lord the King till our Lord the Governour, givin till him and hes heiris and assignais apone the landis of Mar and Garviach forsaid; for the quhilk confirmatione

til be gevin til the said Schir Thomas throch our Lord the Governour that now is, and for uther gude dedis done of befortyme till the said Schir Thomas throch our said Lord the Governour, the said Schir Thomas is becum mane till our said Lord the Governour of sp[ecial feale] and reteneu for all the tyme of his lyffe befor and agains all uther deidlyk personis, hes alleagence aught til our Lord the King allanerlie outane, and tharupon sall gife his letters of retenewe in duc forme til our Lord the Governour. Alsua it is accordit that our Lord the Governour sall giff hes lettres, baunde, and seille till his forsaid cusin, the Earll of Mar, of mantinance, helpe, and suppleie, in [deu] forme and in effect as quhilum our Lord the Governour hes fader did [of] befortyme, bot fraude or gyle. Alsua it is accordit betwix the forsaid Lord the Governour and hes darrest cusin the Earll of Mar, that sen Valter Steuart, the sone and ayire appirand of our forsaid Lord the Governour, is oblisched till the forsaid Lord his fader that he sall not tak in mariage the dochter of Schir Robert Erskine vithout the consent of hes forsaid Lord and fader, our forsaid Lord the Governour is oblischeid and oblischis him be this indenture till hes said cusin the Earll of Mar, that he sall nocht gife hes consent till the fulfillan of the said mariage, vithout vittining and consent of the said Earll of Mar. And alsua it is accordit that our said Lord the Governour hes gevin to hes forsaid cusin the Earll of Mar, the profitis cumand of the landis of Badenach, Urquart, and Strathowne, ay till the tyme that thay may be sett to profitt, and fra thensfurth our forsaid Lord till haue the tane halfe of the profit cumand of the saidis laudis, and the forsaid Erl his cusin the tother halffe of the profitt of the [saidis] landis endurand the tyme of the said Earllis lyve. And alsua the said Earll is oblischit and oblissis him be this indenture, that he sal doe al his gudlie bisnes and diligens to bring and sett the saidis landis of Badenacht, Urquart, and Strathowen, vith the pertinentis, till the maist profitt that he may, and vithin als schort tyme as he may, bot fraud or gyle. In the vitnising of the quhilkis thingis, leillie and trewlie for to be keipit, bot fraud and gyle, the seillis of the forsaid Lord the Governour, and of the forsaid Earll of Mar hes cusin to thir indenturis interchangabillie ar to put, the day, yeir, and place forsaidis.<sup>1</sup>

As the permanent restoration of King James to his kingdom and crown

<sup>1</sup> *Antiquities of Aberdeenshire*, vol. iv. p. 181.

seemed still far from being accomplished, an attempt was made in this year, 1421, to procure his temporary release, to enable him to pay a visit to Scotland. The documents which reveal the transaction do not inform us that it was in the least a national concern, but lead us to infer that it was a private endeavour on the part of the Earl of Douglas. The incident as gathered from the documents stands thus:—

Archibald, Earl of Douglas, in the beginning of the year 1421, proceeded to London and had an interview with King James, to whom he proposed that if he wished to pay a visit to Scotland, he would offer his services to the King of England in return for his permission. He prevailed upon King James to consent to this proposal, and also to give him his authority for the transaction, whereupon the Earl of Douglas entered into an engagement with King Henry the Fifth, on 30th May 1421, at London, to assist him against all his enemies, his Lord King James and his successors alone excepted, as long as he lived, with two hundred knights and esquires, and two hundred mounted archers, all sufficiently provided for war, wherever the King of England wished, either by land or sea.<sup>1</sup>

This agreement was followed the day after by the preparation of another between the two kings, by which King James was to be granted three months to go to Scotland and return again, on condition of no less than twenty persons, and some of these the most influential in Scotland, consenting to remain as hostages for him. These were—Walter Stewart Earl of Athole, Walter Stewart eldest son and heir of Duke Murdach the Governor, Thomas Earl of Moray, William Earl of Angus, Alexander Earl of Crawford, and William Earl of Orkney; also the following bishops—Henry bishop of St. Andrews, William bishop of Glasgow, Robert bishop of Dunkeld, and Henry bishop of Moray; and in addition to these, James Douglas second

<sup>1</sup> Rymer's *Fœdera*, vol. x. p. 123.

son of the Earl of Douglas, Robert Lord of Erskine, William Hay Lord of Errol Constable of Scotland, Robert Stewart Lord of Lorn, James Sandilands Lord of Caldor, Malcolm Fleming Lord of Biggar and of the Leynze, James Hamilton Lord of Cadzow, Thomas Boyd Lord of Kilmornow, Robert Keith Mareschal of Scotland, and William Borthwick Lord of Borthwick.<sup>1</sup> It is hardly surprising, in view of depriving Scotland of so many of her foremost statesmen, including the Chancellor, Constable, and Mareschal, that this agreement was not carried out, and that King James still remained in England. In the close of this year, on 4th December 1421, a safe-conduct was granted for the conveyance of some horses from Scotland into England for King James's use.<sup>2</sup>

On the 4th of January 1422 the Governor was at Lindores, where, on that date, he confirmed a charter of sale and alienation, granted by William, son of John, to Patrick Ogilvy of Grandoun, son and heir of Alexander Ogilvy of Velterhous, Sheriff of Forfar, of the fourth part of all the lands of Inchedrewir, Culpoty, and Culbrynny, in Banffshire, to be held of the King and his successors. From Lindores the Governor went to Stirling, where, on the 7th, he granted a precept for a charter of regrant under the great seal to William, Lord of Graham, and on the following day the charter was granted under the Governor's great seal of office.<sup>3</sup> On the 21st he granted another charter of regrant, also at Stirling, to James of Dunbar, of the lands of Frendraught and others, which James Dunbar had resigned in the Governor's hands.<sup>4</sup> In these charters he is particularly careful of King James's rights.

At Stirling, on 30th November 1422, Duke Murdach granted a charter to John Ker, burgess of Lanark, of the lands called Wafrelandis, and it is

<sup>1</sup> Rymer's *Fœdera*, vol. x. p. 125.

<sup>2</sup> *Ibid.* p. 158.

<sup>3</sup> Appendix to Third Report by the Commissioners on Historical mss., p. 398.

<sup>4</sup> *Antiquities of Aberdeenshire*, vol. iii. p. 587.



impossible not to see in some of the elauses of this eharter, as in all the rest, the entire absenee of any spirit of usurpation in the Governor. The reddendo elause is as follows :—

*Faciendo domino nostro regi et heredibus suis dictus Johannes et heredes sui pro dictis terris cum pertinenciis pisturam Wafrarum dicti domini nostri regis quociens ipsum dominum regem apud Lanark contigerit residere ;*

*i.e.* the said John and his heirs, for the said lands with pertinents, to perform for our Lord the King and his heirs the baking of our Lord the King's wafers as often as he shall happen to reside at Lanark. The witnesses' names are William bishop of Glasgow, Chaneellor of Seotland, Alexander Stewart of Kinelevin the Regent's son, Archibald of Cunningham Sheriff of Stirling, Alan of Otterburn Seeretary to the Regent, and others.<sup>1</sup>

In a precept of sasine granted by the Duke while at his eastle of Falkland, on 28th August 1423, for the infeftment of Henry of Ramsay, son and heir of Alexander of Ramsay of Colluthy, in the lands of Leuehars, there occur the names of the following witnesses :—Alexander Stewart, our beloved son, James of Douglas of Balveny, our beloved brother, John de Corntoune, rector of the ehurch of Eglishame, John of Lumsden, our Sheriff of Fife, John of Wright, our Constable of Falkland, and Alan of Otterburn, our Seeretary.<sup>2</sup>

Another eharter granted by the Duke at Perth, on the 16th Oetober of

<sup>1</sup> Appendix to Fifth Report of Historical mss. Commissioners, p. 633.

<sup>2</sup> History of the Carnegies, Earls of Southesk, by William Fraser, Edinburgh, vol. ii. p. 510. John Wright was Constable of Falkland when the Duke of Rothesay died there, and was accused of being concerned in his death. But the fact that he continued to hold his office of Constable of Falkland for

upwards of twenty years afterwards, affords evidence that he was innocent of the crime popularly laid to his charge. In 1412 and succeeding years he was one of the custumars of Kinghorn, a small trading port on the Fifeshire coast, and he also had a son who, between May and November 1413, was appointed Master of the Hospital of St. Laurence, near Haddington. — [Exchequer Rolls, vol. iv. pp. 134, 182, 198, etc.]

this same year, 1423, marks more strongly still the absence of jealousies as to the rule of the Regent Murdaeh. This charter was granted to the Governor's "beloved cousin, Sir Alexandér Forbes, and his dearest cousin, Elizabeth of Douglas,<sup>1</sup> whom by the grace of God Sir Alexander had married," and was a regrant of the barony of Forbes, which Sir Alexander had resigned in the hands of the Governor. Sir Alexander Forbes was a close friend of King James the First, and paid repeated visits to him while in England, on one occasion to accompany him to France.<sup>2</sup> Yet he resigned his lands into the Governor's hands, and accepted a regrant of them, to be held of the King and his heirs; and the witnesses were, Henry bishop of St. Andrews, Robert bishop of Dunkeld, William bishop of Dunblane, the Governor's uncle, Walter Earl of Athole and Caithness, his dearest brother, John, Constable of France Earl of Buchan and Chamberlain of Scotland, his dearest cousin, Alexander Earl of Mar and Garioch, Alexander Stewart his beloved son and Alan of Otterburn his secretary.<sup>3</sup>

By this time the negotiations which were to issue in the final deliverance of King James the First from his English imprisonment had been initiated, and matters had assumed an aspect which betokened a greater amount of success than formerly. King Henry the Fifth of England was dead; his infant son had been crowned as King Henry the Sixth, and the kingdom of England placed under the regency of Humphrey, Duke of Gloucester.<sup>4</sup> King James, too, had made friends willing to expedite his release, by wooing and winning for his future queen a lady of the royal family of England, distinguished alike for beauty and accomplishments—Joanna Beaufort, daughter of John, Earl of Somerset.

<sup>1</sup> Elizabeth Douglas was the sister of William, Earl of Angus.—[Antiquities of Aberdeenshire, vol. iv. p. 388.]

<sup>2</sup> Antiquities of Aberdeenshire, vol. iv. p. 386.

<sup>3</sup> *Ibid.* p. 387.

<sup>4</sup> Rymer's *Fœdera*, vol. x. p. 268.

The English Court now encouraged King James to the carrying on of negotiations for his release, and on 12th May 1423, at his request, granted a safe-conduct for a number of Scotch magnates to come into England about it.<sup>1</sup> He was presented on 21st May with a hundred pounds out of the English Treasury for his private expenses,<sup>2</sup> and about six weeks later, on 30th June, the Treasury was ordered to defray all his expenses during his absence from the King's palace, as well as of all his attendants.<sup>3</sup> The English were the foremost in appointing their commissioners to carry through the negotiations, their instructions being dated 6th July, while the commission for the Scottish ambassadors was only granted by Duke Murdach on the 19th of August. The Scottish commissioners were William bishop of Glasgow Chancellor of Scotland, George Earl of March, James Douglas of Balveny the Regent's brother-in-law, the Abbots of the Monasteries of Cambuskenneth and Balmerino, Sir Patrick Dunbar of Bele, Sir Robert Lawder of Edrington, Master George Borthwick Archdeacon of Glasgow, and Master Patrick Houston, Licentiate in Laws, Canon of Glasgow and Secretary to the Governor. Those on the English side were Thomas bishop of Durham, Philip bishop of Wygorn, Henry Earl of Northumberland, Ralph Earl of Westmoreland, Sir Richard Nevill Warden of the West Marches, Sir Ralph Cromwell, Sir Thomas Chaworth, Master John Wodham, Archdeacon of the Estrithing, and Robert Waterton, Esquire.

Several of the commissioners met at York in the month of September, and arranged the amount of money to be paid to the English Government in respect of King James's expenses while in England. Nothing was asked in respect of ransom, and the English Government was prepared to have accepted a lower sum than that agreed to by the Scots. In their instructions the English commissioners, were directed to give the Scottish

<sup>1</sup> Rymer's *Fœdera*, vol. x. p. 286.

<sup>2</sup> *Ibid.* p. 290.

<sup>3</sup> *Ibid.* p. 293.

commissioners the opportunity of stating a sum which would cover the King's expenses; if they were unwilling to do that, forty thousand pounds were to be sought, and if the Scots hesitated to give so large a sum, they were empowered, after negotiations, to reduce it to thirty-six thousand pounds, being two thousand pounds for each of the eighteen years during which King James had been detained by the English.<sup>1</sup> The sum, however, was fixed at forty thousand pounds, to be paid at London by instalments of ten thousand merks every six months. The Scottish commissioners also expressed themselves well satisfied with the proposed marriage of King James.

To allow the King time to obtain among his kindred and subjects hostages of sufficient standing to insure the payment of the money, negotiations were postponed until the 1st of March following. In the meanwhile, however, the commissioners met again at London, early in December, and drew up the terms of the Instrument of Release. By the month of March the arrangements were completed. A truce of seven years was agreed to,<sup>2</sup> King James was to obtain his freedom and bring to Scotland as his queen the lady previously mentioned, who was a grand-daughter of John of Gaunt, Duke of Lancaster, and whose mother was Lady Katherine, niece of the late King Richard the Second of England.<sup>3</sup> On account of his marriage with this lady, King James received, as if for her dowry, a remission of ten thousand marks from the sum of sixty thousand due to the English Treasury.<sup>4</sup> For the payment of the remaining fifty thousand marks, the four principal burghs of Scotland—Edinburgh, Perth, Dundee, and Aberdeen—each became responsible,<sup>5</sup> in addition to about thirty of the Scottish magnates.<sup>6</sup>

To the four burghs King James granted his obligation to relieve them

<sup>1</sup> Rymer's *Fœdera*, vol. x. p. 295.

<sup>2</sup> *Ibid.* p. 328.

<sup>3</sup> Fordun, a Goodall, vol. ii. p. 474.

<sup>4</sup> Rymer's *Fœdera*, vol. x. p. 322.

<sup>5</sup> *Ibid.* p. 324.

<sup>6</sup> *Ibid.* p. 327.

of the sum for the payment of which they had become bound.<sup>1</sup> This he did while at Durham awaiting the concluding of the arrangements. On the 28th March a commission was issued at Durham, which appointed the Earl of Northumberland and others to escort King James with all possible honour from that city out of the kingdom,<sup>2</sup> and he left it, accompanied by over three hundred of the Scottish nobility, who had previously obtained safe-conducts from the English Government to come to Durham for that purpose.<sup>3</sup>

King James is said to have proceeded directly to Edinburgh, with a short delay at Melrose on the 5th of April, for the confirmation of the arrangements made with England about his release. His first act on arriving at the capital seems to have been to arrest Sir Walter Stewart, eldest surviving son of Duke Murdach, with Malcolm Fleming of Cumbernauld, and Thomas Boyd younger of Kilmarnock. They were taken on the 13th May within the Castle of Edinburgh, and Sir Walter Stewart was sent in strict custody to the Bass, Malcolm Fleming, first to Dalkeith and then to St. Andrews, but Thomas Boyd was set at liberty.<sup>4</sup> No reason is given for their arrest. Shortly afterwards, on the 21st May, the King and Queen were crowned at Scone, in the midst of the bishops, prelates, and nobles of Scotland, by Henry Wardlaw, Bishop of St. Andrews, while Duke Murdach, as first in rank among the nobles, as well as by virtue of the ancient privilege of the Earls of Fife, placed the King in his regal chair.<sup>5</sup> On this occasion, along with a number of others, Alexander

<sup>1</sup> National MSS. of Scotland, vol. ii. No. 67.

<sup>2</sup> Rymer's *Fœdera*, vol. x. p. 332.

<sup>3</sup> *Ibid.* p. 309.

<sup>4</sup> Fordun, a Goodall, vol. ii. p. 481. Sir Walter Stewart was placed in charge of Sir Robert of Lawder of the Bass, who, with John

Hering, Constable of the Castle there, received several allowances from the custumars of Haddington and North Berwick towards the expenses of their prisoner.—[Exchequer Rolls, vol. iv. pp. 380, 386.]

<sup>5</sup> Fordun, a Goodall, vol. ii. p. 474.



Stewart, a younger son of Duke Murdoch, received the honour of knight-hood from the King.<sup>1</sup>

A few days after his coronation, King James assembled his first Parliament at Perth, and before it was dissolved the people of Scotland discovered that although they had welcomed their sovereign's return, it was to cost them dear. The noblest families in Scotland had sacrificed much to procure his release, and by the imposition of a system of taxation hitherto unknown in Scotland, the common people were to be impoverished. The first year the Auditors of Exchequer received and delivered to the King nearly fourteen thousand marks, but the second year produced a sum so much less, that the King abstained from burdening the people with taxes until the year 1433, when, on account of some heavy expenses of an embassy to France for arranging the marriage of his daughter with the Dauphin [afterwards Louis XI.], he imposed a tax of twopence in the pound universally throughout the kingdom. At this renewal of the grievance the commons complained against the King, which coming to his ears, he ordered the collectors to desist, and to restore to every one the amount which had been uplifted from him.<sup>2</sup>

In this first Parliament of King James, an Act was passed "anent the lands and rents which belonged in former times to the King's predecessors," in which instructions were given to all the King's sheriffs to make inquiry, by their best and worthiest bailies, as to what lands, possessions, or annual-rents pertained in former times to the King, or to his predecessors, Kings David the Second, Robert the Second, and Robert the Third, and in whose hands they now lay. Of these inquiries, the sheriffs were to furnish retours under their seals, and by the same Act the King was empowered to summon any of his tenants to show their charters and evidents.<sup>3</sup>

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 482.

<sup>2</sup> *Ibid.*

<sup>3</sup> Acts of the Parliaments of Scotland, vol. ii. p. 4.

It would appear from the making of this Act, that the crown lands and rents had to a large extent passed into the hands of others, but who had obtained possession of them it is not easy to discover. The Dukes of Albany do not seem to have enriched themselves with them, nor yet to have bestowed them upon others, but to them the King naturally looked for the preservation of them. It was just that when the King discovered the state of matters, he should take steps to recover his own, and the passing of this Act was perfectly legal. But King James's temper seems to have been overstrained and broken by his long and weary captivity, and he had not patience to pursue a mild policy with his nobility, by which he might have accomplished his end quite as effectually, and prolonged his own life. The King made many good laws, and did much to improve the condition of his kingdom in a social aspect, but he assumed the position of a tyrant to the nobility of Scotland; his measures towards them were harsh and unjust; and had their loyalty and devotedness been less sterling than it appeared, they would have been driven by his oppression to rebellion long before they were. James thus showed himself cruelly ungrateful to those who for his sake, either in their own persons, or in the persons of their eldest sons, had become exiles among their traditional enemies, where they, for the most part, either died, or were exchanged for others of equal importance;<sup>1</sup> yet, shortly after the conclusion of this arrangement, and before King James the First had sat a single year on the throne of his fathers, he was the author of one of the most sanguinary tragedies ever executed on Scottish soil,—two knights, with their aged father and more aged grandfather, the most venerable of Scotland's nobles, tried, condemned, and hurried from the tribunal to the block.

Previous to his coronation, as remarked, King James had caused the

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 474.

arrest, along with two others, of Walter Stewart, the oldest surviving son and heir of Duke Murdach. In the same year, 1424, Duncan, Earl of Lennox, was also arrested and imprisoned in the Castle of Edinburgh, while Robert of Graham was consigned to a similar fate in the Castle of Dunbar.<sup>1</sup>

The King held his second Parliament at Perth, on 12th March 1425, and on the ninth day of its sitting he caused to be arrested Murdach Duke of Albany, and his son Sir Alexander Stewart, with twenty-six others, namely, Archibald fifth Earl of Douglas, William Douglas Earl of Angus, George Dunbar Earl of March, Alexander Lindsay, Adam Hepburn of Hailes, Thomas Hay of Yester, Walter of Haliburton, Walter Ogilvy, David Stewart of Rosyth, Alexander Seton of Gordon, Patrick Ogilvy of Ochterhouse, John the Red Stewart of Dundonald, David Murray of Gask, John Stewart of Cardine, William Hay of Errol Constable of Scotland, Alexander Irvine of Drum, Herbert Maxwell of Carlaverock, Herbert Herries of Terregles, Andrew Gray of Foulis, Robert Cunningham of Kilmaurs, Alexander Ramsay of Dalhousie, and William Crichton of Crichton. On the same day, John Montgomerie of Montgomerie, and Alan of Otterburn, the Secretary of the Duke of Albany, were also arrested, but shortly afterwards were released. Immediately after these arrests, the King sent and took possession of two of Duke Murdach's castles, Doune in Menteith and Falkland. In the former he found Isabella, Duchess of Albany, and sent her with the other prisoners to the Castle of St. Andrews, but he afterwards removed her to Tantallon, and the Duke of Albany to Carlaverock Castle.<sup>2</sup> The portion of Carlaverock Castle in which Duke Murdach was confined is still preserved, and is known as "Murdach's Tower." It is the round tower on the southwestern angle of the Castle, and is about eleven feet in diameter. The tower was far removed from the vassals of Albany, and may on that account have

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 482.

<sup>2</sup> *Ibid.* p. 483.

been considered the safest in the kingdom. He was taken from it to his trial and execution at Stirling.<sup>1</sup>

Only one of Duke Murdach's sons, James, was at liberty, and he would, no doubt, have shared the fate of his father and brothers if King James could have captured him. He, however, escaped, and, enraged by the imprisonment of his father and brothers, attacked, in company with Finlay, bishop of Lismore, and others, the burgh of Dumbarton, which, in spite of strong resistance, he burned, and slew John Stewart of Dundonald, otherwise of Burley, called the Red Stewart, an uncle of King James, and with him thirty-two other persons. For this the King pursued him so closely that he was compelled, with the Bishop, to betake himself for safety to Ireland, where he died.<sup>2</sup>

Several of those taken along with Duke Murdach had obtained their liberty, as is evident from the Red Stewart being at Dumbarton when it was assaulted by James Stewart. Others seem to have been set at liberty on promising to assist the King in the removal of Albany and his sons, for they sat on the jury of twenty-one which condemned them and the Earl of Lennox. Of those thus liberated there were eight, namely, Archibald Earl of Douglas, William Earl of Angus, George Earl of March, John Montgomerie, William Hay of Errol, Constable, Herbert Herries of Terregles, Robert Cuninghame of Kilmaurs, and Patrick Ogilvy, Sheriff of Angus, who, with those already in the King's confidence, were sufficient to insure a verdict against those whose life the King sought.

On the 18th of May the King continued his Parliament at Stirling, and on the 24th of that month, when seated on his throne in state, Walter Stewart was brought before him for trial, his accusation read, and he being

<sup>1</sup> The Book of Carliaverock, by William Fraser, vol. i. pp. 56, 130.

<sup>2</sup> Fordun, a Goodall, vol. ii. p. 483.

convicted, was at once led forth and beheaded in front of the castle. On the morrow similar proceedings took place with regard to Duke Murdach, his son, Sir Alexander, and the aged Earl of Lennox. They shared the same fate, and with like haste; and to add to the ghastly spectacle, on the same day five of those who had been with James Stewart at the burning of Dumbarton, who had been taken and brought to the King on the 8th of May, were drawn asunder by horses, and their bodies suspended on gibbets.<sup>1</sup> The bodies of the Earl of Lennox, the Duke of Albany and his two sons, were buried in the Church of the Preaching Friars at Stirling, on the south side of the great altar.

The scene of their execution was an eminence to the north of the castle, the Gowling Hill, or Heading Hill, as it was afterwards called from this sanguinary scene. The event itself was one which drew from those who witnessed it expressions of deep regret and compassion. Duke Murdach and his two sons were men of gigantic stature; and of Sir Walter Stewart it is recorded, in marked contrast to the testimony of Bower, that he was a most loveable person, of sagacious eloquence, agreeable to every one, and universally beloved, and that his death was deplored not only by those who knew him, but by all who had heard of his fame.<sup>2</sup> When to these was added the spectacle of the venerable Earl of Lennox, now in his eightieth year, and one of the most peaceable noblemen of that time, being led to the block, it cannot be wondered that expressions of indignation against such unsparing rigour found vent amongst the spectators.

Much conjecture has been raised as to the cause of this procedure on the part of King James. As has been stated, the arrest of Sir Walter Stewart was made before the coronation of the King, and the only charge which is known to have been preferred against him is that of "*de roborca*," of which

<sup>1</sup> Fordun, a Goodall, vol. ii. p. 483.

<sup>2</sup> Scotichronicon, Cupar MS., quoted in Fordun, a Goodall, vol. ii. p. 483, note.



he was convicted by the assize, and beheaded.<sup>1</sup> What is implied in this term is doubtful, the most probable suggestion being that it refers to the spoliation of crown lands. The pretext for the arrest of Duke Murdoch, his son Alexander, and the Earl of Lennox, with so many other nobles during the sitting of the second Parliament at Perth, has been supposed to be the inattention paid by these nobles to the laws passed by themselves at the previous meeting of Parliament, evidence of which appeared at the second meeting, upon which the King ordered their arrest. But all the others were released, and only Albany, his sons, and Lennox chosen for the slaughter, while no record has been preserved of the crimes of which they were accused. It could not have been usurpation of the government on the part of the Duke, as has been suggested, for, as formerly shown, his transactions during the whole period of his regency were not only never called in question either by the nobility or King James, but were actually confirmed by both, and the death of the Duke alone might have sufficed had such been the crime. Feelings of revenge against the whole house of Albany on account of the alleged murder of Rothesay, and detention of King James in England, are also stated as a reason for the arrest; but as these alleged facts have been shown to have had no foundation, they are not likely to have given rise to such feelings. It may have been represented to the King that the power of the Albanies had become too great, and that while they lived he would not be able to consolidate his own power; but these reasons will not provide any satisfactory ground for including the aged Earl of Lennox in the slaughter. Whatever

<sup>1</sup> *Scotichronicon*, Cupar MS., quoted in *For-*  
*dun*, a Goodall, vol. ii. p. 483, note. The only  
 instance on record of misdemeanour on the part  
 of Sir Walter Stewart was his detention of  
 the eustumars of Linlithgow in his castle of  
 Dumbarton until they paid him the sum of

£15, 0s. 10½d., and this was considered so  
 trivial by the Lords Auditors, that they did  
 not think it worth while consulting the Gover-  
 nor, but merely instructed the eustumars to  
 deduct the sum from the next payment made  
 to him.—[Exchequer Rolls, vol. iv. p. 365.]

his reason, King James evidently sought to annihilate the house of Albany. Pinkerton prints a contemporary account of the murder of King James the First, which refers in the following terms to the execution now related :—

“Whos deth the people of the land sore grutched and mowrnid, seying that thay suppoised and ymagynd that the Kyng did rather that vigorous execucion upon the Lordes of his kyne, for the covetise of thare possessions and goodes, thane for any other rightfull cause, althofe he fonde colourabill wais to serve his entent yn the contrarye.”<sup>1</sup>

At all events, it was not because of any danger to the State that King James procured the death of these noblemen. There is nothing to show that they were moving sedition; they attended the Parliament, and performed their accustomed duties till they were suddenly and unexpectedly arrested. Their lives might have been useful to the country had they been spared, but the King's jealousy prompted their removal, as it would lessen the risk of failure in his own succession in the event of a rising of the other nobles or people, for they were the next heirs to the crown. Colourable pretexts may have been found to convict them of treason, but it is more likely, judging from James's policy towards the nobles, that he succeeded in intimidating those who sat on the jury to fulfil his wishes. Sir David Lindsay of the Mount thus refers to this deed :—

“Quho rang in court more hie and tryumphand  
 Nor Duke Murdoke, qubill that his day indurit ?  
 Was he nocht gret Protectour of Scotland ?  
 Yit of the court he was nocht weill assurit ;  
 It changit so, his lang servyce wes smurit ;  
 He and his sonne, fair Walter, but remede,  
 Forfaltit war, and put to dulefull dede.”<sup>2</sup>

<sup>1</sup> Pinkerton, vol. i. Appendix, p. 463.

<sup>2</sup> Poetical Works of Sir David Lyndsay, by David Laing, vol. i. p. 77.

The death of Duke Murdach and his sons being ostensibly for high treason, and his youngest son, James, being now an outlaw on whose head a price was placed, the vast earldoms of Fife and Menteith fell into the King's hands. A charter, granted by James, Abbot of Dunfermline, and the convent thereof, on 4th January 1506, bears that the deceased Murdach, Duke of Albany, Earl of Fife and Menteith, tenant to the said abbot and monastery in the lands of Cluny, had, for certain treasonable crimes, forfeited his life and lands and all his goods within Scotland to King James the First; and although the said King and his successors kept the said lands of Cluny for some time to their own use, and disposed them to certain persons, yet King James the Fourth, then present King of Scots, moved through conscience and his accustomed goodness, and being advised by a decree of the Lords of Council, restored the superiority of the said lands of Cluny to the said abbot and convent.<sup>1</sup>

The earldom of Lennox, however, was not forfeited, but was inherited by Isabella, Duchess of Albany, as heir to her father, Earl Duncan, under the feudal investitures of the earldom, and it remained in her possession till her death. After her release from Tantallon Castle, the Duchess returned to the home of her childhood in Inchmurrin Castle, Lochlomond, the principal messuage of the earldom of Lennox. From this place she managed the affairs of the earldom, and numerous charters attest both her munificence to the Church and her capacity for business. She received, in 1434, at the King's command, a grant of £29, 6s. 8d. from the Exchequer; and probably it is the same lady who is referred to under the name Elizabeth, Duchess of Albany, as the recipient of £8, 2s. for clothing and furniture about four years previously.<sup>2</sup> Duchess Isabella's youngest son, James,

<sup>1</sup> Appendix to Fourth Report of Historical MSS. Commission, p. 497.

