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THE UNSPEAKABLE SCOT—AGAIN!

WILLIAM RENWICK RIDDELL

In a former paper, I examined the legislation of England as affecting Scotland and indicating the opinion of the Scot which was held by Englishmen of old. I thought it might be of interest to see how Scotland in her legislation indicated her opinion of the Southron.

Remembering the reputation of the Scot "canniness"—it has a worse-sounding synonym, but we'll let that flea stick till the wa'—I was delighted to find in the very first Statute relating to England, a strong indication of financial friendliness toward the neighbor to the South. At the Parliament holden Apud Sconam, VI Die Novembris, A. D. M, CCC, LVII, i. e., November 6th, 1357, in the reign of David II, it was enacted: "Item . . . q. omnis bona moneta Regis Angl. auri vel argenti e Recipiatur p. Regnum scocie Ar verum valorem prout in Anglia potest dari"—i. e., moreover, all good money of the King of England, of gold or silver, is to be taken by the Kingdom of Scotland at the actual value at which it can be given in England. Can anything be fairer than that—even if one is mean enough to remember that the pound Scots was worth about an English shilling? Of course, there will be carpers and sneerers, who will try to make it appear that this statute was for the advantage of Scotland and not intended as a graceful gesture to England—but then there were some who said something of the same kind concerning the offer of Reciprocity by the United States to Canada.

And it is not to be forgotten that this legislation was but a few years after England had insisted that King David should pay his ransom of 90,000 marks in *Sterling* on the pitiful excuse that the coinage of Scotland was debased. It was surely a magnanimous thing to do, to offer to take English money at par, even when England was refusing to take Scottish money at par.

The next Statute which I notice seems to have been in some measure retaliatory; in the reign of Robert II, at a Parliament holden Apud Sconam, II Die Martii, A. D. M, CCC, LXXI, i. e., March 2nd, 1371, the following was enacted: "Item ordinatum est q. equi non vendantur anglicis nec aliquo modo extra Regnum vz. in angliam" I shall translate the whole Chapter—"Moreover, it is ordained that horses are not to be sold to the English, or in any way

out of the Kingdom, that is, to England; and that the care of this be committed, and it is hereby committed to the Wardens of the Marches, who will levy off the vendor, the value of the horse sold and the horse sold itself confiscate to the use of the King, if it can be taken; and the third part of the value will be given to the Warden for his labor and the remainder paid to the Chamberlain to be accounted for by him. It is permitted to sell other chattels, that is, beeves and sheep and other animals of that kind”

It will be remembered that a few years ago, that is in 1353, by the Statute, 27 Edward III, c. 12, it had been prohibited to sell English wool, etc., to Scots or to Scotland; and this Scottish Statute was not nearly so severe as the English one.

Of course, Englishmen had to be watched; and consequently, by *The Statutis and Use of Merches*, dated March 15th, 1384, the “Court of the Wardane of the Merchis” was given jurisdiction over many kinds of offences. It may be well to name a few of “the poyntis belangand to the wardane court.” “In primis, quateuer he be yat warnys Inglisemen of Scottisemenis oistis,” i. e., “In the first place, whatever he be that warnys Englishmen of Scotsman’s hosts.” Can any possible fault be found with the disciplining of any one whatever he be that actually tried to defraud honest Scottish reivers of their legitimate prey across the Border, by warning the intended victims of the approaching host, set on ravaging them? Go to! To avoid any possible complications, it was further provided that the Warden’s Court should attend to “yame yat spekis with Inglisemen but leif of ye king or wardane,” i. e., “them that speak with Englishmen without leave of the King or the Warden.” Still more heinous was the offence of “yame yet has spokin with Inglisemen in illing of Scotis men specially or commonly in tressonable manere,” i. e., “them that have spoken with Englishmen to the injury of Scotsmen, individually or collectively, in treasonable manner.” And they were not much better who are described as “Scotishmen yat helpis to bring Inglisemen out of presoune or out of festyning,” i. e., “Scotsmen that help to get Englishmen out of prison or custody”—why in earth could the captive Englishmen not stay put?

But it is not to be supposed that even the Englishman was not looked after and protected, for “steling of Inglisemenis gudis in tym of trewis,” i. e., “stealing Englishmen’s goods in time of truce” was strictly forbidden—naturally it was all right to steal anything from an Englishman at any other time; but “we must discriminate.”

