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## Locality and Allegiance: English Lothian, 1296-1318

JONATHAN D. GLEDHILL

The enforced abdication of King John in July 1296 and the consequent degrading of Scotland from an independent kingdom to a mere land of the English monarchy introduced a difficult political dualism into Scottish politics. The military conquest of Scotland meant that its barons and knights now had to decide whether to accept English claims to overlordship that were directly exercised through a colonial government, or continue to support a series of guardians who acted in King John's name: a situation that lasted until the negotiated surrender of the guardian John Comyn of Badenoch at Strathord in 1304. This choice between Scottish monarch and English lord was reignited when Robert Bruce proclaimed himself king of Scots in 1306. For although the siding of King John's supporters with the English continued an internal Scottish dynastic rivalry dating back to the Great Cause of 1291-2, they were now upholding English rights in Scotland not aiming to restore King John. The situation continued until Bruce's victory at Bannockburn in 1314 secured his kingship, and the causes and consequences of this political choice have received much attention in terms of the Scottish kingship, competing noble claims to the crown, and the motivations of individual magnate families.<sup>1</sup> However, with one exception, the effects of this dichotomy on local

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<sup>1</sup> For background, see A.A.M. Duncan, *The Kingship of the Scots, 842-1292: Succession and Independence* (Edinburgh, 2002), pp. 221-311; Barrow, *Bruce* (4th edn), pp. 52-187; Alexander Grant, 'The Death of John Comyn: What Was Going On?', *SHR* lxxxvi (2007) pp. 176-224. For individual families, see A.G. Beam, *The Balliol Dynasty, 1210-1364* (Edinburgh, 2008), pp. 119-173; Alasdair

society have not been examined, despite the obvious potential to contextualise the amount of support the competing claimants to authority were able to acquire and thus, implicitly, the legitimacy they were seen to embody.<sup>2</sup> Such work is particularly relevant to an understanding of Scottish political society given the decentralised nature of its justice and administration, and the consequent significance of its local baronage who held nearly 40 per cent of Scotland's medieval parishes (wholly or partly) as small, local baronies:<sup>3</sup> a significance underlined by the Declaration of Arbroath, which was sent mainly in the name of the leading men from this parochial baronage.<sup>4</sup> The claim of the barons and freeholders to be able to remove Robert I from his kingship was political bluff, but their relevance in local political society – and thus the small Scottish political society – allowed them to make that assertion.

Both English and Scottish claims to authority were challenged and variable in their effects across the country; but by examining south-east Scotland, which included a major comital family, the Dunbar earls of March, as well as numerous parochial barons and knights, the political affect on a thirteenth-century Scottish earldom (which are usually depicted as socially coherent entities) as well as on the local baronage can be systematically assessed.

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Ross, 'Men for all Seasons? The Strathbogie Earls of Atholl and the Wars of Independence, c.1290-c.1335' *Northern Scotland* xx (2000) pp. 1-20; Alan Young, *Robert Bruce's Rivals: The Comyns, 1212-1314* (East Linton, 1997) pp. 157-210; C.J. Neville, 'The Political Allegiance of the Earls of Strathearn during the Wars of Independence', *SHR* lxxv (1986), pp. 133-53.

<sup>2</sup> Michael Brown, 'War, Allegiance, and Community in the Anglo-Scottish Marches: Teviotdale in the Fourteenth Century', *NH* xli (2004), pp. 219-38.

<sup>3</sup> Alexander Grant 'Franchises North of the Border: Baronies and Regalities in Medieval Scotland', in *Liberties and Identities in the Medieval British Isles*, ed. Michael Prestwich (Woodbridge, 2008), pp. 161-5.

<sup>4</sup> A.A.M. Duncan, *The Nation of the Scots and the Declaration of Arbroath* (London, 1970), p. 34. These men effectively constituted part of the Scottish higher nobility; Alexander Grant 'Extinction of Direct Male Lines among Scottish Noble Families in the Fourteenth and Fifteenth Centuries', in *Essays on the Nobility of Medieval Scotland*, ed. K.J. Stringer (Edinburgh, 1985), pp. 213-4.

Consisting of the sheriffdom of Berwick and the constabulary of Haddington (equivalent to the pre-1974 counties of Berwickshire and East Lothian),<sup>5</sup> the region allows for particular analysis of English success at winning local support through their administration at Berwick and the encircling of landed society by major garrisons at Berwick, Roxburgh and Edinburgh. Incidents like the capture of the constable of Roxburgh near his own castle in December 1301, and the Comyn victory at Roslin, only six miles from Edinburgh, on 24 February 1303, are reminders that the south-east endured an unsettled occupation. However, apart from William Wallace's success in 1297-8, which effectively isolated the garrisons, English authority was largely maintained from 1296 to 1314.<sup>6</sup> Although the south-east produced some of Geoffrey Barrow's most significant personifications of Lothian resistance, such as Sir Robert Keith, William Vipont, and Thomas and Herbert Morham, his impressionistic survey of Lothian's contribution to the 'patriotic cause' shows them active outside the region, in Stirlingshire, Selkirk and as far away as Gascony.<sup>7</sup> All these men also saw service, quite protracted in the case of Keith, with the English Crown between 1296 and 1308; and clearly both individual circumstances and the fortunes of the Scottish forces varied throughout the period.<sup>8</sup> In addition, since the earls of March served the English Crown throughout the period, it is worth asking not just who aided the cause of King John or Robert Bruce, but what proportion of the region's barons and knights sided with the English, and what happened to those who remained inside the south-east?<sup>9</sup>

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<sup>5</sup> Haddington constabulary was the eastern division of Edinburgh sheriffdom.

<sup>6</sup> *CDS*, iv, p. 450; *Scalacronica*, p. 45.

<sup>7</sup> G.W.S. Barrow, 'Lothian in the first War of Independence, 1296-1328', in *idem*, *Scotland and its Neighbours* (London, 1992), pp. 162-3. For Keith as warden of Selkirk, see *CDS*, ii, no. 1978.

<sup>8</sup> *CDS*, ii, nos. 1132, 1706, 1961.

<sup>9</sup> For a longer-term analysis of this third political option, see Michael Brown, 'Scoti Anglicati: Scots in Plantagenet Allegiance during the Fourteenth Century', in King and Penman, *England and Scotland*, pp. 94-115.

The patchy nature of Scottish sources means that identifying local families at any one time is problematic, but a prosopographical survey is possible when based on a long-term analysis of the region, and combined with the list of freeholders arranged by sheriffdom who swore fealty to Edward I in summer 1296. Of paramount importance in the south-east was Patrick IV Dunbar, whose earldom of March<sup>10</sup> encompassed a third of Haddington constabulary and the majority of central Berwickshire. Territorially dominant, the earl's comital estate extended into 24 of the region's 66 parishes (over a third of the total), and twenty of those were totally within the earldom.<sup>11</sup> Furthermore, the Dunbar affinity provided a focus for lordship across the region for both neighbouring lords and comital tenants, including the families of Gordon, Haliburton, Lauder, Leitholm, Polwarth, Nesbit and Purves of Earlston.<sup>12</sup> Historically, the Moreville and Galloway holders of the provincial lordship of Lauderdale, which stretched across five parishes on the western side of both sheriffdoms, had fulfilled a similar function for their main knightly tenants: Maitland of Thirlstane, Haig of

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<sup>10</sup> Both earl and earldom were named Dunbar in the thirteenth century. Patrick IV succeeded as earl in 1289 and first appears at Birgham in March 1290 styled earl of Dunbar. By the following year he is styled earl of March, a title recognised by Edward I and King John. The territorial designation 'de Dunbar' became a surname, though Patrick does occur as earl of Dunbar in some of King John's charters and occasional English records into the fourteenth century. *Edward I and the Throne of Scotland, 1290-1296; An Edition of the Record Sources for the Great Cause*, ed. E.L.G. Stones and Grant G. Simpson (2 vols, Oxford, 1978), ii, 42, 50, 272, 367; Stevenson, *Docs*, i, 129; *CDS*, ii, nos. 872, 1023, 1427. He styled himself earl of March in his own charters with one possible exception; *Kelso Liber*, nos. 306, 307; *Melrose Liber*, no. 365. The exception is *Chartulary of the Cistercian Priory of Coldstream*, ed. Charles Rogers (Grampian Club, 1879), no. 14 which may date before 1289.

<sup>11</sup> J.D. Gledhill, 'Political Society in South-East Scotland, 1094-1434', unpublished Ph.D. thesis (Lancaster University, 2009), p. 43.

<sup>12</sup> See for example, *Melrose Liber*, no. 365 where the earl's followers are drawn from across the region. For the pre-1300 Dunbar affinity, see Gledhill, 'Political Society', pp. 155-170, 194-215 and E. Hamilton, *Mighty Subjects: The Dunbar Earls in Scotland, c.1072-1289* (Edinburgh, 2010), pp. 143-6, 195-7, 236.