<sup>2</sup> Exchequer Rolls, vol. iv. pp. 473, 591.

died in his exile in Ireland; but in the year 1445 three of his illegitimate sons were with her at Inchmurrin, whose names were James, Arthur, and Walter, and they witnessed, on 15th February of that year, a charter by Isabella, Duchess of Albany and Countess of Lennox, to William of Edmonstoun, son and heir of Sir William of Edmonstoun, Lord of Cullodene, and his wife, Matilda Stewart (a grand-daughter of the Duchess), of the lands of Duntreath, in the earldom of Lennox.<sup>1</sup> They were still with her in the year 1451, and witnessed a charter granted by her at Inchmurrin, on 18th May, of the lands of Balylogan, in the parish of Kilmaronock and earldom of Menteith, to John of Govane, prior of the Preaching Friars of Glasgow, and his successors, for the welfare of her soul and the souls of her late husband, Murdach, Lord Duke of Albany, her father, Duncan, Earl of Lennox, and her sons Walter, James, and Alexander.

For some time after the death of Duke Murdach there were two Duchesses of Albany in Scotland—Duchess Muriella, the second wife of Duke Robert, and Duchess Isabella. The former must have been well advanced in years at the time when the last reference to her pension from King James occurs in the Accounts of the Auditors of the Exchequer for 1435, and she probably received the money from the forfeited earldoms of Fife and Menteith. Duchess Isabella survived until about the year 1460, and saw the violent end of that King who at one blow deprived her of father, husband, and sons. She also lived until near the end of the reign of King James the Second.

By his Duchess Isabella, Duke Murdach had four sons and one daughter:—

1. Robert Stewart, called of Fife. He is mentioned in the accounts of the year 1415 as receiving share of a balance of £50, 11s. 9d. in the hands of the custumars of North Berwick, which, by

<sup>1</sup> The Lennox, by William Fraser, vol. i. p. 269.

command of the Governor, Duke Robert, was divided between him, another grandson, John of Swinton, and Sir Robert of Lawder.<sup>1</sup> Robert Stewart died before 1421, without issue.

2. Sir Walter Stewart of Lennox, but, after the death of his elder brother, styled of Fife, Lennox, and Menteith. Previous to the year 1416 he was appointed keeper of the Castle of Dumbarton in place of, or along with Sir Walter Buchanan, his brother-in-law, who received twenty marks of the hundred annually granted for the office, while Sir Walter received eighty.<sup>2</sup>

Under the regency of his father, Sir Walter, as his eldest surviving son and heir, exercised considerable power, a proof of which is his writing a letter to the French King, dated at Stirling, in the month of October 1423, in which he promised to observe and keep the treaties of alliance and confederation between the kingdoms of France and Scotland.<sup>3</sup> He was seized and imprisoned by King James the First as soon as the latter entered Scotland, and after being kept a year in captivity, was tried and executed at Stirling, on 24th May 1425.

A marriage was arranged between Sir Walter and Janet Erskine, daughter of Sir Robert Erskine, and as they were related to one another in the third degree, a papal dispensation was obtained from Pope Martin the Fifth, dated 27th May 1421.<sup>4</sup> But it is unknown if this proposed marriage was ever celebrated, and Sir Walter left no legitimate issue.<sup>5</sup>

<sup>1</sup> Exchequer Rolls, vol. iv. p. 226.

<sup>2</sup> *Ibid.* pp. 242, 363.

<sup>3</sup> Report on *Fœdera*, Appendix D, p. 128.

<sup>4</sup> Andrew Stuart's *Genealogical History of the Stewarts*, p. 451.

<sup>5</sup> The alleged marriages and issue of Sir Walter Stewart have formed the subject of controversy. According to the family tradition of the Stewarts of Ardvoirlich, who are descended from James Stewart, a younger



3. Sir James Stewart, called *More*. He, as formerly narrated, was driven to take up arms on the arrest of his father and brothers, and after burning Dumbarton, fled to Ireland, where he died in 1451. By a lady of the family of Macdonald he left a natural son, James Stewart *Beg*, who was the ancestor of the Stewarts of Ardvoirlich. He had also a natural daughter, Matilda, married to William Edmondstone of Duntreath. This marriage is proved by a charter by Isabella, Duchess of Albany, to William of Edmonstone and Matilda Stewart his spouse, of the lands of Duntreath and others, dated 15th February 1445.<sup>1</sup>
4. Sir Alexander Stewart, called of Kinnevin, who was beheaded, along with his father the Duke and his grandfather the Earl of Lennox, at Stirling, on 25th May 1425. He left no issue.

The daughter of Duke Murdach was—

Lady Isabella Stewart, who married Sir Walter Buchanan of Buchanan in Stirlingshire, and left issue.

brother of Sir Walter, Andrew, Lord Avandale, was also a son of James. George Crawford, Duncan Stewart, and other eminent genealogists, believed in that tradition. But the question of the parentage of Lord Avandale has been made a special study by the Hon. and Rev. Andrew Godfrey Stuart in his *History of the Stuarts of Castle-Stuart* (1854). Mr. Stuart maintains that Sir Walter was the father of Avandale and three brothers, Alexander, Murdach, and Arthur, by a lady of the name of Campbell, and that by a second marriage with Janet Erskine, Sir Walter was the father of Walter Stewart of Morphie, ancestor of the family of Castle-Stuart. In

his arguments for the parentage of Lord Avandale, Mr. Stuart is more successful than in his pleading, however plausible, for the legitimacy of Avandale and his brothers Arthur and Walter. In the Act of Legitimation granted to them by King James III., the three brothers are treated as bastards. Buchanan refers to Arthur as base born, thus corroborating the legitimation as to him; and the evidence as to the Campbell lady calls her an unlawful wife.

<sup>1</sup> Genealogical Account of the Family of Edmonstone of Duntreath, by Sir Archibald Edmonstone of Duntreath, Baronet, 1875, p. 32.

By the forfeiture of Murdach, Duke of Albany, the earldom of Menteith became the property of the Crown. As King James the First had also deprived Malise Graham of his earldom of Strathern, he shortly afterwards granted to him a portion of the earldom of Menteith as a new earldom, as will be shown in the next chapter, on the history of the Grahams, Earls of Menteith.

The subsequent history of the title of Duke of Albany shows how short-lived was each successive creation of that distinguished dignity. After having been extinct for nearly half a century, it was revived before 1466 in favour of Alexander Stewart, Earl of March and Lord of Annandale, the second son of King James the Second. On his death in France in 1485, it devolved on his eldest lawful son, John, who for nine years (1514-1523) was Governor of Scotland during the minority of King James the Fifth, and was declared next heir to the Crown in the event of that King's death without heirs. Duke John died in France in 1536, when the title of Duke of Albany became extinct the second time. It was, however, in 1541 again revived in favour of Prince Arthur, second son of King James the Fifth; but he died in childhood. A third time it was revived by Queen Mary, and bestowed upon Henry, Lord Darnley, on the occasion of his marriage with the Queen in 1565. On Darnley's death the title of Duke of Albany descended to his son King James the Sixth, who created his second son Prince Charles, afterwards King Charles the First, DUKE OF ALBANY on the occasion of his baptism, on 23d December 1600. King Charles the First created his eldest son Prince Charles, afterwards King Charles the Second, DUKE OF ALBANY in 1631, and he in turn, on 31st December 1660, created his younger brother

Prince James, DUKE OF ALBANY. The latter succeeded as King James the Second of England, and on his forfeiture of the Crown the title of Albany was again extinguished.<sup>1</sup>

After the accession of the House of Hanover to the British throne, Prince Edward Augustus, second son of Frederick Lewis, Prince of Wales, was, in 1760, created by King George the Second DUKE OF ALBANY AND YORK; and on his death in 1767, that title became extinct. It was once more revived in 1784, by King George the Third, in favour of his second son, Prince Frederick, and again became extinct on the death of the latter, without issue, on 5th January 1827. He was the last who held this oft-created and oft-extinguished dignity of Duke of Albany.

It will thus be seen that during the five centuries through which this dignity has existed, it has never continued under the same creations beyond the second generation, having been interrupted either by forfeiture, failure of heirs, or new creations.

<sup>1</sup> Prince Charles Edward did not assume the title of King as his father did, but contented himself with the humbler dignity of Count of Albany. Charles had one daughter by Clementine Marie Sophie, daughter of John Walkinshaw of Barrowfield, in the county of Lanark. The daughter

was named Charlotte Stuart. She was very devoted to her father in his declining years. He legitimated her, and went through the form about the same time of making her DUCHESS OF ALBANY, by which title she was known till her death in November 1789, being then about forty years of age

## APPENDIX

TO

## MEMOIRS OF THE DUKES OF ALBANY.

THE Memoirs of these two Dukes were in type and ready to be printed, when, in the month of November 1880, there came under the notice of the author, while examining the miscellaneous collection of unprinted manuscripts in Her Majesty's General Register House, Edinburgh, of which he had in the previous month become official custodier as Deputy Keeper of the Records, the note of a large sheet of paper containing three separate and two circular letters by King James the First to his uncle the Duke of Albany and others relative to his release from his captivity in England. On making inquiry for that paper, it was ascertained that it had been found in the year 1853 by a gentleman not officially connected with the public Records, when professionally engaged in making searches among the Warrants of Processes in the General Register House. The paper was handed by that gentleman to one of the Deputy Keepers of the Records, and it was afterwards placed within cover of an envelope, where it appears to have lain undisturbed from that date. The fragment appears to be the original draft by the secretary of King James the First of the letters before being engrossed and despatched to the respective noblemen to whom they were addressed.

The letters are all dated from Stratford Awe, or Avon. They do not state the year in which they were written. They must, however, have been written before Sir Murdach Stewart obtained his release, about the beginning of the year 1416, as in the first letter, which is addressed to Duke Robert, the King

states that he has obtained to it, in addition to his own signet, that of his cousin of Fife, clearly referring to Sir Murdach Stewart, who was popularly called "of Fife," as the eldest son of Duke Robert, Earl of Fife. John Lyon, the King's chaplain, and bearer of the letters, went to England to King James in May 1412 on a safe-conduct, which was to continue till the King's liberation.<sup>1</sup> Sir William Cockburn, to whom reference is made by James, is known to have been one of the commissioners in England treating for the King's deliverance in July or August 1413,<sup>2</sup> though he may also have been with the King at a later date, while the following letters appear to have been brought to Scotland by John Lyon in February 1416, as on the 20th January of that year he received a safe-conduct from Henry the Fifth of England to proceed to Scotland,<sup>3</sup> and the letters bear date the 30th January.

1. KING JAMES THE FIRST to his Uncle, ROBERT, DUKE OF ALBANY.<sup>4</sup>

Duci tantum.

GRETYNCE as to our selfe. Most der and best belufit eme, it is nouch vnknowin to yhow that we haue syndry tymys writtyn to yhow and to the thre Estattis of our rwme for our deliuerans witht Archibalde of Edmondistoun and William of Cokbourne, our trew kynchtis, and now of late witht Jon Lyone, our trast and wel belufit chapelayne, and of thir letteris ane no al hade we neuer answer, and tharof vs ferlyis nouch lytyle. Qwarfor we pray yhow effectusly and riqweris that of tha letteris yhe sende ws answer witht our forsayd chapelayn, berar of this letter, and at yhe mak exsecucion for our deliuerans efter the ordinans of our consale generale, so dowly that in yhour default we be nouch send to sek remede of our deliuerans otherqware in tyme to cum. Alsswa we pray yhow effectusly that yhe haue the berare of this letter wel commendit,

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 200.

<sup>2</sup> *Ibid.* p. 206.

<sup>3</sup> *Ibid.* p. 215.

<sup>4</sup> Original Draft of this and the four following letters on a single sheet of paper in Her Majesty's General Register House, Edinburgh.



for he has mad to vs and ouris no nother caus, thankit be Gode. Writtyn at Stratforde Awe, the penlvtyma day of Janueir, vndyr our propir signe manuele and signet, witht the signet of our welbelufit cosyng of Fyffe.

2. THE SAME to the EARLS OF DOUGLAS and DUNBAR, and the LORD OF DALKEITH.

Douglas. Dalketh. Dunbar.

GRETYNGE as to our selfe. Der and wel belufit brother, we haue syndry tymys writtyn to yhow til stere our most lufit eme of Albany douly to trauele for vs and our deliuerans efter the ordinans of our generale consale, and now o late we wrot to zhow witht our trast and wel belufit chapellayn Jone Lyone, the qwilke zhe resayfit thankfully, as he has lattyn vs wit, and tharof we thank zhow and prayis zhow witht al our hart to labore for vs and our deliuerans eftter the tenor of tha letteris, sene zhe boht wele cane and may, and our speciale trast is in zhow, and the delay of our hamecome standis al anely in thaim that sowle persue for vs, for we haue comondit witht our most gracions cosyng the excellent Kyng of Ingilland for our deliuerans, and we haue foundyn hym so gracions that in hym is no thyng to amende as the berare can lat yhow wit, witht qwilke zhe send answer qwat zhe haue done and may do in this mater, and qwat [zhe] thynk war vs to do gife delay war made as it has bene in tymis [gane. Wryttn] ut prius.

3. THE SAME to the LORDS OF GRAHAM, ERSKINE, and ARDROSSAN.

[On margin:] Grame. Erskyn. Ardrossan.

GRETYNGE as to our selfe. Trast and wel belufit brother (Alyzhe),<sup>1</sup> witt zhe we haue comounit for our deliuerans [witht]<sup>2</sup> our most excellent cosyng the gracions Kyng of Ingillande, and we haue fundyn hym mor gracions than we can say or write, thankit be Gode; and his desyre is that our most lufit eme of Albany dide trewly his det for our deliuerans eftter at the consale generale has ordanit befor tyme, and gif he wile nouch so do we mone sek other remede on nede, the qwilke we trast to fynde gif Gode wile, as the berare of this letter, Jon Lyone, our trast and welbelufit chapellayn, sale lat

<sup>1</sup> This word "Alyzhe" is written above the line as an alternative to the word "brother" which immediately precedes it. The original word "cosyng" is deleted. <sup>2</sup> Original worn.

yhow wit, to the qwilk zhe gife ferme credens and answer; and gife yhc may sterre oure eme most lufit beforseyde to do his det, for we thynk God wilnande to mak zhow and yhowris for al at zhe sale do gud rewarde in tyme to cum. Writyn ut prius.

#### 4. CIRCULAR LETTER by KING JAMES THE FIRST.

[On margin :] Pluribus x.

GRETYNGE as to our self. Trast and wel belufit frend, cosyng, or alizhe, wit zhe we haue comounit for our deliueraus witht our most excellent cosyng the gracious Kyng of Ingilland, and we haue fundyn hym to vs, thankit be God, mor gracious thau we may say or write, as the berar of this letter, Jon Lyone, our wel belufit chapellane, can lat yhow wit, witht the qwilk we pray yho sende vs answer in writ qwat yhe haue done or may do to the letteris we send yhow last, and qwat war to be done gif our deliuerans war put in delay as it has bene in tyme gane. Aud this yhe do for vs as we trast in yhow, for we sale mak yhow rewarde tharfor gif God wil in tyme to cum. Writyn ut prius.

#### 5. Another CIRCULAR LETTER by KING JAMES THE FIRST.

[On margin :] ij.

GRETYNGE as to our selfe. Wit yhe we haue resayfit yhour letteris answer of the letteris we seude to yhow witht our trast and wel lufit chapellan Jon Lyone, of the qwilkis we thank yhow witht al our hart, and specially of the confort and helpe zhe made to the forsayde Jon Lyone for our sak, and ylit we pray yhow hartfully to sterc in this consale witht al the helpe of frendschipe and of our trew legemcne yhe may get, our trast and mast lufit eme of Albauy to do for our deliuerans efter the ordinaus of the generale consale, for as we vndyrstande our most excellent cosyng the mychty Kyng of Ingillande wile be to vs gracious and helplik, for we haue comounit witht hym, as the berar beforseyd can lat yhow wit beforseyde, witht the qwilk yhe sende vs answer in writ qwat yhe haue done or may do in this mater, and qwat yhow thynk war vs to do gif our deliuerans war put in dclay, as it has bene [in tymis gane. And this] yhow [do] for vs, ut prius.

Another letter relative to the same matter was written by King James to the burgh of Perth, probably on the 8th August previous to the writing of the foregoing letters. A copy of that letter is preserved in the archives of the burgh. In it James wrote that he had,

thankit be God, maid appoyntment of our delywerance with the excellent King of England, and for neidful dispensss that we man mak on our passage, and for payment that we sould mak quhair we ar awand in London, we have writtin to our aime of Albanie to send us of our awin gudis to pay our debbtis, and mak our costis as worschip weeld, and gif he help us not, as we haif prayed him and charged, necessitie compellis us to pray yow till help us with some pairt of dispens at this tyme. Quhairfoir specialle we pray yow, and requyris that ye gif us or len us a certain portioun of your propir guidis as ye ar disposed. Quhilk we sal gar be allowit to you in your earest custome, quhat euir it be, and send us this good with ane honest burges of your awin, quhilk sall hawe saif condueit, as the berare of this lettres sall doe you witt. To the quhilk ye give firme credence in oure name, and gif ye can not find to refresh us in this mister, we doe you to witt that it is oure will, and we chairege yow ye put no merchandise to the see that aw us custom, under all payne that may follow in tyme to cum, till ye hawe licence and commandment of us. Wreitten at Londoun, the aught day of August, under oure proppir signe manuall and signett.

As the five letters, now printed for the first time, bear closely upon the proceedings of Robert, Duke of Albany, in reference to the liberation of King James from his captivity, and as they are new to history, it has been considered right to append them to his memoir and that of his son, as they could not be inserted at their appropriate place in chronological order. They afford an interesting contribution to the history of King James's captivity, and supply evidence of the King's great anxiety and impatience to be released, and his mistaken opinion that his release was simply a matter of exertion, and entirely in the power of his uncle Albany. But King James, owing to his youth at the time of his capture, and his consequent inexperience of the

affairs of Scotland, had never as yet known the extreme poverty of his own kingdom, and how insurmountable were the difficulties of obtaining the large ransom demanded by King Henry the Fifth. James afterwards learned the impossibility of paying the much smaller sum asked in 1424 to reimburse the English Treasury for his expenses. But at the time he felt flattered by the compliments and courtesy of Henry, who seems also to have encouraged James in the opinion that Albany was but deceiving him, and that his deliverance was a matter of less difficulty than it really was. The grants of freedom which King Henry had shortly before given to several Scottish barons, including the King's cousin, Sir Murdach Stewart, who had been his fellow-prisoner, strengthened this opinion, and induced King James to blame the Duke of Albany for remissness. But it is evident from the terms of the letters that he was not quite sure of the justness of his accusation. In the letter to the Duke he calls him his most dear and best beloved "eme" or uncle; and though this may be considered merely a formal and complimentary phrase from the royal nephew to his royal uncle, it is really more, as when the King wrote to the others he also in their letters calls him his most loved uncle. If the King had truly thought that Albany was conniving at his undue detention, it is hardly conceivable that he would have addressed himself and other noblemen and gentlemen in reference to him in those endearing terms. Nor are the King's terms of endearment limited to Albany alone. His eldest son Murdach had long been a fellow-prisoner with the King, and they appear to have lived on the most affectionate terms. The King borrowed from him his signet for his private letter to his uncle Albany, and styled him his well-beloved cousin of Fife. Yet in a few years, when James had gained his regal power, this well-beloved cousin was made one of the victims of the royal revenge.

## Castles and Residences of the Earls of Menteith.

### DOUNE CASTLE.

THROUGHOUT the extensive territories of Menteith, the Earls had several castles and residences, both on the mainland and on islands in the lochs of Menteith. Foremost among the castles was the famous Castle of Doune,<sup>1</sup> which, even in its long-continued state of ruin, is yet a very striking and imposing structure. It presents a venerable aspect, and is very conspicuous in the surrounding country. This "prodigious stronghold," as it has been called, has wonderfully resisted the injuries of time, and though dismantled of its roof and many of its principal features, there is still a grandeur about the "banner'd towers" which cannot fail to command admiration. Doune was the principal castle or messuage of the earldom of Menteith, and dominated the district comprehended in the ancient earldom. It is situated about eight miles to the north-west of Stirling, four miles west of the ancient episcopal city of Dunblane, and in the immediate neighbourhood to the south-east of the new town of Doune.

Sir Walter Scott was an ardent admirer of this noble ruin. He had frequent opportunities of seeing it on his visits to his friends the Buchanans of Cambusmore, and the Edmonstones of Newton, both on the Teith. Such a picturesque ruin could not escape notice in the "Lady of the Lake," where the author makes the Knight of Snowdoun sleep at Doune Castle on the night previous to the chase. The poet also makes his favourite river

<sup>1</sup> Doune, in Gaelic "Dun," signifies mound.      noch and Strathspey, is similar to the Doune  
The Doune of Rothiemurchus, between Bade-      of Menteith.



Teith and Doune Castle figure in his description of the chase in the following beautiful lines:—

“ Along thy banks, swift Teith ! they ride,  
 And in the race they mock thy tide ;  
 Torry and Lendrick now are past,  
 And Deanstoun lies behind them cast ;  
 They rise, the banner'd towers of Doune,  
 They sink in distant woodland soon ;  
 Blair-Drummond sees the hoof strike fire,  
 They sweep like breeze through Ochtertyre ;  
 They mark, just glance and disappear  
 The lofty brow of ancient Keir ;  
 They bathe their coursers' sweltering sides  
 Dark Forth ! amid thy sluggish tides.”

In “*Waverley*,” also, Sir Walter makes Doune Castle figure as a fortress, with a janitor and a governor, Donald Stewart, lieutenant-colonel in the service of His Royal Highness Prince Charles Edward. Doune being for some time the only important castle which the Jacobite army held in Scotland, it was allowable for them to make the most of it.

In the notes and explanations of “*Waverley*,” Sir Walter Scott thus describes the Castle of Doune:—“ This noble ruin is dear to my recollection, from associations which have been long and painfully broken. It holds a commanding station on the banks of the river Teith, and has been one of the largest castles in Scotland. Murdach, Duke of Albany, the founder of the stately pile, was behcaded on the Castle-hill of Stirling, from which he might see the towers of Doune, the monument of his fallen greatness.”<sup>1</sup>

The site of the castle is an elevated peninsula, near the junction of the

<sup>1</sup> It will be shown in the sequel that it was and not his son Murdach, as stated by Sir Robert, Duke of Albany, who built Doune, Walter.

water of Ardoch with the river Teith. It is bounded on the east by the Ardoch, and on the south and west by the Teith, while a dry ditch extending between the Teith and the Ardoch separates the castle from the land on the north side. The features of the situation accord with those of other early forts in Scotland, which are frequently upon an eminence near a river, or at the junction of two rivers, or, if in proximity to the sea, on a precipice or promontory, or other situation of natural strength.

The castle buildings form a large quadrangle. The hall and domestic apartments occupy the entire front or north side, and about half the extent of the west side. The remainder is occupied by a strong wall thirty-eight feet high and seven feet thick, enclosing an inner court averaging about a hundred and five feet square. Upon the outside there is a base court round the entire building, enclosed by a wall, with bastions at the corners, the foundation of which still remains. The wall, which ranged from eight to ten feet in height, was finished with embrasures, and was built close to the top of the inner slope of the dry ditch to prevent an attacking party obtaining a footing. The base court was occasionally used as encamping ground when the retainers were assembled. The dry ditches were usually made so narrow in the bottom as not to admit of an attacking party forming, and the slopes so steep as to prevent a footing being obtained, thus exposing assailants in broken order to the missiles of the defenders.

The walls of the castle are built in good rubble masonry of considerable thickness. They are constructed of brown sandstone found in the vicinity, with light coloured corners, and dressings to the doors and windows, copes, and fireplaces, supposed to be brought from Causewayhead and Ballangeich quarries. The slates are supposed to have been brought from Ardoch, and the red ridge stone from Kippen. The corners and other dressings, with the copings and mouldings of the fireplaces, are polished.

There is little or almost no attempt at decoration, heraldic or otherwise, upon the buildings. They appear to have been designed for their respective purposes, with sufficient strength for security and resistance, yet with a broad, massive, and imposing effect and strong French character, as shown in castles in that country known to have been built in the thirteenth century.

The buildings have been erected at different dates, but ultimately adapted to embrace one general arrangement. They were defective in bedroom and servants' accommodation. In the year 1581, when it was proposed to lodge the young King James the Sixth in Doune Castle, it was reported that there was a want of beds and other requisites. Temporary buildings appear to have been erected on a large portion of the court-yard, where the foundations can still be traced.

The oldest portion of the masonry is obviously the remains of a peel, tower, or keep, which had originally formed the Castle of Doune, and which had been erected upon the highest part of the mound as near as possible to the steep bank of the Teith, to obtain the advantage of it as a natural means of defence. That portion of the castle was probably erected in the thirteenth century, either by Walter Comyn or Walter Stewart, who were successively Earls of Menteith. The latter Earl was acquainted with the mechanical arts, having, as stated in his Memoir, in 1263, directed the building of several vessels in the port of Ayr for King Alexander the Third.

The style of the architecture accords with other specimens of the fifteenth century, and shows that a general plan had been arranged, commencing with the erection of the large entrance tower, followed by the court wall, large dining-hall, and the adapting of the old keep.

The access to the castle, in accordance with the usual method of the period, is not directly opposite to the entrance, so as to operate as a check

upon an attacking party. The castle is divided into two distinct departments, the judicial and the residential, the judicial comprising the guard-room, prison, court-room or baron's hall, with the strong-room entering from it, and situated immediately over the inner prison; the residential portion embraces the whole remaining apartments. The only communication between the two departments is the door leading from the great hall to the baron's hall, and another from the north-east corner of the latter to the small stair which gives access to the upper apartments.

On approaching the entrance-gate, we find that provision for security had been made by the usual appliances;—the check-chain, portcullis, and iron-grated gate, with strong sliding-bar and bolts, and also an inner gate towards the court-yard. On the right is the guard-room, with a portion partitioned off by a strong wall, known as the "rogue's hole," secured by a strong door. Two openings are formed in the stone wall, one for inspection, and the other near the fireplace for admitting heat. This has evidently been used as a place for temporary imprisonment. Upon the left of the entrance is the prison, comprising three vaulted cells, two of them with lights opposite the guard-room, the inner one being entirely dark. The entrance is by a low door towards the court-yard.

The court-room, or baron's hall, is a spacious vaulted apartment, immediately over the prison and guard-room. It is forty-three feet long, twenty-six feet wide, and about twenty-three feet high.

Leaving the judicial department of the castle, a short description may be given of the residential portion. The great hall is sixty-seven feet long by twenty-six feet wide, with an open timber roof measuring forty feet to the top. At each end there is an inside stair communicating with the cellars below, and at the north-east corner a spiral stair extends to the roof, communicating with the apartments upon the different floors, without passing

through the baron's hall, to which there is also a door of communication. The great hall in its complete state must have had a very imposing effect.

From the entrance-hall a stair gives access to two bedrooms, and also to Queen Mary's room, upon the second floor and over the kitchen. Upon the same floor, and over the baron's hall, there is a large apartment, known as the dining or family room, forty-three feet long, twenty-seven feet wide, and eighteen feet high.

A tradition recorded by the minister of the parish of Kilmadok or Doune in his account of that parish, traces the origin of the castle to a grandson of Banquo, who was murdered by Macbeth. The worthy minister says that that grandson was Walter Cumyn, who was made first Earl of Menteith by Malcolm Canmore in 1057.<sup>1</sup> That tradition, however, must now be dismissed as being equally fabulous with Banquo himself and his alleged grandson, who are both myths.

Another tradition, also recorded by the same reverend writer, is nearer to the time of the building of the castle, although still erroneous as to the real builder. It assigns the structure to Murdach, Earl of Menteith, the second Duke of Albany. He held the earldom from the death of his father, Robert, the previous Earl, in 1420, till his own death in 1425. But it is impossible that so vast a structure could, at that period, have been reared in such a brief space as five years, unless on some great emergency, which did not occur in the time of Duke Murdach, who, as Earl of Menteith, Earl of Fife, Duke of Albany, and Governor of Scotland, had at his command many other castles, both royal and baronial. When misfortune overtook Duke Murdach and his family, a tradition records that he was apprehended between Doune and Dunblane at a small rivulet, which was therefore called Murdach's Ford, and retains that name to this day.<sup>2</sup>

<sup>1</sup> Statistical Account of Scotland, 1798, vol. xx. p. 58.

<sup>2</sup> *Ibid.* p. 60.



