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978-1-108-05329-7 - Records of the Parliament Holden at Westminster on the Twenty-Eighth Day of February, in the Thirty-Third Year of the Reign of King Edward the First (A.D. 1305)

Edited by Frederic William Maitland

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Records of the Parliament Holden at Westminster on the Twenty-Eighth Day of February, in the Thirty-Third Year of the Reign of King Edward the First (A.D. 1305)

Following the accidental rediscovery of the parliamentary roll for 1305, the thirty-third year of Edward I's reign, Frederic William Maitland (1850–1906) was able to publish this unique and invaluable historical record in full in 1893. Parliament in this period provided an opportunity for the king's subjects to present petitions and for the king's councillors to dispense justice. In his substantial introduction, Maitland, an eminent legal historian, sets the petitions and the transactions of the privy council in the context of medieval jurisprudence. The work is divided into English, Scottish and Irish petitions, followed by the *Placita* ('Pleadings'). There are four appendices: thirteen Gascon petitions; excerpts from the Gascon roll of 1305 concerning the government of Aquitaine; details of a diplomatic mission by a representative of the court of Flanders; and an analysis of the *Vetus Codex*, previously the most valuable primary source for Parliament of this period.

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RERUM BRITANNICARUM MEDII ÆVI
SCRIPTORES,

OR

CHRONICLES AND MEMORIALS OF GREAT BRITAIN
AND IRELAND

DURING

THE MIDDLE AGES.

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THE CHRONICLES AND MEMORIALS
OF
GREAT BRITAIN AND IRELAND
DURING THE MIDDLE AGES.

PUBLISHED BY THE AUTHORITY OF HER MAJESTY'S TREASURY, UNDER
THE DIRECTION OF THE MASTER OF THE ROLLS.

ON the 26th of January 1857, the Master of the Rolls submitted to the Treasury a proposal for the publication of materials for the History of this Country from the Invasion of the Romans to the reign of Henry VIII.

The Master of the Rolls suggested that these materials should be selected for publication under competent editors without reference to periodical or chronological arrangement, without mutilation or abridgment, preference being given, in the first instance, to such materials as were most scarce and valuable.

He proposed that each chronicle or historical document to be edited should be treated in the same way as if the editor were engaged on an *Editio Princeps*; and for this purpose the most correct text should be formed from an accurate collation of the best MSS.

To render the work more generally useful, the Master of the Rolls suggested that the editor should give an account of the MSS. employed by him, of their age and their peculiarities; that he should add to the work a brief account of the life and times of the author, and any remarks necessary to explain the chronology; but no other note or comment was to be allowed, except what might be necessary to establish the correctness of the text.

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The works to be published in octavo, separately, as they were finished ; the whole responsibility of the task resting upon the editors, who were to be chosen by the Master of the Rolls with the sanction of the Treasury.

The Lords of Her Majesty's Treasury, after a careful consideration of the subject, expressed their opinion in a Treasury Minute, dated February 9, 1857, that the plan recommended by the Master of the Rolls "was well calculated for the accomplishment of this important national object, in an effectual and satisfactory manner, within a reasonable time, and provided proper attention be paid to economy, in making the detailed arrangements, without unnecessary expense."

They expressed their approbation of the proposal that each Chronicle and historical document should be edited in such a manner as to represent with all possible correctness the text of each writer, derived from a collation of the best MSS., and that no notes should be added, except such as were illustrative of the various readings. They suggested, however, that the preface to each work should contain, in addition to the particulars proposed by the Master of the Rolls, a biographical account of the author, so far as authentic materials existed for that purpose, and an estimate of his historical credibility and value.

*Rolls House,
December 1857.*

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MEMORANDA DE PARLIAMENTO.

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R E C O R D S
OF
T H E P A R L I A M E N T

HOLDEN AT

W E S T M I N S T E R

ON THE TWENTY-EIGHTH DAY OF FEBRUARY, IN THE
THIRTY-THIRD YEAR OF THE REIGN OF
KING EDWARD THE FIRST.

(A.D. 1305.)

EDITED BY

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INTRODUCTION.

I.

One of the earliest, amplest and most complete of the ancient rolls of parliament has never yet been printed in full. It is the roll of the parliament held by Edward I. in the spring of the year 1305. Somehow or another it wandered away from most of its fellow rolls of the same reign. They, a sadly fragmentary series, were until late years in the Chapter House at Westminster, the treasury of the receipt of the exchequer. The parliament rolls of later reigns were among the chancery records at the Tower of London. Our roll had found a home, and then a sepulchre, in the office of the king's remembrancer.

