the claimants to represent the blood of Lulach is exquisitely complex and obscure in this case—but in the end David annexed to the crown the great old sub-kingdom or province of Moray, and made grants therein to English, Norman and Scottish followers.

Some of the most eminent of his southern allies could not stand by David when, in the reign of Stephen and in fidelity to the cause of his niece, the empress Matilda, daughter of Henry I., he invaded England. The towns of Northumberland and Cumberland opened their gates, but he and Stephen met in conference at Durham, and David’s son Henry, prince of Scot­land, received the Honour of Huntingdon, Carlisle, Doncaster “and all that pertains to them ’’ (1135). Stephen’s relations with Henry became unfriendly, and in January 1138, in pursuance of Henry’s claim to Northumberland, David again invaded. A holy war against him was proclaimed by the archbishop of York, and on the 22nd of August 1138 Bruce, Baliol, and others of David’s southern allies renounced fealty to him, and he was defeated at the battle of the Standard, near Northallerton. David regained the shelter of Carlisle, a legate from Rome made peace, and Prince Henry received the investiture of Northumberland, without the strong fortresses of Bamborough and Newcastle.

The anarchic weakness of the reign of Stephen enabled David to secure his hold of northern England to the Till, but the death of his gallant and gentle son Henry, in June 1152, left the suc­cession to his son, Malcolm the Maiden, then a child of ten, and David’s death (24th of May 1153) exposed Scotland to the dangers of a royal minority.

David was, if any man was, the maker of Scotland. The bishoprics erected by him, and his many Lowland abbeys, Holyrood, Melrose, Dryburgh, Kelso, Jedburgh and others, confirmed the freedom of the Scottish church from the claims of the see of York, encouraged the improvement of agriculture and endowed the country with beautiful examples of architecture. His charters to landowners and burghs (charters not being novel in Scotland, but now more lavishly conferred) substituted written documents for the unwritten customs of Celtic tenure, and converted the under kings of provinces into earls of the king, while *vice-comites,* or sheriffs, administered local justice in the king’s name, though Celtic custom still prevailed, under a thin veneer of law, in the Celtic regions, as in Galloway. Where Anglo-Normans obtained lands in Moray and Renfrewshire, there seems to have been no displacement of the population: though a FitzAlan was dominant in Renfrewshire, the “ good men,’’ or gentry, still bore Gaelic names, till territorial names—“ of ’’ this or that place—came into use. In Lothian the place-names recorded in charters were already, for the most part, English. Beneath the freeholders and *noblesse* were free tenants, farmers paying rents, mainly in kind, and in services of labour and of war. Below these were the *nativi,* attached to the land, and changing masters when the land changed hands. These *nativi* were gradually emanci- pated, partly through the influence of the church, partly for economic reasons, partly through the rule that any *vilein*

became tree after a year’s residence in a burgh.

Thus Scotland never saw a *jacquerie* or servile rising. The burghs were not actually the creations of David and William the Lion, but the rights, duties and privileges which had gradually developed in the towns were in the time of these kings codified and confirmed by charters; the towns had magistrates of their own election, courts, and legalized open markets. The greater burghers had a union, and made laws and regulations for muni­cipal affairs. In addition to royal burghs, there were burghs of nobles and of bishops, and the provostship was apt to become, by custom, almost hereditary in a local noble family, which protected the burgesses.

The germ of a parliament existed in the crown vassals and the royal officials —chancellor, steward, constable, marischal and the rest—with bishops, priors, earls, barons and other *probi homines.* The term *tola communitas,* “ the whole community,’’ appears to denote all freeholders of gentle birth, who might be present at any important assembly for the discussion of national affairs. Burgesses do not yet receive mention as present on such occasions.

Scotland was as yet, and in fact remained, destitute of con­stitutional history as it appears in England. There was, technic- ally speaking, no taxation. The king “ lived on his own,” on rent of crown lands, feudal fines and aids, wardships, marriages, and the revenues of vacant bishoprics. Opposition used the mechanism of conspiracies; and changes of administration were effected by the seizure of the king’s person, especially during the many royal minorities.

In the matter of justice, royal succeeded to tribal authority. Offences were no longer against the individual and his kin, but against the king’s peace, or against the peace of subordinate holders of courts—earls, thanes, barons, bishops and abbots. Compurgation, the ordeal, and trial by battle began to yield to *Visnet, Jugement del Pais,* the “ good men of the country,” giving their verdict, while sentence was passed by the judge, sheriff, alderman or bailiff. “ The Four Pleas of the Crown,” murder, arson, rape and robbery, were relegated to the king’s court, under Alexander II. ruled by four grand justiciaries. While Roman law became the foundation of justice, a learned clerk was needed as assessor and developed into the Lord Justice Clerk. The *vice-cοmes,* or sheriff, as the king’s direct representative, was the centre of justice for shires, and his judicature tended to encroach on that of noble holders of courts. Royal authority, sheriffs, juries and witnesses gradually superseded ordeal, compurgation, and trial by battle, though even barons long retained the right of “ pit and gallows.’’

In the matter of education, the monasteries had their schools, as had the parish churches, and there were high schools in the burghs, and “ song-schools.” From the time of David to the death of Alexander III. Scotland was relatively peaceful, prosperous, and, in the south, anglicized, and was now in the general movement of western civilization.

Malcolm the Maiden, before his early death in 1165, had put down the menacing power of Somerled, lord of the Isles, a chief apparently of mixed Celtic and Scandinavian blood, the founder of the great clan of Macdonald, whose chiefs, the lords of the Isles, were almost royal; Malcolm also subdued the Celts of Galloway, sometimes called Picts, but at this time Gaelic in speech.

Malcolm’s brother, William the Lion (1165-1214), initiated the French alliance, fondly ascribed to the time of Charlemagne. William’s desire was to seize Northumberland; in 1173 he was allied with Henry, the rebellious son of Henry II., himself in alliance with France. The capture of William at Alnwick, in July 1174, permitted a Celtic revolt in Galloway, and necessitated the Treaty of Falaise, by which for fifteen years Scotland was absolutely a fief of England, though the clergy maintained their independence of the see of York, which was recognized by Pope Clement III. in 1188. In a quarrel of church and state the legate had been authorized to lay an interdict on Scotland; William and the country merely disre- garded it; and in 1191 a new pope absolved the Scottish king. The Celtic risings now were made in defence of the royal claims of a descendant of Duncan, son of Malcolm Canmore; there were also MacHeth claimants to the old rights of Lulach; Galloway and the Celtic north were ceaselessly agitated.

After the death of Henry II. in 1189, Richard I. sold back to Scotland all that his father had gained by the Treaty of Falaise, and William only became Richard’s man—for all the lands for which his predecessors had been liegemen to the English kings, a vague phrase but implying that the king of Scotland was not liegeman for Scotland. To John, William did homage (1200) *salvo jure suo.* In 1209 he promised to purchase John’s goodwill with 15,000 merks, and gave hostages. Peace was preserved till William died in 1214.

In the reign of his successor, Alexander II., the risings of Celtic claimants died out; he converted Argyll into a sheriffdom, and (1237) resigned the claims to Northumberland, in exchange for lands in the northern English counties with a rental of £200 yearly. His death in 1249 left the crown to his son, Alexander III., a child of eight, in whose minority began the practice by which parties among the nobility seized the person of the sovereign. At the age of ten, Alexander,