Another tradition in Menteith is that Duke Murdach was taken in his island residence in Lochard.<sup>1</sup> Both are erroneous, as Duke Murdach was apprehended and imprisoned, along with a number of other nobles, while attending a meeting of Parliament at Stirling in 1425.

Robert Stewart, Earl of Menteith, and first Duke of Albany, had much more favourable opportunity for building such a castle as Doune than his son Murdach, or, indeed, than any previous Earl of Menteith. Almost all of them lived in troublous times, and none enjoyed the earldom for nearly the length of time that it was possessed by Robert Stewart. Doune was one of that Earl's favourite residences. As Earl of Fife he possessed several other attractive residences, including the Palace of Falkland, the Castle of Leuchars, and others, where he resided from time to time. But the vicinity of the Castle of Doune to the Royal Castle of Stirling induced him to spend much of his time at the former place. The situation of Doune Castle was well fitted for a place of strength and safety. The river Teith was a marked natural boundary between the Highlands and Lowlands. Where the Teith and Forth united, it was said that "the Forth bridles the wild Highlanders." The Earl of Menteith, possessing both the Teith and the Forth separately, as

<sup>1</sup> To show how little reliance can be placed on the traditions recorded in the Original Statistical Accounts of the parishes of Scotland, it may be noticed that at Doune there is another version of Murdach's Ford, which is said to have derived that name from a person of the surname of Murdach having been accidentally drowned there. It may also be noticed that the author of the account of the parish of Kilmadok or Doune,—which is on the whole a good specimen of such accounts,—gravely states that Duke Murdach, his lady, and two sons are entombed in their

family burying-place in a small island in the Lake of Menteith. [Old Statistical Account, vol. xx. p. 61.] In the Memoir of Walter Stewart, Earl of Menteith, and his Countess Mary, it has been shown that the recumbent figures here so erroneously described are those of that Earl and his wife. There is evidence that Duke Murdach and his sons were interred in the Blackfriars' Church at Stirling, near the place of their execution, and where their monuments long stood. [Scotichronicon.]

well as a considerable part when united, and also a castle so commanding as Doune, exercised vast power over the adjacent Highlands and Lowlands. As early as the year 1381, we find that Janet of Menzies made resignation of the lands of Faithley, in the hands of her superior, Walter Lesly, Lord of Ross, at Doune in Menteith, where the Lord of Ross was apparently on a visit to the Earl of Menteith.<sup>1</sup> The frequent occupation of Doune Castle by Robert, Earl of Menteith, is instructed by charters bearing to be granted by him there in the years 1406, 1407, 1410, and 1413, from the first year of his governorship of Scotland till near its close.<sup>2</sup>

These circumstances show that Doune Castle was a favourite residence of Earl Robert, and completely negative the popular idea that his son Duke Murdach was the builder of Doune. There is really no room for doubt that Duke Robert was the chief builder of the castle as it was ultimately completed.

When Murdach, Duke of Albany, was apprehended by King James the First in 1425, he and his Duchess Isabella, with their family, were all residing in the castle of Doune. Murdach was incarcerated first in the castle of St. Andrews, and afterwards in that of Carlavcroek, in which one of the round towers is still called "Murdach's Tower." Isabella, Duchess of Albany, was carried from the castle of Doune to that of Dunbar, and afterwards imprisoned in Tantallon, near North Berwick. On the forfeiture of her husband, the earldom of Menteith and the castle of Doune became the property of the Crown. Two years afterwards the King, having deprived Malise Graham of the earldom of Strathern, granted to him a part of the ancient earldom of Menteith, with a new peerage of the name of Menteith; but the King reserved a large portion of the old earldom of Menteith, and

<sup>1</sup> The Frasers of Philorth, by Lord Saltoun, vol. ii. p. 237.

<sup>2</sup> Registrum Magni Sigilli, pp. 228, 239, 247, 254, 255.

also the castle of Doune. These possessions continued with the Crown for upwards of a century, and were dealt with as other Crown property.

After the forfeiture of Albany, Doune Castle was used as a royal residence. When an infant less than a year old, King James the Second was an inmate of the castle, as appears from a purchase of forty-eight pounds of almonds sent to Doune for his expenses.<sup>1</sup> The Chamberlain Accounts contain payments to the serjeant of Doune, to the King's fisher at Doune, to his gardener at Doune, and also for repairs to the King's stables at Doune.<sup>2</sup> Subsequent accounts contain payments to the King's household, and also three shillings paid to the gardener, John Henryson, for leek and onion seed sown in the garden at Doune.<sup>3</sup> The account from 1454 to 1456 contains payments for grain consumed when the King was hunting, and for three bolls of corn for the King's horses at Doune. The wages of the gardener, the park-keeper, and the jailer of Doune, are entered in the Chamberlain Accounts.

Doune Castle was a convenient residence for the Kings when they engaged in the amusement of hunting in the royal forest of Glenfinlas, which is in the parish of Callander. King James the Third was sometimes there, and on one occasion, 28th November 1465, he granted a commission at Doune to certain ambassadors to meet with others from Edward the Fourth of England at Newcastle.<sup>4</sup> King James the Fourth visited Doune Castle in April 1490, and his brother, James, Duke of Ross, was at Doune in July 1492, as appears from the Treasurer's Accounts of these dates. The Accounts of the Lord Treasurer contain payments connected with the taking of venison for the King out of the forest of Glenfinlas.

Besides that royal forest, of which the Captain of Doune Castle was keeper,

<sup>1</sup> Exchequer Rolls, vol. iv. p. 529.

<sup>3</sup> Chamberlain Rolls, vol. iii. pp. 551, 552.

<sup>2</sup> *Ibid.* pp. 279, 280.

<sup>4</sup> Rymer's *Fœdera*, vol. xi. p. 459.

there was another for red deer, called the forest of Menteith. It was in the parish of Aberfoyle, but it was disforested before the year 1724, as mentioned by Mr. Graham of Duchray, in his account of that parish. These forests, and the upper parts of Menteith, in early times afforded sport to the Kings of Scotland. King James the Third, in the year 1466, erected the Port of Menteith into a burgh of barony, for the purpose of affording supplies during the hunting season.<sup>1</sup>

Doune Castle repeatedly formed part of the dowry of successive Queens of Scotland. When King James the Second was married to Mary, daughter of Arnold, Duke of Gueldres, in June 1449, the lordship of Menteith and the Castle of Doune were granted to her as part of her dowry, and Margaret of Denmark, on her marriage with King James the Third, on 13th July 1469, was provided in the lordship of Menteith and castle of Doune, as part of her dowry. The same grant was made to the Princess Margaret of England on her marriage with King James the Fourth in the year 1503, and Thomas, Lord Dacre, and Richard Erington, as her commissioners, were infeft in the Castle of Doune and earldom<sup>2</sup> of Menteith by William, Master of Ruthven, principal Sheriff of Perth, on 29th May of that year.<sup>3</sup> Queen Margaret occasionally resided in Doune Castle. She wrote a letter from Doune to her brother King Henry the Eighth, in reference to the misunderstanding between him and her son, King James the Fifth. Mary Queen of Scots also occasionally resided at Doune. The suite of rooms occupied by her and one of her maids of honour still bears the name of Queen Mary's rooms. They are situated in the west tower. From the windows of the Queen's principal room, and of the two adjoining bedrooms, splendid views are obtained of the river Teith, looking towards Deanston,

<sup>1</sup> Vol. ii. of this work, p. 297.

<sup>3</sup> Rymer's *Fœdera*, vol. xiii. p. 68.

<sup>2</sup> This must mean the Stewartry, which was formed out of part of the old earldom.

and also below the castle as far as the junction of the Teith and Ardoch. King James the Sixth frequently resided in Doune Castle.

Scattered notices of the keepers of the castle appear in the Rolls of the Chamberlain, and in the Accounts of the Treasurer. Alexander Nairn was keeper of the castle in the year 1451.<sup>1</sup>

Sir William Edmonstone of Duntreath was, so far as ascertained, the next keeper or captain of Doune Castle, in addition to which he was appointed Steward of the lordship of Menteith.<sup>2</sup> In this capacity he witnessed the infestment of the Princess Margaret in the lordship of Menteith and Castle of Doune in 1503. He was grandson of Matilda, only daughter of James Stewart, son of Murdach, Duke of Albany, she having married his grandfather, Sir William Edmonstone of Duntreath. Sir William, the captain of Doune, was slain at Flodden in 1513, and was succeeded by his two sons, William and Archibald, the former of whom was declared of lawful age on account of his father's death at the battle of Flodden. They were appointed, in 1516, joint keepers of Doune Castle, and were under curators in 1520, till they arrived at the age of twenty-one. In 1525 the younger brother appears to have been separated from the charge, as William Edmonstone was then the recognised keeper. In that year he received a command from Queen Margaret by a messenger to prepare the castle for her reception, and the messenger bore back the reply that he was willing to receive the Queen and her gentlewoman, but he would not admit her servants. Her Majesty regarded this as a refusal, and after her marriage in 1527 with Henry Stewart,

<sup>1</sup> Chamberlain Rolls, vol. iii. p. 549.

<sup>2</sup> The Castle of Doune was the usual place for holding the courts of the Stewart of Menteith, which frequently met upon the sward in its vicinity. This appears from the retour of Sir Archibald Stirling of Keir

to his father, Sir James Stirling, on 8th July 1613, which begins, "*Hec Inquisitio facta fuit super viridi apud Castrum de Down, loco curiarum Senescallatus de Menteyth vsitato.*" [The Stirlings of Keir, by William Fraser, p. 439.]



afterwards Lord Methven, she instituted proceedings against William Edmonstone for delivery of the castle to her, on account of his refusal to receive her, and for non-payment to her of the rents and duties of the stewardry. An order was issued by the Privy Council on 4th July, requiring him to surrender the castle within forty-eight hours, under pain of rebellion, but Edmonstone obtained the King's signature to stay the process. The Privy Council annulled this order, although they suspended the execution of the surrender for twelve days.<sup>1</sup> On 20th August he was ordered by King James to deliver up the castle within twenty-four hours after receiving the message. For non-compliance he was put to the horn, but was relaxed by the King, who again, on 20th October, withdrew the relaxation, as it had been obtained "throw circumvention and wrang informatioun." At a Steward Court held near Doune Castle on 6th August 1528, at which the Queen and her husband were present, the lease and commission of William Edmonstone were declared to have expired by his non-fulfilment of their obligations, and his successor was formally installed into the offices.<sup>2</sup>

The keepership of the Castle of Doune, with the office of Steward of Menteith and Strathgartney, was bestowed upon Sir James Stewart of Beath, a younger brother of the Queen's husband. Being the third son of Andrew, third Lord Avandale, and a descendant of Murdach, Duke of Albany, Sir James Stewart had thus a family, as well as an official connection with the castle of his ancestors. On 14th July 1528 he obtained a charter from Queen Margaret, with consent of Lord Methven, and another from King James the Fifth, granting him the offices of Captain and Steward.

As to the duties of the office Sir James Stewart received, on 8th August 1528, a commission from King James the Fifth,<sup>3</sup> and on 1st September

<sup>1</sup> *Acta Dominorum Concilii*, 11th July 1527.

<sup>2</sup> Original Documents in Charter-chest of Earl of Moray.

<sup>3</sup> *Ibid.*

1528 another commission, dated at Stirling, under the hands of Queen Margaret and her husband and the seal of the former, constituting him steward of the lordship of Menteith, and captain of the Castle of Doune, during the Queen's lifetime, with certain lands pertaining to the captaincy. He received authority to appoint deputies of less rank than himself, and to keep truly the castle on behalf of the Queen and her spouse, to be ready for them at all times. He also received the office of chamberlain of the lordship of Menteith, to uplift the rents during the Queen's lifetime.<sup>1</sup> A few days thereafter, on 8th September, he received a second commission from the Queen and her husband, under the seals of both, in similar terms to the preceding, but with a more special and detailed enumeration of his powers as steward, giving him authority to hold courts, inflict fines, etc. This commission further grants to Sir James such fees as Sir Thomas Youngman, chaplain, then chamberlain of the lordship, had, and certain rents of the Milltoun of Doune.<sup>2</sup>

Sir James Stewart was a favourite of King James the Fifth, and these grants, by which he thus superseded Edmonstone of Duntreath, probably gave rise to the feud between them, which ended in his being slain some years later by the latter at Dunblane. The first dealings, however, of the newly-appointed captain of Doune with his predecessor wore at least the outward guise of friendship. A notary's instrument, dated at the Castle of Doune on 23d September 1528, narrates that in presence of the Queen, Sir James Stewart and William Edmonstone of Duntreath mutually became friends by taking one another by the hand, and that the latter ratified the grants by the King and Queen in favour of the former.<sup>3</sup> In 1529 the superseded keeper was required by Queen Margaret to remove from the lands which he held from her, and apparently for not doing so part of his harvest

<sup>1</sup> Original in Charter-chest of Earl of Moray.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

was seized by Sir James Stewart, and the Privy Council maintained the proceedings of the latter. Their differences were again composed on 10th November 1531, when Sir James Stewart and William Edmonstone of Duntreath entered into a solemn mutual contract, and swore on the Gospels to observe its conditions. In that agreement Sir James Stewart claimed the stewartry of Menteith and captainship of Doune as his property heritably in feu-farm, while Edmonstone claimed the same by virtue of a gift and lease during the Queen's life. Sir James Stewart bound himself to resign into the King's hands certain portions of land of the value of £20, to be granted to William Edmonstone and his heirs in feu-farm, with the Queen's consent. On the other hand, Edmonstone renounced all his claim to the stewartry of Menteith and the captainship of Doune Castle, and the lands thereto belonging, and promised to cause his brother Archibald to give up all similar claims. The parties pledged themselves to help each other in all quarrels, and Stewart was to obtain from the Queen and Lord Methven a discharge for Edmonstone of all bygone rents, while the latter discharged Patrick Stewart of Glenbuckly of all goods, etc., despoiled from Duntreath and his tenants. If Edmonstone in any way disturbed Sir James in his peaceable enjoyment of the captainship and other offices, he was to return the £20 land into the King's hand, while a penalty of £2000 Scots was imposed on either party failing to keep the agreement.<sup>1</sup>

The arrangement was carried out, and Edmonstone received the £20 land, while he granted the discharge above referred to; but the end contemplated was not achieved, as in 1544, the two parties and a number of friends and retainers met in the High Street of Dunblane, and a serious fray ensued, in which, as formerly stated, Sir James Stewart was slain. The lands in question afterwards reverted to the heirs of Sir James Stewart, under a decree

<sup>1</sup> Original in Charter-chest of Earl of Moray.

of removing, of date 20th December 1563, pronounced by the Lords of Session, to which Edmonstone opposed the contract of 1531. The Court, however, repelled this defence, as the agreement had been violated by the murder of Sir James Stewart, which event would appear to have taken place in the year 1544, and not in 1547, as commonly stated. This appears from the Precept of Chancery, dated 13th April 1563, directing the infetment of James Stewart, Commendator of St. Colm, as heir of his father, the deceased Sir James, in certain feu-lands of Doune, which declares the lands to have been nineteen years in non-entry.<sup>1</sup>

The office of keeper of the Castle of Doune was inherited by Sir James's eldest son, who at first had the title and designation of Sir James Stewart of Doune, knight. He received a regrant of the custody of the castle and the stewartry of Menteith, with certain lands, on 6th March 1563.<sup>2</sup> As steward and chamberlain of Menteith, he was, by an order of the Privy Council on 17th January 1566, to be charged to appear, along with the Comptroller, before King Henry and Queen Mary and the Lords of Council, in six days, to answer to complaints by the tenants of the stewartry. The complaint, presented by Andrew Schaw of Knokhill, William Schaw his son and apparent heir, James Edmonstoun of Ballintone, James Balfour of Boghall, James Balfour of M'Canestoun, Archibald Edmonstoun, Agnes Schaw, relict of the late Alexander Schaw of Cambusmoir, and several others, narrated that the whole lands, bounds, and lordship of Menteith, and specially the lands belonging to the complainers, were utterly destroyed by the Clangregor

<sup>1</sup> In a letter by Queen Mary, dated 15th March 1553, granting to John, Archbishop of St. Andrews, certain fines, it is stated, "John Graham of Garnok was adiugit for nonentre of James Edmeston, father bruther to William Edmeston of Duntreith, the xvi day of Junii,

the zeir of God [15]xlv yeiris, for the slauchter of James Stewart of Beyth, and mutilation of William Stewart his bruther."—[Registrum Secreti Sigilli, vol. xxvii. fol. 18.]

<sup>2</sup> Acts of the Parliaments of Scotland, vol. xii. p. 44.

and other evil-doers, so that they were unable to pay the rents thereof until the lands could be occupied, laboured, and manured by tenants as formerly, and requested that command should be given to the comptroller and chamberlains to desist from asking and uplifting the rents of these wasted lands, or executing any letters against the complainers, until their possessions could be peaceably occupied.<sup>1</sup>

Sir James Stewart was indicted for being concerned in the assassination of David Rizzio in Holyrood Palace, and was ordered to appear before the Council to answer therefor.<sup>2</sup> A remission in his favour was granted by the Privy Council on 5th June 1566, which states his crime to have been the incarceration of their Majesties, Henry and Mary, in the Abbey of Holyrood House, and accession to the murder of David Rizzio.<sup>3</sup> Sir James Stewart was considered to be one of the supporters of Queen Mary by Morton's Council, which, on 23d May 1568, after the defeat of Queen Mary at Langside, commanded him to surrender the castle and fortalice of Doune to the officers appointed by the Council, as one of those houses to which the Queen's party were resorting in order to repair their forces.<sup>4</sup> It does not appear to have been surrendered, as Calderwood relates that in 1570, after the Regent Leunox had returned to Stirling, on the 15th of August he went from Stirling to the Castle of Doune, to besiege it. It was kept by the servants of the Lord of Saint Colme's Inch, who was then in the Castle of Edinburgh. Doune Castle was surrendered after a siege of three days.<sup>5</sup>

Sir James Stewart of Doune was also Commendator of St. Colme's Inch, in the Firth of Forth, and as such was a member of the Privy Council.<sup>6</sup>

<sup>1</sup> Register of the Privy Council of Scotland, vol. i. p. 626.  
vol. i. p. 418.

<sup>2</sup> *Ibid.* p. 437.

<sup>5</sup> History of the Kirk of Scotland, Wodrow Soc. Ed., vol. iii. p. 10.

<sup>3</sup> Original Remission in Charter-chest of Earl of Moray.

<sup>6</sup> Register of the Privy Council of Scotland,

<sup>4</sup> Register of the Privy Council of Scotland, vol. ii. p. 98.



On 24th November 1581, he was made a Lord of Parliament, with the title of Lord Doune, by King James the Sixth, when the stewartry of Menteith, the Castle of Doune, and certain other lands, were erected into the lordship of Doune, of which the castle was declared to be the principal messuage.<sup>1</sup> This grant to Sir James Stewart, as well as the renewed grant by the King to him, dated 6th January 1587, included the patronage of the two chapels of St. Fillan, situated the one within and the other without the Castle of Doune. The former has now entirely disappeared, but part of the wall of the latter, which was situated upon the banks of the Teith, about a mile below the Castle, still remains. It is within the grounds of Inverardoch, where the present owner, Mr. Campbell, has erected on the site of the original chapel, and incorporated with its remains, a mortuary chapel or mausoleum. Above the door is the following inscription:—"Built by John Campbell of Inverardoch, A.D. 1876, on the site of the ancient Chapel of St. Fillans, the remains of which form the east gable, and by authentic record was in ruins in 1568. This is the last resting-place of the present family."

Lord Doune was, on 26th July 1582, appointed by King James to hold justiciary courts within the bounds of the stewartry of Menteith, and all lands pertaining or that have pertained thereto, viz., the lands of Auchinlawick, Annetis; the lands of Argades and Reidnoch, pertaining to Patrick Hume; the whole lands pertaining to the Laird of Musschett within the sheriffdom of Perth, except so much thereof as is annexed to the sheriffdom of Dumbarton; the six merk land called Erigane, lying within Strathyre, pertaining to Hary Stewart, second son to the said Lord of Doune; and the whole lands pertaining to William Schaw of Knockhill.<sup>2</sup> Lord Doune is also mentioned as collector-general of teinds.<sup>3</sup>

<sup>1</sup> Acts of the Parliaments of Scotland, vol. iii. p. 234.

<sup>2</sup> Register of the Privy Council of Scotland, vol. iii. p. 500.

<sup>3</sup> *Ibid.* p. 672.

After the family of Stewart of Doune received the keepership of the castle, and both before and after it was granted heritably along with the peerage of Doune, the castle was frequently used as a State prison. On the 1st of September 1567, the Privy Council directed Oliver Sinclair of Whitekirk, and William Newton of Newton, to enter their persons in ward within the castle of Doune in Menteith, within three days, and to remain there at their own cost until relieved.<sup>1</sup> On the 31st of August 1569, the Lords of Council discovered that two prisoners, Robert Elliot, *alias* Clement Hob, in Gorumbery, and Archibald Elliot, *alias* Archie Kene, who had been ordered to enter themselves in ward in the Castle of Doune, and remain there until relieved, without attempting to escape, had not only made their escape, but had engaged in a marauding expedition. This proved a serious matter for the keeper, Sir James Stewart, as he had become security for each in the sum of five hundred pounds, and it was decreed that he should be summoned to appear before the Council, and either assign some reasonable excuse, or suffer the due penalties. Sir James Stewart appeared before the Regent Murray and his Council on 3d September following, and excused himself as best he could, but not to the satisfaction of the Council, who decerned him to have incurred the pains of his suretiship. Letters for poinding and apprising his readiest lands and goods were ordained to be made, but execution was stayed by the Regent until the 12th of September, to give Sir James an opportunity of finding and producing his wards.<sup>2</sup> Perhaps Sir James found means of shifting the security off his own shoulders, as in the records of a consideration of the Border business by the Lords of Council on 19th January 1578, Walter Scot, younger of Tushielaw, is mentioned as pledge and surety to have entered Archie Kene within the castle of Doune in Menteith, at a certain day of long time bygone, under the pain of two thousand pounds, and the said Archie

<sup>1</sup> Register of the Privy Council of Scotland, vol. i. p. 557.

<sup>2</sup> *Ibid.* vol. ii. pp. 22, 25.

Kene not having re-entered within the said castle, Walter Scot was decerned to have incurred the penalties, and order was given for enforcing the decree.<sup>1</sup>

Hugh, third Earl of Eglinton, was warded in the castle previous to 9th July 1571, but on that day, by an ordinance of the Regent Murray and the Council, the captain, constable, and keepers of the castle were commanded to set him at liberty, on his entering his eldest son into Stirling Castle, and leaving his brother in the Castle of Doune, as pledges for his return or obedience to King James's authority. At the first meeting of Regent Mar's Council the Regent expressed himself satisfied with the Earl's allegiance, and with advice of the Council ordered his pledges to be liberated.<sup>2</sup>

Sir Walter Scott of Braxholm was warded in the Castle of Doune on 26th February 1571-2, but was ordered to be removed to Rosyth Castle on 3d March following. If he was removed from Doune he must have been sent back again, as he was ordered to be released from that fortress on 7th July 1572, and to re-enter there again on the 1st of August, and not interfere with William Douglas of Lochleven in the intromission with the abbacy of Melrose.<sup>3</sup>

John Livingstone, younger of Donypace, for contempt of the lawful authority, and inciting to a breach of the peace, was required, on 21st December 1577, to enter in ward into the Castle of Doune. Disturbances had arisen between the friends and dependants of John, Earl of Mar, and those of William, Lord Livingstone, whereby the public quiet of the kingdom was broken, and to put an end to these the Regent, James, Earl of Morton, had written to the respective chiefs to settle their differences by arbitration, promising to use his own influence in healing the breach. Notwithstanding this, John Livingstone and William Menteith of West Kerse had sent cartels

<sup>1</sup> Register of the Privy Council of Scotland, vol. iii. pp. 67, 68.

<sup>2</sup> *Ibid.* vol. ii. p. 78.

<sup>3</sup> *Ibid.* p. 156.

and reproachful and defamatory letters to one another, which threatened a breach of the peace on the first occasion of their meeting, "as thoch thair wer na law nor justice within our realme for decisioun of thair querrellis and contraversiis; without feir or reverence of our Soverane Lord and his authoritie, and to the apparent further troubill of his Hienes peace, gif tymous remeid be not providit." William Menteith was therefore ordered to enter himself in Blackness Castle, and John Livingstone in Doune.<sup>1</sup>

On 6th August 1578, Archibald Stewart, Provost of Edinburgh, found cautioners in £2000 for his departing to the Castle of Doune in Menteith, and remaining in ward therein or within a mile round it, and that he would not, while in ward, correspond in any way with the Earls of Athole and Argyll.<sup>2</sup>

A number of the Borderers had been located in different parts of the country as pledges for the good conduct of the rest, and one of these, Will Bell, son to Jok Bell of Alby, fell to the custody of Sir James Stewart, and was warded in Doune. After a time these pledges seem to have been released by their respective keepers without the King's authority. That might have passed without remark had it not been for the renewal of the Border depredations, which moved the Government to proceed against the custodiers of the pledges, and Sir James was called upon to answer for his release of Will Bell. Being cited, and failing to appear before the Council, Sir James was condemned in the penalty of £2000 for neglect of duty, and the treasurer was ordered to uplift the sum with all rigour for an example to others.<sup>3</sup>

Laurence, Lord Oliphant, was another prisoner warded in Doune Castle. This was the result of a fray between the followers of the treasurer, Lord Ruthven, and those of Lord Oliphant, who were at feud with one another,

<sup>1</sup> Register of the Privy Council of Scotland, vol. ii. p. 660.

<sup>2</sup> *Ibid.* vol. iii. p. 19.

<sup>3</sup> *Ibid.* pp. 43, 59.

when Alexander Stewart of Schutingleis, one of the Traquair Stewarts, was shot by the Oliphants. Lord Oliphant was ordered, on 7th December 1580, to enter in ward in the Castle of Doune on the 9th, and two sureties in £10,000 were found for his doing so.<sup>1</sup>

Another distinguished prisoner was William Erskine, Commendator of Paisley, who, having been concerned in the Ruthven Raid, was commanded to ward himself in Blackness Castle. For non-compliance he was put to the horn, but on the 2d December 1583 received "the wand of peace till the 10th of December." Thereafter he must have been committed to ward in Doune Castle, as on the 23d a bond of caution for £10,000 was entered into by some of his friends, that when released from the Castle of Doune in Menteith, he should within three days enter in ward within the bounds of Renfrewshire, and remain there till set free.<sup>2</sup>

George Home of Wedderburn, another Ruthven raider, was also a prisoner in the castle in the time of Lord Doune. On finding sureties in £10,000 for his re-entering in ward on 15th November 1584, and not intercommuning with his Majesty's traitors, he received licence to go home on 21st September of that year.<sup>3</sup>

Lord Doune died in 1590. He was succeeded by his eldest son, James Stewart, who married the Lady Elizabeth Stewart, eldest daughter of the Regent Murray, and was created Earl of Moray, which title, along with that of Lord Doune, has been inherited by his successor and representative the present Earl of Moray and Lord Doune, who still possesses the ancient castle.<sup>4</sup>

<sup>1</sup> Register of the Privy Council of Scotland, vol. iii. p. 335. <sup>2</sup> *Ibid.* p. 623. <sup>3</sup> *Ibid.* p. 689.

<sup>4</sup> Lord Moray, in the year 1877, instructed Mr. Andrew Kerr, architect, Edinburgh, to inspect the ruins of Doune Castle, and to prepare a professional report upon them. By permission, part of the careful description of

the ruins, as given in Mr. Kerr's report, has been incorporated in the present notice of the castle. The thanks of all archæologists are due to Lord Moray for his praiseworthy endeavour to preserve the ruins of a castle with which the history of his family is so closely associated.



When King James the Sixth adopted measures of severity against the Macgregors after the battle of Glenfruin in the year 1603, he granted a commission to Archibald, Earl of Argyll, to deal with the proscribed clan. They were summoned to meet the Earl on the 10th of September 1606, at Doune of Menteith. The terms of clemency held out to them involved a renouncing of their surnames, and finding security for their future submission and obedience. They took various surnames, such as those of Stewart, Stirling, Dowgall, Grant, and Cuningham; and they swore that in all time coming they would call themselves or their children, born or to be born, by the surnames which they had respectively assumed, under the pain of death.