A stray
parliament
roll,

As a whole it has never been published, but for a long time past many of the entries that are upon it have been known to the world. To explain how this came about, we must go back to the fourteenth century, when someone who had access to the parliamentary records, selected from the rolls of the first two Edwards such things as interested him, and had them transcribed into a book. That book still exists. It has borne various names; it has been cited as 'Liber Irrotulamentorum de Parliamentis'; it has been called 'The Black Book of the Tower'; but probably its best known title is 'Vetus Codex.' In the sixteenth and seventeenth centuries when lawyers and politicians were beginning to explore the early history of parliament, it did such excellent service that it earned a pre-eminent dignity:—among all ancient manuscripts it was the *Vetus Codex*.

Known in
part from
the *Vetus*
Codex.

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[More information](#)History of
the Vetus
Codex.

Its history is still obscure. We do not know for what purpose it was compiled, we do not know for certain that during the middle ages it had a place in the national archives. We may safely ascribe it to the fourteenth century and to me—but I have not much skill in such matters—it looks far more like the work of the first than of the second half of that period. The last parliament with which it deals is that of 1320. Just two years after this we hear that the treasurer has delivered into the treasury, among various other books ‘unum librum de parliamentis.’¹ Then again in 1357 we hear that, in obedience to a writ under the great seal, the treasurer and chamberlains have delivered to David Wollore a clerk of the chancery, a certain ‘librum parliamentorum’ containing twenty-four quires, which he is to return before next Easter.² Then again on the patent roll Richard II. is made to say that he has inspected the tenor of a certain precept of Edward I. enrolled ‘in quodum libro de parliamentis ejusdem,’ and to cite from that book words which are in the Vetus Codex.³ All this, since we know of no other medieval book that could be called a, or the, ‘book of parliaments,’ seems to point to the conclusion that this Vetus Codex was an official book in official keeping, and was even regarded as authoritative. True that it does not now contain twenty-four quires, but a table of contents permits us to infer that part of it has been lost.⁴

The Vetus
Codex in
modern
times.

On the other hand there are upon its first leaf what at first sight look like the proprietary claims of divers private owners. One entry made upon this leaf was made by a knife, which deliberately and deftly cut out an oblong piece of parchment for the very purpose, no

¹ Palgrave, *Ancient Kalendars*, iii. 437.

² *Ibid.*, i., pp. lvj. 183.

³ *Statutes of the Realm*, i. xxxvii.

⁴ In Appendix IV. to this volume its composition will be more fully described.

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doubt, of baffling those who would trace the history of the book. But on the same leaf we may read 'Iste liber pertinet Willelmo Rooper, armigero,' 'Et nunc pertinet ad me Robertum Hare,' 'Et modo W. Fletewode Recordatori Londoniæ, 1586,' 'Iste liber pertinet ad M. Heneage armigerum, 1599,' 'R. Bowyer et H. Elsynge, 1604,' 'Jo. Borough, 1612,' 'Wm. Ryley, 1620,' 'Wm. Ryley, junr., 1647.'

Now I believe that the names which begin with that of Michael Heneage, are the names of persons who, either as keepers or as subordinate officers, had charge of the records at the Tower. Heneage was appointed one of two joint keepers in or about 1578; Robert Bowyer and Henry Elsynge were appointed keepers in 1604 and John Borough was appointed keeper in 1623. As to the earlier names, the case is not so clear. The oldest seems to be that of William Roper, who, if he be the well-known son-in-law and biographer of Sir Thomas More, was for many years protonotary of the King's Bench. Robert Hare we may believe to be that great antiquary to whom the University of Cambridge owes an everlasting debt of gratitude; if so, he was clerk of the pells and son of a master of the rolls. Fletewode was the recorder of London, and like Hare he was a collector of legal manuscripts. We may perhaps guess that the book having left the treasury at Westminster, wandered for a while from hand to hand among men who were connected in one way or another with the law courts, and ultimately found its way to the Tower.¹ In the old record offices the line between public and private property was not always a very sharp line; there were many documents, such as calendars and indexes, which not being 'records' in the strict legal sense of the term,

¹ I must express my gratitude to Mr. Hubert Hall for helping me in my pursuit of these names. It is plain from Hare's great 'Regis-

trum' now lying in our Registry at Cambridge that he had access to the *Vetus Codex*. He cites it by the folio.

