

Reassessing the Scottish Parliamentary Records, 1528-1548: manuscript, print, bureaucracy and royal authority

Amy Blakeway

Date of deposit	21 01 2022
Document version	Author's accepted manuscript
Access rights	Copyright © 2021 © The Parliamentary History Yearbook Trust 2021. This work has been made available online in accordance with publisher policies or with permission. Permission for further reuse of this content should be sought from the publisher or the rights holder. This is the author created accepted manuscript following peer review and may differ slightly from the final published version.
Citation for published version	Blakeway, AL 2021, 'Reassessing the Scottish Parliamentary Records, 1528-1548: manuscript, print, bureaucracy and royal authority', <i>Parliamentary History</i> , vol. 40, no. 3, pp. 417-422.
Link to published version	https://doi.org/10.1111/1750-0206.12583

Full metadata for this item is available in St Andrews Research Repository at: <https://research-repository.st-andrews.ac.uk/>

Reassessing the Scottish Parliamentary Records, 1528-1548: manuscript, print, bureaucracy and royal authority¹

In 1542 the first printed acts of the Scottish parliament appeared from the press of Thomas Davidson. Covering two sessions, those of 1535 and 1540-1, this stylistically impressive volume has not been afforded a prominent place in either histories of James V's reign or histories of parliament.² Indeed, the printed *Actis* were not employed as a potential source by the editors of the digital *Records of the Parliament of Scotland [RPS]* project, who instead relied upon three contemporary manuscript records of James's parliaments, now bound together in one nineteenth-century volume.³ Ironically, however, ignoring the printed volume has contributed to a misunderstanding of the nature of the manuscript record itself. Catalogued as 'acts of parliament' by the National Records of Scotland catalogue, and described as 'official centrally held registers of acts of parliament' or, simply, 'parliamentary registers' by the *RPS* project, at least one of these early modern volumes was nothing of the kind. In fact, it was a working draft of the first printed Scottish statutes, published in 1542.

Correctly identifying the nature of this record has major implications for our understanding of the Scottish Parliament and the governance of Scotland more broadly in this period. As we shall see, the production of the printed acts of parliament was only possible due to the efforts of highly trained professional administrators. The annotations left on the parliamentary records (and, indeed, other governmental documents produced at this time) also allow us a glimpse into a broader administrative culture characterised by reorganising and preserving records and the review and re-promulgation of previous acts. Such intense administrative activity was not only inward-looking: examination of the physical form these records took shows that efforts to publicise Scotland's laws in this period were part of the much better known attempt to project royal authority through history and the articulation of a Scottish *Imperium* in this period.⁴ Indeed, these ventures were not simply connected; they were carried to fruition by the same group of royal officials, who combined the qualities of talented administrators and men of learning and culture. In comparison to the significant attention to cultural developments in 1530s Scotland, the Scottish administration of the 1530s is an under-researched area. Accordingly, many of these points raised in this article represent an initial foray into largely uncharted territory. Nevertheless, even given the evident need for further investigation fully tease out the implications of these findings, it is clear that the research discussed in this article marks a departure from the existing historiography which has largely located administrative growth in 1560s Scotland and interest in the codification and publication (whether in manuscript or in print) of law in either the late fifteenth or late sixteenth century.⁵ Observing a talented cadre of administrators promulgating royal law as part of a broader assertion of royal

authority in the 1530s suggests stronger parallels with developments in the England of Henry VIII and France of François I than we have hitherto believed to be the case.⁶

This case rests on a radical reinterpretation of a manuscript identified as an ‘official register of parliament’ since at least the late nineteenth century as something quite different: a draft for the first printed *Actis* of the Scottish Parliament. Accordingly, this requires careful proof: the first part of this article will provide this, offering a detailed discussion of two manuscript volumes now held in the National Records of Scotland, PA2/8/III and PA2/9/I, respectively covering the adult parliaments of James V from 1532-42 and the first six years of his daughter, Mary, Queen of Scots’s, minority, 1542-8. These need to be considered together because, as we shall see, although now separate they were originally one volume. If this opening section effectively serves to clear the garden of weeds rather than suggesting a new planting scheme with which to replace them, this is nevertheless worth taking some time over because we need to understand the nature of the record before we can begin to make conclusions from it. The second part of this article will draw out three important implications arising from this reassessment of the records, relating to parliament’s role as a court, the structure of early modern record keeping, and the significance of parliament and the laws in the context of a broader reassertion of royal authority undertaken by James V. Cumulatively, these claims speak to the importance of institutional structures, royal administration generally and parliament in particular, to James V’s regime. As such, this builds on an initial body of work developed by R. K. Hannay showing that this period was one of conciliar development.⁷ More recently, Athol Murray’s discussion of the Exchequer, John Cairns’s and Mark Godfrey’s reassessment of the administrative significance of the foundation of the College of Justice in 1532 and the development of Scotland’s central civil court, the Session, and my own research on James’s Privy, or Secret, Council, have cumulatively contributed to a case that the Scottish Council was dividing into more specialised fora in the 1530s, a phenomenon which at least coincided with, and may have been causally related to, an expansion in its workload.⁸ We now appreciate the importance of the Council in, for instance, Anglo-Scots diplomacy and the technical expertise of the royal administrators which underpinned the development of the Session. Showing how the same skilled minds diligently worked selecting statutes to be printed brings Parliament into this story of institutional and administrative development for the first time.

To build the case regarding PA2/8/III we need first to situate it amongst the other extant Parliamentary records of the period. James V’s adult parliaments are recorded in three manuscript books. The first (PA2/8/I) covers 1524-31, the next (PA2/8/II) covers 1532-8, and the third (PA2/8/III) covers 1532-42. Despite the six years of overlap, PA2/8/III excludes the 1533-4 and 1536 meetings

entirely and omits several items of business from the sessions it does cover. Each is generally neatly written, suggesting these were fair copies, and PA2/8/II contains some blank sheets, suggesting that the compiler was waiting for more material. Early sets of foliation and marginal annotations show that these began their lives as separate volumes, and although it is not possible to date all of this the hands appear early modern and some of it matches the ink used for a note of the date '1626' on the cover page. The standard register house binding suggests these were bound together for the first time under the aegis of the nineteenth-century deputy clerk register, Thomas Thomson. Each page was mounted individually for this binding, and in this process the edges have been trimmed, leaving pages of slightly different sizes, moreover the edges of the verso pages have been obscured.⁹ This has had the unfortunate effect of partially removing some marginal annotations and in all likelihood completely excising others.

Pre-Thomson marginalia on PA2/8/III reveal that this change in binding was not the most radical alteration to the records which he oversaw. PA2/8/III was originally the first part of a volume which also contained the records of Mary's parliaments, covering 1532-1548. The 1542-1548 material is now bound and catalogued separately as PA2/9/I. Early modern continuous foliation is still visible across both books, and a pre-Thomson annotation on the front of PA2/8/III shows it once contained materials dating up to 1548.¹⁰ Further corroborative evidence regarding the state of the manuscript before Thomson's interventions can be found in William Robertson's *The Parliamentary Records of Scotland in the General Register House 1240-1571*. Following a blistering assessment by Thomson, this edition of the parliamentary records was suppressed.¹¹ However, Robertson did note some details of the make-up of the records as he found them, and these comments confirm that the three items now bound together were also separate books when he encountered them.¹² Robertson's notes also confirm that he saw a volume which ran to 1548 and comprised 167 folios – in other words, PA2/8/III added to PA2/9/I.¹³ This marks an important contrast with Thomson's own editorial approach, which obscured differences between sources in order to give an 'impression of uniformity' drawn from 'a well-ordered set of records'.¹⁴ Indeed, comparison between his work and Robertson's suggests that the excision of marginalia noted above is unlikely to have provoked any concern on Thomson's part since 'Robertson's 1804 edition had been suppressed in part because it had reproduced what Thomson regarded as undesirable scribal errors and irrelevant annotations'.¹⁵

Over twenty years ago Athol Murray established that Thomson had split a council register into two parts at May 1532. This obscured the shape of the original manuscript whilst forcing the records to conform with his notion that the endowment of the college of justice, which constituted a significant event in the development of the court of session, Scotland's central civil court, ought to

have prompted a new register.¹⁶ Evidently, this most interventionist of record-keepers also cut up and rebound the records of parliament to better to conform to his apparent belief that parliamentary records ought to be organised on the principal of regnal years. This notion may have been influenced by the practice of numbering statutes based on the monarch who issued them. It is also possible that his decisions surrounding binding the manuscripts were influenced by his preconceptions - or those of his binder, Mrs Weir - surrounding how a register of parliament ought to look.¹⁷ The original materials were produced on paper size c.22cm by c.29.5cm, but they were mounted onto paper 37cm by 48cm in size. Essentially, the modest quarto was transformed to a display-sized folio. This, unlike the original manageable and easily portable books, is unwieldy and cumbersome to carry – but it is closely comparable to the size of the printed editions of the statutes, including Thomson’s own work.¹⁸ It seems plausible, therefore, that the binding was intended to make the sixteenth-century originals look how Thomson thought a register of parliament ought to appear.

Regardless of why Thomson made these particular ‘conservation’ decisions, the original rationale behind the organisation of the extant registers was evidently different. The division between PA2/8/I and PA2/8/II is 1532. This was the year that a new clerk register was appointed. This official had responsibility for the creation and keeping of records, as well as the production of copies authenticated by their sign manual and as clerk of the council would have attended its meetings.¹⁹ As the creators and keepers of the government’s records, the men who held the role of clerk register in the sixteenth century evidently played a significant role in shaping what was recorded and the form in which it has reached us. Whilst more research is needed into this vital administrative position, it is clear that the clerk register’s influence over the records was extensive. James Foulis of Colinton, who took post in 1532, was an accomplished Latin poet and a lawyer who had trained in France before building a career in Edinburgh encompassing national politics and law.²⁰ Having represented Edinburgh in parliament and frequently appeared as an advocate before the council, Foulis was also appointed to the session at the same time as he took up the office of Clerk Register.²¹ In August 1529 he and two other Edinburgh lawyers, Francis Bothwell and James Lawson, had been appointed to sit on James’s secret council and ‘be with’ the King.²² Foulis therefore entered post as a professional administrator with considerable experience. PA2/8/I had been produced under the aegis of Foulis’s predecessor, Gavin Dunbar, bishop of Aberdeen, but at some point it was passed to Foulis, since it bears annotations in his hand.²³ The 1535 parliament repassed three acts from the 1525 Parliament as well as others from the reigns of his predecessors, and Foulis annotated each of these.²⁴ Notably, this includes the 1525 act against Lutheran books.²⁵ This pattern suggests that these specific annotations were produced in the context of preparations for the 1535

Parliament: more broadly it is clear Foulis's working practice as clerk register included returning to the original manuscript and annotating it when materials were required again in a new parliament.²⁶ Two further acts were marked up in anticipation of the 1540-1 parliament.²⁷ This practice of extensively annotating the records of previous parliaments helps to explain why a second copy of materials from 1532 onwards was produced in PA2/8/III.