During the rebellion of the year 1745, the castle of Doune was rendered prominent by its being taken possession of by the Jacobites. John, Lord Macleod, who was with Prince Charles, in a narrative thus explains the position of the insurgents and the castle:—Towards the end of the month of December, Lord Macleod was sent to Dunblane with the regiment, with the Camerons and some other troops. The reason of their having been sent there was that some time before the Prince marched into England, he appointed Mr. Macgregor of Glengyle to be Governor of Doune Castle, and which was at that time a place of consequence to the Highlanders, as it covered a bridge over a rivulet which secured their communication with the ford of Frews on the river of Forth. Mr. Macgregor had his own clan for a garrison, but when the Highland army was marched into England, and the King's troops were arrived at Stirling from Berwick, Mr. Macgregor, thinking himself too weak to stand an attack, applied to Lord Strathallan for succour. Mr. Macdonald of Glenco, with his men and a body of the Stuarts of Appin, were sent to reinforce Doune Castle; but these gentlemen, thinking themselves still unable to sustain an attack from the troops at Stirling, should General Blackenay think proper to disturb them, applied for a

further reinforcement, which Glenco and the commander of the Stuarts came themselves to Perth to solicit. It was then resolved to send a detachment to Dunblane, which was sufficient to secure Doune Castle from any attacks that could be made against it from the enemy at that time, as the army was within two miles of that place, and within sight of Stirling.<sup>1</sup>

The bridge referred to by Lord Macleod is the ancient Bridge of Teith, a short way above Doune Castle. It was built by Robert Spittal, who acquired a fortune as master tailor at Stirling to Queen Margaret, dowager of King James the Fourth. Spittal was a benevolent man. He founded an hospital in Stirling for the relief of poor tradesmen, although tradition does not give him credit for an act of pure generosity in building the Bridge of Teith. Formerly there was only a ferry over the Teith at this place. On one occasion the tailor came to the ferry without money to pay the boatman, who refused to give him credit, and left him behind. To resent such an insult to the Queen's tailor, the latter built the bridge, and punished the boatman by ruining his business.<sup>2</sup>

Another episode of the year 1745 occurred in connection with Doune Castle. On behalf of Prince Charles a garrison had been placed in the castle under the command of Mr. Stewart of Balloch, a gentleman of property near Callander, and the castle became the scene of a romantic escape made by John Home, the author of "Douglas," and some other prisoners. Sir Walter Scott gives an account of the adventure;<sup>3</sup> but the real hero of it had himself previously written a detailed narrative of the event, which may be given here, very nearly in his own language. Home, when a student at the University of Edinburgh, became a volunteer in the service

<sup>1</sup> The Earls of Cromartie, by William Fraser, vol. ii. p. 386.

<sup>2</sup> Old Statistical Account, vol. xx. p. 50.

<sup>3</sup> Notes and Illustrations to Waverley, p. 95.

of the Government, and fought at the battle of Falkirk. He was captured, and sent as a prisoner, along with some others of his fellow volunteers, to the castle of Doune. It was in a most ruinous condition, and the place of their abode was a large ghastly room in the highest part of the castle, and next the battlements. At one end of the room there were two small vaults or cells, in one of which the volunteers passed the nights, with three other persons, one of whom was Mr. John Witherspoon, then a clergyman of the Church of Scotland, afterwards President of Princeton College, New Jersey. The other two were citizens of Aberdeen, who had been taken in the north country as spies, and were threatened with hanging by the rebels.

Each of the cells had a door which could be made fast by those on the inside when they went to sleep. They had straw to lie upon, and blankets to cover them, which they had purchased from some people in the village of Doune. The volunteers thought of nothing but of how to get away from such dismal quarters. One of them proposed that they should make a rope of the blankets they had, by which they might descend from the battlements to the ground on the west side of the castle, where there was no sentinel. The proposal was agreed to. To prevent suspicion of their design, some of the volunteers always kept company with the other persons in the great room, which was common to all, whilst the rest of them, barring the door of their cell, were at work till they finished the rope, of which they resolved to make use the very night it was completed. Two officers claimed it as their right to be the first to hazard themselves and prove the strength of the rope; but that claim was objected to, and all the volunteers, with the two men taken up as spies, drew lots for the order in which they should descend. The captain showed No. 1, the lieutenant drew No. 2.

When everything was adjusted they went up to the battlements, fastened the rope, and about one o'clock in the morning began to descend. The two

officers, with Robert Douglas, and one of the men taken up as spies, got down very well, but the fifth man, one of the spies, who was very tall and big, coming down in a hurry, the rope broke with him, just as his feet touched the ground. The lieutenant, standing by the wall of the castle, called to the volunteer, Thomas Barrow, a brave young Englishman, and a particular friend of Home's, whose turn it was to come down next, not to attempt it for that twenty or thirty feet were broken off from the rope. Notwithstanding this warning, which he heard distinctly, he put himself upon the rope, and coming down as far as it lasted, let go his hold. His friend Douglas and the lieutenant (who were both of them above the middle size), as soon as they saw him upon the rope (for it was moonlight), put themselves under him to break his fall, which in part they did, but falling from so great a height he brought them both to the ground, dislocated one of his ankles, and broke several of his ribs. He was borne off the ground by his comrade, and carried to Tully-allan, a village near the sea, where they hired a boat to carry them to the *Vulture* sloop of war, which was lying at anchor in the Firth of Forth.

The remaining volunteer who had to make his escape from the Castle of Doune was Neil Macvicar,<sup>1</sup> who had drawn the last number. He saw from the battlements the disaster of his friends. Pulling up the broken blanket rope, he carried it to his cell to be repaired with additional blankets. He then went up to the battlements, fastened the rope, and put himself upon it.

<sup>1</sup> He was probably a relative of the clergyman of the same name, then one of the ministers of St. Cuthbert's parish in Edinburgh. This minister had the courage, even after Prince Charles had gained the battle of Prestonpans and taken possession of Edinburgh, to discharge his official duty by preaching to a crowded audience, many of

whom were Jacobites. He prayed earnestly for the reigning monarch, as usual, and referring to the intruding Prince, petitioned the Almighty "in regard to the young man who had recently come among them in search of an earthly crown, that he might soon obtain what was far better, a heavenly one." [Scott's *Fasti Ecclesiae Scoticanæ*, part i. p. 126.]

He came down very well till he reached that part of the rope where he had added so much to its thickness that his hand could not grasp it, and falling from the same height that his comrade had done, but having nobody to break his fall, was so grievously hurt, bruised, and maimed, that he never recovered, but languished and died soon afterwards at the house of his father, who was a clergyman in the Island of Islay.<sup>1</sup>

The Highlanders, says Sir Walter Scott, sought for their prisoners next morning with great activity. An old gentlemau told him that he remembered seeing the commander Stewart,

“ Bloody with spurring, fiery red with haste,”

riding furiously through the country in quest of the fugitives.

In Grose's *Antiquities of Scotland* there is an engraved view of the Castle of Doune from a drawing made in 1790. In the tour through Scotland by T. Garnett, M.D., in the year 1800, a drawing of Doune Castle is given, made by W. H. Watts, and engraved by William Green, with a description of the ruins of the castle.<sup>2</sup> In Billings' *Antiquities of Scotland* two engraved views are given of the Castle. One of these represents the exterior of one side, and the other the court. In the present work a front view is given from a photograph.

Since the foregoing history of the Castle of Doune was in type, the Earl of Moray allowed the author to inspect the Muniments in his Charter-room at Donibristle, when he discovered a number of interesting documents relating to Doune Castle and the acquisition thereof by his ancestors. A selection of these documents is printed in the Appendix to the Second Volume of this work.

<sup>1</sup> History of the Rebellion, 1745, by John Home, vol. iii. pp. 169-175.

<sup>2</sup> Dr. Garnett's Tour, vol. ii. p. 163.





DOONE CASTLE IN MENTEITH.



## APPENDIX

OF

## MISCELLANEOUS PAPERS AND CORRESPONDENCE.

I.—PAPERS RELATING TO QUEEN MARGARET AS LIFERENTRIX OF THE LORDSHIP OF MENTEITH, THE CASTLE OF DOUNE, ETC.<sup>1</sup>

90. OBLIGATION by WILLIAM EDMONSTONE of Duntreath and others, to MARGARET, QUEEN OF SCOTS, for the safe keeping of Doune Castle, etc.—Dunblanc, 29th September 1520.

BE IT KENND till all men be thir present lettres, ws, Williame Edmonstoun of Duntreth, Johnne of Striueling of the Kere, knycht, George Schaw of the Knokhill, and Recharde Lekky of that Ilk, to be bundin and oblist, and be thir our present lettres, and the faith and treuth in oure bodijs, lelelie and treulie bindis and oblistis ws and ilk ane of ws, coniunctlie and seueralie, oure airis, executouris, and assignais, to ane richt excellent, hie, and nichtj princes, Margaret, be the grace of God, Quene of Scottis, for the sikker and sure keping of the Castell and place of Doune in Menteth, quhilkis pertenis now to hir hienes be resoun of coniunct fie, furth of the handis of all vthir handis, and to be reddy at all tymes to ressaue hir hienes, oure souerane lord hir derest sone the Kingis grace, in the said castell and place at hir plesour, hir hienes or the Kingis grace makand thare expensis the tyme of thare being thare : Enduring all the tyme and space that the said Williame

<sup>1</sup> The Originals of these Papers are in the Charter-chest of the Earl of Moray at Donibristle.

or Archibald Edmonstoun his brother, quhilkis has takkis of the said castell and place, cum to thare perfite age of xxj zeris, and also that nane man of grete autorite nor gret clan haue na autorite of the keping of the said castell vnder thame, nor zit sall ressaue na trespasouris nor brokin men in the said place, and also sall mak hir hienes and hir chaumerlanis of hir lordeschip of Menteth, within all boundis of the Stewartry of the samyne, to be reddely ansuerit, pait, and obeit of all males, fermes, gressumys, mertis, mert siluer, irne, and all vthir dieweteis quhatsumeuer that pertenis or suld pertene to hir hienes, within all the boundis of the said lordeschip and stewartry, of all termes to cum, and also of all restis bigane, gif sa beis that Walter Buquhannan falzeis in the inbringing of the samyne, and gif mister be, that we sall pund and distrenze for hir saidis males and dieweteis, and mak the samyne to be inbrocht to hir hienes to the castell of Striueling, sua that hir hienes sall want na payment enduring the space and tyme forsaid; and gif it sall happin the said Wilzam Edmonstoun or Archibauld his brothir, quhilkis for the tyme happinnis to haue the keping of the said place, to falze in the keping of the samyne, or to falze in the payment and inbringing of hir hienes males, fermes, mert siluer, and dieutez of hir said lordeschip, the landis beand strenzeable, in that cause it salbe lefull to hir hienes to dispone apone hir said castell and keping thareof as scho thinkis expedient, nochtwithstanding ony takkis that thai happin to haue for the tyme to outryn of the sammyne; and also gif it sall happin hir hienes to want payment of her males, fermes, and dieuteis as said is, in that cause it salbe lcsun to hir hienes to send and prise of our reddiest landis and gudis to the avale and quantite of the sovmes or restis that happinnis to rest vnpait for the tyme, and to the observing and keping of all and sindry the premissis, we and ilk ane of ws bindis and oblisys ws, our ayris, executouris, and assignais, coniunctlie and seueraly, to the said excellent and mychtj princes the Quenis grace, in the



sikkerest stile and forme of obligacion but fraude or gile, and consentis and ordanis this band, contracte, and oblisng, to be actit in forme of act in the officialis bukis of Dunblane, for the observing of the sammyne, vnder the panis of cursing. In witnes hereof we, the forsaidis lardis, has affixit our selis with our handis writtis, at the Dunblane, the xxix day of September, the zere of God j<sup>m</sup>v<sup>c</sup> and tuentj zeris.

WILLZEM EDMONSTOUN of Duntreith.

JHONE STRIUELING of ye Keir.

GEORG SCHAW of the Knokhill, w<sup>t</sup>  
my hand at ye pen.

RECHART LYKKE of y<sup>t</sup> Ilk.<sup>1</sup>

91. CHARGE by MARGARET, QUEEN OF SCOTS, to WILLIAM EDMONSTONE of Duntreath, to receive her within the Castle of Doune, with his refusal.  
—Stirling, 4th July 1525.

REGINA.

Thomas Robeson, forsamekle as I purpois to pas and reman certane space within my place and castell of Downe, tharefore I charge ye, incontinent this my precept sene, to pas to William Edmonstoun of Duntretht, kepar of my said castell, to mak it rady for ressauning of me at this tyme, efter the forme of his band maid to me thareapone, and vnder the payns contenit tharein, committand to ye my full power thareto, bringand this precept agane with his answer. Subscriuit with my hand at Sterling, the ferd day of Julij, the zere of God j<sup>m</sup>v<sup>c</sup> and twenty fyve zeris.

MARGARET R.

The ferd day of July, the zere of God j<sup>m</sup>v<sup>c</sup> and xxv zeris, I, Thomas Robeson past at the command of this my souerane lady the Quenis gracis

<sup>1</sup> The seals of Edmonstone, Stirling, and Shaw are still affixed, in fair preservation.



precept, within writtyn, to William Edmonston of Duntretht, kepar of the castell of Downe, and desyrit him to mak it rady for ressauyng of the Quenis grace at this tyme, efter the forme of his band maid to hir grace thareapone, and vnder the panis contenit in the samyne. And the said William gaif me answer, sayand he wald ressaif himself and hir gentillwomen, bot he wald nocht ressaif hir seruandis, and I declarit to him agane that hir grace wald nocht cum thar without hir seruandis effering till hir estait. And this I did befor thir witnes, Sir Thomas Zoungman, Chalmerlain of Menteth, Jhone Edmonston, and Archibald Edmonston, with vtheris diuerss; and for the mair securite I haif affixit to my signet to this my indorsing, day and zere forsaid.

92. DECREE by the LORDS OF COUNCIL against WILLIAM EDMONSTONE of Duntreath, to deliver up Doune Castle to the Queen within forty-eight hours.—Edinburgh, 11th July 1527. [Extract.]

AT Edinburgh, the xj day of Julii, the zere of God j<sup>m</sup>v<sup>c</sup> and xxvij zeris. The Lordis of Counsale vndirwrittin, that is to say, reuerend faderis in God, George Bischop of Dunkeld, Gawyne Bischop of Abirdene, Dauid Bischop of Galloway, noble and mychtie lordis, [George] Erle of Huntlie, Gilbert Erle of Cassillis, Archibald Douglas thesaurare, Maister Thomas Erskin secretare, James Coluile of Vchiltre comptrollare, Maister Adam Ottirburn of Auldhame, and Nichole Craufurd of Oxingang, justice clerk, anent our souerane lordis lettrez rasis at the instance of the Quenis grace aganis William Edmonstoun of Duntreith, that quhar he intromettis with hir castell and place of Doyne in Menteith, pertening to hir in coniunct fie, and will nocht suffir hir and hir seruandis to intromet with the samyn, and als anent the charge gevin to the said William Edmonstoun and all vtheris withhaldaris of the said place and castell, to deliuer the samin to the Quenis grace, or hir factouris, within

xlviij houris nixt efter thai war chargit tharto, vndir the pane of rebelloun and putting of thaim to the horne, or ellis to compeir befor the Lordis of Counsale the thrid day nixt tharefter, to schaw ane resonable cause quhy thai suld nocht do the samyn, as at mair lenth is contenit in the saidis lettrez : The Quenis grace being personaly present, and the said William Edmonstoun lauchfully summond to this actioun, oft timest callit and nocht comperit, the Lordis of Counsale decernis our souerane lordis lettrez to be direct simpliciter, aganis the said William Edmonstoun and all vtheris, withhaldaris of the said castell of Dohne in Menteith, to deliuer the samyn to the Quenis grace, or hir factouris, within xlvij houris nixt efter thai be chargit, vnder the pane of rebelloun, becaus thai war chargit of befor to deliuer the samyn to the Quenis grace, or hir factouris, within xlvij houris efter thare charge, vnder the said pane of rebelloun, or ellis to comperere befor the saidis Lordis and schaw ane resonable caus quhy thai suld nocht do the samyne ; with certificatioun to thaim and thai failzeit, the Lordis wald decerne lettrez simpliciter aganis thame in the said matter, according to justice, and comperit nocht to the effect forsaid, and lettrez to be direct heirapone as efferis. Extractum de libro actorum per me Gavinum episcopum Aberdonensem, clericum rotulorum registri ac consilii supremi domini nostri regis, sub meis signo et subscriptione manualibus.

GAWINUS DUNBAR.

93. WARRANT by KING JAMES THE FIFTH to WILLIAM EDMONSTONE of Duntreath, to deliver up Dohne Castle to the Queen.—20th August 1527.

REX.

Weilbelouit freynd, we grete zou weil. And forsamekill as our derrest moder the Quene hes optenit ane decreit of the Lordis of our Counsale, with our

vtheris lettres thairupoun in diuerse formes, chargeing zou and the withhaldaris of our castell of Dovne in Menteith to deliuer the samyn to our said derrest moder, or hir factouris, vnder diuerse panis specifyt in our saidis vtheris lettres, as the samin beris, quhilkis ze haue contempnandlie dissobeyit, quhair of we merwell greitlie: Oure will is heirfor, and we charge zou stratelie, and commandis ze deliuer the said house and castell to our said derrest moder, or hir factouris, within xxiiij houris nixt eftir the sicht heirof, eftir the forme of the said decreit and our vtheris lettres past thairupoun, certifying zou and ze failze thairin, that we will cum in propir persoune and tak our said house fra zou to zour displesour; and certify ws of zour ansuer heirin agane with this berar in writ, that we may remember thairone, as ze will ausuer to ws thairupoune at zour vter charge. Subscriuit with our hand and vnder our signetc, at Edinburgh, the xx day of August, and of our regnne the xiiij zere.

JAMES R.

To our weilbelouit freynd, William Edmonstoun of Duntreiff, etc.

The xxiiij day of August, the zere of God j<sup>m</sup>v<sup>c</sup> xxvij zeris, I, Alexander Carmaig, messingere, passit at the command of the Quenis grace with this our souerane lordis patent lettre within writtin, to the castell zett of Dovne in Menteith, and thare I presentit the samin to Willeam Edmonston of Duntreiff, personaly apprehendit, quhilk ressaut the said lettre and ane copy of the samin, and quhen I desirit his ansuer in wryte, he said he wald obey the Kingis grace in all thingis, and bere his ansuer to his grace himself. And this I did befor thir witnes, Malcome Kynross, Robert [Marmoch?], Donald Donaldson, and Edward Spittale, burges of Striueling and notar public; and for mare securite herof, I haue affixt my signet, day, zere, moneth, and place forsaid.

94. SENTENCE of the LORDS OF COUNCIL, refusing to liberate WILLIAM EDMONSTONE of Duntreath from the decree of horning.—Edinburgh, 28th August 1527. [Extract.]

AT EDINBURGH, the xxviiij day of August, the zeire of God *j<sup>m</sup>v<sup>c</sup>* and xxvij zeiris, the Lordis, be sentence interlocutour, decernis that Williame Edmonstoun of Duntreith suld nocht be relaxit fra the horne, nor haue place to persew the summondis raisit be him for retractatioune of ane decrete openit be the Quenys grace aganis him, vnto the tyme the said Williame had obtemperit and obeyt the effect of the said decrete. *Extractum de libro actorum per me Gavinum Episcopum Aberdonensem, clericum rotulorum registri ac consilii supremi domini nostri Regis, sub meis signo et subscriptione manualibus.*

GAWINUS DUNBAR.

95. LETTERS by KING JAMES THE FIFTH, recalling the letters of release granted to WILLIAM EDMONSTONE of Duntreath, and again denouncing him rebel.—Falkland, 20th October 1527.

JAMES, be the grace of God, King of Scottis, to oure louittis messingeris, greting. Forsamekill as throw circumuentioun and wrang informatioun maid to ws, we laitly gaiff our vtheris lettres to relax William Edmonstoun fra the proceis of oure horne, led on him for non deliuerance to our derrest moder the Quene of hir hous and castell of Dovne in Menteith, quhilkis letteris of relaxatioun we be thir presentis annullis and dischargeis, and will that the samyn haue na forthir strenth nor effect in tyme to cum, because that thai ar cinisterlie purchest be wrang informatioun, as said is, and will that the first lettres purchest be our said derrest moder, be quhilk the said William wes procest to our horne, haue strenth and effect ay and quhile the samyn be ordourly reducit, nochtwithstanding any

privat lettres purchest or to be purchest at ws in the contrare, because the saidis lettres, purchest be our derrest moder, ar past apoun ane decrete of the Lordis of our Counsale, declareing that our mynd is nocht to stoip sic lettres nor proces that passis be justice; and geiff we gaif ony lettres in sic stoppin of justice, thai ar purchest be wrang informatioun, as said is. Oure will is herefor, and we charge zow straitlie, and commandis that ze, and ilkane of zow, incontinent thir our lettres be zow sene, pas and mak publicatioun and intimatioun to the said William of thir our lettres of suspentioun and declaratioun of the saidis vtheris lettres, cinisterlie purchest be him as said is, to be of nane force nor awaile in tyme cumin; and attour, that ze of new denunce him our rebell and putt him agane to our horn at all placis neidfull, eftir the forme of the saidis first lettres purchest be our said derrest moder, quhilkis lettres we will that ze of new execute ay and quhill he obey the charge tharof, or that he ourdourlie reduce the samyn as said is, and that ze charge all and syndrie our legeis, be oppin proclamatioun at our borrowis of Perth, Striueling, Dunbertan, and Linlithqw, that nane of thame assist, fortyfy, mayanteine, nor intercommone with the said William sa lang as he remanis at our horne, the quhilk to do we committ power to zow, and ilkane of zow, be thir our lettres be zow deulie execute and indorsat, to be deliuerit agane to our said derrest moder. Subscriuit with our hand, and gevin vnder our signet, at Faulkland, the xx day of October, and of our regne the xv zere.

JAMES R.

96. COMMISSION by MARGARET, QUEEN OF SCOTLAND, to JAMES STEWART, brother of Andrew, Lord Avandale, to be Captain of Doune Castle and Steward of Menteith.—1527.

MARGARET, be the grace of God, Quene of Scotland, coniunct fear of the landis and lordschip of Menteith, to all and sindry quham it efferis, and quhais



knowlege thir our lettres salcum, greting. Wit ze ws, of perfytt and mature deliberacione, for oure awin wele and singuler proffite, and for the commone wele of oure said lordschip, till haue maid, constitut, and ordinit, and be the tennour herof makis, constitutis, and ordinis oure traist familiare seruitour James Steward, bruther germane vnto oure cousing Androw Lord Avyudale, oure Steward of oure said lordschip of Menteith, and Capitane of oure castell of Dovne within the samyn, for all and sindry the dais and termis of our lifytyme, the entres of the said James in and to the said officis of stewardry and capitanry salbe at the feist of Witsonday nixt and immediat following the date herof; to be brukit and josit be the said James Steward during oure lifytyme, as said is, with all and sindry proffitis, commoditeis, fredomes, asiamentis, and richtuus pertinentis pertenying and liand thairto be vse and wont, quhilkis William Edmonstoune of Duntreth, last Stewart and Capitane of oure said lordschip and castell, haid and josit for the said stewardry and capitanry, and in all sort and maner as he brukit the samyn. And attoure, we committ to our said seruitour James Steward, oure full power to substitut and deput vnder him in the said office of stewardry, ane or maa of smallare power and degree than him self for exerceing of that office, for quham he salbe haldin till ansuer till ws; and richt sua till imput and output in oure said castell of Dovne, constabillis and vtheris necessaris officiaris for sure keeping of the samyn till oure vtilite, for quham siclyke he salbe haldin till ansuer, and till obserue and kepe our said castell till oure behufe, and the samyn to be redy till ws at all tymmes quhen we sall charge [him]. And ferder, because we haue gret confidence and traist in oure said seruitour James Steward, we committ vnto him, be thir presentis, oure full power of chavmerlanrye within oure said lordschip, with strynth to substitute vnder him in that office quhat personis he sall thinke expedient for his help and oure vtilite and proffit, to lift, raise, vptak, and inbring all and sindry oure malis, fermis, gressomes, and

dewiteis of the samyn zerlie and termle during our lyf tyme, as said is, and, gif neid beis, to poynd and distrenze therfore as efferis; ferme and stable haldand and for to hald all and quhatsumeir thing, oure said seruitour James Stewart, be him self or his substitutis and deputis forsaid, in oure name in the premissis ledis to be done, in vsing of his officis of stewardry, capitanry, and chavmerlanrye abonexpemit. In faith and witnes of the quhilk thing to th[ir o]ure present lettres, subscriuit with oure hand, [oure] prop[ir sele] is affixt, at the day of the zere of God j<sup>m</sup>v<sup>c</sup> xxvij zeris.

MARGARET R.<sup>1</sup>

97. INSTRUMENT narrating proceedings in the Court of the Stewartry of Menteith, declaring the expiry of tack to WILLIAM EDMONSTONE of Duntreath, and appointment of JAMES STEWART Captain of the Castle. —Doune Castle, 6th August 1528.

IN Dei nomine, amen. Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum, quod anno Dominice incarnationis millesimo quingentesimo vigesimo octauo, mensis vero Augusti die sexta, indiccione prima, Pontificatus sanctissimi in Christo patris, et domini, nostri domini Clementis diuina prouidencia Pape septimi, anno quinto. In mei notarii publici et testium infrascriptorum presencia, personaliter constitutus honorabilis vir Robertus Callendar de Manere, balliuus serenissime et excellentissime principisse Margarete, Regine Scocie, ac nobilis et generosiviri Henrici Stewart, eius sponsi, per eosdem in hac parte specialiter ordinatus in actione et causa coram ipso balliuo, pro parte dicte excellentissime principisse suique sponsi prefati, contra et aduersus Willelmum Edmonstoun de Duntreth, mature auisatus de assessorum suorum, communicato consilio, pro tribunali sedens,

<sup>1</sup> A portion only of seal now remains.