Bemersyde, Sinclair of Herdmanston and Abernethy of Saltoun;<sup>13</sup> but, a series of heiresses through the thirteenth century meant it was divided between four lords by 1296. Half the lordship was held by King John, though he had only gained sasine upon the death of his mother, Dervogilla, in 1289 X 1290 and had no strong ties to the region. The other half of Lauderdale (and all of Tranent barony) was itself divided into three, with portions held by the families of Zouche and Ferrers from the English midlands, and John Comyn, earl of Buchan. All had primary interests elsewhere in either England or northern Scotland, and none of these men can be found within the region issuing charters, making gifts, or even appearing in a local context.<sup>14</sup> At the end of the thirteenth century, these non-resident lords used Lauderdale as a source of revenue, not an active seat of lordship. More locally effective were the English priors of Coldingham, heads of a cell of Durham whose extensive ecclesiastical barony of Coldinghamshire in eastern Berwickshire frequently drew their tenants to court, notably the families of Prendergust, Lumsdaine, Ayton, Francis, Baddeby, Paxton, and Blackburn.<sup>15</sup>

Interspersed between these greater lordships, but predominantly clustered around the principal towns of Berwick and Haddington, were the estates of the parochial baronage.<sup>16</sup> Some baronies were held by lords resident elsewhere in Scotland. Of these, the most notable was James the Steward of Scotland, who held three baronies; but there were also the earl of Fife at North Berwick; the Dumfriesshire family of Marshall, lords of Hilton; Lindsay of Barnweill (Ayrshire) and Byres; Maxwell of Caerlaverock (Dumfriesshire) and Wester

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<sup>13</sup> G.W.S. Barrow, *The Anglo-Norman Era in Scottish History* (Oxford, 1980), pp. 70-83; K. Stringer, 'The Early lords of Lauderdale, Dryburgh Abbey and St Andrew's Priory at Northampton', in *Essays on the Nobility of Medieval Scotland*, ed. Stringer, pp. 35-8.

<sup>14</sup> It is possible that Lauderdale was divided between three lords as Margaret Ferrers resigned the office of constable to Alexander Comyn in c.1275 along with 'diverse lands'. Her heirs are not found in the lordship subsequently though they retained other parts of the Moreville (the original constable) inheritance; Gledhill, 'Political Society', p. 217.

<sup>15</sup> Raine, *North Durham*, nos. 263, 411, 422.

<sup>16</sup> This paragraph is based on a gazetteer of landed society in Gledhill, 'Political Society' pp. 13-83.

Pencaitland; and William Ramsay of Dalhousie (Mid-Lothian) and probably Foulden. Other baronies were held by Englishmen, including the Northumbrian John Lisle at Whitsome and Henry Pinkeney at Luffness. However, the majority were occupied by local men as their main patrimony, including the eponymous barons of Seton, Pencaitland, Bunkle, Ormiston, and the families of Vaux of Dirleton, Brown of Colstoun, Bisset of Upsettlington, and Gifford of Yester. Some had acquired more than one barony in the south-east, but Keith of Keith Humbie and Keith Marischal, Mordington of Mordington and Corsbie, Morham of Morham, Duncanlaw and Kimmerghame, and Vipont of Langton and Bolton, essentially belonged to the same social group. Morham, Bunkle and Vipont had substantial interests elsewhere in Scotland or England, but their significant estates in the region meant that none of these families was a stranger to the south-east.<sup>17</sup> Several barons had prominent tenants, and together with the families of Congalton, Elphinstone, Myles, Preston, Fawside, Noble of Garleton Noble and Bickerton of Luffness, they collectively constituted the region's local political society outside the earldom whose support would be required by both English and Scots.

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The initial English ascendancy meant few men had a choice to make in 1296, with Edward I's sack of Berwick and the slaughter of its townspeople on 30 March, followed by his victory against the Scottish army at Dunbar in April leading to a negotiated surrender by midsummer.<sup>18</sup> The mere arrival of English forces seems to have dissuaded resistance in King John's name from the south-east, typified by the decision reached by Earl Patrick. Despite Langtoft's claim that Patrick IV came to Edward's peace only after the capture of Berwick, it is clear that the earl, alongside the future King Robert, submitted and gave fealty to Edward I

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<sup>17</sup> *CDS*, ii, p.203, nos. 149, 1135; *RMS*, i, no. 189

<sup>18</sup> Barrow, *Bruce*, pp. 93–6; Watson, *Hammer*, pp. 25–6.

at Wark on 25 March, five days before the sack of Berwick.<sup>19</sup> Since Earl Patrick was in command of Berwick Castle at this time, the likely centre of resistance for men of the south-east as it was in 1333,<sup>20</sup> it seems probable that much of local landed society implicitly submitted with him at this point in the face of English military might.<sup>21</sup>

Nevertheless, the earl's English allegiance provoked his wife and brother into giving a Scottish force access to Dunbar Castle, and local men might be expected to have shared this sentiment and fought at the subsequent battle of Dunbar as part of the garrison or Scottish army.<sup>22</sup> However, few seem to have been active at Dunbar on the Scottish side. Of the 130 prisoners taken in Dunbar Castle after the battle, several, like Mathew Ayton, Walter Edington, William Nenthorn, Robert Leitholm and Malcolm Haddington, had names that suggest a local connection, but none of them were ever heads of their mainly unsubstantial families, or in Ayton's case even a landholder.<sup>23</sup> Most were probably brothers or younger

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<sup>19</sup> Langtoft, ed. Wright, ii, 303; *Anglo-Scottish Relations 1174–1328: Some Select Documents*, ed. E.L.G. Stones (revised edn, London, 1970), p. 137, a document not without interpolations; Duncan, *Kingship of the Scots*, p. 322.

<sup>20</sup> In December 1296 Edward I ordered his baillies not to pursue the earl for custody of the castle 'from the time which John Balliol recently king of Scots moved against us in war in Scotland as far as the day the same earl came to us'; *Rot. Scot.*, i, 37; Gledhill, 'Political Society', p. 289

<sup>21</sup> Pressure implicit in Patrick's recognition of Edward's authority 'on pain of forfeiting our lives and our property'; Stones, *Anglo-Scottish Relations*, p. 137. The earl was with Edward I at the taking of Berwick; *Scalacronica*, p. 37.

<sup>22</sup> The 'Lanercost' chronicler's comments that entry was achieved by trickery, 'pretending that the earl was a traitor through his having joined the cause of the king of England' show his belief in the justness of Edward's cause, rather than any form of deceit. Patrick promptly asked Edward for help in regaining his patrimony: *The Chronicle of Lanercost, 1272–1346*, trs. H. Maxwell (Edinburgh, 1913), p. 138; *Scalacronica*, p. 39; Watson, *Hammer*, p. 25.

<sup>23</sup> *CDS*, ii, no. 742, for the list of prisoners. Ayton does not appear in the extensive rental of Coldingham lands for this period; *Correspondence, Inventories, Account Rolls and Law Proceedings of the Priory of Coldingham*, ed. J. Raine, Surtees Soc. xii (1841), pp. lxxxv–civ.



sons, like Nicholas son of Thomas Randolph whose father was a major landholder and held Redpath in Berwickshire.<sup>24</sup> The captives had been led by the earls of Mar, Atholl, Ross and Menteith, and their northern interests undoubtedly explain the predominance of men from outside the region, with south-eastern interests represented by Herbert Morham and Richard Marshall (heirs to the barons of Morham and Hilton), who were from families that described themselves as of Stirlingshire and Galloway respectively, later in the year.<sup>25</sup> After the fall of Berwick, local men presumably followed the lead of Patrick IV and did not actively oppose the English.<sup>26</sup>

This situation was formally recognised by the number of freeholders who swore fealty to Edward I in what came to be known as the ‘Ragman Roll’, a bare, bureaucratic list of the fealties of Scottish landholders dated 28 August 1296 at the Berwick parliament, including submissions received from mid May.<sup>27</sup> Commonly reckoned to contain around 1,500 individuals,<sup>28</sup> the 327 landholders recorded who had an interest in the south-east make up a significant proportion of the total figure, demonstrating the widespread recognition of Edward I’s authority in the region.<sup>29</sup> There were a few notable exceptions, but the vast majority of the region’s barons and knights swore fealty and submitted in summer 1296, along with a large number of husbandmen and cottars from Coldinghamshire. Given the lowly status of many on the list, it would have been hard to find any freeholder from the south-east who did not have

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<sup>24</sup> *Melrose Liber*, app., no. 23.

<sup>25</sup> *CDS*, ii, pp. 198; 203, no. 1980.

<sup>26</sup> Patrick himself immediately engaged in English service, being appointed to estimate the number of dead at Dunbar; C.L. Kingsford, ‘John de Benstede and his Missions for Edward I’, in *Essays in History Presented to Reginald Lane Poole*, ed. H.W.C. Davis (Oxford, 1927), p. 335.

<sup>27</sup> For example, see the Steward and his brother; *CDS*, ii, nos. 737, 740, p. 193.

