ANGLO-SCOTTISH RELATIONS

IN THE REIGNS OF

ROBERT II AND ROBERT III

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Degree of M. Litt.

The University of Glasgow

1971.

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LIST OF COMMON ABBREVIATIONS

APS	The Acts of the Parliaments of Scotland, edd. T. Thomson and C. Innes (Edinburgh, 1814-75).
CDS	Calendar of Documents Relating to Scotland, ed. J. Bain (Edinburgh, 1881-8).
ER	The Exchequer Rolls of Scotland, edd. J. Stuart and others (Edinburgh, 1878-1908).
Foedera (O)	Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica, ed. T. Rymer, Original edition (London, 1704-35).
Foedera (R)	Foedera ... etc., Record Commission edition (1816-69).
Hingeston	Royal and Historical Letters during the Reign of Henry IV, ed. F. C. Hingeston, 2 vols, Rolls Series (1806 and 1965).
Nicolas	Proceedings and Ordinances of the Privy Council of England, ed. H. Nicolas, 7 vols, Record Commission (1834-7).
Parl. Recs	The Parliamentary Records of Scotland, ed. W. Robertson, 2 vols (Edinburgh, 1804).
Perroy	The Diplomatic Correspondence of Richard II, ed. E. Perroy, Camden Third Series, xlviii (1933).
RS	Rotuli Scotiae in Turri Londinensi et in Domo Capitulari Westmonasteriensi Asservati, edd. D. Macpherson and others (1814-19).
Vespasian	British Museum Manuscript Vespasian F VII.

INTRODUCTION

The object of this thesis is to examine the ways in which Anglo-Scottish diplomatic relations were conducted in the reigns of Robert II (1371 - 90) and Robert III (1390 - 1406) and the course these relations followed. The choice of a period of two reigns is, of course, arbitrary but Anglo-Scottish relations in this short term of thirty-five years are in themselves of considerable interest and have been comparatively little examined. Much attention has been paid to relations in the late thirteenth century, to the exploits of Robert I in the early fourteenth and, more recently, to the reign of his son, David II and work has already been done, too, on the reigns of Scottish kings after Robert III, but so far little attention has been paid to these first two Stewart kings. It is for this reason, and because the limitation in period permits a more profitable study in depth, that the thesis has been attempted.

Anglo-Scottish relations in this period were of course much conditioned by past events, especially by the immediate past of David II's reign but also by the disputes of the previous two hundred years, which were still used as material for argument. The existence of two independent countries in one island posed obvious problems, about the precise frontier, about the status of the smaller country, about everyday communications between the two and about the settlement of the disputes that inevitably arose. The border line had frequently formed a bone of contention. It had been defined only in 1237 after a century of disagreement stemming from the reigns of David I and Stephen. David I (1124 - 53) had tried to win control of Northumberland, Cumberland and Westmorland and in 1149, in exchange for supporting Henry of Anjou against King Stephen, he had secured a promise of the three counties for his son when Henry became king. By 1154 however, when Henry II became king, David I had already died, leaving as his successor not his son, another Henry, but his grandson, the child Malcolm IV. Consequently the English king took the opportunity to claim the three counties as his own. William the Lion, Malcolm's brother and successor, renewed Scottish attempts to expand southwards but after his capture at Alnwick in 1174 he had to agree to the treaty

of Falaise, by which he had to pay Henry II homage for Scotland and surrender the castles of Roxburgh, Berwick, Jedburgh, Edinburgh and Stirling. Richard I, looking for money for his crusade, quitclaimed these terms in 1189 and from then until 1237 the three counties formed debateable lands, but in 1237, in the treaty of York, Alexander II recognised them as definitely English. When the border laws were codified in 1249, the borderline ran along the Tweed from Berwick to the Redden Burn, and from there across the Cheviots to the Solway. The Scots thereafter had no prospect of materially pushing this line further south, but English occupation of lands to the north of it was an important issue in the fourteenth and fifteenth centuries.

The status of the Scottish kingdom was also a long disputed point. Should the king of Scots do homage to the English king? William Rufus had received homage from Malcolm III in 1092 and from King Edgar in 1097 in exchange for military assistance and in 1107 Alexander I had also paid homage for the same benefit. All these kings were apparently vassals of the English kings.[1] After them other Scottish kings paid homage, but only, as far as can be seen, for the lands they held in England. The relationship between the two kings seems to have been only vaguely defined. Then in 1174 Henry II clarified it to his own advantage by forcing William the Lion to pay him homage for Scotland. Richard I's quitclaim in 1189, however, restored the pre-1174 position and during his reign, despite his long absence from England, the two countries seem to have been on amicable terms. Then in 1251 Henry III tried to persuade the child Alexander III to pay him homage for Scotland. Alexander refused then and again in 1278 when Edward I made a similar attempt. In 1291 Edward was able to renew his demand, and successfully, when the thirteen claimants to the Scottish throne asked him to judge who should be successor to Margaret, maid of Norway. After King John Balliol's homage to Edward I in 1292, the English king appeared to have a clear

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1. The subject is discussed by A. A. M. Duncan, 'The Earliest Scottish Charters', Scottish Historical Review (SHR), xxxvii (1958), 103-35.

claim to homage from the Scottish king. Robert I of course withstood this claim and in the treaty of Edinburgh-Northampton in 1328 managed to extort a retraction on the English side, but the particular circumstances attendant on the treaty, added to the fact that Balliol had neither abdicated nor been deposed, enabled English kings throughout the fourteenth and fifteenth centuries to maintain their claim, and even to raise the further charge that kings in the Bruce line were not the rightful kings at all.

Closely akin to these two traditional problems was the further complication of Scotland's relations with other countries, especially with France and the papacy and even, indeed, of the Scottish king's relations with the Lord of the Isles. The latter was an obvious ally for the English king to court and could create naval and commercial difficulties for the king of Scotland. The papacy entered into Anglo-Scottish relations because both countries sought papal support in their quarrels. The Scottish Church as well as the Scottish king was anxious to retain independence from England and for most of the twelfth and thirteenth centuries had been able to do so. When war broke out in the late thirteenth century, the Scottish Church had a vested interest in Scotland's independence and therefore Scottish bishops constantly sought a hearing in the papal court and for a time were remarkably successful. The English, too, however wanted the moral support of the pope and after Boniface VIII's death in 1303 succeeded in gaining it, although they lost their advantage in 1328 when John XXII recognised Robert I as king of an independent Scotland and granted Scottish kings the right to be anointed. In the later fourteenth century, the outbreak of the great schism in the Church in 1378 incidentally provided both countries with a papal champion and enabled them to view their petty wars as crusades, but at the same time it rendered the support of either 'pope' ineffective, so that in the late fourteenth and early fifteenth centuries the role of the papacy in Anglo-Scottish relations was not so vital as it had been earlier.

Much more pertinent was the influence of France, England's enemy and therefore Scotland's 'ally'. In 1295 it was this Franco-Scottish 'alliance' which had made an Anglo-Scottish war inevitable, but in that war France had been practically useless to

Scotland. Nonetheless the Scots had continued the 'alliance' and in 1326 Robert I strengthened it in the treaty of Corbeil. The French and Scottish kings then promised that each would give the other help and counsel in both peace and war against England; that if war should break out between France and England, Scotland would support France, and if war broke out between Scotland and England, France would support Scotland; that if either king gave the other written notification that the truce between his country and England had expired or been anulled or made void by the English, the other king would go to war on his behalf; that neither of them would allow any of his subjects to help or counsel the English king to the injury of the other, and any subject doing so would be treated as a rebel or a traitor; that neither king would harbour a rebel from the other; that neither would make a truce with England without the consent of the other or without their express refusal to join; that neither would make peace with England without the other or without their consent; that in case of a disputed succession to the Scottish throne, the king of France would not support either side until the matter had been decided by the prelates and other magnates of Scotland according to the laws of Scotland, and he would accept the candidate who received the majority support and would, if necessary, help him against the English; and, finally, that the alliance was to be confirmed and ratified by the pope but if he, either of his own accord or at the instigation of others, should seek to destroy it, they would still continue it. This treaty was renewed with the accession of each French or Scottish king in the later fourteenth century and had an important influence on Anglo-Scottish relations in the reigns of Robert II and Robert III.

In the early years of David II's reign all these traditional features of Anglo-Scottish relations became prominent again as a result of Edward III's rejection of the treaty of Edinburgh-Northampton and his offensive in favour of Edward Balliol. David II was hastily crowned and anointed and taken to France. The English reoccupied the southern Scottish counties. Then in 1341 David II returned and renewed the war so successfully that, according to the Scalacronica, he 'won again, part by strength, part by treason, part by famine, all the lands that King Edward had in Scotland,

saving only the town of Berwick.'[2] In 1346, however, he was captured at the battle of Neville's Cross and, to quote the Scalacronica again, 'After this battle came to the king of England's peace the counties of Berwick, Roxburgh, Peebles and Dumfries, with the forests of Selkirk or Ettrick, the valleys of Annan, Nid, Esk, Ewis, Moffat and Teviot, with the forest of Jedworth. The castles also of Roxburgh and Hermitage were delivered into the Englishmen's hands.'[3] David II remained a captive until 1357 and by then both sides seem to have realised the futility of further warfare and thought instead of a period of truce. Edward III abandoned Edward Balliol's cause and David II was released for a ransom of one hundred thousand marks to be paid during a ten years' truce,[4] although in fact only two instalments were paid. In 1365 a twenty-five years' truce was made during which the Scots would pay £100,000.[5] Then, in 1369, a third truce was made by which the Scots once more agreed to pay one hundred thousand marks for David II's ransom to be completed during a fourteen years' truce.[6] Negotiations for these truces and for the ransom payments ensured that even before Robert II came to the throne in 1371 there had already been a long period of diplomacy in Anglo-Scottish relations, so that diplomatically as well as politically developments in the reign of Robert II owed much to that of David II.

As Robert II became king so soon after the conclusion of the truce of Durham in 1369, it was obviously the basis of Anglo-Scottish relations at the beginning of his reign.[7] It stated that there would be no warfare between Scotland and England for fourteen years from 2 February, 1370. During this time no subjects

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2. The Scalacronica, the Reigns of Edward I, Edward II and Edward III, trans. Sir H. Maxwell (Glasgow, 1907), 115. (Scalacronica, (Maxwell)).
3. Ibid., 115-6.
4. RS, i. 811-4.
5. Ibid., 894-5.
6. Ibid., 934-5.
7. The Scottish copy, still bearing three of the seals of the English witnesses, is preserved as Treaties, 6E in the Scottish Record Office.

on either side were to seize towns, castles or forts belonging to the other; and arson, cattle-lifting and any other forms of raiding and disorder were forbidden. The two peoples were to be free to trade with each other without showing letters of safe-conduct and without fear of arrest, but with respect for each other's customs dues. Any violations were to be redressed as speedily as possible and reparation was to be made to the injured party. On a wider scale, the truce provided that neither king was to counsel or help an enemy of the other to inflict injury on him. If a subject of one king sought to harm the other, his own king was first to warn him and then to punish him as a traitor and rebel, confiscating all his goods. If a subject rebelled against his own king, the other would not grant him asylum, either in his kingdom or in his other lands.

On the troubled question of David II's ransom, it was agreed that the king of Scotland, his heirs and successors were to pay the remaining fifty-six thousand marks of the ransom first agreed on in 1357, either directly in currency or in gold or silver to that amount, in yearly instalments of four thousand marks, for the fourteen years, to the king of England, his heirs or deputies, in Berwick, Norham or Bamburgh. The first instalment was to be paid within fifteen days of Candlemas, 1370.[8] It was also agreed that when the total sum had been paid, the king and lords of Scotland and their heirs and successors should be discharged of the ransom obligation and of all other obligations, penalties, oaths and agreements of any kind which might be alleged against them by the king of England, dating from the capture of David II in 1346, and in particular of the letter obliging them to pay £100,000,[9] and any such letters which might be found were to be considered null and void. On the equally troubled question of the occupied border lands, Edward III conceded that during the truce half the rents and profits of the lands and possessions held by the English in Roxburghshire should be granted to those Scots claiming them by

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8. In June, 1370 David II arranged with Edward III that the instalments should be paid at midsummer instead. Foedera (O), vi. 654 and 687.

9. The 1365 truce.

right of inheritance,[10] and at the end of the truce they should be restored to their Scottish owners. Finally, it was agreed that the truce should be proclaimed annually in Scotland and England, in Ireland and in the lands of both kings beyond the seas, and that the letters of agreement which the two parties drew up on 18 June, 1369 should be approved by their kings, sealed and delivered to the other party in Durham on 1 August, 1369.

The period that followed was at first mainly peaceful, and until Edward III's death in 1377 most Anglo-Scottish exchanges were commercial or diplomatic. From 1377 to 1384, however, although the truce of Durham had not officially ended, there were many violations of it and, indeed, on such a scale that truces within the truce had to be negotiated until its expiry in 1384. There were then widespread disturbances, including an English invasion of Scotland in April, 1384, but the conclusion of a truce between France and England put the Scots in such danger of a concentrated English attack that they also entered the truce. In 1385 however French troops under Admiral John de Vienne joined the Scots in an invasion of England and in August of the same year Richard II in person led a vast army into Scotland. Between then and 1389 there were short truces and intermittent warfare, including the battle of Otterburn in 1388, until in 1389 Scotland entered the Anglo-French truce then concluded at Lenlinghen. From 1389 to 1399 Richard II constantly sought to transform this truce into a lasting peace and in 1396 he succeeded to the extent of making a twenty-eight years' truce with France in which the Scottish king was to be included if he wished. The Scots did enter it, for a year at a time, but

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10. Similar agreements had already been made about Moffatdale and Annandale. In 1352 William Douglas of Liddesdale had arranged with Edward III that each would hold half of Moffat and of other lands in Moffatdale. Foedera (O), v. 738; CDS, iii. 286. Similarly, in 1360 and 1366 David II had agreed with Edward III that the revenues of the lordship of Annandale should be divided between the English holder and the Scottish crown. CDS, iv. 11-12 The only border lands about which agreement does not seem to have been reached before 1371 were parts of Berwickshire listed in CDS, iv. 65 and the forests of Selkirk, Jedburgh and Ettrick.

Richard II's deposition in 1399 prompted them to renew border hostilities. Possibly they might have succeeded at this juncture in regaining the last few areas of Scottish land still occupied by the English, if George Dunbar, Scottish earl of March, had not decided to transfer his allegiance to Henry IV. Because he did, and because Henry IV seemed determined to uphold every claim over Scotland the English monarchy had ever made, war broke out in 1400. In fact Henry IV's invasion was no more successful than his father's in 1384 or Richard II's in 1385 and attention was turned once more to diplomacy. It quickly became clear, however, that the distinction between diplomacy and war could at times be only finely drawn, and war broke out again in 1402. Thanks to the efforts of the Scottish earl of March, the English defeated the Scots at Nesbit Muir and Homildon Hill and captured the earl of Douglas. Henry IV's final triumph against Robert III was his capture of Prince James in 1406. Yet his victory was practically snatched out of his hands a few days later when Robert III died, leaving his child-successor in England but his adult-brother, the experienced duke of Albany, governor of Scotland.

Chapter I of this thesis is an appraisal of the sources for a study of Anglo-Scottish relations in this period. Because so little attention has been paid to it, there are few secondary works available, but the primary sources are rich in the material they offer not only for the general pattern of relations, as commented on particularly in the chronicles, but even more for the wealth of detail on the development of diplomatic practice. It is significant that during these thirty-five years there were only three short periods when Scotland and England were officially at war, in 1384, 1385 and 1400. As a result, although there were many other border skirmishes which were tantamount to war, the period on the whole was one of truce. Consequently, because negotiations had to be held for the redress of violations and for the making or extensions of truces, the means of diplomatic communication, which had to some extent already been initiated in David II's reign, were developed into a highly-complicated system. This diplomatic 'machinery' is examined in Chapter II. Moreover, because by the late fourteenth century diplomacy throughout Europe was highly formalised, and Anglo-Scottish diplomatic practice conformed to the standards accepted in Europe as a whole, and because it is important to understand the distinctions which

contemporaries carefully observed, this second chapter is divided into sections, each devoted to a particular grade of diplomat. The actual sequence of events and the part played by the various grades of diplomats in the course of relations is examined in Chapters III and IV. Chapter III is an examination of Anglo-Scottish relations in Robert II's reign and Chapter IV is devoted to Robert III's. Each of these chapters, too, is subdivided according to different phases which may be recognised in the reigns. In Robert II's reign, for example, a line can be drawn at the death of Edward III and the accession of the child Richard II in 1377, and another at the official expiry of the truce of Durham in 1384. In Robert III's reign also two divisions can be made: in 1393 when both sides settled down to more peaceful co-existence, even exploring the possibilities of a peace treaty, and, more obviously, in 1399 when Richard II was deposed. Finally, Chapter V tries to draw together the conclusions that emerge from the study. In addition, three appendices discuss topics arising from the thesis which cannot appropriately be included in the text. The first examines the ways in which negotiations concerning the ransom of David II were conducted and the procedure by which the money was paid, collected and transferred to the English king's treasury; the second discusses the significance of the places where negotiations were held on the border; and the third consists of transcripts of a number of unprinted documents used in the thesis and of various types of commissions enrolled on the Scotch Rolls in this period. There is also a series of tables listing those who held the various types of diplomatic appointment identified in Chapter II. Lastly, after the bibliography, there are two maps showing the places which were of particular importance in Anglo-Scottish relations at this time.

CHAPTER ONE

THE SOURCES

The primary sources for this study are both documentary and narrative. The documentary sources, the formal products of chancery, exchequer, and privy-seal office, are comparatively plentiful on the English side but very thin for Scotland and this inevitably produces an imbalance in the study. It means, for example, that the examination of the machinery of diplomacy must be heavily weighted towards how things were done in England. Fortunately, the Scottish narrative sources are much more concerned than are the English with Anglo-Scottish relations, and thus our knowledge of events and motives on the Scottish side is reasonably good.

The most valuable of the documentary sources are those of the English chancery, and in particular the Scotch Rolls (C. 71) which record many of the letters relating to Scotland issued under the great seal. Among these are commissions to wardens of the marches, commissaries and procurators to parley with their Scottish counterparts; commissions to constables of border towns and castles, and to those holding the ransom negotiations; quittances for payment of the ransom; the English king's ratifications of truces; letters of safe-conduct to Scottish noblemen, to ambassadors and lesser messengers from France who were moving on to Scotland, to Scottish students at English universities, to pilgrims going to Walsingham or Canterbury, to merchants and to craftsmen; and letters of protection to Englishmen going to Scotland or the marches. The vast majority of these letters were printed in the two volumes of the Rotuli Scotiae in the early nineteenth century,[1] but almost all the letters of protection, mainly to Englishmen serving in march garrisons, some cancelled commissions to commissaries or procurators and to other English envoys, and some Scottish confirmations of truce prorogations in 1392 and 1393 were

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1. Rotuli Scotiae in Turri Londinensi et in Domo Capitulari Westmonasteriensi Asservati, edd. D. Macpherson and others (Record Commission, 1814-1819).

were omitted. Fortunately, calendars of all the omitted material are now available in the Scottish Record Office.[2] Some of the entries on the Scotch Rolls have also been printed by Thomas Rymer in his Foedera,[3] a work which is particularly useful for this present study in that its documents pertaining to continental countries, placed beside those relating to Scotland, provide clear evidence that the conduct of Anglo-Scottish diplomacy was similar to general European practice. In addition to the formal enrolment of letters, chancery filed the warrants ordering them and many of these are now in the series Chancery, Warrants for the Great Seal (C. 81).[4] Bain calendared some of them,[5] particularly the warrants for letters such as protections which were omitted from the Rotuli Scotiae. The series Chancery, Diplomatic Documents (C. 47) also contains documents relating to Scottish affairs. This series is a collection of chancery documents sorted out in 1890 from the chancery records previously kept in the Tower. Its contents are listed in a volume of the Lists and Indexes[6] and some of them were printed by Rymer. Finally, John of Gaunt's chancery clerks in the Duchy of Lancaster copied into registers some English chancery documents relating to his work on the border, as well as letters he issued himself.[7]

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2. I am indebted to Dr. G. C. Simpson for making these available to me.
3. Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica, ed. T. Rymer. Wherever possible, documents are cited from the original London edition (1704-35); otherwise from the Record Commission edition (1816-69).
4. I owe these references to Dr. A. L. Brown.
5. J. Bain, Calendar of Documents Relating to Scotland, 4 vols. (Edinburgh, 1881-88).
6. Lists and Indexes, xlix, A List of Diplomatic and Scottish Documents and Papal Bulls (1923).
7. John of Gaunt's Register, 1372-6, ed. S. Armitage-Smith, Camden Third Series, xx and xxi (1911).
   John of Gaunt's Register, 1379-83, edd. E. C. Somerville and R. Lodge, Camden Third Series, lvi and lvii (1937).
   These will be cited as Gaunt's Register, 1372-6, i and ii and Gaunt's Register, 1379-83, i and ii.

There is no Scottish equivalent of the Scotch Rolls, although a few original Scottish great-seal letters survive in the Public Record Office. There is also the Black Book, which was found in the State Paper Office in London, returned to Scotland in 1793 and printed in full in 1804.[8] Probably written in the late fourteenth and early fifteenth centuries by a number of scribes, the Black Book comprises seventy-four folios now bound in book form but not in chronological order. It is difficult to know why this particular selection of documents was made. Possibly it was meant to be a useful collection of Scotland's most important documents, for it contains copies of Richard I's quitclaim in 1189, of the treaty of Corbeil (1326) and of the treaty of Edinburgh-Northampton (1328) as well as of numerous documents belonging to the reigns of David II, Robert II and Robert III. Some of the entries relate to purely Scottish affairs, especially for David II's reign, but the majority concern Scotland's relations with other countries and particularly with England and France. One, for example, is a copy of a commission to English wardens of the marches. Another is a copy of a quittance issued by Edward III for payment of an instalment of David II's ransom, and there is also a copy of an indenture drawn up by Scottish and English diplomats at Liliot Cross in 1372. Possibly the collection was made by clerks as a formulary of documents and probably it was never finished, for there are several blank pages at intervals throughout the book, and this may explain its haphazard order.

The second major documentary source lies in the records of the exchequer, in both Scotland and England. On the Scottish side, there are the Exchequer Rolls preserved in the Scottish Record Office and printed by J. Stuart and others.[9] These occasionally refer to the expenses of holding an Anglo-Scottish meeting, or state how much a particular diplomat was paid for his services. On the English side, the Issue Rolls (E. 403), two for each year,

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8. The Parliamentary Records of Scotland, ed. W. Robertson (Edinburgh, 1804), in which the entries have been arranged into chronological order.
9. The Exchequer Rolls of Scotland, edd. J. Stuart and others (Edinburgh, 1878-1908).

in triplicate, record the payments made in cash or assignment in the exchequer. These have not been printed, although some extracts are printed in Devon's Issues[10] and Bain calendared some entries referring to Scottish affairs, as, indeed, he did from many other collections in the Public Record Office. Many of the warrants ordering these payments also survive in the series Exchequer, T.R. Writs and Warrants for Issues (E. 404),[11] and various English exchequer collections contain documents relating to accounts. There are loose documents, accounts and subsidiary material in the series Exchequer, K. R. Various Accounts (E. 101) conveniently listed under headings such as Nuncii and Army, Navy and Ordnance in a volume of Lists and Indexes.[12] There are also accounts in their final form enrolled in the series L. T. R. Foreign Accounts (Pipe Office) (E. 364) also listed in a volume of Lists and Indexes.[13] Both contain accounts of military expenditure on the Scottish border and of diplomatic missions to Scotland. Bain calendars some of them, and many of the missions are included in Mirot and Déprez's list of English embassies during the Hundred Years' War,[14] but a number cited in this study are included by neither. As well as handling the king's finances, the exchequer was also his treasury, a repository of valuables, including documents. The Kalendars of the Exchequer record the documents borrowed and returned and include several memoranda of documents referring to Scottish matters which were removed in the early years of Henry IV's reign.[15] The

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10. Issues of the Exchequer, ed. F. Devon (1837).
11. Those after 1399 are listed in Lists and Indexes, Supplementary Series, ix. Warrants for Issues, 1399-1485, 2 vols (1964).
12. Lists and Indexes, xxxv, A List of Various Accounts (1912).
13. Ibid., xi, A List of Foreign Accounts on the Great Rolls of the Exchequer (1900).
14. L. Mirot and E. Déprez, 'Les Ambassades Anglaises pendant le Guerre de Cent Ans, 1327-1450', Bibliothèque de l'École des Chartes, lix. 550-77, lx. 177-214 and lxi. 20-58, (Paris, 1898-1900).
15. Antient Kalendars and Inventories of the Treasury of His Majesty's Exchequer, ed. F. C. Palgrave, 3 vols (1836).

Exchequer collections Exchequer T. R. Diplomatic Documents (E. 30) and Exchequer T. R. Scottish Documents (E. 39) also have material bearing on the present study. These are all noted in a volume of Lists and Indexes[16] and some have been printed by Rymer, but a few of those cited here have not been printed.

Most formal documents went out under the great seal, but less formal letters such as letters of advice to envoys and most of the correspondence between the two kings were written under the small seals, the privy seal and the signet. No documents from these offices have survived in Scotland, and the archives of the English signet have been destroyed, but some fragments of the English privy-seal archives have survived, in particular in the collection Exchequer, T. R. Council and Privy Seal (E. 28).[17] These include draft warrants and orders to chancery and exchequer and, more important, a number of letters relating to Anglo-Scottish affairs. Xerox copies and calendars of these are now in the Scottish Record Office.

An even more valuable source for these letters is a collection made from these archives by Sir Robert Cotton in the early seventeenth century and now in the British Museum. Most of his collection relating to Scotland is in Vespasian F VII, which consists of documents pasted in pages, in a rough chronological order, and bound. The book has been foliated twice, numbering one hundred and twenty-one folios by one reckoning and one hundred and fifty-one by the other. To avoid confusion, documents mentioned in this study will be cited by the Catalogue number as well as by foliation.[18] There are one hundred and thirty-eight documents in the manuscript, all of them relating to Anglo-Scottish affairs from the late thirteenth to sixteenth century. About eighty-five of them seem to concern the reigns of Robert II and Robert III, although it is not possible to date each one definitively. The collection includes instructions from the English council to procurators and other envoys negotiating with the Scots; letters

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16. Lists and Indexes, xlix, A List of Diplomatic and Scottish Documents and Papal Bulls (1923).
17. I owe these references to Dr. A. L. Brown.
18. Catalogue of the Manuscripts in the Cottonian Library deposited in the British Museum (1802).

exchanged between the English king and council, between the English king and Scottish nobles or English nobles serving in Anglo-Scottish affairs, and between Henry IV and English officials able to help him in his Scottish war. There are also a number of letters from the Scottish king to Richard II, written under his great seal, privy seal or signet, and there are even two from Robert III's queen, Annabella. Many of these documents have been printed and in a variety of places but particularly by Nicolas in his edition of council records,[19] and by Hingeston in his Letters of Henry IV.[20] Some have been commented on by E. Perroy in his Diplomatic Correspondence.[21] Other Cottonian manuscripts have occasional documents related to Anglo-Scottish affairs in this period and some of them also have been printed. Professor Stones has printed and translated one of them, Vitellius E XI, folios 239-241,[22] and Perroy has printed Cleopatra E II, folio 343.[23]

Another source for these letters under the small seals is the formulary, the book of forms of letters compiled by clerks to assist them in their day-to-day work. Several survive from this period, notably Hoccleve's formulary, British Museum MS., Additional 24,062, which includes copies of letters from Henry IV and one from the earl of Northumberland; Cambridge University Library MS., Dd.3.53;[24] and Edinburgh University Library MS., 183.[25] These were used by Perroy in his Diplomatic Correspondence and there are also

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19. Proceedings and Ordinances of the Privy Council of England, ed. H. Nicolas, 7 vols, Record Commission (1834-7).
20. Royal and Historical Letters during the Reign of Henry IV, ed. F. C. Hingeston, 2 vols, Rolls Series (1860 and 1965).
21. The Diplomatic Correspondence of Richard II, ed. E. Perroy, Camden Third Series, xlviii (1933).
22. E. L. G. Stones, Anglo-Scottish Relations, 1174-1328 (Edinburgh and London, 1965), 173-82. (Stones, Anglo-Scottish Relations).
23. E. Perroy, L'Angleterre et le Grand Schisme en Occident (Paris, 1933), 392. (Perroy, Schism).
24. I owe my references to this manuscript to Dr. A. L. Brown.
25. Until recently known as Laing, 351 A.

unpublished letters from the earliest and latest parts of this study. In addition, All Souls MS., 182, printed by M. D. Legge, includes a small number of royal letters belonging to this period.[26]

Finally, there are, of course, references to Anglo-Scottish relations in almost every English or Scottish record source and, in particular, in the Rotuli Parliamentorum,[27] the Parliamentary Writs,[28] the Scottish Acts of Parliament,[29] and the English Patent Rolls and Close Rolls.

These documentary sources supply the official record of Anglo-Scottish relations. They are supplemented by the chronicles but these must of course be considered subsidiary because their authors were generally partisan and more likely to err than the official records of chancery, exchequer and privy seal. On the other hand, the chronicles are invaluable for their more detailed accounts of events and for their commentaries on motives, especially when their accuracy is vouched for by documentary evidence. They are particularly important on the Scottish side where they outweigh the documents and, in contrast to the English chronicles, are almost entirely devoted to describing relations with England.

For this period of the reigns of Robert II and Robert III there are three Scottish chronicles which are especially helpful. They are Wyntoun's Orygynale Cronykil of Scotland,[30] Fordun's Chronica Gentis Scotorum,[31] and Bower's Scotichronicon.[32] Andrew of Wyntoun

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26. M. D. Legge, Anglo-Norman Letters and Petitions from All Souls MS., 182, Anglo-Norman Text Society (Oxford, 1941). (M. D. Legge, Anglo-Norman Letters).
27. Rotuli Parliamentorum ut et Petitiones et Placita in Parliamento, 1278-1503, edd. J. Strachey and others, 7 vols (1771-83).(Rot. Parl.
28. Parliamentary Writs, ed. F. Palgrave, 4 vols (1827-34). (Parl. Writs).
29. Acts of the Parliament of Scotland, edd. T. Thomson and C. Innes (Edinburgh, 1814-75).
30. Andrew of Wyntoun, The Orygynale Cronykil of Scotland, ed. D. Laing (Edinburgh, 1872-9). (Chron. Wyntoun (Laing)).
31. Johannis de Fordun, Cronica Gentis Scotorum, ed. W. F. Skene (Edinburgh, 1871-2). (Chron. Fordun).
32. Joannis de Fordun Scotichronicon cum Supplementis et Continuatione Walteri Boweri, ed. W. Goodall (Edinburgh, 1759). (Chron. Bower).

was a canon-regular in the Augustinian priory of St. Andrews and about 1395 became prior of St. Serf's in Loch Leven. His chronicle, in which he was trying to fit Scotland into a world history, was written between 1420 and 1424. Much of his work dealing with the reign of Robert II, however, was possibly written by an unknown person and simply incorporated by Wyntoun. This unknown writer seems to have been an ardent patriot, constantly emphasising Scotland's successful opposition to England and portraying the French alliance as an invaluable aid to Scotland, especially in the invasion of England in 1385 and the negotiations of 1389. Wyntoun's own account of Anglo-Scottish relations concentrates on Robert III's reign and is only sketchy although accurate. Fordun's account, both in his Cronica Gentis Scotorum and in Bower's expanded Scotichronicon, is also accurate. John of Fordun was probably a canon of Aberdeen and died about 1388. At that time he had finished his history of Scotland from the earliest times to the death of David I but had only gathered notes for a continuation to 1386. The work of continuing his chronicle was undertaken by Walter Bower, who was abbot of Inchcolm in 1418 and died in 1449. His continuation of Fordun's chronicle was probably written between 1440 and 1449. A shortened version of it, the Book of Pluscarden, was written between 1478 and 1496.[33]

In contrast to the Scottish chronicles, the English carry only occasional references to Anglo-Scottish affairs, probably because in this period the chroniclers lived at a distance from border skirmishes and therefore were not so personally involved in Anglo-Scottish relations as earlier chroniclers, such as the authors of the Lanercost Chronicle, had been. The two most important English chronicles for this period are Walsingham's Historia Anglicana[34] and the Anonimalle Chronicle,[35] although since the latter was probably written before 1382 its usefulness is obviously severely restricted. Walsingham was a monk in the abbey of St. Alban's and died about 1422. His Historia Anglicana covers

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33. Liber Pluscardensis, ed. F. J. H. Skene (Edinburgh, 1877-80). (Chron. Pluscarden).
34. Historia Anglicana, T. Walsingham, ed. H. T. Riley, 2 vols, Rolls Series (1863-4). (Hist. Ang.).
35. The Anonimalle Chronicle, ed. V. H. Galbraith (Manchester, 1927). (Anonimalle Chronicle).

the years from 1382 to 1420. It is well-informed in general, although exaggerated in detail, especially about numbers, and biased against the Scots but on the whole it is a most valuable source.