Usual legislative practice in the Scottish parliament was that a committee, known as the lords of the articles, produced draft legislation ('articles' were equivalent to the English 'bills') which would then be debated, potentially revised and in due course voted on to become statute. The extent to which this committee served as a mechanism for royal control over parliament at various points in its history has provoked significant debate, which now is not the time to enter into, although it is important to note that it should not be seen as synonymous with the council – most obviously, it included representatives of the third estate, the burghs, who were not regular councillors.²⁸ Nevertheless, in 1535 something unusual happened. Rather than the lords of the articles presenting potential legislation to the whole of parliament for approval, as was customary, the King and estates gave 'to the lordis of articulis fornamyt full power of parliament to devise and mak sic actis, statutis and constitutionis for gude reule, justice and police to be had within the realme'.²⁹ Whilst parliamentary commissions were a normal method of dealing with specific issues, endowing the lords of the articles with *plenum parlamentum* to deal with a wide portfolio of business was unusual.³⁰ The rationale for this in 1535 was that there were so 'mony actis' necessary to be passed that 'it ware bayth tedious and sumptuose to the haile estatis to byde and remane tharupone'. Although this text makes clear that acts passed in 1535 by this committee were 'to have the samyn forme, strenthe and effecte as the samyn ware maid and statute be all the thre estatis beand personaly present', it also provided that they would 'be pronuncit in presens of the kingis grace quhat day and place sall please his grace'. This took place before parliament when it met in December 1540.³¹

This combination of activities meant that the manuscript was heavily annotated – we have already seen that Foulis marked up books produced by his predecessor to indicate those acts to be repassed in 1535. However, the articles proposed in 1535 were in their turn reviewed and annotated twice. The first set of annotations comprises notes which reveal a process of consultation between the lords of the articles and James. These are not as full as the types of notes evident on draft legislation later in the century, but three articles regarding military preparations, two relating to the acquisition of artillery and the third on building strong houses on the borders, were marked with 'refertur Regi' or 'consuletor Rex', each annotation was, in turn, scored through.³² Although we lack

details surrounding the process of consultation to which these notes alluded, it seems reasonable to speculate that on this occasion deliberations took place after the whole parliament had been dismissed and it is unlikely that James sat with the articles. Had he been in the room when these suggestions were being made arrangements would not have been needed to consult with him separately. If so, royal absence from the committee marks a significant point of contrast with practice under his grandson James VI.³³ The scoring through of the notes regarding royal consultation may have signified that the projected discussions had now taken place. The article on building up strengths on the borders marked up for royal attention was marked 'deletur' and 'no'. This is a pretty unambiguous indication that it had been rejected, presumably by James. Further evidence that this article, and others amongst those not marked for James's attention which featured a marginal 'no' or which lacked the note 'pronuncitur', did not make the transition to statute can be found in the fact such articles were not printed in the version of the 1535 statutes which appeared in the 1542 edition of the *Actis*.³⁴ This gives the impression that the PA2/8/II list as a whole was not a list of statutes passed by the lords of the articles (as the editors of the *RPS* suggested), but rather a list of articles – draft statutes - drawn up by that committee, the items amongst which that became statutes were in due course copied into PA2/8/III and from thence appeared in the *Actis*.³⁵ Indeed, the practice of marking 'no' in this instance has a close parallel with the 'nota' which Julian Goodare has shown was used to signal rejected articles considered by a commission which met shortly before the December 1567 parliament.³⁶

A second set of annotations consisting of the word 'pro' next to some acts were probably produced as preparations for the December 1540 parliament. As we have seen, this was the occasion when, following the terms of the 1535 grant of *plenum parlamentum*, the statutes passed by the lords of the articles in 1535 were 'pronuncit in his hienes presens and thre estatis'.³⁷ This suggests that this draft list of articles was repurposed as an aide-memoir for someone reading from this volume or the basis for a copy produced for ease of use on the day in 1540. Again, we see a parallel with the records of the 1567 commission which, due to Thomas Thomson's editorial treatment of them in his printed edition of the statutes, were long treated as legislation rather than suggested articles.³⁸ Clearly, the copies of the statutes in the clerk register's keeping were working documents: they were re-read, annotated and worked with in future sessions of parliament. This suggests that although its contents were authoritative (otherwise why would they be consulted?) PA2/8/II was not simply a record of the decisions taken by parliament but, also, to some degree was a working record of processes and developments. The fact that a number of pages are left blank and that some material is obviously incomplete suggests the author was waiting for materials.³⁹ This therefore was probably neither the original minutes nor, although it is generally sufficiently tidy to

suggest it was not written at speed, a complete copy. If such a fair and comprehensive copy was produced it is no longer extant. Regardless, in practical terms this process of revising acts meant that by December 1540 the PA2/8/II record of the 1535 parliament was very heavily annotated.

In March 1541 the decision was taken 'that the actis of parliament maid be his hienes be publist outhrowith all his realme'. The process for this was that the clerk register would 'mak ane auctenty extracte and copy of all the saidis actis safar as concernis the commoune wele under his subscriptioun manual, to be imprentit be quhat prentar it sall please the said clerk of registri to cheise'.⁴⁰ PA2/8/III began its life as a copy produced in response to this command. The emphasis on 'actis safar as concernis the commoune wele' explains omissions from the volume – only generally applicable statutes would be included: judicial business and private acts alike did not count as 'commonwealth' acts. Very little legislation was produced in James's parliaments before he assumed his majority in 1528 and none at all in 1533-4 and 1536. There was no need to copy these sessions into a book produced to record acts relating to the commonwealth and the non-appearance of this material in PA2/8/III is the first piece of evidence its compiler was hunting for commonwealth business.⁴¹ However, this was only the first stage in the process of selecting acts for publication. PA2/8/III was in its turn heavily annotated. Each of the three modern editions of these records, by Robertson, Thomson, and the *RPS* team, include some or all of the words penned in the margins, but none of these editors included the far more numerous symbols and signs. These, however, are hugely revealing.

The most common mark is a small 'o' which occurs in the left margin, although its placement in relation to each act (inside or outside the elaborate opening initials, say) is not consistent. This 'o' appears throughout the volume and on several occasions it appears next to an act also marked with a cross or a 'p' located in the right hand margin. These marks appear next to the title of the act, or above the text of the act.⁴² In some instances the 'o' is lacking but another marginal note appears instead. These include letters such as a 'b', and a sign which looks like a cross between an S and an H.⁴³ This latter mark occurs next to the ratification of the acts of the 1535 parliament; the confirmation of James's act of revocation (this was a Scottish custom which reversed transactions prejudicial to the crown completed before the monarch's twenty-fifth birthday); a private act which secured an exemption from this general revocation by re-inefting the secretary, Thomas Erskine of Brechin, in his lands; the act of annexation, which tied certain lands recently acquired by the crown to its patrimony in perpetuity; and two acts related to the beautification of Edinburgh and the meal market. Whilst the revocation, Erskine's private act securing an exception to the revocation, and the annexation are clearly connected, it is hard to see how thematically these might connect to the two

acts relating to Edinburgh. The fact that Esrkin's exemption was not included in the printed edition but that the others were may suggest the mark was designed to highlight a group of acts whose inclusion required further thought. Alternatively, a large ink stain which partly obliterates the mark next to the exemption may have led to the act being accidentally excluded. In addition to the frequent use of marks and signs, three acts have marginal notes in Foulis' own hand and each of these acts appears in the printed edition.⁴⁴ The act confirming that the King had the right to take action against the heirs of those convicted of lese-majesty was marked 'extratur et scribatur'.⁴⁵ The act concerning the King's property and casualty is marked 'to be extracted'.⁴⁶ Whilst these notes could have related to another project, the 'declaration of *the pley betuix the lardis of blarquhen and gileson*' (i.e. the case between James Kennedy of Blairquhan and Thomas McClelland of Gelston) is conclusively marked 'to be prentit'.⁴⁷ This last item originally appeared without a title, but Foulis inserted one into a space in the manuscript and this duly appeared in the printed edition.

A small number of acts printed in the 1542 edition have no visible marks. These invariably occur on the verso side of the pages and are clustered at the start of the 1535 session.⁴⁸ It seems likely that the 'o' next to these acts was trimmed away during the process of rebinding and mounting. There are several instances when the 'o' on the verso side of each folio was partially removed, and we have seen that measuring the pages reveals discrepancies in paper size probably caused by trimming during the binding process.⁴⁹ Since the 'o' was only 2mm across it is highly plausible that other examples located close to the edge of the page were completely excised.⁵⁰ One concerning record keeping at wappenschawings, is included in the printed edition which had no obvious 'o' beside it in the manuscript although this could be obscured by a large ink blot.⁵¹ An act prohibiting the slaughter of does has both an 'o' and an 'X' next to it, and it did not appear in the printed volume – perhaps it was initially suggested for inclusion then struck from the list at a later stage.⁵² This last example in particular offers further evidence for a multi-stage process of selection. It is unclear whether Foulis was joined by another person in making the selection, when the different stages took place, and the order in which the annotations were made is obscure. However, these annotations can only relate to the publication project of 1541-2. The process of selection revealed in these annotations removed materials not relevant in a guide for crown servants tasked with enforcing the laws, the stated purpose of the printed volume. Thus, for example, the act creating a council to meet weekly for the commonwealth was not included: this was about providing the King with counsel on matters concerning the commonwealth, which would not affect the ways in which lower officials administered the law. Nor were the 1535 acts providing for a general provincial council or a tax printed – these were not general, permanent statutes but provisions for one-off events which, moreover, had already occurred and so were not of relevance to officials in 1542 or

future years. The setting up of the court of session in 1532 was evidently considered for inclusion since it was copied out, but it was ultimately not selected. Presumably officials involved in the working of that court already had their own copies of relevant materials. Certainly, there is one copy of statutes relating to the session in both Parliament and Council extant in a manuscript compendium associated with the abbey of Kinloss: it is tempting to suggest this was owned by Robert Reid, abbot of Kinloss, elevated to the see of Orkney in 1541, a humanist, senator of the college of justice, and, from 1549, its president.⁵³ Likewise, a clutch of treason cases largely related to the King's right to prosecute traitors' heirs were copied out but did not make the cut.⁵⁴ By contrast, the civil legal case between Blairquhan and Gelston which the Session had referred to the Lords of the Articles for their opinion on the interpretation of law was included: this was a relevant guide to the correct reading of a statute which might be of use in the future.⁵⁵

Accordingly, the most plausible explanation for PA2/8/III is that it began its life as a clean copy of an initial long-list of materials relating to James's parliaments from 1532 onwards, produced with the intention of being marked up as part of the process of deciding which amongst these ought to be printed. This is, therefore, our first evidence for the intellectual work which underpinned this and all future printed editions of the statutes in Scotland. The slight discrepancies with the printed edition and multiple layers of annotations we have noted suggest that it is unlikely that this was the copy sent to the printer for use in preparing the printed copy. The existence of an intermediate copy between PA2/8/III and the printed edition is further implied in the fact that PA2/8/III remained in use by Foulis after the 1542 edition appeared in print until his death in 1548. We must, however, also posit the existence of other now lost records. The decision not to include the non-legislating 1533 and 1538 sessions means that work on PA2/8/III presumably commenced *after* the decision to print the statutes was taken. It seems unlikely this was planned before the December 1540 parliament met but that the announcement was delayed until March 1541. This suggests that the material relating to the 1540-1 parliament in PA2/8/III was copied from another record or records, minutes which had been produced whilst that parliament was ongoing – from which presumably a fair copy was at least intended to be produced. Given that comparison with PA2/8/II shows that obviously extraneous materials from earlier sessions were excluded, it is possible that these now lost volumes covering the 1540-1 sessions likewise contained materials not selected for inclusion in PA2/8/III. Indeed, an intriguing reference to 'lordis of artiklis & of counisale' in the council register for February 1541 raises the possibility that one set of legal proceedings at least was absent from PA2/8/III.⁵⁶ John Ross, Laird of Craige, had been accused by William Geddes of treasonable communication with a servant of the exiled earl of Angus. Ross had raised a counter action against Geddes for leasing making – a crime roughly equivalent to slander in England – and won his case.