<sup>28</sup> B.A. McAndrew ‘The Sigillography of the Ragman Roll’, *Proceedings of the Soc. of Antiquaries of Scotland* cxxix (1999), p. 663.

<sup>29</sup> This figure includes the heads of religious houses but omits beneficed clergy and burgesses. For an analysis of the region’s landed society in the roll, see Gledhill, ‘Political Society’, pp. 221-242.

their name recorded. Exceptional circumstances were required to avoid giving an oath, a feat the Berwickshire knight Edward Leitholm only achieved due to his absence in France in the company of the prominent Balliol supporter Thomas Randolph, and Leitholm was forfeited that year.<sup>30</sup> His case was remarkable and even if fealty was given under implicit duress, by the standards of the time it was not to be broken lightly.<sup>31</sup>

The majority of the region's landed society chose not to fight and recognised Edward I as lord of Scotland by their submissions in summer 1296, at least acquiescing with the government he established at Berwick staffed entirely by English household officials. The earl of Surrey was created lieutenant of Scotland, and the justice Hugh Cressingham the Berwick-based treasurer.<sup>32</sup> And while the justiciars and sheriffs were retained in the normal Scottish fashion, these offices were held exclusively by Englishmen, as were the newly introduced two escheatorships for north and south of the Forth, following English practice. That this was a military administration of occupation is made abundantly clear by the sheriffs of Berwick, Roxburgh and Edinburgh being given control of their respective castles, a combination of responsibilities not previously apparent in southern Scotland but which was standard practice in England.<sup>33</sup> The newly arrived Englishmen needed help in their unfamiliar localities and in Patrick IV, Edward I and his son found their most consistent and effective ally in Scotland. The earl's pro-English reputation following the fall of Berwick is well established, but his role in the Edwardian settlement has largely been underplayed, despite his

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<sup>30</sup> Stevenson, *Docs*, ii, 94; Barrow, *Bruce*, p. 145.

<sup>31</sup> Watson, *Hammer*, p. 30.

<sup>32</sup> For the English government, see *ibid*, pp. 31-3.

<sup>33</sup> The late 13th-century constables of Berwick, William Baddeby and Philip Linton, were never sheriffs of the county, though under the Guardians sheriffs do seem to have held their castles: Norman Reid, 'The Kingless Kingdom: The Scottish Guardianship of 1286-1306', *SHR* lxi (1982), p. 116; Raine, *North Durham*, no. 215.

importance to the English king.<sup>34</sup> This is most dramatically demonstrated in summer 1296, when Patrick IV can actually be found taking the fealties of the top rank of the Scottish nobility in the company of Edward I's agents, namely, the bishop of Durham, and the earls of Surrey, Hereford, Warwick and Norfolk.<sup>35</sup> Having received the fealty of no less a man than James the Steward of Scotland at Roxburgh in May, Earl Patrick then accompanied Edward on his triumphant march north, again taking fealties at Montrose on 10 July, this time of John Comyn, earl of Buchan, Alexander Balliol, the elder John Comyn of Badenoch, and various others.<sup>36</sup> Particularly satisfying for Patrick must have been his presence when fealty was given by Donald, earl of Mar, the man who had seized Dunbar Castle the previous April in Patrick's absence.<sup>37</sup> And although he then left the king's procession and the increasingly bureaucratized process of submissions to the English clerks, Earl Patrick and the Umfraville earl of Angus were the only Scottish lords to be named individually as attending Edward's parliament at Berwick on 28 August.<sup>38</sup>

Such an enthusiastic showing suggests a man having to prove his loyalty, but effectively so, for Patrick was granted the forfeitures of his tenants in September 1296, and in December was released from obligations stemming from his earlier keeping of Berwick Castle for King John and restored to his Northumberland estate.<sup>39</sup> Such signs of favour, and Patrick's

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<sup>34</sup> Barrow, *Bruce*, p. 101; Michael Brown, *The Wars of Scotland, 1214–1371* (Edinburgh, 2004), pp. 175, 193.

<sup>35</sup> *Instrumenta publica sive processus super fidelitatibus et homagiis Scotorum domino Regi Angliae factis, 1291-96*, ed. William Adam and Samuel Shepherd (Bannatyne Club, 1834), p. 61.

<sup>36</sup> *Instrumenta publica*, ed. Adam and Shepherd, pp. 85-9.

<sup>37</sup> *Lanercost*, trs. Maxwell, p. 138. Donald's fealty is omitted from the version given in *CDS*, ii, p. 194. It is worth noting that on the same day Patrick did not take the fealty of Nicholas Rutherford, a man who had previously been found in his father's company; *Instrumenta publica*, ed. Adam and Shepherd, p. 90; NAS, RH6/60.

<sup>38</sup> *Instrumenta publica*, ed. Adam and Shepherd, pp. 93, 95, 114.

<sup>39</sup> *CDS*, ii, no. 862; *Rot. Scot.* i, 30, 37.

anomalous role as a Scotsman actively involved in the events of summer 1296, illustrate just how important a part in Edwardian Scotland he was intended to play; and efforts were clearly being made to avoid any diminution of his local standing. The granting of forfeitures was a privilege expected by the earl, and suggests a respect for his role as a local lord that does much to explain the Dunbars' adherence to the English allegiance.<sup>40</sup> That the future Patrick V was expressly told to obey Cressingham and Osbert Spaldington, the sheriff of Berwick, in May 1297 further suggests clearly defined spheres of influence between the Dunbars and sheriffs:<sup>41</sup> one was to run the earldom and the other the sheriffdom, much as it always had been in thirteenth-century Scotland. Respect for lords' local importance is also evident in Edward I's practice of addressing letters to the Scottish baronage on ad hoc matters. Thus Dunbar, Bruce and Steward were informed of the appointment of Henry Percy as keeper of Ayr and Galloway in September 1296;<sup>42</sup> and in May 1297, just before Wallace's rebellion, the future Patrick V, Alexander Bunkle of Bunkle, Hugh Gourlay of Linton, along with non-resident barons with significant estates in the region like Alexander Lindsay, Herbert Maxwell and William Ramsay, received letters from the king concerning 'certain matters which he has much at heart'.<sup>43</sup> Edward I was attempting to utilise this impressive representation of landed society in their localities, but he was unable to convince them all of his cause.<sup>44</sup>

Informing the barons did not necessarily equate to involving them in English interests, but efforts were made to formalise bonds of personal service between local men and Edward I, most notably through campaigning in Flanders. William Bisset of Upsettlington served

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<sup>40</sup> Robert I also granted the earl the forfeitures of his tenants in the earldom in 1314 X 1321, though he did not always explicitly recognise the earl's right; *RMS*, i, nos. 1, 3.

<sup>41</sup> *CDS*, ii, no. 884.

<sup>42</sup> *Rot. Scot.*, i, 34.

<sup>43</sup> *CDS*, ii, no. 884. For Gourlay at Linton, *Rot. Scot.*, i, 14.

<sup>44</sup> Lindsay confessed his rebellion against the king only two months later; *CDS*, ii, no. 909.

abroad in 1297 and was described as the king's 'vallet' by early 1298.<sup>45</sup> He was listed among the royal household later in the year when he lost a horse fighting against Wallace at Falkirk.<sup>46</sup> Although he can be found with the earls of Buchan and Menteith while in Kent presumably awaiting departure to the continent, Bisset did not fight alongside them at Dunbar, but had come to the king's peace with the earl of Strathearn in May 1296.<sup>47</sup> It was this last association which may have drawn him to Flanders since at least one of the sons earl Malise had been required to surrender as hostages also served abroad.<sup>48</sup> Similarly, the Scots captured at Dunbar swore an oath to serve Edward against the king of France as a condition of their release, and many of these men were transferred from prison straight into Edward's service (armour had to be bought specially for the earl of Menteith), with their maintenance overseas coming at English expense.<sup>49</sup> This arrangement probably explains why Richard Marshall, the heir to Hilton, was in Edward I's household later in the reign.<sup>50</sup> Such personal service did have attractions to a parochial baronage accustomed to attending Scottish kings. John Vaux of Dirleton was reported by Edward I to have 'done well in our service in the parts of Scotland' before October 1297, and to be actively seeking to join the king in Ghent through the agency of English officials, while Sir Thomas Morham had also entered the king's household before he lost his horse at Falkirk.<sup>51</sup>

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<sup>45</sup> His houses at Upsettlington were dismantled and carried away by his neighbours in his absence; *ibid.*, ii, no. 979

<sup>46</sup> *Ibid.*, ii, no. 1011.

<sup>47</sup> *Ibid.*, ii, nos. 853, 961.

<sup>48</sup> Neville, 'The Political Allegiance of the Earls of Strathearn', pp. 139-40. This association was still evident in December 1308 when Bisset acted as a mainpernor for the earl to be released from confinement; *Rot. Scot.*, i, 62.

<sup>49</sup> *Fœdera* (RC), I, iii, 181; *CDS*, ii, nos. 883, 1027.