The period is fortunate in having a third-party source in the Chronicles of Jean Froissart.[36] He began to write them about 1369 after travelling in France, England and Scotland. In describing the wars between France and England, in which Scotland was involved, he goes back in time beyond his birth in 1337 but much of what he wrote was based on his own experiences in all three countries. His most valuable contributions to a knowledge of Anglo-Scottish relations concern Robert II's reign, although his accounts must always be treated with circumspection. Where he is particularly valuable is in setting the 'atmosphere' of the time, especially as regards what the Scots, French and English really thought of each other.

Apart from general histories such as Professor McKisack's Fourteenth Century[37] and the various general Scottish histories there are few secondary works which study the reigns of Robert II and Robert III. Burnett in his Introductions to the volumes of the Exchequer Rolls of Scotland examined the period from the point of view of the exchequer accounts and Balfour-Melville commented on it in his biography of James I,[38] while Wylie approached it from the English side in his History of England under Henry IV.[39] The crucial period of Anglo-Scottish relations from 1286 to the treaty of Edinburgh-Northampton, which forms an important background to this study, has been examined by G. W. S. Barrow in Robert Bruce[40] and by A. A. M. Duncan in The Declaration of Arbroath[41] while the period

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36. Oevres de Jean Froissart, ed. Kervyn de Lettenhove, 25 vols (Osnabruck, 1967). (Froissart).
37. M. McKisack, The Fourteenth Century, 1307-1399 (Oxford, 1959).
38. E. W. M. Balfour-Melville, James I, King of Scots (1936). (Balfour-Melville, James I).
39. J. H. Wylie, The History of England under Henry IV, 4 vols (1884). (Wylie, Henry IV).
40. G. W. S. Barrow, Robert Bruce (1965).
41. A. A. M. Duncan, The Nation of Scots and The Declaration of Arbroath, Historical Assoc. Pamphlet (1970).

of David II's reign, immediately prior to that of Robert II, has been discussed by Balfour-Melville in Edward III and David II,[42] by R. Nicolson in Edward III and the Scots[43] and in his article 'David II, the Historians and the Chroniclers',[44] and by B. Webster in his article 'David II and the Government of Fourteenth Century Scotland'.[45] A valuable discussion of what Anglo-Scottish relations meant in practice to those who lived on the border is given by D. Hay in his article 'Booty in Border Warfare'.[46]

While nothing has been written specifically on the way in which Anglo-Scottish relations were conducted from the point of view of diplomatic procedure, G. P. Cuttino's English Diplomatic Administration,[47] G. Mattingly's Renaissance Diplomacy[48] and D. E. Queller's Office of Ambassador[49] are all valuable commentaries on the conduct of medieval diplomacy. H. C. Maxwell-Lyte's Great Seal[50] and A. L. Brown's 'Authorization of Letters under the Great Seal'[51] also help to elucidate the administrative system behind English medieval diplomatic practice.

Of the various grades of diplomats who conducted Anglo-Scottish

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42. E. W. M. Balfour-Melville, Edward III and David II, Historical Assoc. Pamphlet (1954).
43. R. Nicholson, Edward III and the Scots, 1327-1335 (Oxford, 1965).
44. R. Nicholson, 'David II, the Historians and the Chroniclers', SHR, xlv (1966), 59-78. (Nicholson, 'David II').
45. B. Webster, 'David II and the Government of Fourteenth Century Scotland', Transactions of the Royal Historical Society (TRHS), 5th ser., vol. 16 (1966), 115-130.
46. D. Hay, 'Booty in Border Warfare', Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society (TDG), xxxi (1952-3), 145-66.
47. G. P. Cuttino, English Diplomatic Administration, 1259-1339 (1940). (Cuttino).
48. G. Mattingly, Renaissance Diplomacy (1955).
49. D. E. Queller, The Office of Ambassador in the Middle Ages (Princeton, 1967). (Queller).
50. H. C. Maxwell-Lyte, Historical Notes on the Use of the Great Seal of England (1926).
51. A. L. Brown, 'The Authorisation of Letters under the Great Seal', Bulletin of the Institute of Historical Research (BIHR), xxxvii (1964), 125-151.

diplomacy in this period, the wardens of the marches have received most attention from historians, particularly on the English side where the most recent, and for this study the most important work is R. L. Storey's article 'The Wardens of the Marches of England towards Scotland, 1377-1489'.[52] On the Scottish side no-one has yet discussed the wardenship in this period but T. I. Rae's Administration of the Scottish Frontier[53] analyses the system from the Scottish side in the sixteenth century. J. A. Tuck's 'Richard II and the Border Magnates'[54] provides a helpful commentary on northern family politics in this period. Incidental commentaries on the wardens of the marches are included too in several family histories, such as Fraser's Douglas Books[55] and, on the English side, J. M. W. Bean's 'Henry IV and the Percies'.[56] Nothing has yet been written on the role of other diplomats engaged in Anglo-Scottish affairs, nor on John of Gaunt's lieutenancy on the marches, although both J. H. Ramsay in The Genesis of Lancaster[57] and S. Armitage-Smith in his study of Gaunt[58] have, in passing, mentioned his work on the Scottish border.

From the point of view of foreign influence on Anglo-Scottish relations, there is J. Campbell's 'England, Scotland and the Hundred Years' War in the Fourteenth Century'[59] and Perroy's work on

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52. R. L. Storey, 'The Wardens of the Marches of England towards Scotland, 1377-1489', English Historical Review (EHR), lxxii (1957), 593-615. (Storey).
53. T. I. Rae, The Administration of the Scottish Frontier, 1513-1603 (Edinburgh, 1965). (Rae, Administration of the Scottish Frontier).
54. J. A. Tuck, 'Richard II and the Border Magnates', Northern History, iii (1969), 27-52. (Tuck).
55. W. Fraser, The Red Book of Douglas, 4 vols (Edinburgh, 1885).
56. J. M. W. Bean, 'Henry IV and the Percies', History, xliv (1959), 212-227.
57. J. H. Ramsay, The Genesis of Lancaster, 2 vols (Oxford, 1913).
58. S. Armitage-Smith, John of Gaunt (1904).
59. J. Campbell, 'England, Scotland and the Hundred Years' War in the Fourteenth Century', Europe in the Late Middle Ages, ed. J. R. Hale, J. R. L. Highfield and B. Smalley (1965), 184-216. (Campbell).

the great schism. The more specialised subject of the ransom negotiations in Robert II's reign has been discussed only by Burnett in his Introductions to the Exchequer Rolls, especially in the third volume, where he corrected the errors in volume two. The significance of border meeting places has not been discussed in any work, although there is ample literature on the border. For the present purpose, the most useful are G. W. S. Barrow's The Border[60] and B. Webster's 'The English Occupation of Dumfriesshire in the Fourteenth Century',[61] while there are a number of other works which have helped to locate the occasional place-name. These books and articles are listed in the bibliography, as are many other which, each in their own way, contribute to an understanding of this period.

60. G. W. S. Barrow, The Border, Inaugural Lecture, Newcastle University (1962).

61. B. Webster, 'The English Occupation of Dumfriesshire in the Fourteenth Century', TDG, xxv (1958), 64-80.

CHAPTER II

THE CONDUCT OF DIPLOMACY

Anglo-Scottish diplomacy between 1371 and 1406 was conducted in a variety of ways and through diplomats of varying grades from wardens of the marches, commissaries, procurators, and even a king's lieutenant, down to deputies, messengers and heralds. The wardens of the marches were responsible for the defence of the border and for upholding a truce at this local level where obviously most violations were likely to occur. To help them to achieve their purpose they held international courts of justice, called 'march days', where they could negotiate mutual redress. The commissaries also held border meetings, in their case called 'truce days', also for the redress of grievances, but, in contrast to the wardens who were generally borderers, the commissaries frequently included in their number men who did not live near the border but who had diplomatic experience and, again unlike the wardens, they held jurisdiction only for the duration of each particular mission. The procurators, like the commissaries, were sent by the king on specific occasions. Their work was to negotiate a new truce or an extension of an existing one. The lieutenant on the marches, an office only occasionally used in this period, was the king's personal representative and as such enjoyed the power of a general procurator with authority to speak in his own right, whereas the other envoys could speak only on the king's behalf. The deputies played a more limited part in Anglo-Scottish diplomacy, negotiating matters of only lesser importance, while the messengers and heralds performed more mundane but still important tasks, such as carrying letters, so essential to the smooth running of diplomatic machinery. This chapter seeks to define the character and work of these officers and their varying roles in Anglo-Scottish diplomacy.

Broadly, the pattern seems to be this. Although letters were exchanged and messengers received at the two courts, most Anglo-Scottish diplomacy in this period was conducted on the border. In particular the wardens of the marches held wide responsibility for good relations between the two countries, because it fell to them to enforce a truce in those places where Scots and English were living practically side by side. Whether a truce existed in fact

as well as in theory depended on how efficiently the wardens administered justice in their own courts and at their international courts or march days. In turn, the success of those march days and of the system of wardenship, and therefore of diplomatic relations at this level, depended on the personal relations between the Scottish and English wardens of the marches. This weakness in the system became evident soon after 1371 when, on account of the quarrel between Percy and Douglas over Jedburgh forest, it became increasingly impossible for violations of the 1369 truce to be redressed in the normal manner at the wardens' march days. Accordingly a new system of redress had to be found and, from 1373, the kings sent other representatives, the commissaries, to perform those tasks which normally belonged to the wardens of the marches. Even so, by 1378 violations had become so widespread that, in an attempt to renew the truce by setting it on a new foundation, procurators were sent to the border to hold a '<u>dies tractatu pacis</u>' to try to arrange a marriage alliance between Scotland and England. In fact the negotiations broke down and in a further attempt to restore order on the marches, Richard II's eldest uncle, John of Gaunt, was appointed lieutenant there. He held office at intervals between 1379 and 1382 with authority over all officials in the area, but he failed to bring a satisfactory settlement to border affairs, or to make his own position acceptable to the border magnates. Richard II therefore had to turn once more to the wardens of the marches and from 1383 to 1388 a number of experiments were carried out in the wardenship until it became customary to have only two English wardens, one for each march. Commissaries again became active in Anglo-Scottish diplomacy from 1389, partly perhaps to supplement the work of the wardens, but even more to negotiate over grave disputes which had arisen from the 1369 truce and Robert II's reign. Nevertheless, the most important negotiations throughout the period were normally entrusted to procurators. After 1389, too, deputies were used in Anglo-Scottish diplomacy to arrange where and when forthcoming meetings should be held between commissaries or procurators, while other diplomats, who, strangely, were never given a name but who were of the same status as the deputies, were also employed to receive the king's oath to observe a truce or its extension. In the later years of Richard II's reign,

the system of wardenship again became a cause for concern, probably because in general the administration of justice for the borderers depended on the whims of one or two men on each side. Accordingly, in 1398 Gaunt was again commissioned as the king's lieutenant on the marches with the task of investigating conditions there. As a result of his findings, it was decided that the wardens should hold regular monthly meetings at various specified places to ensure speedy redress of grievances. In fact, however, it is possible that this recommendation was never carried out, for Gaunt died in early 1399 and later in the year Richard II's deposition led to upheaval in Anglo-Scottish affairs. For the first few years of Henry IV's reign, to the death of Robert III in 1406, Anglo-Scottish relations followed a chequered career alternating between truce and war. In these conditions the wardens of the marches were of paramount importance, as quickly became evident first in 1400 when the Scottish earl of March defected to Henry IV and then in 1402 when Douglas' capture left the Scottish marches almost without a defender and, on the English side, in 1403 when the Percies rebelled against Henry IV.

Such is the story in general terms, but to understand it properly it is necessary to look more closely at these offices, one by one.

1: THE WARDENS OF THE MARCHES

In 1371 the main instrument for enforcing the day-to-day observance of the truce was the wardenship of the marches.[1] On the English side the wardens were responsible for protecting the three most northern counties of Northumberland, Cumberland and Westmorland. This task had first belonged to the sheriffs and local lords from the time when the counties had been recognised as English in 1237, and it was the sheriff and a number of knights of Northumberland who in 1245 had joined a similar jury from Scotland to try to delineate the border between Carham and Hadden.[2] It also fell to the sheriffs of Northumberland, Roxburgh and Berwick, eleven Scottish knights and eleven English from the locality to codify the border laws in 1249.[3] To meet the greater perils of war in 1296, Edward I appointed 'capitaneos custodie partium marchie Scotie' in Cumberland and Westmorland.[5] Edward II in 1309 appointed a 'custodem marchie Scotie in partibus Karlioli'.[6]

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1. Much has been written about the office of warden of the marches, in particular G. T. Lapsley, 'The Problem of the North', American Historical Review, v (1900), 440-66; T. Hodgkin, The Wardens of the Northern Marches (1907); H. Pease, 'The Lord Wardens of the Marches (1913); R. R. Reid, 'The Office of the Warden of the Marches; its Origin and Early History', English Historical Review (EHR), xxxii (1917), 479-96; C. H. Hunter-Blair, 'Wardens and Deputy-Wardens of the Marches of England towards Scotland in Northumberland', Archaeologica Aeliana (Arch. Ael.), 4th ser., xxviii (1950), 18-81; R. L. Storey, 'The Wardens of the Marches of England towards Scotland, 1377-1489', EHR, lxxii (1957), 593-615; and J. A. Tuck, 'Richard II and the Border Magnates', Northern History, iii (1969), 27-52.
2. Stones, Anglo-Scottish Relations, 27-8.
3. These border laws are printed in APS, i. 413-6 and in W. Nicholson's The Border Laws (1705), 3-9.
4. Parl. Writs, i. 278. Miss Reid, loc. cit., discusses the development of the English wardenship after 1296.
5. Parl. Writs, i. 301.
6. RS, i. 76.

By 1371 the terms had become 'custodes marchiarum regni nostri Anglie versus partes occidentales' in reference to the west march of Cumberland and Westmorland, and 'versus partes orientales' for the east march of Northumberland.[7] On the Scottish side the term 'custos marchie' was used as early as 1300, when Sir Adam Gordon was named as a warden of the marches,[8] and the Scottish marches were presumably the lands contiguous to the English, Berwickshire, Roxburghshire and Dumfriesshire. Throughout the reigns of Robert II and Robert III there were normally four marches, a Scottish and English east and a Scottish and English west. In addition, for a short time in the 1380s there was an English middle march and in 1398 both sides seem to have had a middle march. In this latter instance the recognition of middle marches was simply to expedite the redress of grievances, and the temporary experiment in the 1380s was probably an attempt to defend England against Scottish invasions. In 1371 the English marches towards Scotland comprised not only the three northern counties of Northumberland, Cumberland and Westmorland but also the areas of Scotland held by the English. The same definition could be applied to 1381 but by then, as the English had complained in 1380, the area of Scotland occupied by the English was much smaller.[9] Never satisfied with the 1369 territorial settlement, the Scots had seized their opportunities after 1377 to oust the English and to such good effect that by 1381 the latter held only the towns and castles of Berwick, Roxburgh and Jedburgh. There was therefore no longer a buffer state between Scotland and England proper, so that it was probably in an attempt to provide more effective defence that Richard II in December, 1381, June, 1382 and July, 1383 divided the east march

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7. Rarely, '_borialis_' was used for '_orientales_'. _RS_, ii. 946 and 949.
8. _CDS_, ii. 297-8.
9. _Ibid._, iv. 64-5 provides a list of the Scottish lands the English lost between 1371 and 1380.

into a smaller east march and a middle march.[10] According to this new arrangement, in December, 1381 John, lord Neville was to guard the east march, the land 'between the high road which stretches directly from Newcastle to Roxburgh and the sea on the east side' and the earl of Northumberland was to watch the middle march, the land 'between the high road from Newcastle to Roxburgh and the bounds of the west march'.[11] This arrangement however gave Neville jurisdiction over the towns and castles of Alnwick and Warkworth, which belonged to the Percies, and so in June, 1382 and again in July, 1383 these areas 'and their domains' were added to the middle march under the Percies.[12] The experiment came to an end in 1383, however, when a new system was devised to meet the greater perils of war.[13]

From as early as 1314, English wardens of the marches were commissioned fairly frequently, although not at regular intervals,[14] and it is clear from an agreement made in 1352 between Edward III and David II that the wardenship was even then a well-established border institution.[15] The wardens themselves were generally chosen from the border landowners, because they were most likely to be well-versed in border matters, and because in practice they were already wardens in the sense of having to care for justice on their own estates and defend them against the enemy. As a result, the authority a warden was able to wield must have depended to a great extent on his influence as a landowner. The major families, such

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10. C. H. Hunter-Blair, 'Wardens or Deputy-Wardens of the Marches of England towards Scotland in Northumberland', Arch. Ael., 4th ser., xxviii (1950), 19 suggests that the east march was divided into east and middle marches in 1381 because of the death of Gilbert Umfraville, earl of Angus, who had controlled it jointly with the Percy and Neville families, but this explanation is probably too simple and ignores the existence of wardens other than Percy and Neville before 1381.
11. RS, ii. 40-1.
12. Ibid., 43 and 54.
13. It will be discussed below, pp. 38-40.
14. In 1314-6, 1319, 1327, 1333-6, 1341, 1346, 1352, 1356, 1359, 1366-71. RS, i. 130-945.
15. Brit. Mus. MS., Stowe 1083, f. 109. Discussed in greater detail below, p. 35.

as the Percies and Nevilles on the English side, had for a long time before 1371 been regarded as chiefly responsible for guarding the north[16] and between 1371 and 1406 members of these families were repeatedly commissioned as wardens of the marches. Indeed after 1388 the wardenship was almost monopolised by them but by that time it was becoming, on each march, a single rather than a multiple office. In the years immediately after 1371 it was usual to have a number of wardens but the Percies and Nevilles were generally pre-eminent. The bishops of Carlisle and Durham, too, were frequently appointed as wardens and the others were generally the more important border landowners and officials.[17] Roger, lord Clifford, for example, was commissioned eighteen times as warden of the west march between 1371 and 1388 and four times as warden of the east march from 1375 to 1384. He was the fifth baron of Westmorland, had been one of the witnesses of the 1369 truce and in 1377 he was made sheriff of Cumberland and governor of Carlisle. Very often the keepers of Berwick town were men who had already served as wardens or did so afterwards. Thomas Musgrave, for example, warden of the west march in 1372, was keeper of Berwick town from 1373 to 1377. Similarly, Peter, lord Mawlay, John Heron and Thomas Ilderton were occasionally wardens of the east marches and at other times keepers or chamberlains of Berwick town. On the west marches Ralph, lord Greystoke, Gilbert Culwen and William Stapleton who served as wardens were also at other times keepers of Lochmaben Castle.

On the Scottish side, the families of Douglas and March were the most powerful on the marches. Evidence of who the other Scottish wardens were is not so readily available as on the English side but according to an indenture made between Scottish and English diplomats in 1367, agreeing on ways of better enforcing the truce, the Scottish wardens then were Sir Walter Haliburton,

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16. The Scalacronica (Maxwell), 64 speaks of Percy and Neville being 'of great service on the marches' about 1319.
17. A list of the English wardens of the marches commissioned from 1371 to 1406 is given in the tables at the end of the thesis.

Sir Robert Erskine, Sir Walter Lesley, Sir Hugh of Eglinton and Sir Duncan Wallace with the earl of March on the east march; and although Sir Archibald Douglas, lord of Galloway, was the only person named in this indenture as warden of the west march, the agreement specifically provided for 'others whom the king wishes to name'.[18] As on the English side, in general practice and probably, too, in formal negotiations, the chief wardens were assisted by the lesser landowners so that the Rutherfords, Scotts, Stewarts, Turnbulls, Glendowers and Armstrongs were the Scottish equivalents[19] of the English Tilliols, Hetons and Stapletons.

The English commissions leave no doubt about the importance of the wardenship. The note of warranty normally used was 'By king and council',[20] and the commissions carefully listed the powers of the wardens. As expressed in a commission dated 3 May, 1372, they were to enforce the 1369 truce; listen to complaints from English subjects of Scottish violations and to Scottish complaints of English violations; administer justice as quickly as possible; and rectify all violations of the truce. They were given authority to arrest, imprison and punish English violators and to ask the Scottish wardens to do the same. As listed in the 1369 truce and in the 'ancient border laws', the principal violations were cattle-lifting, arson, murder and theft. To enable them to carry out their tasks efficiently, the wardens could enter castles and fortalices, even those within liberties, to arrest any malefactors there and they could also arrest any constables of castles or other officials who impeded their work.[21] Commissions granting all these judicial powers, and identically styled in Latin, were issued on 5 July, 1370, 25 June, 1371 and 12 October, 1371.[22] The commission

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18. RS, ii. 913-4; Foedera (O), vi. 569.
19. These and other names appear as pledges for the earl of Douglas on the west and middle marches in 1398. Foedera (O), viii. 54-5.
20. The significance of notes of warranty is discussed by A. L. Brown, 'The Authorization of Letters under the Great Seal', BIHR, xxxvii (1964), 125-51.
21. RS, i. 949. A transcript of this commission is given in the Appendix of Documents, No. 1.
22. Ibid., 939-46.

dated 3 May, 1372 contained an additional clause, which had itself formed the substance of a commission dated 25 February, 1372,[23] giving the wardens military authority. It empowered them to raise and train a militia from men of between sixteen and sixty who lived on the border, inside or outside liberties; to equip them with bows and arrows; and to use them as necessity demanded for the defence of the border. After 1372 this military clause always accompanied the judicial clause in the standard English commission, although minor alterations were made to suit changing circumstances. Those issued after February, 1384, for example, did not refer the wardens to the 1369 truce, which had expired, but between 1386 and 1389 to the 1386 truce, and between 1389 and 1398 to the Lenlinghen truce of 1389. After 1398 they were referred to the agreements made then at Hadden and the Lochmaben Stone. On the Scottish side there is no evidence of how the wardens were commissioned or what powers they had, but since negotiations were normally conducted on equal terms, the Scottish wardens must have had the same authority as their English counterparts.

It is difficult, even on the English side, to find evidence of how the wardens of the marches conducted their meetings in this period, how frequently they held them, and who was responsible for calling them. One of the most interesting features seems to be a development in who did have authority to call march days. At the beginning of the period it seems that the wardens held march days only when commissioned by the king, two or three times in the year, but the practice seems to have changed by 1394 for Robert III in a letter to Richard II could then refer to the wardens' calling their own march days,[24] and in 1398 it was clearly stated in an indenture drawn up by commissaries that the wardens were to arrange monthly meetings amongst themselves.[25] Indeed, in this indenture the commissaries, conscientiously trying to set the wardenship on a firm judicial basis, prescribed where and how often march days were to be held and what procedure the wardens were to

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23. Ibid., 948-9.

24. Vespasian, no. 32. f. 39.

25. Foedera (O), viii. 57.

follow. Meeting at Hadden[26] on 26 October, they agreed 'that the Wardains of the Marches, throw thaim self, or throw their Deputes, sal every Moneth hald certainz dayis of Redresse, and gar refourme and redresse al attemptatz and Mystakyngis that has ben done agaynis ther Trewis, after the Teneur of the Endentures mad, at Haudenstank, the xvi day of Marche last past; and, qwhat tyme that that Endenture be reformyd, it sal be lefful to the Partie of Ingland til gif up qwhat Bil to thaim likis, the qwilk sal be Redressit and assithit with the Redresse of the forsaid Endentures; and thane, that done, the Partie of Scotland sal gif up qwhat Bille that thaim list, till be Redressit in the samyn manere.' They also agreed that 'the Wardains of the Myddil Marche, or thair Deputes, sal mete at Gainelispeth on the morne efter the Fest of Saint Martin that nest commis, and swa, fra Moneth til Moneth, at Dayis and Placis, as it may be accordid betwix the said Wardains or thair Deputes, ay qwiles that al the Articles aboven written be fullely refourmyd and Redressit, and on the Thorisday a sevenyght, nest folowand, the Wardains of the Est Marche, or thair Deputes, sal assemble to do and fulfil as is aboven written.' At a complementary meeting held at the Lochmaben stone on 6 November, 1398 similar decrees were made applicable to the west marches,[27] and it was decided that 'the Wardanys of the West Marche of Scotland, or his Deputes, sal mete at Clowthmabanestan for Galway, Nythysdale, and Annalerdendale with the Wardane of the West Marche of Ingland or his Deputes, the Thorysday the xiv day of November, for to Redresse and Refourme al Attemptats done agayne the vertue of their Trewis efter the fourme of the saidz Endenturs, and sa fra Moneth to Moneth, at Daiz and Places to be Accordit betwix the saidz Wardanez or thair Deputz, qwilez al Attemtatz be fully redressyt, and at the same Day and Place thai of Cawfourd-Mure sal appere to do and mak Redresse in the manere forsaid,

'And in the semblable manere sal the saidz Wardanes, or thair Deputez, assemble at Kircander, the Mounownday, the xviii day of this same Moneth, for Eskdale and Lyddalysdale,

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26. 'Hawdenstank'. The identification of meeting-places is discussed in Appendix B and set out in the maps.

27. Ibid., 61.

'And thai of Tyndale and Ryddysdale sal mete at the same Place of Kircander with thai of the West Marche of Scotland, at al thair daiz of Redresse, fra Mychelmes to Qwyssinday,[28] and fra Qwyssinday to Mychelmas, thair daiz of Redresse sal be haldein at Cresshope bryg.'

It was also agreed that 'the Deputes of the Erle of Douglas, Tevydale, and Jedeworth Forest, sal assemble with the Deputes of the Wardane of the West Marche of Ingland, the day, the xxvi day of this Moneth of November, at the said Cressop Bryg, and swa fra Moneth to Moneth to Refourme and Redresse al Attemptats done on bathe the Syds.'

This indenture is of unique importance in the reigns of Robert II and Robert III. It reveals that, after 1398 at any rate, march days were to be held every month and at a number of specified places but that the wardens themselves arranged the date and sometimes also the place of the meeting. Nevertheless, there is much that the indenture does not say. It did not need to, because the people for whom it was composed already knew the detailed formalities of march days. For the present purpose, therefore, evidence must be sought in other documents and even outside the period 1371 to 1406. The border laws are especially pertinent because they comprise the earliest code, based on customary law, on which Anglo-Scottish relations rested long before the wardenship was instituted. After 12 December, 1377, indeed, the commissions to the English wardens generally instructed them to administer justice according to the laws of the marches ('secundum leges marchiarum'), as well as according to the truce.[29] Briefly, these border laws stated that anyone found guilty of homicide should be tried at a march court, which if the defendant lived above Deday should be held at the Revedenburne; if at Redesdale or Coquetdale, it should be held at Gamelspath; if he lived above the Redden it should be held at Camisford;[30] and if upon Redden, at Jedward

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28. Whit Sunday.

29. RS, ii. 5. This does not mean that the wardens before 1377 ignored the border laws. It is probably simply a change in chancery practice.

30. G. Barrow, The Border (1962), identifies Deday as Duddo Burn, and Camisford as Norham. Gamelspath is Chew Green, Revedenburne the Redden Burn.

Overbourne, while if he lived in the counties of Carlisle and Dumfries, it should be held at the Solway. They also stated that with the exception of the kings of England and Scotland and of the bishops of St. Andrews and Durham, any subject of either realm could be made to accept trial by combat on the marches, and that if a thief from one realm stole cattle or other property from the other, the case was to be judged in the court of the lord on whose land the goods were discovered, unless the case could not be proved, when it would be referred to a march court.[31] By 1371 these cases seem to have become matter for the wardens' international courts.

There is little evidence of how these courts were conducted at any time before 1406, but it is possible to find evidence of what was done in the sixteenth century. Because by 1406 the wardenship seems to have reached its final form until it became the council of the north in 1547, and because wardens' commissions in the late sixteenth century were still basically similar to those of 1371 to 1406, it seems reasonable to assume that their method of conducting march days remained largely unaltered. It should therefore be possible, by checking what little evidence is available for the period 1371 to 1406 against the fuller evidence available for the sixteenth century, to reconstruct a picture of how march days were held in the reigns of Robert II and Robert III. The evidence is taken from an account of one held in the reign of Elizabeth.[32] First, the day and place had to be agreed upon. Secondly, the 'day' had to be proclaimed, so that each person complaining of a border incident could enrol his bill before his own warden on a certain date. This bill made a specific complaint or accusation against specified persons in the other kingdom, or, if the actual thieves were unknown, a demand for damages from the recipients of the stolen goods. When the bills had been enrolled, they were sent to the opposite wardens, who had to find the accused and bring them to the march day to defend themselves. At the march

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31. APS, i. 413-6.

32. J. Nicholson and R. Burn, The History and Antiquities of the Counties of Westmorland and Cumberland, 2 vols (1777), i. xxiii-xxv. Scottish procedure in the sixteenth century is discussed by Rae, Administration of the Scottish Frontier, 49-59.

day itself it was customary, in the sixteenth century, for the opposing wardens to collect their retinue and repair to the border. If it was marked by a stream, they remained on opposite banks; if by a boundary, they remained at suitable distances from it. The English warden sent a representative to seek safe-conduct and assurance from the Scottish warden, who signified his agreement by raising his hand. In the same manner he then sought and received assurance from the English warden. Both wardens then proclaimed a special peace until sunrise the next day on pain of death. The English warden and his company entered Scotland where they were met by the Scottish warden. The wardens embraced each other and retired to a quiet place to call the rolls and bills on both sides. The jury were sworn in, the cases judged and the wardens returned home again. The type of trial conducted at a march day differed from time to time. Sometimes there was trial by avowal, which meant that the accuser would ask a fellowcountryman of the accused to declare on oath the guilt or innocence of the defendant; sometimes trial was by the warden's honour, which meant that the defendant's warden examined the case and declared on oath his guilt or innocence; and if the warden in this type of trial failed to clear the bill within fifteen days, he was obliged to pay it. Such was the sixteenth century practice. How does it compare with the evidence available for the reigns of Robert II and Robert III?