Geddes had accordingly been executed for leasing making and Ross now sought a formal declaration of his innocence from the original charge of treason. Frustratingly, the courts where these actions were raised is not specified, but treason cases could either be heard in specially summoned assizes or in Parliament, in other words, not in the council or the session.⁵⁷ Setting aside the implications the description of ‘lords of the articles and council’ has for jurisdictional cross-over, the mention of the lords of the articles when the council’s authority alone would have been sufficient to issue a declaration, especially when following the King’s orders, may suggest that the case originated in parliament.

Identifying that PA2/8/III was not a simple ‘register’ of parliament but rather was a selection of materials produced for an edition of the statutes printed in 1542 has implications for the material which originally comprised the second part of the same volume: PA2/9/I, covering 1543-8. This is the only copy of materials relating to the parliaments held in 1543-4 and from August 1546 until 1548. However, for the period from September 1545 to August 1546 two sets of highly untidy and heavily amended notes also survive. These are today bound with PA2/9/I and have been given the shelfmark PA2/9/II. The *RPS* describes them as a ‘collection of bound papers...which appear either to be drafts or copies’.⁵⁸ The two manuscripts in PA2/9/II do not enjoy separate catalogue numbers, but they clearly began their lives as separate entities. To distinguish between the two we shall call the first PA2/9/II/a and its companion which follows it in the volume PA2/9/II/b. The first page of PA2/9/II/a is very dirty, suggesting it was unbound for some time, and bears a note in an unknown seventeenth century hand stating that this was ‘Book 6 li’.⁵⁹ The same hand numbered the pages following the common early modern practice of gatherings of pages for books (a1-4, b1-4, and so on) – it contains forty-two pages in total. This seems to be the record of an early modern organisational project. A note in a modern hand on the mount surrounding the first sheet that the volume contains materials from 1545 until 1571 appears to be a mistake. PA2/9/II/b, by contrast, is a single folio containing brief notes on the business of 6, 13, and 14 August 1546, both sides of which are scored through.⁶⁰ This material summarises events of which ‘a’ gives a fuller account, although they appear in a different order. Its foliation suggests it was bound with ‘a’ by the seventeenth century; the scoring through suggests either that it was reviewed and found erroneous or that it had been used for its original purpose and was now finished with. Speculatively, its contents may have been incorporated into ‘a’ or another register.⁶¹

PA2/9/IIa and b both contain materials absent from PA2/9/II, for example, a summons to try Roderick MacLeod of Lewis only appears in PA2/9/II/a under the date 3 February 1546.⁶² The fact PA2/9/IIa contains material relating to judicial cases shows that the *RPS* editors were in error to

describe it as a 'draft copy of legislation'.⁶³ Equally, whilst PA2/9/IIa and b might be related, neither can have been a simple copy of PA2/9/I, which, in its turn, cannot be a comprehensive compilation of all the business of the 1545-6 Parliament. Since it lacks material covered in PA2/9/II, again, it cannot have been a register upon which individuals with an interest in the treason trials held in parliament could rely for extracts. Intriguingly, marginal symbols, including circles, X's and crosses appear frequently but with no clear pattern, suggesting that at some stage it was reviewed and its materials categorised or highlighted: again, we can posit the existence of another record compiled from this material.⁶⁴

Further evidence that PA2/9/I was not the 'main' register can be found in the fact that on 19 March 1543 Arran wrote to Foulis instructing him to proclaim the acts of parliament at Edinburgh's market cross and to provide extracts of the acts of parliament to those who requested them, noting in particular the act permitting the vernacular scripture. Arran also instructed Foulis to 'inserte *this* our *command* and charge in *the* bukis of parliament for youre warrant'.⁶⁵ Usually, a command to 'insert' a letter from the ruler was interpreted as an order to copy the text of the letter into the register in question – certainly, this is what happened to comparable letters from James V directed towards the council.⁶⁶ Although the original letter bearing Arran's signature can now be found stuck to the entry for 12 March, the letter is not, as would have been usual practice for sixteenth-century record keeping, copied into this record. It is unclear where Arran's letter was before it was inserted, Robertson, however, found it there in 1804.⁶⁷ Regardless, the fact that PA2/9/I does not contain a copy of this letter whose insertion would have been necessary for Foulis's future protection shows again that PA2/9/I cannot have been the record where Arran and Foulis both understood the letter should have been copied.

Instead, the most plausible interpretation of PA2/9/I is that after the volume was begun as part of the preparations for the printed edition, it was retained by James Foulis and used for his own notes during parliament. These notes encompassed events which took place at the same time as parliament but which were not parliamentary proceedings. For example, on 4 October 1545 Foulis recorded two bonds of assurance signed by the men involved who had compeared not before parliament but rather 'In presens of my lord governour and lordis of counsel'.⁶⁸ The appearance of the original signatures suggests that Foulis had the volume with him during the October 1545 session – we might recall the original easily portable dimensions of the books when we consider that this session was held in Linlithgow. These were endorsed with a note that 'the lordis ordains this band to Be insert in the buks of *consel* and to haue *the* strength of ane act'.⁶⁹ Frustratingly, this period coincides with a gap in the council register, where copies of private agreements were usually

lodged.⁷⁰ The fact that this agreement needed to be copied into the council register strongly suggests that the book in which these bonds appeared did not enjoy the status of an official volume whose availability and contents could be relied upon in need of future recourse. MacDonald has pointed to the creation of sets of notes on parliament – including by clerk registers – as the basis for clean copies to be compiled after late sixteenth and early seventeenth-century parliaments had concluded.⁷¹ Our evidence from the 1530s shows that by the latter part of the century this was a well-established practice. Equally, the evidence from the 1560s onwards helps to firm up the case that we lack such a comprehensive copy of parliamentary activity during the 1530s and 1540s.

Further evidence for the personal nature of the association between James Foulis and the 1532-1548 book can be found in the volume's opening initial 'p'.⁷² This contains the letters 'I F C R', surrounding a shield containing three laurel leaves. These stood for James Foulis clerk register and the laurel leaves were his heraldic arms. A subsequent hand has obscured the initials and the leaves, attempting to incorporate them into an abstract pattern, but they are visible using a magnifying glass or a digital zoom on a camera. This attempt to obscure Foulis's association with the volume is likely to have dated from a later period because during the mid-sixteenth century the clerk register's name was a desirable stamp of authenticity. As we shall discuss further in due course, Foulis' name and a woodcut of his mark was prepared specially for the printed acts of 1542 to establish their authenticity, as, indeed, those of his successor in office would be reproduced for the acts of 1566. His arms were even painted on to the authorised copy of the muniments of Cambuskenneth abbey, whose production Foulis oversaw in 1535: although largely prepared by someone else his handwriting appears throughout offering 'slight corrections with, here and there, a blank supplied'.⁷³ This volume was prepared at the behest of Alexander Milne, the abbot, who was concerned that the Abbey's muniments were irreparably damaged. Since the two men knew each other through their work on the council it is tempting to suggest the appearance of their arms together in this volume, and Foulis's personal attention to the project, was a mark of their friendship.⁷⁴ It is likely that Foulis's initials and arms were obliterated in 1626 – this date appears on PA2/8/I in an ink very similar to that used to obscure Foulis's arms and initials.⁷⁵ This handwriting sample largely consists of Arabic numbers and is too small to compare it meaningfully to firmly identify the person who wrote it, but the clerk register in post in 1626, Sir John Hamilton of Magdalens, might be a plausible candidate. His elder brother, Thomas, earl of Haddington, had previously served as clerk register and produced copies of many governmental records, including those of parliament, and he is another possibility.⁷⁶ Perhaps Haddington is more likely, since his second wife was Margaret Foulis, our James Foulis's granddaughter. Just as the Bannatyne manuscript, a famous literary compilation, passed into the Foulis family by marriage, perhaps Haddington's marriage to Margaret meant that

James Foulis's notes on parliament travelled with Margaret to Haddington's household and from thence found their way to governmental collections.⁷⁷ Regardless of the precise route of transmission, these connections illustrate James Foulis's place at the heart of early sixteenth century Edinburgh's legal, cultural and intellectual networks.

Early modern archival practices have in recent years been the subject of increasing scrutiny. In a sixteenth-century British Isles governmental context much of this interest has focused on the role of the secretary in Elizabethan England – especially William Cecil. Writing before the 'archival turn' was yet fashionable, Stephen Alford observed that 'Elizabethan 'state' records were, in effect, private papers', and drew attention to the 'artificial division' imposed on Cecil's papers by Victorian archivists in what is now the National Archives in Kew.⁷⁸ Subsequently, Arnold Hunt has argued the early modern English state archive was 'fundamentally private and personal, rooted in the relationship between masters and secretaries in the culture of secrecy that lay at its heart'.⁷⁹ The same, it seems, was true of early sixteenth-century Scottish parliamentary records. However, James Foulis was not a secretary: he was the clerk register, a fact which itself points up the need to consider the unique culture of Scottish administration in more detail - although the Scottish secretary is also an under-researched office.⁸⁰ Mason has shown the increased importance of legal learning especially amongst lay administrators in this period, and James's own talent for recruiting such 'many multi-talented 'Renaissance men' who contributed in various ways to a vibrant, assertive and cosmopolitan courtly culture' is well established, we evidently need to think harder about how these multi-talented individuals contributed to the innovative administrative culture of which they were also a part.⁸¹ Returning to Foulis's manuscripts and understanding that these were, in truth, *his* manuscripts, not simply impersonal and blandly anonymous 'official registers of parliament' produced by nameless clerks has allowed us to understand why it was created the way it was, and to glimpse some of the working practices of the early sixteenth-century Scottish royal administration. This ranged from a process of consultation with the King (from which we can make further inferences, such as the fact that James was absent from the committee of the articles), to the way in which statutes were re-read, considered and annotated for projects subsequent to and separate from their original production. The parliamentary records offer more than just an understanding of parliament's business – the acts it passed and trials it heard. They offer insight into the under-researched area of Scottish administrative practices and culture. This initial assessment of one type of government records suggests that one important characteristic of this was stringent and frequent processes of review and amendment in anticipation of promulgating currently relevant material.

It is helpful to summarise what close reading of the records has shown so far. What is now PA2/8/III and PA2/9/I began its life as a single volume produced in preparation for the printed acts of Parliament, at which stage materials not considered necessary for the printed edition were excluded. Thereafter, it was retained by the official responsible for the production of this printed edition, Foulis, as a place to record some of the activities with which he was involved. Comparison to PA2/9/IIa shows this was not a complete record of parliament's business, whilst extra-parliamentary activity was also included. PA2/9/I was therefore not the 'official, or main,' parliamentary register: it misses out details related to parliamentary treason cases, but includes materials appertaining to the council.⁸² Since it is incomplete at least one other set of notes or minutes must have been maintained at the same time with a view to future compilation to produce a comprehensive fair copy.⁸³ It is equally clear that PA2/9/II/a was not 'draft legislation' - its contents were not purely legislative, although the crossings out and annotations do show this was not a fair copy. This allows us to make some informed speculation about record keeping during parliament: it seems that the clerk register and a number of other unknown individuals, perhaps clerks working under the clerk register, perhaps other officers with legal training or administrative experience, each recorded events during parliament, with the view of making a composite record at some point in the future.⁸⁴

Thomas Thomson's reorganisation of Foulis's parliamentary notes was part of a broader nineteenth-century culture of making significant interventions in pre-modern records. Beyond Thomson's own activities in the Scottish archives, the comparison with Cecil's papers is an obvious one, and parallels can also be drawn with the mix-and-match approach which Alasdair Ross has shown was taken by nineteenth-century Scottish clubs in preparing printed editions of cartularies.⁸⁵ In the case of the Scottish parliamentary records, concern to make the extant records match how nineteenth-century lawyers and historians chose to think about statutes, has completely obscured the fact that we are left not with a 'record of the parliaments of James V', distinct from the 'record of the parliaments of Mary I' but instead have 'James Foulis's draft for the printed statutes and his notes taken in and alongside parliament'. These records are the fullest and best evidence we have for parliament's activities in this period. Sadly, however, it seems that the gloomy recognition from the editors of the *RPS* that 'particular periods, such as the 1540s and 1550s, continue to suffer from a breakdown in the survival rate of government records' needs to be extended to at least the 1530s.⁸⁶

It is particularly unfortunate that we are unable to compare Foulis's working practices to the men who preceded and succeeded him in office. Gaps in the register also obscure our view of parliament's activities during the tenure of Foulis's predecessor, Gavin Dunbar, bishop of Aberdeen.