prope castrum de Down in Menteith in curia legitime affirmata, suum decretum pronunciauit et promulgauit in nostra Scotica et wlgari, cuius series seu tenor, vnacum titulo prefate curie, de verbo ad verbum sequitur, et est talis :—Curia excellentissime principisse Margarete, Regine Scocie, et nobilis viri Henrici Steward, eius sponsi, tenta apud Down in Menteith, per honorabilem virum Robertum Callendar de Maner, eorum ballium in hac parte specialiter constitutum, sexto die mensis Augusti anno Domini millesimo quingentesimo vicesimo octauo, curia affirmata et sectis vocatis. The quhilk day, in the actioun and caus persewit be the Quenis grace and hir spous, aganis William Edmenstoun of Duntreith, to produce his lettir of tak of the capitanye and keping of the castell of Down in Menteith, and of certane landis liand within the lordship of Menteith, pertenyng to hir grace in lifrent, alleget maid be hir to the said William, and to here the samyn declarit expirit, extinct, and to be of nane avale, and the samyn to be frelie vsit, set, and disponit be hir grace in tyme to cum ; becaus the said William band and oblist him that he suld resau the Quenis grace within hir said castell, als oft as he suld happin to be requirit thareto within the terme of the said tak, and falzeing tharof the samyn to be expirit ; and the said William beand lauchfully requirit to ressaue hir within hir said castell in tyme of gret neid and mister, scho beand desolat of vtheris hir howsis, refusit to ressaue hir tharin, and for vtheris diuers causis, as at mare lynth is contenit in the summondis and precept direct in the said mater. The Quenis grace and hir said spouse, with thare aduocat, Maister Robert Galbraith, personaly present, and the said William Edmenstoun beand personaly and lauchfully summond and arrestit to this actioun, oftymmes callit and nocht comperit, lauchfull tyme of the day biddin, the richtis, ressouns, and allegatiouns for the Quenis grace beand herd, sene, vnderstand, and tharwith ryplie avisit, the forsaid balze, with avise of his assessouris, decretis, deliueris, and pronuncis

that the tak maid be the Quenis grace to the forsaid William Edmenstoun of the capitanry and keping of hir castle of Down in Menteith, and of all vtheris hir landis quhilkis ar specifeit in the samyn, is extinct, expirit, and forfalt to the Quenis grace, to be frelie disponit tharupone during hir lifytyme; becaus the said William band and oblist him that he suld ressaue the Quenis grace within hir forsaid castell als oft as it suld happin him to be requirit tharto, and thare to remane apoun hir expensis, and als to inbring to hir grace and hir chavmerlan all malis, fermis, and vthiris dewiteis of all and hale hir landis of Menteith zerlie, and siclyk of the restis awand, and falzeing tharof, the said tak to be expirit, and hir said castell and landis to be frelie disponit at hir plesour, nochtwithstanding the samyn, as at mare lynth is contenit in his lettres obligatouris vnder his sele and subscriptioun, producit, schewin, and red in jugement, and the said William refusit to ressaue hir grace within hir said castell, he beand lauchfully requirit tharto; and als hes falzeit in the paying of the malis of the landis of Cultintogill, Brokland, Balmoris, Myltoun, Calzebuchquhalze, the bra of Cammys and the warde of Gwdy, liand within the said lordschip of Menteith, occupeit be the said William; and in the inbringing of the malis of the landis of Duchray occupeit be George Buchquhannan of that Ilk, Corryquhrumby occupeit be Duncane Walterstoun, Buchquhoppill and Ballinton occupeit be Walter Buchquhannane, Blargarre occupeit be Robert Steward, Buchquhoppill occupeit be Archibald Edmenstoun, liand within the said lordschip, extending in the hale to tua hundreth fourty aucht li or tharby, as wes clerlie and sufficientlie previt before the said balze in jugement, and ordinis preceptis to be direct tharupone as efferis. Post cuiusquidam decreti suprainserti pronunciacionem et promulgacionem, comparuit in iudicio quidam Johannes Edmenstoun in Cammysmore commorans, et protestabatur solemniter, nomine et ex parte vt asseruit prefati Willelmi Edmenstoun de Duntreith, in huiusmodi decreto principaliter nominati, quod

quicquid factum fuerat per predictum ballium contra dictum Willelmum Edmenstoun, eidem non cedat aliquo modo in preiudicium; et, ex aduerso, comparens circumspectus vir, Magister Robertus Galbrath, procurator seu prelocutor prelibate serenissime principisse suique sponsi antedicti, tunc personaliter presencium, et eo nomine obtulit se promptum et placatum predictum Johannem Edmenstoun, seu alium quemcunque, ad defendendum supratactam accionem pro dicto Willelmo Edmenstoun de Duntreith admittere, ostenso primitus per eosdem sufficiente mandato vel inuenta cautione de rato, vt moris est, et vlterius obtulit idem Magister Robertus, procurator seu prelocutor antedictus, et eo nomine, in prescencia prefate serenissime principisse suique sponsi predicti hoc idem mandancium et affirmancium, se assouerare sepcfatum Willelmum Edmenstoun, seu quemcunque alium eius nomine, ad comparendum pro defensione supradicte actionis, et ad proponendum et allegandum omnes suas legitimas defensiones quibus vti vellent, pronunciacione et promulgacione suprainserti decreti in aliquo, non obstantibus, ita quod huiusmodi allegaciones et defensiones, sic propositae et allegatae pro parte ipsius Willelmi Edmenstoun, vt exposuit, idem Magister Robertus cundem haberent locum tantamque vim et effectum, acsi in inicio Curie et ante pronunciacionem suprainserti decreti fuissent propositae et allegatae: Et protestatus est solenniter ipse magister procuratorio nomine quo supra, quod prefatus Willelmus Edmenstoun imposterum allegare non poterit quin ipse suique amici, vel alii quicunque suo nomine, pro huiusmodi actionis defensione et tuicione, cum secuta et firma asseuerancia prefate illustrissime domine regine suique sponsi antedicti, ac alias cum omni beniuolencia, secundum formam et exigenciam juris admitti videbantur: Quibus peractis, honorabilis vir Jacobus Steward, frater germanus prefati nobilis et generosi viri Henrici Steward, quamdam cartam pergamino scriptam, magno sigillo serenissimi domini nostri Regis sigil-



latam, de data apud Edinburgh decimoquarto die mensis Julij, anno Domini millesimo quingentesimo vigesimo octauo, ac sue serenitatis regni anno decimoquinto, eidem Jacobo Steward confectam per prefatum serenissimum dominum nostrum Regem modernum, cum expressis consensu et assensu prefate illustrissime domine nostre regine, de [et] super custodia et capitania dicti castri de Down, vnacum officio senescallatus de Menteith, pro toto tempore vite ipsius Jacobi, prout in huiusmodi carta per me, notarium subscriptum, lecta et intellecta, latius continetur : Quamquidem cartam sua serenitas ad se gratanter recepit per humilem exhibicionem predicti Jacobi Steward, ea qua decuit reuerencia, ad manus sue serenitatis desuper factam, eandemque cartam, cum expressis consensu et assensu dicti sui sponsi, tunc presentis et consencientis in omnibus suis punctis et articulis, sua serenitas ratificauit et approbavit, prout per hoc presens publicum instrumentum ratificat et approbat, volens et decernens huiusmodi cartam tantorum vigoris et roboris esse, eundemque per omnia effectum sortiri debere, acsi ipsa eadem carta post suprainserti decreti pronunciacionem et promulgacionem confecta esset et concessa ; Insuper, ipsa serenissima domina Regina, cum consensu et assensu prefati sui sponsi, dictum Jacobum Steward, capitaneum et senescallum antedictum, in et ad huiusmodi capitaniam necnon senescallatus officium, secundum vim, formam, effectum et continentiam prefate sue carte desuper concesse, realiter et cum effectum intrauit et recipi fecit, ac eciam in facie publica predictae curie sua serenitas solemniter mandauit omnes libere tenentes aliosque inhabitantes terrarum et dominii de Menteith, ad prompte parendum et obediendum eidem Jacobo Steward, tanquam vero et indubitato capitaneo predicti castri de Down ac senescallo de Menteith antedicto, suisque deputatis, et nulli alteri, pro toto tempore vite ipsius Jacobi, in omnibus et per omnia, secundum vim et continentiam sepefate sue carte desuper, vt prefertur, concesse et confecte : Super quibus omnibus et singulis

predicti Magister Robertus Galbraith, procurator seu prelocutor antedictus, et eo nomine, ac etiam Jacobus Steward pro se, a me, notario publico subscripto, sibi fieri hincinde vnum vel plura publicum seu publica mutuo petierunt instrumentum aut instrumenta. Acta fuerunt hec prope castrum de Down, in publica facie predictæ curiæ, hora vndecima antemeridie, vel eocirca sub anno, die, mense et pontificatu quibus supra, presentibus ibidem, nobilibus et generosis viris et dominis Jacobo comite Morauiæ, Andrea domino Avindale, Archibaldo Campbell magistro de Ergile, Johanne Struiling de Keyre, milite, Andrea Galbraith de Culcreucht, et domino Waltero Steward vicario de Abirnethy, cum multis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego Alexander Turing artium magister, Abirdoneusis diocesis presbiter  
[etc. in forma communi].

98. COMMISSION by KING JAMES THE FIFTH to JAMES STEWART, Captain of Doune Castle, as Steward of the lordship of Menteith.—8th August 1528.

JACOBUS, Dei gracia, Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem. Sciatis quia dilectus noster Jacobus Stewart, per ipsius supplicationem consilii nostri dominis porrectam, exposuit quod habet per nostras donacionem et assedacionem, cum consensu carissime matris nostre regine, capitaniam siue custodiam castri nostri de Doyne in Menteith, cum certis aliis terris, vna cum officio senescallatus nostri de Menteith, prout in sua litera assedacionis sibi sub nostro magno sigillo desuper confecta plenius continetur. Nos igitur, ex dictorum dominorum deliberacione, commisimus, prout tenore presencium committimus, dicto Jacobo nostram plenariam potestatem et mandatum speciale, officio senescallatus nostri de

Menteith antedicto, secundum tenorem, formam et effectum dictarum nostrarum literarum assedacionis et donacionis vtendi, ac officarios et ministros ad dictum officium necessarios creandi, deputandi, ordinandi et jurari faciendi, pro quibus respondere tenebitur, et generaliter omnia alia et singula faciendi, gerendi et exercendi, que in premissis et circa ea necessaria fuerint seu quomodolibet oportuna. Ratum et gratum habentes et habituri totum et quicquid dictus Jacobus, senescallus noster de Menteith antedictus, sui ve deputati et officarii ac ministri, in vsu et exercicione dicti officii rite duxerit seu duxerint faciendum. Datum sub testimonio magni sigilli nostri apud Striuling, octavo die mensis Augusti, anno Domini millesimo quingentesimo vicesimo octauo, et regni nostri decimoquinto.

99. COMMISSION by MARGARET, QUEEN OF SCOTLAND, with consent of HENRY, LORD METHVEN, her husband, to JAMES STEWART his brother, to be Captain of Doune Castle, and Steward and Chamberlain of Menteith.—  
1st September 1528.

MARGARET, be the grace of God, Quene of Scotland, coniunct fear of the landis and lordschip of Menteith, to all and syndry quhome it efferis, quhais knowlege thir oure lettres sal cum, greting. Wit ze ws, witht perfit and mature deliberacioun, for oure awin wele and singulare proffett, and for the commune weill of oure said lordschip, witht express consent and assent of oure derrest spouse, Henry Stewart of Methven, to haue maid, constitut, and ordanit, and be the tennour of thir presentis makis, constitutis, and ordinis oure traist familiare seruitour, James Stewart, brothir german to oure said derrest spouse, oure Stewart of oure said lordschip of Menteith, and capitane of oure castell of Down within the samyn, for all and sindry the days and termes of oure lifytyme, the entres of the said James in and to the saidis officcs of stewardry

and capitanry salbe at the making herof, to be broukit and josit be the said James during oure lifytyme as said is, witht certane landis vnder writtin pertenyng to the capitanry and keping of oure said castell, that is to say, ten mark land of auld extent of Estir Frew, five mark land of auld extent of Myddle Frew, five mark land of auld extent of Wester Ergady, aucht pound, six shillingis, aucht penne land of auld extent of Drumcamysy and Bellekeraucht, five pound land of auld extent of the Kerss of Cammyss, witht the myln and cruvis of Down, and fisching of lowis and stankis of Lagnok, Lochbanaquhare and Gudy, witht all thair pertinentis, and witht all and syndry vtheris proffettis, commoditeis, fredomes, asiamentis and rychtuus pertinentis, pertenyng and liand thairto, be wse and wount, quhilkis William Edmenstoun of Duntreth, last stewart and capitane of oure said lordschip and castell, had and josit for the said stewartry and capitanry, and in all sort and maner as he broukit the samyn. And attoure, we commit to oure said seruitour James Steward oure full power to substitut and deput vnder him in the said office of stewardry ane or maa of smallare degre than him self, and of smallare power, for excersing of that office, for quhame he salbe haldin to ansuer till ws, and rychtsua to imput and output in oure said castell of Down constabillis and vtheris officiaris necessaris for sure keping of the samyn to oure vtilitie and proffet, for quham siclik he salbe haldin to ansuer, and to obserue and kepe treulie oure said castell to the behalf of ws and oure said derrest spouse, and the samyn to be reddy to ws and oure said spouse at all tymmes quhen we sall charge. And ferder, because we have gret confidens and traist in the said James oure seruitour, witht express avise and consent of our said derrest spouse we commit vnto the said James be thir presentis oure full power of chavmerlanry within the said lordschip, witht stryngth to substitut vnder him in that office sic personis as he sall think expedient for his help and our vtilite and proffet, to lift, raise, vptak and

inbring all and syndry our malis, fermes, gressomes and dewiteis of the samyn zerly and termly during our lifyme as said is, and gif neid beis to pyynd and distringze tharefor as efferis; firme and stable halding and for to hald all and quhatsumeuir thing, oure said seruitour James Steward and capitane forsaid, be him self and his substitutis and deputis forsaid, in oure name in the premissis ledis to be done, in vsing of his officis of stewardry, capitanry, and chavmerlanry abone expremit. In faith and witness of the quhilk thing, to thir oure present lettres, subscrut witht oure hand and witht the hand of oure said derrest spouse, in takyning of his consent to the samin, oure propre sele is affixt, at Striuiling, the first day of September, the zere of God j<sup>m</sup>v<sup>e</sup> twenty and aucht zeris.

MARGARET R.

HENRY, LORD METHWEN.

100. GRANT by MARGARET, QUEEN OF SCOTLAND, and HENRY, LORD METHVEN, her Spouse, in favour of JAMES STEWART, of the Captaincy of Doune Castle, with the Stewartry, etc., of Menteith.—Stirling, 8th September 1528.

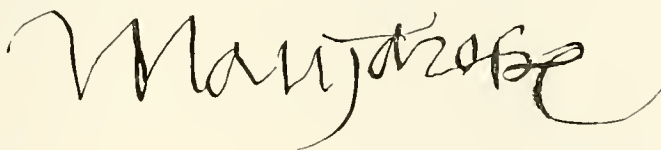
BE IT KEND till all men be thir present letteris, ws, Margarete, be the grace of God, Qwene of Scotland, coniunct fear of the landis and lordschip of Menteth, liand within the sherefdom of Perth, weill and ripelie avisit for oure avn singular proffit and commoun weill, justice and polecy to be had within our said lordschip, with express consent and assent of oure derrest spous, Henry Lord Methven, to haue maid, constitute, and ordanit, and be thir present lettres makkis, constitutis, and ordanis oure richt traist and familiar seruitoure, James Stewart, bruther germane to oure said derrest spous, our stewart of oure said lordschip of Menteth, and capitane of our castell of



Dovne, liand within the boundis of the samyn, and als to hane gevin and grantit, and be the tennour heirop gevis and grantis to him all and sindry the landis vnderwritin, in his fee, for vsing and exerceing of the saidis offices of stewartry and capitanry for all the dais and termes of onre lifytyme, quhilkis landis Williamc Edmonstoun, oure stewart of Menteth and capitane of Dovne for the tyme, had and broukit in his fe of befor; that is to say, ten mark land of ald extent of Estir Frew, five mark land of ald extent of Myddill Frew, five mark land of ald extent of Westir Argade, aucht pund, sex schilling aucht penny worth of land of ald extent of Druncamse and Ballikeroch, five pund land of ald extent of the Kerse of Cammys, with the myll and cruvis of Dovne, and fischeing of the lowis and stankis of Lugnok, Lochbanachar, and Gude, with all and sindry thair pertinentis, liand within the lordschip and sheref dome foirsaidis, the entere of the said James in and to the saidis officis of stewartry of onre said lordschip of Menteth and capitanry of onre said castell of Dovne, and to the foirnemmit landis and fischeingis, with all thair pertinentis, to begin the day of the dait of thir present lettres, and thaireftir to indure and peciablle to be broukit, joisit, vsit, and exercit induring oure lifytyme, siclike and als frelie in all and be all thingis as ony vthiris capitanis or stewartis had and bronkit the saidis officis of befor; with power to the said James to mak deputis vnder him, constabillis and keiparis of the said castell, and deputis in the said office of stewartry [of] Menteth, ane or ma, sic as he thinkis expedient, and thame to remoif, change, inpnt and output, als oft as he plesis, for quham he salbe haldin to ansuer, and with power to him and his deputis in the said office of stewartry, ane or ma stewart courtis of the saidis landis and within the boundis of the said office to set, begyn, afferme, hald and continew als oft as neid beis, sntis to mak be callit, absentes to amerciat, trespassouris to pvnis, vnlawis, amerciamentis, and eschetis of the saidis courtis to ask, lift, raise,

and for the samín, gif neid be, to poynd and distrenze, clerkis, seriandis, dempstaris, and all vthiris officiaris and membris of court neidfull to the said office and vsing thairof to mak, creat, substitute and ordand, for quham he sall inlikewise be haldin to ansuer; and als we haue maid, constitute, and ordanit, and be thir present lettres makkis, constitutis, and ordanis the said James and his substitutis, quhilkis we gif him power to mak, and for quham he salbe haldin to ansuer, oure verray lauchfull and irreuocabill chalmerlanis of all and sindry oure saidis landis and lordschip of Menteth, for all the dais and termes of oure liftyme, gevand, grantand, and committand to oure saidis chalmerlanis oure full, fre, and plane power, speciall mandment, express bidding and charge, for ws and in oure name, the males, firmes, grassumes, proffitis and dewiteis of oure saidis landis and lordschip, to gadder, ressaue, ask, lift, raise and intromet, and the samin to ws to inbring, and gif neid be to poynd and distrenze thairfor, and generalie all and sindry vthiris thingis to do, exerce, and vse that to the office of stewartry, capitanry, and chalmerlanery in sic caisis as is abone writtin of law or consuetude ar knawin to pertene. For vsing and exerceing of the quhilkis offices of chalmerlanery we gif, grantis, and assignis to the said James be the tennoure of thir presentis, siclike feis and dewiteis as Sir Thomas Zoungman, chapellane, now our chalmerlane of the said lordschip, hes and gettis thairof; and als we gif, grantis, and assignis to the said James all males, grassumes, and dewiteis of oure landis of the milltoun of Dovne, quhilkis oure seruitrice Cristiane Raa now hes and broukis of ws for all the dais and termes of oure lifetyme, eftir the deces of the said Cristiane, and the said James and his substitutis sall entir to the vsing and exerceing of the said office of chalmerlanery of oure said lordschip the day of the dait of thir presentis; ferme and stabill haldand and for to hald all and quhatsum-eur thingis the said James, be himself, his deputis, seruandis, constabulis, and substitutis in the saidis officis of stewartry, capitanry, and chalmerlanery

lauchfullie ledis to be done. In witness of the quhilk thing, to thir present lettres subscriuit with oure haud oure seill is to huugin, togidder with the seill and subscriptionn of oure said derrest spous, in takin of his consent and assent to the premissis, at Striueling, the aucht day of September, the zere of God ane thowsand five hundreth and twenty ancht zeris, befor thir witnes, Sir Walter Stewart, Robert Kalendare of Manyre, James Dog, Sir Williame Alexander, and Andro Stewart in Culrosschire, with vthiris diuerss.

A large, elegant handwritten signature in dark ink, which appears to read 'Methven'.

HENRY, LORD METHVEN.

101. INSTRUMENT OF AGREEMENT between JAMES STEWART, Captain of Doune Castle, and WILLIAM EDMONSTONE of Duntreath.—23d September 1528.

IN Dei nomine, amen. Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum, quod anno Dominice Incarnaciouis Millesimo quingentesimo vigesimo octauo, meusis vero Septembris die vigesima tercia, indiccione prima, pontificatus sanctissimi in Christo patris et domini nostri domini Clementis, diuina providencia Pape septimi, anno quinto, in serenissime et illustrissime principisse ac domine Margarete, Dei gracia, Scocie Regine meique notarii publici ac testium infrascriptorum presencia, personaliter constituti honorabiles viri, Jacobus Steward, Capitaneus de Down in Menteith, et Willelmus Edmenstoun de Duntreth, post factam et finitam concordiam inter prefatam serenissimam dominam Reginam, ac nobilem et generosum virum dominum Henricum Steward, dominum de Methvene, sue serenitatis carissimum coniugem, ab vna, et predictum Willelmum Edmenstoun ab altera

partibus, communicantes et colloquentes pro perpetua amicitia inter ipsos Jacobum Steward et Willelmum Edmenstoun habenda et tenenda; Idem Jacobus palam exposuit quod ipse Jacobus quamdam literam assedacionis certarum terrarum, quas idem Willelmus prius in assedacione habuit, infra Senescallatum de Menteith jacentium, per predictam serenissimam dominam Reginam sub sue serenitatis sigillo et subscriptione, necnon sub manuali subscriptione prefati sui coniugis, pro toto tempore vite ipsius Jacobi, desuper confectam, ac etiam vnam cartam concessionis et donacionis custodie castri de Down, cum certis terris eidem pertinentibus et in huiusmodi carta specificatis, vnacum officio Senescallatus de Menteith, per supremum dominum nostrum regem modernum, cum expressis consensu et assensu prelibate serenissime domine Regine, sub magno sigillo regio, etiam pro toto tempore vite ipsius Jacobi Steward donatam et concessam, habet et possidet, in quibus idem Jacobus Steward beniuolenciam et ratihabicionem prefati Willelmi Edmenstoun, qui huiusmodi terras, cum custodia castri et officio Senescallatus supraspecificatis, pro toto tempore vite sue prius habuit, instanter et amicaliter peciit. Quiquidam Willelmus Edmenstoun, ex deliberato animo ac suo proprio moto, vt apparuit, assedaciones terrarum, vna cum custodia castri de Down et officio Senescallatus de Menteith, in fauorem dicti Jacobi Steward, vt prefertur, donatas et concessas, affirmauit dicendo se esse bene contentum et placatum de eisdem. Vltcrius idem Willelmus dictum Jacobum, tanquam specialem sibi amicum, ad manus humaniter recepit, amiciciam et fidem sibi Jacobo promittendo; Viceuersa, ipse Jacobus dicto Willelmo legalitatem et amiciciam similiter promisit pro viribus hincinde mutuo duraturas. Super quibus omnibus et singulis prefatus Jacobus Steward, capitaneus antedictus, a me notario publico subscripto, sibi fieri peciit vnum seu plura publicum vel publica instrumentum aut instrumenta. Acta fuerunt hec infra predictum castrum de Down, hora septima post meridiem, vel eocirca, sub anno, die,

mense, indictione et pontificatu quibus supra, presentibus ibidem honorabilibus et discretis viris, Domino Waltero Steward, elimosinario predictæ Domine Regine, Domino Thoma Zoungman, vicario de Pett, Dunblanensis diocesis, Johanne Edmenstoun, seniore, Bartholomeo Balfoure et Jacobo Dog, juniore, testibus ad premissa vocatis pariterque rogatis.

Et ego Alexander Turing, artium magister Abirdonensis diocesis, presbyter sacra apostolica auctoritate notarius publicus, etc. [*in forma communi*].

102. PRECEPT by MARGARET, QUEEN OF SCOTLAND, to summon WILLIAM EDMONSTONE of Duntreath, and other tenants, to her Bailie Court at Edinburgh.—[Edinburgh], 12th March 1529.

REGINA.

MARGARET, be the grace of God, [Quene] of Scotland, till our luffit Walter Dog, our mayr of fe within our lordschip of Menteth: Forsamekill as for certen materis we hef ado presen[t]ly wythin our said lordschip, this precept sein, ze sall pas til all paris kirkis wythin zour office and bowndis thairof, and in our name and behalf, and in the name of our darrest spous, Henry Lord of Methwen, and thair warin and charg all and sindry our tenentis, fewaris, and all vtheris heffand landis of ws in assedacion, wythin all the bowndis forsaid, till compeyr befor ws, our sp[o]ws or our balzeis, in our court to be haldin in Edinburgh, in the Tolbwtht of the sammin, vpon Setterday, the nynt day of Apryll nixt to cum; and atour, ze sall pas to Williem Edmeston of Duntreth, and personaly warin the said Williem, or at his dwelling place within Mentethe, of Cammes Wallace, till compeyr befor ws or our balzeis the said day and place, and this ze do be opin proclamation at all the placis forsaidis, as ze will ansuer to ws thairvpon. Subseryuit wyth



our hand, togither wyth the subscripcion of our darrest spowis forsaid, and wnder our singnet the xii day of Merche, in the zeir of God m<sup>o</sup>v<sup>c</sup>xxix zeris.<sup>1</sup>

MARGARET R.

HENRY, LORD METHVEN.

103. PRECEPT OF REMOVING, directed by MARGARET, QUEEN OF SCOTLAND, against WILLIAM EDMONSTONE of Duntreath, and other tenants of her lands of Menteith.—Edinburgh, 12th March 1529.

MERGRET, Quene of Scotland, to oure louittis, Walter Dog, Androw Doin, oure officiaris in that part, coniunctlie and seueralie, specialie constitute, greting. We, with auise and consent of oure derrest spous, Henry, Lord of Methven, chargis zow that incontinent this our precept sene, ze pas to the landis and housis of the Miltoun of Cammus, the Bra of Cammus, the Ward of Gudy, the Newtoun of Doun, Ballemorist, Cailzeboquhailze, Brokland, Cultentogill, Brigend, Wester Dowar, Grodicht, Achinherd, and the mark land of Glenman, liand in the lordschip of Menteth, within the sherefdom of Perth, pertenyng till ws in coniunct fee, and thair warn William Edmanstoun of Duntreth, and all vtheris intromettouris with our saidis landis or ony part thairof, to remoif thame and thair gudis thairfra at the nixt term of Witsonday, to be set, vsit, and disponit be ws, our chalmerlanis and factouris, with certification and thai do in the contrare, thai salbe haldin and repute violent possessouris, and to refund and pay till ws the profitis that we mycht haue of the saidis landis and thai war occupyit with our awin gudis, and this one na wyse ze laif one done, committand to zow, coniunctlie and seueralie, our full power thairto. Gevin vnder our signet, and subscriuit with our hand and with our said derrest spous, at Edinburgh, the xij day of Marche, the zere of God j<sup>m</sup>v<sup>c</sup> and tuenty nyne zeris.<sup>2</sup>

MARGARET R.

HENRY, LORD METHUEN.

<sup>1</sup> Two executions are indorsed, dated 20th and summons made in terms of the precept. and 21st March 1529, certifying proclamation

<sup>2</sup> The Queen's signet is still impressed.

104. DECREE OF THE LORDS OF COUNCIL, acquitting JAMES STEWART, Captain of Doune, from the Summons raised against him by WILLIAM EDMONSTONE of Duntreath.—Perth, 6th December 1530. [Extract.]

AT PERTH, the vj day of December, the zere of God j<sup>m</sup>v<sup>c</sup> and xxx zeris, the Lordis of Consale vnderwrittin, that is to say, ane maist reuerend and reuerend faderis in God, Gawyne Archibischop of Glasgw, Chancelar, Gawyne Bischop of Abirdene, Alexander Bischop of Murray, James Bischop of Ross, noble and mychtic Lordis, Williame Erle of Monthros, venerable faderis in God, Jhone Abbot of Jedburgh, Jhone Priour of Pettynweme, Patrik Lord Gray, Jhone Lord Forbes, Laurence Lord Oliphant, Alexander Lord Levingstoun, Williame Lord Ruthven, and Maister Richert Bothuile, Channoun of Glasgw, anent the summondis rasis at the instance of William Edmonstoun of Duntreith and James Edmonstoun, aganis James Steuart, capitane of Doune, and Bartilmo Balfour, for the wrangous, violent, and maisterfull spoliacioun, be thaim self, thair seruandis and complices, in thair names, of thair causing, command, assistance and ratihabicioun, away takin and withholding fra the saidis William Edmonstoun and James Edmonstoun, in the moneth of Merche last bipast, of thir gudis pertening to thaim as thair awn propir gudis, and than being in thare possessioun, apon the landis vnderwrittin, that is to say, fra the saidis William Edmonstoun, out of the landis of Myltoun of Cammis of ij chaldir of aitis, and furth of the landis of Neutoun of Dovne xxiiij bollis of aitis, price of the boll with the fodir, x.s.; and fra the said James Edmonstoun furth of the landis of the Bray of Cammis

Indorsed on the Precept are three executions      1529, they had passed to various places, and  
by the messengers above designed, certifying      warned the tenants in terms of the precept.  
that on the 3d, 5th, and 6th days of April .

of thre chalderis of aitis, price forsaide, as at mair lenth is contenit in the said summondis; the saidis James Steuart and William Edmonstoun beand personaly present, and the saidis James Edmonstoun comperand be the said William, and the said Bartilmo be Henry Lord Methven thair procuratoris, the Lordis of Counsale assolzeis the saidis James Steuart and Bartilmo Balfour fra the peticioun of the saidis William Edmonstoun and James Edmonstoun, and fra the said summondis as it is now libellit, and decernis them quyte thair of in tyme to cum, and lettrez to be direct heirapon. Extractum de libro actorum per me dominum Alexandrum Scott, deputatum reuerendi in Christo patris et domini Gavini episcopi Abirdonensis, clerici rotulorum registri ac consilii supremi Domini nostri Regis, sub meis signo et subscriptione manualibus.

ALEXANDER SCOTT.

105. AGREEMENT between JAMES STEWART, Captain of Doune, etc., and WILLIAM EDMONSTONE of Duntreath, settling the matters in dispute betwixt them, of date 9th November 1531.—[Extract dated Edinburgh, 1st February 1531.]