As has been seen from the 1398 indentures, it was common in the fourteenth century, as in the sixteenth, for march days to be held in remote places actually on the border rather than in Carlisle or Berwick. The indentures also provide clear evidence that the wardens delivered their bills of complaint to each other and therefore they must have had their own courts, each on their own side, where the complaints were lodged, as they had in the sixteenth century and also in the mid-fifteenth.[33] They were also responsible for finding and bringing the accused to the march day. The sixteenth century account does not say so, but there is evidence for it in 1371, that when the wardens met at the beginning of the meeting they exchanged their commissions, or at least showed them

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33. As illustrated by a text in APS, i.714-6 discussed below, pp.36-7.

to each other and made copies of them.[34] The chief forms of trial between 1371 and 1406 seem to have been trial by combat and trial by the warden's honour. In David II's reign and in the sixteenth century, and therefore probably from 1371 to 1406, it was common practice to have trial by jury of twelve, six English and six Scots. Thus in an indenture made in London on 12 April, 1352 Edward III and David II agreed that, 'If it happen that anyone on either side should make any attempt against the truce, his warden shall bring him to the next day[35] upon the march and if he be found guilty by six English and six Scots, his warden shall go and hang him there without delay in sight of both the marches and shall make redress of the said attempt to the party that suffered the wrong in all goodly haste upon the pain of doubling.' An example of trial by combat occurred in 1380 when a Scot, Robert Grant, disputed the ownership of certain merchandise which the earl of Northumberland had confiscated.[36] The trial was held between Grant and Thomas Strother, the latter presumably acting for the earl, at Liliot Cross on 14 November, 1380. Grant won, and was therefore considered to have proved his right, and in December the English council ordered the mayor and bailiffs of Newcastle to pay him £133-6-8 damages. Hugh Dacre's case in 1371 seems to have been an example of trial by warden's honour. Dacre was found guilty of causing damage worth £100 to the earl of Douglas' property, but he failed to pay the amount and Sir Henry Percy, as warden, had to pay it for him. Percy complained to Edward III, who ordered Dacre's arrest and a £100 levy from his lands in Lincoln to be paid to Percy.[37] In a case where damages were not paid, reprisals might be taken. In 1377 for

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34. In the Black Book, f. 37, Parl. Recs, i. 120, there is a copy of an English commission identical with that enrolled on the Scotch Rolls on 25 June, 1371. RS, i. 945.
35. The words used in the indenture (Brit. Mus. MS., Stowe 1083, f. 109) are 'dies treuge' (truce day) but in the context 'dies marchie' (march day) would be preferable.
36. RS, ii. 30-1; Gaunt's Register, 1379-83, ii. 386-7.
37. CDS, iv. 44.

example, Richard II ordered the earl of Northumberland and the other wardens to confiscate the merchandise of certain Scottish ships at Grimsby and Hull to replace the £200 cargo of the late mayor of Grimsby, which the Scots had captured at sea in spite of the truce, and for which redress had not been made at the march day.[38] Sometimes the march court might reach an agreement, the warden or pledges pay a fine, and the defendant refuse to repay it because he disputed the verdict. Such a case occurred in 1380, when Richard II had to order an enquiry to be made by justiciars to find out whether or not several English malefactors had been justly fined, since they refused to repay the money to the English wardens.[39] Finally, if a person was suspected of having stolen goods, he had to attend several march days to give others opportunities to charge him. In 1380 and 1381, for example, Findlay Ussher, a Scottish merchant, had to appear at several march days to face possible charges that his cargo of herring and cloth, captured in the Humber, was stolen property. In such cases if no claimants appeared after several opportunities had been given, the suspect could keep the property as his own.[40] The final picture, therefore, which emerges from a comparison of the material available for this period and for the sixteenth century is that the procedure followed at march days remained basically the same, and therefore the evidence available for the sixteenth century can properly be used to illustrate the work of the wardens of the marches in the fourteenth and early fifteenth centuries.

In addition to their international courts the wardens of the marches must also have had courts on their own side of the border. On the English side there is very little evidence of how this court functioned, but the Scottish Acts of Parliament record a meeting held by William, earl of Douglas at Lincluden College in 1448 to decide what acts committed on the border in time of war should in future constitute treason, and this record is prefaced by a list of crimes already considered material for the warden's own court.[41] The offences listed bear such resemblance to those

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38. Ibid., 55.
39. RS, ii. 21-2.
40. CDS, iv. 66.
41. APS, i. 714-6.

commonly forbidden, in international terms, in the truces of the later fourteenth century that it can probably be assumed they had been the concern of the wardens for long before 1448. Briefly, this text committed to the warden's court for trial any Scotsman who stole another Scotsman's goods and removed them to England; any who stole an Englishman's goods in time of truce; any who supplied Berwick or Roxburgh or other English places on the marches with horses, harness, food, fuel or other goods; any who broke the king's or warden's safe-conducts or protections; any who held speech with Englishmen without leave of the king or warden; any who helped the English to capture Scottish castles; and any who helped English prisoners to escape from Scotland. Thus, as depicted here, all cases which had any bearing on Anglo-Scottish relations comprised material for a warden's court. Cases involving both sides would be passed from it to the march day court.

A warden's activities could never be restricted solely to what he did at a march day but, for the earlier years of the period, there is little evidence of how long his tenure of office lasted. Those who were commissioned on 3 May, 1372 for example were written to as wardens on 6 August, and on 10 December were granted permission to have deputies.[42] Moreover, although a new commission appointing a set of wardens was not issued between May, 1372 and November, 1375, in February, 1373 three new wardens were commissioned to join those already holding office.[43] Similarly, Richard, lord Scrope was commissioned as a warden of the English west march on 12 February, 1381[44] and probably attended a march day in late February or March. No other wardens seem to have been commissioned for the west march until March, 1382[45] but John of Gaunt wrote to Scrope as warden in July, 1381.[46] Probably, therefore, in these early years wardens of the marches entered office for an indefinite length of time. After 1383, however, the wardens were engaged by indenture and therefore for a set term.

This development of the wardenship from an office held by a

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42. RS, i. 949-53.
43. Ibid., 955.
44. Ibid., 33.
45. Ibid., 42.
46. Gaunt's Register, 1379-83, ii. 573.

number of men by the king's commission to a post held by only a few men by indenture is another of the interesting features of the period[47] and is closely connected with a further development, that of payment for office. In 1371 six men were commissioned for the east march and seven for the west.[48] There is no evidence that any of these were paid specifically for their work as wardens, although two of them, Sir Thomas Fogge and Sir Ralph Ferrers, who had to travel from London for the march day, were paid at the daily rate of £1 for their thirty-eight days' service.[49] This was the rate of pay commonly granted to knights employed on the king's missions to foreign states. Since there is no evidence that the other wardens of the marches commissioned with them received any pay at all, it can probably be assumed that Ferrers and Fogge were paid only because they had to travel so far. There is no other record of payment to wardens of the marches for attending a routine march day, either before or during the reigns of Robert II and Robert III. Payment was,however, occasionally made to wardens for defence purposes before 1371. In 1300, for example, Sir John of St. John became warden of the west marches, receiving seven hundred marks for his forty men-at-arms from 9 November, 1300 to 21 May, 1301.[50] Similar payments were made in 1319,[51] 1322[52] and 1342.[53] All these payments, however, were made in times of war and there is no evidence that payments even of this kind were made between 1342 and 1371. In 1371 the wardenship was an unpaid office. Then, on 22 March, 1383, John, lord Neville was engaged by indenture as warden of both marches, being retained at four hundred marks for a year, provided the war

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47. The change is made clear in the table listing the English wardens of the marches.
48. RS, i. 945.
49. Foreign Accts, roll 8, m. C and roll 9, m. K, not L as stated in Lists and Indexes, xi. 71.
50. CDS, ii. 298.
51. Ibid., iii. 125
52. Ibid., 145-8.
53. Ibid., 255

lasted so long.[54] This indenture is the key to an understanding of the development in the wardenship from an unpaid to a paid office and from a multiple wardenship to one held by only a few local magnates. By 1383 there was chronic disorder on the marches. Since 1377 the Douglases and March had created havoc in Roxburgh and near the Solway; the earl of Northumberland had devastated Berwickshire; and in 1380 the Scots had attacked Cumberland and Westmorland. John of Gaunt's attempts as lieutenant to restore order were failing, and in 1382 the English parliament received a complaint that the wardens of the marches were not enforcing justice in Teviotdale.[55] By 1383 therefore Scotland and England were virtually at war and Neville's term of office could rightly be considered war service for which he should be paid. His payment was essentially no different from any made between 1300 and 1342. What was different was the effect it had on the development of the office of warden of the marches. John, lord Neville was a border landowner as well as a warden. In 1383 he was paid, as a warden of the marches, for defending the state, even if, compared with John of St. John's fee in 1300, he was paid very little. But Neville was not the only border landowner defending the state, and every landowner who could make the same claim could also demand payment; indeed, in November, 1383 the northern lords asked the English parliament for a grant for defence. This was at first refused. William Wykeham, bishop of Winchester told them they were 'rich enough to defend the north themselves, as their fathers and grandfathers had done.' Finally however, parliament agreed to commission them to call out forces for which the king would pay,[56] and on 12 December, 1383 the earl of Northumberland made an indenture with the king by which he became warden of the east march from 1 January to 1 May, 1384 at special rates of pay. For the first month, which was officially a time of truce, he was to receive a daily rate of 6/8 for his own services,

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54. Storey, 610. Neville's commission was dated 20 March, 1383. RS, ii. 49.
55. Rot. Parl., iii. 146.
56. Hist. Ang., ii. 108-9.

2/- for each of twenty knights, 4/- for each of three bannerets, 12d each for one hundred and sixteen men-at-arms and 6d each for two hundred and eighty mounted archers. From the beginning of February, when the Durham truce was due to expire, to 1 May he would increase his forces to four bannerets, forty knights, two hundred and thirty-five men-at-arms and five hundred and sixty mounted archers.[57] Similar arrangements were made for the west marches.[58] Thus a new practice developed in the English system of wardenship and because from the official expiry of the truce in February, 1384 measures for the defence of the border were essential, wardens of the marches continued to be paid for office. By 1388 it had become common practice for them to be engaged by indenture as well as by commission, and, indeed, for the indenture normally to antedate the commission. Moreover, after 1388, probably to facilitate the system of payment as well as to solve political problems and increase the efficiency of the wardenship, it was normal for only one or two wardens to be appointed to each English march and at very high rates of pay.

The first warden to hold office according to this new system was Henry Percy, son of the earl of Northumberland, who in 1388 became warden of the east march and Berwick town for three years from 19 June, being paid £12,000 in wartime and £3,000 in time of peace or truce.[59] When he was captured at Otterburn in August Thomas Mowbray, earl of Nottingham and marshal of England, took his place at the same high rates.[60] Of the peacetime rate, £2,000 was for the upkeep of Berwick, where he was to have four hundred men-at-arms and eight hundred archers for the first period of June and July, and £1,000 was for the custody of the east march.[61] Henry

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57. CDS, iv. 72. Commissioned 12 January, 1384. RS, ii. 58-9.
58. Walter, lord FitzWalter became warden of the west march on 28 January, 1384 and served until 28 April receiving £715-14-8 for fifty-one days' service. Foreign Accts, roll 28, m. D, omitted from Lists and Indexes, xi. 75.
59. Storey, 600.
60. RS, ii. 96. He was to hold office until 1 June, 1395.
61. Storey, 600. CDS, iv. 88.

Percy assumed office again in 1390, this time on the west marches,[62] at similar rates of pay, while his father, the earl of Northumberland, became warden of the east march.[63] Thereafter it seems to have been customary for a warden to hold office for a long term at a high fixed rate of pay.[64] Thus by the end of Richard II's reign the English wardenship had become a well-paid office, a far cry from what it was in 1371, even if its essential functions remained the same. These changes brought the English wardenship more into line with the Scottish, in the sense that two English magnates were appointed to work with two Scottish counterparts, the earls of March and of Douglas, and the parity demanded in negotiations may, indeed, be one reason, even if a comparatively minor one, why Ralph Neville was created earl of Westmorland in 1397. Some historians, however, and in particular R. L. Storey and J. A. Tuck, considering this remarkable development in Richard II's reign, have suggested various political reasons why it should have taken place. They have seem as contributory factors not only the war, which led Richard II to engage wardens by indenture, and Gaunt's failure as lieutenant, but also the king's struggle with the Lords Appellant which led him to try to buy the support of the Percy family and of Mowbray, who was one of the Lords Appellant. Studying the 1380s, Dr. Storey has also suggested that Gaunt used his retainer, John, lord Neville, to curb the Percy power in the north; that he was advancing Neville in order to exclude Percy from the wardenship; that his policy reached its climax in 1383 when Neville was retained for a year as warden of both marches at four hundred marks; and that by 1386 Neville had replaced Percy as the military leader in the north. Neville's death in 1388, however, and Richard II's

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62. For his wardenship of the west march and Carlisle from 15 June, 1390 Henry Percy was granted £3,000 in war and £1,500 in peace or truce. RS, ii. 105; Storey, 600.

63. The earl of Northumberland replaced Mowbray from 1 June, 1391 for five years and was in turn replaced by his son, Henry for ten years from 2 June, 1396. RS, ii. 130; CDS, iv. 96-7 and 101.

64. Storey, 613-5 gives details of wardens' terms of office from 1406 to 1489.

quarrel with the Lords Appellant enabled the Percies to regain their power. J. A. Tuck's views are similar. He suggests that Gaunt was appointed lieutenant in 1379 because the king thought the border families were largely responsible for the disorder on the marches, and that Gaunt promoted Neville in order to curb Percy and perhaps even to take revenge for Percy's ill-will towards him during the Peasants' Revolt. There is obviously much to recommend these suggestions, especially as Froissart, a contemporary, also commented on discord between the Nevilles and Percies, although because Percy not Neville had been promoted.[65] It seems probable, however, that even if there had been no rivalry between Percy and Neville, no ill-will between Gaunt and Percy, and no Lords Appellant, the development in the wardenship in Richard II's reign would still have taken place, for it was demanded by the needs of the border itself, by the military needs and even by the diplomatic needs. From the military point of view, it was essential in the 1380s that there should be adequate forces to hold back Scottish attacks and the wardens themselves could not afford to supply all the equipment or to pay wages to all the necessary soldiers, and this is possibly why first Neville in 1383 and then Northumberland in 1384 and others after them were engaged by indenture. In addition, after the campaigns of 1384 and 1385 the English were anxious for a truce in order to curtail Scottish attacks. Normally truces were negotiated only by procurators, but procurators were generally distinguished national figures with many commitments, and a procuratorial embassy necessitated much time, trouble and expense. The wardens of the marches, on the other hand, were on the spot and accustomed to holding negotiations. The case was urgent. Why not, then, as an emergency measure extend the powers of the wardens? This is perhaps the kind of reasoning that lay behind John, lord Neville's appointment as warden of the east march for a year from 1 April, 1386. He was granted £800, if the war lasted the year, and the amount specifically included payment for attending march days.[66] There is reason to think that these march days were not

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65. Froissart, xiii. 200.

66. CDS, iv. 79-80. There is a similar indenture between Richard II and the earl of Northumberland, dated 14 November, 1386 in Exchequ. Various Accts, bundle 40, no. 30.

the routine days organised by wardens of the marches, but negotiations for truces, and a precedent had been set for this development in 1384. After his return to England from his campaign in Scotland in 1384, John of Gaunt had made an agreement with the earl of Northumberland by which the latter was empowered to defend the east and west marches from 1 May to 6 June, 1384, with control over the town of Berwick and the castles of Carlisle and Roxburgh, and to make truces for one or two months. He was to be paid £4,000 for his services.[67] Similarly, when Northumberland was commissioned on 9 August, 1384 as warden of both marches, he was given additional power to enquire if any English subjects were making secret pacts with Scots, to try to attract Scots into Richard II's allegiance, and to make truces with Robert II or his subjects for one or two months. At the same time John, lord Neville was commissioned with identical powers on the section of the west march from Stanemoor to Solway,[68] and on the 15 March, 1385 Northumberland and Neville did make a truce at Esk Water with the earl of Douglas and Sir Archibald Douglas, which the Scottish earl of March, warden in the east, was invited to join.[69] When Neville's indenture in 1386 promised him payment for attending march days, it is probable therefore that it meant negotiations for truces, and indeed at Billiemyre on 27 June, 1386 Neville did conclude a truce with the earls of Douglas and March.[70]

By 1386, therefore, the border magnates were important figures in national affairs because their positions on the marches made them powerful. The attention given to the Percies and Nevilles in Richard II's reign was the logical conclusion to their growth in importance from the beginning of the 'wars of independence'

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67. 23 April, 1384. RS, ii. 62.

68. Ibid., 65-6. On these occasions the wardens were commissioned as 'wardens and general commissaries' ('custodes et commissarii generales'). There are twenty-two commissions of this kind enrolled on the Scotch Rolls between 1384 and 1406, as well as a few referring to them simply as 'wardens'. RS, ii. 65-171.

69. From 15 March to 1 July, 1385. RS, ii. 73 and APS, i. 349-50, which incorrectly dates the truce 1384.

70. From 27 June, 1386 to 31 May, 1387. RS, ii. 85-6.

While not discounting the political aspect, especially in regard to Mowbray's appointment in 1388, or the rivalry between Percies and Nevilles, it is probably still true to conclude that the developments in the English wardenship in this period were called for by the need for vigilance against the increasingly persistent and successful attacks of the Scots, and it was an irony of fate that this same institution, so carefully developed as a weapon of military and diplomatic defence, was able in 1399 to help to precipitate the downfall of Richard II. Henry IV learned the lesson. In 1403, on the rebellion of the earl of Northumberland, he could entrust the wardenship of the east marches and Berwick to no-one but his son, John of Lancaster.

II: THE COMMISSARIES

Closely akin to the functions of the wardens of the marches were those of the commissaries. Indeed they first entered Anglo-Scottish relations in 1373 on account of a quarrel between a Scottish warden, the earl of Douglas and an English warden, Henry Percy, the future earl of Northumberland.[1] By 1373 it had long been customary for violations of a truce to be rectified by the wardens of the marches, but what happened if the wardens themselves quarrelled? The disagreement between Percy and Douglas was of long duration, and concerned Jedburgh forest. In 1320 Robert I had granted the forest to the earl of Douglas. Then in 1334, when Edward III had received the southern counties of Scotland from Edward Balliol, it had been granted to Henry Percy. Douglas argued that it was neither Balliol's nor Edward III's and therefore not Percy's, but he refused to surrender his right, and by 1373 the two wardens were so engrossed in their own dispute that they were neglecting redress for violations of the 1369 truce. Accordingly, a new system had to be devised to supplement their work, even if only as a temporary measure. On 16 February, 1373 Edward III commissioned his representatives to enquire into the Percy-Douglas case[2] and on 26 May he also commissioned other diplomats to do the judicial work which normally belonged to the wardens of the marches, to redress violations against the truce.[3] Thus began a new practice in the conduct of Anglo-Scottish diplomacy.

Between 1373 and 1381 fourteen groups of these diplomats were appointed to correct violations of the truce, and the form of their commissions was distinct from all previous documents enrolled on the Scotch Rolls.[4] Probably because the practice was a

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1. Henry Percy was created earl of Northumberland in 1377.
2. RS, i. 955; Foedera (O), vii. 2-3.
3. Ibid., 958; ibid., 9-10.
4. A transcript of one of these commissions is given in the Appendix of Documents, no. 2(a). All fourteen were in Latin and identically styled. Nine were issued on the authority of the king and council; two of the council; and one, 10 June, 1377, of the great council. Two, and they probably in error, bore no note of warranty.

new one, the chancery clerks were at a loss to know what to call them and so simply referred to them as 'vos' and to their Scottish counterparts as 'homines de Scotia'. For the present purpose, however, because their functions were practically identical with those of other envoys sent later in the period and designated 'commissaries and special messengers' ('commissarii et nuncii speciales'), it seems appropriate to apply the same term to these earlier diplomats also. According to their commissions, they were to correct ('ad corrigendum') violations of the truce, to restore order where necessary on the English side of the border, to listen to Scottish complaints of abuses, to punish accordingly, and to demand that the Scots do likewise.[5] Their powers were, therefore, very similar to those of the wardens of the marches. After 1381 no commissions of this kind were enrolled on the Scotch Rolls but in 1384 the term 'commissary' began to appear in English chancery documents, and in reference to the wardens of the marches. By 1384 the border situation had changed dramatically from even the troubles of 1373. Since Edward III's death in 1377 truce violations had often been tantamount to war and in February, 1384 the truce of Durham officially ended. The whole border was in a state of turmoil. In these circumstances the border landowners were obviously the men on whom the king must rely to defend the border, and therefore by 1384 the wardens of the marches had resumed their prominence in border negotiations and were even given additional power to make short truces. It was in this context that the term 'commissary' came into use for, when commissioned to negotiate for truces, the wardens were called 'custodes et commissarii generales'.[6] The use of the term here is significant, for it suggest that by 1384 it had been accepted as a customary designation of someone who

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5. On 29 July, 1375 a second commission empowered them to grant safe-conducts to the Scots coming to the meeting. RS, i. 971. This was presumably common practice.
6. Since it was as wardens of the marches that they received this additional power and title, their work in this period has already been considered in the previous section.

negotiated.[7] After 1384 the term seems to have gained popularity in the English chancery[8] and after 1386 it was applied to almost every envoy who went to the Scottish border and should be read, generally, as an example of the multiplication of terms for which medieval clerks are famed.[9] Nevertheless, it is still possible to distinguish between the various grades of diplomats employed in Anglo-Scottish relations in this period. If, for example, they were sent to arrange a forthcoming meeting, they were called 'deputies and commissaries' ('deputati et commissarii') and here will be called deputies; if they were sent to arrange the terms of a truce or treaty, they were 'procurators, ambassadors and special commissaries' ('procuratores, ambassiatores et commissarii speciales')[10] and here will be called procurators; and if they were sent to hold a truce day they were called 'commissaries and special messengers' ('commissarii et nuncii speciales') and in this study will retain the name commissaries. This last term was used only from 1389 to 1392 and referred to diplomats who were sent to supervise ('ad supervidendum') the maintenance of the 1389 truce and to seek ('ad petendum') redress from the Scots for their

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7. It is interesting that in March, 1379 diplomats meeting at Muirhouselaw referred to themselves in their indenture (Exchequer Dip. Docts, no. 1527) as 'commissarii', although the term had not been used in their commissions. They had received two: the first an 'ad corrigendum' commission; the second a procuratorial commission referring to them as 'procuratores negotiorum gestores ac nuncios speciales'. (RS, ii. 13-14).
8. Queller, 68 comments that the term 'commissary' became fairly common in the later middle ages, especially in documents originating from the English court. It is interesting, however, that in Scotland as early as 1368 prelates, nobles and burgesses were called to a parliament at Scone either in person or 'per commissarios'(APS, i. 145), and in June, 1384 Robert II appointed 'commissarios' (Foedera (O), vii. 441), while Richard I commissioned procurators. RS, ii. 62-3.
9. Discussed by Queller, 34.
10. There were variations: 'procuratores negotiorum gestores commissarii ac nuncii speciales', or 'procuratores negotiorum gestores deputati ac nuncii speciales'.

violations,[11] the two tasks which had been performed by the unnamed diplomats from 1373 to 1381. Thus, as understood in this sense, commissaries were active in Anglo-Scottish diplomacy in two periods in the reigns of Robert II and Robert III: from 1373 to 1381, when to some extent they superseded the wardens of the marches; and from 1389 to 1392, when they supplemented the work of the wardens in maintaining the truce. In addition, commissaries were sent in 1398 and 1399 to investigate conditions on the border, and in particular the work of the wardens, and to provide suitable remedies for any abuses they found.[12] Thus throughout the period commissaries, as understood in this sense, remained closely related to the wardens of the marches.

Nevertheless there were important differences in the organisation of their missions. Because the commissaries were often non-borderers, their missions were more formally organised than those of the wardens, and since the king had to meet their expenses it was clearly in his interests to keep the duration of their missions to a minimum and therefore to organise as much as possible beforehand. Thus, unlike the wardens of the marches, who seem to have arranged the details of their meetings for themselves, the commissaries were often told exactly where and when their meetings were to be held. Six of the fourteen documents appointing commissaries between 1373 and 1381 designated Liliot Cross as

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11. There are five commissions of this type enrolled on the Scotch Rolls, all in Latin and with a note of warranty, 'By king and council'. In the first two cases, the commissions 'to supervise' and 'to seek' are given separately. RS, ii. 101-18. A transcript of one of these commissions is given in the Appendix of Documents, no. 2(b).

12. Three groups of commissaries were appointed in 1398 and 1399. RS, ii. 139-49. A transcript of one of these commissions is given in the Appendix of Documents, no. 2(c). Lists of all the commissaries engaged in Anglo-Scottish relations in this period are given in the tables.

their meeting-place and also stated the date of the meeting.[13] If the date could be put into the commission, it clearly must have been arranged beforehand either by letter or by oral message and there is, in fact, evidence of this practice in late 1374, when Edward III suggested in a letter to Robert II that a truce day should be held on 20 February, 1375.[14] Between 1390 and 1392 the same preliminaries took place but with greater intensity, since, by 1390, the meeting place had become a matter of dispute and even of diplomacy, calling for the introduction of deputies into Anglo-Scottish relations.[15] Moreover, if an individual diplomat, whom the king wished to send as a commissary, was not resident near the king when the general commission appointing him was issued, he had to receive an individual notification of his appointment. Thus in early 1375 Sir Henry Scrope received a letter of this kind telling him to go to the truce day on 20 February.[16] The commissaries also received instructions, at least after 1390. They do not seem to have done so between 1373 and 1381, probably because then they were doing merely the judicial work of the wardens of the marches, but with the new system of wardenship after 1388 and the new truce in 1389, the commissaries were given a number of extra duties. In particular, they had to obtain the oaths of people in the most prominent positions on the Scottish side that they would observe the truce and, on account of a dispute which had arisen about meeting-places, they had to negotiate on this point too. Accordingly it became necessary to supply them with detailed instructions about where they should meet,

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13. The other eight commissions told them to go 'ad certos dies et loca', leaving the detailed arrangements to be made known later or to be arranged by the commissaries themselves. The commissions did not give a technical name to these meetings. The exchequer accounts called them 'dies treuge', 'dies marchie' or simply 'dies' indiscriminately, but for clarity they will be called truce days here to distinguish them from the march days of the wardens and the 'dies tractatu pacis' of the procurators.
14. Cambridge University Library MS., Dd. 3.53, f. 439.
15. Their functions are examined below, p. 66 et seq..
16. Cambridge University Library MS., Dd. 3.53, f. 440.

what demands they should make, what documents they should take with them and what, if anything, they should concede.[17] Thus after 1390, while their task of redressing grievances remained supplementary to the work of the wardens of the marches, the commissaries, even as understood here, became closer to the procurators in their other diplomatic tasks, and therefore it is not surprising to find that often the same diplomats were commissioned as both commissaries and procurators. Their rates of pay, too, were identical, an earl receiving a daily rate of 66/8,[18] a knight banneret 40/-[19] and a knight[20] and a clerk 20/-.[21] These rates of pay remained constant throughout the period. From the Scottish side only isolated references to payment survive. In early 1378, for example, a sum of 31/- was paid by Robert II's chamberlain for the lampreys consumed at a truce day held by the earl of Carrick,[22] and another £100 was paid to David Bell, archdeacon of Dunblane, to cover other expenses incurred in arranging the same day,[23] but there is no indication of what rates of pay were allocated to individuals.

This development in the office of commissary from its being supplementary to the work of the wardens to its becoming closer to the procurators can be seen very clearly in the records of the 1398 negotiations.[24] Commissioned twice in 1398,[25] the commissaries held several meetings at Hadden on the east marches and at the Lochmaben Stone in the west. The purpose of their negotiations was to investigate how the truce was being observed at the local level of the border and to apply any necessary remedies, tasks which had been performed by commissaries from 1373 to 1381 and from 1389 to 1392, and yet when the meeting opened at Hadden on 11 March, 1398 the commissaries' first decision was that Scotland

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17. Nicolas, i. 27-33 is an example of commissaries' instructions dated 27 May, 1390.
18. Exchequ. Enrolled Accts, F. 50 Ed. III, roll 10, m. D.
19. Exchequ. Various Accts, bundle 317, no. 6.
20. Exchequ. Enrolled Accts, F. 48 Ed. III, roll 8, m. F.
21. Ibid., m. K.
22. ER, ii. 554 and 587.
23. Ibid., 394.
24. Foedera, (o), viii. 35. Discussed more fully in Chapter IV.
25. 5 February and 3 October. RS, ii. 139-44.

should enter the Anglo-French truce from Michaelmas, 1398 to Michaelmas, 1399. This was a decision which normally would have been made by procurators, although it was close to what commissaries had done between 1389 and 1392. It was followed however, even more surprisingly, by a list of terms on which Scotland and England should have the truce, and the meeting was then closed. So far the commissaries in these negotiations had been acting in the wider sense of the term rather than in the particular sense of supervising the work of the wardens. Seven months later, in October, 1398, they met again to implement their earlier decisions.[26] This time, more true to type, they discussed in detail the work of the wardens of the marches and suggested improvements that could be made and even penalties that could be imposed on inefficient wardens, and finally they turned their attention to a few cases of violations against the truce.[27] At the end of Richard II's reign therefore the functions of the commissaries were still very much akin to those of the wardens and yet so close had they also become to the procurators, even in status,[28] that the distinction between them could be only finely drawn. After 1399 commissaries, as understood in this section, were unknown mainly because there was seldom a truce to safeguard, but these were probably the people John of Lancaster was looking for about 1405 when, as warden of the east marches, he domanded of the English council why no 'conservators' had been appointed to maintain the truce.[29]

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26. Foedera (O), viii. 54-7.
27. Ibid., viii 58-61. Their manner of proceeding was identical with that of the wardens of the marches.
28. The ranks of the commissaries throughout the period and in each group are shown in the tables.
29. Nicolas, ii. 91-6; S. B. Chrimes, 'Some Letters of John of Lancaster as Warden of the East Marches towards Scotland', Speculum, xiv (1939), 7.

III: THE PROCURATORS

For most of the period 1371 to 1406 the wardens of the marches and the commissaries were responsible for redressing violations of a truce at the local border level; the procurators were responsible for negotiating treaties or truces between the two states. The principal function of a procurator in medieval diplomacy[1] was to defend the rights of his king and watch over the integrity of the royal domain. In Anglo-Scottish relations in this period the procurators fulfilled this role by maintaining English claims to overlordship in Scotland, to the ransom of David II and to the occupation of border lands.

Procurators were first used in the reign of Robert II in October, 1378 in an attempt to stop the flagrant violation of the 1369 truce by negotiating a marriage alliance between Richard II and a daughter of the Scottish king.[2] Between 1378 and 1406 twenty-eight groups of procurators were commissioned to treat with the Scots. Their commissions referred to them as 'veros et legitimos procuratores negotiorum gestores ac nuncios speciales'[3] and authorised them to 'speak, treat and agree' ('ad loquendum tractandum et concordandum').[4] All the commissions followed the

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1. Discussed by Queller, 26-45 and Cuttino, 86.
2. RS, ii. 12. These negotiations are discussed more fully in Chapter III.
3. Occasionally an additional title, such as 'commissary', 'deputy' or 'ambassador' might be used.
4. The commissions were normally in Latin but in 1387 and 1388 a French duplicate of the Latin form was also enrolled (RS, ii. 88-92) and between 1401 and 1406 they were in French only, save one of 7 February, 1406. (Ibid., ii. 157-77). A transcript of one of these commissions is given in the Appendix of Documents, no. 3. Commissions empowering English procurators to treat with Scotland were identical with those sending them to other countries. In Foedera (O), vii. 200 and 206 and Foedera (R), iv. 53 (omitted from (O), vii. 206-7), there are three identical commissions, the first, 20 June, 1378, sending procurators to Aragon; the second, 22 October, 1378, sending them to Scotland; and the third, 20 January, 1379, sending them to Flanders.

same basic pattern, although necessarily there were differences according to changing circumstances. In 1378, for example, the procurators were to treat for a royal marriage; in 1382, when widespread violations of the truce still continued, for a truce or ceasefire; and in 1394 for a peace treaty again based on marriages, this time between the Scottish and English nobility.[5]

Because procurators were employed in major negotiations, it was essential that their embassies should portray the importance of the issue at stake and also the dignity of their king and country. This was particularly the case with embassies going abroad, but even in Anglo-Scottish relations the work of the procurators was made more distinctive by external trappings and minute attention to details. The embassies were always well-planned and documented so that it is possible, at least from the English records, to see how a procuratorial mission was conducted. The best-documented example in this period is the embassy of October, 1401, and what is missing here can fortunately be supplemented by records available for other negotiations within the period. As a result, it is possible to trace the different steps in the organisation of an English procuratorial embassy from the first decision of the king and council to send it, through the various stages of conciliar instructions, the journey to the meeting-place and the procedure at the meeting, to the final reckoning in the exchequer.[6] The first stage in the organisation of the procuratorial mission was for the king and council to decide to send it and to nominate its members.[7] These were then commissioned under the great seal. They were normally men of high standing. Indeed, amongst the fifty-three procurators engaged in Anglo-Scottish diplomacy in this period, there were

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5. RS, ii. 12, 45 and 125-6.
6. E. L. G. Stones, 'The English Mission to Edinburgh in 1328', SHR, xxviii (1949), 121-32 describes how a procuratorial embassy was conducted in the earlier fourteenth century.
7. J. F. Baldwin, The King's Council (Oxford, 1913), 500 notes the English council's decision in 1392 to send Master Alan Newark as clerk to a procuratorial mission going to Scotland.

two dukes, seven bishops and five earls as well as barons, knights and clerks.[8] Those appointed on 1 September, 1401[9] included two bishops, two earls, four knights and two clerks, a 'mixture of good breeding and capacity' typical of medieval procedure.[10] On this occasion, as was customary, they received more than one commission. Their first empowered them to treat for a final peace, the second for a truce. These commissions were shown or exchanged at the negotiations so that each side knew the extent and the limitation of the other's powers. In addition to their commissions, procurators also received instructions, issued by either king or council or both, and these were not shown to the opposite party. Their purpose was to guide the procurators step by step through the negotiations. They did not grant powers. They were meant simply as a blueprint to assist the procurators to extract the maximum concessions from the opponent at the minimum price.[11] In 1401 the English instructions were issued by the council, almost a month after the enrolment of the commission.[12] Like those of 1394,[13] they began with the highest possible demand, that, as the basis of a peace treaty, the Scots should recognise English overlordship. Robert III was not expected to comply with this demand, but to give his conventional reply that he was willing to treat for a peace on the basis of the treaty of Edinburgh-Northampton. The first demand was followed by a number of others, all unlikely to be accepted, until finally the instructions named those points on which agreement might be possible. By treating in this way, the procurators were able, as the 1394 instructions

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8. A list of the procurators engaged throughout the period is given in the tables.
9. RS, ii. 159.
10. Cuttino, 19 quoting T. F. Tout, 'The English Civil Service in the Fourteenth Century', Collected Papers, iii. 203. Vespasian, no. 39, f. 46, a letter from the earl of Northumberland to the earl of Carrick, confirms that this representation was common practice in Anglo-Scottish diplomacy.
11. The chief differences between commissions and instructions are discussed by Queller, 123.
12. CDS, iv. 122-3; Nicolas, i. 168-73. Vespasian, no. 92, f. 104 may be an early draft of these instructions.
13. Vespasian, no. 25, f. 31.

explained, to 'treat honourably with the Scots and save the rights of the king'.