Dunbar held office from 1501 until his death in March 1532, but the extant materials from his tenure cover only 1503-6 and 1524-31.⁸⁷ For this period, the editors of the *RPS* were able to partially reconstruct parliament's activities from a number of sources, including, pre-eminently, the 1566 edition of the statutes and the council registers, which offered insight into some judicial material.⁸⁸ Likewise, the first decade of parliamentary records produced by Foulis's successor, Thomas Marjoribanks of Ratho, from 1548-58 are missing.⁸⁹ For these ten years both Thomson and the editors of the *RPS* relied on the printed edition of the statutes produced in 1566.⁹⁰

Whilst we have incomplete records for most (perhaps all) of the first sixty years of the sixteenth century, the 1566 printed edition means we can be reasonably confident that we have a text of most of the general statutes passed in this period. Since Goodare has shown that the 1566 edition omitted acts from a number of Mary's parliaments it is, however, possible that a further search of non-parliamentary records would reveal more statutes for this period.⁹¹ Given the origins of PA2/8/III as a record of statutes and the notes on 1545-6 which reveal PA2/9/I is missing treason proceedings, it seems likely the record particularly underrepresents parliament's judicial business. Whilst it is dangerous to be too bold when making arguments based on non-survival of evidence, there are compelling indications that parliament did, in fact, continue to exercise its criminal judicial competence in the case of treason in this period more regularly than the extant materials suggest. Since these materials were created primarily to record statutes there would be no need for them to contain judicial business. Nevertheless, to the possible example of Ross and Geddes already given we can add an act passed in February 1551, against favourers of traitors, which explained that "tratouris hes bene callit, accusit and, be the thre estatis, declairit tratouris in parliament".⁹² In the immediate aftermath of war with England, it is easy to see why treason cases might be an important concern for parliament.⁹³ None, however, were included in the 1566 printed edition from which our knowledge of this statute originates. It should be noted that none of these examples relate to civil business - a fact which fits with the broader historiographical consensus that parliament ceased to exercise its competence in civil matters during the fifteenth century.⁹⁴ This nevertheless suggests that during James's personal rule and Mary's minority parliament exercised its judicial competence in cases of treason more than the extant materials for this period, created primarily to record statutes, reveal, and that a fuller search of the conciliar records and, potentially, remissions for treason in the registers of the Great and Privy seals may well expose further parliamentary judicial business.

The importance of the 1566 statutes for our understanding of early sixteenth-century parliaments is clear. Indeed, their wider significance in stories of the development of legal

humanism, codification projects and state formation in sixteenth-century Scotland has long been identified. The same, sadly, cannot be said of their predecessor of 1542. Having established its relationship with the extant manuscripts it is, however, amply clear that the publication of the statutes was a significant undertaking for James's regime, accomplished at speed but without sacrificing meticulous care. It is now time to turn to the printed volume which represented the culmination of this project in more detail. The years immediately leading up to James V's death in December 1542 saw a broad and sustained campaign to reassert royal authority during which, Roger Mason has shown, Scotland's history, notably the printing of Bellenden's translation of Boece's *History*, played a key role.⁹⁵ James's personal association with the printed *Actis*, the rapidity with which the book was brought to press, and the similarities in format between the printed acts and Boece's *History*, show that this publication was part of the same campaign – indeed, the techniques it employed drew on a strong manuscript tradition and proved sufficiently successful to be worth emulating. Acknowledging that Parliament and the law formed part of James's assertion of renaissance kingship helps us to connect the traditionally divorced fields of 'cultural' and 'institutional' history. Indeed, this is encapsulated in the person of James Foulis himself – like other clerks his activities encompassed both 'literary' and 'administrative' ventures, and Mason has identified him as a key figure in the humanist 'laicisation' of the Scottish administration in this period.⁹⁶ Perhaps more importantly, the significance which James's regime evidently ascribed to the printed statutes contributes to a growing body of evidence for the central place which developing institutions held in the political life of early sixteenth-century Scotland. Indeed, the publication of the statutes also shows that parliament and the law constituted an important facet of royal attempts to articulate Scotland's identity as an independent sovereign, even imperial, nation.

James V's personal interest in the project was clearly articulated in the text of the act 'for prenting of the actis of parliament'. Unlike the usual formula that the King had acted with the advice of the three estates this was simply introduced with the formula that 'oure soverane lord hes ordanit' a printed edition to be produced.⁹⁷ Moreover, when the volume eventually appeared, the layout of the page clearly separated the decision from the preceding acts by situating a horizontal woodcut between the final repassed act and the order to print – this technique was used throughout the volume to separate categories of material and highlight items.⁹⁸ Whilst the phrasing and typography suggests the 'act' to print the statutes was in fact more likely to have been a royal ordinance, the preamble to the *Actis* itself explained the project had been 'ordanit be us [James] be ane act maid in plane parliament'.⁹⁹ Whether this was technically an act upon which the Estates had voted or a royal ordinance seems to have mattered less than emphasising James's involvement. Nevertheless, it was Foulis who had the responsibility of producing the book and work commenced

apace. Foulis had been given free choice of whom to select as printer. This raises interesting questions surrounding who might have been on the shortlist, since Thomas Davidson is the only printer known to have been operating in Scotland at the time. Even though Davidson had published some of Foulis's own poems, perhaps a foreign commission was anticipated. Certainly, Foulis himself had also published his Latin poetry in Paris and foreign printing houses were explicitly included in the interdict that 'it sall nocht be lesum to ony uther prentar nor writar to imprent nor write the samin within this realme or without the samin, or bring hame to be sauld'.¹⁰⁰ Equally, this might be tantalising evidence of a second printer in Scotland or plans to encourage another press to come. Regardless, nine months later, on 6 December 1541, Thomas Davidson received his letters patent, the 'first known' of their kind in Scotland, for exclusive rights to print the acts for six years, and in two months and two days, on 8 February 1542, the resulting volume was issued from his shop at the Netherbow Port.¹⁰¹ Copies were printed on both paper and vellum: for the owners of the latter volumes the very materiality of the book signalled its significance.¹⁰²

With only three extant copies, it is hard to tell whether or not the volume's intended audience indeed purchased and used the text. One of the two extant vellum copies is marked with the name 'Robarti Danyelstone' in a sixteenth-century hand.¹⁰³ After an education at St Leonard's College in St Andrews beginning in 1535, Robert became canon and prebendary of St Mary on the Rock in St Andrews during the 1540s, and by 1547, following one Master John Danielson's decease, was also rector of Dysart – it is possible Robert inherited the *Actis* from John too.¹⁰⁴ The two men have variously been identified as brothers or as father and son.¹⁰⁵ Irrespective of their relationship, John was closely connected to James V's regime – indeed, Theo van Heijnsbergen identifies John as a 'favourite' of James V, in which capacity he held a number of benefices and a position in the chamber. On the basis of their books, van Heijnsbergen further places both Danielsons, alongside Foulis, amongst 'the intellectual society of higher clergy and academics' of this period linked to the royal administration.¹⁰⁶ These kinds of connections explain the decision to purchase the presumably expensive vellum version of the book, and it is possible that the purchase was not only useful in the Danielsons' administrative business but a signal of loyalty to the regime of which they were a part. Perhaps we can even speculate it was a gesture of support for an acquaintance who had just brought a significant publication project to completion. The extant paper copy is marked with a now very tricky to read owner's name. Written in a Scottish hand the first name is a relatively legible 'Vylam', the surname may read 'Pirkyne'.¹⁰⁷ This is now in the Hatfield House library and is believed to have entered this collection with William Cecil, lord Burghley – if this is true, perhaps the book was one of those looted from Edinburgh by the English army in 1544.¹⁰⁸ Beyond these owners, shortly after publication Cardinal Beaton purchased a copy for himself and a second 'for the courts of the steward

of St Andrews' for 24s the pair.¹⁰⁹ These two copies at least reached their intended audience of 'schireffis, stewartis, ballies, provestis and ballies of burrowis'.¹¹⁰

Such readers are likely to have been impressed with their new acquisition: beyond Foulis's intellectual labour in selecting materials for inclusion, Davidson paid considerable attention to the look of the volume. The work opened with a high-quality woodcut of the royal arms, and closed with an impressive woodcut of Christ crucified. It also featured a woodcut of Foulis's signature.¹¹¹ Combined with the remark at the end of the *Actis* that the contents of the volume had been 'extractit' by Foulis it places this novel printing of the *Actis* within an older tradition of extracting materials in the form of a manuscript copy, under the clerk register's sign manual as proof of their authenticity when they came from governmental records, itself part of a wider practice prevalent amongst notaries. In a comparative study of archival developments at the turn of the sixteenth century in Lisbon and Würzburg, Randolph C. Head has pointed to the need for early sixteenth-century royal officials to both participate in established archival traditions whilst responding to the need for 'information that could be circulated in political contestation and deployed in relation to other texts'.¹¹² Exactly the same balancing act can be seen in the printed *Actis*. The inclusion of the woodcut of Foulis's mark directly emulated the procedure by which manuscript extracts were endorsed to publicly certify the validity of these printed acts.

All three major woodcuts were carefully described by Dickson and Emond, who noted approvingly their quality and the comparability of these and, indeed, the smaller woodcuts scattered throughout the volume, to those in use in France.¹¹³ Yet, only the royal arms has attracted the attention of modern scholars, and even this interest has been directed not towards the *Actis* but rather towards John Bellenden's translation of Hector Boece's Latin *History* into Scots. The royal arms were part of a wider visual tradition encompassing the Paris publication of Boece's *History* in Latin, and in manuscript copies of materials produced by Foulis under royal authority, such as the register of Cambuskenneth Abbey.¹¹⁴ Yet, the 1540s woodcut of the arms also extended this tradition. Harikae suggests that the use of the imperial closed crown, as opposed to the open crown which appeared on the Latin edition of the history and presentation manuscript prepared for James V himself, can be placed alongside a broader pattern of translation and editorial decisions in the text as an attempt to highlight Scotland's 'imperial' status.¹¹⁵ Mason reiterates Dickson and Emond's suggestion that the woodcut of the royal arms was designed by none other than David Lyndsay.¹¹⁶ Likewise, Mann has emphasised the status of Davidson's edition of Boece as a 'highlight' of early Scottish typography.¹¹⁷ In terms of decoration and format the *Actis* indeed share many similarities to the *History*. Notably, neither publication featured Davidson's own device of two wild people, which he had inherited from Chepman and employed on the praise poem to James V, *Ad*

serenissimum...Iacobum Quintum whose date of publication is, sadly, unknown, but which has been attributed to Foulis.¹¹⁸ Equally, neither this poem, nor the extant fragments of Davidson's edition of Gawin Douglas's *Palyce of Honour*, employed either the arms or the arguably more elaborate woodcut of the crucified Christ. It is possible that these woodcuts were newly acquired shortly before, or perhaps even made especially for, the *History* and the *Actis*, and that the arms, at least, were reserved for royally approved books.