<sup>50</sup> *Ibid.*, ii, no. 1980.

<sup>51</sup> *Documents illustrating the Crisis of 1297-8 in England*, ed. Michael Prestwich, Camden Soc., 4th ser., xxiv (1980), no. 146; *CDS*, ii, no. 1011.

There was a limit on the number of barons and knights who could be given a vested interest in the English administration in this way, and Bisset was already familiar to Edward I having received £40 from Scottish lands managed by the 'overlord of Scotland' in 1294.<sup>52</sup> But his adaptation to English control was not unique. In late 1296, the escheator south of the Forth held an inquisition in East Lothian consisting entirely of Scots, including Walter Congalton and Hugh Newton from the knightly class, and English officials did make efforts to integrate with local society.<sup>53</sup> The following February, Spaldington (with Cressingham) attended the prior of Coldingham's court at Ayton; as with previous Scottish constables of Berwick, this brought him into contact with the prior's principal Scottish suitors, Peter Prendergust, John Prendergust of that ilk and Roger Lumsdaine.<sup>54</sup> Similarly, administrative intrusion into Lauderdale was undertaken with some sensitivity since Robert Maitland was granted the forfeitures of his tenants on 1 March.<sup>55</sup>

Such efforts should not disguise a more unsettled reality. John Vaux was petitioning to serve abroad because he had been dispossessed of his lands of Dirleton and forced to wean his way into Edward's affections, while John Gifford also seems to have been put out of his *caput* of Yester in favour of the English escheator, Peter Dunwich, by September 1296.<sup>56</sup> Both Dirleton and Yester were baronial castles and the colonial government's lack of trust in the local baronage is clear. Neither man was allowed to live in his patrimony despite swearing fealty on the Ragman roll, a document which may also illustrate increased discontent between government and local society.<sup>57</sup> The purpose of the roll is often assumed to be limited to a

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<sup>52</sup> *Ibid.*, ii, nos. 700, 701, 865. Issues Edward's Northumbrian official found himself hindered in collecting by King John.

<sup>53</sup> *Ibid.*, ii, no. 857.

<sup>54</sup> Raine, *North Durham*, no. 301.

<sup>55</sup> *Rot. Scot.*, i, 39.

<sup>56</sup> *CDS*, ii, no. 853.

<sup>57</sup> *Ibid.*, ii, pp. 198, 207.

political statement of support through oaths,<sup>58</sup> but there are indications that it was also used as the basis for re-entry fines. On 3 September 1296 writs were issued to numerous sheriffs to restore 58 individuals to their lands, and many of those concerned, including John Baddeby, John Sinclair and Alan Collielaw from Berwickshire, had sworn fealty on the roll. While some were perhaps reinstated as part of a process whereby sub-tenants were restored to lands in the king's hands as their lord was in prison or not in the king's peace, the reinstatement of numerous abbots and priors along with 42 other tenants-in-chief in early September suggests a general process of forfeiture and restoration presumably by paying a fine.<sup>59</sup> Certainly, in 1301 William Murray's lands were considered forfeit 'before he came to the king's peace at Montrose' on 10 July 1296,<sup>60</sup> and fines were extracted from men to return to their lands as part of the settlement following the Ordinances of 1305.<sup>61</sup> There may have been an 'orderly restitution' in summer 1296; but if Edward I saw himself as a new king to new subjects,<sup>62</sup> an en masse system of fines to possess land in Edwardian Scotland would help explain the £5,188 Cressingham was able to raise within a year.<sup>63</sup> Informal financial exploitation was known to all the local population over fifteen years old who gave fealty, because the clerks drawing up the roll 'took a penny from each, from which they became rich men'.<sup>64</sup> It would seem the workings of a centralised government dramatically impacted upon an administratively localised society. That would certainly explain why a great many of the names on the Ragman roll were very minor husbandmen and cottars from Coldinghamshire who appear for the first time in Scottish society, despite living on the best documented estate

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<sup>58</sup> Brown, '*Scoti Anglicati*', p. 96.

<sup>59</sup> *CDS*, ii, nos. 832, 853; *Rot. Scot.*, i, 24-26.

<sup>60</sup> *CDS*, ii, no. 1214.

<sup>61</sup> Initial terms of exile were commuted to fines in October 1305; Young, *Comyns*, p. 188.

<sup>62</sup> Barrow, 'The Aftermath of War', p. 191.

<sup>63</sup> Watson, *Hammer*, p. 38.

<sup>64</sup> *Scalacronica*, p. 39.

north of the Border.<sup>65</sup> Their lord the prior of Coldingham did not record their presence at his courts, but the fact that Edward I did suggests an immediacy and penetration of government unprecedented in Scotland.

This interpretation of financial exploitation is supported by the ire purportedly directed at Cressingham's body at Stirling Bridge,<sup>66</sup> and the number of freeholders from Coldingham and Ayton parishes (at least 61, probably 78 individuals) known to have fought for William Wallace at Falkirk in 1298 despite the close proximity of their lands to English garrisons.<sup>67</sup> Wallace had emerged to lead the growing unrest across Scotland from early 1297 and though little is known about his baronial supporters, he evidently had followers from the south-east. John Pencaitland of Easter Pencaitland was installed as keeper of Jedburgh Castle following Scottish pressure in 1297-8, while Wallace's diplomatic efforts in France probably explain how William Vipont came to be captured in Gascony in 1300.<sup>68</sup> Support is also implied by Wallace's ability to compose letters at Haddington on 11 October following his initial victory at Stirling Bridge; and while Vaux and Gifford were in no position to hand over the castles of Dirleton and Yester that the bishop of Durham was seemingly ordered to recapture from Wallace's forces in July 1298, the bishop's third likely target, Luffness, may have been held

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<sup>65</sup> Gledhill, 'Political Society', pp. 237-40.

<sup>66</sup> Cressingham was widely reported as having been skinned 'out of spite'; *Scalacronica*, p. 41; *Lanercost*, trs. Maxwell, p. 164.

<sup>67</sup> *Correspondence of Coldingham Priory*, ed. Raine, pp. lxxxv-civ. Barrow, 'Lothian in the first War of Independence', pp. 160-1, whose analysis of the number of forfeitures is revised upwards in Gledhill, 'Political Society', pp. 255-7. This level of support was not found in Coldingham Priory's other lands at Swinton, Edrom and Fishwick, but must have been prevalent elsewhere; A. Grant, 'Aspects of Scottish National Consciousness in the Later Middle Ages', in *Nations, Nationalism and Patriotism in the European Past*, ed. C. Bjørn, A. Grant and K. J. Stringer (Copenhagen, 1994), p. 87.

<sup>68</sup> *CDS*, ii, nos. 1086, 1185.



by its lord John Bickerton.<sup>69</sup> That would explain why he held it in November 1296, but not later in the reign when it had an English constable.<sup>70</sup>

Also significantly involved was Henry Haliburton, head of a prominent family from the earldom of March, but also baron of Mordington and Corsbie in right of his wife Agnes. Although the couple possessed lands in Northumberland and his Berwickshire estates were severely vulnerable to English pressure, Haliburton is one of the few known accomplices of Wallace, who sent him to briefly recapture Berwick town in 1297.<sup>71</sup> Given his wife's notable interest in Lamberton in Coldinghamshire, it may well have been Henry who led the prior's tenants to battle in 1298. Both were forfeited in February 1300 as rebels who 'burned churches and killed men in England when the king's Scottish enemies laid waste the county' – a possible reference to Wallace's winter excursions of 1297, but more likely referring to the 1296 raid led by John Comyn, earl of Buchan, which fired the religious houses of Lanercost, Hexham and Lambely.<sup>72</sup> Haliburton remained a rebel until the Comyn of Badenoch negotiated surrender of 1304, and one of his brothers was with Comyn's friends at Methven, even briefly capturing Bruce.<sup>73</sup> His career suggests either tacit Comyn support for Wallace, or an explanation for the tension between the leaders of the Scottish resistance if the Comyns had failed to provide leadership to men who wished to fight against the English.<sup>74</sup>

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<sup>69</sup> *Documents illustrative of Sir William Wallace, his Life and Times*, ed. J. Stevenson (Maitland Club, 1841), p. 159. Only Dirleton is explicitly mentioned, but Yester and Luffness are the other most frequently named castles in English records. Yester did have an English constable before November 1298, and although he may have been installed there only in the second half of 1298, his combined issues of £16 12s. 3d. and £23 3s. 10d. may indicate an earlier presence; Watson, *Hammer*, pp. 65-6; *CDS*, ii, no. 1027.

<sup>70</sup> *CDS*, ii, nos. 857, 1968.

<sup>71</sup> *Scalacronica*, p. 41; *Lanercost*, trs. Maxwell, p. 164.

<sup>72</sup> Bower, vi, 81; *Lanercost*, trs. Maxwell, p. 136; *CDS*, ii, no. 1131.

<sup>73</sup> *CDS*, ii, no. 1336; *Scalacronica*, p. 53.