Having been appointed and briefed, the procurators were ready for the journey, unless, like the bishop of Bangor in 1401, they needed a loan to meet their expenses.[14] They might also be given protections to safeguard their property in England during their absence, and they were normally empowered to grant safe-conducts to the Scottish party if they needed to enter English territory. Similarly, if they were going into Scotland, they would receive safe-conducts from the Scottish procurators. In contrast to the meetings held by the wardens of the marches and the commissaries, the procurators' negotiations were sometimes held away from the border, although in 1401 they were held at Kirk Yetholm and Carham on the east border. Their journeys to the meetings were made at their own speed, although the detailed account they had to submit later ruled out unnecessary delay. Very often, especially in embassies going abroad, because a procuratorial embassy was meant to portray the dignity and power of the principal, the length of time expended on the journey depended on the nature of the mission.[15] How far English procurators going to Scotland conformed to this practice is not clear, and for a meeting merely on the border such ostentation might have been pointless, and yet in 1401 the bishop of Bangor took three weeks to travel from London to the meeting at Kirk Yetholm,[16] whereas in 1374 William Beaufeye, engaged in negotiations for David II's ransom, took only about fifteen days for a similar journey from London to Berwick.[17]

Not all the procurators who were commissioned attended the negotiations, or at any rate not all the sessions, nor were they expected to do so provided that the specified quorum was maintained. In 1401 a quorum of four out of ten was laid down. Eight of the ten went to the negotiations: a bishop, two earls, three knights,

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14. Exchequ. Warrants for Issue, box 16, no. 767.
15. 'The higher the rank of the ambassador, the more slowly did he travel, for the ostentation of the latter had to be in keeping with the dignity of the former.' (Cuttino, 88).
16. He left London on 25 September. (Foreign Accts, roll 35, m. D). The negotiations began on 17 October.
17. CDS, iv. 48.

an esquire and a clerk. The Scottish party included a bishop, two earls, two knights, an esquire and a clerk. There seems to have been mutual arrangement about who should attend each session and it was so arranged that each procurator present could speak to his counterpart, for it was customary for a bishop to reply to a bishop and an earl to an earl. Thus in 1398 Robert III created two dukes, of Rothesay and of Albany, because in the negotiations held in that year the Scots had been at a disadvantage in having no duke to parley with the duke of Lancaster.[18] Similarly, in the 1383 negotiations the earl of Carrick was named 'lieutenant on the marches' probably to make his dignity equal to that of John of Gaunt, Richard II's lieutenant.[19] In the negotiations the bishops seem to have been responsible for discussing the theoretical points at issue, the earls for the more practical problems. The clerks were expected to propound all arguments, ancient and modern, in support of their own case. Thus in 1401 Master Alan Newark recited English claims to overlordship in Scotland on the basis that in the days of Eli and Samuel, when the island of Albion was inhabited by giants, a Trojan named Brutus had conquered it and afterwards divided it between his three sons Locrine, Albanact and Camber, ordaining that the two younger sons should pay liege homage to Locrine. The Scottish kings as successors to Albanact should therefore, argued Newark, pay homage to the English king, who was successor to Locrine.[20] There might also be a spirit of camaraderie amongst the diplomats, even between those on opposing sides. In 1401, for example, when the bishop of Bangor could not remember the beginning of a passage he wished to quote, he saw nothing incongruous in asking the Scottish clerk, whom he had known at Oxford, to help him, nor did the latter hesitate to do so. If a point arose in the negotiations on which the procurators had not received instructions, and this did happen in 1401, the meeting would have to be adjourned, because procurators could not discuss any subject on which they had not been briefed.

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18. Balfour-Melville, James I, 13-14.
19. Exchequ. Scots. Docts, bundle 102, no. 36, an indenture made at the end of the negotiations.
20. The indenture which describes these proceedings is transcribed and translated in Stones, Anglo-Scottish Relations, 173-82.

At the end of procuratorial negotiations, in contrast to those of the wardens, an indenture was drawn up describing the negotiations and any decisions reached. Each party then returned to their principal with their half of the indenture bearing the seals of the opposing side. Any agreement made by the procurators had, of course, to be ratified by their principals and therefore a concluding decision, noted in the indenture, would be that each side would forward their ratification by a certain date and to a particular place, generally Melrose Abbey for the Scots and Kelso Abbey for the English. If the negotiations were final, the procurators would have been empowered to swear 'on the soul' of their principals, and their work was brought to its ultimate conclusion when the principal gave his confirmation under the great seal and ordered the proclamation of the agreement, generally a truce, in key places such as the ports, castles and towns. If the negotiations were not final, they might be followed, as in 1401, by correspondence between the two parties. If they were considered particularly unsatisfactory by one side, they might be followed even by miniature warfare, again as in 1401 when the earl of Douglas left the negotiations at Carham to set fire to Bamburgh.

For the procurators themselves, their first concern on returning from a mission was probably to receive their wages from the exchequer. The procedure here was the same for diplomats engaged in Anglo-Scottish relations as for those travelling abroad. On his return each procurator submitted to the exchequer of account an account of his expenses, stating how much, if any, he had received in advance payment, how much he had spent on his journey and the exact number of days for which he was entitled to receive wages. His details could be checked from the Issue Rolls and from the memorandum attached to his advance account. His case was heard by two auditors at the exchequer of account and the money was paid out by the chamberlains at the exchequer of receipt. All the details were then entered on the rolls of Foreign Accounts.[21] The procurators, like the commissaries, were paid according to their individual rank, a bishop and earl at a daily rate of five marks, a knight banneret at forty

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21. Cuttino, 119.

shillings, and a knight and a clerk at twenty shillings. The total cost in wages of the 1401 embassy must have been about £645 - 6 - 8.[22]

The procurators engaged in the conduct of Anglo-Scottish diplomacy between 1371 and 1406 obviously made an important contribution to relations between the two countries, but they did not provide the final solution to the king's problems. They could negotiate a truce but they could not enforce it. For that purpose the king needed wardens of the marches and commissaries. Up to 1379 however neither had brilliant success. Accordingly what seemed to be needed was a distinguished person, directly responsible to the king and council, sufficiently trustworthy to be given very wide powers, even to negotiate, and able by force of his personal prestige to command the respect and obedience of the borderers. It was in the expectation that John of Gaunt would be such a man that in 1379 he was commissioned as the king's lieutenant on the marches, and thus a new diplomatic institution, a king's lieutenancy, was introduced into Anglo-Scottish relations.

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22. Payment of one bishop at 66/8 per day for forty-four days; at least one earl, if the earl of Northumberland can be excluded as a warden of the marches, at the same rate; three knight bannerets each at £2 per day; and an esquire and a clerk each at £1 per day.

IV: JOHN OF GAUNT AS RICHARD II'S LIEUTENANT ON THE MARCHES

John of Gaunt was first commissioned as the king's lieutenant on the marches on 19 February, 1379.[1] His powers at this time were entirely military, enabling him 'to do in the king's place and in his name whatsoever was necessary for the safe and secure custody of the marches'. To help him to fulfil this task, he could command the obedience and co-operation of all border landowners and officials, including the wardens of the marches. Strangely, however, there is no other evidence of how Gaunt carried out his commission. He was not told to go to the marches either to see to their defence or to attend negotiations due to be held in March, nor did he attend them, so that it seems possible that Gaunt's first term of lieutenancy did not endure beyond the enrolment of his commission.[2]

Gaunt was commissioned again as lieutenant on 6 September, 1380[3] and this time he was given judicial as well as military authority, being empowered to redress violations of the truce, to defend the border and to negotiate with the far-reaching powers of a procurator with plena potestas.[4] In a second commission issued on the same day he was appointed to attend forthcoming negotiations[5] and so, clearly, it was expected on this occasion that he would go to the marches. His movements after 6 September indicate how he interpreted his role of lieutenant. When the commission was issued he was in Leicester or had just left it.[6] By 19 September he was at Pontefract[7] and it was probably from there that he began his journey

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1. RS, ii. 14.
2. Unfortunately Gaunt's Register, 1379-83 prints documents only from October, 1379.
3. RS, ii. 27; Foedera (O), vii. 269-70. A transcript of this document is given in the Appendix of Documents, no. 4. According to Hist. Ang., i. 446 he was to treat with the Scots about the damage they had done in Westmorland and Cumberland and in particular in Penrith during that year.
4. Queller, 36 comments on the value and importance of this type of procurator.
5. RS, ii. 27-8; Foedera (O), vii. 268-9.
6. Gaunt's Register, 1379-83, i. 125.
7. Ibid., 128.

north as the king's lieutenant. He moved slowly.[8] Indeed from 25 to 29 September he was still in York,[9] probably collecting his retinue. Already, however, he was acting as the king's lieutenant for it was presumably in this capacity that on 27 September he gave John Sayville a letter of protection as he was going into Scotland on the king's business.[10] From York also, on 28 September, he issued safe-conducts for two Scottish merchants, Findlay Usher and Thomas Lyedaler.[11] Yet he delayed his journey for although the negotiations were due to be held at Liliot Cross on 22 October, on 18 October he was no further north than Newcastle.[12] From there he sent a number of men-at-arms and archers to the negotiations, to enhance the English party's appearance, but on 24 October he was still in Bamburgh. His delay was no doubt deliberate and a matter of prestige for he stopped in Bamburgh for four days and then on 28 October issued safe-conducts for the Scottish party to meet him in Berwick,[13] a sign of his superiority since the Scots were thus coming into English territory solely to meet him.[14] When the final stages of the negotiations were held there on 1 November he agreed, using his special procuratorial powers, to renew the truce until 30 November, 1381.[15] By 8 November he was back in Newcastle[16] but continued to exercise his authority as lieutenant. On 8 November, for example, he commissioned six border landowners, including four knights, to represent him at the 'jour de redresse' to be held on the west marches, as agreed at Berwick, and he ordered the sheriff of

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8. It took him approximately forty-seven days to travel from Pontefract to Bamburgh. Ibid., 128-36.
9. Ibid., 128.
10. Ibid., ii. 370.
11. Ibid., 374.
12. Ibid., 342.
13. Ibid., 374. Gaunt's safe-conducts were identical in style with those normally issued by the English chancery.
14. A similar case occurred in 1328 when the English party negotiating the treaty of Edinburgh-Northampton met Robert I in Edinburgh. The significance of this case is discussed by Stones, 'The English Mission to Edinburgh in 1328', SHR, xxviii (1949), 122.
15. RS, ii. 29-30; Foedera (O), vii. 276-8.
16. Gaunt's Register, 1379-83, i. 136.

Westmorland and Cumberland to help them.[17] An undated and unaddressed letter which probably belongs to late 1380 and which may have been intended for the earl of Douglas, further illustrates how Gaunt exercised his powers.[18] In it he acknowledged receipt of two letters of complaint about English violations on the west march and near Roxburgh Castle and about the arrest of a Scottish esquire, John Young. He said he had ordered Young's release and had even granted him his goods, armour and horses, although his safe-conduct did not guarantee that these should be restored.[19] Concerning Roxburgh, he said the Scots had only themselves to blame for the damage, because they had put three 'embussementz' near the castle to cause as much damage as they could, and they had also been guilty of widespread robbery. He agreed, nevertheless, to refer the complaints to the next march day, and he added that he had already ordered the earl of Northumberland to negotiate suitable redress beforehand as far as possible. For his own part, Gaunt complained that the Scots of Liddesdale had despoiled the house of Roland Vaux, had kidnapped several men and stolen many beasts and goods. They had also committed theft in the barony of Wigton, had burned John Thirlwalle's house in Astenby and had attacked the English in the barony of Kirkandrews and Lidel, and he wanted all these matters to be investigated.[20] Arrangements for the redress of grievances occupied Gaunt's attention for some time, as when the 'day' was held on the west marches a group of his retainers were fined £55 for damages they had done to the earl of Douglas' property in Old Roxburgh, where they had lodged during the October negotiations but, since they did not pay it Gaunt, on 6 December, had to instruct his chief baron of the exchequer of Lancaster to enforce immediate payment and send it to the earl of Northumberland.[21] Even then the money was not forthcoming and as late as 8 February, 1381 Richard II had to order Gaunt or his baron of exchequer to raise a levy on the porperty of the men concerned.[22]

On 2 May, 1381 Gaunt was again commissioned as the king's

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17. Ibid., ii. 384-5.
18. Ibid., 387-8.
19. Young was granted a safe-conduct on 28 February, 1380. RS, ii. 28.
20. Gaunt's Register, 1379-83, ii. 387-8.
21. Ibid., i. 145-6.
22. CDS, iv. 66.

lieutenant on the marches, with powers similar to those granted him in 1380.[23] He was to enforce the truce and to demand the Scots should do likewise; he was permitted to make any concessions he thought necessary for the keeping of the truce; he could grant safe-conducts to Scots seeking redress; he was to try to obtain from Robert II and his subjects any money they owed Richard II or his subjects and any lands they held contrary to the 1369 truce; he was to supervise border defences and to make sure that the garrisons were equipped with sufficient arms and food; and, perhaps most important, he had the power to replace wardens ('custodes'), captains, constables and others as he saw fit. It was probably this last power which rendered his office most obnoxious to the marcher lords. He had also, on 1 May, been commissioned to redress violations of the truce[24] and on 3 May he was commissioned as a procurator and special nuncius to treat for peace.[25] In brief, his power on the border was all-embracing. On 10 May he received an advance payment to go to the negotiations,[26] which were due to be held on 10 June, but again he was present for only the closing stages as he was still in Berwick on 11 June.[27] From Berwick he issued safe-conducts for the Scottish procurators to meet him in the church at Ayton[28] and he met the earl of Carrick there on 12 June. At nearby Bastleridge[29] on 18 June he agreed to renew the truce up to

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23. RS, ii. 36.
24. Ibid., 35-6; Foedera (O), vii. 288-9.
25. RS, ii. 36.
26. Devon, 216.
27. Gaunt's Register, 1379-83, ii. 376. His colleague, John Gilbert, bishop of Hereford, had set out on 26 May. Foreign Accts, roll 14, m. L. John Waltham, a clerk at the negotiations, left York on 5 June. Ibid., roll 15, m. E.
28. Odd, because Ayton is in Berwickshire. Possibly, like Coldingham it was claimed by the bishopric of Durham, or possibly Gaunt was making the point that according to the 1369 truce Berwickshire belonged to England.
29. 'Abchester' in the text. I owe this identification to Dr. W. F. H. Nicolaisen formerly of Edinburgh University.

2 February, 1384[30] but in fact he had achieved very little, the Scots much. He had promised that England would not ask for further ransom payments until after the expiry of the truce in 1384 and he had conceded Scottish ownership of certain disputed lands.[31] In short, he had bought the truce at a great price, possibly, as Walsingham said, because he had heard of the Peasants' Revolt in England and feared a Scottish invasion.[32] His own unpopularity amongst the English marcher lords became apparent when he was refused entry to Bamburgh on the orders of the earl of Northumberland and he had to seek refuge in Scotland.[33] Even when he returned to England in late July, however, he continued to be responsible for border affairs, as he had been in 1380. On 23 July, for example, he sent orders from Pontefract to Sir Richard Scrope, warden on the west marches, to raise a levy from the property of Sir Matthew Redman for compensation he owed the earl of Douglas for trespasses in Annandale,[34] and even as late as 17 December he made an indenture with John Heron and Thomas Ilderton by which they undertook to keep the town of Berwick for a year from 13 January, 1382 for a thousand marks.[35]

Gaunt's next commission as lieutenant on the marches was dated 20 May, 1382 and was possibly the result of a petition received in the English parliament indicating that the 1381 truce was not being observed.[36] In fact there is no evidence to show that Gaunt exercised his office in this period, although in March, 1383 Richard II

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30. Foedera (O), vii. 312-4.
31. Ibid., 314-5.
32. Hist. Ang., ii. 42.
33. The safe-conducts issued by the earl of Carrick and Robert II permitting him to go to Edinburgh are printed in Gaunt's Register, 1379-83, ii. 375-6.
34. Ibid., 573.
35. CDS, iv. 67.
36. Rot. Parl., iii. 146. The petition asked Richard II to make a truce or treaty with Scotland, so that the people living on the marches could have more security. It also asked that the wardens of the marches should administer better justice in Teviotdale so that the inhabitants would not be so ready to side with the Scots.

still referred to him as his lieutenant on the marches.[37]

Since by 1384 Scottish affairs could probably rightly be considered Gaunt's special concern, he was put in charge of the expedition against the Scots in April of that year, in retaliation for Scottish attacks on the marches since the expiry of the 1369 truce in early February. His invasion was brief and unsuccessful.[38] At the end of the expedition, although he had not been appointed lieutenant he had sufficient authority to make an agreement with the earl of Northumberland by which the latter undertook the defence of the north from 1 May until 11 June.[39] In 1385 he participated in Richard II's invasion of Scotland but again it was mainly unsuccessful. Thereafter he had no dealings with Scotland until 1398, when on 11 March and again on 2 July he was commissioned once more as the king's lieutenant on the marches.[40] It was in this capacity that he held the Hadden enquiries into the wardenship and the enforcement of the truce and that he intended to meet the duke of Rothesay again in March, 1399. This meeting did not take place because Gaunt died in February, 1399. His position was not filled before 1406.

For most of his lieutenancy John of Gaunt combined in his person the powers of a warden, a commissary and a procurator. He also enjoyed immense prestige as Richard II's eldest uncle and as an experienced soldier and diplomat, and yet his work on the Scottish border was mainly unsuccessful. Probably he did restrain English violations of the truce and he seems to have administered his affairs competently, but he could not prevent the outbreak of war in 1384 nor did he achieve any brilliant success in his campaign in that year or in 1385. In his diplomatic exchanges with the Scots he was honest in facing the situation as it was, but if he did not lose anything for England, since lands and ransom were in fact already lost, he did permit Scotland to gain, firstly in his recognition that the reconquered border territories were hers, secondly in his acceptance of her refusal to pay the ransom and thirdly in the prestige which she

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37. RS, ii. 50.
38. It is discussed in greater detail in Chapter III.
39. RS, ii. 61-2; Foedera (O), vii. 425-7.
40. RS, ii. 140-1 and 142.

gained from the negotiations. Nevertheless, although his personal success was small, the principle behind his appointment was valid. There was advantage to the king in having a direct representative on the troublesome and distant Scottish border, someone whose loyalty was unquestioned and who by force of his prestige and rank could maintain his authority on the marches, and in this sense his lieutenancy was probably one of the factors which eventually led in the later fifteenth century to the development of the King's Council in the North.

V: THE DEPUTIES

Another type of negotiator in Anglo-Scottish relations in this period was the 'deputy', the man sent in advance to arrange the date and place of a meeting on the marches. He was employed because of a problem that arose after 1389. Between 1371 and 1389 negotiations had been held by various types of diplomats and in a variety of places and there seems to have been no difficulty in agreeing on these places. In 1389, however, a new problem arose: where should negotiations be held on the border, and where, indeed, was the border? The borderline was, of course, where it had been since 1237 but since 1346 a large area of Scotland had been occupied by the English and the 1369 truce had recognised that there were areas of Scottish territory under English jurisdiction. These areas formed a convenient mid-state between England and Scotland proper and in the early years of Robert II's reign both sides seem to have considered that negotiations could suitably be conducted here. Between 1377 and 1389, however, the Scots had recovered most of these areas, so that when a new truce was made in 1389 and violations of it had to be redressed at the customary march days and truce days, the Scots were anxious that the meetings should be shifted out of what was again Scottish territory and moved to areas directly on the border-line. According to the truce of Durham, however, the English had agreed to leave these areas when they received the full sum of David II's ransom, and they had not received it by 1389. In honour, therefore, they could not agree that these areas belonged to Scotland, but since the Scots actually held them the only way in which the English could insist on their rights was diplomatically. Consequently, the place of negotiations became itself a matter for negotiation. Meetings could not be avoided since violations had to be redressed and the truce had to be extended periodically. Probably the wardens of the marches, living in these areas, accepted the situation as it was and moved their meeting-places without consulting the central authority, but when procurators or commissaries were to be sent by the king and council

all the English claims had to be maintained, and thus it became necessary to send diplomats in advance to arrange where a forthcoming meeting should be held. The men engaged in these negotiations were deputies.

In this sense, as diplomats who were sent in advance of a meeting to arrange the date and place, the deputies were entirely new to Anglo-Scottish diplomatic practice in 1390.[1] Like the wardens of the marches, the commissaries and the procurators, the deputies were commissioned under the great seal. From 13 March, 1390 to 26 October, 1393 seven commissions were issued to deputies.[2] Others were issued on 20 June, 1396, 14 August, 1397, 10 December, 1399 and 4 December, 1400.[3] All eleven commissions were in Latin, normally identically styled and generally with a note of warranty 'By king and council', 'By king' or 'By council'. Since the deputies formed an advance commission, their embassies were not as distinguished as those of the commissaries and the procurators, although they might be members of the party whose meeting they were arranging. Between March, 1390 and December, 1400 twelve English deputies were commissioned to arrange the place and date of a forthcoming meeting. The first seven of the eleven

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1. The word 'deputy' had been used before 1390 with different meanings. In 1369 it was used in the terms of the truce in reference to the diplomats who drew it up but clearly in this context it meant 'procurators'. It was also used in 1374 in reference to Edward III's representatives investigating the Percy-Douglas quarrel, but here is probably better interpreted as 'arbitrators'. The function of the deputy, as practised after 1390, does not seem to have been known in Anglo-Scottish relations before then, although in those instances between 1373 and 1381 when the commissions to the commissaries could name the meeting-place, there must have been prior consultation of some kind. There is also an isolated instance, in February, 1385 (RS, ii. 70) of procurators engaged to negotiate a truce also being commissioned to arrange a time and place for ambassadors to meet to arrange a peace treaty, but this case should be regarded as extraordinary and a reflection of the dangerous state of the border on account of the war.
2. RS, ii. 103-22.
3. Ibid., 132-55. A transcript of one of these commissions is given in the Appendix of Documents, no. 5.

missions were all entrusted to Sir Gerard Heron and John Mitford, esquire,[4] and should be seen as a unit concerning the dispute about meeting-places.[5] On the remaining four occasions when deputies were used, only two or three were commissioned and none was a bishop or an earl.[6] Unlike the wardens of the marches, the commissaries and the procurators, the deputies did not negotiate on the border. Rather they attended the king in his court and, indeed, if he was away from his council when they found him, they might have to wait for him to consult it before they could proceed to the negotiations with their counterparts. An indenture drawn up by deputies at the end of negotiations in Dunfermline on 2 October, 1397 illustrates how they conducted their meetings.[7] They began by exchanging their commissions, as was common procedure in all Anglo-Scottish negotiations. Next they discussed where the meeting should be held and decided on the Redden Burn, Carham or Hadden. They agreed on the date, 11 March, 1398, and that the Scottish and English parties should be led by Carrick and Lancaster respectively. Each would have with him a bishop, an earl, a baron, two clerks, two bachelors and an esquire. They agreed, too, that the purpose of the meeting should be to redress all violations of the Lenlinghen truce. Having established these basic points they also agreed that Richard II should certify by letter to Robert III, by 6 December, which of the three places he would prefer and that from that day, 2 October, until forty days after the negotiations took place, about 20 April, there would be a period of special truce with double compensation for violations. The deputies then laid down that any Scots wishing to make complaints against English subjects at the meeting should send their bills of complaint to the constable of Roxburgh Castle before 25 December and any English subjects who wished to make

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4. Ibid., 103-22. Thomas Umfraville was also commissioned for the first one.
5. Discussed in Appendix B.
6. A list of the deputies engaged in Anglo-Scottish relations in this period is given in the tables.
7. Foedera (O), viii. 17. The text refers to them as 'commissaries' but the term is obviously used in the more general sense meaning any diplomat. The people concerned, according to their status, task and commission were clearly deputies.

similar complaints should send them to the abbot of Kelso by the same date. The constable and the abbot were responsible for forwarding them to the conservators of the truce[8] to warn them to find 'borowis' to come to the meeting in March. The deputies also agreed, subject to the approval of the wardens of the marches, that all prisoners should be 'lettin to borght' within eighteen days of the indenture until the meeting. The wardens of the marches were to certify their approval by 16 October and anyone who defied them was to lose the ransom of his prisoner.

The competency with which these deputies in 1397 carried out their work indicates how responsibly deputies could contribute to the success of Anglo-Scottish diplomatic relations. Their decisions in 1397 were accepted by their kings and by the border officials, for in a letter dated 4 October under his privy seal Robert III told Richard II that he had received his letter from the two English deputies, Master John Shepeye and Sir William Elmham, as well as their verbal messages, and that he agreed with their arrangements for the forthcoming meeting between Lancaster and Carrick.[9] Since this letter was written two days after the deputies drew up their indenture and also in Dunfermline, they probably carried it to Richard II. His reply is not extant but he commissioned Lancaster and other commissaries on 5 February, 1398[10] and the meeting took place at Hadden about 16 March.[11]

Closely akin to the deputies were another group of men who were never given a title but whose task was to receive the Scottish king's

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8. The term 'conservator' in this context is difficult to understand. In 1389 the conservators of the Lenlinghen truce were those who sealed it and they were named in it. (Foedera (O), vii. 717). Later, in 1405, the term seems to be an alternative for 'commissary' meaning one who supervised the maintenance of the truce. Here, in 1398, it could have either meaning. Certainly it meant someone who had a responsiblity for ensuring the truce was observed.
9. Exchequ. Scots. Docts, bundle 1, no. 25 calendared CDS, iv. 104.
10. RS, ii. 139-40.
11. Foedera (O), viii. 35.

oath to observe a truce.[12] They were engaged only from 1389 but then played an important role on account of the need to receive Robert III's oath on his accession in 1390[13] and on account of the frequent extensions of the truce up to 1406. Within these years there were eleven commissions to these diplomats enrolled on the Scotch Rolls, all in Latin, seven with a note of warranty 'By king and council', three with one 'By king' and one in 1395 issued by the duke of York in Richard II's absence.[14] Fourteen men were appointed for these eleven missions but five of the eleven were conducted solely by Sir Gerard Heron and John Mitford, esquire, who were also most frequently deputies in the period, and either one or both of them took part in all the remaining six missions with one or a few other men. Bishops and earls were never appointed to this office, although clerks were.[15]

Finally, as always on the Scottish side there is little evidence to show who the deputies were or who was responsible for receiving the English king's oath, but probably Sir William Stewart, Adam Forster,[16] David Fleming and William Murehead[17] were the Scottish counterparts of Sir Gerard Heron, John Mitford, Master John Shepeye and Sir William Elmham.

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12. Their commissions referred to them merely as 'vos'. A transcript of one of these commissions is given in the Appendix of Documents, no. 6.
13. There is no record of Robert II's giving his oath in 1371, possibly because as Steward he had already witnessed the truce.
14. RS, ii. 98-168.
15. A list of these diplomats commissioned to receive the Scottish king's oath is given in the tables.
16. Foedera (O), viii. 17.
17. RS, ii. 168-9.

