

## Original Documents.

### SAFE CONDUCT GRANTED BY JAMES III., KING OF SCOTS, TO THE EARL OF WARWICK AND OTHERS.

THE following Document was brought to light among the miscellaneous muniments in possession of the Mayor and Corporation of the city of Carlisle, which through their permission were liberally laid open to inspection, on the occasion of the recent meeting of the Institute in that city. It purports to be a Safe-conduct from James III., King of Scots, to the Earl of Warwick and other persons for fifteen days, and is dated at Dumfries, 17 June, 1462, under the king's Great Seal; whereas it has in fact appended to it only the seal of the city of Carlisle. It is thus indorsed—"A Safe conduct made by the kinge of Scotteland to certaine Earles fled into Scotland, anno 1462." This indorsement, which is in a much later hand than the document itself, must be an error, as at that time the Earl of Warwick and the other persons mentioned in it could not have fled into Scotland, for the Yorkist party to which they belonged was then dominant, and they were in favor with Edward IV., who had recently acquired the crown. William Earl of Kent was an uncle, and John Lord Montague, a brother of the Earl of Warwick, and the others were well-known partisans of the house of York.

The Safe-conduct was in all probability granted for the protection of some embassy. We learn from the Annals of William of Worcester that in the month of April, 1462, the Earl of Warwick and others went as ambassadors to Dumfries to meet the Queen of Scots, as it was reported, on the subject of a proposed marriage between her and Edward IV.<sup>1</sup> We learn also from one of the Paston Letters, which should seem to have been written in the latter part of July in the same year, that the Earls of Warwick and Essex, Lord Wenlock, the Bishop of Durham, and others were about to go on an embassy into Scotland.<sup>2</sup> It is not improbable that the negotiation as to the marriage was continuing from April to July in the above mentioned year. No embassy corresponding with the date of the document preserved at Carlisle is found recorded in Rymer's *Fœdera* or the *Rotuli Scotiæ*; nor has mention of it been found elsewhere.

It will be remembered that after the fatal battle of Towton, in March 1461, Henry VI. and his Queen had taken refuge in Scotland, where they were favourably received by the Queen Regent, James himself being at

<sup>1</sup> "Eodem mense [Aprilis] dominus Warrwici cum aliis ambassiatoribus adivit Donfrys in Scotia, ubi obviavit Reginae Scociæ, ut dicebatur, pro maritaggio habendo inter Edwardum Regem Angliæ et ipsam." *Wilhelmi Wyrester Annales rerum Angl.*, printed in *Hearne's Liber Niger*, vol. ii. p. 492, second edit.

<sup>2</sup> The passage occurs in a letter, without date, from Thomas Playter to John Paston, sen. :—"Please your maistership vete that Christofer Hanson is ded

and beryed, and as for exec' or testament he mad non. As for tydyngs the Erles of Warr', of Essex, lord Wenlok, Bysshop of Dereh'm and other go in to Scotland of Inbassat. And as for the sege of Kaley we here no more ther of," &c. *Paston Letters*, vol. iv. p. 124, orig. ed. t. In another letter, vol. i. p. 270, Playter informs John Paston that Christopher died on Saturday next before St. Margaret's day (July 17) in the second year of Edward IV. In the same letter the

that time a child of about nine years old. It was a great object with Edward IV. to undermine their influence at the Scottish court, and to alienate the Queen of Scots from their cause. He had also conceived the project of the conquest of Scotland. It appears that shortly after his accession Edward entered into a treaty with John Earl of Ross, Lord of the Isles, Donald Balagh, and John de Isle, son and heir apparent of Donald, and James Earl of Douglas, who was then in England, (to all of whom he had agreed to allow pensions) for the conquest of Scotland with their assistance.<sup>3</sup> This treaty is dated at London on February 13, 1462, having been entered into with envoys from the Lord of the Isles, and it was ratified by Edward IV. on March 17 following.<sup>4</sup> By the terms of this treaty the Lord of the Isles, Donald Balagh, and his son were to ratify it before July 1, in the same year. It seems highly probable that the object of the mission of the Earl of Warwick and others named in the Safe-conduct was either to obtain that ratification, or, if that had taken place, to make arrangements with the Lord of the Isles, Donald Balagh and his son, in furtherance of the object of that treaty; and that the affair of the marriage proposed with the Queen of Scots was a pretext that might render the real object of the embassy unsuspected. It may have been thought expedient that the Earl of Warwick should have with him an armed force sufficient to secure him against any surprise; and hence the retinue of 300 that were to accompany him, apparently to do honour to an embassy to the Queen.

The singularity of a Safe-conduct purporting to be under the Great Seal of Scotland, but having only the seal of an English city appended, has appeared to entitle it to notice. It can hardly be regarded as the original Safe-conduct, since it is difficult to suppose that a document purporting to be so sealed should have, under any circumstances, another totally different seal instead of the Great Seal of Scotland; and it can hardly be supposed that the city seal of Carlisle should have been at Dumfries. Under these circumstances, more especially as the handwriting appears to be rather of an English than a Scottish character, we are disposed to conclude that the document must be regarded as a copy of the Safe-conduct under the Great Seal of Scotland, authenticated by the city seal of Carlisle, although there is no statement to that effect upon it. If such were the case, in all probability it was originally accompanied by another document explanatory of the circumstance.