<sup>74</sup> Young, *Comyns*, pp. 167-9.

Either way, the Comyn connection to resistance was not unique. Herbert Morham had been captured at Dunbar, freed on the mainprise of the elder John Comyn of Badenoch in 1297, and subsequently appears besieging Stirling Castle (almost certainly at the behest of John Comyn junior of Badenoch, then joint guardian of Scotland with Bruce). He was captured by 22 April 1299 and imprisoned in Edinburgh. Despite finding favour with his jailer, the constable of Edinburgh, for whom he and his father Thomas served in the garrison, Herbert subsequently switched back to the Scottish side in mid-1301 following King John's release from papal custody.<sup>75</sup> Similarly, one of earl Patrick's tenants, Adam Gordon, was warden of the West March under the Comyn-dominated guardianship of late 1300, and a 'well wisher' of Comyn of Badenoch when Robert I was defeated at Methven in 1306;<sup>76</sup> while John Vaux and the Coldinghamshire knight Peter Prendergust evidently found engaging with the English administration unrewarding since both surrendered with Comyn in 1304.<sup>77</sup> The impression that the Comyns were able to use the abilities of a number of men with little or no previous association to them, and who were drawn from a region where they held little influence, is testament to their efforts as guardians and the ideals for which they stood. While the significant earldom tenant Patrick Polwarth was in the garrison which resisted Edward I at Stirling after Comyn's surrender,<sup>78</sup> and Robert Keith was made warden of Selkirk Forest in August 1299 precisely because he was not closely associated with either Comyn or Bruce, overall resistance to the English after Wallace's fall was a Comyn-sponsored effort that successfully drew men from the south-east to its cause.

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<sup>75</sup> *CDS*, ii, nos. 911, 940, 1066, 1132, 1949; Watson, *Hammer*, p. 122.

<sup>76</sup> *CDS*, ii, no. 1169; *Scalacronica*, p. 53.

<sup>77</sup> *CDS*, ii, no. 1741. Vaux had been aiding the guardians since 1301; Stevenson, *Docs*, ii, p.432. He is to be distinguished from the Northumbrian of the same name who was knighted at Falkirk, still in English service in 1301, and seemingly became English justiciar beyond the mountains in 1305; Simpkin, *English Aristocracy*, pp. 87, 131; Watson, *Hammer*, p. 217.

<sup>78</sup> *CDS*, ii, no. 1668.

This mix of barons and comital tenants from across the region might suggest a weakening English position, but it is clear that Edward still retained support in the region. William Bisset and Sir Thomas Morham fought at Falkirk on the English side,<sup>79</sup> and a rental from Coldinghamshire shows 69 individuals who did not fight for Wallace including members of the prominent families of Prendergust, Baddeby, Chisholm and the earl of March's tenant, Geoffrey Harcarse.<sup>80</sup> The Scots' actions in burning the burghs of Roxburgh and Haddington (which had no garrison) and 'nearly all the chief towns on this side of the Scottish sea' in 1298 speak of a mindset that saw Lothian as a land outside their control, from which they could deny their enemy resources, but in which they lacked the support to stay for any length of time.<sup>81</sup> Patrick IV remained firm in his English faith throughout this period, and the failure of the English administration saw further responsibility passed his way. Appointed captain of the Berwick garrison on 28 May 1298, the earl had his commission further extended from 19 November to captain of all forces and castles on the East March of Scotland with 'special instructions as to making forays on the enemy'.<sup>82</sup> Such activity reaped dividends with Robert Keith captured in 1300 and coming to Edward I's peace in 1303; and after surrendering Jedburgh in October 1298, John Pencaitland headed an English inquisition at Berwick in November 1300.<sup>83</sup> By then (with the exception of Gordon, Vaux, Peter Prendergust and Haliburton) the main rebels from the south-east had either been imprisoned or come into Edward I's allegiance, and increasing stability is demonstrated by the cooperation of English officials and allegiant Scots. In 1300 the sheriff of Berwick was again holding inquisitions staffed by local Scots, and Patrick IV and the sheriff of Edinburgh were jointly responsible for moving Herbert Morham to and from his trial for abducting the countess of Fife.<sup>84</sup>

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<sup>79</sup> *Ibid.*, ii, no. 1011.

<sup>80</sup> *Coldingham Correspond.*, pp. lxxxv-civ.

<sup>81</sup> *Lanercost*, trs. Maxwell, p. 165.

<sup>82</sup> *CDS*, ii, nos. 1023, 1025.

<sup>83</sup> *Ibid.*, ii, nos. 1086, 1148, 1178, 1413.

<sup>84</sup> *Ibid.*, ii, nos. 1066, 1178.

In the south-east, the ordinances for the organisation of Scotland which were drawn up after the formal surrender of John Comyn as guardian in February 1304 confirmed the existing recognition of English authority but changed little in administrative terms. English constables and sheriffs remained at Berwick and Edinburgh, and a government similar to that attempted in 1296 was re-established at Berwick.<sup>85</sup> However, this colonial government did make efforts to use the region's residents more actively in the English cause. William Bisset's familiarity with the king's household led to his appointment to the important offices of constable and sheriff of Stirling, but more impressive was the incorporation of the former rebels Adam Gordon and Robert Keith among the mixed pairs of justiciars named in the ordinances.<sup>86</sup> Appointed to Lothian and the region between the Forth and the mountains respectively, neither man was likely to be overawed by their English counterparts as both were able to act as commissioners for the Scots in Edward's parliament. Both men were entrusted with increasing responsibilities. Keith was one of four temporary deputy wardens of Scotland in February 1306, regularly on paid royal service throughout 1307 and made joint keeper of the land between Berwick and the Forth as late as August 1308.<sup>87</sup> As the first tenant based exclusively in the earldom to successfully break into national politics, Gordon's English career was even more impressive and to describe him as 'of modest importance' is probably to denigrate his position under the English occupation.<sup>88</sup> He became joint justiciar of Lothian in 1305 and held the post until at least 1312; and like his lord the earl of March, with whom he had not initially sided, Gordon was an English agent in the west of Scotland, being keeper of Inverkip Castle in 1306 where he was charged with the custody of Thomas

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<sup>85</sup> Watson, *Hammer*, pp. 199, 216-17.

<sup>86</sup> Stones, *Anglo-Scottish Relations*, pp. 245-7. Bisset was still the king's vallet in 1304; *CDS*, ii, nos. 1514-5.

<sup>87</sup> *Rot. Scot.*, i, 56; *CDS*, ii, nos. 1871, 1927, 1955; iii, no. 44.

<sup>88</sup> A.A.M. Duncan, 'The War of the Scots, 1306-23', *Transactions of the Royal Historical Soc.*, 6th ser., ii (1992), p. 130.

Randolph, the nephew of Robert I who had been captured at the battle of Methven.<sup>89</sup> Prominent alongside Alexander Stewart of Bunkle in efforts to remove Bruce supporters from Etrick Forest in 1308, Gordon's local significance is shown by his ability to acquire a licence for his own chapel in 1309, a freedom more commonly given to local barons.<sup>90</sup> Exemplified by Keith, Gordon, Henry Haliburton, John Vaux and the two Dunbars being among those asked to keep the peace in 1307, these men formed the important element of local support now utilised by the English in administering Scotland.<sup>91</sup> Responsibility was being devolved upon local men and there was even some common sense used in picking the other justiciar of Lothian, for the Northumbrian John Lisle had been baron of Whitsome in Berwickshire since King John's reign.<sup>92</sup>

That Edward I sought to utilise both collaborators and rebels suggests that a relatively more open government, which would be largely devoid of recriminations, was the initial aim in 1304 – and it was one that was accepted by the majority of Edward's former Scottish opponents. Efforts at reconciliation even extended to barons suspected of aiding Robert Bruce, since the lands of Alexander Seton and John Vaux were taken into the king's hands shortly after the battle of Methven and both men were brought before the king but evidently released.<sup>93</sup> Vaux was seemingly allowed to keep his castle at Dirleton and received provisions from the English in 1307,<sup>94</sup> while Seton's claim for lands forfeited by other Bruce supporters (probably submitted before his arrest) demonstrates the efforts of the English government to

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<sup>89</sup> *CDS*, ii, nos. 1706, 1804; iii, p. 403.

<sup>90</sup> Barbour, IX, ll. 677-730; *Kelso Liber*, no. 125.

<sup>91</sup> *CDS*, iii, no. 29.

<sup>92</sup> NAS, RH1/1/1.

<sup>93</sup> Palgrave, *Docs*, p. 356. They were accompanying John Mowbray 'towards the Isles' (possibly in pursuit of Bruce). Mowbray adhered to the English at this time; Barbour, p. 91.