VI: THE MESSENGERS AND HERALDS

Although the actual negotiations in Anglo-Scottish relations were carried out by wardens of the marches, commissaries, procurators, and deputies, their work could not have been performed so smoothly without the assistance of the messengers and heralds. Because of the distance between the English king and council in the south and their officials in the north, messengers must have been engaged very frequently to carry letters to Englishmen in the north as well as to the Scottish court. Writs to raise the northern county-forces, commissions to men who lived in the north, proclamations of truces and letters to the keepers of border towns and castles must all have been carried by messengers or heralds. Yet, in spite of the fact that scores of messengers must have travelled back and forth between north and south in this period, there is little evidence of how the messenger-service worked. Possibly, those engaged in carrying letters under the great seal to English officials on the border were members of a permanent department of the royal household, receiving regular wages and therefore whose expenses for each journey were not recorded,[1] or possibly there were few messengers who travelled the whole distance from Westminster to Scotland. Edward IV in 1482 devised a system whereby letters could pass from Newcastle to London in two days through messengers posted at intervals of twenty miles.[2] It is possible that there was a similar system, even if a not so highly efficient one, already in existence in the late fourteenth and early fifteenth centuries. Letters between the two kingdoms were probably not sufficiently frequent to require a special department and even to speak of a 'messenger-service' in this context is perhaps too wide a generalisation. Heralds were obvious people to entrust with important letters because of the immunity they enjoyed and an ecclesiastic might

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1. M. C. Hill, The King's Messengers, 1199-1377 (1961) discusses the organisation of the messenger-service in the thirteenth and fourteenth centuries.
2. C. A. J. Armstrong, 'Some Examples of the Distribution and Speed of News in England at the time of the Wars of the Roses', Studies in Medieval History presented to F. M. Powicke (Oxford, 1948), 429-454.

be employed for the same reason;[3] otherwise the dignity of the bearer may have depended on the contents or the recipient of the letter especially as the messenger was expected to know the contents of a letter.[4] One to a king, for example, would expectedly be carried by a knight or a churchman, whereas a valet would serve to take a message to a sheriff. In the first few years after 1371 letters concerning Anglo-Scottish relations were carried by a knight-councillor, a bachelor, a canon and a valet. In 1373, for example, John Crude, a valet, carried commissions to Sir Henry Scrope, Sir Ralph Hastings and Sir Roger Fulthorp to arbitrate in the Percy-Douglas quarrel.[5] At the same time, Hugh Mytone, another valet, was sent with two letters from Edward III. One was a privy-seal letter for Robert II, which Mytone was to give to Alan Strother, sheriff of Roxburgh. The second was a letter for Strother, telling him what to do with the letter for Robert II.[6] This one was possibly to be handed on to a knight or churchman to be carried to the Scottish court, just as, in 1374, Sir Robert Erskine, Robert II's cousin, carried letters to the English king[7] and others about the same time were delivered by John Edmonston, bachelor, and William Dalgerroc canon of Brechin.[8] In Robert III's reign, John Orewell, knight, delivered letters to him and to Queen Annabella.[9] Sometimes a sergeant-at-arms was employed to carry letters. In 1378-9, for example, John Sayville, a sergeant-at-arms who also carried letters for the duke of Lancaster in 1380,[10] was sent on three different

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3. Churchmen were valuable messengers because of their customary immunity from attack. The point is discussed by Cuttino, 89-90. A herald did not need a safe-conduct although even he might carry a privy-seal letter-patent requesting protection and safe passage.
4. Queller, 20-1 explains the insult involved in sending a letter by a messenger who did not know its contents.
5. CDS, iv. 46.
6. Ibid..
7. Mentioned in Edward III's reply. Cambridge University Library MS., Dd 3.53, f. 445.
8. Ibid., f. 439.
9. Vespasian, no. 36, f. 43.
10. Gaunt's Register, 1379-83, ii. 370.

errands. The first, in December, 1378, was to carry privy-seal letters to Englishmen along the coast from Newcastle to Berwick; the second in April, 1379 to take a safe-conduct to Thomas Percy; and the third, in July, 1379 to carry messages up the coast from Lynn to Berwick.[11] In addition to employing his own subjects to carry letters, a king might entrust them to a third party. In 1402, for example, Henry IV sent a letter to the earl of Douglas by Lindsay herald of the earl of Crawford,[12] and, also in 1402, the English council employed Albany herald to take a message to Robert III.[13]

All these messengers were paid for their services, according to their status. Thus a knight, a canon and a prior were paid at the customary rate of £1 per day,[14] a sergeant-at-arms at about two shillings[15] and a clerk at five shillings.[16] A messenger sent to spy in Scotland in 1399 was paid only thirteen and fourpence for his entire service.[17] Heralds seem to have been paid at different rates ranging from £6 paid by the Scottish exchequer to Lyon herald for going to Richard II in 1385[18] and £5 paid by the English exchequer to Lancaster herald in 1405,[19] down to one shilling paid to the Scottish herald in 1393 for his journey to England to collect a safe-conduct.[20] The usual rate of pay for a herald seems to have been £5, paid to Scottish heralds in 1380, 1390 and 1398[21] and to English heralds in 1399[22] and 1405. These figures may be misleading, however,

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11. Foreign Accts, roll 18, m. E.
12. Issue Roll, no. 571, 1402, 14 March.
13. Ibid., no. 573, 1402, 23 April.
14. Sir Richard Stury, sent to Berwick on Richard II's business in 1386. (Foreign Accts, roll 19, m. E); John Waltham, canon of York, for carrying letters in 1384 to the earl of Northumberland; and the prior of Drax, also for carrying letters to the earl in 1384 (ibid., roll 17, mm. A and B respectively).
15. Hugh Ryngebourne in 1378. (Ibid., roll 15, m. J).
16. Walter Glynn in 1384. (Ibid., roll 36, m. C).
17. Issue Roll, no. 564, 1399, 17 Dec.
18. ER, iii. 117.
19. CDS, iv. 142.
20. ER, iii. 292.
21. Ibid., 3, 215 and 455.
22. Cornwall herald. Issue Roll, no. 564, 1399, 17 Dec.

as both messengers and heralds received additional payment or gifts from the host court. In 1383, for example, Robert II paid £3 - 6 - 8 to Richard II's messenger for bringing letters[23] and in 1389 he gave a horse worth £10 to an English soldier[24] and four horses at a total value of £30 - 13 - 4 to French messengers,[25] while in 1397 Robert III gave twelve shillings as a gift to an English herald.[26] Similarly, in 1390 Richard II paid Douglas herald £4, apparently as a gift.[27] Indeed one of the features of Anglo-Scottish relations in this period is the frequency with which gifts were exchanged both in the conduct of diplomacy as described here and also in other forms of association. In 1390, for example, when Sir David Lindsay went to London to joust with John, lord Wells, Richard II gave him £100 in cash, a silver cup and ewers with gilt covers, valued at £6 - 16 - 8, while the earl of Moray, who jousted with the earl of Nottingham, was given 200 marks, a silver cup and a ewer with a gilt cover worth £6 - 3 - 5.[28]

The importance of the messengers and heralds was, of course, in proportion to the importance of the letters they carried, and delay in delivering urgent letters could on occasion disorganise the conduct of diplomacy. Thus in 1394 Robert III had to apologise to Richard II for not answering his letter by the required date, because he had been in distant parts of Scotland and had therefore not received it in time.[29] Similarly, later in the same year, Queen Annabella also apologised for her delay in writing, which, she said, was partly the result of Robert III's being in the Isles, which had meant that she did not receive her letter until he returned.[30] This letter to the queen is particularly interesting as one of only two known instances in this period when a queen played an active part in the conduct of Anglo-Scottish diplomacy.[31] Richard II may have written to her as well

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23. ER, iii. 660.
24. Ibid., 699.
25. Ibid., 701.
26. Ibid., 128.
27. CDS, iv. 90.
28. Ibid., 89-91.
29. Vespasian, no. 32, f. 39.
30. Ibid., no. 37, f. 44.
31. The other was an earlier one, in May, 1394. Vespasian, no. 36, f. 43.

as to Robert III because the letters dealt with a prospective marriage alliance which concerned one of her daughters, but in medieval diplomacy it was well-known for an envoy at a court to have letters of credence for the queen as well as for the king and even to ask to be received by her. Normally such an audience was sought simply as a matter of courtesy but it could also have important results.[32] In 1394 Queen Annabella, as mother of the prospective bride, could have influenced Anglo-Scottish relations, although in fact her reply, in these letters at any rate, was merely to concur in the wishes of her husband, Robert III.

32. Queller, 113 discusses the practice of sending letters to members of the court as well as to the king. A case in reverse occurred in 1405 when Robert III, the duke of Albany, the bishop of St. Andrews and the earl of Crawford all sent letters to Henry IV asking him to release a merchant ship and crew belonging to St. Andrews. Hingeston, ii. 3-14.

The conduct of Anglo-Scottish diplomacy in the reigns of Robert II and Robert III was obviously based on an intricate and swiftly-developing system revolving around the various grades of diplomats described in this chapter. There were clear distinctions between the functions of these several types, but it is important to realise that the different tasks could be allotted to the same men, and that while about one hundred and twenty individuals were employed in the conduct of Anglo-Scottish diplomacy in these thirty-five years, much of the work was done by only about thirteen of them. Some of these were local men who were also important and influential in national affairs, while the rest were royal servants who made their livelihood in the area of diplomacy and who therefore had the skill and experience necessary for conducting diplomatic relations with Scotland.

This is seen clearly in the tables listing the English envoys commissioned in this period. There were about thirty men commissioned as wardens of the west marches, but only nine of them were commissioned more than three times: Thomas Appleby, bishop of Carlisle, the earls of Angus, Northumberland and Westmorland and Roger, lord Clifford, Hugh, lord Dacre, Ralph, lord Greystoke, John, lord Neville and John, lord Roos. Roger, lord Clifford, indeed, was named in seventeen of the thirty-four commissions enrolled on the Scotch Rolls in this period and the earl of Northumberland in thirteen. On the east marches, of the thirty men commissioned as wardens only five were appointed more than three times: Thomas Hatfield, bishop of Durham, the earl of Northumberland and Ralph, lord Greystoke, John, lord Neville and Henry Percy, the earl's son. The earl was appointed to eighteen of the thirty-six commissions, his son to ten and John, lord Neville to fifteen. Almost indisputably, for most of this period the marches 'belonged' to the Percies and Nevilles. The lists of commissaries present a similar pattern. Between 1373 and 1381 thirty-one commissaries were appointed but only seven of them more than three times: John Gilbert, bishop of Hereford, the earls of Northumberland and Warwick, Richard and Henry Scrope and two clerks, John Appleby, dean of St. Paul's and John Waltham, canon of York. In the fourteen commissions on the Scotch Rolls the earl of Northumberland was included in six, Richard Scrope and John Appleby in five and John Waltham in seven. Richard Scrope was appointed to

three of the five commissions from 1389 to 1392. There are too few commissions in this second period, or in 1398 and 1399, to merit weighty comment, but it is significant that envoys like Sir Gerard Heron, John Mitford, esquire and the clerk, Alan Newark should be named in almost every commission, of any kind, from 1389 to 1392. Clearly, an élite in Anglo-Scottish relations was being developed. A similar picture emerges from the list of procurators. Of the fifty-three envoys appointed as procurators between 1378 and 1406, only twelve were commissioned more than three times: Thomas Appleby, bishop of Carlisle, Thomas Hatfield, bishop of Durham and John Gilbert, bishop first of Hereford and then of St. David's, the earls of Northumberland and Westmorland, Richard, lord Scrope and John, lord Neville, Gerard Heron, Ralph Eure and Robert Umfraville, John Mitford and Alan Newark and John Waltham. There were twenty-eight procuratorial commissions in this period. The earl of Northumberland was appointed to thirteen of them, his son, Henry, to two, a Neville, either John or his son, Ralph, to sixteen of them, Richard, lord Scrope to six, Gerard Heron to five, John Mitford to six and John Waltham to four. Gerard Heron and John Mitford also figure as the most prominent deputies and receivers of Robert III's oaths.

There was, then, constant overlapping between the various grades of envoys employed in this period and it is clear that on the English side at any rate throughout the period a highly-specialised team, of local men and king's servants, were responsible for the conduct of Anglo-Scottish diplomacy. The same development must have taken place on the Scottish side too. In this way, therefore, as in the formulation of documents, Anglo-Scottish practice was conforming to what was happening in Europe as a whole, where professional bureaucrats were increasingly being repeatedly employed on similar missions, so that specialised 'departments' for foreign affairs were becoming common.[1]

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1. Queller, 157 discusses this development from the European point of view.

CHAPTER THREE

ANGLO-SCOTTISH RELATIONS IN THE REIGN OF ROBERT II

The reign of Robert II made a significant contribution to the development of Anglo-Scottish relations. When he became king in 1371 relations between the two countries were peaceful because of the 1369 truce and because there had been no widescale war since 1357, when David II had been released according to the terms of the truce of Berwick. Both the 1357 and 1369 agreements, however, were merely truces and as such emphasised the failure to settle basic problems. Scottish ambition at Robert II's accession was the same as in 1369 and 1357: to make England renew the terms of the treaty of Edinburgh-Northampton and to evict English intruders from Scottish lands. Nevertheless, the truce of Durham still had thirteen years to run and peaceful relations might have continued. In fact they did not, partly because, when Edward III died in 1377 leaving the child Richard II as his successor, the Scots were as anxious to seize their opportunities as the English had been after Robert I's death, and partly because of the Franco-Scottish alliance. Consequently, the reign of Robert II can be divided into three phases: from his accession in 1371 to the breakdown of the truce in 1377; from 1377 to the official expiry of the truce in 1384; and from 1384 to the conclusion in 1389 of the Lenlinghen truce, which formed the basis of Anglo-Scottish relations at Robert II's death in April, 1390.

I: 1371 - 1377

Robert II inherited the 1369 truce with England and the 'alliance' with France. In 1371 the French were anxious to settle their own scores with England, and Scotland could be a useful ally. Robert II's attitude to the truce of Durham was therefore coloured by his attitude towards France. Since the Franco-Scottish 'alliance' had been confirmed by the treaty of Corbeil in 1326, it had been customary to renew it on the accession of a new king in either country, and Robert II and Charles V renewed it in 1371.[1] But France wanted even more. She wanted to use Scotland as a base for French attacks on England, and so she proposed that Robert II should ask the pope to annul the 1369 truce so that France could send one thousand men-at-arms, five hundred knights and five hundred serjeants to serve in Scotland for two years in attacks on England. In return for Robert II's agreement, Charles V would give him one hundred thousand marks to pay off David II's ransom and also, presumably, since only fifty-six thousand were needed for that purpose, as a fee for the use of Scotland as a base.[2] In fact the proposal did not materialise. Gregory IX was anxious for peace between France and England in order to hasten his own return from Avignon to Rome and did not annul the 1369 truce. Possibly he was not even asked to do so. In 1372 and 1373 France and England held negotiations for a peace settlement which was finalised as the truce of Bruges in 1375. It lasted until 1377. In the meantime, Robert II continued to observe the 1369 truce and in 1374 could write to Edward III, 'I know you are just as anxious as I am to maintain the truce.'[3]

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1. Black Book, ff. 64-5; Parl. Recs, i. 123-4. Charles V's agreement to renew the treaty, dated 30 July, 1371 is preserved in the SRO, Treaties with France, SP7/2.
2. The initiative probably came from France. The proposal (Black Book, ff. 68-9; Parl. Recs, i. 122-3) was similar to an earlier one in 1359, when the French had asked David II for the use of Scotland as a base for French attacks on England. David II had then pointed out that he could not honourably agree to such a plan until he had paid his ransom, and the French had offered him fifty thousand marks. Like the 1371 proposal, that in 1359, which is discussed by R. Nicholson, 'David II, the historians and the chroniclers', SHR, xlv (1966), 67-8, was never ratified.
3. Cambridge University Library MS., Dd 3. 53, f. 439.

Nevertheless there was reason for anxiety as the difficulties in Anglo-Scottish relations became increasingly apparent. In June, 1372, for example, when Robert II's representatives went to Berwick to pay the ransom,[4] they refused to accept the English quittance because it referred to Robert II as 'consanguineus noster' instead of 'king of Scots'. Instead they called a notary, John Rolle, and drew up an instrument expressing their dissatisfaction.[5] The quittance, they said, was not identical with their letter of obligation. The latter bound the people of Scotland, the king and the kingdom to pay the ransom, whereas the quittance did not mention the king and bore insufficient reference to the kingdom. It was true that this was not the first quittance to be so expressed and that previous identical quittances had been accepted, but that was because David II had been so fond of his brother-in-law that he had been willing 'ex amore regis' to suffer prejudice to his own cause rather than oppose him. The Scottish party asked that the question should be discussed at a meeting on the marches by a tribunal of equals from both countries and that, if the verdict was in Scotland's favour, Edward III should rectify not only the present offending quittance but also those others, identically styled, which had pleased no-one in Scotland but David II. A meeting was held at Liliot Cross on 18 October, 1372 but the dispute was not solved.[6] Indeed the problem did not even form the main subject of the negotiations as the Scots had asked, and when they raised it the English party said they had no authority to discuss it. When the exasperated Scots reminded them that at the meeting in Berwick they had promised to report the matter to Edward III and his council, they replied that they had done so but had not received further instructions.

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4. The importance of David II's ransom in the reigns of Robert II and Robert III is discussed more fully in Appendix A.
5. Black Book, ff. 34-5; Parl. Recs, i. 126-7. Queller, 86 explains the significance of calling a notary. Since the mission of negotiators was to improve relations, they should not use comminatory language. Accordingly, if they wished to threaten or denounce, as in this case, they had to employ a notary for the task.
6. The English party were commissioned on 6 August, 1372, RS, i. 951-2. There is a copy of the indenture drawn up at the end of the meeting in the Black Book, f. 36; Parl. Recs, i. 128.

The Scots then bluntly replied that if the English were not prepared to recognise their king's status, they could not be expected to grant compensation for Scottish violations, and the meeting ended. The English returned to Edward III, having promised to meet the Scots again on 8 March, 1373. Edward issued his reply on 12 December, 1372.[7] He said that since David II had not been concerned about the omission of his title to kingship and since he and the English council considered the form of quittance satisfactory, he saw no reason for changing the address. At the same time he assured Robert II that he and his council would put as much value on the quittances referring to him as 'consanguineus noster' as if they had called him 'rex Scocie', and with that answer Robert II had to be satisifed.[8]

There were also difficulties in permitting trade across the border. According to the 1369 truce, buying and selling were allowed across the border without restriction, but in fact each country quickly imposed its own limitations. In 1371 the Scottish parliament expressly forbade the sale of horses across the border, although it encouraged the sale of sheep and cattle.[9] For England, trade with Scotland meant a serious financial problem. Scots buying commodities in or from England paid in Scots money, but this was more debased than English. In 1367 the Scottish parliament's decision to coin 29/4 out of a pound weight of silver had led Edward III to decree that Scottish money was

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7. RS, i. 953; Foedera (O), vii. 967-8.
8. This problem of English recognition of the Scottish king's title continued throughout the reigns of Robert II and Robert III. After 1372 until the official end of the truce of Durham in 1384, English chancery documents referred to Robert II as 'consanguineus noster' or as 'nostre cher cousin' in French documents. After 1384 the Scottish king was consistently 'adversarius noster', although in indentures drawn up at Anglo-Scottish meetings on the border the Scottish party would, of course, insist that they were negotiating 'pro parte Regis Scocie'. David II incidentally enjoyed a brief posthumous triumph in 1383 as 'king of Scotland' (RS, ii. 45) but even he was quickly reduced from 'our grandfather's brother' to 'our recent enemy' (ibid., 107). In 1400 Henry IV claimed that in the Comyn line he, not Robert III, should be king of Scotland.
9. APS, i. 547.

not to be accepted in England except as bullion.[10] In 1371 he forbade his sheriffs to accept any foreign currency, and particularly Scottish.[11] The inflow continued, however, and in 1373 he ordered a weekly proclamation to be made in all the counties and some of the towns, from January until 25 March, to the effect that Scottish money could be accepted only at its English value.[12] In November, 1373 the English parliament decreed that fourpence Scots was worth only three pence or even less in English money,[13] but the problem continued. In 1374 there were complaints of Scottish coins being used even on the Welsh marches[14] and in 1375 Edward III had to instruct the governor of Ireland and the lord of the Isle of Man to insist on their inferiority.[15]

The wool trade posed another problem. Edward III, relying on the customs duties from English wool sold to Flanders to finance his French wars and pay his continental garrisons, tried to restrict the sale of English wool across the border. For the English borderers and merchants, however, it was much more profitable to sell the wool into Scotland for export through a Scottish port, since they could thus avoid English taxation and still reap the high prices on the continent. From the point of view of the English crown, such trade was tantamount to smuggling, and so, in December, 1372, Edward III instructed the wardens of the marches to find out who was carrying fleeces from Northumberland and Cumberland into Scotland and who was driving sheep across the border at shearing time, thus defrauding him of his revenue.[16] At the same time, he told Henry Scrope, Thomas of Ingelby and Roger Fulthorp to stop merchants in Northumberland, Tynedale and Teviotdale from selling their wool, hides and woolfells across the border,[17] and he ordered the wardens of the marches to proclaim in all the cities, boroughs, fairs and market towns in

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10. ER, ii. xcvii.
11. Foedera (R), iii. p. ii. 919, omitted from (O), vi. 688.
12. CDS, iv. 45.
13. Ibid., 47. The decision was repeated in a letter from Edward III to John Bolton, treasurer of Berwick, on 24 July, 1374. Foedera (O), vii. 41.
14. Gaunt's Register, 1372-6, ii. 231.
15. Foedera (R), iii. p. ii. 1023, omitted from (O), vii. 54-6.
16. CDS, iv. 45.
17. Cal. Pat. R., 1370-1374, 180.

Northumberland, Cumberland and Westmorland that it was forbidden to sell English wool to the Scots or to drive English sheep across the border at shearing time.[18]

Thus it quickly became apparent that although in theory the 1369 truce permitted unrestricted trade between Scotland and England, in practice both kings were willing to permit trade only when it suited their own interests. Similarly, individual merchants and local authorities were guided by expediency rather than by the truce. In 1370, for example, John Mercer, a Scottish merchant, exported a cargo of wool, hides and woolfells from Scotland, hoping to sell them in Flanders. His ship was driven by storm on to the coast of Lincolnshire, where the customs authorities confiscated the cargo. Mercer claimed that he was trading under a permit from David II and in fact he was proved to be right, and he and his merchandise were released.[19] In 1377, however, he was not so lucky. This time he was arrested in Grimsby on a charge of smuggling and not only was he imprisoned, in spite of the protests of the earl of Douglas, but also some of his merchandise was confiscated to defray the cost of taking him and his son from Grimsby to London for trial and to replace £200 worth of merchandise belonging to Walter Wele, a recent mayor of Grimsby, which had been stolen by Scots and for which no compensation had been made.[20]

Most serious of all was the problem of the dispossessed Scottish nobles and already in 1371 there was trouble between the earl of Douglas and Sir Henry Percy about Jedburgh forest. In 1334 when Edward Balliol surrendered the southern counties and forests to him, Edward III had granted Jedburgh forest to Percy of Northumberland, but the earl of Douglas had been granted it in 1320 by Robert I and refused to surrender it. Since the protagonists were wardens of the marches, their quarrel meant that Anglo-Scottish relations were being strained at the local border level, and that violations of the truce were not being corrected. In an attempt to solve the problem, therefore, as well as sending arbitrators in February, 1373 and

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18. Ibid., 244.
19. Cal. Close R., 1369-1374, 129-30.
20. CDS, iv. 55.

August, 1374,[21] the kings also began a new practice in Anglo-Scottish relations, that of sending non-wardens to enforce the maintenance of the truce. These new diplomats, the commissaries, were commissioned in May, 1373 and in August, 1374[22] but in late 1374 or early 1375 Edward III still had to share Robert II's displeasure that the truce was being violated. He promised to send another party of commissaries for 20 February, 1375[23] but it was still necessary to hold another 'day' in September[24] and violations continued. Another truce day was arranged for June, 1377 and held, but this was the month Edward III died, leaving as his successor Richard II, a child of ten. The truce was again put in question. As for the French, they were ready to renew their own war against England and did so, even gaining control of the English Channel and raiding the south coast. If the Scots could make out a case that the English broke the truce first, they would be free to collaborate with the French. Froissart, the French chronicler, has given his own account of Scottish reaction,

'De quoi il estoit avenu que li rois Robers d'Escoche, en celle saison que li rois Édouwars d'Engleterre estoit mort et li rois Richars couronnés, assembla son conseil en Haindebourcq, et là furent la greignour partie des barons et des chevaliers d'Escoche, dont il pensoit a estre servis et aidiés, et leur remontra comment li Englès, dou temps passet, leur avoient fait pluisieurs anois, ars leur païs, abatus leurs castiaux, ochis et rançonnés leurs hommes, dont li temps estoit venus que de che il se pooient contrevengier; car il y avoit un jone roy en Engleterre, et si estoit li rois Édouwars mors, qui les belles fortunes avoit eues, pour quoi il en fust respondut de une

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21. RS, i. 955, 965; Foedera (O), vii. 2-3, 45-6.
22. Ibid., 958, 965; ibid., 9-10, 45-6.
23. Cambridge University Library MS., Dd 3.53, f. 439 is a letter from Edward III to Robert II in which the English king proposed a 'day' should be held on 20 February next. This letter must belong to late 1374 or early 1375 because a meeting was held on 20 February, 1375 and two Scottish messengers, Edmonston and Dalgerroc, named in it were paid for services in late 1374 or early 1375. ER, ii. 459.
24. Commission dated 29 July, 1375. RS, i. 971. John Appleby, a clerk at the meeting, left London on 9 August and returned on 11 October. Foreign Accts, roll 9, m. D.

commune et boine volenté. Li baron d'Escoce et li jovène chevalier et escuier qui se désiroient à avanchier et à contrevengier les anois et damages qui li Englès leur avoient fait dou temps passé, respondirent qu'il estoient tout apresté, apparilliet et pourveu de chevauchier en Engleterre dou jour à l'endemain quant on vorroit. Ches nouvelles plaisirent grandement au roi d'Escoce, et dist à tous: "Grans mercis".'[25]

Whether Froissart's account is accurate or not, it is true that in 1377 the Scots quickly abandoned the 1369 truce on the excuse that the English would not make compensation for the death of the earl of March's cousin when he was killed at Roxburgh fair about 9 August. The earl assembled his followers, attacked the English in the town and caused general chaos. The Pluscarden chronicler explains what followed,

'From that day the truce was broken and on all sides of the marches there were daily forays, ravages, massacres and burnings ... and especially the lands of the lord of Gordon they everywhere turned into a wilderness, for he was the ringleader at Roxburgh at the holding of the Bloody Fair.'
'Et sic', added the chronicler, laying all blame on the English, 'ad treugas servandas eosdem instruendo docuit.'[26] Robert II's own attitude became clear in June, 1378 when he omitted payment of David II's ransom.

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25. Froissart, ix. 26-7.

26. Chron. Pluscarden, 236. The Roxburgh fair was held from 25 July.

II: 1377 - 1384

The years immediately after Roxburgh's Bloody Fair were characterised by attacks and counter-attacks, by truce-renewals and truce-violations. The earl of Douglas attacked the English holding Melrose; Sir John Johnstone harassed the English on the Solway; and John of Gordon invaded England, defeated John of Lilburn at Carham and captured Thomas Musgrave.[1] Henry Percy, newly created earl of Northumberland, retaliated in ravaging the lands of the Scottish earl of March but was chased off from Duns.[2] The time was indeed ripe for the Scots to redress the balance of Anglo-Scottish relations in their own favour, to recover the lands Edward III had taken from them; and they made full use of their opportunities. The English government however, restrained by the minority of their king, were anxious to restore the truce. Consequently, the years 1377 to 1384 provide a period in Anglo-Scottish relations when attention was turned from war to negotiations and back to war with startling rapidity.

The period begins with negotiations for the redress of grievances at Fairnington Craigs on 14 September, 1377[3] and at Liliot Cross on 18 January, 1378[4] but in early April Northumberland had to report to the English council that the border was in so dangerous a state that the warden of Lochmaben Castle refused to stay there any longer and the earls of Douglas and March, far from showing any desire to make reparations, were capturing Englishmen on the border to hold them to ransom.[5] In June, 1378 Robert II neglected to pay David II's ransom.[6] In July he expelled the Durham monks from Coldingham and replaced them with Scottish Benedictines from Dunfermline.[7] In November some

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1. Chron. Wyntoun (Laing), iii. 10-13.
2. Ibid., 12; Chron. Pluscarden, 237; Hist. Ang., i. 340, although the last says, surely with exaggeration, that Percy devastated Dunbar's lands with ten thousand men.
3. CDS, iv. 53-4.
4. Ibid.; RS, ii. 3; Foedera (O), vii. 174-5.
5. CDS, iv. 57.
6. Ibid., 58.
7. R. B. Dobson, 'The Last English Monks on Scottish Soil', SHR, xlvi (1967), 1-25. G. W. S. Barrow, Robert Bruce, 95 discusses a similar expulsion of English members of religious orders in 1295.

borderers, probably outlaws with no loyalty to either Robert II or Richard II, captured Berwick Castle and held it for eight days.[8] When Northumberland had recovered it, he moved into Scotland in pursuit of a Scottish contingent which had been moving towards Berwick but had retreated when they heard of the English forces there. Northumberland led a section of his troops towards Roxburgh and sent another detachment under Sir Thomas Musgrave to the Melrose area. Two of Musgrave's scouts, however, were captured by Sir William Lindsay and forced to betray the whereabouts of the English camp, and his foragers were also captured and killed. Finally, when Musgrave moved from Melrose, he fell into an ambush, had to fight three to one and was defeated at the battle of St. Giles' hill, where both he and his son were captured.[9] When Northumberland heard the news, he abandoned his campaign and returned home.[10] By the end of 1378 therefore the Scots had recovered all their border lands, except Lochmaben Castle and the towns and castles of Roxburgh, Jedburgh and Berwick.

So serious a situation obviously called for top-level negotiations and accordingly in October, 1378 Richard II appointed procurators to treat for peace. The negotiations opened at Ayton in November and were continued at Muirhouselaw in early March, 1379.[11] The English party proposed a marriage-alliance between Richard II and one of

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8. The incident seems to have taken place about 25 November. It is discussed in Hist. Ang., i. 387, Chron. Fordun, i. 382, Froissart, ix. 27-30, and in the Anonimalle Chronicle, 125-6.
9. Musgrave seems to have been captured twice, in 1377 by John of Gordon and at the battle of St. Giles' hill in 1378. CDS, iv. 58 calendars a petition to Richard II and his council dated before 29 May, 1378 in which a number of northern lords referred to Musgrave's imprisonment.
10. Froissart, x. 44.
11. Exchequ. Scots. Docts, no. 1527 is an indenture drawn up at the end of the March meeting, 1379. A transcript of this document is given in the Appendix of Documents, no. 7. The indenture refers to the earlier meeting in November, and two payments, £9 - 15 - 4 and £3 - 8 - 4, made in March, 1379 for the expenses of the earl of Fife at a 'day' at Ayton, probably also refer to it. ER, ii. 602 and 605.

Robert II's daughters. The proposal was well within the traditions of Anglo-Scottish relations and might have promoted peace but the English party laid down, as conditions of the marriage, that Robert II should recognise Richard II's overlordship in Scotland, should return the border lands he had recovered, and should pay David II's ransom. When the Scottish party ignored the last request and rejected the first two, the English asked them if they really wanted the marriage. They replied that they did, but only on terms ensuring the integrity and liberty of their kingdom. The English also wanted them to abandon the alliance with France. This they refused to do, although they offered to form an alliance with England against everyone except France, but at this point the negotiations broke down.

Robert II paid no ransom money in either 1379 or 1380 and when English sailors from Hull and Newcastle captured a Scottish merchant vessel in the summer of 1380, the earl of Douglas retaliated by invading the west march and looting Penrith fair,[12] although Walsingham's statement that Douglas drove off forty thousand livestock, as well as securing a quantity of merchandise, is no doubt a typical exaggeration.[13] Walsingham also relates that Northumberland wanted to invade Scotland in retaliation but was thwarted by a message from the English council. The earl indignantly rode south to hear the reasons and was told that the duke of Lancaster was going north for special negotiations.[14]

John of Gaunt, duke of Lancaster and Richard II's eldest uncle, had already been given authority in Anglo-Scottish affairs in February, 1379 when he was first appointed the king's lieutenant on the Scottish border.[15] There is no indication that he actually used his powers in this first period, but he was recommissioned on 6 September, 1380 with power to defend the border, to negotiate and conclude a peace treaty and, as a commissary, to redress violations of the truce.[16] Taking with him a large body of troops[17] he arrived in Berwick for the final stages of the negotiations on 1 November.[18] They had opened at

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12. Hist. Ang., i. 435-8; Chron. Bower, 391; Chron. Pluscarden, 238; Chron. Wyntoun (Laing), iii. 14.
13. Hist. Ang., i. 435-8.
14. Ibid., 446.
15. RS, ii. 14.
16. Ibid., 27-8; Foedera (O), vii. 268-70.
17. Campbell, 207.
18. RS, ii. 29-30; Foedera (O), vii. 276-8.

Liliot Cross on 17 October and there the English party demanded David II's ransom and those border lands recovered by the Scots since 1369.[19] The Scottish commissaries remained intransigent, however, and the discussions were long and bitter. The Scots surrendered nothing. When the parties moved to Berwick to meet Gaunt, the Scots were able to make a highly favourable bargain: the truce was to be re-enforced until 30 November, 1381 with special reference to castles, and all towns whether fortified or not, to persons and goods and was applicable at sea as well as on land. Violations were to be compensated for at specified places within a month of the offence. Thus English trespasses on the bounds of the earl of March's territory were to be paid for at Duns; Scottish offences in the same area at Berwick. English offences on the border of the earl of Douglas' territory were to be compensated for at Melrose; Scottish ones at Roxburgh. Trespasses on the west marches were to be paid for by the English at the house of John Thompson at Ardkane; by the Scots at the priory of Canonbie. Violations on the bounds of Archibald Douglas' lands were to be rectified at the town of Lochmaben by the English; at Lochmaben Castle by the Scots. During the year, neither side was to impose taxation or ransoms on the other.[20]

There is little evidence of how this year's truce was kept, except that even while the negotiations were being held some of Gaunt's men who were lodged in Old Roxburgh did £55 worth of damage to property of the earl of Douglas and his tenants.[21]

Lancaster returned to the border in June, 1381, as he had agreed to do at Berwick the previous November. He met the earl of Carrick at Ayton on 12 June and there for the next few days the two men tried to thrash out why the 1369 truce was proving a failure. Carrick maintained that the English were not keeping their side of the bargain. In 1369 they had promised the Scots open communications and trade with

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19. CDS, iv. 64-5.

20. RS, ii. 29-30; Foedera (O), vii. 276-8. The Anonimalle Chronicle, 132 says that Gaunt made a truce until 9 June, 1381 not 30 November but this is probably confusing the expiry of the truce with Gaunt's promise to return to the border in June, 1381, as he did.