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were deemed to belong to the keeper, though an incoming officer was practically compelled to purchase them from the executors of his predecessor. Thus the aberration of such a book as our *Vetus Codex* would not be very surprising. Happily the aberration was temporary. In 1661, so Ryley tells us, it was 'among the other records of the realm' at the Tower. It now lies at the Public Record Office, and displays upon its coat the arms of King George III.

Ryley's
Placita and
the official
edition of
the rolls.

In 1661 William Ryley the younger printed its contents, together with some other matters under the title 'Placita Parliamentaria.' Then in 1767 the House of Lords gave order for the publication of the ancient parliamentary records. The result of this was the well-known six volumes of '*Rotuli Parliamentorum*,' to which an index volume was added in 1832. These have been so useful in the cause of English history that we would not willingly speak any ill of them; nevertheless it is much to be regretted that their editors, being bound perhaps by official instructions to refrain from note or comment, have told us exceedingly little about the sources whence they obtained their materials. However as regards the parliament now in question, the lenten parliament of 1305, we know from their own words that they used third-hand materials. They took from Ryley¹ what Ryley took from the *Vetus Codex*; and we now see that the author of the *Vetus Codex* took from the original roll not the whole, but only about half of its contents.

Discovery
of our roll.

The existence of the original roll was not suspected. It was unknown in 1810 to the editors of the '*Statutes of the Realm*';² it was unknown in 1827 to Sir Francis Palgrave,³ and when we have said it was unknown to

¹ Rot. Parl., vol. i., p. i. The contents of one membrane were obtained from another source; see below, p. 255.

² *Statutes of the Realm*, i. 143-5. *Parliamentary Writs*, i. 155-6.

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Palgrave, we have said it was unknown to any body. It was unknown in 1833 to those in whose keeping it was. The report that comes to us in that year from the office of the king's remembrancer tells a hardly credible tale of wild disorder.¹ There were sacks upon sacks of documents the general nature of which was utterly unknown to their custodians. Confusion had been confounded by removals. In 1822 the old exchequer buildings had been pulled down to make way for those 'new Law Courts' which have now in their turn disappeared; some of the records were carried to the stone tower at the great gate of Westminster Hall, others were buried in a shed erected inside the hall, and when in 1830 a coronation demanded the suppression of this 'ark,' as it was called, they were carted off to the King's Mews at Charing Cross; it was said that the 'soldiers and common labourers' who effected the first of these transportations had shown their sense of the high value of certain documents by selling them to the manufacturers of glue.² From the King's Mews, which was to give place to a new 'National Gallery,' those of them that commercial enterprise had spared, were removed in 1835 to the Riding School at Carlton House. At the King's Mews we may see '4,136 cubic feet of national 'records' stored in two vast bins; they are being searched by a dog for rats, while three Irish labourers 'sustained by strong stimulants' are sorting 'a mass of putrid 'filth, stench, dirt, and decomposition.' In 1833 the Record Commissioners had obtained a 'temporary custody' of them, and Mr. (afterwards Sir) Henry Cole began the work of reducing them to order. In 1836 he was succeeded by Mr. Joseph Hunter, who year by year reported how he was gradually arranging these 'Ancient

¹ Report of the Record Commissioners, 1837, App., p. 154, 164.

² See the report referred to in the last note; also the report of the

Select Committee of 1832 on the Record Commission (Parl. Papers, 1836, vol. xvi.) especially at pp. xiv., xv., 410, 427.

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Miscellanea' of the king's remembrancer. So far as I am aware the first notice of our roll occurs in the preface to Cole's 'Documents Illustrative of English History,' which was not published till 1844, though whether all the membranes of which the roll is now composed had then been found is not very clear; but already in 1836 Cole was aware that among the Miscellanea there were parliament rolls or portions of parliament rolls and some of these, though not our document, he had printed in 1835.¹ Then in 1856 Palgrave, who was then deputy keeper of the public records, reported that Hunter had 'discovered a ' a large portion of the parliament roll of 33 Edward I., ' a roll from which only excerpts were printed by Ryley ' and from him transferred to the government publication ' of the Rolls of Parliament.'² In 1855 the roll was produced before a committee of the House of Lords which was hearing a claim to the barony of Grandison, and Hunter and William Hardy testified in its favour.³ An elaborate account of it was inserted in a manuscript calendar prepared by Hunter and deposited in the Record Office, and finally the roll found a place in our national archives in ' Q. R. Ancient Miscellanea, Bundle ' 645.'⁴

¹ Cole's book was printed in 1835; in 1844 the preface (in which our roll or some part of it is noticed at p. xii.) was added, and the book was published. It played a considerable part in the unfortunate disputes which broke up the second Record Commission. In 1836 Cole told the Committee of the House of Commons that there were parliament rolls in the office of the King's Remembrancer; Report of Select Committee on Record Commission, 1836, p. 444.