AT Edinburgh, the first day of Februar, the zeir of God j<sup>m</sup>v<sup>c</sup>xxxj zeris, in presens of the Lordis of Consell vndirwrittin, that is to say, ane maist reuerand father in God, Gawane Archebishope of Glasgw, Chancelar, ane noble and mychty lord, Johne Erle of Leuenox, ane venerable father in God, James Abbot of Dryburgh, Robert Lord Levingstoun, Henry Lord Methven, Andro Lord Avandaill, Maister George Lokhart, Provest of Crechtoun, comperit James Stewart, Stewart of Menteith, on that ane part, and William Edmestoun of Duntreth on that vther part, and gair in this appointment

vndirwrittin, subscriuit with thair handis, and desirit the sam to be registrat in the bukis of Consell, and to haif the strenth and effect of the Lordis decrete ; the quhilk desire the said Lordis thocht ressonable, and thairfor ordanis the sam to be insart in the bukis of Consell, and to haif the strenth and effect of thair decrete in tyme to cum, and ordanis lettres be direct to command and charge, compell and distrenze bayth the saidis parteis, for the fulfilling thair of in all pointtis as efferis, of the quhilk the tenour followis :—At Edinburgh, the x day of Nouember, the zere of God j<sup>m</sup>v<sup>c</sup>xxxj zeris, it is appointit and concordit betuix honerable men, that is to say, James Stewart of Menteitht, on that ane part, and William Edmenstoun of Duntretht, on that vther part, in maner, forme, and effect as efter followis ; that is to say, for eschewing of pley, cost, and expenssis of baytht the saidis parteis anent the clame and rycht of the Stewartry of Menteitht and captaneschip of Dovne in Menteitht, clomit be the said James to pertene to hym heretablie in fewferme, and clomit be the said William to pertene to hym be ressoun of gift, tak, and asse-datioun induring the lifytyme of our souerane lady the Quenis hienes, and for amite and kyndnes to be had amangis the saidis parteis in tyme to cum, it is finale aggreit betuix the saidis parteis of thair fre motive willis, oncompellit or coactit, that the said James Stewart sall, betuix the dait herof and the feist of the Natiuite, callit Zuile, nixt thereafter followand, resigne in our souerane lordis the Kingis handis thir landis vnderwrittin ; that is to say, all and haile the five pundis worth of land of the Bray of Cambus, the five lib. worth of land of the Mylton of Cambus, with the mylne of the samin, the tane half of the landis of Brokland Estir, extending to five merkis wortht of land quhilk Ewin Mackvaa now occupiis, four merkis wortht of land callit Balle-morist, fourty shillingis wortht of land of Calzeboquhalze, the xls. wortht of land of the Ward of Gudy, extending in the haile to xx<sup>ti</sup> pundis worth of land of ald extent, with ther pertinentis, liand within the stewartre

of Menteitht and sherefdome of Perth, in fauouris of the said William Edmestoun of Duntretht, his airs and assignayis, and sall optene and get to the said William ane signatour apoun the donatioun and gift of the foirnmyt landis, to be gevin to him, his airs and assignayis, heretable in fewferme, with the consent of our souerane lady the Quenis grace, life-rentar of the saidis landis, in the best forme the said William can dewise, be men of vndirstanding, sic ovircom expenssis to be maid be the said William therapone. For the quhilk resignacioun and infestment to be to the said William, his airis and assignais, in the foirnemmit xx lib. wortht of lande, the said William sall renunce, quietclame, discharge, and ourgeve, for him, his airis and assignais, to the said James Stewart, his airis and assignais, all rycht, clame, titill of rycht, properte and possessioun and kindnes quhilk he or thai hes, had, or may haif in and to the Stewartre of Menteyth, captaneschip of the castell of the sam, and thir landis vnderwritin perteneing thairto; that is to say, the Castell of Dovne in Menteytht, the manis of the samyn callit Drumcampse and Calkerauche, the Kers of Cammis, the Newtown of Dovne, the Wester Argade, the x li. land of Frewis, the landis of Cultintogill, the Wester Brig and the landis of Grodeth, Dowart, Auchinhard, and the merkland of Glenmany, with the myll of Dovne, the crwis and fisching thairof, and keping of the forests and all vther landis, outsettis, stedis, proffittis quhatsumevir, als wele nocht nemmyt as nemmit, except the said twenty pund land abone expremmit, incontinent efter the said William obtene the said signatour apoun the said resignacioun befor the Lordis of Consell, and als sall caus Archibald Edmeston his brother in lik maner renunce his rycht, kindnes, and clame for him, his airis and assignais, of the samin befor the Lordis of Consell, at the samin tyme as is abone expremyt; and the said William and Archibald sall neuer mak persute nor clame thairto, nor molest, inquiet, nor tribill the said James, his airis, assignais,



subtenentis, nor factouris in the peceable broukin of the said stewartre, captaneschip, and landis pertaining thairto, except before expremitt exceptit : Alsua it is apontit that the said William, with his kin, freindis, allia, men, tenentes, and seruandis, sall tak ane vprycht plane part with Henry, Lord Methven, the said James his brother, in all and syndry thair actionns, caussis, querelles, lefull and honest, movit or to be movit, aganis quhatsumevir persone or personis, his allegiance to our souerane lord the King, our lady the Quenis grace, and his ourlord alanerlie exceptit ; and in lik maner the said James sall caus the said lord his brouder and himself, with thair kyn, freindis, allia, tenentis, and seruandis, to tak ane vprycht plane part with the said William in all and syndry his actions, causis, and querellis, lefull and honest, movit or to be movit, aganis quhatsumevir person or personis, thair allegiaus to our souerane lord the Quenis grace alanerlie exceptit. And attour, the said William, with his freindis, allia, tennentes, sall pas with the said lord and James, and remane with thaim, or ony ane of thame, in tyme of were. thai doand to the said William siklik as vther frendis will do to hym thairfor ; and mairatour, the said James, his airis, assignais, factouris, nor seruandis, sall mak na impediment, stop, nor distrubulans to the said William, his airis, assignais, factouris, nor tennentes, in the peceable bruken and occupying of the said xx li. land, nor clame no maner of rycht nor titill thairto be na maner of way iu tyme cuming : And als the said James sall optene and get of our said souerane lady the Quenis hieues and Heury, Lord Methven, hir spous, ane letter of quietclame and discharge vnder thair hande writtis, dischargeand the said William Edmestoun, his airis, executouris, and assignais, pleges, and souertes of all sovmes of mouey, fermes, males, proffittis, dewites, gersums, mertis siluir, that hir hienes may ask or clame at him or thaim be ony maner of way before the dait herof, be ressoun of contractis, bandis, actis, decretis, souerte, or ony maner of way quhatsumevir, and in the best and

sickerest forme can be devisit, and this acquittance to be deliuerit to the said William at the ourgevin and renunciacioun of his rycht of the premissis. Item, the said William Edmestoun, at the request of the said James Stewart sall geif his letter of quietclame and discharge to Patrik Stewart in Glenbucky, of all gudis and sovmes of money that he hes recouerit apoun him befor the Lordis of our souerane lordis Consell, the said Patrik gevand to the said William, James Edmestoun his cvsing, and thair parttakaris, ane letter of quietclame and discharge of all gudis quhatsumevir takin by thaim fra him befor the dait of thir presentis, and gif the said William or ony otheris that he may latt invadis the said James Stewart in his persoun, his kyn, freindis, and seruandis, and molestis thaim in broukin the forsaid stewartre and captanere, and landis pertenant thairto, except the said xx li. land, than in that cause the said William faythfullie bindis and oblissis him to resigne and ourgeve the saidis landis agane in the handis of our said souerane lord in fauour of the said James Stewart, for his heretable infeftment to be had thairintill, the fault beand notourlie knawin be the law ; and in like maner the said James faythfullie bindis and oblissis him nocht [to] invaid the said William in his persoun, kyn, freindis, nor seruandis, nor molest thaim in the broukin the said xx li. land be na maner of way in tyme to cum. And als ilk ane of the saidis parteis sall releif otheris, at the handis of quhatsumeuir thair tennentes and freindis that hes sustenit ony dampnage throucht the persute and materis of deid betuix thaim, throw thair causing, assestans or ratihabitoun in ony maner of way befor the dait herof, and that the said William hes maid na assignais to haue entres anent the premissis be ony maner of way, except his rycht now maid to the said James, quhilkis he sall warand : And quhilkis of the forsaid parteis that failzeis heirintill sall content and pay to the party abidand heirat and fulfilland the samin, the sovme of tua thowsand pundis Scottis in the burgh of Edinburgh, within xx dayis

nixt efter the brek of this contract and appointment, or ony pointt or part thairof, contrare the tennour and effect abonewrittin be maid knawin, but ony langar delay, cauillatioun, fraude, or gyle: And to the observing, keping, and fulfilling of this present contract and appointment, and euery point and part thairof, lelely and trewlie to be obseruit and fulfillit in maner as said is, athir party ar bundin, oblist, and suorne, ilkane to otheris, be the faithtis and trewthis in thare bodeis, the Euangelis tuichit, and sall consent that the samin be registerit in the bukis of our souerane lordis Counsell, havand the strentht of ane decrete and act thairof, with lettres executorialis to be decernit thair apone but mair proces, and this contract to be extendit with all clausis necessar concernyng the premissis, as men of law and vnderstanding can devise anent the sicker infestment to be maid to the said William, his airis and assignais, in the said xx li. land, and renunciatioun of his ryeht and clame to the said stewartre, captaneschip, and landis pertenant thairto, as said is, to the said James Stewart. In witnes herof, baytht the saidis parteis hes subseriuit this contract with thair handis, at day, zeir, and place forsaid, before thir witnes, Maister Johne Dingwall, proth-notar apostolik, provest of the Trinite Collage beside Edinburgh; William Scot, sone and apperand air to William Scott of Balwery, knyecht; Sir Thomas Zongman, Maister James Fogo, Andro Edmestoun, Sir Thomas Raunaldston, Johne Stewart, Johne Maknell, Maister William Meldrum, and Alexander Maknell, publicc notaris, with vtheris diuers. *Extractum de libro actorum per me Gavinum episcopum Abirdonensem, clericum rotulorum registri ac consilii supremi domini nostri Regis, sub meis signo et subscriptione manualibus.*<sup>1</sup>

GAVINUS DUNBAR.

<sup>1</sup> A Memorandum appended to the original Extract states that the date of William Edmonstone's sasine was 8th February 1531.

106. CONSENT to the foregoing Agreement by ARCHIBALD EDMONSTONE, brother of William Edmonstone of Duntreath.—Edinburgh, 9th February 1531. [Extract.]

AT EDINBURGH, the nynt day of Februar, the zeir of God j<sup>m</sup>[v<sup>c</sup>] xxxj zeiris, in presens of the Lordis of Counsale vnderwrittin, that is to say, ane maist reuerend and reuerend faderis in God, Gawyne Archebischop of Glasgw, Chancelar, George Bischop of Dunkeld, Henrie Bischop of Galloway, James Bischop of Ros, venerable faderis in God, Robert Abbot of Kynlos, Alexander Abbot of Cambuskynneth, Walter Lord Sanct Jhonis, Schirs Thomas Erskyne of Haltoun, William Scott of Balwerie, knyghtis, Schir Johne Dingwell, Provest of the Trinite College, Maister Rechert Bothuile, persoun of Askirk, Maister Henrie Quhit, dene of Breichin, Maister Adam Ottirburn of Auldhame, Thomas Scott of Petgorno, Maister James Lawsoun, and Maister Francis Boithuile, burgessis of Edinburgh, comperit Archibald Edmestoun, brothir to Williame Edmestoun of Duntreith, and thair, according to the band, appunctuament, and finale aggreance made betuix the said Williame and James Stewart, capitane of Dovne, and to all the punctis and articulis contenit thairin, hes realie gevin our all rychtis and kyndnes that he hes or had to the office of stewartrie, capitaneschip, landis, takkis, stedingis contenit in the said contract and appunctuament, in fauour of the said James, to be broikit be him in tyme cuming, efter the forme of the said decret; apone the quhilk the said James Stewart askit instrumentis. Extractum de libro actorum per me Magistrum Jacobum Makgill de Nethir Rankelour, clericum rotulorum registri et consilii supremi domini nostri Regis, et regine, sub meis signo et subscriptione manualibus.

JACOBUS MAKGILL.

107. COMMISSION by ARCHIBALD, FIFTH EARL OF ARGYLL, to JOHN GRAHAM, FOURTH EARL OF MENTEITH, and JAMES STEWART, Steward of Menteith, as his Deputies in the earldom and lordship of Menteith, for the pursuit of the Clangregor, etc.—26th March 1564.

BE IT KEND till all men be thir present lettres, ws, Archibald, Erle of Ergill, Lord Campbell in Lorne, etc., havand full commissioun and power of oure souerane lady to conuocat and assemble hir Gracis leigis duelland within the boundis of the sherefdomes of Ergill, Torbart, Dumbartane, But, the stewartrie, erldome, and haill cuntrie of Menteyth, the landis and cuntries of Breidalben, Bouchquhidder, and samekle of the sherefdom of Striueling as lyis be west Buchquhin, or ony part of the saidis cuntries, sa oft and that quhatsumever place or places as we sall think expedient, for sercheng, taking, and apprehending of the Clengregour rebellis and malefactouris, quhairever thai can be apprehendit within the boundis foirsaidis, or forthir as occatioun sall occur, as at mair lenth is contenit in oure souerane ladyis commissioun grantit to ws thairvpoun, of the dait, at Perth, the xvij day of Merche, the zeir of God j<sup>m</sup>v<sup>e</sup>l<sup>xiii</sup> zeiris, to haue maid, constitute, and ordanit, and be the tennour heiroyf makis, constitutis, and ordanis oure weilbelouittis counsing and brothir, Johne, Erle of Menteyth, and James, Commendatare of Sanct Come, Stewart of Menteyth, oure deputis in that part, coniunctlie and seneralie, gevand, grantand, and committand to oure saidis deputis and ilk ane of thame, coniunctlie and seueralie, our full power to direct chargis and commandimentis to the inhabitaris of the stewartrie, erldome, and haill cuntrie of Menteyth, als wele of landis partening to the Lairdis of Glennegeyis, Merchistoun, and vtheris within the boundis thairof annexit to the sherefdomes of Dumbartane or Perth, and of Bouchquhidder, or ony part within the saidis cuntries, to quhatsumevir parsones or parsonis the saidis landis



partenis, to convene the inhabitaris thairof sa oft and that quhatsumever places as thai sall think expedient, for sercheng of the Clengregour and thair resistaris, rebellis and malefactouris, quhairever thai may be apprehendit within the boundis foirsaidis, and forthir as occatioun shall occur, to be brocht to the Justice or his deputis to be punist for thair demeritis, and falzeing thairof, to parsew thame vntill thai be expellit furtht of the saidis boundis ; and in caise thai or ony of thame recist or pas to strenthis and keip the samin, that oure saidis deputis and thair cumpanyis raise fyre and vse all kynd of hostilitie aganis the saidis rebellis, for thair apprehending. Quhairfore we command and charge all and sindrie our souerane ladyis leigis, on hir Gracis name and ouris, duelland within the boundis foirsaidis, to reddelie ansuer, attend, and obey to oure saidis deputis in that part, to pas foirdwart with thame or ony of thame, for sercheng and apprehending of the saidis rebellis, thair assistaris and resettaris, and to vse thair directioun as sall be thocht maist conuenient to the effect foirsaid : Certefiing the parsonis sua to be warnit be oure saidis deputis, or thame havand thair poweris within the boundis foirsaidis, and nocht passand fordwart to the freyis, or quhan the saidis rebellis resortis within thair saidis boundis, and schawis nocht thair reddy seruice and exact deligence in thair behalfis to the contentatioun of oure saidis deputis or ony of thame, at thai sall be reput and haldin as plane parttakaris and assistaris with the saidis rebellis in thair rebelloun, and salbe callit and parsewit thairfore at particulare diettis, and punist for the samin, conforme to the lawis of this realme. And forthir gevis all power to oure saidis deputis, or ony of thame, to the effect abonewrittin, als frelie as we haue of oure souerane lady in all poyntis. Be thir presentis, subscriuit with oure hand, oure signet is affixit, at Striueling, the xxvj day of Merche, the zeir of God j<sup>m</sup>v<sup>e</sup>lxiij zeiris.

A. E. ERGILL.

108. DISCHARGE by MARY, QUEEN OF SCOTS, to JAMES STEWART, Steward of Menteith, of the rents of certain of the lands of the Stewartry, and of the overdue thirds of the benefice of St. Colme.—9th April 1567.

REGINA.

Ws, in part of recompensatioun of the expensis maid be our louit familiare seruitour, James Stewart of Downe, knycht, our Steward of Menteyth, in our seruice and particulare effairis within the partis of France, and als in reperrelling of our castell of Down in Menteyth and the necessaris thairof, to haue gevin, grantit, assignit, and disponit, and be the tennour heirop gevis, grantis, assignis, and disponis to the said James the few mailis and fermes of the landis of Coldochis, Kep, Ardfinlay, miln and miln landis of Cessintully pertening to Paule Dog, the few mailis of Dewehray, the sex mark land of Maccorenstoun, the sex mark land of Boghall, the tua mark land of Maccristoun, the twa mark land of Westerbrigend, the sax mark land of Achinhard, the foure mark land of Portnellen, Dulater, and Terndown, pertening to the Lard of Burley, with thair pertenentis, all lyand within our lordschip of Menteyth and Stewartrie thairof, pertening to ws as ane part of the patrimony of our crowne, of the termes and zeiris of God  $j^{m}v^{cl}x$ , lxj, lxij, lxiiij, lxv, lxvj, and of the Witsounday terme in the lxvij zeiris, and remittis, dischargis, and renuncis to the said James, and all actioun and cause that we or our successouris hes, had, or ony wyse may haue, ask, clame, or intent be ws, oure aduocatis or comptrollaris in oure name, aganis him, his airis or assignais, thairfore in ony tymes cuming, and all comptis and payment to be maid be him, his airis or assignais thairof to ws, oure successoris or comptrollaris, and chalmerlanis in oure name, in ony tymes cuming, and also dischargis oure saidis comptrollaris, aduocatis, chalmerlanis, and vtheris oure officiaris quhatsumever of all asking, craving, poynding, and distrenzeing of the said James,

his airis or assignais, his or thair gudis and geir, for the saidis few mailis and fermes of the landis and miln foirsaidis, of the zeiris and termes abone specifyit, dischargeing thame thairof and of thair offices in that part for euer. And als we command and chargis the auditouris of oure chekker and of the said James comptis, to defalk and allow to him the saidis few mailis and fermes of the landis foirsaidis in his comptis, this our writting being producit and registrat as efferis for the said James werrand and discharge. And attour, we be thir presentis remittis, dischergis, and forgevis to the said James the thrid of his benifice of Sanctcolmis Inche of all zeiris and termes bigane restand vnpayit befor the day of the dait heirof, and siclyke of all zeiris and termes to cum during oure will, and ay and quhill we revoik and discharge the samin in speciale. Be thir presentis, subscriuit be ws at Edinburgh, the ix day of April, the zeir of God I<sup>m</sup>v<sup>c</sup>lxvij zeiris, and of oure regne the xxv zeir.

MARIE R.

109. MISSIVE LETTER by KING JAMES THE SIXTH and JOHN, EARL OF MAR, Regent, to warn JAMES STEWART, Captain of Doune Castle, to produce Duncan Makalester before the Regent and Privy Council, under pain of rebellion.—25th December 1571.

JAMES, be the grace of God, King of Scottis, to oure louittis  
 messengeris, oure Shereffis in that part, coniunctlie  
 and scueralie, specialie constitute, greting. Oure will is, and for certane  
 ressonable caussis and considerationis moving ws and oure richt traist  
 cousing, Johnne, Erle of Mar, Lord Erskin, Regent to ws, oure realme and  
 liegis, and we charge zow straitlie, and commandis, that incontinent thir  
 oure lettres sene, ze pas, and in oure name and auctoritie command and  
 charge Sir James Stewart of Down, knycht, our Stewart of Menteith, to

enter and present Duncan Makalestir, takin and in the handes of oure said Stewart, for recent murther and vtheris odious crymes committit be him, befor oure said Regent and Lordis of oure Secreit Counsale at Striuling, or quhair it sal happin thame to be for the tyme, vpoun the secund day nixt efter oure said Stewart be chargeit be zow thairto, to the effect that the said Duncane may be examinat, and inquirit vpoun certane poyntis tending to the commoun weill and obedience of oure realme, and gif oure said Stewart failzeis thairin, the said secund day being bipast, that ze incontinent thairefter denunce him oure rebell, and put him to oure horne, and eschaet and inbring all his movable guidis to oure vse for his contemptioun, as ze will ansuer to ws thairupoun. The quhilk to do we commit to zow coniunctlie and seueralie oure full power be thir our lettres, deliuering thame be zow dewlie execute and indorsate agane to the berair. Gevin vnder oure signet, and subscriuit be oure said cousing and Regent, at Striuling, the xxv day of December, and of oure reigu the fift zeir, 1571.

JHON, REGENT.

110. WARRANT by KING JAMES THE SIXTH and JOHN, EARL OF MAR, Regent, to JAMES STEWART, Captain of Doune Castle, for committing to ward Sir Walter Scott of Branxholme.—26th February 1571-2.

REX.

CAPITAINE, constable, and kepars of our castell of Douu in Menteith, we greit zow weill. It is our will, and with auise and consent of our richt traist cousing, Johnne, Erle of Mar, Lord Erskin, Regent to ws, our realme and liegis, we charge zow that incontinent efter the sicht heirof ze resaue in ward within our said castell Sir Walter Scott of Branxhelme, knycht, thair to remane vpoun his awin expensis ay and quhill he be fred and releuit be ws

and our said regent in our name, as ze will ansuer to ws thairupoun, kepend thir presentis for zour warrand. Subscriuit be our said cousing and Regent, at Leyth, the xxvj day of Februar, and of our reign the fyft zeir, 1571.

JHON, REGENT.

111. WARRANT by KING JAMES THE SIXTH and JOHN, EARL OF MAR, Regent, to JAMES STEWART, Captain of Doune Castle, dispensing with the warding of Sir Walter Scott of Branxholme in the Castle, and committing him to Rossyth Castle.—3d March 1571.

REX.

WE, be the tennour heirof, with auise and consent of our richt traist cousing, Johnne, Erle of Mar, Lord Erskin, Regent to ws, our realme and liegis, dispensis with the ward appointed to Sir Walter Scott of Brauxhelme, knyght, to enter within our castell of Doun in Menteith, betuix and this present thrid day of Marche, transferrand his said ward to be within the castell and fortalice of Rossyth, within the quhilk we will him to enter betuix and the fyft day of Marche instant at nycht, admittand his remaning within the said castell and fortalice of Rossythe als lauchfull in all respectis as gif the said Sir Walter had enterit within the space before appointit in our said castell of Doun in Menteith; prouiding alwayes that his souirteis stand oblist for him as afoir for his entering and not eschaping, and that this our dispensatioun on na wyse preiuge the band and obligatioun of his saidis cautionaris, bot the samyn to stand in effect as of before. Geven vnder our signet, and subscriuit be our said cousing and Regent, at Leith, the thrid day of Marche, and of our reign the fyft zeir, 1571.

JHON, REGENT.



112. WARRANT by JOHN, EARL OF MAR, Regent, to the CAPTAIN OF DOUNE CASTLE, to liberate James Kincaid, elder of that Ilk, warded in the Castle.—1571.

CAPITANE, constable, and keiparis of the castell of Dovne in Menteith, ze sall incontinent eftir the sicht heirof releif, freith, and put to libertie our louit James Kincaid, elder of that Ilk, furth of the said castell, quhairin he is detenit at our command captiue be zow, to pas in ony part of this realme at his plesour; takand alwais sufficient cautioun and souertie of him for his entre agane to zow the said Capitane, vpoun fyftene dayis warning, ze being chargit be ws to that effect, keipand thir presentis for zour warrand. Subseriuit with our hand at the day of 1571.

JHON, REGENT.

113. WARRANT by KING JAMES THE SIXTH to the CAPTAIN of DOUNE CASTLE, to liberate Sir Walter Scott of Branxholm.—Stirling, 7th July 1572.

REX.

CAPITAINE, constable, and keparis of our castell of Doun in Menteyth, it is our will, and we command zow, with auise and consent of our richt traist cousing, Johnne, Erle of Mar, Lord Erskine, Regent to ws, our realme and liegis, that incontinent efter the sicht heirof, ze lett to libertie and fredome furth of our said castell Schir Walter Scott of Branxhelme, knyght, and suffer him depart hame at his plesour; as alsua ressaue agane the said Schir Walter within the said castell, quhen he sall offer himself thairto, as ze will ansuer to ws thairupoun, kepend this write for zour warrand. Subseriuit be our said cousing and Regent, at Striueling, the vij day of July, and of our reign the fyft zeir, 1572.

JHON, REGENT.

114. LETTERS by KING JAMES THE SIXTH to the STEWART OF MENTEITH, to compel the tenants of the lordship to carry slates from the Hewch in Menteith to Stirling Castle, for making the same water-tight, etc.—Dalkeith, 24th July 1574.

JAMES, be the grace of God, King of Scottis, to oure Stewart of Menteith and his deputies, greting : Forsamekle as our richt traist cousing, James, Erll of Mortoun, Lord of Dalkeith, Regent to ws, oure realme and liegis, directit to zow his effectuus missiue lettrez to caus our tennentis within oure Stewartrie of Menteith transport sum skailze fra the Hewch in Menteith to our castell of Striueling, for beating and making of the same wattertight, according to the quhilk, albeit ze haue chargeit oure saidis tennentis, zit as we ar informit thay haue contempnandlie dissobeyit, to the great hinder and stay of the beating of our said castell, quhair oure awin persoun remanis, and evill exemple of vtheris to commit the like attemptat heirefter : Our will is heirfore, and we charge zow straitlie and commandis that, incontinent thir oure lettrez sene, ze caus and compell all and sindrie our tenentis within oure said Stewartrie of Menteith, ilkane for thair awin partes, according to the quantitie of our landis possessit and occupiit be thame, according to the stent row to be maid be zow thairanent, to cary the said skailze fra the Hewch to oure said castell of Striueling, within xlvijj houris nixt efter they be chargeit be zow thairto, vnder the pane of xx s. for ilk horse that beis absent or that transportis not the full nowmer be zow appointit, and gif thay failze thairin, that ze incontinent thairefter arreist, apprise, compell, poind, and distrinze the reddiest guidis and geir of the persoun dissobeyand, to the avale and quantitie of the said sowme of xx s. for ilk horse that beis absent, or that deliueris not the skailze at the place and within the space be zow appointit ; and with the

money sua to be vplifted be zow, we will zow to fee vtheris horse, and thairwith to eaus transport the said skailze, sa as thair be na delay nor inlaik thairin, as ze will ansuer vpoun zour obedienee at zoure vttermaist charge and perrell; the quhilk to do we eommit to zow, eoniunetlie and seueralie, our full pouer be thir our lettrez, deliuering thame be zow dewly execute and indorsat agane to the berar. Gevin vnder oure signet, and subseriuit be our said eousing and Regent, at Dalkeith, the xxiiij day of Julij, and of our reigne the sevint zeir, 1574.

JAMES, REGENT.

115. MISSIVE by KING JAMES THE SIXTH to the FEUARS AND TENANTS OF THE LORDSHIP OF MENTEITH, to withhold the rents, etc., until a Chamberlain was appointed.—29th May 1575.

JAMES, be the graee of God, King of Seottis, to our louittis, Thomas Wallae, messinger, messingeris, oure Shereffis in that pairt, eoniunetlie and seueralie, speeciale constitute, greting. Forsamekle as it is vnderstand to ws and oure rieht traist eousing, James, Erll of Mortoun, Lord of Dalkeith, Regent to ws, oure realme and liegis, that the compt of oure lordship of Menteith, being a parte of the propirtie of oure eroun, hes restit and lyne ower vnmaid or enterit in the rollis of oure Chekker of a lang tyme bigane, during the quhilk diuerse personis hes intromettit with and vptakin the maist pairt of the mailles, fermes, and dewiteis of oure saidis landis and lordship, without any suffieient eommissioun, makand na compt thairof, and vther pairt hes still bene retenit in the handis of the tennentis and fewaris of the ground, to the greit hurt and preiudice of ws and oure progenituris; and now we, and oure said Regent in oure name, being of will and mynd to reduce and bring agane oure saidis landis and lordship of Menteyth in vse

of payment, compt, and reknyng zeirlie, with the remanent of oure propirtie in oure Chekker, hes thoct convenient that the mailles, fermes, and dewiteis thairof salbe arreistit in the fewaris and tennentis handis, ay and quhill it be sene and considerit quha and how mony clamis richt and enteres thairto, or pouer of chalmerlanrie, or to ony pairt of the same, and that othir the present commissionis and titillis being found variable, be allowit and admittit, or then new commissioun and directioun grantit to that effect. Oure will is heirfore, and with auise of oure said cousing and Regent, we charge zow that incontinent thir our lettres sene, ze pas, and in oure name and auctorite fense and arreist all and sindry the mailles, fermes, proffitis, and dewiteis of oure saidis landis and lordschip of Menteyth, and vtheris land adiacent thairto, and quhilk hes bene in vse to be intromettit and comptit thairwith in tyme bigane, of the terme of Witsonday last bipast, in this instant zeir of God <sup>j<sup>m</sup>v<sup>c</sup></sup> thre scoir fiftene zeiris, and siclyk zeirlie and termelie in tyme cuming, to remane vnder arreistment in the handis of the fewaris, tennentis, and possessouris, vnintromettit with be ony persoun or personis, ay and quhill the personis clamand rycht to the saidis mailles, fermes, and dewteis, or power of chalmerlanrie to the same or ony pairt thairof, present their titillis and commissionis befor ws and oure said Regent, to be sene and considerit gif the same be sufficient and allowable or not, to the effect that thairvpoun certane ordour and directioun may be sett out, and gevin towart the vptaking of the mailles, fermes, proffitis, and dewiteis of the saidis landis and lordschip of the said terme of Witsonday bipast and in tyme cuming, to oure maist profite and commoditie, and how the same salbe maid compt of zeirlie in oure Chekker; and that ze in oure name and auctoritie command and charge all and sindry oure fewaris, tennentis, and possessoris of oure saidis landis, to retene and keip thair saidis mailles, fermes, proffitis, and dewiteis of the terme of Witsonday foirsaid and in tyme cuming in thair awin handis, and on

nawyse deliuer the same to ony persoun or personis not having thair richt and power allowit, or newlie grauntit be ws and oure said Regent, efter the dait heiroy, vnder the pane of payment of the same ouer agane: Certefeing thame and thay do in the contrair, thay salbe compellit to mak double payment thairof according to iustice, as ze will ansuer to ws thairvpoun. The quhilk to do we commit to zow, coniunctlie and seueralie, oure full power be thir oure lettres, deliuering thame be zow deulie execute and indorsate agane to the beirare. Gevin vnder oure signet, and subscryuit be oure said cousing and Regent, at Halyrud Hous, the xxix day of May, and of oure reigune the aucht zeir, 1575.

JAMES, REGENT.

116. WARRANT by KING JAMES THE SIXTH, for committing John Livingstone, younger of Donypace, into ward within the Castle of Doune.  
—Dalkeith, 21st December 1577.

REX.

CAPITANE, constabill, and keparis of the castell of Downe in Menteith, it is our will, and with auise of our rycht traist cousing, James, Erll of Mortoun, Lord of Dalkeyth, Regent to ws, our realme and lieges, we command zow that incontinent eftir the sicht heiroy, ze ressaue Johnne Levingstoun, zoungar of Donypace, in ward within our said castell, and thairin keip him suirly, vpoun his awin expenss, ay and quhill he be releuit be ws and our said Regent, as ze will ansuer thairvpoun, kepend thir presentis for zour warrand. Gevin under our signet, and subscriuit be our said cousing and Regent, at Halyruid-hous, the xxi day of December, and of our regune the elleuint zeir, 1577.