21. Gaunt's Register, 1379-83, i. 145-6; CDS, iv. 66.

England but they had not kept the promise and Scots had been killed, captured and robbed and although this abuse had often been intimated to the English they had done nothing about it. He therefore suggested that a commission of equals from both countries should be appointed to investigate the matter. Gaunt suggested that the dispute should be forwarded to a neutral prince, acceptable to both sides, for his impartial judgment. Carrick however pointed out that it would be impossible to find such a prince, a pertinent comment in view of the numerous partisans in the Anglo-French wars and in the Great Schism. At last, at Bastleridge near Ayton on 18 June, 1381 they agreed to renew the truce from then until 30 November, 1381, then again to Candlemas, 1382 and from then for another two years to February, 1384, the original date for the expiry of the 1369 truce. According to Walsingham, Lancaster heard of the outbreak of the Peasants' Revolt while the meetings were being held and was anxious to conclude a truce before the Scots should hear the news, as it would encourage them to invade England.[22] This perhaps explains why Lancaster conceded so much in this 1381 truce. The agreement confirmed the Berwick truce of 1380 and, according to the Anonimalle Chronicle, also granted free movment across the border for trading purposes, on the understanding that each side would be fair in surrendering violators of the truce.[23] At the same time, although in a separate agreement, Gaunt promised not to demand further ransom money until the end of the truce in February, 1384.[24] The Scots also retained their recovered lands. Thus the negotiations ended in an astonishing triumph for them and yet, according to Walsingham, when they heard of the Peasants' Revolt, they were sorry they had agreed to a truce. In an effort to find a valid excuse for invading England without perjuring themselves, they offered to supply Lancaster with twenty thousand soldiers to put down the revolt. He, understandably, emphatically refused the offer and instead besought hospitality in Scotland until he could safely return

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22. Hist. Ang., ii. 41. Froissart, ix. 397-8.
23. Anonimalle Chronicle, 133.
24. Foedera (O), vii. 314-5. Richard II confirmed this agreement on 30 August, 1381. RS, ii. 39.

to England.[25] In the meantime, while Carrick had been negotiating with Lancaster, Walter Wardlaw, bishop of Glasgow, Sir Archibald Douglas and Master Adam Tyningham were holding negotiations in France.[26]

Violations continued in 1382, although on 10 February Richard II ordered the proclamation of the truce, including open trade across the border,[27] and in March the ransoms were paid for Sir Thomas Musgrave and his son.[28] In the same month, however, some English sailors from Liverpool, probably ostensibly trading with the Lord of the Isles, stole some casks of wine, possibly in Arran or Bute, belonging to Robert II[29] and later in 1382 the Scottish earl of March captured Lord Greystoke at Benrig as he was on his way to Roxburgh Castle as its new keeper.[30]

According to Walsingham relations in 1383 were no better. Because England was doing badly in her war with France, the Scots invaded Northumberland, burned Wark Castle and did so much damage in the county that the sheriff was unable to levy rents.[31] Nevertheless, in July Gaunt and Carrick met at Muirhouselaw and agreed, on 12 July, that the truce should run until February, 1384 as originally intended in 1369.[32] Carrick also agreed to pay for the damage the Scots had done to Wark and that the earl of March should meet Lord Neville at Billiemyre on 25 August to arrange compensation for other breaches of the truce.[33] At the opening of parliament in November, 1383 however

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25. Hist. Ang., ii. 42; Chron. Bower, 395-6. Froissart, ix. 418-9 adds that Lancaster tried to return to Berwick but was refused entry at the order of the earl of Northumberland and so returned to Roxburgh Castle, from where the earl of Douglas escorted him to Edinburgh Castle. According to Chron. Wyntoun (Laing), iii. 16-18, he went from there to Holyrood Abbey.
26. Chron Bower, 392. Chron. Pluscarden, 239.
27. Foedera (O), vii. 344.
28. RS, ii. 42.
29. 'Inchgalle', the Isles, in the text. Gaunt's Register, 1379-83, ii. 415.
30. Chron. Wyntoun (Laing), iii. 18-20. CDS, iv. 69.
31. Hist. Ang., ii. 105; CDS, iv. 69.
32. Gaunt was commissioned 6 May, 1383 (RS, ii. 51) and advanced five hundred marks for his expenses. Gaunt's Register, 1379-83, ii. 28
33. Foedera (O), vii. 403-4; CDS, iv. 70.

Michael de la Pole, the chancellor, announced that the Scots had refused to renew the truce after February, 1384. The northern lords asked for a grant to pay for the defence of the border but, according to Walsingham, William Wykeham, bishop of Winchester, replied that they were rich enough to defend it themselves, as their fathers and grandfathers had done. Nevertheless, they were commissioned to call out the border militia.[34] The Scots in the meantime had made their own preparations. On 15 June, 1383 the king of France had agreed to send Robert II in May, 1384 a thousand troops with suitable equipment and forty thousand gold francs to assist a Scottish war against England.[35]

With the militia called out and the end of the truce at hand, there was little prospect of peace in 1384. Between 1377 and 1383 the Scots had made use of England's weakness to recover much of their occupied territory and to leave the ransom unpaid. The imminent expiry of the truce brought matters to a head in that the Scots would wholeheartedly try to regain the rest of their lands, while the English could no longer give in to their demands in the interests of peace, or at least they could not do so with honour. Accordingly, in December, 1383 Richard II commissioned his representatives to collect the remaining twenty-four thousand marks of David II's ransom;[36] the usual quittance was prepared;[37] and the exchequer was ordered to supply two of the English party, the earl of Northumberland and Lord Neville, with the relevant documents to prove England's claims.[38] On 12 January, 1384 Richard II restated the full English claim to overlordship in Scotland when he told his representatives that if the Scots refused to pay the ransom, they were to be asked to pay homage and fealty to Richard II '*tanquam superiori domino regni Scotie*'. If Robert II refused both the ransom

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34. RS, ii. 57-8.
35. Black Book, f. 69; Parl. Recs., i. 131-2.
36. RS, ii. 56; Foedera (O), vii. 415-6.
37. Ibid., 56-7; Foedera (O), vii. 417.
38. Ibid., ii. 57.

and homage, the English party were to prepare for war.[39] Robert II, of course, did refuse. Instead, two days after the truce expired, the earl of Douglas, Sir Archibald Douglas and the Scottish earl of March captured and destroyed Lochmaben Castle.[40] The first laurels in the war had gone to the Scots.

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39. Ibid., ii. 58-9.

40. Chron. Wyntoun (Laing), iii. 18; Chron. Bower, 397; Chron. Pluscarden, 243.

III: 1384 - 1389

During the five and a half years between the expiry of the truce of Durham in 1384 and Scotland's inclusion in the Anglo-French truce of 1389, there was almost constant petty warfare on the marches and even two English invasions of Scotland, but there were also several attempts to contain the border situation through short truces negotiated by the wardens of the marches. As a result, during these years, as in the previous phase from 1377 to 1384, attention was turned from war to negotiations and back to war with striking agility.

The first victory in the war was undoubtedly won by the Scots in their capture of Lochmaben Castle in 1384, but the English were not unprepared for war. The earl of Buckingham was already preparing for an invasion of Scotland[1] and in January, 1384 England had even managed to make a truce with France, excluding the Scots, to last until Michaelmas, 1384.[2] The only condition the perfidious French laid down was that they must tell the Scots they had made the truce and invite them to join.[3] It was therefore in English interests to launch the invasion before the French messengers reached Scotland, and this Buckingham, or rather Gaunt, for it was he who led the expedition, endeavoured to do in April, 1384. In the event, it was an ignominious failure. As always in their Scottish campaigns the English had difficulty with their food supplies and as usual the Scots refused a pitched battle. The English troops marched to Edinburgh undeterred but were forbidden to attack the city for three days while the burgesses removed themselves and their belongings. Thus Gaunt repaid their hospitality of 1381, but his soldiers were furious when they found nothing to plunder and on their return march vented their feelings in devastating the north of England. The chronicler Walsingham summed up the situation:- 'More money was wasted, more men lost and more property destroyed on the English side than had been known for years.'[4] Before he returned to the south, Gaunt met the earl of Northumberland in Durham and agreed by indenture

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1. Hist. Ang., ii. 109.
2. Foedera (O), vii. 414-23.
3. Froissart, x. 278.
4. Hist. Ang., ii. 111-2; Chron. Pluscarden, 244.

that the latter should be responsible for the defence of the north, including Berwick and Carlisle, from 1 May until 11 June, 1384. He was to raise forces in Northumberland, Cumberland and Westmorland, garrison Wark and Norham Castles, summon the freemen of Lancaster and Durham, and engage the archbishop of York and the bishops of Durham and Carlisle to send their appropriate quotas. He was also to see that a fleet was stationed in the North Sea and in this task he was to be assisted by his brother, Sir Thomas Percy.[5]

In May the French messengers arrived in Scotland with the news of the Anglo-French truce, which almost simultaneously was being renewed to last until May, 1385.[6] The Scots were furious at France's perfidy and although Robert II agreed to join in the truce, the earls of Douglas and Moray and the Lindsays, whose lands had suffered from English attacks, joined forces with thirty French knights who, with time on their hands because of the Anglo-French truce, had come to Scotland hoping for a raid on England.[7] Robert II in Edinburgh continued his negotiations with the French and sent his herald to Richard II with an assurance of his good faith,[8] and on 6 June he commissioned his representatives to treat with the English.[9] When the negotiations were held on 4 July, 'between Berwick and Coldingham',[10] the discussions dealt with the schism in the Church, in which Scotland and England took opposing sides, as well as with the more political aspects of Anglo-Scottish relations. The bishop of Glasgow, Walter Wardlaw, challenged the English bishops to a debate in which he promised to demonstrate the legitimacy of Clement VII's claims, and

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5. RS, ii. 61-2; Foedera (O), vii. 425-7.
6. Foedera (O), vii. 428-9. There is no indication that the French promise to send a thousand troops in May, 1384 was kept.
7. The story is given in detail in Froissart, x, 285-99.
8. RS, ii. 63; ER, iii. 117.
9. Foedera (O), vii. 441. The English procurators were commissioned on 12 June. RS, ii. 62-3.
10. Probably at Ayton or Bastleridge. The reference is in John Waltham's account. Foreign Accts, roll 17, m. C. Probably the English party stayed in Berwick, for the Scotch Rolls, roll 63, m. 2 record a protection in favour of Sir John Croysere going to Berwick with the duke of Lancaster, and the Scottish party stayed in Coldingham.

he even approved of the bishop of Galloway's challenge to the bishop of Norwich to a duel.[11] When the English party asked for David II's ransom the Scots refused as usual,[12] so that when a truce was agreed upon on 26 July, it was once more on Scotland's terms[13] and Richard II took the precaution of calling out the county forces during August and September.[14] In December, a group of Scots captured Berwick Castle, although they could hold it only for a few days.[15]

In February, 1385 however the English wardens of the marches were commissioned to make truces with their Scottish counterparts[16] and on 15 March the earl of Northumberland met Sir Archibald Douglas at Esk Water and made a truce until 1 July[17] to cover the west marches and also the east marches if the earl of March wished it.[18] Richard II confirmed this agreement on 9 May,[19] although at the same time he was taking measures to protect the north and to invade Scotland in the summer. On 24 February he had sent orders to the northern parts to have their forces ready[20] and on 13 June he ordered a general muster in Newcastle on 14 July.[21] There he assembled 4,590 men-at-arms and 9,144 archers.[22] Meanwhile in May French forces had come to Scotland under the leadership of the admiral John de Vienne and they and the Scots were planning to march towards the border on 23 July.[23] The campaign that followed is well described in the

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11. Perroy, Schism, 73.
12. Foedera (O), vii. 434-5.
13. RS, ii. 64; Foedera (O), 434-5.
14. Ibid., ii. 66-8.
15. Chron. Fordun, 371; Hist. Ang., ii. 118.
16. RS, ii. 70.
17. The Anglo-French truce was also due to end on 1 July. Hist. Ang., ii. 127.
18. Foedera (O), vii. 468-9; APS, i. 349-50, incorrectly dating it 1384.
19. RS, ii. 73.
20. Ibid., ii. 71.
21. Foedera (O), vii. 474-5.
22. These figures come from Brit. Mus. MS., Nero, D VI, f. 92, printed in Armitage-Smith, John of Gaunt, 437.
23. The agreement between Robert II and the French is copied into the Black Book, f. 71 printed in Parl. Recs, i. 135-6.

chronicles. On the English side it was a total failure. Walsingham described the English forces as the 'most beautiful, the strongest and most numerous army that had ever been seen', but apart from attacking a few religious houses and churches on the pretext that they were schismatic, Richard II achieved nothing.[24] The French were not pleased either. They had come to Scotland expecting to enjoy an exciting invasion of England. Instead they were restrained by Robert II's numerous regulations and returned to France in late 1385 vowing that they would make a two or three years' truce with the English solely to come back to destroy Scotland, for the Scots were 'wicked people, ignorant hypocrites and traitors'.[25] The Scots, however, were not displeased with the 1385 campaign. They had captured two towers of Berwick town and had destroyed Wark, Cornhill and Ford Castles and if they grumbled that the French had done even more damage than the English, they also had the satisfaction of making them pay compensation as well as the very large sums of money Charles VI paid to Robert II and the Scottish nobles.[26]

Border skirmishes continued after Richard II's invasion and indeed it was in these months that Henry Percy, the earl of Northumberland's son, earned the name 'Hotspur' for his zeal in harassing the Scots.[27] Then, on 28 June, 1386 John, lord Neville and the earls of Douglas and March concluded a truce at Billiemyre by which peace would be observed on the east marches from then until sunset on 31 May, 1387. They also agreed that Robert II and Richard II

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24. Hist. Ang., ii. 131. The campaign is discussed more fully by N. B. Lewis, 'The Last Medieval Summons of the English Feudal Levy', EHR, lxxiii (1958), 1-26.
25. Froissart, x. 402.
26. On 16 November, 1385 Robert II distributed the money: £650 to Walter Wardlaw, cardinal of Scotland; £5,500 to the earl of Carrick, the future Robert III; £3,000 to his brother, the earl of Fife; £7,500 to the earl of Douglas; £4,000 to the earl of March; £1,000 to the earl of Moray; £5,500 to Sir Archibald Douglas; and various other lesser amounts to about fifteen other Scottish nobles. Foedera (O), vii. 484-6.
27. Hist. Ang., ii. 144.

would send representatives on 14 March, 1387 to try to arrange a lasting peace or a long truce between Scotland, England and France; that redress would be given for any injuries inflicted by either side; and that the garrisons, servants, goods and cattle belonging to Jedburgh, Roxburgh and Berwick Castles should be especially included in the truce, which would also allow Englishmen living in these castles to have free access to England. Lord Neville granted his special protection to the inhabitants of Teviotdale, excepting Jedburgh forest which was to be included in the truce. 'Entrecommunance' was expressly forbidden, except in the vicinity of the three castles and of Berwick town, and the laws of the marches were to be enforced. In Berwickshire Richard II was to hold only those lands he had occupied in 1384, when the 1369 truce expired. Finally, no-one on either side was to give sanctuary to anyone guilty of theft, murder, treason or cattle-lifting and special protection was to be given to all merchandise on the sea between the Rivers Spey and Thames.[28]

The negotiations which finally culminated in the 1389 truce were probably held from this time onwards. Certainly negotiations were held by procurators in March, 1387 and again in March, 1388,[29] but the borderers, and even the Scottish nobles, did not abate their efforts against England and in August, 1388 the earl of Douglas led the invasion which ended in triumph for the Scots, although in his own death, at Otterburn.[30] It was at this point that French diplomats arrived for further stages in negotiating Scotland's participation in the Anglo-French truce. The Scottish nobles were wrathful, saying that the king of France seemed to propose a truce when it was the moment to continue the war, as they had completely defeated the English at Otterburn and could hope to do so again. Robert II,

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28. Foedera (O), vii. 526-7; 538-9. RS, ii. 85 records an indemnity made to Lord Neville for his part in negotiating the truce.
29. RS, ii. 88-9 and 92; Foedera (O), vii. 572-3. Foreign Accts., roll 20, m. A indicates that the 1387 negotiations were held in April; roll 21, m. G. shows that those in 1388 were held in late March and April.
30. The story is well-told in the chronicles, in particular in Froissart, xiii. 206-57 and in Chron. Pluscarden, 249-51.

however, probably appreciated that the Scots had by no means 'completely defeated the English at Otterburn'; that Scotland had nothing to lose by entering the truce but might lose a great deal in a war against an England at peace with France. He therefore continued his negotiations and on 18 June, 1389 Scotland entered the Anglo-French truce.[31]

The 1389 truce, following hard on the battle of Otterburn, brought the reign of Robert II towards a successful conclusion. If his achievements were the results of dogged determination rather than brilliant manoevres, they were nonetheless real. As compared with the situation in 1371, Scotland was twenty-four thousand marks better off than she might have expected and had also recovered most of her border territories. There was much to recommend the chronicler's eulogy that, 'In his time there was great fruitfulness and plenteousness of wealth, peace and prosperity, and friendly unity amongst the magnates of the realm.'[32] It remained for Robert III to carry his father's policy to its logical conclusions, until Berwick, Jedburgh and Roxburgh were recaptured and the English recognised Scotland's territorial integrity once more. It was towards this end that Scottish policy was directed in the remaining months of Robert II's reign and in the opening years of Robert III's.

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31. Foedera (O), vii. 622-30.

32. Chron. Pluscarden, ii. 236.

CHAPTER FOUR

ANGLO-SCOTTISH RELATIONS IN THE REIGN OF ROBERT III

Like his predecessor in 1371, Robert III in 1390 inherited a recently-made truce, the truce of Lenlinghen, which determined Scotland's relations with England and England's relations with France. Scotland's relations with France were established in the renewal of the treaty of Corbeil in March, 1391.[1] Whereas Robert II's accession had been preceded by a lengthy period of truce, however, Robert III's followed the stormy years from the Bloody Fair in 1377 to Otterburn in 1388 and only a short period after Otterburn when the Lenlinghen truce was concluded. Yet it would have been impolitic for Robert III to reject the truce for a further period of aggression, as Scotland would then have had to face an England free from war with France, and in any case the truce had been made for only three years. The accession of a new king therefore made no difference to Anglo-Scottish relations, especially as Robert III, as earl of Carrick, had already frequently taken part in negotiations.

In this chapter devoted to the reign of Robert III two divisions are made: in 1393 and in 1399. The first is artificial. There was no clear break in Anglo-Scottish relations in 1393, but, whereas from 1389 to 1393 relations between the two countries were quarrelsome, particularly in reference to the suitability of certain meeting-places on the border, and negotiations generally conducted by commissaries, after 1393 procurators were employed again and attention was turned first to exploring the possibilities of a peace-treaty and then, when that inevitably failed, to finding ways of enforcing the truce more successfully. The second division in 1399 is more obvious. The Lancastrian revolution encouraged the Scots to renew their raids across the border and Henry IV reintroduced all the disputed points in Anglo-Scottish relations into his negotiations for a truce. Then, in 1400, George Dunbar,

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1. SRO, Treaties with France, SP7/3; ER, iii. xcvii - civ.

Scottish earl of March, defected to Henry IV. War followed in the same year, negotiations in 1401 and war again in 1402. In 1403 the Percies, aided by Scots, rebelled against Henry IV. There were more negotiations in 1404 and a truce in 1405 but in 1406 Robert III's sole surviving son, James, was captured on his way to France only a short time before his father's death.

I: 1390 - 1393

The Lenlinghen truce of 1389, like the truce of Durham in 1369, did not settle any of the disputed issues in Anglo-Scottish relations. Richard II continued to claim overlordship in Scotland, consistently referring to the Scottish king as 'our adversary of Scotland' rather than as 'king of Scots', while the Scots themselves left the ransom of David II unpaid and refused to surrender the lands they had recovered since 1377. On the Scottish side, indeed, there was reason for complacency at what Robert II had already achieved and, correspondingly, a desire to complete his achievements by regaining the last few areas of Scotland still held by the English. Because in 1389 these ambitions could not be fulfilled aggressively, the Scots concentrated on consolidating their work diplomatically. The first sign of this policy is evident in the instructions given to English commissaries on 20 December, 1389.[1] They were told to ask for oaths to observe the 1389 truce from the earl of Fife, then guardian of Scotland, the Scottish wardens of the marches, the captains, the steward and the officers of war,[2] for the ransom of David II, and for compensation for Scottish violations of the truce, and they were also told to hold their meeting at a customary place

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1. Vespasian, no. 99, f. 111. This is undated but the commissaries named in the instructions had been commissioned two days earlier. RS, ii. 101-2; Foedera (O), vii. 650-2.
2. The earl of Fife, second son of Robert II and future duke of Albany, had been made guardian of Scotland in 1389 when the earl of Carrick who had done much work for his father, was crippled by a kick from Douglas' horse. It is not clear who the 'officers of war' were. Possibly they were castellans of border fortresses. Robert II had already taken the oath in August, 1389. (The English party had been commissioned on 3 July. RS, ii. 98; Foedera(O), vii. 630. They had set out about 14 July and returned to London on 12 September. Foreign Accts, roll 23, m. H) Richard II gave his oath to the Scottish party on 27 September, 1389. Foedera (O), vii. 638-9.

on the marches. This last instruction, which was listed first, is significant of Scottish designs at this time. During Robert II's reign, the Scots had evicted the English from all the Scottish marches except the towns and castles of Roxburgh, Jedburgh and Berwick. The border-line, then, as understood in 1389 was on the southern limit of Berwickshire, Roxburghshire and Dumfriesshire, as it had been delineated in 1237. But in 1371 it had been north of those places on the marches held by the English, and consequently Anglo-Scottish negotiations on the border had been held well inside Scottish territory. From 1389 the Scots wanted to consolidate their possessions by moving negotiations back to the 1237 border, which meant that implicitly England would have to agree to her loss of most of the southern Scottish counties.[3] In January, 1390[4] the English commissaries did in fact concede this point in spite of their instructions, for they met at Rewele,[5] but an irate letter from Richard II, dated 16 February,[6] left no doubt of his views on the matter.

He complained that Rewele was inconvenient and was perilous for the English party to reach, because in the spring floods they needed a little boat to cross to it and in any case negotiations had not been held there except since the Scots had captured Berwick Castle.[7] If the marchers had held meetings there, it had been at their wish and not at his appointment or with his authority. Richard II also complained that the Scottish officials had not taken the oath. In his reply, dated 29 March, Robert II argued that there was no need to abandon Rewele simply because the English were imperilled by the floods, as he would tell the Scots to cross to

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3. The subject is discussed more fully in Appendix B.
4. Dr Richard Ronhale, one of the commissaries, set out on 27 December and returned to London on 5 February. Foreign Accts, roll 23, m. G.
5. Probably near Birgham.
6. Known only from Robert II's reply, Vespasian, no. 34, f. 41. Discussed in Perroy, 77 and 218.
7. It is difficult to know what this reference means. Apart from this correspondence, there is no evidence to suggest that the Scots held Berwick Castle in 1389.

the English side, where, conveniently, there was a good space! Like Richard II he had not personally authorised the use of Rewele, not even since the capture of Berwick castle, but it was well-known that the marchers themselves had held several meetings there and that it had also been used for negotiating treaties and truces by diplomats carrying the commissions of both kings, as indeed he had reminded Richard II before. Even indentures had been drawn up there. For his own part, he was not pleased with the reply the English party had given to a Scottish query about 'entrecommunance', while as regarded the Scots' refusal to take the oath, they were perfectly right because the English commissaries were of inferior rank.[8]

Robert II died in Dundonald Castle on 20 April, 1390 but his argument was continued by Robert III. On 27 May the English council discussed the instructions to be given to the next set of commissaries negotiating with Scotland,[9] although these were not commissioned until 28 June[10] and the meeting did not take place until 25 July.[11] Like their predecessors they were instructed to ask for the oaths of the leading Scots, including Robert III as a new king. They were also to ask for the ransom money and for compensation for violations of the truce, especially for the capture of Berwick.[12] In addition, they were to remind the Scots of the clause on the truce[13] which allowed those whose inheritance lay within the metes of a castle occupied by the English to inhabit or cultivate the land only with the permission of the constable, who could punish anyone who defied this order. Finally, their negotiations were to be held at a customary place. In fact they were held at Berwick, an unusual meeting-place for commissaries and therefore probably a compromise solution, and the wrangling about the meeting-place continued. The Scottish party again insisted that

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8. Three of them were knights but none a bishop or an earl.
9. Nicolas, i. 27-33.
10. RS, ii. 107; Foedera (O), vii. 678-9. This time they included a bishop and two earls.
11. Vespasian, no. 28, f. 35.
12. Presumably, therefore, the Scots had not held it for long.
13. Unfortunately the terms of the Anglo-Scottish 1389 truce are no longer extant.

Rewele was a suitable meeting-place because it had been used for negotiations by important envoys even since the 1389 truce had been made, but the English still rejected its use on the excuse of the danger from the floods. Instead they suggested Liliot Cross, Muirhouselaw, Bastleridge near Ayton, Ayton itself, Billiemyre, Fairnington Craigs and Eccles. With the exception of the last two, all these places had in fact been used in Robert II's reign, but the Scots now refused them and suggested, as alternatives to Rewele, 'Gamelspath' and 'Redeswyre'.[14] Since the commissaries could reach no agreement, they listed their disagreements in an indenture and returned to their kings. The dispute continued in royal correspondence. Robert III seems to have written first, from Edinburgh on 21 September, 1390.[15] He said that Archibald, earl of Douglas[16] had reported to him on the failure of the negotiations in Berwick on the matter of Rewele, which, Robert III insisted, was suitable as a meeting-place and had been used for negotiations both before and after the conclusion of the 1389 truce. He also complained of lack of co-operation from Sir Henry Percy, warden of the English west march, for when Douglas had asked Percy for reparation for several violations of the truce, Percy had replied, in a letter which Douglas had shown to the Scottish council, that he did not want to be charged with offences committed before his term of office, as the Lords Neville and Roos were responsible for those matters and he would accept responsibility only for matters after 15 June, 1390 when he took office.[17] Robert III reminded Richard II that his wardens must grant compensation for all violations of the truce no matter when they were committed, and asked that Percy should be made to grant redress. Richard II replied on 17 October, although the contents of this letter, as of his earlier one, are known only from Robert III's reply.[18] The English king made two complaints. He blamed the Scottish party for the breakdown of the negotiations about the meeting-place, since they had rejected

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14. Chew Green and Carter Bar on the Cheviots.
15. Vespasian, no. 40, f. 47.
16. Archibald, lord of Galloway became earl of Douglas in 1388.
17. RS, ii. 105.
18. Vespasian, no. 28, f. 35. Mentioned in Perroy, 85 and 222.

all the places the English had offered, and he complained that the Scottish earl of March had still not taken the oath to observe the truce. Robert III replied on 26 November. He defended his commissaries, who had again offered to cross into English territory near Revele if Richard II thought the floods too dangerous, and he maintained that the places suggested by the English commissaries were unsatisfactory because they were neither on the marches nor customary. He had forbidden his party to accept them. He asked Richard II to propose the place and date for the next meeting. He agreed with him that the earl of March should have taken the oath and promised to order him to do so. At the same time, he asked Richard II to ensure that the English conservators took it.[19] He reverted to his earlier complaint about Sir Henry Percy's intransigence in granting redress and commented that the English wardens were changed too frequently. He said Percy had not even replied to his letter demanding reparations and Scots on the marches were being killed, murdered, maimed, kidnapped, detained and imprisoned, all notoriously against the truce and all without compensation. Robert III reminded Richard II that he was bound by oath to maintain the truce and to make sure his wardens of the marches maintained it. The English king replied on 16 December.[20] He said he had consulted his council and they all agreed that the meeting-places offered by the Scots were unsuitable, because they had not been used in Edward III's time. Nevertheless he was willing to send his representatives for another meeting on 17 January, 1391. Robert III replied from Edinburgh on 7 January.[21]

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19. Robert III named the conservators as the bishops of Durham and Carlisle, the earl of Northumberland, Lord Neville, Lord Clifford, Lord Greystoke, Lord Haryngton, Lord Dacre and the captains of Berwick, Roxburgh and Carlisle. These had been named in the 1389 truce, the two bishops having been given special responsibility for any ecclesiastical cases, while the others were empowered to repair all trespasses and to punish malefactors in civil cases. Foedera (O), vii. 717.
20. Mentioned in Robert III's reply, Vespasian, no. 30, f. 37.
21. Ibid..

He said he also had consulted his council and they had all agreed that the places their party had named at the last negotiations were customary. The bishop of Durham, the earl of Northumberland, Lord Neville and wardens of the marches had certainly used them, as they could very well remember if they wanted. He would therefore send his representatives to Rewele for the meeting on 17 January and they would be in nearby Kelso on the previous Saturday and Sunday. He renewed his father's complaint that the English were not granting 'entrecommunance' and demanded a speedy remedy.

There is no evidence that this meeting was held in January, 1391. Probably it was not, because English commissaries were appointed on 12 March[22] and a meeting was held in April.[23] On 14 March the English commissaries were given a second commission to ask for the remainder of David II's ransom[24] and about the same time Richard II wrote another letter of complaint. This time he said that his subjects in Roxburghshire had been attacked by Scots, in violation of the truce, and he demanded that redress should be made at the meeting to be held at Easter. He also asked Robert III to attend to the matter 'touching the priory of Coldingham',[25] and he promised to send 'Lord Percy' to the negotiations with sufficient power to do whatever was needed.[26] When the meeting was held,

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22. RS, ii. 109.
23. Mirot and Déprez, lx, 210 list the account of an unnamed doctor, probably Richard Ronhale, who set out for Scotland on 17 March and returned in May.
24. Chancery, Scotch Rolls, roll 70, m. 2; Foedera (O), vii. 697-8.
25. The 'Coldingham matter' seems to have been that Robert III was confiscating the monastery lands and possessions from Durham priory on the gounds that the monks were schismatic and was replacing the English prior by a Scotsman. This suggestion is conveyed by another letter from Richard II to Robert III, Exchequer T. R. Council and Privy Seal, file 6.
26. Cambridge University Library MS., Dd. 3. 53, f. 430 and Edinburgh University Libary MS. 183, f. 95 are copies of Richard II's letter 'Lord Percy' was perhaps Ralph Percy, the earl's second son. On 14 January, 1391 Richard II gave permission for Ralph to deputise for his brother, Henry, as warden of the west march. CDS, iv. 93. Ralph was also one of the commissaries appointed on 12 March, 1391 RS, ii. 109.

however, the two parties found agreement impossible and therefore drew up an indenture listing all their disagreements and returned to their principals for further instructions. Unfortunately this indenture is no longer extant but Robert III referred to it in a letter to Richard II, dated 28 May, 1391.[27] Apparently the meeting had been held at Birgham, which pleased Robert III very much, especially as the next one was to be there too. It meant that the Scots had won their argument, for negotiations were being moved towards the 1237 borderline. Robert III agreed to send one or two bishops, one or two earls, one or two bannerets, one or two knights, clerks and esquires to the next meeting and he also agreed that any prisoners taken without just cause should be released at it, although he adroitly added that the Scottish wardens said they had no English prisoners in this category! He agreed, too, that the Scots would return any goods they had stolen from the English.

This meeting seems to have been held at Kelso rather than Birgham[28] in September, 1391. By then it was time to consider extending the 1389 truce, which was due to expire in August, 1392. Accordingly, the commissaries who met in September agreed to hold further negotiations in May, 1392[29] and on 26 January, 1392 two deputies, Sir Gerard Heron and John Mitford, esquire were commissioned to arrange where and when the negotiations should be held.[30] Strangely, however, there is no indication on the Scotch Rolls that either commissaries or procurators were commissioned to hold these negotiations, and yet on 4 March, 1392 the English council proposed to send Master Alan Newark as clerk to the diplomats meeting the Scots at Easter (14 April).[31] On 8 April, however, the Anglo-French truce was extended from August, 1392 to Michaelmas, 1393.[32] Possibly, therefore, the Anglo-Scottish negotiations in which Newark was to participate were cancelled

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27. Vespasian, no. 35, f. 42.
28. RS, ii. 115; Foedera (O), vii. 710.
29. Baldwin, The King's Council, 500.
30. RS, ii. 115; Foedera (O), vii. 710.
31. Baldwin, loc. cit..
32. Foedera (O), vii. 719. Edinburgh University Library MS., 183, f. 79a is a letter from Richard II to the captains of various castles ordering the observance of this truce.

until the outcome of the Anglo-French meeting was fully known. In fact Scotland was included in the extension and on 30 May, 1392 Heron and Mitford were commissioned to receive Robert III's oath.[33] In a letter to the duke of Lancaster on 28 June, Robert III referred to their mission. He had met them the previous day, 27 June, and had agreed that a further meeting should be held when he would give his oath and when violations of the truce could be redressed.[34] Heron and Mitford were therefore commissioned again on 20 July to arrange this meeting[35] and Richard II took his oath on the same day.[36] On 22 July he confirmed in their office for the year's extension those conservators of the truce appointed in 1389.[37] Robert III confirmed Scottish participation in the truce in Rothesay Castle on 24 July, 1392.[38] At the same time, Richard II was not neglecting his ally, the Lord of the Isles. John of the Isles had been anxious to continue the alliance with England after the death of Edward III and when John himself died in 1388 Richard II had also wanted to maintain it and had sent John Donegan, bishop of Sodor and Man to negotiate with the new Lord, Donald.[39] In September, 1392 the bishop was again sent to the Isles, to explore the possibilities of a marriage alliance,[40] as Richard II mentioned in two letters to Donald about the same time.[41]

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33. RS, ii. 116; Foedera (O), vii. 720.
34. Vespasian, no. 31, f. 38. Dated from an entry in Foedera (O), vii. 719.
35. RS, ii. 117.
36. Foedera (O), vii. 728-9.
37. Ibid., 725.
38. Chancery, Scotch Rolls, roll 73, mm. 2-4.
39. RS, ii. 94.
40. CDS, iv. 96.
41. Perroy, 103-5 and 235. One letter is dated 29 September, 1392; the other is undated. It is worth noting, in view of these negotiations, that Donald's mother was Robert III's sister, Margaret, and also that there was no hostility between the Lord of the Isles and the king of Scotland in the reigns of Robert II and Robert III. John Donegan, although bishop of the Isles and Man, had been deprived of his position by the anti-pope, Clement VII in 1387 and since then he had not been recognised in the Isles which supported Clement, but he had been recognised in Man, which supported Urban VI from 1378 to 1389 and Boniface IX from 1389 to 1404.