² Seventeenth Report of Deputy Keeper, 1856, p. 6.

³ Grandison Peerage Case. Minutes of Evidence, p. 488. Mr. (afterwards Sir) William Hardy then said "I have no doubt that it " is a record of the proceedings of " the parliament of the 33rd of " Edward the First." I have to thank Mr. Goldsmith for allowing me to see a copy of this case.

⁴ This MS. Calendar stands in the round room at the Record Office. Our roll is described in vol. 22 under the year 33 Edward I.

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From this calendar we learn that the roll was found, The roll¹ discovered in pieces. not in one piece, but in many pieces. It now consists of nineteen membranes, which are loosely attached together at their tops. In one case three membranes were found annexed to each other; in some other cases two connected membranes were found, while other membranes were isolated.¹ It seems never to have been 'made up in the chancery fashion,' that is to say, it never formed like a patent or close roll one long continuous strip of parchment. Apparently it was made up 'in the exchequer fashion,' like a plea roll, by sewing together the heads of the various membranes; but at some time or another they became detached.

That these membranes formed part of one record and Unity and date of our record. that this record was the roll of the lenten parliament of 1305, can I think be put beyond reasonable doubt. There are in all nineteen membranes. These we may divide into four sections. Membranes 1-9 inclusive are almost wholly given up to the *Petitiones Angliæ*, that is to say, petitions touching English affairs. The three next membranes (m. 10, 11, 12) contain the *Petitiones Scotiæ*, the thirteenth the *Petitiones Hiberniæ*. The six remaining membranes are for the more part occupied with the judicial business of the session, the *Placita*, but they have also some *Memoranda* and a few more *Petitiones*.

Now almost all the membranes are expressly and Expressly dated mem-branes. carefully dated: they in so many words profess to state the business done in the lenten parliament of the thirty-third year of King Edward. The exceptions to this rule are these:—The first of the Scottish membranes (m. 10) is dated, but the other two (m. 11, 12) are not dated:—two membranes (m. 16, 19) among those which contain the *Placita* are not dated.

¹ 'It has been found in single
' membranes, or in one instance | 'three, united, at different times.'
' two membranes, and another | MS. Calendar.

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The roll
guaran-
teed by
the *Vetus*
Codex.

Then most of the membranes are guaranteed by the *Vetus Codex*. Turning to the first of our four sections we find that the author of that book copied about half the entries on the roll, and that some of the matter that he copied is to be found on every one of the first nine membranes except the ninth. What is more, if we suppose him to copy from this very roll, then all his extracts are in exactly the right order, save that he treated as the front of the third membrane what in the present state of the roll is its back. Against many of the entries on this part of the roll there is in the margin a curious mark in ancient ink. It consists we might say of two full stops surmounted by an inverted comma thus—.'. To all seeming this mark was put there by the man who compiled the *Vetus Codex* by way of an instruction for the copyist whom he employed; at least I have found this general rule to prevail, that those entries, and those entries only, against which this mark is set, have been transcribed into the *Vetus Codex*. From the Scottish and Irish membranes nothing was taken by the maker of that book, so that as regards them we can not appeal to his testimony. The greater part of the last six membranes, the *Placita* membranes, were copied by or for him and he has taken something from every one of them.

Guaran-
teed also
by divers
chancery
rolls.

In the third place we have the evidence given by the writs entered on the chancery and exchequer rolls of this year. As will be explained below, almost every successful petition will have as its proximate result the issue of some writ which will be entered on the close, or the patent, or the *liberate* roll, and which in many cases will also appear on the rolls of exchequer memoranda. What is more, a writ issued in consequence of a petition will generally have as its last words *per petitionem de consilio*. Now if we look through the chancery rolls for the months of March, April and May in the year 1305 and the exchequer memoranda for the same year, we shall find a

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very large number of writs issued *per petitionem de consilio* which carry into effect the answers to those petitions that are enrolled upon our parliament roll. Some of these writs will here be printed in order that the reader may understand the nature of the proof that they offer as to the date of the document that is before us, and he will, so I think, admit that those membranes of our roll which contain the *Petitiones Angliæ* are amply guaranteed by the chancery and exchequer rolls; so also is the Irish membrane.