<sup>94</sup> He still held Dirleton in 1309. *Rot. Scot.*, i, 80; *CDS*, ii, no. 1938; iii, no. 29.

avoid recriminations against those whose allegiance was ambiguous.<sup>95</sup> Other rebels from the south-east were more transparent in their adherence to the Bruce cause but analysis of the much-discussed list of known Bruce supporters in 1306 shows that their numbers were limited.<sup>96</sup> Landholders whose interest in the region was of secondary importance – like Thomas Randolph and Alexander Lindsay – were among the forfeited, but more localised individuals on the list were confined to: James Lindsay of Thurston, who held a substantial knightly estate suitable for Edward I to stay at in 1291;<sup>97</sup> and Robert, son of Geoffrey Caldicott, and Alexander Hately, who were also from notable local families. Only Caldicott's lands in Galloway seem to have been petitioned for, but he can be presumed to have succeeded to his father's south-eastern estates in Tranent and Graden, as his tenant Peter Graden also rebelled (Peter's service had been granted to the elder Caldicott by Earl Patrick III).<sup>98</sup> Hately is another surprising rebel from the earldom, for he seems to have been in the company of Adam Gordon in 1296 when both swore fealty at Elgin; but unlike his neighbour, he did not come round to the English regime after 1304.<sup>99</sup> The decisions of men like Hately, Graden and James Lindsay were particularly remarkable, for these men had no other lands on which to fall back. Hately's lands of Mellerstain were only six miles from Roxburgh, Graden was equidistant between Berwick and Roxburgh, and Thurston only three miles from Dunbar. There is no possibility that these men remained active in the south-east or were able to draw rents from their estates, for unlike in the pre-1304 situation, their lands were forfeited and redistributed to new owners.

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<sup>95</sup> The battle of Methven was fought on 19 June and Seton claimed on 18 August. His arrest was ordered in August-September and the costs for transporting him to York were met on 14 October. He must have been freed soon after. Palgrave, *Docs*, p. 310; *CDS*, v, no. 471.

<sup>96</sup> Palgrave, *Docs*, pp. 301-18; discussed in Barrow, *Bruce*, pp. 216-26; R. Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, 1974), p. 73, n.23.

<sup>97</sup> E.W. Safford, 'Itinerary of Edward I, Part II: 1291-1307', *List and Index Soc.* (1976), p. 10.

<sup>98</sup> NAS, RH6/60, /247; *Rot. Scot.*, i, 27. Geoffrey Caldicott gave fealty in 1296; *CDS*, ii, p. 211.

<sup>99</sup> *CDS*, ii, p. 195.

Such practicalities must have played a part in the decision to rebel; and William Vipont's grant, around 1307, of a twenty-year lease of his lands to the English master-comptroller for a sum of money would be one way of financing his activities with Bruce, which commenced *circa* December 1308.<sup>100</sup> Robert Keith moved to Bruce's side around the same time, but there was no rush to follow him with the Coldinghamshire families of French, Ayton, Paxton and Lumsdaine all remaining on their estates.<sup>101</sup> Across Lothian as a whole, an inquisition of local men in 1312 could find only two other 'Scottish enemies' who had left the English allegiance at the same time as Keith, and another three who had done so in 1310. Only one of these was from the south-east: Geoffrey Brown, baron of Colstoun, who deserted in Keith's company.<sup>102</sup> The lands of Keith, Vipont and Brown were all still available for granting to English officials and Scottish loyalists as late as March 1312,<sup>103</sup> and Robert I's confirmation of Vipont's East Lothian lands in 1309 was reassurance for a dispossessed man, not an effective act of lordship.<sup>104</sup> More typical of local attitudes in 1309 was the widespread ecclesiastical and secular presence for the inquisition against the Scottish Templars on 17 November. Undertaken at Holyrood, many trial witnesses were from Mid-Lothian, but also present was the guardian of the friars minor of Haddington, the chaplain of Stenton, the barons William Bisset and William Ramsay, and William Preston of Myles.<sup>105</sup> Since proceedings against the Templars had been delayed by Edward II until confronted with a direct order from the Pope, these men were engaging in an English government-orchestrated process, not just a purely

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<sup>100</sup> *Rot. Scot.*, i, 61; *CDS*, ii, no. 1961.

<sup>101</sup> They paid reliefs to the English prior that year; *Feodarium Prioratus Dunelmensis*, ed. W. Greenwell, Surtees Soc. lviii (1872) p. 80.

<sup>102</sup> *CDS*, iii, no. 245.

<sup>103</sup> *Ibid.*, iii, nos. 258, 263.

<sup>104</sup> *RRS*, v, no. 10.

<sup>105</sup> D. Wilkins, *Concilia Magnae Britanniae et Hiberniae*, ii (London, 1737), 380-3. For Preston: NAS, AD1/8.

ecclesiastical matter.<sup>106</sup> Evidently, the majority of local men adhered to the English not Bruce, and the emergence of an ‘allegiant’ identity in English government records relating to colonial Scotland was a practical consequence of the sheer scale of Scottish support acquired by the first two Edwardian monarchs, at least in the south-east.<sup>107</sup>

From 1310, however, events outside the south-east meant that the English hold on the region was increasingly precarious. After a failed attempt by Edward II to engage Bruce during the winter, the latter entered Lothian and ‘inflicted much damage upon those who were in the king of England’s peace’, including Adam Gordon, who was temporarily ejected from his Scottish lands.<sup>108</sup> The earldom was also targeted, with those men around Dunbar at the king of England’s peace being heavily taxed for a truce over the winter of 1311–12; and after raiding into County Durham, Robert I was foiled in a surprise attempt on Berwick only by a barking dog.<sup>109</sup> By 1313 matters were ‘daily getting worse’, leading Earl Patrick V (who had succeeded his father in November 1308) and Gordon to appeal directly to Edward II on behalf of the Scots in the English allegiance to control his commanders in the region.<sup>110</sup> No further Scots were named, but they would have included the eight men sent letters of thanks by Edward II in November 1313 for their ‘free aid and opportune counsel’ in defending

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<sup>106</sup> R. Barber, *The Trial of the Templars* (Cambridge, 1978), pp. 199, 203.

<sup>107</sup> For ‘allegiant’ identity: A. Ruddick, ‘National and Political Identity in Anglo-Scottish Relations, c.1286-1377: A Governmental Perspective’, in King and Penman, *England and Scotland*, p. 203. The number of Scots in the English allegiance would prevent a straightforward English/Scots dichotomy being used to describe the supporters of Edward II and Robert Bruce in orders for a truce in 1308; *ibid*, p. 205.

<sup>108</sup> *Lanercost*, trs. Maxwell, p. 191; *CDS*, ii, no. 180.

<sup>109</sup> *Lanercost*, trs. Maxwell, pp. 195, 199, 201.

<sup>110</sup> *CDS*, iii, no. 337. Some background to this is provided by Andy King, ‘Bandits, Robbers and *Schavaldours*: War and Disorder in Northumberland in the Reign of Edward II’, in *Thirteenth-Century England IX*, ed. Michael Prestwich, et al. (Woodbridge, 2003), p. 120.



Roxburgh from the enemy.<sup>111</sup> Robert Colville, John Landale, William Soules and Thomas Somerville were all Roxburghshire landholders, while Alexander Stewart of Bunkle was following his grandfather's example from 1297.<sup>112</sup> Indeed, the resident lords of Bunkle adhered to the English throughout the occupation until Alexander joined Bruce in May 1314.<sup>113</sup>

The other individuals to receive letters of thanks were the earldom men Adam Gordon junior and Edward Leitholm, and they can be seen as representative of the support earls Patrick IV and V must have had from their tenants. Lack of charters precludes any detailed assessment of the earls' affinities during the occupation; but the fact that six witnesses to a charter of Patrick IV dating 1290 X 1296 can still be found witnessing for his son in Robert I's Scotland around 1318, while another, Edward Leitholm, was clearly involved with the earl's friend Adam Gordon during the later English occupation, suggests a remarkable degree of continuity.<sup>114</sup> This is further suggested by: Alexander Dunbar witnessing charters for his brother and nephew over the same timescale; William Ramsay's Dunbar affiliation and known English allegiance in 1309; and Robert Lauder's service as Patrick IV's steward before the war and as Patrick V's clerk afterwards. Such consistency cannot be equated with constant adherence to the earls since their most prominent tenants, Patrick Polwarth, Henry Haliburton and Adam Gordon, clearly pursued their own agendas in the period 1296 to 1304 in outright opposition to their lord, before the latter two at least returned to the earls' company. King John's cause distanced Patrick IV from the higher echelons of his affinity, but

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<sup>111</sup> *Rot. Scot.*, i, 114.

<sup>112</sup> The claim that the Landales were a Berwickshire family is inaccurate; G.W.S. Barrow, 'Scotland's "Norman families"', in idem, *The Kingdom of the Scots* (London, 1973), p. 327. The Broxmouth where they are found is in Roxburghshire, and John Landale gave fealty under that county in 1296; *Kelso Liber*, no. 322; *CDS*, ii, p. 203; and *RMS*, ii, no. 895, for Broxmouth 'in Teviotdale'.

<sup>113</sup> *CDS*, iii, nos. 272, 357; Barbour, pp. 354-5.