Nevertheless, preparations were also made for a further extension of the Anglo-Scottish truce after Michaelmas, 1393. Letters were exchanged between Richard II and Charles VI of France in June and July, 1392[42] and in August negotiations, in which the Scots were included, were held at Amyas near Lenlinghen, where it was agreed that the truce should be extended to Michaelmas, 1394.[43] In November, 1392 Heron and Mitford were again sent to arrange further negotiations for the maintenance of the truce[44] and they were also commissioned to join the earl of Northumberland and Alan Newark at the negotiations.[45] These, apparently, were not to be held for some time, for in December the English council were still discussing the instructions to be given to Heron and Mitford.[46] They were to give their letters to Robert III and ask him to observe the truce and to reply in writing to some particular points in the letters. They were to arrange the meeting and suggest that it be attended on each side by a bishop, an earl, two bannerets and two clerks, and they were also to ask that the French should be notified before Easter (6 April) of the date of the meeting. On the still delicate issue of where negotiations should be held, they were to suggest that English subjects should be offered a place in Scotland where their grievances could be remedied and that Scottish subjects should be invited to a place in England for the same purpose. Finally, either Heron or Mitford was to report in person to the council. In fact, these preliminary negotiations broke down. Heron and Mitford went to Scotland in January, 1393 and met their counterparts, Sir William Stewart and Adam Forster, esquire, but they were unable to agree on the place and date of the proposed negotiations. Unfortunately, their fellow-commissaries, Northumberland and Newark, arrived for the negotiations before hearing they could not be held, and Richard II wrathfully complained of the inconvenience in a letter to Robert III.[47] The latter replied

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42. Perroy, 99-102; 232-235.
43. M. D. Legge, Anglo-Norman Letters, 191-2.
44. RS, ii. 117-8.
45. Ibid..
46. Nicolas, i. 33-4.
47. Known only from Robert III's reply, Vespasian, no. 33, f. 40. Perroy, 238-9 suggests it belongs to 1393 but incorrectly dates it 3 March.

from Glasgow on 13 March, 1393. He made no apology for the inconvenience because, he said, Heron and Mitford should have reported their failure in time. He suggested that further negotiations, even for a peace treaty, could be held at Kelso in June. He would send the earl of Fife as his representative and perhaps Richard II would send one of his uncles. He asked Richard to reply before Easter. Actually there is no indication that he did or that negotiations were held in June, although on 27 June, Heron and Mitford were commissioned to ask for Robert III's oath to observe the extension of the truce,[48] arranged on 28 April, from Michaelmas, 1393 to Michaelmas, 1394.[49] Plans were also made to send the bishop of St David's and others in September, 1393 to negotiate an Anglo-Scottish peace treaty.[50] Negotiations of this kind were, of course, of the highest order and therefore entrusted to procurators. For the moment, the work of the commissaries was done.

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48. RS, ii. 121; Foedera (O), vii. 749.
49. Foedera (O), vii. 748-9.
50. Exchequ. T. R. Council and Privy Seal, file 6 contains an original privy-seal letter, undated but probably belonging here, ordering the recipient to go to this meeting. Another letter, printed in M. D. Legge, Anglo-Norman Letters, 179 - 80 probably belongs to this time too.

II: 1393 - 1399

Unfortunately, although there is evidence that a procuratorial mission was planned for September, 1393, there is no sign that it actually took place.[1] Then, on 9 February, 1394 Richard II again commissioned procurators to treat with the Scots.[2] Their instructions, dated 11 February, reiterated England's traditional claims to overlordship in Scotland,[3] for in addition to asking that the Scots observe the truce, especially on the four principal marches which were to be kept in their existing form, they were also to state that the king of England should from time to time receive liege homage and fealty from the king of Scotland and from each of his heirs; that the king of Scotland, his heirs and successors should be bound to attend the English parliament whenever they were summoned; that the Scottish peers, both spiritual and temporal, and the bishops, abbots, priors and clerks should recognise the king of England as their sovereign lord; that the Scots should restore £2,000 worth of land which Edward Balliol gave the king of England in full parliament held at Edinburgh, that is, the town, castle and county of Berwick, the town, castle and county of Roxburgh, and the town, castle and county of Edinburgh and the areas around them; and that the king of Scotland, his heirs and successors should recognise the king of England and his heirs as rulers of England, Wales and Ireland. The procurators were

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1. Procurators were commissioned on 22 August, 1393. RS, ii. 121-2; Foedera (O), vii. 754.
2. RS, ii. 123. Heron and Mitford had been told to arrange for a meeting at Ayton or Kelso when they were commissioned to receive Robert III's oath to observe the truce extended to Michaelmas, 1394. (26 October, 1393. RS, ii. 122; Foedera (O), vii. 758-9.) Robert III gave his oath in Holyrood Abbey on 16 December, 1393. Chancery, Scotch Rolls, roll 73, m. 4.
3. Vespasian, no. 25, f. 31. The document is occasionally illegible and is undated but corresponds to the commission of 9 February.

also to demand all the lands and possessions which the king of England held in 1369 and the profits from these lands as agreed in the 1369 truce, as well as David II's ransom, and they were to ask for restitution for all the damages the Scots had done. Only the last demand had any chance of being met as Richard II realised, for the procurators were told that they were to make these 'customary protestations' 'in order to treat honourably and save the rights of the king'. Richard did not expect them to be fulfilled. In fact the negotiations were not held because again the preliminary negotiations broke down, and for the second time the earl of Northumberland arrived at the border to find a proposed meeting cancelled. Richard was justifiably annoyed and complained in a letter dated 6 April[4] but Robert III, replying on 25 May, made no apology, although he did apologise for his tardiness in answering Richard's letter. He explained that he had been in distant parts of Scotland when the messengers found him and away from his council. He suggested that negotiations could be held at Kelso on 1 July and, as it had been agreed at Lenlinghen that the king of France should be informed of the date of the Anglo-Scottish peace negotiations, he asked Richard II to grant safe-conduct to the bearer of his letter, so that he could pass through England to France. Robert III's queen, Annabella, also wrote to Richard II, on 28 May.[5] She repeated her husband's regret that he was so late in replying but she assured Richard II that she was in favour of the proposed marriage between one of her children and one of his relations as the basis of a peace treaty. In the meantime, on 27 May, English and French diplomats had met at Lenlinghen and agreed to extend the truce from Michaelmas, 1394 to Michaelmas, 1398.[6] As was customary, Scotland was invited to join, and preparations continued for further Anglo-Scottish negotiations. The meeting that Robert III had suggested should be held on 1 July, however, did not take place,[7] chiefly on account of the difficulty of communicating

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4. Known only from Robert III's reply, dated 25 May. Vespasian, no. 32, f. 39.
5. Ibid., no. 36, f. 43. Discussed by Perroy, 147 and 246-7.
6. Foedera (O), vii. 769-76.
7. ER, iii. 371 record payment to the bishop of Glasgow and the earl of Douglas for going to this July meeting, although no negotiations were held.

with him, but on 1 August Queen Annabella, writing from Dunfermline, assured Richard II that she and Robert III were still in favour of a marriage agreement and of the English proposal that a meeting could be held on 1 October.[8] In the meantime, on 25 July, Richard II issued safe-conducts for French diplomats to come to England to witness his oath and then to go on to Scotland for Robert III's;[9] On 20 August English envoys were commissioned to ask for Robert III's oath;[10] and on 27 August English procurators were appointed to treat with the Scots at Kelso about a marriage and a treaty.[11] The Scottish procurators were commissioned on 29 September[12] and on the same day Robert III swore to observe the four years' extension of the Lenlinghen truce.[13] These negotiations probably did take place in October, 1394[14] and this was, perhaps, the occasion when Robert III had to pay £1 for a Scottish translation of the Anglo-French truce.[15] The marriage-alliance, however, was not finalised and for a time there was even a threat that the Scots would reject the truce. The danger was real enough to make the English council ask Richard II to return from Ireland[16] and therefore perhaps explains why English representative were again commissioned on 12 February, 1395 to ask for the oaths of Robert III and the leading Scottish magnates.[17]

For the remainder of 1395 there seems either to have been a lull in Anglo-Scottish diplomacy or the evidence has been lost. The latter is the more likely because there is evidence in the English

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8. Vespasian, no. 37, f. 44. Mentioned in Perroy, 161 and 251.
9. Foedera (O), vii. 783.
10. RS, ii. 125; Foedera (O), vii. 785-6.
11. Ibid., 125-6; ibid., 787-8.
12. Chancery, Scotch Rolls, roll 73, m. 2.
13. Ibid., m. 1.
14. The Scottish earl of March was paid £40 for attending negotiations at Kelso in 1394. ER, iii. 351.
15. Ibid., 376.
16. Nicolas, i. 58-9.
17. RS, ii. 126-8; Foedera (O), vii. 793-800.

exchequer accounts that negotiations were held in November, 1395,[18] and there is payment to a negotiator recorded on the Scottish exchequer rolls,[19] though there is no record of the commission for the English party. In March, 1396 Richard II and Charles VI agreed that Richard II should marry Isabella of France and that the truce should be extended from Michaelmas, 1398 to Michaelmas, 1426, and again Robert III was invited to join.[20] He seems to have agreed to do so in principle on 20 December but for no specific period.[21] Many of the documents belonging to 1396 must also have been lost for on 20 June English deputies were commissioned to arrange the preliminaries for further negotiations,[22] and yet, apart from the ratification of the truce in December, there is no indication that negotiations were held. Nevertheless it is probably true to say that Anglo-Scottish relations in 1396 were more peaceful than they had been since 1377. Certainly, serious efforts were made to enforce the truce. On 27 June, for example, Richard II commanded all his border officials to release any Scottish merchants who had been captured as reprisals since the truce was first agreed upon in 1389.[23] He also told the earl of Northumberland to release the Scottish merchants he had had in custody since they were shipwrecked off Warkworth in March, 1396 as he was violating the truce.[24] It was probably also about this time that Robert III asked Richard II to free Thomas Ballon, a Scottish merchant held by the English.[25]

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18. Master Alan Newark left York on 18 November for negotiations due to be held at Birgham on 22 November. Exchequer Accts. (Army, Navy and Ordnance), bundle 41, no. 36. The meeting seems to have been held on 26 November. Foreign Accts, roll 29, m. B.
19. £100 paid to the earl of Carrick for attending negotiations. ER, iii. 378.
20. Foedera (O), vii. 820.
21. Ibid., 820-30.
22. RS, ii. 132-3.
23. CDS, iv. 102.
24. Ibid..
25. Exchequer T. R. Dip. Docts, no. 1631, an undated letter from Robert III.

Most important, from 1397 negotiations were held to ensure the better maintenance of the truce on the marches.

Preparations for these negotiations began on 14 August, 1397 when Sir William Elmham and John Shepeye, dean of Lincoln, were commissioned to arrange a meeting to be attended by the duke of Lancaster and the earl of Carrick.[26] The two deputies presented their credentials to Robert III at Dunfermline on 30 September[27] and on 2 October met their counterparts, Sir William Stewart and others.[28] They agreed that Lancaster and Carrick should meet on Monday, 11 March, 1398 at the Redden Burn, Carham or Hadden and that Richard II should state his preference before 6 December, 1397.[29] As was customary when a meeting had been proclaimed, it was agreed that anyone who broke the truce between then and forty days after 11 March would be liable to double restitution and would 'run in forfeiture against his king as if he had broken his safe-conduct'. To facilitate mutual redress, Scottish plaintiffs were to send their bills of complaint to the constable of Roxburgh Castle before 25 December, 1397, so that he could forward them to the commissaries or their deputies; English plaintiffs were to send their bills of complaint to the abbot of Kelso. Prisoners of any kind who had been captured since 1389 were to be 'lettin to borght' before 20 October, 1397 and until the truce day on 11 March, when their cases would be judged. The two parties agreed to consult the wardens of the marches on this last point and to ask them to send their decisions directly to each other before 16 October, 1397. On the assumption that the wardens would accept the proposal, it was further agreed that anyone who refused to release his prisoners on bail was to forfeit his own claim to their ransoms, and finally ' entrecommunance' would be permitted at the truce day.[30] In a letter

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26. RS, ii. 138.
27. CDS, iv. 104.
28. Commissioned by Robert III on 1 October. CDS, iv. 104.
29. Ibid.; Foedera (O), viii. 17. All three places were near the 1237 border-line.
30. This probably means that Scots and English were permitted to mingle, perhaps even to trade, at the 'day'.

dated 4 October, 1397 Robert III agreed that Lancaster and Carrick should meet on 11 March and at the same time he asked Richard II to release a Scottish merchant vessel captured at Whitby.[31] This was possibly the ship that Richard II, on 4 December, ordered to be released from Kingston-on-Hull, on condition that the crew appeared at the next march day to answer the charges against them.[32]

Richard II appointed his commissaries on 5 February, 1398.[33] They were of the highest rank and included the duke of Lancaster, John Trevor, bishop of St Asaph's, the earl of Worcester and the earl of Wiltshire as well as Elmham and Shepeye. On 11 March the duke of Lancaster was appointed Richard II's lieutenant on the Scottish marches.[34] The meeting was held at Hadden as arranged and on 16 March the commissaries drew up an indenture recording their decisions.[35] First they agreed that Scotland should enter the Anglo-French twenty-eight years' truce at Michaelmas, 1398, but only for one year. Any castles which had been built in defiance of the 1389 truce were to be demolished and their owners penalised for violating the truce.[36] People living within the domains of castles were to pay their dues to the constables and any disputed cases were to be heard by the conservators of the truce within three months. Any prisoners still held in 1398 were to be released free of ransom and those who had already been freed, having paid their ransoms in whole or in part, were to have the amount refunded. Lancaster and Carrick and their colleagues would not themselves supervise the redress of grievances but would send their deputies, and with the final proviso that anyone who killed another in violation of the truce was to forfeit his own life, they sealed the indenture.

Preparations for this large-scale sorting-out of grievances continued after the meeting and on 2 July, 1398 Richard II again

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31. CDS, iv. 104.
32. Ibid., 105.
33. RS, ii. 139-40; Foedera (O), viii. 32.
34. RS, ii. 140-1.
35. Foedera (O), viii. 35; CDS, iv. 106.
36. The spate of castle-building in the north in this period is discussed by W. Douglas-Simpson, 'Further Notes on Dunstanburgh Castle', Arch. Ael., 4th ser., xxvii (1949), 16 et seq..

commissioned Lancaster as his lieutenant on the marches, the duke of York as warden of the west march and the duke of Exeter as warden of the east march.[37] On 22 September he ratified the agreement made in March[38] and on 3 October appointed his commissaries to go to the truce day.[39] They left London on 5 October;[40] negotiations opened on 21 October; and on 26 October the parties drew up an indenture recording their decisions.[41] They agreed that if there were still any prisoners held on either side they must be freed before 1 November and any who had paid ransoms in whole or in part should have them refunded before 2 February, 1399. The responsibility for implementing this agreement was to fall to the wardens of the marches, two of whom, the Scottish earl of March and the earl of Northumberland, had already signified their willingness to do so on the east marches. On the Scottish middle march Sir Richard Rutherford, Sir William Stewart, Walter Scott, Thomas Turnbull and Robert Lauder were to be 'borowis' for the earl of Douglas, while Sir Thomas Grey of Heton, Sir Thomas Grey of Horton, Robert Umfraville and Thomas Knayton were to be 'borowis' for Sir Henry Percy on the east march, presumably on that section of the east march which in 1382 had been designated the English middle march. The commissaries would be responsible for ensuring that prisoners and ransoms were returned or that those who refused to obey the instructions were brought to the next 'day' and forced to pay the ransoms as well as losing their prisoners. The commissaries would also ensure that those who had already received a ransom but had not refunded it before 2 February, 1399 gave double repayment. Any prisoners who had been taken since the negotiations on 16 March, 1398 were to be released with all their goods, and if any had already paid a ransom it was to be repaid before 2 February, 1399 again on pain of double restitution.

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37. RS, ii. 142. York asked for the earl of Northumberland to be his co-warden.
38. Ibid., 142-3.
39. Ibid., 142-4.
40. Foreign Accts, roll 32, m. A.
41. Foedera (O), viii. 54-7.

The commissaries also reported on why, in their opinion, the truce was being so flagrantly violated. Most of the trouble, they said, was caused by Scotsmen who had become English subjects and lived in England and Englishmen who had similarly become Scottish subjects and lived in Scotland, and therefor , they decided, in future no Scotsmen should owe fealty to England and vice versa, and those Scots who had sworn fealty to Richard II since 1389 should be forced to live south of the Tyne before 2 February, 1399, while Englishmen who had sworn fealty to Robert III in the same period should remove north of Edinburgh by the same date, and anyone who violated this clause was to be delivered to the warden of the opposite march for punishment. It was also agreed that any merchants or merchandise captured by sea or land since 1389 were to be released without ransom. Moreover, because it was difficult for commissaries to come to the border for truce days, it was decided that the wardens of the marches should be responsible for redressing grievances committed since 16 March, 1398 and in order to do so should hold monthly march days. They should also grant compensation on a basis of reciprocal redress, one English violation being redressed in exchange for one Scottish reparation. Any case neglected by the wardens should be reported to the lords commissaries, Lancaster and Rothesay,[42] at their next meeting and they should give such punishment as would deter others. This supervision of the activities of the wardens of the marches was to have priority at the meetings held by the lords commissaries. The wardens would continue to be responsible for bringing to a march day anyone on their own side guilty of murder, arson or robbery across the border and for delivering him to the opposite warden for sentence, but if such an offender lived beyond the bounds of the warden's jurisdiction, he was to be found and delivered to the conservators of the truce.[43] The commissaries again stressed that people living within the domains of castles were to pay their dues to the constables, and they also

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42. Robert III created the earl of Carrick duke of Rothesay on 28 April, 1398.

43. It is not clear who the 'conservators' were. They may have been the officials named as conservators in the 1389 truce and by Robert III in 1390. See above, p.106.

agreed that every man was at liberty to pursue his stolen goods across the border with hound and horn, although not with bow and arrow, and that no-one, under pain of death, should prevent such a hunt. In order to implement these decisions, it was agreed that the duke of Rothesay, or another prince of the blood, with members of Robert III's council would be in Edinburgh on 1 March, 1399 or a short time later, while Lancaster or another English prince of the blood with members of Richard II's council would be in Newcastle on the same day. The two parties would then arrange where and when they could come together for negotiations.[44] In the meantime, the monthly march days on the middle marches were to commence on 12 November and those on the east marches on 21 November. Finally, since Richard II's messengers frequently had difficulty in finding Robert III, he was to advise Richard II before Christmas on where and when it would be convenient for him to give his oath to observe this truce.

Two days later, on 28 October, the commissaries drew up a second indenture recording how they had dealt with some cases.[45] They then repaired to the west marches and there on 6 November drew up another indenture at the Lochmaben Stone.[46] Three knights and eight others were named as 'borowis' for the earl of Douglas on the Scottish west march and a similar group as English 'borowis'. These all swore to observe the truce and grant redress for any violations committed since 1389. It was decided that Fastingang Sunday[47] (9 February) should be the last day for the release of prisoners and the return of ransoms; that Scotsmen owing allegiance to Richard II should live south of Bowes, while Englishmen owing fealty

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44. The Scottish parliament decided that the duke of Albany, the bishops of St Andrews, Glasgow and Aberdeen, the earls of Douglas, March and Crawford and others should go to Edinburgh with the duke of Rothesay and should send their representatives to tell the English that the Scottish council had decided to accept the twenty-eight years' truce. APS, i. 573.
45. Foedera (O), viii. 57-8.
46. Ibid., 58-61.
47. Shrove Sunday.

to Robert III should move beyond Peebles, Crawford or 'Corsnecon',[48] all before 2 February, 1399; and that the monthly march days to be held by the wardens of the marches should begin at the Lochmaben Stone on Thursday, 14 November to examine cases in the areas of Galloway, Nithsdale and Annandale; at Kirkandrews on Monday, 18 November for cases in Eskdale and Liddesdale; and at Kershope Bridge on 26 November for cases in Teviotdale and Jedburgh forest. Meetings to examine cases in Tyndale and Redesdale were to be held at Kirkandrews from Michaelmas to Whit, and from Whit to Michaelmas at Kershope Bridge. Since the warden of the English west march was the duke of York, the English commissaries promised to make sure that his lieutenant would receive adequate authority from him and from Richard II within two months, and by the same time the conservators would also have chosen people to deputise for them. The November meetings of the commissaries then ended.

On 14 January, 1399 Richard II commissioned Heron and John Skelton to go to Dunfermline to witness Robert III's oath to observe the Hadden truce.[49] Lancaster's death in February, 1399 seems to have prevented the Edinburgh-Newcastle negotiations from being held, but on 22 March Richard II did appoint procurators to conclude a final peace if t ey could do so honestly.[50] The next day they were given a second commission to try to arrange a long truce, if a peace was impossible[51] but there seems to have been some delay then for their instructions were not issued until 4 April[52] and on 5 April they were recommissioned as commissaries.[53]

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48. Crawford was possibly Crawfordton, a mile east of Moniaive in w. Dumfriesshire; 'Corsnecon' possibly Corsancone, near New Cumnock in Ayrshire. Thus people of doubtful loyalty would be moved out of Dumfriesshire, as those living in Roxburghshire and Selkirkshire were being moved north of Peebles.
49. RS, ii. 146; Foedera (O), viii. 65.
50. Ibid., 149; ibid., 69.
51. Ibid..
52. Foedera (O), viii. 72-3.
53. RS, ii. 149-50; Foedera (O), viii. 72-3.

Robert III appointed his commissaries on 4 May.[54] According to their instructions, the English commissaries were to negotiate a final peace if possible; to say that England would observe the truce as agreed at Lenlinghen in 1389 and in the Anglo-French marriage-treaty of 1396; and to try to bring Scotland into this Anglo-French truce but, if Robert III would not agree to so long a truce, to try to prolong the existing truce for two, three, four or five years. They were to grant redress of grievances as agreed at Hadden and the Lochmaben Stone and were to make agreement with Robert III that neither king would give shelter to the traitors or rebels of the other but would arrest them and forward them to the other king or to his wardens of the marches. These commissaries met at Hadden and on 14 May agreed to a further extension of the truce, although only for one year.[55] Even this short extension, however, did not survive the deposition of Richard II in September, 1399 and for the rest of Robert III's reign Anglo-Scottish relations rocked unsteadily between truce and war.

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54. Exchеq. Scots Docts, box 98, no. 8; CDS, iv. 110. A transcript of this document is given on the Appendix of Documents, no. 8.

55. Exchеq. Scots Docts, box 91, no. 11; CDS, iv. 110. A transcript is given in the Appendix of Documents, no. 9.

III: 1399 - 1406

The new king of England, Henry IV, as a usurper was at first in a vulnerable position and there was every possibility that both Scotland and France would take advantage of his weakness, especially as Charles VI's daughter, Richard II's queen, Isabella was still in England.[1] Accordingly, one of Henry's first acts, even before Richard II's formal abdication, was to ask Robert III to continue the truce as already agreed to Michaelmas, 1400.[2] Robert III received his letter in Linlithgow on 3 October. His reply, dated 6 October, was cautious, saying that he could not make so grave a decision without consulting his council[3] but on 2 November he wrote again, and much more optimistically, saying that he and his council were willing to hold negotiations at Hadden if Henry[4] would tell them what status the English commissaries would have, and that in the meantime the wardens of the marches could hold a march day.[5] Even before he wrote, however, and in spite of this apparent goodwill, the Scots had crossed the marches and in October destroyed Wark Castle while the constable, Sir Thomas Grey was attending the English parliament.[6] Hence when Henry IV replied in December, although he agreed to hold negotiations and said he would tell his wardens of the marches to send their deputies to Kelso on 5 January, 1400 to arrange where the meeting could be held, he also condemned the 'great and horrible outrages' the Scots had committed. He

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1. The English council was still discussing the imminence of war with France in February, 1400. Nicolas, i. 103.
2. His letter is known only from Robert III's reply. Hingeston, i. 4-6; Chrimes, 13-14.
3. Grave because it would imply a recognition of Henry's position.
4. He still addressed him as duke of Lancaster but this is understandable since he was replying to a letter in which, in early September, Henry had presumably referred to himself as duke of Lancaster, not king.
5. Hingeston, i. 8-10.
6. Hist. Ang., ii. 242. CDS, iv. 114 calendars a warrant for a pardon for Grey for leaving the castle insufficiently guarded.

also questioned that Hadden was a customary meeting-place,[7] and indeed it was probably about this time that the English council instructed deputies going to arrange a meeting with the Scots to ask it be held at Muirhouselaw, Liliot Cross, Ayton Church or Bastleridge.[8] These were probably the deputies commissioned on 10 December[9] and presumably they were to join the meeting on 5 January but in fact it did not take place, because Robert III did not receive Henry IV's letter until 4 January. When he replied on 14 March he said he was still willing to send representatives to Hadden to negotiate a truce if Henry wished.[10] In the meantime however, and this may explain why he delayed so long in writing, George Dunbar, Scottish earl of March had decided in February, 1400 to transfer his allegiance to Henry IV.[11] His action decisively altered the course of Anglo-Scottish relations in the remaining years of Robert III's reign.

The disastrous consequences of March's defection were not realised immediately. According to his agreement with Henry IV, he would surrender his castles into English keeping[12] and thus give England control of the Scottish south-east marches again, but to prevent this Sir Robert Maitland, March's lieutenant in Dunbar Castle surrendered it to the earl of Douglas, but when March tried to recove

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7. Hingeston, i. 11 - 14. Vespasian, no. 79, f. 91 seems to be a draft of this letter.
8. Nicolas, ii. 41.
9. RS, ii. 152-3; Foedera (O), viii. 113.
10. Hingeston, i. 25-7.
11. March's quarrel was with both Robert III and the earl of Douglas. The latter succeeded in marrying his daughter to the duke of Rothesay, although he was already pledged to marry March's daughter. In a letter dated 18 February, 1400 March told Henry IV of the quarrel and asked for safe-conducts to go to England to arrange terms on which he would exchange his allegiance. Hingeston, i. 23-5; Chron. Pluscarden, 255-6.
12. Hingeston, i. 28-30; Nicolas, i. 23-5.

it with Sir Henry Percy's help, the dispute flared into a general war on both land and sea and when, in addition, incriminating letters were found on David Seton, archdeacon of Ross, captured on his way to France in 1400,[13] Henry IV lost no time in organising an invasion of Scotland, especially as, between February and May, 1400 he managed to secure a truce with France.[14] He also continued England's friendly association with the Lord of the Isles.[15] On 9 June he sent orders to all the counties to assemble their forces in York on 24 June,[16] and all the king's pensioners except those in Queen Isabella's household were told to equip themselves for war.[17] On 26 June, either to play for time or to provoke a hostile move from Robert III, Henry IV commissioned Newark and Mitford to treat for a peace treaty or a truce and to ask for compensation for the damages the Scots had done since October, 1399.[18] Robert III granted neither redress nor truce but said he was willing to have a peace treaty on the terms of the 1328 treaty of Edinburgh-Northampton.[19] Henry IV sent to London for a copy.[20] At the same time, 4 July, he directed his council to ensure that London and other ports would send him food supplies,[21] and on 25 July the Scottish earl of March formally promised to withdraw his allegiance to Robert III by 23 August and to fight for Henry IV.[22]

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13. Wylie, Henry IV, i. 132.
14. Foedera (O), viii. 142.
15. On 2 June, 1400 safe-conducts were issued for Donald of the Isles and his brother, John, to come to England. Ibid., 146.
16. Foedera (O), viii. 146. According to Rot. Parl., iii. 428 Henry IV had already contemplated an invasion of Scotland in October, 1399 and by June, 1400 both he and his council thought it imperative to act.
17. Nicolas, i. 121-2.
18. Foedera (O), viii. 150.
19. Nicolas, i. 122-3.
20. This and other Anglo-Scottish agreements were packed into chests and taken north by the treasurer. Wylie, Henry IV, i. 134.
21. Nicolas, i. 123-4. Hingeston, i. 40-3 is another letter from Henry IV to the mayor of Lynn asking for food supplies; Brit. Mus MS., Harleian 431, f. 112 is a letter to the English ports asking for food, men and ships; and CDS, iv. 116 calendars a similar letter to the Bristol authorities.
22. Foedera (O), viii. 153.