At the Parliament “haldin in ye town of perthe ye xij day of m’che ye zer of God MCCCCXXIV,” in the reign of James I, it was, *inter*

alia, "ordanyt yat . . . ye king sall haf . . . for custum . . . of ilk pundis worth of Inglis guds brocht i. ye realm to sell, xxxd."—that was pure protection for home manufacture, surely legitimate in Scotland in the 15th, as in America in the 20th Century.

That there was anything like want of desire to live in harmony with the somewhat troublesome neighbors to the south is surely contraindicated by the intention to have a similar currency; in 1451, in the reign of James II, it was determined that "yar be strikyn in y's realme new mone conformyt ewin in wecht to ye mone of Inglande"—and to show magnanimity, it was further "ordanyt . . . at the Inglis grote of ye quhilk viii grots holds ane vnce half cours richt swa for viii d. ye pece & the half grot Inglis c'formande to ye said grote i. wecht haf course for iiiii d. . . ." i. e., "ordained that the English groat (which, it will be remembered, was 4 d.) of which eight groats hold an ounce, have currency for eight pence each, and the English half groat conformable to the said groat have currency for four pence. That meant that English money was to be reckoned at double the value of Scots money of the same name—an exhibition of altruism equalled only in our own times, when the United States for some years during and after the Civil War, insisted in allowing one Canadian dollar to be equivalent to two American dollars.

All this friendliness seems to have been wasted, for we find a few years later, that a Parliament holden "Apud Strivilling, XIII Die Octobris, A. D., M, CCCC, LV," i. e., "At Stirling, October 13, 1455," in the reign of James II, simply had to pass some more stringent legislation; and, *inter alia*, it was enacted; "ITEM gif ony Scots. ma. dois ony tresone yt is to say warnys of ye riding of ane hoist or ony scotts ma. to do harm in Inglande or to Inglisme. and it may be opinly knawn upon him he sall furthwithe hafe ye comon law ande be hangyt and drawyn and his guds eschet to the king," i. e., "Moreover if any Scotsman does any treason, that is to say, warns of the riding of a host or of any Scotsman to do harm in England or to Englishmen and it is publicly established against him, he shall forthwith have the common law and be hanged and drawn and his goods be escheat to the King"—and serve him right at that, for warning an Englishman!

The same Parliament also forbade Scots from bringing Englishmen into the kingdom or meeting them "at ony tristys" on pain of being "punyst at ye kingis will." A subsequent Parliament at Edinburgh, October 19, 1456, forbade "vitalys passande to berwik Roxburgh and Inglande." England was not to be supplied with victuals; Berwick was disputable territory and too near England when it was

not actually English, while Roxburgh was not loyal to this King—my own ancestor narrowly escaped the gallows for what they persisted on looking upon as treason but which was only a little exhibition of personal freedom to settle personal grievances in his own way. There was, however, real fear of the Roxburgh folk proving troublesome.

At Edinburgh, October 12, 1467, it was enacted that the old English groat should pass for 16 d.; “ye new Inglis grot of Eduarde for xii d. . . . ye aulde Inglis peny iii d.,” etc.

The climax of Scotland's wrongs seemed to be reached in 1481—the description would lose by suppressing the original language: in which the Estates of Scotland expressed their indignation on March 22nd, 1481. It will be remembered that Edward IV of England had reasserted the old claim that Scotland was a possession of the King of England—think of it!! and had talked loudly of what he was going to do with “his rebels in Scotland,” but a Truce was arranged in 1457 which lasted for some time. Now, let us see what the Scottish Parliament was to say; “AND becaus It is varraly traistit and supponit that the saide Revare Eduarde throu birnand averice and for fals Reif and conqueist Nocht dredand god nor the effusioun of c'stin blude nor havand respect or Remembrance that he was oblist and sworne to haue keptit the trewis foresaide Bot postponand the band of his lawtee & honoure that he suld haue had Is alutly. set to continew in this were that he has movit and begunyn. and be all his powere tendis and schapis to Invaid & distroye and in sa far as he may to conquest this Realme the thre estaits foresaide has tharefore hertfully of yare avn. free will grantit & promittit to oure saide souerane lord to Remane & abide at the command. of his hienes with thare persons and all yar substace. of Landis & gudis In the defence of his maste noble persoun his successioun Realme & liegs. as thai and thare forbearis has of all tymes done of before,” i. e., “And because it is verily believed that the said Reiver Edward, through burning avarice and for false robbery and conquest, naught dreading God nor the effusion of Christian blood nor having respect or remembrance that he was obligated and sworn to have kept the Truce aforesaid; but disregarding the obligations of his loyalty to his word and his honor that he should have had, is absolutely set to continue in this war that he has moved and begun, and with all his forces intends and is shaping to invade and destroy and in as far as he can (mark the words!) to conquer this Realm; The three Estates aforesaid have, therefore, with all their heart and of their own free will granted and promised to our Sovereign Lord to remain and abide at the command of His Highness with