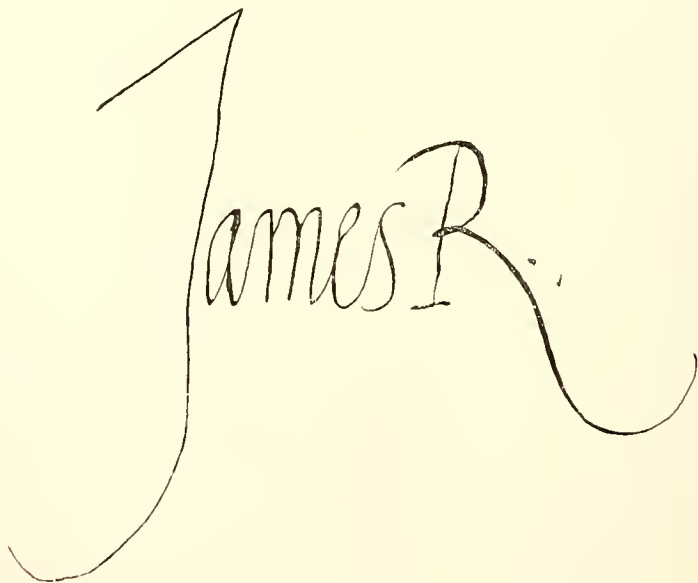
JAMES, REGENT.



117. ORDER by KING JAMES THE SIXTH for the liberation of Archibald Stewart, Provost of Edinburgh, from Doune Castle.—Stirling, 14th August 1578.

REX.

CAPITANE and kepareis of oure castell of Downe in Menteith, we greit zow weill. It is oure will, and we command zow that incontinent efter the sicht heirof ze lett oure louit, Archebald Stewart, prouest of oure burgh of Edinburgh, to libertie furth of oure said castell, and this present salbe zoure warrand. Subscriuit with oure hand at oure castell of Striueling, the fouretene day of August 1578.

A large, stylized handwritten signature in dark ink. The first letter is a very large, tall 'J' that curves down and back up to the right. The name 'James R.' is written in a cursive script across the middle of the 'J'. The signature ends with a long, sweeping flourish that curves down and to the right.

118. WARRANT by KING JAMES THE SIXTH to the CAPTAIN OF DOUNE CASTLE, to receive in ward Will Elliot, a Borderer.—Stirling, 25th April 1579.

REX.

CAPITANE, constable, and keparis of oure castell of Doun in Menteyth, we greit zow hertlie weill. Being moved with the mony and oft supplicationis of our nobilitie, baronis, and gentlemen heirtofoir burdynnit with the keping of the plegeis and brokin men retenit for the gude rule on the bordouris, we haue at last concludit that sa mony as ar zit in handes salbe destributit and kept in our awin houssis, and in this distributioun we haue appointit thrie for zow, to be kept in that our castell of Doun in Menteith: Quhairfoir it is our will, and we command zow that incontinent efter the sicht heiroy ye ressaue Will Elliott, sone to the eldare Tod, being ane of the saidis thrie, fra Laurence Lord Oliphant, or sic as sall present him vnto zow in his name, and keip him suirly vpoun his awin expensis, ay and quhill he be fred and releuit be ws, as ze will ansuer to ws thairupoun, kepan thir presentis for zour warrand. Gevin vnder our signet, and subscriuit with our hand, at our castell of Striuling, the xxv day of Aprile, and of our reigne the twelft zeir, 1579.

JAMES R.

Leuinax.

C. E. Eryll.

A. Hay.

119. WARRANT by KING JAMES THE SIXTH for committing John Forrest, burgess of Linlithgow, to ward in the Castle of Doune.—Stirling, 24th August 1579.

REX.

CAPITANE, constable, and kepars of our castell of Doun in Menteyth, we greit zow weill. It is our will, and with auise of the Lordis of our Secrete

Counsalc, we charge zow that ze ressaue in ward within our said castell, Johnne Forest, burges of Linlythgw, and keip him suirlye, vnsuffering ony to haif speche or acces to him without speciall warrand or commissioun of ws, and that vpoun his awin expensis, as ze will ansuer to ws thairupoun. Subscriuit with our hand at our castell of Striueling, the xxiiij day of August, and of our reign the xijj zeir, 1579.

JAMES R.

Leuinax.

A. Cambuskyneth.

120. WARRANT by KING JAMES THE SIXTH for transferring John Elliot (a Borderer) from Doune Castle to the Tolbooth of Edinburgh.—Holyroodhouse, 19th November 1579.

REX.

CAPITANE, constabill, and keparis of our castell of Downe in Menteith, ze sall incontinent eftir the sicht [heirof] present and deliuer Johnne Elliot, sone to eldar Will, presentlie being in ward within our said castell, to the Prouest or Baillies of our burgh of Edinburgh, to be kept within thair tolbuith in tyme cuming according to our vther lettre, quhilk ze sall alsua deliuer to thame to that effect, as ze will ansuer to ws, kepand thir presentis for zour warrand. Subscriuit with our hand at Haliruidhous, the xix day of Nouember, the zeir of God j<sup>m</sup>v<sup>e</sup>lxxix zeris.

JAMES R.

Montroiss.

Bwchane.

121. ORDER by KING JAMES THE SIXTH to the CAPTAIN OF DOUNE, to set Hob Elliot, a Borderer, at liberty.—Holyroodhouse, 24th December 1579.

REX.

CAPITANE, constabill, and keparis of our castell of Downe in Menteith, it is oure will, and we command zow, that incontinent eftir the sicht heirof, ze put

Hob Elliott, callit the vicaris Hob, to libertie and fredome furth of oure said castell, and suffer him to pas quhair he plesis, as ze will ansuer thairupoun, kepand thir presentis for zour warrand. Subscriuit with our hand at Haliruidhous, the xxiiij day of December, the zeir of God j<sup>m</sup>v<sup>e</sup>lxxix zeris.

JAMES R.

C. E. Eryll.

R. Dunfermling.

122. LETTERS OF PROTECTION by KING JAMES THE SIXTH to the DEPUTES OF THE STEWART OF MENTEITH, in the forest of Glenfinlas, from oppression by persons near the forest.—Holyroodhouse, 22d September 1580.

JAMES, be the grace of God, King of Scottis, to our louittis, Thomas Wallace, messinger, messingeris, our Shereffis in that pairt, coniunctlie and seueralie, specialie constitute, greting. Forsamekle as it becummis ws of our auctorite royall to tak vpoun ws the protectioun, mantenance, and defence of our haill subiectis, bot specialie of sic as (throw the owtrageous iniureis and enormiteis of evill and wickit personis vsurping our auctoritie abone thame) is not of habilitie of thame selfis to resist thair cruelteis, and being informit that our louittis, Duncane Stewart, sone to blak Alexander Stewart in Glenbukkie, and Johnne Dow M'Kewin, alias Johnne Galbraith, duelland in the Eister Brigend of Down, foster deputis to our cousing and counsalour James Stewart of Down, knight, of our forrest of Glenfynglas, ar daylie and continewallie trublit and molestit, be the intollerable oppressionis of certane personis, inhabitantis ewest our said forrest, and vthiris thair assisteris and pertakkeris in sic sort, that for feir of thair lyvis thay ar constraynit to pasture grit nowmer of the saidis personis gudis within our said forrest, to the destruction of our deir and fuilzeing of the haill gers quhairon thai suld be sustenit, lyik as be plane violence thai ar bereft of thair haill gudis and geir,

to thair grit hurt and scaith, and sua ar vnable to withstand the attemptatis and iniurious interpryses of the saidis wickit personis. We haif thairfoir takin, and be thir our lettres takkis the saidis Duncane Stewart and Johnne Galbraith, and all and sindrie thair landis, levingis, rentis, possessionis, rowmes, heritagis, takkis, stedingis, maillis, teyndis, mylnis, biggingis, fischeingis, cornis, cattell, medowis, zairdis, orchardis, wyif, bairnis, kyn, freindis, men, tennentis, and seruandis, and all and sindrie thair gudis, movable and vnmovable, quhat-sunneuir, quhaireuir thai be within our realme, vnder our special protectioun, supplie, manteanance, saufgaird, and defence, to be vnhurt, vnharmit, vntroublit, or ony wyis molestit, be quhatsumeuir persone or personis, within our realme. Oure will is heirfore, and we charge zow straitlie, and commandis that incontinent thir our lettres sene, ze pas to the mercat croces of our burrowis of Striueling and vthis placeis neidfull, and thair, be oppin proclamatioun, in our name and auctorite, mak publicatioun of the premissis, commanding and chargeing all and sindry our liegis and subdittis that nane of thame tak vpoun hand to do or attempt ony thing tending to the violatioun of thir our lettres of protectioun, supplie, manteanance, and saufgaird, as thai and ilkane of thame will ansuer to ws vpoun thair obedience at thair vttermest charge and perrell, and vndir all hiest pane, cryme, charge, and offence that thai may commit and inrin aganis our Majestie in that behalf, as ze will ansuer to ws thairvpoun. The quhilk to do we commit to zow, coniunctlie and seueralie, our full power be thir our lettres, deliuering thame be zow deulie execute and indorsate agane to the berer. Gevin vnder our signet, and subscriuit with our hand, at our Palice of Halyrudehous, the xxij day of September, and of oure regnne the xiiij zeir, 1580.

JAMES R.

Anguss.

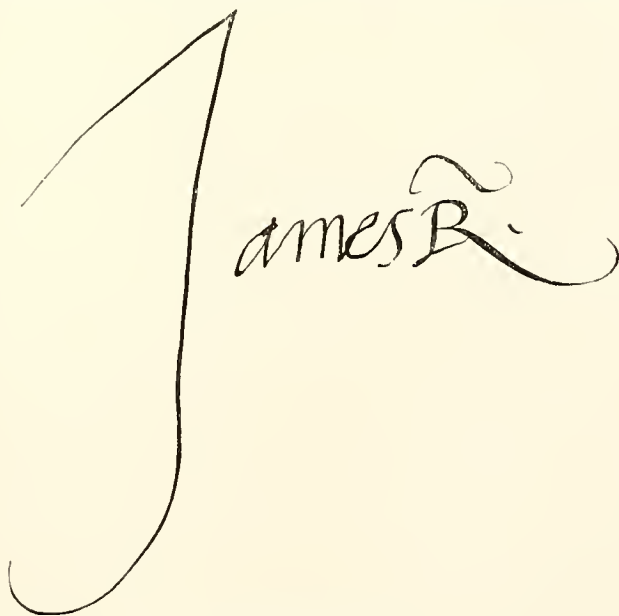
C. E. Eryll.



123. WARRANT by KING JAMES THE SIXTH committing Laurence, Lord Oliphant, to ward in the Castle of Doune.—Holyroodhouse, 6th December 1580.

REX.

CAPITANE, constabill, and keparis of our castell of Downe in Menteith, it is oure will, and we command zow that incontinent eftir the sicht heirof ze ressaue in ward within our said castell, Laurence, Lord Oliphant, thairin to remane, and ane myle about the samyn, vpoun his awin expensis, ay and quhill he be fred be ws with auise of oure Counsale, as ze will ansuer to ws thairupoun, keband thir presentis for zour warrand. Subscriuit with our hand at Haliruidhous, the sext day of December, the zeir of God j<sup>m</sup><sup>ve</sup> four scoir zeris.



Lenox

Robert Stewart.

124. LETTERS by KING JAMES THE SIXTH discharging Malcolm Beg M<sup>c</sup>Farlane from keeping of the Forest of Glenfinlas.—Holyroodhouse, 7th December 1580.

JAMES, be the grace of God, King of Scottis, to our louittis Thomas Wallace, messinger                      messingeris, our Schireffis in that pairt, coniunctlie and seueralie, speciallie constitute, greting : Forsamekill as it is vnderstand to ws and the Lordis of our Secreite Counsall that laitlie, vpoun the       day of November last bypast, Malcum beg M<sup>c</sup>Farlan in Lettir, vpoun sinister and wrang informatioun maid to ws, pruilie obtenit our vther letter, subscrywit with our hand without the advise of our Counsall, gewand and grantand to him the custodie and keping of our wod and forrest of Glenfinglas, with the deir being thairin, for ane certane space, as the samin at lenth proportis; and seing the samin, as we ar suirle informit, hes tendit and tendis altogidder to our greit hurt and lesioun, as alsua vnderstanding our traist cousing and counsallour, Sir James Stewart of Downe, knycht, and his predecessouris, ar and hes bein heretable infest in fewferme and heretage in the kepping of the said wod and forest, and hes bein in continewall possessioun thair of to this hour; and willing that our said traist cousing and counsallour be on na wyis hurt nor preiugeit in his richt and place of the said wod, bot rather forfeit and assistit thairin for his better and surer preseruatioun of the samin : Oure will is heirfoir, and we charge zow straitlie, and commandis, that incontinent thir our lettres sene ze pas, and in our name and auctoritie command and charge the said Malcum beg M<sup>c</sup>farlan, Andro M<sup>c</sup>farlan of that Ilk, and all vtheris pretendit keparis of our said wod and forest, to desist and ceis from all farther occupatioun, melling, keping, cutting, or intronetting with our said wod and forest, or ony pairt thair of, within xxiiij houris nixt efter thay be chargit be zow thairto, vnder the pane of rebellioun and putting of thame to

our horne ; and gif thay failze thairin, the saidis xxiiij houris being bypast, that ze incontinent thairefter denunce the disobeyaris our rebellis, and put thame to our horne, and escheit and inbring all thair movabill gudes to our vse for thair contemptioun : And siclyk, that ze in our name and auctoritie pas to the mercat croces of our burrowis of Striuling, Perth, parroche kirkis of Port, Kilmadok, and vtheris places neidfull, and thair, be oppin proclamatioun, inhibite, command, and charge all and sindrie our liegis and subditis quhome it effeiris, that thay nor nane of thame tak vpoun hand to do nor attempt ony thing in contrare the tennour of thir our lettres, nor to ansuer, obey, or acknowlege ony vther forester or kepar of our said wod nor our said traist cousing heretable fewar foirsaid, and his deputtis, under all hiest pane and charge that efter may follow ; certefeing thame and thay do in the contrare, thay salbe callit and puneist thairfoir with all rigour, as accordis of the law, conforme to iustice, as ze will ansuer to ws thairvpoun ; the quhilk to do we committ to zow, coniunctlie and seueralie, our full power be thir our lettres, deliuering thame be zow deulie execute and indorsate agane to the berar. Gevin vnder our signet, and subscrywit with our hand at Halyrudehous, the vij day of December, and of our reigne the xiiij zeir, 1580.

JAMES R.

Lenox.

C. E. Eryll.

## 125. ACCOUNT of Repairs on DOUNE CASTLE.—13th August 1581.

The Compt of the Reparatioune of the place of Downe, maid at the same be the avyce of Schir Robert Drummound of Carnok, knycht, his Maiesteis maister of wark, agrear withe all the warkmen, and subschryuit withe his hand, at the said place of Downe, the xiiij daye of August, the zeir of God ane thousand fyve hundreth four score ane zeiris.

In primis, to William Gibe, the quariour, dueland in Streueling, at the maister of warkis command, for the wyning of aucht score peice of

- allering in the Craig of Knokhill and Burnebank, for euerie peice  
 wyunning xl d., extending to the sowm, . . . . . xxvj li. xiiij s. iiij d.
- Item, for bringing hame of the said stanis, the quarrell being four myllis, for  
 the hame bringing of euerie stane xld., extending to the sowm foirsaid,  
 . . . . . xxvj li. xiiij s. iiij d.
- Item, for beiring of thame out of the quarrell, . . . . . v li.
- Item, for broching of thame in the quarrell, that the hors mycht bring thame  
 easier hame, for euerie peice vj d., extending to the sowm, . . . . . vj li.
- Item, for viij chalder lyme, pryce of the chalder xxij s., extending to the  
 sowm of . . . . . ix li. xij s.
- Item, for thre hundreth laid of sand, pryce of led, wyunning, and leiding xij d.,  
 extending, . . . . . xvij li.
- Item, for the bot fraucht that brocht vp the lyme, . . . . . vj li.
- Item, for the menis expensis that brocht the lyme, . . . . . iij li.
- Item, gevin to Michell Ewing, maister measoune, quhais contract wes maid  
 be the maister of wark, for the making of the grait tour of Downe  
 wattirticht, and vther warkis quhilk is to be seen concerning the said  
 tour heid, extending to the sowm of siluer, . . . . . j<sup>e</sup> li.
- Item, mair to the said Mychell four bollis malt, pryce of the boll viij merkis,  
 quhilk extendis to . . . . . xxj li. vj s. viij d.
- Item, mair, four bollis meill, pryce of the boll iiij li., extending, . . . . . xvj li.
- Item, to xij seruandis to thair drink siluer, . . . . . vj li.
- Item, to the wrychtis for sawing and vpputting of schaffalding, . . . . . iiij li.
- Item, for the wyunning of ane thousand skailze, bownteyth and all, . . . . . iiij li.
- Item, for fourte menis mait that led the skailze out of the Hiland xiiij mylis,  
 to thair wagis, . . . . . iij li.
- Item, to the wrychtis for sawing of the lathe, and graithing of the rest of the  
 tymmer to the tour heid, for the space of x dayis, extending, . . . . . x li.

Item, for vij<sup>e</sup> naillis, pryce of the hundreth v s., extending, . . . . . xxxv s.

Item, for iiij pwnsiounes to be trie nailiis, euerie pwnsioune viij s., extending,  
 . . . . . xxxij s.

Item, for ane man to mak thame, viij dayis, euerie daye v s., summa, . . . . . xl s.

Item, to Makquarren, sklaitter, for the theiking of tourheid, vj lib. xij s. iiij d.

Summa of the haill expenssis of the reparatioune of the tour heid,  
 . . . . . ij<sup>e</sup>ij<sup>xx</sup>xvij lib. vj s.

Item, for rausing of sax score treis of the best tymmer of the wod of Down,  
 quhilk extendis to xl d. the piece, sunma, . . . . . xx lib.

Item, for the hame leiding of thame to the place, with feit men and hors, prys  
 of euerie trie xl d., summa . . . . . xx lib.

The Compt of zour Maiesteis wod dyk, for biging thairof, quhilk  
 extendis to four hundreth rud and thre score, quhilk is of thiknes  
 in the grund v elnnes, and of heicht thre elnnes, of breid in the  
 heid thre quarteris and ane half.

Item, four men to euerie rud biging, to euerie man xx d. the rud, extendis,  
 . . . . . vj s. viiij d.

Item, the four hundreth rud biging, and four extendis, to the sowme of  
 . . . . . ij<sup>e</sup> merkis ij merkis.

126. WARRANT BY KING JAMES THE SIXTH, committing Gilbert Dick, an  
 Edinburgh Bailie, to ward in Doune Castle.—Stirling, 11th April  
 1582.

REX.

CAPITANE, constable, and keiparis of our castell of Downe, we grete zou wele :  
 It is our will, and we command zou, that incontinent eftir the sicht heiroy ze



ressaue in ward within our said castell, Gilbert Dik, ane of the baillies of Edinburgh, thairin to remane vpoun his awin expensis ay and quhill he be fred and releuit be ws, as ze will ansuer to ws thairvpoun, keipand thir presentis for zour warrand. Subscriuit with our hand, at our castell of Striuling, the xj day of Aprile, and of our regnne the fifteint zeir, 1582.

JAMES R.

Lennox.

Craufurd.

127. WARRANT BY KING JAMES THE SIXTH to JAMES STEWART, LORD DOUNE, for warding William Erskine, Commendator of Paisley, in the Castle of Doune.—Holyroodhouse, 3d December 1583.

REX.

JAMES, Lord of Dowin, we greit zou weill : Forsamekle as William Erskin, Commendatair of Paislay, is, at our commandiment, enterit in waird within the castell of Dowin, in Menteith, pertenyng to zou heretably, quhairin we mynd not that ze salbe subiect to keip ony prisoneris or wardouris at zour perrell, and thairfore ze sall lett the said commendatair remane in fre waird within the said castell at his awin chargeis, and vpoun his awin dangier, in caise he sal happin to eschaip, quhilk sall na wyse be imput to zow for ony offence, dischargeing zow of the same for euir, be thir presentis, subscriuit with our hand at Halyruidhous, the thrid day of December, and of our reigne the xvij zeir, 1583.

JAMES R.

Roths.

J. L. Ogilvy.

128. WARRANT BY KING JAMES THE SIXTH to LORD DOUNE, Steward of Menteith, to compel the feuars of the lordship to repair the park wall of Doune.—Holyroodhouse, 20th May 1584.

REX.

STEUART OF MENTHEYTH and your deputis, we greit zow weill : Forsamekle as it is vnderstand to ws and the Lordis of our Secreit Counsall that thair is ane greit part of our park dyk of Downe rwynous and fallin down to the ground, and will nocht fail to decay mair and mair to the apperand greit wraik and truble of our zoung growth within the samin, giff the samin be nocht preventit : And vnderstanding alsua that the fewaris of the said Stewartrie hes cuir in all tymes bypast bene accustomit and in vse to big and beit ane part and quantitie of the said park dyk, quhen the samin wes decayit or fallin down, ewerie ane according to the mark landis thay possessit ; it is our will thairfore, and we command zow, that efter the sycht heirop ze caus and compell the fewaris and vtheris personis within our said Stewartrie that hes bene accustomit and in vse of before, to beit, big, and repair sic quantitie of our said park dyk now fallin down and decayit as thay haiff bene in vse to do of before, and to enter to the work thairof betuix the dait of thir presentis and the last day of Maij, and end and perfytt the samin betuix that and the last day of October nixt to cum, but funder delay ; and failzeing thairof, that ze vptak xiijs and iiij d off ewerie mark land within the said Stewartrie fra the personis addattit to big vp the said park dyk, and employ the samin to that vse and effect, and giff neid beis that ze be your selffis and your officiaris poind, and distreinze the personis disobeyandis reddiest guidis and geir, for the said sowme of xiijs and iiij d of ewerie mark land as is foresaid ; the quhilk to do I commit to zow my full plane power to pass, poind, and dis-

treinze thairfore as ze will ansuer to ws thairvpoun, keband thir presentis for zour warrand. Subscryuit with our hand at Haliruidhouse, the twenty day of Maij, and of our regnne the sevintene zeir, 1584.

JAMES R.

S. J. C., Comptrollar.<sup>1</sup>

Sir Robert Meluill.

129. WARRANT by KING JAMES THE SIXTH, committing David Graham of Fintry to ward in the Castle of Doune.—Holyrood Palace, 20th May 1591.

RICHT trest cousigne, we greit zou weill : It is our will, and we command zow, incontinent eftir the sicht heirof, ze ressaue David Grahame off Fentra within our castell of Doun in wairde, and that ze kaip and detene him thair-intill honestlie, vpoun his awin expensis during oure will, as ze will ansuer to ws, vpoun zour obedience, perell, and dangeir, and thir presentis sall be zour varrand. Subscriuit with our hand, at our Palice of Haliruidhous, the xx of May 1591.

JAMES R.

J. T. Cancellarius <sup>2</sup>

S. R. C. Secretarius.<sup>3</sup>

<sup>1</sup> Sir James Campbell of Ardkinglass.

<sup>2</sup> Sir John Maitland, Lord Thirlestane.

<sup>3</sup> Sir Richard Cockburn of Clerkington.

## II.—CHARTERS AND MISCELLANEOUS PAPERS.

130. LETTER from WILLIAM FRASER, Bishop of St. Andrews, to KING EDWARD THE FIRST, regarding a rumour of the death of Queen Margaret, the Maid of Norway.—7th October 1290.

EXCELLENTISSIMO Principi et Domino reuerentissimo Domino Edwardo Dei gracia Regi Anglie, Domino Ybernie, et Duci Aquitanie illustrissimo, suus deuotus capellanus W. permissione diuina ecclesie Sancti Andree in Scocia minister humilis, salutem et felices ad vota successus, cum incremento glorie et honoris. Sicut in presencia vestra uuper extitit ordinatum, conuenerunt nuncii vestri, et nuncii Scocie qui fuerant vobis missi, necnon et aliqui proceres regni Scocie, apud Perth, dominica proxima post festum Beati Michaelis Archangeli, ad audiendum responsum vestrum super hiis que petita et tractata fuerunt per nuncios Scocie coram vobis: Quo responso vestro audito et intellecto, fideles proceres, et quedam pars communitatis regni Scocie, celcitudini vestre immensas referebant graciarnum actiones. Predicti vero nuncii vestri et uos deinde versus partes Orcadie, ad tractandum cum nunciis Norwagie et ad recipiendum domiuam uostram Reginam, gressus nostros aripere disposuimus, et ad hoc parauimus iter nostrum. Set insonuit iu populo dolorosus rumor, quod dicta Domina nostra debuit esse mortua; propter quod regnum Scocie est turbatum, et communitas disperata. Audito eciam et publicato rumore predicto, Dominus Robertus de Brus, qui prius non intendebat venire ad congregacionem prenominatam, cum magna potencia, ad interpellacionem quorundam, ibidem venit; set quid intendit facere, vel qualiter operari adhuc ignoramus. Set Comites tamen de Marre et Atholie iam eorum exercitum demandarunt, et quidam alii magnates terre trahunt se

ad partem suam; et idcirco timetur de gerra communi et magna strage hominum, nisi Altissimus, per industriam et ministerium vestrum, festinum remedium apponat. Domini Episcopus Dunelmensis, Comes Warrenne, et nos audiimus postmodum quod Domina nostra predicta conualuit de infirmitate sua, set adhuc est debilis; et idcirco inter nos ordinauimus prope partes de Perth moram trahere, quousque per milites qui sunt in Orchadium missi, de statu ipsius Domine nostre (utinam prospero et felici!) certitudinem habeamus. Et si de ipsa optatos habuerimus rumores, quos de die in diem expectamus, ad partes illas, prout ordinatum est, parati erimus proficisci, ad perficiendum, pro posse nostro, negocium memoratum. Si Dominus Johannes de Balliolo venerit ad presenciam vestram, consulimus quod cum ipso tractare curetis, ita quod in omni euentu honor vester et commodum conseruentur. Si vero contingat Dominam nostram predictam ab hac luce migrasse (quod absit), dignetur, si placet vestre Excellencie, versus Marchiam, ad consolationem populi Scotici, et ut effusioni sanguinis parcatur, appropinquare; ita quod fideles regni suum possunt sacramentum conseruare illesum, et illum preficere in regem qui de iure debeat hereditare; dum tamen ille vestro consilio voluerit aderere. Valeat Excellencia vestra per tempora diuturna, prosperum et felicem.

Datum apud Locris, die Sabati, in crastino Sancte Fidis Virginis, anno Domini M<sup>o</sup>CC<sup>o</sup>. nonagesimo.

*Dorso*: Domino Edwardo, Dei gracia Regi Anglie, Domino Ybernie, et Duci Aquitanie illustri, per Episcopum Sancti Andree in Scotia.<sup>1</sup>

<sup>1</sup> Royal Letters, Public Record Office, London, No. 1302.



131. CONFIRMATION by JOHN, EARL OF CARRICK, ROBERT, EARL OF FIFE AND MENTEITH, and ALEXANDER, LORD OF BADENOCH, of a grant by their Father, KING ROBERT THE SECOND, to JOHN LYON, of the Thanage of Glamis.—7th January 1373.<sup>1</sup>

VNIERSIS ad quorum noticiam presentes litere peruenerint, Johannes, illustris Regis Scotie primogenitus, Comes de Carrik, Senescallus Scotie, Robertus, Comes de Fyff et de Meneteth, et Alexander dominus de Badynach, eiusdem domini Regis filii, eternam in Domino salutem. Cum idem dominus pater noster, consideratis et attentis laudabili seruicio et fideli ac continuis laboribus Johannis Lyovne, clerici sui, hucusque sibi impensis et impendendis, inantea eidem Johanni per cartam suam concesserit terras Thanagij de Glammys, cum pertinenciis, infra vicecomitatum de Forfar, nos, considerantes laudabilia seruicia et labores huiusmodi, ac merita ipsius persone, quoque nobis et nostrum cuilibet fidelissimus seruitor quociens requisitus fuerat semper extitit, prout adhuc existit, prefatas donacionem et concessionem eidem Johanni, sic factas per dictum dominum patrem nostrum, de dictis terris ipsius thanagij, cum pertinenciis, ratas, stabiles, atque firmas, pro nobis et nostrum quolibet habemus et habebimus in futurum; ac ipsas, pro nobis et nostris heredibus, ratificamus, approbamus et per presentes nostras literas in perpetuum confirmamus, secundum tenorem carte dicti domini patris nostri quam inde habet: Promittentes pro nobis et nostrum quolibet ac pro nostris heredibus, quod dictas donacionem et concessionem ac cartam dicti domini patris nostri inde confectam, sic per nos confirmatas, ratificatas et approbatas, ut premititur, nullis vnquam futuris temporibus impugnabimus, reuocabimus, aut contra ipsas veniemus in aliquo, communiter vel diuisim, ad quemeunque statum, seu dignitatem, eciam regiam, contigerit nos vel aliquem nostrum

<sup>1</sup> Original at Glamis Castle.

assumi, per quamcunque generalem seu specialem reuocationem uel aliam ordinacionem de terris dominicis aut aliis inantea faciendam, quibusquidem reuocationi et ordinacioni, si que forte in futurum facte fuerint, quoad dictas donacionem et concessionem nullo tempore consenciemus aut consenciet aliquis nostrum, sed potius ipsam donacionem et concessionem nos et quilibet nostrum de nouo renouabimus, ratificabimus et confirmabimus, renouabitque ratificabit et eciam confirmabit, quociens opus fuerit, et super hoc per dictum Johannem uel heredes suos fuerimus requisiti uel aliquis nostrum fuerit requisitus, omnibus modis et formis ac condicionibus, quibus iuxta tenorem carte dicti domini patris nostri dicto Johanni vel heredibus suis videbitur expedire. Et si forte aliquis ipsum Johannem vel heredes suos nitatur super hoc iudicialiter vel alias impugnare, eundem Johannem et heredes suos, contra omnes sic eos impugnare seu inquietare volentes, manutenebimus et pro nostris viribus in omnibus defendemus. In cuius rei testimonium sigilla nostra presentibus literis sunt appensa, apud Edynburgh, die septimo mensis Januarij, anno Domini millesimo ccc<sup>mo</sup> septuagesimo tercio, regni vero dicti domini regis patris nostri tercio.<sup>1</sup>

132. LETTERS-PATENT by KING ROBERT THE SECOND, remitting any irregularities connected with the marriage of his daughter Johanna de Keith and John Lyon of Glamis.—10th May 1378.<sup>2</sup>

ROBERTUS, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue ad quos presentes litere peruenerint, salutem. Noucrit vniuersitas vestra quod cum inter dilectos filium Johannem Lyoune, Camerarium Scocie,

<sup>1</sup> Only the seal of Robert Stewart now remains attached to the document. It is in good preservation, and has been reproduced

as the centre of the heraldic device on the back board of this work.