Since the royal arms demonstrated royal endorsement, even as they brashly advertised royal magnificence, the other woodcuts in the volumes were, like the rest of the contents of the books, easily interpreted as royally approved content. At the very least, Foulis, to whom James had given responsibility for the project, would doubtless have had the opportunity to approve the images on the *Actis*. The other large and detailed woodcut, the volume's closing image of the crucifixion, therefore, is worth examining in detail as a statement about the crown's religious position. This was based on a German woodcut 'the Great Rosary' in which Christ appeared surrounded by images which asserted key tenets of the catholic faith, contained within a border variously interpreted in the Scottish version as a circle of roses or a rosary.¹¹⁹ The scenes portrayed included the Mass of St Gregory, affirming the real presence in the Eucharist, in the top left, mirrored by the vision of St Francis on the right. The prominent position held by Francis is noteworthy in the context of the anti-Franciscan sentiment in Scotland in this period, sharply expressed in George Buchanan's biting poems *Franciscanus* and *Somnium*.¹²⁰ Mocking current Franciscans who fell short of the ideal of their founder was perhaps acceptable; but, viewers of the woodcut were evidently supposed to conclude, Francis's visions were real – and did not the King donate, as his predecessors had done, hefty sums to Franciscan houses?¹²¹ Indeed, James's impassioned letter to Frederick I of Denmark, urging him 'so far as a great-grand-nephew may presume to exhort a great-grand-uncle, in the name of God and in the bowels of Jesus Christ, by the souls of their ancestors' to restore the Franciscans in Denmark and protect them by royal edict shows an especial concern on James's part for this particular order.¹²² The presence of the doctors of the Church reaffirmed the role of established authority in the Church, and the bevy of saints and martyrs combined with praying laypeople and nuns alongside an image of hell articulated the efficacy of prayer and intercession in salvation. Lacking a broader sample of Davidson's works we need to be cautious, but this shared bookending of two royally commissioned texts surrounding Scotland's history and laws with images which recalled, as the twin sources of authority, monarch and catholic church is a striking articulation of James's authority as a catholic prince who had received the blessed cap and sword and, by extension, the position of his realm as Rome's special daughter.¹²³

It is perhaps a measure of the volume's success that it influenced the 1566 *Actis* in a number of ways.¹²⁴ First, the two editions were the same size: a manageable quarto. Secondly, whilst the crucifixion woodcut was, for obvious reasons, absent from the post-reformation 1566 edition, the royal arms woodcut was amended for the 1566 acts, with the obliteration of James's name and its replacement with Mary's.¹²⁵ Thirdly, the inclusion of short Latin maxims by Edward Henrysone and Thomas Craig to punctuate different points in the 1566 volume emulated the four-line poem Foulis penned for the opening pages of the 1542 edition, which was itself also included.¹²⁶ Fourthly, the practice of using a woodcut of the clerk register's mark to certify the validity of this still novel format was repeated in the 1566 edition. James Balfour's mark duly appeared after the extracts from the acts of James IV, covering materials from James I onwards, and after the parliaments held by Mary's regents.¹²⁷ Mary's own acts of 1563 were followed by the woodcut signature of James MacGill (clerk register from 1554-66), those of 1564 by James Balfour of Pittendreich's – he took office briefly from 1566-7 until MacGill was restored after Mary's deposition.¹²⁸ However, the acts of the 1535 and 1540-1 parliaments were followed by an explanation that 'Thomas Daidson chosen prenter, first Imprentit thir' and that the content of this edition had been 'extractit furth of the bukis of Parliament, at command of the act maid thairupone, be Maister James Foulis of Colintowne'. This comment was based on that which Foulis had included at the end of the 1542 edition, only shifting the voice from the first person, 'me Maister James Foulis of Colintown', to the third.¹²⁹ The fact it was Foulis's edition which provided the content and his name which lent authority to the materials from the 1535 and 1540-1 parliament included in the 1566 edition was reiterated by the decision to follow these acts not with the woodcut of James Balfour's signature but rather by Foulis's own name, laid out in capitals. Whether the woodcut of his name was destroyed on his death as no more documents could be printed under his authority, or simply lost, is impossible to say. Despite these questions, it is amply clear that as the 1566 edition was being prepared the 1542 edition was still in circulation and that it was considered to be sufficiently authoritative that the materials it contained could be incorporated without recourse to earlier manuscripts. This does not mean it was copied wholesale - unsurprisingly, acts concerning heresy and maintaining religious orthodoxy were edited out; for example, both the 1525 act against Lutheran heresies and the 1535 repassing of this act were absent from the 1566 *Actis*.¹³⁰ In keeping with the Marian regime's attempts to avoid falling off the religious tightrope which it so carefully walked, the 1566 edition also excluded materials from reformation parliament of 1560 – whose acts to alter religion enjoyed only dubious legality at best.¹³¹

The careful acknowledgement of Foulis's and Davidson's combined efforts by the creators of the 1566 edition and the placement of MacGill and Balfour's woodcuts also allows us to comment on

three other possible attempts to print statutes. First, it affirms that despite the fact Chepman and Millar's new press was theoretically brought to Scotland with James IV's approval 'for imprinting within our Realme of the bukis of our Lawis, actis of parliament', amongst other items, nothing came of this – the 1566 edition would presumably have worked from an earlier edition had it been available.¹³² Likewise, in May 1553 Thomas Marjoribanks of Ratho, then clerk register, had been ordered 'to extrait & draw furth of all bukis of Parliament, and all utheris, buikis of Prive Counsel, all actis maid sen the kingis deceis twiching the *commoun weill* & *veilfar* of *this realme* And deliuiet *the samyn* attentiklie subscruit *with* his hand to my lord thesaurar [James Hamilton, Archbishop of St Andrews] to *the* effect that he may gar Imprint *thir* actis' a project motivated by a desire to ensure 'that na *persoun* may *pretend* Ignorance in tyme to cum'.¹³³ The following year Marjoribanks was replaced as clerk register by James MacGill.¹³⁴ The fact that it was Balfour, who entered office in 1566, rather than Marjoribanks or MacGill whose name appeared after the acts of Mary's regents strongly suggests that no printed edition eventuated in response to this order – the change of clerk register may have scuppered the project. By contrast, the fact that MacGill's name appears after the 1563 statutes but not elsewhere in relation to materials produced when he was clerk register might be evidence that this was based on an extract produced by him. If so this potentially exposes different stages of progress in the publication project either side of the changes of clerk register c.1566-7.

James V's efforts might have stood out in an early sixteenth-century Scottish context, but looking further afield, they were very much of their time. Books of regional *coutumes* and individual royal acts had been printed in France since the late fifteenth century, and in the first few decades of the sixteenth century compendia of the royal acts of several monarchs had grown in popularity.¹³⁵ During the 1540s these compendia became victims of their own success: having purchased the back catalogue of royal acts, interested parties only required copies of single newly passed acts to keep their collection up to date.¹³⁶ Intriguingly, the appearance of the 1542 *Actis* coincided with a significant juncture for the English crown's efforts to publish statutes. By the 1540s, the publication of individual parliamentary acts was commonplace in England. At some point between 1541 and 1543, probably in June 1542, just after the Scottish statutes appeared, the Irish parliament petitioned Henry VIII to arrange for a printed compendium of their statutes.¹³⁷ This did not eventuate, but the petition still speaks to a desire for printed statutes at this juncture. Tempting as it is to suggest James V's statutes had inspired envy, Irish MPs were perhaps more likely to have been aware of plans for the 1542 publication of a compendium of Henry's own statutes alongside an edition of all statutes dating back to Edward III.¹³⁸ James's publication of his own statutes as an adult monarch thus represents a compromise position between the piecemeal production of individual

acts and the comprehensive coverage of all statutes. Perhaps a closer parallel, albeit one of which James was unlikely to have known, was the publication of selected acts following sessions of the *seym* in Poland, a practice which had prevailed since the early sixteenth-century.¹³⁹ This different approach suggests English precedents were not an exact model. Nevertheless, this coincidence in timing again shows James's regime as an ambitious and up-to-date operation, which, by printing the *Actis*, was engaging in the same practices as its European counterparts.

Before concluding, we will explore some tantalising but inconclusive evidence that this ambition may have extended still further. Throughout the 1530s the council register contains a mixture of material, from records of legal cases heard by the session, to private contracts inserted into the books to give them the status of an act of council, to decisions made by the council on public, or to use the sixteenth-century term, 'commonwealth', matters.¹⁴⁰ This later category of entry declined in frequency as the 1530s wore on.¹⁴¹ Goodare has argued that this reflected a shift in practice with the return of an adult male monarch who had much less need for a council.¹⁴² I have recently argued that this decline in commonwealth business in the register was more plausibly linked to the development and shaping of a 'secret' council with an identity independent both of the larger medieval style council which had dealt with both judicial and commonwealth matters, and from the developing court of session.¹⁴³ It is not clear when this council developed its own register. In 1932, whilst editing a printed selection of materials from these volumes Hannay suggested it may have been by 1535, when 'minutes in affairs of state' decline in the register.¹⁴⁴ Certainly, this coincides with the creation of a Council for the Commonweal in parliament that year.¹⁴⁵ Hannay also made the alternative suggestion that a separate privy council register began at the start of Mary's reign.¹⁴⁶ The earlier date is more likely because in 1537 an overworked Foulis noted in the margin of a royal letterbook which he had been engaged in compiling that pressures in attending to the 'registri *secreti* consilii et Rotulorum' required him to set the letterbook project aside.¹⁴⁷ This can, then, only be an allusion to an independent record for the secret council.¹⁴⁸ This register has since been lost, but we catch sight of the secret council, alongside larger gatherings known as conventions, throughout the extant council registers, or, to give them their proper title, the registers of the lords of council and session. Annotations in these volumes are relatively rare but the 'commonwealth business' these bodies oversaw is an exception and it is possible that these annotations represent the early stages of an extraction project. In volumes covering 1529-38 some of this material is identified in the margin by an 'o' identical to that employed by Foulis or his team when selecting items in PA2/8/III for publication, on other occasions a dash is employed.¹⁴⁹ Some volumes within this period are unmarked – although these, like the parliamentary registers, have been removed from their original bindings, trimmed and rebound, so the absence of marginalia now

is not firm evidence that it never existed.¹⁵⁰ Within the annotated volumes some items potentially of ‘commonwealth interest’ are unmarked – notably, a series of letters regarding offers and bonds by prominent borderers to the crown and royal responses to these in August 1530 are only partially marked up – but it is clear that no judicial material or private contract was annotated.¹⁵¹ The circles and dashes often appear alongside a pencil cross which appears throughout the volumes next to items included in the twentieth-century partial edition of the council’s public business. Since the pencil cross was evidently left by the editors of that venture it can be excluded from our consideration.¹⁵²

The project to which these circles and dashes related may never have been completed – or, since we know Foulis worked through several stages on the *Actis* project, it may be that we only have a record of one stage. Several possibilities exist surrounding the meaning of the ‘o’ and the dash in the council register. It might simply have been a finding aid, but the fact this mark was used elsewhere to select materials for publication instead suggests this was part of a similar process of identifying entries to be extracted. Potentially, the secret council register was intended to include a précis of previous business extracted from the registers historically shared with the session, and these marked materials were destined for this volume. More speculative still, could these marked materials be signs of an even more ambitious project – printing the acts of council? The first extant printed acts of council dates from 1567, produced as part of the explosion of print responding to Mary’s deposition, but also in the immediate aftermath of the 1566 *Actis*.¹⁵³ Did the success of the 1542 printing of the *Actis* suggest the idea to James Foulis two decades earlier? Even though questions surrounding the nature of the now lost ‘registri S: consilii’ will remain unanswered, the fact that Foulis was also compiling royal letterbooks in this period offers strong parallels with the attempts ‘to extract information from ‘loose papers’ and place it in a series of written books which could be used for ready reference’ which typified best practice in early modern administration.¹⁵⁴ Again, James V’s administration is beginning to emerge from the shadows as a more sophisticated operation with more ambitious plans than we have hitherto realised.