their persons and all their substance of lands and goods in the defence of his most noble person, his succession Realme and legiance as they and their forbears have done in all past time"—you see, they had not been rebelling against the King for some thirteen or fourteen years, and had a right to speak of old-time loyalty.

At the next Parliament holden "Apud Edinburgh, II Die Decembris, A. D., M, CCCC, LXXXII," i. e., "At Edinburgh, December 2nd, 1482," a real desire for peace was shown, the Parliament saying: "IT Is ordanit avisit and Concludit be oure soureane lord and his thre estaitis being assemblit in this pnt. parliamet. that pece be takin with Ingland gif It can be had with honor but incoueniet . . . ," i. e., "it is ordained decreed and determined by Our Sovereign Lord and his three Estates being assembled in this present Parliament that peace be made with England if it can be had with honor and without injury." Is this the original of Disraeli's "Peace with Honour," which he brought back from the Congress of Berlin?

There was "pece . . . takin betuix our soverane lord and Richard king of England" and a "meriage and aliance appunctit to be maid and performyt," but this raised trouble and caused King James III to be accused by his subjects of truckling to England. The Truce of James IV with England in 1489 does not seem to have been very satisfactory, either, but it was directed to be strictly obeyed.

What was the precise occasion does not seem to have been preserved, but in 1525 at a Parliament holden at Edinburgh, February 22nd, 1524 (O. S.), the following was enacted: "ITEM It Is statut. and ordanit yat lires. be direct. to mak pclamatiouns, apon ye borders at all places neidfull yat nane of oure soureane lords liëgt. tak'apon hand to haif in Ingland mchandice. sic as woll hyde skyn. clai. or sic mchandice or zit nolt or schein unde. ye pane of escheting of ye sami. . . ." i. e., "Moreover, it is enacted and ordained that letters be directed to make proclamations upon the Borders at all places needful, that none of our Sovereign Lord's liegemen take it in hand to have in England merchandise such as wool, hides, skins, cloth or such merchandise or yet cattle or sheep under pain of escheat of the same"

In 1533, the Parliament retaliated for the English Act of 1532, 23 Henry VII, c. 16, which made it a felony punishable with death to "sell, exchange or deliver to any Scotisman or within Scotland any horse, gelding, etc.," by enacting that the law "for saving and keping gold, siluer & money within the realm . . . be put to dew and scharp executioun in all punctis." And in 1535, it was enacted "That

. . . na man of this Realme by ony Inglis hors furt. of ye Realme of England for money or be bartouring wt . . . stuff sick as nolt schepe hors vittalis or . . . cattell" This particular provision seems to have been suppressed but the further provision was allowed to come into effect, viz., "yt all manr. of personis havand studis and stude places w'in yis Realme mak ye sami to be plenist wt. stude . . . mers and gret stallonis for furnessing of hors. to all maner of personis w'in ye Realme"—the cancelled words meaning "That . . . no man of this Realm buy any English horses out of the Realm of England for money or by bartering with . . . stuff such as cattle, sheep, horses, victuals or neat-cattle"; the effective part meaning "that all manner of persons having studs or stud places within this realm make the same to be furnished with brood mares and great stallions for furnishing horses to all manner of persons within the Realm." And in the same year, it was prohibited to sell "nolt s̄chepe to Inglismen nor send vittalis fische or salt in Ingland."

Scotsmen may have their faults; but no one can say that they never have been abundantly able to look after themselves.