<sup>2</sup> Original at Glamis Castle.

et Johannam de Keth, filiam nostros, de nostri et carissimorum filiorum nostrorum Johannis primogeniti nostri de Carryk, Senescalli Scocie, Roberti de Fyff et de Meneteth, comitum, Alexandri Senescalli domini de Badenach, et aliorum amicorum et propinquorum consensu et assensu, matrimonium in facie ecclesie fuerit, nobis presentibus, solempniter celebratum; Si inter eosdem Johannem et Johannam ante dictam solempnizacionem, matrimonij actus aliqui interuenerint, puta matrimonium occulte contractum, sollicitacio, carnalis copula, huiusmodi copule carnalis tunc vel aliquo tempore ante matrimonium per illam aut aliquem alium, aut aliam, pretensa excusacio, aut aliquid huiusmodi quod nobis posset reputari ad displicenciam, vel eis, aut eorum alicui, ad perfidiam, infamie notam, seu periculum criminis publici vel priuati, Nos, huiusmodi actus preuios tanquam preparatorios ad matrimonium, matrimonium concomitantes, et ipsi matrimonio concordēs, intelligentes, vobis tenore presencium significamus quod erga neutrum eorum, occasione huiusmodi actuum, displicenciam retinemus. Ymmo, si ex huiusmodi actibus, occasione aliqua, iniuria vel displicencia queuis oriri in aliis sit solita, illam et illas penitus remittimus, volentes expresse quod neutri eorum sint imputabiles, puta ad perfidiam, infamiam seu culpam aliquam criminis publici vel priuati; Quare tenore presencium firmiter prohibemus ne quis eis, aut eorum alicui, occasione premissa, in iudicio vel extra, actus predictos preuios, aut alios quosque huiusmodi similes, imputet, ad culpam, infamiam, perfidiam aut huiusmodi aliquid, seu eos aut eorum aliquem exprobret, irritet vel infamet de eisdem, sub pena omnium que erga nos amitti poterunt quoquomodo. Et hoc in fide et fidelitate quibus nobis tenetur nullus attemptare presumat. In cuius rei testimonium has literas nostras, pro toto tempore vite dictorum Johannis et Johaune duraturas, sibi fieri fecimus patentes. Apud Dundonnald decimo die Maij, anno regni nostri octauo.

133. CHARTER by ROBERT, DUKE OF ALBANY, etc., and Governor of Scotland, to MALCOLM FLEMING of Biggar, and ELIZABETH STEWART his wife, daughter of the Duke, of the Barony of Biggar, etc.—28th June 1413.<sup>1</sup>

ROBERTUS, Dux Albanie, Comes de Fife et de Menteth ac Gubernator regni Scocie, omnibus probis hominibus tocius regni predicti clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto filio nostro Malcolmo Flemyng de Bigare et Elizabeth Stewart filie nostre, sponse sue, ac eorum diucius uiuenti, totas et integras terras baronie de Bigare, cum pertinenciis, iacentes infra vicecomitatum de Lanark, vnacum toto et integro annuo redditu debito et exeunte de terris de le Kers, cum pertinenciis, pertinentibus Abbati et Conuentui Monasterii Sancte Crucis de Edinburgh, infra vicecomitatum de Strielyne; Quequidem terre, cum dicto annuo redditu, cum pertinenciis, fuerunt dicti Malcolmi hereditarie, et quas terras, cum eodem annuo redditu, cum pertinenciis, idem Malcolmus, non ui aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras, coram testibus subscriptis, in capella beate Marie Uirginis, iuxta pontem de Tay, per fustem et baculum personaliter sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum que in predictis terris et annuo redditu, cum pertinenciis, habuit uel habere poterit, pro se et heredibus suis omnino quitteclamauit imperpetuum; Tenendas et habendas ac percipiendas totas et integras predictas terras, vnacum dicto annuo redditu, cum pertinenciis, dicto Malcolmo et Elizabeth filie nostre, sponse sue, et eorum diucius uiuenti, ac heredibus masculis inter ipsos legitime procreatis uel procreandis, quibus forte deficientibus, veris legitimis et propinquioribus heredibus prefati Malcolmi quibuscunque libere reuertendas, de domino nostro rege et heredibus suis, in feodo et

<sup>1</sup> Diplomata Scotiæ, No. lxii.

hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, cum omnibus et singulis libertatibus, commoditatibus, et aisiamentis ac iustis pertinenciis quibuscunque ad predictas terras, et annuum redditum, cum pertinenciis, spectantibus, seu iuste spectare ualentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut prefatus Malcolmus predictas terras dicte baronie, vnacum dicto annuo redditu, cum pertinenciis, de domino nostro rege et heredibus suis, ante dictam resignacionem nobis inde factam, liberius tenuit seu possedit; faciendo domino nostro rege et heredibus suis predictus Malcolmus et Elizabeth, sponsa sua, et eorum diucius uiuens, ac heredes masculi inter ipsos legitime procreati seu procreandi, quibus forte deficientibus, veri legitimi et propinquiore heredes predicti Malcolmni quicunque, de predictis terris dicte baronie et annuo redditu cum pertinenciis, seruicia debita et consueta. In cuius rei testimonium presenti carte nostre magnum sigillum officii nostri apponi precepimus; Testibus, reuerendis in Christo patribus, Gilberto Episcopo Aberdonense, Cancellario Scocie, Waltero Episcopo Brechinense, Johanne Abbate Sancte Crucis de Edinburgh, Johanne Comite Buchanie, filio nostro, Roberto de Maxwel de Caldorewod, et Johanne Forstare de Corstorfyn, militibus, necnon Andrea de Hawie, rectore de Listoun, secretario nostro, apud Perth, vicesimo octauo die mensis Junii, anno Domino millesimo quadringentesimo decimo tercio, et gubernacionis nostre octauo.

134. CHARTER by ROBERT, DUKE OF ALBANY, Governor of Scotland, to WILLIAM DE HAY OF ERROL, Constable of Scotland, of the lands of the barony of Cowie.—14th May 1415.

ROBERTUS Dux Albanie, comes de Fife et de Menteth, ac regni Scocie Gubernator, omnibus probis hominibus tocius regni predicti, clericis et laicis,



salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse carissimo nepoti nostro, Willelmo de Haia de Erole, constabulario Scocie, totas et integras terras baronie de Colly cum pertinenciis, iacentes infra vicecomitatum de Kincardin : Quequidem terre cum pertinenciis fuerunt Willelmi Frasere de Fillorth hereditarie, et quas idem Willelmus Frasere, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras, per fustem et baculum ac per suas literas patentes sub sigillo suo, coram subscriptis testibus, sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit vel habere poterit, pro se et heredibus suis, omnino quitumclamauit imperpetuum : Tenendas et habendas totas et integras terras baronie predictæ, cum tenandiis et liberetenencium seruiciis ac ceteris pertinenciis quibuscunque, predicto Willelmo de Haia, nepoti nostro, et heredibus suis, de domino nostro Rege et heredibus suis, in vnam integram et liberam baroniam, in feodo et hereditate imperpetuum, per omnes rectas metas suas . . . in omnibus et per omnia, sicut idem Willelmus Frasere aut predecessores sui dictam baroniam cum pertinenciis, ante dictam resignacionem nobis inde factam, liberius tenuit seu possedit, tenuerunt seu possederunt : Faciendo inde domino nostro Regi et heredibus suis dictus Willelmus de Haia, nepos noster, et heredes sui, seruicia de dicta baronia cum pertinenciis debita et consueta : In cuius rei testimonium presenti carte nostre magnum sigillum officii nostri apponi precepimus ; testibus, reuerendo in Christo patre Gilberto episcopo Aberdonensi, cancellario Scocie, Johanne Steuart comite Buchanie, filio nostro, Alexandro de Grame filio domini de Grame, Thoma Brisbane, Willelmo de Portduvine, Willelmo de Cochrane, Dauid Dallirdase, et Andrea de Hawie, rectore de Listoun, secretario nostro ; apud Falklande, quarto decimo die mensis Maii, anno Domini millesimo quadringentesimo quinto-decimo, et gubernacionis nostre nono.

## ABSTRACT OF APPENDIX

## I.—PAPERS RELATING TO QUEEN MARGARET AS LIFERENTRIX OF THE LORDSHIP OF MENTEITH, THE CASTLE OF DOUNE, ETC.

PAGE

90. Obligation by William Edmonstone of Duntreath, John of Stirling of the Keir, knight, George Shaw of the Knockhill, and Richard Lekky of that ilk, binding themselves to Margaret, Queen of Scots, for the safe keeping of the castle and place of Doune in Menteith, pertaining to her Highness by reason of conjunct fee, to be ready at all times to receive her Highness, and the King her son, in the castle at her pleasure, she and the King paying their own expenses during the time of their stay ; and that until the said William Edmonstone or Archibald his brother, who had tacks of the said castle and place, came to their perfect age of twenty-one ; also, that no man of great authority or great clau should have the keeping of the castle under them, and no trespassers or broken men should be received into it ; also to cause her Highness's chamberlains of her lordship of Menteith to be readily answered and paid all maills, etc., of the said lordship, if Walter Buchanan failed in the inbringing of the same, and to cause them be paid to her Highness at the castle of Stirling, with power to the Queen, in case of failure of the said William or Archibald to keep the castle, or to fail in payment and inbringing of the maills, to dispose of the castle as she should think expedient, and apprise the lands and goods of the foresaid persons, for the sums that should remain unpaid. Signed and sealed at Dunblane, 29th September 1520, ..... 185
91. Charge by Margaret, Queen of Scots, to Thomas Robeson, to pass and command William Edmonstone of Duntreath, keeper of the castle of Doune, whither the Queen intended to go and remain for some time, to make ready for receiving her, according to his bond made to the Queen thereanent, and under the pains contained therein. Stirling, 4th July 1525, 187
- The execution indorsed on the charge by the messenger, states that on the same day he passed to the said William Edmonstone, and delivered the

charge, desiring him to make ready the castle to receive the Queen, and that he replied that he would receive herself and her gentlewomen, but would not receive her servants ; on which the messenger declared to him that her grace would not come there without servants corresponding to her rank. 4th July 1525,..... 187

92. Decree by the Lords of Council, anent letters raised by the Queen's grace against William Edmonstone of Duntreath for intromitting with her castle and place of Doune in Menteith, and refusing to allow the Queen or her servants to intromit with the same, and a charge given to him to deliver up the same within forty-eight hours, under the pain of rebellion and putting of him to the horn, or else to appear before the Lords and show a reasonable cause why he should not be put to the horn. The Lords on non-compearance direct letters against the said William Edmonstone, and all other withholders of the castle and place of Doune, to deliver the same to the Queen, or her factors, within forty-eight hours after being charged to do so, under the pain of rebellion. Edinburgh, 11th July 1527,..... 188

93. Warrant and Charge under the Signet, subscribed by King James the Fifth, by which he commands William Edmonstone of Duntreath to deliver the castle of Doune in Menteith to the Queen his mother, or to her factors, within twenty-four hours after being charged thereto, according to the decree of the Lords of Council in favour of her Highness, and certifying him that if he failed so to do, the King would come in person and take his house from him, to his displeasure. Edinburgh, 20th August 1527, 189

The execution states that, on the 24th of August 1527, Alexander Carmaig, messenger, passed at the Queen's command to the castle gate of Doune, and delivered the said warrant of the King to William Edmonstone of Duntreath, and desired an answer in writing, who said that he would obey the King in all things, and bear his answer to his grace himself, ... 190

94. Sentence by the Lords of Council, refusing to relax William Edmonstone of Duntreath from the horn, or give him opportunity to pursue the summons raised by him for retraction of a decree obtained by the Queen against him, till such time as he obeyed the said decree. Edinburgh, 28th August 1527, ..... 191

95. Letters of Suspension under the Signet, subscribed by King James the Fifth, suspending his other letters releasing William Edmonstone from the process of horning led against him by the Queen, for non-delivery to her of the house and castle of Doune in Menteith, and annulling the same, because they were procured on wrong information, and ordaining the first letters obtained by the Queen, by which the said William Edmonstone was put to the horn, to have effect until they be reduced ; charging the messenger to inform the said William thereof, and of new to denounce him rebel and put him to the horn, and charge the lieges, by open proclamation at the burghs of Perth, Stirling, Dumbarton, and Linlithgow, not to assist or intercommune with the said William so long as he remained rebel. Falkland, 20th October 1527, ..... 191
96. Commission by Margaret, Queen of Scotland, conjunct-fiar of the lands and lordship of Menteith, constituting James Stewart, brother-german of Andrew, Lord Avandale, her steward of the lordship of Menteith, and captain of the castle of Doune, for her lifetime, with all the profits and emoluments that William Edmonstone, last steward and captain of the same, enjoyed, and also appointing the said James chamberlain in the lordship of Menteith, with power of appointing deputies under him, and constables in the castle of Doune. 1527, ..... 192
97. Notarial Instrument, narrating the proceedings at the Stewartry Court of Margaret, Queen of Scotland, and Henry Stewart her sponse, held at Doune in Menteith by Robert Callendar of Maner, their bailie in that part, on the 6th day of August 1528, whereby the bailie, with advice of his assessors, decerned the letter of tack made by the Queen to William Edmonstone of Duntreath, of the captainry of the castle of Doune and certain lands in the lordship of Menteith, to be expired and forfeited to the Queen, because the said William Edmonstone had bound himself to receive the Queen within the foresaid castle, and to bring in all maills and duties of her lands of Menteith, failing which, the tack to be expired, according to his letters of obligation read before the bailie ; and the said William had refused to receive her Grace within her said castle, and failed in paying the maills of the lands of Cultintogill, Brokland, Balmoris,

Myltoun, Calzebuchquhalze, Bra of Cammys, and Ward of Gwdy, in the lordship of Menteith, occupied by the said William, and in inbringing of the maills of the lands of Duchray, occupied by George Buchanan of that ilk, Corryquhrumby, occupied by Duncan Walterstoun, and other lands, extending in all to £248. After the delivery of this decree, John Edmonstone in Cammysmore protested on behalf of the said William Edmonstone that nothing now done by the foresaid bailie should turn to his prejudice, and Mr. Robert Galbrath, procurator for the Queen and her spouse, in their presence declared himself ready to admit the said John Edmonstone, or any others, to defend the said action on the part of the said William Edmonstone, on showing a sufficient mandate, and further, offered to give assurance to the said William, or any in his name, to compear and defend their action, and protested that the said William could not allege hereafter that he or his friends could not defend this action through want of assurance from the Queen and her husband. Thereafter James Stewart, brother of Henry Stewart, exhibited a Crown charter, dated at Edinburgh, 14th July 1528, granted to him by the King, with express consent of the Queen aforesaid, of the keeping and captaincy of the Castle of Doune, with the office of steward of Menteith, for his lifetime. Which charter the Queen received into her hands, and ratified the same with consent of her said spouse, and entered and received the said James Stewart into the said offices, and in open Court charged the tenants and inhabitants of the lands and lordship of Menteith to obey him as undoubted captain of the castle of Doune, and steward of Menteith. Done in the public Court of the Stewartry of Menteith, near the Castle of Doune, in presence of James, Earl of Moray, Andrew, Lord Avandale, Archibald Campbell, Master of Argyll, Sir John Stirling of Keir, knight, and others, 6th August 1528,..... 194

98. Commission by King James the Fifth to James Stewart, Captain of the Castle of Doune and Steward of the Stewartry of Menteith, giving him power to use the office of stewartry aforesaid, according to the King's gift under the Great Seal. Given under the Quarter Seal, at Stirling, 8th August 1528,..... 199



99. Commission by Margaret, Queen of Scotland, conjunct-fiar of the lands and lordship of Menteith, with consent of Henry Stewart of Methven her spouse, making and constituting James Stewart, his brother-german, steward of the lordship of Menteith and captain of the castle of Donne for his lifetime, his entry thereto being at the date of this present writ, with certain lands pertaining to the captaincy and keeping of the castle, viz., the lands of Easter Frew, Middle Frew, Wester Ergady, Drnmcamsy and Bellekerancht, Kerss of Cammyss, Mill and Cruives of Doune, fishings of the Lochs and Stanks of Lngnok, Lochbanaqhware and Gudy, with all other profits that by use and wont formerly pertained to William Edmonstone of Duntreath, last steward and captain of the said lordship and castle, with power to select deputies and appoint constables for the keeping of the castle, and appointing him also to be chamberlain of the lordship of Menteith. Signed by the Queen and Henry, Lord Methven, and sealed at Stirling, 1st September 1528, ..... 200
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| and shook hands with the said James as his special friend ; and the said James on his side promised friendship to the said William to the extent of his ability. Doue at the Castle of Doune, 23d September 1528,.....  | 205  |
| 102. Precept by Margaret, Queen of Scotland, to warn her tenants, feuars, and tacksmen of the lordship of Menteith to compear in the bailie court of the lordship, to be held in the Tolbooth of Edinburgh, 9th April following, proclamation to that effect being made at the parish churches ; also to warn William Edmonstone of Duntreath, at his dwelling-place of Cambus Wallace in Menteith, to appear the said day and place. Subscribed by the Queen and Henry, Lord Methven, 12th March 1529,.....  | 207  |
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| 105. Extract Agreement between James Stewart of Menteith and William Edmonstone of Duntreath, for avoiding of a lawsuit, cost, and expenses of both parties in regard to the right to the stewartry of Menteith and captainship of Doune in Menteith, claimed by the said James to pertain to him heritably in feu-farm, and by the said William by reason of gift and lease during the Queen's lifetime. The articles of agreement are :—  |      |

The said James becomes bound to resign in the hands of the King, before Christmas next, the 5 pound lands of the Bray of Cambus, the 5 pound land of the Mylton of Cambus, with mill of the same, the half of the lands of Brokland Estir, extending to five merks worth of land, then occupied by Ewiu Mackvaa, the four merk land of Ballemorist, the 40s. land of Calzeboquhalze, and the 40s. land of the Ward of Gudy, extending in all to 20 pound land of old extent, in the stewartry of Menteith and shire of Perth, in favour of the said William Edmonstone of Duntreath, his heirs and assignees, and obtain a signature of donation and gift of the foresaid lands, to be held by the said William and his heirs heritably in feu-farm, with consent of the Queen's grace. And the said William on his part binds himself to renounce all right or claim to the stewartry of Menteith, the captainship of the castle of Doune in Menteith, and the following lauds that belonged to it, viz., the castle of Doune, the mains thereof called Drumcamse, and Calkerauche, the Kers of Cammis, the Newtoun of Doune, Wester Argade, the 10 pound land of Frews, lands of Cultintogill, Wester Brig, lands of Grodeth, Dowart, Auchinhard, merkland of Glenmany, Mill of Doune, with cruives and fishing thereof, keeping of the forests, and all other lands or profits whatsoever; and engages to cause Archibald Edmonstone his brother renounce his claim in like manner; and engages himself to take part with Henry, Lord Methven, and the said James in all their lawful actions, etc. All to be observed under the penalty of £2000 Scots. Dated at Edinburgh, 10th November, and recorded 1st February 1531, ..... 210

106. Extract from the Acts of Council, bearing that Archibald Edmonstone, brother to William Edmonstoue of Duntreath, compeared before the Lords of Council, and gave his consent to the foregoing bond and agreement in all points, and gave over all right he had to the stewartry of Menteith or captainship of the castle of Doune, etc. Edinburgh, 9th February 1531, 216
107. Commission by Archibald, Earl of Argyll, having power under a commission dated at Perth, 18th March 1563, to convocate the Queen's lieges in the shires of Argyll, Tarbert, Dumbarton, Bute, and others, for searching for and apprehending the Clan Gregor, "rebellis and malefactouris," appointing

- John, Earl of Menteith, and James, commendator of St. Colm, Steward of Menteith, his deputies in that part, with authority to charge the inhabitants of the stewartry, earldom, and whole country of Menteith, as well of lands belonging to the Lairds of Glenneigis, Merchistoun, and others within the bounds thereof, annexed to the shires of Dumbarton or Perth, and of Bouchquhiddel, or any part thereof, to convocate the inhabitants for searching for the Clan Gregor, bringing them to justice, or pursuing them out of the said bounds, and charging the inhabitants to pass forward with the said deputies when summoned to do so, under pain of punishment at law. Stirling, 26th March 1564, ..... 217
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110. Warrant by King James the Sixth and John, Earl of Mar, Regent, to the captain of the castle of Doune in Menteith, to receive Sir Walter Scott of Branxholm, knight, to be warded in the castle at his own expense, till freed by the Regent. Leith, 26th February 1571, ..... 221
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- Rossyth, which he is appointed to enter before 5th March at night, this arrangement not prejudicing his bond and the obligation of his sureties. Leith, 3d March 1571, ..... 222
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114. Letters under the Signet of King James the Sixth, subscribed by James, Earl of Morton, Regent, to his Steward of Menteith, charging him to compel the tenants of the stewardry to carry "skailze" (slates) from the Heweh in Menteith to the castle of Stirling for "beating" and making it watertight, under the pain of 20s. for every horse absent, or not transporting the full number of slates. The tenants had been previously charged to carry the slates under a missive letter from the Earl of Morton, Regent, to the Steward, and had "contemprandlie" disobeyed it. Dalkeith, 24th July 1574, ..... 224
115. Missive under the Signet of King James the Sixth, subscribed by James, Earl of Morton, Regent, directing his messengers to arrest the maills and duties of the lands and lordship of Menteith, and lands included therewith in times bygone, of the term of Whitsunday last, 1575, and in time to come, to remain under arrest in the hands of the feuars, tenants, and possessors, till the persons claiming right to uplift them presented their titles and commissions before the Regent and Council, and order should be taken for uplifting the said maills and duties, and making account of them, as they had remained long unentered in the rolls of Exchequer, and had been intromitted with by several persons without good right or sufficient commission. Holyroodhouse, 29th May 1575, ..... 225
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124. Letters by the same charging Malcolm beg McFarlan and Andrew McFarlan of that Ilk to cease and desist from meddling or intromitting with the forest of Glenfinlas as pretended keepers thereof, the foresaid Malcolm beg McFarlan having, upon false information made to the King, obtained from him a letter, subscribed by him without the advice of his Council, giving to the said Malcolm the keeping of the forest for a certain space, in prejudice of the King and Sir James Stewart of Doune, heritable keeper of the said forest. Proclamation to that effect is to be made at the market crosses of Stirling and Perth, and the parish churches of Port and Kilmadock. Holyroodhouse, 7th December 1580, ..... 234
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129. Warrant by King James the Sixth to receive David Graham of Fintry into ward in the castle of Doune. Holyroodhouse, 20th May 1591, ..... 240

## II.—CHARTERS AND MISCELLANEOUS PAPERS.

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130. Letter by William Fraser, Bishop of St. Andrews, to Edward the First, King of England, stating that his Majesty's ambassadors, the Scottish ambassadors who had been sent to his Majesty, and several nobles of Scotland, had met at Perth on the Sunday following the Feast of St. Michael, to receive the King's answer to the points treated of by the ambassadors in his presence, and that the faithful nobles, and a certain party of the communitas of Scotland, gave him unbounded thanks for his answer; that his Majesty's ambassadors and the Bishop himself were making ready to set out for Orkney, to arrange with the Norwegian ambassadors for receiving their queen, when a lamentable rumour spread among the people of her death, whereby the kingdom was disturbed; that on the spread of this rumour, Sir Robert Bruce, who before did not intend to come to the foresaid meeting, came with a large force, but the Bishop was still ignorant of what he meant to do. However, the Earls of Mar and Athole had already summoned an army, and certain other Lords were joining their party, so that there was dread of a civil war, unless his Majesty applied a speedy remedy. That the Bishop of Durham, the Earl of Warrenne, and himself, had heard that the queen was recovering, but was still weak, whereupon they had resolved to remain near Perth till they received sure information from the knights who had been sent to Orkney, and if they had good news, they would set out thither to accomplish the business aforesaid. The writer advises that if Sir John de Baliol came to the King's presence, he should so treat with him that in every event his Majesty's honour and interest should be preserved; and that if the queen had departed this life, his excellency should condescend to draw towards the Marches for the consolation of the Scottish people, and to spare the shedding of blood, so that the faithful of the kingdom might be able to keep their oath unbroken, and appoint him to be king who of right ought to inherit, providing he would follow his Majesty's counsel. Dated at Leuchars, Saturday, the morrow of St. Faith the Virgin [7th October], 1290, ..... 241

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| 131. Letters of Confirmation by John, Earl of Carrick and Steward of Scotland, eldest son of the King of Scotland, Robert, Earl of Fife and Menteith, and Alexander, Lord of Badnoch, the King's sons, in consideration of the praiseworthy services done to their father and themselves by John Lyon, the King's clerk, confirming and ratifying to him a charter of the lands of the Thanage of Glamis, in the shire of Forfar, granted by their father to him ; and engaging never to impugn or revoke the same, whatever state any of them should occupy, even should it be the royal dignity, but to renew and confirm the grant as often as required, and maintain the same against all seeking to impugn it. Edinburgh, 7th January 1373, .....  | 243  |
| 132. Letters-Patent by King Robert the Second, narrating that a marriage had been solemnly celebrated in face of the church and in his own presence, between his beloved son, John Lyon, Chamberlain of Scotland, and Joanna of Keth his daughter, with consent of his sons, John, Earl of Carrick, Robert, Earl of Fife and Menteith, and Alexander Stewart, Lord of Badnoch, and other friends and kin, and declaring that in case there should have passed between the said John Lyon and Joanna previous to the said solemnity any acts of matrimony, such as a marriage secretly contracted, carnal intercourse, or pretended excuse that might cause the King's displeasure, or be imputed to them as perfidy, infamy, or matter of charge, he makes known that, understanding that these were preparatory to the said marriage, and had a reference to and were in accordance with it, he would retain no displeasure against them on that account, but remit all offence on that ground ; forbidding any one to impute blame, infamy, or perfidy to either of them, or revile or defame them therefor. These letters to continue during their lifetimes. Dundonald, 10th May, eighth year of reign, 1378, ..... | 244  |
| 133. Charter, by Robert, Duke of Albany, Earl of Fife and Menteith, and Governor of Scotland, under his seal of office, granting to Malcolm Fleming of Biggar, and Elizabeth Stewart his spouse, the granter's daughter, the whole lands of the barony of Biggar, in the shire of Lanark, together with an annual rent due out of the lands of Kerse, in the shire of Stirling,   |      |

pertaining to the abbot and convent of the monastery of the Holy Rood of Edinburgh, which formerly pertained to the said Maleolm heritably, and were personally resigned by him into the Governor's hands in the Chapel of St. Mary the Virgin at the Bridge of Tay : To be held by the said Malcolm and Elizabeth, and the longer liver of them, and the heirs-male of their bodies, whom failing, to revert to the heirs-male of the foresaid Malcolm whomsoever, of the King and his heirs, in fee and heritage for ever, for rendering the services due and wont. Perth, 28th June 1413, 246

134. Charter by Robert, Duke of Albany, Governor of Scotland, to William de Hay of Errol, Constable of Scotland, his nephew, of the lands of the barony of Cowie, in the shire of Kincardine, which belonged heritably to William Fraser of Philorth, and had been resigned by him : To be held by the grantee and his heirs, of the King and his heirs, in free barony for ever, for rendering the serviees due and wont. Falkland, 14th May 1415, ..... 247