Throughout this article we have paid close and detailed attention to both manuscript and printed early sixteenth-century parliamentary records. This has allowed us to re-establish a relationship between two parliamentary records, PA2/8/III and PA2/9/I, which has been obscured since the nineteenth century, and, in turn, to identify these not as parliamentary registers produced as a complete record of recourse but, rather, as draft materials for the printed *Actis* and incomplete notes kept by the clerk register. Understanding the proper nature of these records will allow future studies of parliament and governmental administration in this period to depart with a clear sense of

what these records are able to tell us. Although further research in this area is clearly needed, examining the parliamentary records has revealed some broad contours of the directions this might take. Working through the layers of marginal annotations on both articles and statutes alike has exposed an involved process of review and revision behind parliamentary legislation. These annotations have also shown that although James was absent for discussions he remained involved in details – this suggests intriguing parallels with his willingness to not only trust a council during his absence in France but to delegate routine diplomacy with England to his council whilst he enjoyed hunting trips to Fife.¹⁵⁵ Equally, in understanding what was not included in records primarily created to print statutes we have opened the possibility that parliament's role as a court where treason could be tried was far more significant than the extant records alone suggest.

As we scrutinised these manuscripts in the first part of this article we followed in the footsteps of James Foulis and the nameless clerks who must have assisted him in his work – and this allows us to make a point with far broader implications than understanding a specific manuscript. The historiography on James V remains scant, and has been focused upon the interaction between monarchs and the nobility and cultural facets of James's court.¹⁵⁶ In recent years, however, work on the various branches of James V's council has built on Athol Murray's and R. K. Hannay's pioneering work to demonstrate the vitality and significance of this institution throughout the 1530s.¹⁵⁷ Our study of Foulis's meticulous engagement with the parliamentary records, and the lost layers of record keeping towards which we have been afforded a glance, provides further evidence of a sophisticated and, indeed, ambitious, institutional and administrative culture.

As our understanding of these administrative developments grows we should see them as intrinsically connected to the vibrant court culture and intellectual, especially historical, endeavours which have to date occupied a lion's share of scholarly interest in 1530s Scotland. Comparing the printed *Actis* to the printed volume of Boece's *History* reveals that an interest in law as determined by the King and his three estates in parliament worked alongside history and heraldry as part of the regime's articulation of the power and magnificence of Scotland's renaissance monarchy. Later sixteenth-century administrators appreciated both the intellectual and visual worth of this project when they incorporated text, woodcuts, and aspects of layout into future editions of the statutes. Their admiration and emulation affirms that they saw powerful continuities between the Scottish administration of the 1530s and their own activities. Better understanding of the rewarding, but only partially extant, parliamentary records produced by James V's regime allows us too to appreciate these similarities, and the vibrancy of institutional and administrative activities in the Scotland of James V.

¹ I should like to thank Professor Laura Stewart, Professor Alan MacDonald and the two anonymous referees for their time reading and helpful comments on this article. I should also like to thank colleagues who heard this research presented at the Edinburgh University Scottish History Seminar in 2018 for their time and thoughts. Last but not least, my 2019-20 special subject students (Emily de Salis, Meredith Fernau, Katie Hughes, Stephanie Johnson, Kate McGregor and Georgia Spafford) deserve special thanks for allowing me to drag them away from Mary, Queen of Scots, to dry run these arguments on them at some length.

² Julian Goodare, *The Government of Scotland, 1560-1625* (Oxford, 2004), 26 n.9; Andrea Thomas, *Princelie Majestie: the court of James V of Scotland 1528-1542* (Edinburgh, 2005) 151, 154. The major scholarly biography of James does not pass comment: Jamie Cameron, *James V: the personal rule* (East Linton, 1998). It is also ignored in histories of the records: Marinelle Ash, *The Strange Death of Scottish History* (Edinburgh, 1980) 45; and Foulis's ODNB entry: Finlay, J. (2004, September 23). Foulis, James (d. in or before 1549), poet and lawyer. Oxford Dictionary of National Biography. Retrieved 6 Jan. 2020, from <https://www-oxforddnb-com.ezproxy.st-andrews.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-9986>.

³ NRS PA2/8/I-III. These manuscript records are cited in the notes accompanying the RPS transcription, but the *Actis* are not. It is incorrectly stated that the 1542 edition contains only materials from the 1540 session in the discussion of sources in Gillian H. MacIntosh, Alastair J. Mann and Roland J. Tanner, 'Editorial Introduction', www.rps.ac.uk, accessed 24/6/19.

⁴ Roger Mason, 'Renaissance Kingship?' in M. Brown and R. Tanner (eds), *Scottish Kingship 1306-42: essays in honour of Norman Macdougall* (Edinburgh, 2008), 259; Andrea Thomas, *Princelie Majestie*; Ryoko Harikae, 'Kingship and Imperial Ideas in the Chronicles of Scotland', in *Fresche fontanis: studies in the culture of medieval and early modern Scotland* eds Janet Hadley Williams and J. Derrick McClure. (Newcastle upon Tyne: Cambridge Scholars, 2013); Ryoko Harikae, 'Daunting' The Isles, Borders, and Highlands: Imperial Kingship in John Bellenden's *Chronicles of Scotland* and the Mar Lodge Translation' in Joanna Martin and Emily Wingfield (eds) *Premodern Scotland: Literature and Governance 1420-1587* (Oxford, 2018), 159-171.

⁵ For the classic statement of post-1560 state formation in Scotland see: Julian Goodare, *State and Society in early-modern Scotland* (Oxford, 1999); Goodare, *The Government of Scotland*, 70-86; A. Mark Godfrey, 'Parliament and the Law' in Keith M. Brown and Alan R. MacDonald *Parliament in Context, 1235-1707* (Edinburgh: Edinburgh University Press, 2010), 157-185.

⁶ A small sample of the literature on this includes: C. Coleman and D. Starkey (eds), *Revolution Reassessed: revisions in the history of Tudor government and administration* (Oxford, 1986); A. Fox and J. A. Guy (eds), *Reassessing the Henrician Age: Humanism, Politics and Reform* (Oxford, 1986). Note how the French debate has developed comparing: Robert Knecht, *Francis I* (Cambridge, 1982) 117-131, 344-61 espec; Robert Knecht, *Renaissance Warrior and Patron: The Reign of Francis I* (Cambridge, 2008), 525-. Cédric Michon, *Les Conseillers de François Ier* (Rennes, 2011); Lauren Jee-Su Kim, 'French royal acts printed before 1601' (unpublished PhD thesis, University of St Andrews, 2008) 160-2.

⁷ R. K. Hannay, *The College of Justice: essays on the institution and development of the court of session* (Edinburgh and Glasgow, 1933)

⁸ Athol L. Murray, 'Exchequer, council and session, 1513-1542', *Stewart style, 1513-1542: essays on the court of James V*. Ed. Williams, Janet Hadley, (East Linton: Tuckwell, 1996), pp. 97-117; John W. Cairns, 'Revisiting the foundation of the College of Justice', *Miscellany five* Ed. MacQueen, Hector L. (Stair Society, 2006), 27-50; A.M. Godfrey, *Civil Justice in Renaissance Scotland: The Origins of a Central Court* (Leiden, 2009); Amy Blakeway, 'The Privy Council of James V of Scotland, 1528-1542', *Historical Journal* 59: 1 (2016) 23-44.

⁹ Comparing the bottom edges of the sheets: NRS PA2/8/III f.125: 19.9cm on the recto but only 19.7cm on the verso; f.126 is 19.7cm on the recto but 19.4cm on the verso.

¹⁰ NRS PA2/8/III f.117r.

¹¹ I am grateful to Professor Julian Goodare for making me aware of Robertson's edition. The copy held in the National Records of Scotland (shelfmark: 465.000) contains a facsimile of Thomson's report. Clarke, T. (2004, September 23). Thomson, Thomas (1768-1852), record scholar and advocate. *Oxford Dictionary of National Biography*. Retrieved 24 Jun. 2019, from

<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e->

- [27324](#). Julian Goodare, 'The Scottish Parliamentary Records, 1560-1603', *Historical Research* 72 (1999) 244-267 at 265-6. Ash, *Strange Death*, pp. 45-51.
- ¹² William Robertson (ed.), *The Parliamentary Records of Scotland in the General Register House 1240-1571* (Edinburgh, 1804), 543, 589, 607.
- ¹³ Robertson, *Parliamentary Records*, 607, 645.
- ¹⁴ Richard Marsden, *Cosmo Innes and the Defence of Scotland's Past c. 1825-1875* (Farnham, 2014), 68-73 at 70.
- ¹⁵ Marsden, *Defence of Scotland's Past*, 73.
- ¹⁶ Athol Murray, 'Introduction' to *Acts of the Lords of Council, 1501-1503*, iii, ed. A. B. Calderwood (Edinburgh, 1993), xiii.
- ¹⁷ Ash, *Strange Death*, 48-9. See also: Marsden, *Cosmo Innes* 68-71.
- ¹⁸ Robertson's paper was 42.7cm long; Thomson's was 44.5cm long.
- ¹⁹ Athol L. Murray, 'The Lord Clerk Register', *SHR* 53 (1974), 124-156 at 132-5; Goodare, *Government of Scotland*, 152. A. Mann, 'House Rules: Parliamentary Procedure', in Keith M. Brown and Alan R. MacDonald eds., *Parliament in Context, 1235-1707* (Edinburgh: Edinburgh University Press, 2010), 122-156 at 140.
- ²⁰ For more on Foulis see: Finlay, J. (2004, September 23). Foulis, James (d. in or before 1549), poet and lawyer. *Oxford Dictionary of National Biography*. Retrieved 6 Jan. 2020, from <https://www-oxforddnb-com.ezproxy.st-andrews.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-9986>. Whilst this is a helpful starting point Finlay's claim that 'little seems to have come of' the 1541 injunction to print the Acts of Parliament is, clearly, strongly refuted by the research presented in this present piece. See also: R. A. Mason *Kingship and the Commonwealth* (East Linton, 1998), 115-116; Theo van Heijnsbergen, "Studies in the Contextualisation of Mid-Sixteenth-Century Scottish Verse," unpublished PhD thesis (University of Glasgow, 2010), 21-2.
- ²¹ *ADCP* p.374.
- ²² NRS CS5/40 f.114; *ADCP* p.315.
- ²³ For a printed sample of Foulis's hand see: William Fraser (ed.), *Registrum Monasterii S. Marie de Cambuskenneth, A.D. 1147-1535* (Edinburgh, Grampian Club, 1872), opp. 70. Foulis has subscribed the bottom of the reproduced page. NRS GD248/2/2/1 ff.76-7 gives two larger samples, also each signed.
- ²⁴ NRS PA2/8/I 16, 18v-19r.
- ²⁵ NRS PA2/8/I f.16r. For 1535: NRS PA2/8/II f.98.
- ²⁶ A further note that an act was 'to be printed' is in another hand and must relate to a different project. NRS PA2/8/I f.16r; RPS 1525/7/39. Date accessed: 24 March 2020.
- ²⁷ NRS PA2/8/1 f.20. This act concerning fire raising is annotated 'act' and 'no' and corresponds to RPS 1526/11/64 and RPS 1540/12/83. Date accessed: 23 March 2020. NRS PA2/8/I f.16. This act concerning the authentication of documents is marked 'act', 'no' and 'constitor de novo' and corresponds to RPS 1525/7/31 and 1540/12/19. Date accessed 23 March 2020. The later provisions tighten up those of 1525.
- ²⁸ Robert Rait, *The Parliaments of Scotland* (Glasgow, 1924); Roland Tanner, 'The Lords of the Articles before 1540: a reassessment', *Scottish Historical Review*, 79:2 (2000) 189-212; A. R. MacDonald, 'Deliberative processes in Parliament c.1567-1639: multicameralism and the Lords of the Articles', *SHR* 81 (2002), 23-51.
- ²⁹ *RPS*, 1535/4. Date accessed: 19 June 2019.
- ³⁰ Mann, 'House Rules: Parliamentary Procedure', 140-1; Tanner, 'The Lords of the Articles before 1540', 190-5, 211.
- ³¹ *RPS*, 1540/12/9. Date accessed: 19 June 2019.
- ³² NRS PA2/8/II ff. 103r-103v. The entries correspond to: RPS, 1535/29-31. Date accessed: 3 January 2020 which records the textual annotations. I explore these discussions in more detail in a forthcoming publication. For later draft statutes: A. R. MacDonald, 'Uncovering the legislative processes in the Parliaments of James VI', *Historical Research* 84 (2011), 601-17, *passim*.
- ³³ A. R. MacDonald, 'Deliberative processes in Parliament c.1567-1639: multicameralism and the Lords of the Articles', *SHR* 81 (2002) 23-51 at 43.
- ³⁴ *New Actis and Constitutionis of Parliament* (Edinburgh, 1542), 3-10. For example, an article 'off wappenschawings' (NRS PA2/8/II f. 102; *RPS*, 1535/28) is incomplete, not marked 'pronuncitur' and absent from both PA2/8/III and the printed *Actis*. A further act on the subject of stud farms (PA2/8/II 104r) was partly deleted and marked up 'nota', 'pro' and 'X' in the margin. The PA2/8/III 132 version and the *Actis* version (6v) contains only the undeleted text.

