compliance with this laſt demand of Edward, the re­gency of Scotland without heſitation yielded to it alſo; for which they gave the following reaſons. “That whereas they (the ſtates of Scotland) had, with one aſſent, already granted that King Edward, as ſuperior lord of Scotland, ſhould give ſentence as to their ſeveral rights and titles to the crown of Scotland, &c. but as the ſaid king of England cannot put his judge­ment in full execution to anſwer effectually without the poſſeſſion or ſeiſin of the ſaid country and its caſtles; we will, grant, and aſſent, that he, as ſovereign lord thereof, to perform the things aforeſaid, ſhall have ſeiſin of all the lands and caſtles in Scotland, until right be done to the demandants, and to the guardians and community of the kingdom of Scotland, to reſtore both it and its caſtles, with all the royalties, dignities, franchiſes, customs, rights, laws, uſages, and poſſeſſions, with their appurtenances, in the ſame ſtate and condi­tion they were in when he received them; ſaving to the king of England the homage of him that ſhall be king; ſo as they may be reſtored within two months after the day the rights ſhall be determined and affirmed; and that the profits of the nation which ſhall be received in the mean time ſhall be kept in the hands of the cham­berlain of Scotland that now is, and one to be joined with him by the king of England; ſo as the charge of the government, caſtles, and officers of the realm, may be deducted. In witneſs whereof, &c.”

For theſe reaſons, as it is ſaid, the regency put into the hands of Edward all the forts in the country. Gil­bert de Umfreville alone, who had the command of the caſtles of Dundee and Forfar, refuſed to deliver them up, until he ſhould be indemnified by the ſtates, and by Ed­ward himſelf, from all penalties of treaſon of which he might afterwards be in danger.

But though Edward had thus got into his hands the whole power of the nation, he did not think proper to determine every thing by his own authority. Inſtead of this, he appointed commiſſioners, and promiſed to grant letters-patent declaring that ſentence ſhould be paſſed in Scotland. It had been all along foreſeen that the great diſpute would be between Bruce and Baliol; and though the plea of Cummin was judged frivolous, yet he was a man of too much influence to be neglect­ed, and he agreed tacitly to refign it in favour of Baliol. Edward accordingly made him the compliment of joining him with Baliol in nominating 40 commiſ­ſioners. Bruce was to name 40 more; and the names of the 80 were to be given in to Edward in three days; after which the king was to add to them 24 of his own chooſing. The place and time of meeting were left in their own option. They unanimouſly pitched upon Berwick for the place of meeting; but as they could not agree about the time, Edward appointed the 2d of Auguſt following. Soon after this, the regents reſigned their commiſſions to Edward; but he returned them, with powers to act in his name; and he nominated the biſhop of Caithneſs to be chancellor of Scotland; join­ing in the commiſſion with him Walter de Hemondeſham an Engliſhman, and one of his own ſecretaries. Still, however, he met with great difficulties. Many of his own great men, particularly the earl of Glouceſter, were by no means fond of increaſing the power of the Engliſh monarch by the acquiſition of Scotland; and therefore threw ſuch obſtacles in his way, that he was again obliged to have recourſe to negociation and intrigue, and at laſt to delay the meeting until the 2d of June in 1292: but during this interval, that he might the better reconcile the Scots to the loſs of their liberty, he propoſed an union of the two kingdoms; and for this he iſſued a writ by virtue of his ſuperiority.

The commiſſioners having met on the ſecond of June 1292, ambaſſadors for Norway preſented themſelves in the aſſembly, demanding that their maſter ſhould be admitted into the number of the claimants, as father and next heir to the late queen. This demand too was admitted by Edward, after the ambaſſadors had ac­knowledged his ſuperiority over Scotland; after which he propoſed that the claims of Bruce and Baliol ſhould be previouſly examined, but without prejudice to thoſe of the other competitiors. This being agreed to, he ordered the commiſſioners to examine by what laws they ought to proceed in forming their report. The diſcuſſion of this queſtion was attended with ſuch dif­ficulty, and the opinions on it were ſo various, that Edward once more adjourned the aſſembly to the 12th of October following; at which time he required the members to give their opinions on the two following points: 1. By what laws and cuſtoms they ought to proceed to judgment; and, ſuppoſing there could be no law or precedent found in the two kingdoms, in what manner? 2. Whether the kingdom of Scotland ought to be taken in the ſame view as all other fiefs, and to be awarded in the ſame manner as earldoms and ba­ronies? The commiſſioners replied, that Edward ought to give juſtice conformable to the uſage of the two kingdoms; but that if no certain laws or precedents could be found, he might, by the advice of his great men, enact a new law. In anſwer to the ſecond queſtion they ſaid, that the ſuceeſſion to the kingdom might be awarded in the ſame manner as to other eſtates and great baronies. Upon this, Edward ordered Bruce and Baliol to be called before him; and both of them urged their reſpective pleas, and anſwers, to the follow­ing purpoſe.

Bruce pleaded, 1. That Alexander II. deſpairing of heirs of his own body, had declared that he held him to be the true heir, and offered to prove by the teſtimony of perſons ſtill alive, that he declared this with the ad­vice and in the preſence of the good men of his king­dom. Alexander III. alſo had declared to thoſe with whom he was intimate, that, failing iſſue of his own body, Bruce was his right heir. The people of Scot­land alſo had taken an oath for maintaining the ſucceſſion of the neareſt in blood to Alexander III. who ought of right to inherit, failing Margaret the Maiden of Norway and her iſſue. — Baliol anſwered, that no­thing could be concluded from the acknowledgment of Alexander II. for that he left heirs of his body; but made no anſwer to what was ſaid of the ſentiments of Alexander III. and of the oath made by the Scottiſh nation to maintain the ſucceſſion of the next of blood.

2. Bruce pleaded, that the right of reigning ought to be decided according to the natural law, by which kings reign; and not according to any law or uſage in force between ſubject and ſubject: That by the law of nature, the neareſt collateral in blood has a right to the crown; but that the conſtitutions which prevail among vaſſals, bind not the lord, much leſs the ſo­vereign; That although in private inheritances, which