As to the three Scottish membranes the case stands otherwise. The first of them is expressly dated; it attributes itself to the lenten parliament of 1305; but the other two have by way of headline merely *Adhuc Petitiones Scotiæ*, which means 'Scottish Petitions continued.' I think it fairly certain that the greater part of the matter that stands upon these three membranes was written by one and the same clerk; his work is mean and slovenly and falls far below that high standard of calligraphy which is attained by almost every product of King Edward's chancery. Also there are some signs that these three membranes were sewn together in ancient times. Nevertheless I am bound to say that some of the entries upon these membranes seem to describe what happened not at the lenten parliament of 1305, but at the autumn parliament of the same year. Unfortunately the maker of the *Vetus Codex* took nothing from these Scottish membranes; already in his day the hope that Scotland would be governed from Westminster was fading away, and so Scottish precedents were no longer useful. Unfortunately also we can not check any large number of the entries on these membranes by the rolls of the English chancery. It was not the chancery's practice to put upon the close or the patent roll the writs that it sent to those officers who were governing Scotland in King Edward's name. A special *Rotulus Scotiæ* was the proper record for such writs; but then it

Doubts as
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happens that just for the year 1305 and some neighbouring years no *Rotulus Scotiae* is forthcoming. However, premising that there were two parliaments in this year, that the second was opened at London on the 15th of September, that its main business was to settle a scheme of government for Scotland, that these two parliaments were separated from each other by the trial and execution of William Wallace, we can, so it seems to me, prove that the autumn parliament as well as the spring parliament has left its mark upon our roll. Seven entries must here be alleged.

Scottish
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autumn
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ment of
1305.

(i.) Upon our roll we find Alexander Abernethy asking that he may be repaid certain sums of money which he paid away in the king's service when he was warden of the land which lies between the Forth and the Mountains. A favourable answer was given to his prayer, and effect was given to this answer by a writ which, for some reason or another, was recorded upon the English close roll. That writ was not issued until the 16th of October, that is to say, until after the autumn parliament.¹ Standing by itself, this case would merely arouse our vigilance, for of course it is quite possible that though Alexander got the answer to his petition in March, he did not get his writ until October.

(ii.) Upon our roll we find one Donald MacCan asserting that the king has granted him by charter a life annuity of ten pounds, and adding that he cannot get payment of this annuity, because he has no writ addressed to the chamberlain of Scotland. From the patent roll we learn that the grant of the annuity was made on the 24th of April 1305.² The autumn parliament of that year would therefore have been the first parliament to which Donald could have complained that the letters patent were ineffectual so long as they were not accompanied by a close writ to the chamberlain.

¹ Sec No. 327.

| ² See No. 386.

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(iii.) Upon our roll we find John Earl of Buchan asserting a claim as feudal lord to the wardship of one Ralph Lascelles an idiot ; a counter claim is being asserted by Gilbert Lascelles, the idiot's brother. We have the earl's original petition as well as the entry of it that was made upon our parliament roll. It asserts that the king has delivered this wardship to William le Vavassour. An endorsement on it tells us that it is to come before the council, and that William le Vavassour is to be summoned. Then another endorsement orders that an inquiry be made in Scotland about the Scottish law concerning the wardship of idiots. Now we know from the patent roll that on the 23rd of March, that is to say, during the session of the spring parliament, the king granted this wardship to Vavassour, and it would be natural to suppose therefore that the earl's petition, which makes mention of such a grant, was of later date.¹

(iv.) Upon our roll, and closely following the headline which professes that the entries which it introduces relate to Scottish petitions presented at the lenten parliament, we find an entry which sets forth a petition coming from the cross-bowmen and archers who were the garrison of Kirkintilloch, and which sets forth also the favourable answer given to that petition.² However, there comes to us from the exchequer a document which we can pronounce with some, though not perfect certainty, to be the very petition to which this entry refers, and it bears a contemporary endorsement—*Petitiones Scocie liberate in parlamento mense Octobris anno xxxvij^o*. To all seeming, therefore, this petition was presented not at the lenten but at the autumn parliament, and probably it at one time was the first, or last, in some packet of petitions which was sent into the exchequer when the autumn parliament had done its work :—hence the endorsement.

¹ See below, Nos. 390, 397.| ² See No. 272.