We are indebted to Mr. Joseph Robertson of the General Register House, Edinburgh, for the information that no trace of any safe-conduct "*sub magno sigillo*," granted to the Earl of Warwick at the period in question, is to be found in the Great Seal Register; which, as he remarks, is to be accounted for by the well-known irregularity with which the Register was kept at that time.

Jacobus, Dei gratia Rex Scottorum, universis et singulis ad quorum noticias presentes littere pervenerint salutem. Sciatis quod suscepimus in

following mention occurs of an embassy to the Queen of Scots—"Item plesse you wete of other tytyngs, these Lords in your other letter with Lord Hastyngs and other ben to Karlyle to resseve in the Qwen of Scotts, and uppon this appoyntment Erle Duglas is comaunded to come thens, and as a sorwefull and a sore

rebuked man lyth in the Abbey of Seynt Albons." This letter, as appears from internal evidence, must have been written at least some months later.

<sup>3</sup> Rymer, *Fœdera*, vol. xi. pp. 484—487.

<sup>4</sup> The treaty will be found also in the *Rotuli Scotiæ*, vol. ii. pp. 405, 407.

salvum et securum conductum nostrum, ac in proteccionem, tuicionem, et defencionem nostras speciales, Ricardum Comitem Warwic, Willelmum Comitem Kent, Reverendum in Christo Patrem Laurencium Episcopum Dunolmensem, Johannem Dominum Muntagu, Radulphum Baronem de Graystoke, Willelmum Dominum de Hastynges, Johannem Dominum Wenloke, Robertum Dominum Ogle, Thomam Dominum Lumley, Johannem Langstrothyr militem,<sup>5</sup> magistrum Willelmum Withame,<sup>6</sup> et Thomam Colte,<sup>7</sup> Anglicos, infra regnum nostrum, conjunctim seu divisim, cum tricentis personis vel infra in sua comitiva, eciam Anglicis, ubi eis melius placuerit, durante presenti salvo conductu nostro, cum suis equis, harnesiis, rebus, bulgeis, kasketis, ferdellis, literis, scripturis clausis et apertis, focalibus, auro, argento, monetato et non monetato, armaturis et apparatibus guerre defensivis et invasivis quibus cumque, ac suis rebus et bonis, salvo et secure, veniendo, ibidem morando, et ad partes proprias, cujuscumque status, gradus, preeminencie, aut sexus vel condicionis existant, conjunctim seu divisim, cum suis rebus et bonis, ut premissum est, redeundo, absque impedimento vel perturbacione ligiorum nostrorum quorumcumque. Quare vobis precipimus et mandamus qualiter dictas personas infra regnum nostrum, ut premissum est, veniendo, ibidem morando, et ad partes proprias redeundo, manuteneatis, protegatis, et defendatis, non inferendo eis aut eorum alicui in eorum personis, rebus, aut bonis, seu quantum in vobis est ab aliis inferri permittendo, malum, molestiam, injuriam, violenciam, impedimentum, dampnum aliquod seu gravamen, sub omni pena que competere poterit in hac parte. Et, si quid eis vel eorum alicui forisfactum sive injuriatum fuerit, id eis et eorum cuilibet debite corrigi et reformari faciatis indilate. Si autem infra tempus duracionis presentis salvi conductus nostri contigerit aliquem vel aliquos personarum predictarum, cujuscumque status existat seu existant, corporis gravitate detineri, volumus quodpresens salvus conductus noster servetur integer et illesus ad mensem postquam de hujusmodi infirmitate convalescerit seu convalescerint, ut infra illum mensem ad partes proprias et securitates redire poterit seu poterint. Nolumus autem presentem salvum conductum nostrum delicto alicujus personarum predictarum infringi, set quod delinquens si quis fuerit juxta quantitatem delicti (*sic*) prout justum fuerit puniatur. Presentibus pro quindecim diebus immediate sequentibus datam earundem in suo robore duraturis. Datum sub magno sigillo nostro apud Drumfres (*sic*), decimoseptimo die mensis Junii, Anno Domini millesimo quadringentesimo sexagesimo secundo, et regni nostri secundo.

An impression of the seal of the city of Carlisle is appended on a parchment label; the impression is on red wax. Obverse,—The Virgin seated, holding the infant Saviour on her knee, a lily in her right hand. Inscription,— *s'. COMMVNIS : CIVIVM : KARLIOLENSIS.* On an inner circle,— *AVE MARIA : GRACIA PLENA.* Reverse,—a plain cross with a sex-foiled flower at the intersection, between four sex-foils. Inscription— *s'. COMMVNIS : CIVIVM : KARLIOLENSIS.* The form is circular; diameter 3 inches.

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<sup>5</sup> John Langstrother, Preceptor of Balsall (Warwickshire), occurs in 1 Edw. IV. as one of the visitors of the Houses of St. John of Jerusalem in England. Rymer, vol. xi. p. 477.

<sup>6</sup> Probably William Witham, Prebendary of Lincoln, who became Archdeacon

of Leicester in 1458, and Dean of Wells, 1469: he died there in 1472. Le Neve, edit. Hardy.

<sup>7</sup> Thomas Colt occurs in the Kalendars of the Exchequer, in 2 Edw. IV. vol. iii. p. 2. He was "unus camerariorum de Scaccario."