<sup>114</sup> *Melrose Liber*, nos. 365, 425; *Liber S. Marie de Dryburgh*, ed. W. Fraser (Bannatyne Club, 1847), no. 285; Raine, *North Durham*, no. 141.

unless it can be shown otherwise (as in the cases of Hately, Caldicott, Graden, and the lord of Ryslaw who was forfeited by *circa* 1304),<sup>115</sup> it must be assumed that the Dunbars were essentially in tune with the actions of their knightly tenants during the occupation, and especially after the general submission of 1304. Despite pressure from local garrisons and rebel Scots, the Dunbars appear to have successfully maintained their lordship throughout their English allegiance, and were probably speaking for the majority of their tenantry in 1313.

Outside the earldom, the level of support in landed society for the English cause also remained high, with only Keith, Vipont and Brown aiding Bruce consistently before 1314. There were waverers, however, with Alexander Seton making a bond to support Bruce in September 1309, but also serving on an English inquisition in 1312 alongside his neighbour Robert Fawside. Seton only finally went over to Robert I on the eve of Bannockburn.<sup>116</sup> His case was unusual, and the lack of forfeitures before the battle means the majority of landed society can be presumed to have remained in the English allegiance until then. This seems

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<sup>115</sup> For Ryslaw: *Correspondence of Coldingham Priory*, ed. Raine, pp. lxxxv–civ. This rental is usually dated *c.*1300: A.A.M. Duncan, *Scotland: The Making of the Kingdom* (Edinburgh, 1975), p. 425; Barrow ‘Lothian in the First War of Independence’, p. 160. But Henry Haliburton, who occurs within it, is not noted as forfeited despite being styled a rebel in English records of 1300 and 1302, and coming to peace only in February 1304. As one of the Haliburton brothers, he was presumably not a rebel by March 1304, and certainly not by 1306. *CDS*, ii, nos. 1131, 1336, 1473, 1871. The rental is therefore likely to have been drawn up after shortly after February 1304 in more settled conditions following the general Scottish submission; perhaps to clarify the priory’s assets for William Gretham, who became prior that year.

<sup>116</sup> G. MacKenzie, *The Lives and Characters of the Most Eminent Writers of the Scottish Nation* (Edinburgh, 1708-22), iii, 210-11; *CDS*, iii, no. 245; *Scalacronica*, p. 75. The month before his bond, Seton bound a man to himself in English-held Perth for ‘life service against all mortals excepting the lord king’. It cannot be assumed that this referred to Bruce; S H. Laing, *Supplemental Descriptive Catalogue of Ancient Scottish Seals* (Edinburgh, 1866), no. 927.

particularly true for the knightly class, for if families like Maitland, Sinclair of Herdmanston, Elphinstone, Preston, Congalton, Noble and Haig had ever stood out against the English, their forfeitures would have been worth recording. The fact that they are not found in English records at all surely indicates that they accepted the occupation with neither outright hostility nor open enthusiasm.

More positive evidence of English success in binding men from the south-east to their allegiance can be seen in the number who continued in their service after 1314. Most prominent are the barons William Bisset, Richard Marshall of Hilton and Thomas Pencaitland (likely son of John), all of whom must have supported Edward II until 1314 and were subsequently rewarded with pensions in England and, in Pencaitland's case, elevation to the status of yeoman of the household.<sup>117</sup> Similarly, Thomas Morham junior abandoned his inheritance to remain as a 'familiar knight' of Edward II, being granted the manor of Bolton in Allerdale in October 1314.<sup>118</sup> Reduced to dependence on court handouts, there is no evidence that these exceptional men remained in Scotland; and Pencaitland probably had little choice, for it was his men from the Berwick garrison that had led to Patrick V and Gordon petitioning Edward II in 1313. More intriguingly given the obvious Scottish supremacy over the region and northern England after 1314,<sup>119</sup> several lesser men remained in English service and in Scotland. William Prendergust and Ralph Peet of Coldingham (with two Northumbrians) were rewarded for their 'gallant service' in holding Jedburgh against the Scots in January 1315, though William must have surrendered it to Bruce soon afterwards,<sup>120</sup> while the late forfeiture of Henry Prendergust's Northumberland lands in 1316 suggests that this petitioner for the lands of forfeited Scots in 1306 had been loyal to the English until 1314,

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<sup>117</sup> *CPR 1317-21*, p. 29; *CCR 1318-23*, pp. 461-2; 1327-30, 169; *CDS*, iii, no. 434.

<sup>118</sup> *CDS*, iii, nos. 75, 394.

<sup>119</sup> McNamee, *Wars*, p. 74.

<sup>120</sup> *CDS*, iii, nos. 418, 1636. A member of the Berwick garrison in 1311, William held lands in Stirlingshire, and returned to Bruce's peace later in the reign; *RMS*, i, app. II, no. 516.

if not longer.<sup>121</sup> The Prendergusts were from Coldinghamshire, an estate run by an English prior who still had control of the wardship of his tenants in 1313, and despite the prior's prompt appearance at Bruce's Cambuskenneth parliament in November 1314, English sympathies were obviously well established, with another priory tenant, Robert Blackburn, serving the English in the 'Scots war for 22 years and more' by 1318.<sup>122</sup> Blackburn was being understandably disingenuous, for he had almost certainly been forfeited for fighting with Wallace at Falkirk; but he provides another example of a man prepared to fight for English claims in Scotland, particularly after 1304.

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Throughout the occupation the English had been able to win such support from the region, but the scale of acceptance suggested by the Ragman Roll was illusionary, and an English government that would inform Scots of its decisions but not consult with them ensured notable elements of landed society from the earldom, Coldinghamshire and the baronage contributed to the efforts in King John's name. Nevertheless, emphasis on Scottish resistance should not hide the support or acquiescence of the majority of landed society, and continued military pressure from 1298 reduced the manpower assisting the Guardians. This process culminated in the Ordinances of 1305, which replaced an exclusive model of colonial occupation with a more integrative approach; and engaging some Scots in the administration of their land aided the maintenance of English rule, despite a deteriorating situation from 1310. The pro-English community was substantial and coherent enough to organise payments for a truce in 1311-12 in order to stay outside the lordship of Robert Bruce.<sup>123</sup> Moreover, when Patrick V and Gordon petitioned Edward II in 1313 on behalf of the majority of the

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<sup>121</sup> *CDS*, iii, no. 502.

<sup>122</sup> *RPS*, 1314/1; *CDS*, iii, no. 624; *Correspondence of Coldingham Priory*, ed. Raine, pp. lxxxv-civ. Blackburn was almost certainly lord of a fourth part of Auchencrow in Coldinghamshire: NAS, RH6/96.

<sup>123</sup> McNamee, *Wars*, p. 130.

region's men who had remained in the English allegiance, they showed a determination to engage constructively with the English government. By requesting a reassertion of the monarch's control over his garrisons, the men of the south-east were seeking better English government in 1313, not to escape from it.<sup>124</sup> Although abandoned by their lord, local landed society still grouped together in communal action in his name and did not attempt to solve the problem by joining Bruce, whose exactions from the region were designed to deny the English resources, not win followers from the south-east.

Indeed, the lack of support for Bruce from the region after 1306 is striking, especially given the pressure he was able to exert from 1310. The English military presence remained, but that could not stop men from moving into other theatres of war, as demonstrated by those associated with Comyn before 1304. Gordon, Haliburton and Vaux risked a lot in the cause of King John's Scottish kingship, but they did not leave the region to do so for Bruce after 1306, whose 'patriotic' cause lacked appeal to these patriots. The more honourable negotiated surrender at Strathord in 1304 was probably better regarded than the triumphant submissions of summer 1296, and personal animosity to Bruce may also be relevant given the previous association of these men with Comyn's guardianship. Either way, these fighters for an independent Scotland do not appear to have viewed a lord whose kingship was prompted by the slaying of John Comyn with the same legitimacy as King John.<sup>125</sup> The subsequent integration of these men and the long-standing pro-English lords into Brucean Scotland is, then, all the more notable. Patrick V probably attended the Cambuskenneth parliament in November 1314, since around that time Edward II suddenly demanded a relief for Beanley which had been owed for 24 years, and did not refer to Patrick as earl.<sup>126</sup> Patrick was certainly attending the Scottish king by April 1315, and the following year Adam Gordon collaborated

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<sup>124</sup> Brown, '*Scoti Anglicati*', p. 94 reaches a similar conclusion.

<sup>125</sup> For contemporary rejections of the Bruce claim, see Grant, 'The Death of John Comyn', pp. 201-5.