- ³⁵ The list as a whole is categorised as 'legislation'. See the designation of category for the following *RPS* entries, corresponding to the manuscript articles discussed above, which are included alongside passed statutes. The editors noted the phrases annotated next to these in the pop-up boxes: *RPS*, 1535/29-31. Date accessed: 3 January 2020.
- ³⁶ Julian Goodare, 'The Scottish Parliamentary Records, 1560-1603', *Historical Research* 72 (1999), 244-267 at 256-7.
- ³⁷ NRS PA2/8/II ff.97v-106r.
- ³⁸ Goodare, 'Scottish Parliamentary Records', 267-8.
- ³⁹ For example: NRS PA2/8/II ff. 86v, 88v, 89-90 (potentially these two pages were just stuck together not deliberately left blank), 94r-94v, 120r.
- ⁴⁰ *RPS*, 1540/12/102. Date accessed: 19 June 2019.
- ⁴¹ See the jumps in material at NRS PA2/8/III ff.121v-122r (a jump from 1532-5 omitting 1533), 139v-140r (jumping from 1535-1538 omitting 1536 material).
- ⁴² NRS PA2/8/III 126r, 128r, 128v, 129r, 130r.
- ⁴³ NRS PA2/8/III f.138r; 146v, 147r, 153v, 173v, 176r-v.
- ⁴⁴ *New Actis and Constitutionis of Parliament* (1542) 9v, 10v, 19v.
- ⁴⁵ NRS PA2/8/III f. 146r. *Actis* (1542) 10v.
- ⁴⁶ NRS PA2/8/III f. 171r. *Actis* (1542) 19v.
- ⁴⁷ NRS PA2/8/III f. 137v. *Actis* (1542) 9v. This marginalia was omitted from the *RPS* edition: *RPS*, 1535/50. Date accessed: 21 June 2019. Compare the note signed by Foulis in NRS GD249/2/2/1 76r – the 'pr' in 'propter' and 'printit'.
- ⁴⁸ NRS PA2/8/III ff. 125v, 127v.
- ⁴⁹ For obvious trimming: NRS PA2/8/II-III ff. 72, 97, 100, 126, 129r (partly removed text at the foot of the page). For partly deleted circles: NRS PA2/8/III ff. 129v, 131v, 132v, 133v, 134v. For both: 168v.
- ⁵⁰ Measurements taken from a random sample of examples on: NRS PA2/8/III ff.130r, 132r, 135r. By sight, this is consistent throughout the volume.
- ⁵¹ *Actis* (1542) 16v; NRS PA2/8/III f.157v.
- ⁵² NRS PA2/8/III f.129v. *RPS* 1535/19; *RPS* 1540/12/32. Date accessed 24 March 2020.
- ⁵³ BL Harley MS 2363; John Stuart (ed.), *Records of the Monastery of Kinloss* (Edinburgh 1872), lxviii. For Kinloss as a centre of learning: S. M. Holmes, 'The meaning of history: A dedicatory letter from Giovanni Ferrerio to Abbot Robert Reid in his *Historia abbatum de Kynloss*', *Reformation and Renaissance Review* 10:1 (2008) 89-115.
- ⁵⁴ NRS PA2/8/III ff.146, 158v, 160v.
- ⁵⁵ *RPS* 1535/50. Date accessed 24 March 2020. *Actis* (1542) f.9v. For further comment on this case see: Godfrey, *Civil Justice in Renaissance Scotland*, 30, 38, 198, 216.
- ⁵⁶ NRS CS6/14 f.201r-202r.
- ⁵⁷ See: James McGill and John Bellenden, 'Discours Particulier d'Escosse 1559/60' ed. P. G. B. McNeill, *Stair Society Miscellany II* (Edinburgh, 1984), pp. 116-121.
- ⁵⁸ Pop up to main title 'Parliamentary Register' for 28 September 1545. *RPS*, 1545/9/28/1. Date accessed: 10 August 2019.
- ⁵⁹ NRS PA2/8/III f.119r.
- ⁶⁰ NRS PA2/9/II f. 43.
- ⁶¹ We see a parallel here with the extant materials from the 1568 parliament: Goodare, 'Parliamentary Records', 258.
- ⁶² NRS PA2/9/II/a f.15. *RPS* 1545/5/28/50. Accessed 24/3/20. This corresponds to the material in NRS PA2/9/II 147v.
- ⁶³ Pop up to *RPS* 1545/9/2/2. Accessed 11/10/19.
- ⁶⁴ These appear on: *RPS* 1545/9/2/3-11. 1545/9/28/2, 4, 9, 12, 14-20, 25-7; 1546/7/1-4, 10, 15, 17-18, 39, 65, Accessed 3/3/20; NRS PA2/9/IIa f.1-43r. Generally items marked 'nihil' lack any further annotation.
- ⁶⁵ NRS PA2/9/I, unfoliated item glued to f.1.
- ⁶⁶ NRS CS6/1 f.4, 25r; NRS CS5/40 f.157v. See also Godfrey, *Civil Justice*, 137.
- ⁶⁷ Robertson, *Parliamentary Records*, 645.
- ⁶⁸ NRS PA2/9/I f.143.
- ⁶⁹ NRS PA2/9/I f.144v. For a comparable example see Godfrey, *Civil Justice*, 412.

- ⁷⁰ There is also no reference to it in the privy council register. If it appeared in date order it would have been at: PC1/1 f.23.
- ⁷¹ MacDonald, 'Uncovering the legislative process in the parliaments of James VI', 611.
- ⁷² NRS PA2/8/III f. 119r.
- ⁷³ William Fraser (ed.), *Registrum Monasterii S. Marie de Cambuskenneth, A.D. 1147-1535* (Edinburgh, Grampian Club, 1872), vii.
- ⁷⁴ Fraser (ed.), *Registrum Monasterii S. Marie de Cambuskenneth*, v-x.
- ⁷⁵ NRS PA2/8/I unfoliated sheet at the start of the volume.
- ⁷⁶ Murray, 'Clerk Register', 134, 140.
- ⁷⁷ Goodare, J. (2004, September 23). Hamilton, Thomas, earl of Melrose and first earl of Haddington (1563–1637), lawyer and politician. Oxford Dictionary of National Biography. Ed. Retrieved 1 Oct. 2018, from <http://www.oxforddnb.com.chain.kent.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-12126>. For the Bannatyne connection: van Heijnsbergen, 'Mid Sixteenth-Century Scottish Verse', p. 187.
- ⁷⁸ Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis 1558-1569* (Cambridge, 1998), 11-12.
- ⁷⁹ Arnold Hunt, 'The Early Modern Secretary and the Early Modern Archive', in A. Walsham, K. Peters and L. Cozens (eds) *Archives and Information in the Early Modern World* (Oxford, 2018) 106-130 108.
- ⁸⁰ At the time of writing, James's secretary, Sir Thomas Erskine is not even afforded an ODNB entry. A helpful but brief starting point for his career is: Mason, *Kingship and the Commonweal* 116-121. For the best study of a secretary so far in our period: Mark Loughlin, 'The career of Maitland of Lethington, c.1526-73' (Edinburgh PhD, 1991).
- ⁸¹ Thomas, *Princelie Majestie*, 15; Mason, *Kingship and the Commonweal* 104-138.
- ⁸² RPS 1545/9/28/1, note in pop-up attached to the section title 'Parliamentary Register'.
- ⁸³ For this process later in the century: MacDonald, 'Legislative Process', 612-613.
- ⁸⁴ For some individuals working in these circles: van Heijnsbergen, "Mid-Sixteenth-Century Scottish Verse", 255.
- ⁸⁵ Alford, *Early Elizabethan Polity*, 43-5; Alasdair Ross, 'The Bannatyne club and the publication of Scottish ecclesiastical cartularies', *Scottish Historical Review* 85 (2006) 202-230, at 207-9 especially.
- ⁸⁶ Gillian H. MacIntosh, Alastair J. Mann and Roland J. Tanner, 'Editorial Introduction: section II', www.rps.ac.uk, accessed 11/10/19.
- ⁸⁷ Macfarlane, L. (2015, May 28). Dunbar, Gavin (1454x6–1532), administrator and bishop of Aberdeen. Oxford Dictionary of National Biography. Ed. Retrieved 1 Oct. 2018, from <http://www.oxforddnb.com.chain.kent.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-8202>; NRS PA2/7; NRS PA2/8/I.
- ⁸⁸ For example see the record of the July 1515 Parliament: RPS A1515/7/1-4. Accessed 11/10/19.
- ⁸⁹ NRS PA2/10 starts in 1558.
- ⁹⁰ Gillian H. MacIntosh, Alastair J. Mann and Roland J. Tanner, 'Editorial Introduction: section II', www.rps.ac.uk, accessed 11/10/19. See also pop up to A1551/5/1.
- ⁹¹ Julian Goodare, 'The Scottish Parliamentary Records, 1560-1603', *Historical Research* 72 (1999), 244-267, 255-6 especially.
- ⁹² RPS, A1551/5/2. Date accessed: 11 October 2019.
- ⁹³ For this war see: Marcus Merriman, *The Rough Wooings: Mary, Queen of Scots 1542-1551* (East Linton, 2000).
- ⁹⁴ A. M. Godfrey, 'Parliament and the Law' in K. Brown and A. R. MacDonald (eds) *Parliament in Context 1235-1707* (Edinburgh, 2010), 157-185 at 176.
- ⁹⁵ Roger Mason, 'Renaissance Kingship?' in M. Brown and R. Tanner (eds), *Scottish Kingship 1306-42: essays in honour of Norman Macdougall* (Edinburgh, 2008), 259.
- ⁹⁶ Van Heijnsbergen, 'Mid-Sixteenth century Scottish verse', 21-2, 44, 58. Mason, *Kingship and the Commonweal* 115-116. For clerks and literary activities in another context: Jennifer Bishop, 'The Clerk's Tale: Civic Writing in Sixteenth-Century London', *Past and Present* 230 (2016) 112-130, at 126-9. James Foulis, *Calamitose pestis elega deploratio. Ad divam Margaritam reginam sapphicum carmen. De mercatorum facilitate aesclepiadeum ite et alia quedam carmina* (Paris, 1510). This ran to two further editions in 1512 and 1515.