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(v.) Upon our roll we find a memorandum which says that the king has been pleased of his special grace to restore to one Michael Myggel his chattels, since an inquest has found that Michael was not a partaker in the felonies committed by William Wallace, but had against his will been Wallace's prisoner. Now the record of this inquest is extant and it bears date the 1st of September 1305.¹

(vi.) Upon our roll we find the Abbots of Melrose and Cupar asking that they may be repaid out of the money collected for this purpose, the costs they have been at in attending a parliament in London.² Now these two prelates did attend the September parliament as the two representatives of the body of Scottish abbots. On the other hand the September parliament seems to have been the only parliament in which there was any representation of the ecclesiastical and temporal communities of Scotland. At the spring parliament they were not, to our knowledge, represented, though the Earl of Carrick, the Bishop of Glasgow and John Mowbray were there to act as intermediaries between the king and the Scottish estates.

(vii.) Lastly in more than one of the petitions³ recorded on our roll, the suppliant asks that inquiry as to the truth of his statements may be made of the good folk of Scotland 'who are here.' This seems to point to the presence of Scottish representatives in the parliament which entertained these petitions and therefore to point rather to the autumn than to the spring of 1305.

For these reasons it seems probable, or even certain, that our three Scottish membranes contain some entries which relate to what took place at the autumn parliament of 1305 as well as others which refer to the lenten parliament of the same year. I can not draw a line

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sion as
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¹ See No. 364 and Bain, Calendar of Scottish Documents, ii., p. 456.

² See No. 380.

³ See Nos. 387-8-9.

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at the spot where the one set of entries leaves off and the other begins, nor am I sure that any such spot exists, because (for reasons that will be given below) I think that in the age when parliament rolls were still very new things, such a roll was not in the strictest sense of the term an original or a contemporaneous record of what was done in a parliament, and I find no difficulty in believing that the petitions presented at two different parliaments were sometimes mixed together and recorded indiscriminately upon the same roll. In the present case there is a special reason for thinking that this may have happened, at all events there is one other peculiarity of these Scottish membranes to which I ought to call attention. It is one that becomes apparent if we ask the question 'By whom is Scotland being governed?' If we look at the petitions and responses that are entered upon our roll, we shall often read of the chancellor of Scotland, often of the chamberlain, who controls the finance of the realm; but there is one officer of yet higher rank. Sometimes he is called the warden (*custos*), sometimes the king's lieutenant (*locum tenens Regis*). Are the warden and the lieutenant one and the same person? I think that they are never both mentioned in the same entry. Now, as I understand, at the time of the lenten parliament of 1305 there was no one person governing the whole of Scotland in the king's name. There were three wardens (*custodes*):—John Segrave was warden south of Forth; the Earl of Athol between Forth and Spey, the Earl of Rosse north of Spey.¹ Then at the September parliament, in the place of these three wardens, the king appointed John of Brittany to be his lieutenant throughout the whole of Scotland.² Now I am far from saying that the three wardens were never called the king's

¹ Bain, *Calendar*, ii. pp. 449, | ² *Ibid.*, p. 457.
452.

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lieutenants, still less that the one lieutenant was never called warden of Scotland, but it would seem to me a very strange thing that so mechanically accurate a bureau as was the English chancery, should observe no settled usage about such a matter as this, but should call one and the same man first 'warden' and then 'lieutenant' and then again 'warden,' and all this in one and the same breath. May it not be that most of the responses which mention a warden were given before, while most of those which mention a lieutenant were given after, the appointment of John of Brittany?

To those who are expert in Scottish history I must leave all further discussion of this difficult matter. My own belief is that all three membranes belong to the year 1305, but that the responses given to the petitions presented at the second parliament of that year were put upon the same roll with the responses given at the first parliament. The problem is made the more difficult by the fact that for the autumn parliament we have, so it seems, no parliament roll now extant; we have just a stray membrane.¹ Its most important act, the ordinance for the government of Scotland, was luckily transcribed upon the close roll, but for the rest we are dependent on the *Vetus Codex*² and the compiler of that venerable book has, in this instance, thought fit to give us very little.³

The roll is not perfect.

The next question that meets us is whether we have recovered the whole roll in its pristine integrity. I fear that we have not. We have here almost everything

¹ Rot. Parl. i. 183.

² Rot. Parl. i. 182; Ryley, *Placita*, p. 289.

³ Mr. Bain, when some years ago he was calendaring the Scottish documents, assigned most of those yet extant petitions which are noted upon our parliament roll, to the year 1305 or to some closely

neighbouring year, and this without the aid of the parliament roll, which, now that it is unearthed both gives support to, and receives support from, the inferences which his deep knowledge of Scottish history enabled him to draw as to the dates of dateless documents.