<sup>126</sup> Merely as 'Patrick de Dunbar son and heir of Patrick de Dunbar'; *CDS*, iii, no. 392.

with James Douglas over how to deal with an English foraging party from Berwick.<sup>127</sup> Significantly, within a year of Bannockburn, Thomas Randolph confirmed Gordon's possession of Stichill in Roxburghshire before the Bruce supporters James Douglas and Robert Keith, as well as the former Anglo-Scots Alexander Stewart of Bunkle, Edward Leitholm, John Landale (the latter three all Gordon's associates in 1313), Henry Haliburton, and the clerk Robert Lauder.<sup>128</sup> The last-named became Robert I's justiciar of Lothian – a sure indication that the influence of these men in the region was recognised and brought into contact with the new regime.<sup>129</sup> It was a particularly notable gesture of reconciliation by Randolph, who was effectively recognising Gordon's tenure arising from an English alienation of his land, granted while he had been a prisoner.<sup>130</sup>

This apparently striking dichotomy either side of 1314 between pro-English and pro-Scottish attitudes among the region's landed class is explicable in terms of security. The main factor influencing men's allegiance was the military power demonstrated by Edward I in 1296 and the subsequent implicit threat from the English garrisons, which was realised by Bruce and his men (with disastrous consequences for the region) in the deteriorating situation from 1310. Robert I could not provide good lordship to the south-east until he removed the garrisons, and one of the crucial consequences of Bannockburn was that Edinburgh and Roxburgh were not recaptured and re-garrisoned by the English following their seizure in early 1314. Landed society responded with a wholesale shift to the Scottish allegiance, and

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<sup>127</sup> *RPS*, 1315/1; Barbour, XV, ll. 319-350.

<sup>128</sup> 'Miscellaneous Charters, 1315–1401, from Transcriptions in the Collection of the Late Sir William Fraser', ed. W. Angus, *Miscellany of the Scottish History Soc.* V, 3rd ser., xliii (1933), no. 1, dated 24 June 1314 X May 1315.

<sup>129</sup> *RRS*, v, no. 412.

<sup>130</sup> The two men had a close association with Randolph freed after Methven at Gordon's request, and both riding together in 1308 when Randolph was taken by the Scots. Granting Stichill may have been Edward II's way of alienating the two men from each other; *Scalacronica*, p. 55; Barbour, IX, ll. 677-730.

the alleviation from warfare desired by local men was achieved by Robert I through his campaigns in England, which moved the military frontier from south-east Scotland into northern England. Tellingly, although their personal bonds of service to the English king were probably genuinely felt, it is notable that those who remained in the English fealty after Bannockburn were particularly vulnerable to any reassertion of Edwardian military pressure. Bisset's *caput* of Upsettlington was separated from the English castle of Norham only by the Tweed, while the Marshall barony of Hilton was only eight miles from Berwick, a garrison town which remained in English hands until 1318 and whose close proximity would also explain the occasional continuing English sympathies in nearby Coldinghamshire. The south-east was not secure until the garrisons were removed, and Bruce recognised the practical effects himself, delaying the post-1314 settlement until after the capture of Berwick in 1318 and allowing the Marshall family to return later in the reign.<sup>131</sup> Only Thomas Pencaitland was explicitly forfeited (although arrangements were made to bypass the claims of Thomas Morham junior in favour of his daughter), and that may have been as late as 1321.<sup>132</sup> Such efforts prevented additions to the number of Disinherited in Scotland, but also demonstrate that Bruce did not consider the south-east won until the garrison threat was removed.

Robert I's success at bringing Scots to his faith after 1314 was further aided by weaknesses in the relationship between the English and their colonial subjects, and the appeals made to the English government by landed society in 1313 should not disguise the failure of that government.<sup>133</sup> The late and abrupt appearance of several southern barons in English records only highlights their previous exclusion. They emerge as local leaders

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<sup>131</sup> Richard Marshall was paid his English pension until 1328, *CCR 1327-30*, p. 344. David Marshall, his likely son, seems to have returned to Scotland by 1330: *RMS*, i, app. II, no. 713.

<sup>132</sup> *Ibid.*, i, nos. 55, 68; *RRS*, v, no. 211; *Liber Cartarum Sancte Crucis*, ed. Cosmo Innes (Bannatyne Club, 1840), no. 97.

<sup>133</sup> Patrick V and Gordon can certainly be termed pro-Bruce since they were chosen to deliver the Declaration of Arbroath, and the earl informed Robert I of the Soules conspiracy in 1320; Duncan, *War of the Scots*, p. 130.

because the colonial government which had operated without their involvement had broken down, while the failure to find a role for the significant elements of landed society beyond military activity is an underlying reason why English rule collapsed so abruptly after Bannockburn. The barons' role as men of authority in the region had been usurped by outsiders, and being Scottish barred local men from the shrievalty. 'Almost all appointments made in 1296 were of Englishmen';<sup>134</sup> and in the south-east, that trend was comprehensive and continued until 1314. The close relationship of the earls of March with England remains a constant exception; but their inclusion in English heraldic accounts of the siege of Carlaverock in 1300 and activity in England giving counsel on Scottish affairs demonstrates a level of integration that did not extend across landed society.<sup>135</sup> Below the earl, John Vaux was unique in being a Scottish keeper of a castle in the region, and that was his own at Dirleton and probably only after 1304. Even after the Ordinances of 1305, only Bisset, Gordon and Keith found office, and the exercise of real authority within the south-east was restricted to Gordon. Traditional sources of patronage were removed by the occupation, most notably a locally-based Scottish king with whom the barons had traditionally sought service; and while cash wages for garrison duty perhaps enticed John Pencaitland and Thomas Morham, few men of significance undertook such duties.<sup>136</sup> Although Patrick V, Seton, Vaux and Bisset did receive gifts of wine, such rewards were modest compared with the land grants to English officials.<sup>137</sup> Robert Hastings and the Gascon Piers Lubaud, constables of Roxburgh and Edinburgh, gained lands in fourteen and four touns respectively, and the lack of landed rewards to Scotsmen bar Gordon (who was granted former Temple lands in Northumberland) demonstrate an administration that increasingly trusted only its own, to the exclusion of

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<sup>134</sup> Watson, *Hammer*, p. 35.

<sup>135</sup> N.H. Nicholas, *The Siege of Caerlaverock* (London, 1828), p. 35; *CCR 1296-1302*, pp. 258-9. Though the same could be said of the persistent rebel Simon Fraser.

<sup>136</sup> Gledhill, 'Political Society', pp. 266-7, 273.

<sup>137</sup> *CDS*, ii, nos. 1578, 1590, 1938; iii, no. 121



locals.<sup>138</sup> Englishmen, not Scots, were to be given a vested interest in maintaining English rule.

This colonial attitude to Scotland did have long-term consequences for the region. The English Anglo-Scottish lords disappeared from local society, but the sudden entry to their estates recognised in 1296 gives the impression that many were encouraged north as an accessory to military occupation.<sup>139</sup> Those that did come to Scotland – like William Ferrers and Alan Zouche, co-portioners of Tranent – can only be found in English military service and there is no evidence that they integrated with the resident Scottish barons.<sup>140</sup> Equally, a Scottish ‘disinherited’ was another consequence of the occupation, since Patrick V and the families of Stewart of Bunkle, Bisset, Marshall, Mordington, Haliburton, Maitland of Thirlestane, Prendergust, Harcarse, Paxton, Whinkerstone and East Nesbit all lost their estates in England.<sup>141</sup> The extent to which these lands involved them in English local society is uncertain. The handful of rents and a sparrowhawk owed to Patrick V from his Northumbrian estate are, for example, unlikely to have played much of a part in his choice of allegiance. However, further down the social scale the importance of additional income would have been significant and many of the affected families felt it worth petitioning for their lands and protecting their rights in England. The £20 value of the Bunkle estates in Cumberland shows that English estates were an important resource to baronial and knightly families alike, and must have played a part in encouraging their acquiescence in the occupation that English campaigns of the 1330s did not enjoy. With the exception of Durham’s English priors at Coldingham, cross-border ties, including the marriages which built Anglo-Scottish estates, proved impossible to maintain in a society which could not tolerate the presence of English

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<sup>138</sup> *RMS*, i, nos. 3, 63, 64, 66; *CDS*, iii, nos. 88, 258.

<sup>139</sup> *CDS*, ii, nos. 824, 857.

<sup>140</sup> *Ibid.*, ii, nos. 1011, 1273; iii, nos. 139, 262; *Rot. Scot.*, i, 55, 59; Simpkin, *English Aristocracy at War*, pp. 83-4, 116.

<sup>141</sup> *CDS*, i, nos. 1111, 1275, 2047, 2254; ii, nos. 735, 1131, 1135, 1544; iii, nos. 77, 245, 502; *CCR 1296-1302*, p. 35; *NCH*, i, 395-7; v, 398-400.

monks at Dryburgh Abbey by 1316.<sup>142</sup> Bannockburn may have intensified national feeling, but the increasing polarisation between English and Scots was a product of occupation and discrimination stemming from 1296. Edwardian colonialism was accepted by many Scots in the south-east due to military pressure, but the desire to see normality in the locality meant that many families were prepared to accept the loss of significant lands after 1314 in exchange for effective Scottish kingship.

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<sup>142</sup> *CPR 1313-17*, p. 557.