- ⁹⁷ *RPS*, 1540/12/102. Date accessed: 3 January 2020.
- ⁹⁸ NRS PA2/8 f. 17r; *Actis* (1542) 27r.
- ⁹⁹ *Actis* (1542) 1v.
- ¹⁰⁰ Van Heijnsbergen, 'Mid Sixteenth-Century Scottish Verse', 21-2; *Actis* (1542) 27r.
- ¹⁰¹ A. J. Mann, *The Scottish Book Trade 1500-1720: print commerce and print control in early modern Scotland* (East Linton, 2000) 99; *Actis and Constitutionis* 1.
- ¹⁰² See the NLS copies H.33.c.13 and Ry.II.a.7. For printing on velum: Ryoko Harikae, 'John Bellenden's *Chronicles of Scotland*: translation and circulation' (Oxford, unpublished PhD, 2009), 155-6.
- ¹⁰³ NLS Ry.11.a.7
- ¹⁰⁴ W. Mair (ed.), *Notices of the Local Records of Dysart* (Maitland Club, 1852) 14, 20. Theo van Heijnsbergen, "Studies in the Contextualisation of Mid-Sixteenth-Century Scottish Verse" (unpublished PhD thesis University of Glasgow, 2010) 45-46, 148-9.
- ¹⁰⁵ J Kirk (ed.), *The Books of Assumption of the Thirds of Benefices* (Oxford, 1995), 70, 71, 188.
- ¹⁰⁶ Van Heijnsbergen, 'Mid Sixteenth-Century Scottish Verse', 46.
- ¹⁰⁷ I am grateful to Dr Margaret Connolly and Ms Rachel Hart for their eagle-eyed assistance with this tricky palaeographical problem. No-one of this name or an obvious spelling variant appears in the indexes to *RMS* vols 3 & 4 (covering 1513-48) or *RSS* II & III (covering 1529-80).
- ¹⁰⁸ I am grateful to the archivists at Hatfield House for supplying me with a photograph of this. For looting more generally in this war: E. Gordon Duff 'Some early Scottish bookbindings and their collectors', *SHR* 4 (1907), 430-442; R. W. Chambers and W. Seton, 'Bellenden's Translation of the History of Hector Boece', *SHR* 19 (1922) 196-201 at p. 198; R. Harikae, 'John Bellenden's *Chronicles of Scotland*: translation and circulation' (unpublished University of Oxford DPhil thesis, 2009), 183-4.
- ¹⁰⁹ Robert Dickson and J. P. Emond, *Annals of Scottish Printing* (Cambridge, 1890, 2 vols) I 118. They cite a 'manuscript account of the revenue of the Archbishops of St Andrews'; this is likely to be the one published as: R. K. Hannay (ed.) *Rentale Sancti Andree* (Edinburgh, 1913) 139.
- ¹¹⁰ *RPS*, 1540/12/102. Date accessed: 11 October 2019. *Actis* (1542) 27.
- ¹¹¹ *Actis* (1542) 27.
- ¹¹² R. C. Head, 'Organised Records and State Power, c. 1500' in A. Walsham, K. Peters and L. Corens (eds) *Archives and Information in the Early Modern World* (Oxford, 2018) 29-53 at 49.
- ¹¹³ Dickson and Emond, *Annals of Scottish Printing*, I, 109-118.
- ¹¹⁴ Fraser, *Registrum Monasterii...Cambuskenneth* vi-viii; Harikae, 'Kingship and Imperial Ideas in the *Chronicles of Scotland*', 220-1.
- ¹¹⁵ Harikae, 'Kingship and Imperial Ideas in the *Chronicles of Scotland*', 219-21.
- ¹¹⁶ Roger Mason, 'Renaissance Kingship?', 259-60; Dickson and Emond, *Annals of Scottish Printing*, I, 109.
- ¹¹⁷ A. J. Mann, 'The Anatomy of the Printed Book in Early Modern Scotland', *SHR* 80 (2001), 181-200, at 186.
- ¹¹⁸ For a description of these works and the device see: Dickson and Emond, *Annals of Scottish Printing* I, 104-6, 121-35; J. Ijsewijn and D. F. S. Thomson, 'The Latin Poems of Jacobus Follisius or James Foullis of Edinburgh', *Humanistica Lovaniensia* 24 (1975) 102-52 at 105. My thanks to Dr Steven Reid for this reference.
- ¹¹⁹ R. Samson Luborsky and E. Morley Ingram, *A Guide to English Illustrated Books 1536-1603* (Tempe, Arizona, 1998), I, 238; Dickson & Emond, *Annals of Scottish Printing*, I, 113.
- ¹²⁰ Paul McGinnis and Arthur H. Williamson (eds & trans), *George Buchanan the Political Poetry* (Edinburgh, 1995), 168-170, 184-245; Mason, *Kingship and the Commonweal* 127.
- ¹²¹ Andrea Thomas, *Princelie Majestie* 115-116
- ¹²² James V to Frederick 1, Nov/Dec 1532, in Robert Kerr Hannay and Denis Hay (eds) *Letters of James V* (Edinburgh, 1954), 231-2.
- ¹²³ For a summary of the historiography on James's piety: Thomas, *Princelie Majesty* 118-19.
- ¹²⁴ For discussion of this edition more broadly: Goodare, *Government of Scotland*, 76-7, 82.
- ¹²⁵ Dickson and Emond, *Annals*, I, 223; II, 226.
- ¹²⁶ *Actis* (1542) f.1v; *Actis...of the Realme of Scotland* (Edinburgh, 1566) 110v, 117v, 142v, 169v.
- ¹²⁷ *Actis* (1566) 110v, 117v, 169r.
- ¹²⁸ *Actis* (1566) 180-1.
- ¹²⁹ *Actis and Constitutionis* (1542) p. 27; *Actis* (1566) 142v.

¹³⁰ These should have appeared at: *Actis* (1566) 112v-113r, 118r-v. Provisions for excommunication, however, remained.

¹³¹ *Actis* (1566) 169-70. P. G. B. McNeill, "'Our Religion, established neither by Law nor Parliament': was the Reformation legislation of 1560 valid?", *Records of the Scottish Church History Society*, 35 (2005) 68-89; J. Goodare, 'The Scottish Political Community and the Parliament of 1563', *Albion* 35 (2003) 373-97.

¹³² Licence to Chepman and Millar, transcribed at:

<https://webarchive.nrscotland.gov.uk/20170106025850/http://www.nas.gov.uk/about/070914.asp>, accessed 28 August 2019.

¹³³ NRS PC1/2 f.67r. See also: *RPC I* 138-9.

¹³⁴ Murray, 'Clerk Register', 134 suggests MacGill remained in post until 1579 but see McNeill, P., (2004, September 23). Balfour, Sir James, of Pittendreich (c. 1525–1583), politician and legal writer. Oxford Dictionary of National Biography. Retrieved 28 Aug. 2019, from

<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-1188>; Lynch, M. (2004, September 23). MacGill [Mackgill], James, of Nether Rankeillour (d. 1579), lawyer and administrator. Oxford Dictionary of National Biography. Retrieved 28 Aug. 2019, from <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17612>.

¹³⁵ Kim, 'French Royal Acts', 25, 47-50.

¹³⁶ Kim, 'French Royal Acts', 51.

¹³⁷ D. B. Quinn, 'Government Printing and the Publication of the Irish Statutes in the Sixteenth Century', *Proceedings of the Royal Irish Academy: Archaeology, Culture, History, Literature* Vol. 49 (1943/1944), 45-129, 49-50. I am grateful to Dr Ian Campbell for providing me with this reference.

¹³⁸ G. R. Elton, 'The sessional printing of statutes 1484-1547', in Eric W. Ives, Robert J. Knecht, and J. J. Scarisbrick (eds), *Wealth and power in Tudor England: essays presented to S.T. Bindoff* (London, 1978) 68-86; *The great booke of statutes* (London, 1542).

¹³⁹ Janusz Małłek 'Printing-houses and printing in the service of the Polish Parliament in the sixteenth century', *Parliaments, Estates & Representation*, 24:1 (2004), 119-129 at 126-9.

¹⁴⁰ For this mixture of business: Godfrey, *Civil Justice*, chapter 5 passim; Murray, 'Introduction', *ADCP*.

¹⁴¹ Hannay, 'Introduction', *ADCP* p. xliii.

¹⁴² Goodare, *Government of Scotland*, 129-30.

¹⁴³ Blakeway, 'Privy Council'.

¹⁴⁴ Hannay, 'Introduction', *ADCP* p. xliii.

¹⁴⁵ Blakeway, 'Privy Council', 33.

¹⁴⁶ Hannay, 'Introduction', *ADCP* p. xlv;

¹⁴⁷ NRS GD249/2/2/1 f. 76r.

¹⁴⁸ Hay and Hannay (eds), *Letters of James V*, 233. This edition also expands 's' to 'secreti' but it is unclear if Hannay considered the implication of this for his earlier remarks on the origins of the Secret Council register.

¹⁴⁹ NRS CS5/41 ff.78r-80r, 97r-98v, 115r, 119v, 121v, 154v, 1515v; NRS CS6/1 ff.115r, 117r, 118v, 130v, 133v; NRS CS6/10 f.77r. This is an indicative rather than a comprehensive list.

¹⁵⁰ NRS CS5/42.

¹⁵¹ NRS CS5/41 ff. 95v-100.

¹⁵² R. K. Hannay (ed.), *Acts of the Lords of Council in Public Affairs, 1501-1554* (Edinburgh, 1932).

¹⁵³ Tricia A. McElroy, "Imagining the 'Scottis Natioun': Populism and Propaganda in Scottish Satirical Broad-sides", *Texas Studies in Literature and Language* 49 (2007), 319–339; Michael Bath and Malcom Jones, "'Placardes and Billis and Ticquettis of Defamatioun': Queen Mary, the Mermaid and the Hare", *Journal of the Warburg and Courtauld Institutes* 78 (2015), 223–246; Jeremy Smith, "From 'Secretit' Script to Public Print: Punctuation, News Management, and the Condemnation of the Earl of Bothwell", *Huntington Library Quarterly* 80 (2017) 223-238.

¹⁵⁴ Hunt, 'The Early Modern Secretary', 112.

¹⁵⁵ Blakeway, 'Privy Council'.

¹⁵⁶ Cameron, *James V*; Thomas *Princelie Majestie*; Janet Hadley-Williams (ed.), *Stewart Style*; Caroline Bingham, *James V* (1971). Carol Edington, *Court and Culture in Renaissance Scotland: Sir David Lindsay of the Mount* (Amherst, 1994) Sarah Carpenter, 'David Lindsay and James V: court literature as current event' in Jennifer and Richard Britnell (eds), *Vernacular Literature and Current Affairs in the early sixteenth-century*:

France, England and Scotland (Aldershot, 2000), 135-52; Andrea Thomas, 'Princelie Majestie': the court of James V of Scotland 1528-42 (Edinburgh, 2005); Andrea Thomas, 'Crown Imperial: Coronation ritual and regalia in the Reign of James V', in Julian Goodare and Alasdair MacDonald (eds.), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008) pp. 43-67.

¹⁵⁷ See the literature cited in note 8 above.