Henry's preparations being thus completed, on 6 August he stated the full English claim to overlordship in Scotland, based on the contention that William the Lion had paid homage to Henry II and John; Alexander III had paid it to Henry III and Edward I; John Balliol had paid it to Edward I; and Edward Balliol had paid it to Edward III.[23] Henry IV therefore demanded that Robert III should present himself, with all his prelates and nobles, in Edinburgh on Monday, 23 August to pay him the homage which was his due, and as he left Newcastle for the border, also on 6 August,[24] he ordered his demands to be proclaimed, if possible, in Kelso, Dryburgh, Jedburgh, Melrose, Edinburgh and other public places.[25]

From Newcastle Henry IV moved to Berwick, then to Haddington and on to Leith, where he collected his food supplies[26] and from where on 21 August he sent another summons to Robert III to meet him in Edinburgh two days later. In reply, the duke of Rothesay accused Henry of trying to shed Christian blood and offered to fight out the issue with one, two or three hundred nobles.[27] Rothesay and Douglas held Edinburgh against him while Albany collected forces at Calder,[28] and Henry IV found himself in a difficult position. If he vented his wrath on the local inhabitants, he must appear wantonly aggressive and ungrateful for the kindness shown to his father in 1381. Hence he was careful not to let any damage be done to Holyrood. Yet he had to explain his presence in Scotland. The Pluscarden chronicler relates how Henry tried to pose as the victim of Robert III's malice, as a rival claimant to the throne coming righteously to avenge the wrongs done to him, 'for I am half a Scot by blood and in heart, as being of the stock of the noble Comyns, earls of Buchan. Though I now come hither as an enemy, I do so against my will, as it were, and after provocation,

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23. Ibid., 155-6; CDS, iv. 115.
24. Mentioned in the account of Lord Willoughby in the king's retinue. Foreign Accts, roll 34, m. E.
25. Foedera (O), viii. 157; CDS, iv. 116.
26. Chron. Pluscarden, 256-7.
27. CDS, iv. 116.
28. Chron. Bower, 430.

as witness the most High, because of some letters sent by the great men of the kingdom of Scotland to the king of the French, which, together with the bearers thereof, were taken at sea on their way by some of my men and are still preserved in my possession; in which letters they asserted that I was in the last degree a traitor.[29] Therefore have I now come hither to see whether he in his innocence durst have an encounter with such a traitor as he has said I am. I come not to cause any annoyance or hurt to anyone, so far as is possible.[30] No encounter took place. As the English advanced, the local inhabitants retreated before them, carrying whatever they could, burning and destroying whatever remained, and conducting a guerrilla warfare from the woods. As provisions ran short and the desolate country produced no supplies, Henry could no longer maintain his army. After a futile attack on Dalhousie Castle, he agreed to parley with Robert III's messenger, Adam Forster, at the cross between Leith and Edinburgh. He again stated his claim to overlordship; the Scots agreed to consider it; and Henry IV agreed to leave the country.[31] He was thus enabled to make a dignified departure, but his expedition had clearly failed and Walsingham could summarise it in words descriptive of most English advances into Scotland, 'The Scots would not meet him in battle and after devastating the country, Henry returned home.'[32]

Like his father, John of Gaunt, in 1384, Henry IV returned to Durham to review the northern situation and there in early September, 1400, he drew up an ordinance for the defence of the marches.[33] Sir Henry Percy, as captain of the town and castle of Berwick and warden of the east march, was to control 300 men-at-arms and 600 archers. Sir Richard Grey and Sir Stephen Scrope, joint captains of Roxburgh Castle, were to have 100 men-at-arms and 200 archers. Henry Percy, earl of Northumberland, as captain of the town and

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29. Probably the letters held by the archdeacon of Ross when he was captured in 1400.
30. Chron. Bower, 430; Chron. Pluscarden, 257.
31. Wylie, Henry IV, 138-9.
32. Hist. Ang., ii. 246.
33. Nicolas, i. 124-6; Vespasian, no. 85, f. 97 is a copy of the same agreement but omits the names of the captains.

castle of Carlisle and warden of the west march, was to control 200 men-at-arms and 400 archers. Robert Umfraville, captain of Harbottle Castle, would have 20 men-at-arms and 40 archers; Edward Ilderton, captain of Jedburgh Castle, 30 men-at-arms and 60 archers; and Sir Thomas Grey, captain of Norham Castle, 50 men-at-arms and 100 archers. The king promised to pay these garrisons and ordered payment to the earl of Northumberland and his son, Henry, according to their indentures.[34] His strong measures proved their worth when in late September Sir Robert Umfraville and the garrison of Harbottle Castle routed a Scottish contingent at Carter Bar.[35]

Besides strengthening his position on the marches, Henry IV was concerned to arrange a truce and this he managed to do although only for six weeks, from 9 November to 21 December.[36] On 4 December, 1400 he commissioned his deputies to meet the Scots at Kelso on 21 December to try to extend it.[37] Their negotiations were successful and since the Scots suggested that the bishops and marchers as well as the kings should swear to uphold the truce, Henry IV in early 1401 proposed that they do so after Easter (3 April).[38] He asked for safe-conducts for the English party and said that on account of the lack of time he had granted the earl of Northumberland power to issue safe-conducts to the Scottish party. At the same time relations were tense, for Henry IV instructed his representatives to take a notary with them 'to witness the answer you are given, so that if our adversary refuses to do as the truce requires, it will be seen that we have just and reasonable cause for making war without incurring the wrath of God and the opprobrium of all the world.'[39] Nevertheless having

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34. Vespasian, no. 67, f. 78 and no. 84, f. 96, both undated but probably belonging here.
35. In October Henry IV forbade the earl of Northumberland to release John Turnbull and Richard Rutherford, two of the prisoners taken there. Foedera (O), viii. 162; CDS, iv. 118.
36. Foedera (O), viii. 166.
37. RS, ii. 155; Foedera (O), viii. 167.
38. Hingeston, i. 14-16. The English party were commissioned on 18 March. RS, ii. 156; Foedera (O), viii. 185.
39. Vespasian, no. 96, f. 108.

established the truce until Martinmas, 1401[40] Henry IV opened negotiations for a peace treaty. He commissioned his procurators on 24 March[41] and wanted the meeting to be held in Carlisle[42] but the duke of Rothesay asked for it to be at Melrose, as that was the only place on the east marches able to provide food for the men and fodder for the horses after the devastations of 1400, and he wanted to avoid a meeting on the west marches as the earl of Douglas[43] and others did not want a treaty. He stressed his own anxiety to have peace and suggested the negotiations be held on 25 April.[44] It is not clear that Rothesay held this meeting. The clerk, Alan Newark travelled north for one,[45] but it was probably that held by the earls of Douglas and Northumberland at Chew Green on 16 May, when they agreed on a truce from Martinmas, 1401 to Martinmas, 1402 if their kings and councils would agree. They also agreed to meet again, to clinch the matter, at Kirk Yetholm in October, 1401.[46]

Henry IV agreed that they should hold further negotiations and commissioned his procurators on 1 September.[47] On 29 September the English council discussed the instructions they should be given.[48] They agreed they should negotiate on the points raised by Henry IV when he challenged Robert III at the cross between Leith and Edinburgh, his right to overlordship in Scotland, to homage from the Scottish king, to his service and to his attendance

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40. Implicit in Hingeston, i. 52-6.
41. RS, ii. 157.
42. Nicolas, i. 127.
43. The new earl of Douglas. His father, Archibald, previously lord of Galloway, died probably 24 December, 1400.
44. Nicolas, ii. 52-3. Exchequer Scots Docts, box 96, no. 8 is Robert III's commission to Rothesay to attend the meeting.
45. Exchequer. T. R. Writs and Warrants for Issues, box 18, no. 266. The earl of Northumberland asked Newark to bring with him all the records supporting English claims to overlordship in Scotland. Hingeston, i. 52-6.
46. Hingeston, i. 52-6.
47. RS, ii. 159.
48. Nicolas, i. 168-73; CDS, iv. 122-3.

at the English parliament. If the Scots produced contrary evidence, but which did not satisfy the procurators, they were to try to persuade them to refer the question to a third party for arbitration. They were also to suggest that Robert III should supply Henry IV with 500 men-at-arms, when required, and pay liege homage in return for land in England valued at 1,000 marks or £1,000. If the Scots would not accept any of these conditions for a peace treaty, the English were to suggest a truce, by land and sea, excluding the metes and bounds of the castles and towns of Berwick, Roxburgh and Jedburgh, and on condition that the Scots would not assist the king of France or other of Henry's enemies. If the Scots appeared co-operative, the English ambassadors could also agree to marriages between the nobility of both realms, but if the Scots did not want to intermarry the ambassadors were to agree to extend the truce until November, 1402, provided that the Scottish earl of March was included and that the Scots recognised the English hold on Berwick, Roxburgh and Jedburgh castles and towns. Finally the English were to ask the Scots to pay the remaining twenty-four thousand marks of David II's ransom.

The negotiations were held from 17 to 23 October, 1401.[49] As instructed, the English procurators began by asking that Robert III should 'serve the king of England as his man and liege vassal, as indeed the kings of Scotland had been bound to do from the most ancient times, and so did; or that they should show reason why they were in no way bound to do so.' The Scottish procurators replied that since the king of Scotland had not been bound as the liege vassal of the English king, it was not for them to disprove Henry IV's claim but for him to prove it. The bishop of Bangor therefore requested Alan Newark, the English clerk at the meeting, to recite Englands claims from ancient times to the fifteenth century, and after he had argued the English case from Brutus the Trojan, who supposedly landed in Britain in the days of Eli and Samuel, up to Henry IV's claim, the meeting ended for that day, the Scots promising to bring their counter-proofs to the next session, which

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49. A transcript and translation of their indenture is given in Stones, Anglo-Scottish Relations, 173-82.

would be held the next day in Carham church. In the event, the Scottish 'proof' was to assemble a body of troops outside the church and to demand that the truce should there and then be publicly extended from Martinmas for another year. The English procurators prevaricated, promising to give an answer the next day and the meeting broke up. On the following day the English diplomats proceeded to carry out their instructions, agreeing to make a truce on condition that the Scots would restore the lands and possessions belonging to the castle of Jedburgh, Roxburgh and Berwick which belonged to the king of England. The Scots forcefully rejected these conditions as well as the proposal that a simple truce should be made until 14 January while the procurators returned to Henry IV for further instructions. Again as instructed, the English asked if the Scots would agree to submit the dispute about sovereignty to the arbitration of a third party. The bishop of Glasgow quickly asked if Henry IV was equally willing to submit his right to the crown of England to arbitration and, since the English procurators had not been briefed on this point, the negotiations ended and the two parties returned to consult their respective kings.

The earl of Douglas, however, was not content with consultation. According to the agreement he had made with the earl of Northumberland in May, the purpose of the negotiations was to extend the truce to 11 November, 1402. Instead, the English had used the opportunity to produce the same claims which the king and nobility of Scotland had already rejected and in face of Henry IV's army in August, 1400. As soon as the negotiations ended therefore, Douglas stormed the town of Bamburgh, doing considerable damage in the neighbourhood, and on 1 February, 1402 he wrote an angry letter to Henry IV, accusing the earl of Northumberland of wrecking the negotiations at Kirk Yetholm.[50] Henry IV replied on 27 February.[51] He said he had questioned his procurators and they had assured him that Douglas himself was at fault, since he refused to uphold Richard II's truce,

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50. Hingeston, i. 52-6.

51. Ibid., 58-65.

particularly those points referring to the metes and bounds of castles, or to have a simple truce until after Christmas. Henry IV agreed however to send procurators to Kelso for a further meeting on 10 April, although in fact there is no evidence that such a meeting was held.[52]

In 1402 the duke of Albany and the earl of Douglas mustered forces on the border and the rumour was spread that Richard II was still alive in Scotland, and about to invade England.[53] Beset by the Welsh as well, Henry IV wanted peace with Scotland and so on 18 June set out the terms on which he wished to hold his border castles during a truce lasting several years.[54] He proposed that any Scots inhabiting, cultivating or owning land within a two-mile radius of the town and castle of Roxburgh should hold that land from Henry IV, and the same rule was to apply to land within three miles west of Berwick and from Berwick to the sea, and to land within half a mile of Fast Castle and from the castle to the sea. No Scottish subject was either to live or own anything within these areas without the consent of the English constables; any who did so would be punished according to English law; and during the truce no towns, castles or forts were to be captured, burned, besieged or betrayed. So Henry proposed. The Scots thought otherwise. Seeing Henry's difficulties in Wales as their own opportunity, they crossed the border to invade England, but they had to reckon not only with the English as in 1388 but with the renegade earl of March whom Henry IV had posted in Berwick. Consequently, instead of celebrating a second Otterburn, the Scots were defeated by March, his son and two hundred of the garrison of

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52. Ibid.. The English procurators were commissioned on 17 April and were also commissioned to try to persuade Scottish nobles to change their allegiance (RS, ii. 161; Foedera (O), viii. 251-2 and a reference in Vespasian, C XVI, f. 114), but there is no evidence that the meeting was held.

53. CDS, iv. 128. On 5 June, 1402 Henry IV ordered the sheriffs to arrest anyone spreading this rumour. Foedera (O), viii. 261.

54. Vespasian, no. 16, f. 21 and no. 17, f. 22. It is interesting that Fast Castle, in Berwickshire, is mentioned here and that Jedburgh Castle is not. Possibly the Scots recovered Jedburgh about this time.

Berwick at Nesbit Muir.[55] On the west marches however they had 1,200 troops and were expected to attack again in August, as Henry IV warned his sheriffs.[56] Again when the attack came, in September, the Scottish earl of March proved an invaluable ally, for when the Scots crossed into Northumberland and Durham, March awaited their return in the Till valley and defeated them at Homildon Hill on 14 September, 1402. The earl of Douglas and the duke of Albany's son, Murdach, were captured.[57] In March, 1403 Henry IV granted to the earl of Northumberland the earldom of Douglas, the valleys of Eskdale, Liddesdale, Lauderdale, the lordship of Selkirk and Ettrick Forest and, to the earl of Westmorland, the lordship of Galloway and Annandale and the town and castle of Roxburgh.[58] It seemed as though once more the southern counties of Scotland belonged to England.

In July, 1403, however, the Percies rebelled against Henry IV. Since June, 1402 both the earl and his son, Henry, had frequently complained of lack of pay for their defence of the north[59] and the grant of the Douglas lands, which was only nominal, was no compensation. They quarrelled with Henry IV also about Scottish prisoners and their ransoms[60] and in July, 1403 the captive earl of Douglas and the Percies joined the Welsh against Henry IV.[61] On 23 July however they were defeated at Shrewsbury and Henry IV could again turn his attention to the north. There seem to have been several attempts in late 1403 and in 1404 to prepare for negotiations[62] but it was not until 6 July, 1404 that any were held. It was then agreed, at Pontefract, that there should be a truce from 20 July until Easter (19April), 1405 and that further

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55. Henry IV wrote on 30 June, 1402 to tell his council of the victory. Nicolas, i. 187-8. Chron. Bower, 433-5.
56. Foedera (O), viii. 272-3.
57. Chron. Pluscarden, 260-1; Hist. Ang., ii. 251.
58. RS, ii. 164; Foedera (O), viii. 289.
59. Nicolas, ii. 57-9; Vespasian, no. 73, f. 84; Vespasian C XVI, f. 114 and, for letters in May and June, 1403, Nicolas, i. 203-4.
60. Foedera (O), viii. 278-9; CDS, iv. 129.
61. CDS, iv. 132.
62. RS, ii. 164-6; Foedera (O), viii. 321, 345.

negotiations should be held at Hadden on 8 October, 1404 to discuss certain clauses in the 1398 agreements which seemed 'Obscure and Derke to the understandyng of sume Men'.[63] These negotiations were held[64] although there is no evidence of what decisions were made and violations of the truce continued on both sides. The Scots made frequent, even daily attacks on England[65] and in January, 1405 there was an outcry from Robert III himself,[66] from the duke of Albany,[67] from the bishop of St Andrews,[68] from the earl of Crawford[69] and from David Fleming[70] when the English captured a valuable merchant ship belonging to St Andrews. The Scots obviously had much to lose at sea, especially as the French were not presently hostile to the English. On his side, Henry IV seems to have accepted that the southern Scottish counties were not his for the asking and that the most he could hope for was a recognition of his rights in the areas he still held. When he next commissioned his procurators on 5 March, 1405 he instructed them to press the arguments about these places. They were to require the Scots to observe the truce as agreed at Lenlinghen in 1389; to redress all violations against it, but in particular to demolish all castles and fortresses built since 1389; and to demand that the Scots living near castles held by the English should pay their dues, as the truce had directed.[71] These negotiations should have been held at Hadden on 24 March but the Scottish party did not arrive,[72] possibly because they had already opened negotiations with the earl of Northumberland and Lord Bardolph, then planning a further rebellion against Henry IV.[73]

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63. Foedera (O), viii. 364.
64. Antient Kalendars and Inventories of the Treasury of His Majesty's Exchequer, ed. F. C. Palgrave, ii. 71.
65. Mentioned in Excheq. T. R. Writs and Warrants for Issues, box 20, no. 304.
66. Hingeston, ii. 11-12.
67. Ibid., 6-7.
68. Ibid., 12-14.
69. Ibid., 3-5.
70. Ibid., 7-10.
71. RS, ii. 173-4; Foedera (O), viii. 384-5; CDS, iv. 141.
72. Hingeston, ii. 38-40.
73. Nicolas, i. 259-63.

On 28 May, 1405 Henry IV informed his council of this rebellion[74] and in early June John of Lancaster reported that Northumberland, lord Bardolph, the earl of Orkney and a large number of Scots were living in Berwick Castle and plundering the town.[75] Henry immediately went north. His arrival outside Berwick prompted Northumberland and Bardolph to flee into Scotland and Henry demanded the surrender of the castle. The garrison's refusal was answered by a burst of cannon and, as part of a turret crumbled to the ground, the terrified inhabitants threw themselves on Henry's mercy.[76] He captured Warkworth Castle in the same way,[77] but although his drastic measures asserted his authority in his own kingdom, they aggravated his problem of northern defence, as they left the walls of Berwick literally open to the Scots. In a letter dated 28 December, 1405 John of Lancaster told the English council of the distress of the Berwick garrison because of lack of pay and vulnerability to Scottish attack.[78] On 7 February, 1406 Henry IV commissioned his procurators to treat with Scottish procurators having sufficient power from Robert III 'de veris et firmis treugis ac guerrarum sufferentiis et abstinentiis generalibus vel particularibus tam per terram quam per mare seu de treugis nuper inter nos et adversarium nostrum predictum sub certa forma habitis prorogandum'[79] and it was probably about this time also that the English council discussed some remedies proposed by John of Lancaster for the better defence of the border and the maintenance of the truce.[80] John reported that robberies, cattle raids and other

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74. Ibid., 264-5, a printed copy of Vespasian, no. 121, f. 134. Vespasian, no. - (uncatalogued), f. 122 is a duplicate.
75. Hingeston, ii. 61-3; Chrimes, 17. John of Lancaster had been appointed warden of the east march on 6 August, 1403. RS, ii. 164.
76. Hist. Ang., ii. 271.
77. Nicolas, i. 275-6.
78. Chrimes, 19-20.
79. RS, ii. 177; Foedera (O), viii. 430.
80. Nicolas, ii. 91-6; Chrimes, 7. Noticeably, there is no mention of Jedburgh Castle.

acts of war were going unpunished; that the Scots were doing so much damage around the castles of Berwick and Roxburgh that the soldiers' horses were starving, that the fisheries were useless because the Scots had destroyed or stolen their boats and tackle; and that no reparations were being made because there were no 'conservators'[81] and these ought to be appointed immediately. The disorder on the marches was to be expected in view of the Percies' rebellions but what is of greater interest for the present purpose is that although there is no evidence of truce-negotiations being held in 1405, both Henry IV's commission in February, 1406 and the Council minutes of about the same time indicate that there was a truce in existence, by both sea and land, probably until Easter (11 April), 1406. The point is important because in early 1406 Robert III sent his son, James, to France and on the way, on 22 March, he was captured by English pirates and delivered to Henry IV. He, in spite of the truce, detained him in England as a prisoner.[82] Thus when Robert III died in Rothesay Castle on 4 April, he was succeeded nominally by his son, James I, but in practice by his brother, the duke of Albany. James I remained a prisoner until 1424. From his accession in 1406, therefore, until 1424 Anglo-Scottish relations followed a new but familiar course of prolonged negotiations for the Scottish king's release and ransom, while the Scots tenaciously clung to their independence and doggedly continued their efforts to recover the towns and castles of Berwick and Roxburgh.[83]

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81. It is difficult to know what the term means in this context. Generally it refers to the official witnesses of a truce who guaranteed at its negotiating that a truce would be maintained. Here it possibly means commissaries who conserved the truce in the sense that they granted reparations for any violations.

82. The problem of whether or not there was a truce when Prince James was captured is discussed by E. W. M. Balfour-Melville, 'The Captivity of James I', SHR, xxi (1924), 45-53. The chroniclers, both Scottish and English, appear to agree that there was, although Walsingham says it was by land only. The documentary evidence is not conclusive, although it does suggest that there was a truce.

83. In 1438 Scots and English around Berwick and Roxburgh were still quarrelling about cattle-grazing. (Foedera (O), x. 695). Roxburgh was finally recovered by the Scots in 1460. Berwick was regained in 1461 but lost in 1482.

CHAPTER FIVE

CONCLUSION

The reigns of Robert II and Robert III form one of the more obscure periods in Scottish history and this obscurity has also covered Scotland's relations with England. Scottish historians have shown little interest in this period partly because, comparatively, there is a dearth of evidence and partly perhaps because the bleary-eyed Robert II, as described by Froissart, and the crippled Robert III have not offered the same personal attraction as other kings, such as Robert I or James IV. Robert II was already fifty-five when he became king in 1371 - in fact he was then older than his predecessor, David II - and he was seventy-four when he died. Robert III was fifty-three and already a cripple when he succeeded his father in 1390 and he reigned for sixteen years. As a result, the thirty-five years of their combined reigns necessarily formed a period of elderly and even inept monarchy, during which on occasion government had to be attended to by the senior nobility rather than by the king himself. Consequently, a study of even domestic administration and politics within this period would be beset by many difficulties, so that understandably a study of Anglo-Scottish relations at this time has been neglected in favour of those in other more obviously exciting periods. On the English side, although the period from 1371 to 1406 has not been neglected, little attention has been given to relations with Scotland. English historians have devoted considerable study to constitutional issues throughout these years and to the economic and social implications of the Peasants' Revolt in 1381, but the battles of Otterburn, Nesbit Muir and Homildon Hill have been practically dismissed merely as further demonstrations of the general lawlessness of the border areas, and the less obvious aspects of Anglo-Scottish relations have been mainly ignored. From both sides therefore Anglo-Scottish relations from 1371 to 1406 have remained largely unexplored, and yet a close study of those relations reveals not only that the period is interesting for its own sake but also that the early development of various diplomatic institutions which achieved exceptional importance in later years did in fact take place in these two reigns.

Anglo-Scottish relations in the reigns of Robert II and Robert III were inevitably conditioned by past events and traditional problems remained constantly evident throughout the period. One of these was the problem of the border-line. Superficially, there was no problem, as the frontier had been clearly defined in the treaty of York in 1237 but in fact a problematical situation had arisen since the troubled days of the Great Cause and Edward I's selection of John Balliol as king of Scotland. In the late thirteenth and fourteenth centuries the English king had occupied much of the Scottish Lowlands and although Robert I in 1328 managed to enforce a retraction on the English side in the treaty of Edinburgh-Northampton, the English agreed to this treaty only because of their grave internal disorders and during the minority of their king, Edward III. He, on achieving his majority, seized the opportunity afforded by Edward Balliol's bid to depose the child David II to reject the treaty and to receive from Edward Balliol the Scottish southern counties. Because King John Balliol had never been formally deposed and had not abdicated, many considered his son the rightful king and therefore entitled to give these lands to the English king. Consequently, although Edward Balliol did not succeed in supplanting David II, after 1333 while the vast majority of Scots held that the 1237 line was the true border, the English maintained it was to the north of the Scottish border counties. Between 1341, when he returned from asylum in France, to 1346, when he was captured at the battle of Neville's Cross, David II recovered much of this border territory but his eleven years' imprisonment after 1346 enabled the English to maintain their hold on a considerable amount of Scottish land, which David II was not able to regain in entirety between his release in 1357 and his death in 1371, although he and a few individual Scottish nobles did manage to arrange that the rents and profits in some occupied areas should be divided between themselves and the English holders. As a result, Robert II in 1371 inherited a very complicated border problem. At first he was sagacious enough to bide his time and to implement the terms of the 1369 truce of Durham, but when Edward III died in 1377 leaving the child Richard II as his heir, Robert II and his nobles seized the opportunity to abandon the truce, the king in ceasing payment of David II's ransom, the nobles in recovering

their lands. They had such success that the chronicler Bower could later relate that when Robert II died 'reliquit Scotiam in maxima libertate et pace opulenta, ita quod nihil in manibus Anglorum proprietatis Scotiae abs aqua de Twede remansit, tribus castris exceptis Berwic, Jedwod et Roxburgh.'[1] But even in 1390 the border problem was far from solved, quite apart from the fact that the English still held Berwick, Roxburgh and Jedburgh, for although the Scots reoccupied most of their border territories, the English still claimed them. To be fully independent therefore the Scots must persuade the English to recognise Scotland's territorial integrity, preferably as defined in 1237 and at least in existence in 1390. Consequently, about this time there was considerable disagreement, voiced at negotiations and expressed in royal correspondence, about where meetings should be held on the border since neither side would accept the border-line as defined by the other. It says much for the diplomatic tenacity of Robert III, or of his advisers, that by 1391 England had conceded that negotiations could be conducted at Birgham near the 1237 border-line and that in 1398 negotiations were held at Hadden practically on the border-line in the east and at the Lochmaben Stone beside the Solway in the west. Henry IV's unsuccessful attempt in the early months of his reign to remove negotiations back to the areas of Liliot Cross in Roxburghshire and Ayton in Berwickshire, which had been used in Robert II's reign, merely served to accentuate England's chagrin at her diplomatic defeat, while in the opening years of Henry IV's reign Scotland's recovery of Jedburgh left England in possession of only two border fortresses, Roxburgh and Berwick, both of them constantly besieged by the Scots.

Closely connected with the problem of Scotland's territorial integrity was that of her independent status. This problem too was of long duration and also found its most recent impetus in the kingship of John Balliol who had recognised Edward I as his overlord.

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1. Chron. Bower, 415.

Then in 1306 Robert I in forcibly assuming the kingship in Balliol's absence simultaneously rejected Edward I's superiority. Until 1328 the English king could deny Robert I's title, on the grounds that Balliol had not abdicated, had not been formally deposed and also had a son. Robert I therefore was a usurper with no title to kingship. But in 1328 the English in the treaty of Edinburgh-Northampton recognised Robert I as the king of an independent country and about the same time the pope granted Scottish kings the right to be anointed, an indication of their sovereignty. When Edward III rejected the treaty of Edinburgh-Northampton, therefore, he could not so easily reject the Scottish king's title. In practice, of course, for the sake of gaining the Scottish southern counties from Edward Balliol, he did so but once he had possession of these areas he showed little further interest in Balliol's cause and when, after 1346, he had David II in the Tower of London, he had no hesitation in asking for the ransom of a king. Nevertheless he withheld the title in any official documents and although the truce of Durham in 1369 did in fact refer to David II as 'le Roy d'Escoce', English chancery documents did not normally do so. The problem was therefore still existent when Robert II became king in 1371 and was emphasised in the ransom negotiations in 1372 when the Scottish envoys refused a quittance because it did not refer to Robert II as king. Edward III however continued to refuse his recognition and throughout their reigns Robert II and Robert III were invariably referred to in English chancery documents as either the king's kinsman or his adversary. On the other hand, to a great extent the problem had become merely theoretical. To all intents and purposes Scotland was a sovereign state. In her negotiations with England she parleyed as an equal. In 1398, for example, the earl of Carrick was created duke of Rothesay to enable him to negotiate on equal terms with the duke of Lancaster, and in indentures drawn up by both sides at the end of their meetings the Scottish principal was always referred to as king. Although England might in principle continue to ask for homage, military service and attendance at the English parliament from the Scottish king, prelates and lords, she no longer expected, as Richard II explained to his procurators in 1394, to receive these attentions. Only Henry IV in 1400 seriously demanded them and thus evoked Robert III's reminder that there was

a treaty of Edinburgh-Northampton. Whereas, therefore, David II's position in 1329 had been precarious, Robert II's in 1371 was unchallenged from England and by 1390 the Stewart dynasty had been recognised as the Scottish royal house by both Scotland and England. Its supremacy was so well established by 1406, in spite of the personal difficulties of Robert II and Robert III, that the duke of Albany, ruling Scotland for the imprisoned James I, might call himself governor but never dared call himself king, while, on the English side, for the rest of the middle ages no English king ever thought he could become king of Scotland too, although occasionally and for ostentation he might, like Edward IV in 1462 or Henry VIII in 1513, claim overlordship.

Nevertheless, this practical vindication of Scottish claims was far from clear in 1371 and indeed at that point the traditional instability in Anglo-Scottish relations was emphasised by Robert II's inheriting a truce rather than a treaty, with all the day-to-day problems that the agreement aroused, and also by the exploratory overtures made to him by Charles V of France, anxious to enlist Scotland's help against England. The influence of France in Anglo-Scottish relations cannot of course be ignored at any period, especially after 1295, and it was certainly felt between 1371 and 1406. Probably, however, it was less important in these years than at any time since 1295, partly because Robert II and Robert III were not personally warrior-kings and partly because Richard II was anxious to have peace with both France and Scotland. Robert II did not co-operate in Charles V's plans in 1371 and although there were French forces in Scotland in 1384 and 1385 their part in Anglo-Scottish relations was negligible. It would probably be true to say therefore that in contrast to the belligerent influence that France had had over Scotland in former times, at this period it was directed rather to promoting more peaceful relations particularly after 1389 when France had a peace with England in which Scotland could join. The papacy also was a less contentious influence in Anglo-Scottish relations in these years than it had been previously, not because it was actively promoting peace but for the opposite reason that the great schism in the Church provided both Scotland and England with a 'papal' champion and therefore rendered void the efforts of either. The Lord of the Isles likewise had little

influence on Anglo-Scottish relations in this period partly perhaps because of the marriage-relationship with the Scottish royal family and partly because, in spite of the trading agreement between them, no English king in these years was sufficiently aggressive to plan a campaign against Scotland involving the Lord of the Isles as a useful ally. The only instance in the two reigns when the English took advantage of their friendship with the Lord of the Isles to injure the Scots seems to have been in 1382 when Liverpool merchants ostensibly trading with the Isles damaged Robert II's property on Arran or Bute. Thus on the whole France, the papacy and the Lord of the Isles bore only peripheral importance in Anglo-Scottish relations between 1371 and 1406. The really significant features were events, changes in attitudes and developments in institutions within the two countries themselves, and these mirrored the answers that Scotsmen and Englishmen living at the time were trying to give to the perennial problems which beset their countries. The daily evidence of these problems was of course seen in every form of communication. Two countries in such close proximity as Scotland and England and whose people spoke practically the same language, especially on the marches where most communications took place, could not avoid having close associations and these continued throughout the period. Scottish merchants were frequently permitted to trade in England and vice versa; Scottish students were admitted to the universities of Oxford and Cambridge; and Scottish pilgrims were allowed to visit the shrine of St Thomas in Canterbury. On the border, as the commissaries pointed out in 1398, it was impossible to separate Englishmen from Scotsmen. Frequent interchanges, however, meant also the possibility of frequent disagreements, particularly, again, on the marches, and therefore because this was a period of truce, which was often violated, it also became a period of intense diplomacy, so intense indeed that the developments which took place in these reigns perdured to the end of the middle ages. Paradoxically, however, these diplomatic developments took place not because the long period of truce provided the milieu for improvement but because serious threats to the existence of the truce demanded more rigorous means of enforcement. Thus in the first six and a half years of Robert II's reign, when there was little threat of the truce's breaking down, there was only one

development of major importance: the appearance of the commissaries in 1373, and their office was instituted because the wardens' own quarrels were preventing the proper redress of grievances for other borderers. Then in 1377 the truce was flagrantly violated by both sides and disturbances became more widespread in 1378. Accordingly, procurators were introduced into Anglo-Scottish relations for the first time in this period in order to try to re-establish the truce on the new basis of a marriage-alliance. When these efforts failed to restore order, John of Gaunt, Richard II's uncle and a man of experience and prestige who would be responsible directly to the king, was appointed his lieutenant on the marches. Thus a new diplomatic development took place. Gaunt's position was unique in that he combined in his rank the status and powers of a warden of the marches and a procurator with the additional authority to negotiate in his own right. If the wardens, commissaries and procurators already engaged in Anglo-Scottish relations had had more success, Gaunt would not have been needed. It was only because they were unable to cope with the numerous violations of the truce that his office was called into existence, and it remained in existence only until the English king and council devised a new scheme for defending the border and maintaining the truce. This new scheme, payment of the wardens of the marches according to indentures, was probably the most important diplomatic development between 1371 and 1406 and it coincided with what were probably the most difficult years in Anglo-Scottish relations in the two reigns, for, although in 1380 and 1381 John of Gaunt arranged that the 1369 truce should be allowed to continue as originally intended until February, 1384, tension inevitably increased as Candlemas, 1384 drew near. The Scots prepared for it so well that within two days they had captured Lochmaben Castle and razed it to the ground. Yet responsible people on both sides of the border could not rest content while robberies, murders, pillages and other forms of violence went unchecked. A new truce must be arranged. Consequently, the wardens of the marches were empowered to negotiate short truces, and as a result in 1385 at the Solway and in 1386 at Billiemyre the various wardens of the marches arranged short truces. Thus tension on the border and anxiety to restore order had led to a further

development in the diplomatic powers of the wardens. Another diplomatic development took place from 1389 when disputes about the meeting-places necessitated the introduction of deputies, and in 1398 the wardens' apparent half-heartedness in enforcing the truce led to the reintroduction of the commissaries under John of Gaunt, also reappointed as the king's lieutenant on the marches. Thus throughout the period various developments took place in the conduct of Anglo-Scottish diplomacy, largely because of anxiety to preserve the truces rather than because they permitted scope for experimentation. Nevertheless, by 1406, and on the English side in particular, these developed institutions had become so integral a part of the king's government of the marches that they were recognised as the normal means of diplomatic communication, and the new English wardenship especially remained the basic administrative vehicle on the border until the union of the crowns in 1603.

Thus the reigns of Robert II and Robert III were years of solid diplomatic achievement, while from the more general view of the course of Anglo-Scottish relations Scotland's attrition and diplomacy enabled her to recover territory, affirm her independent status and establish a position with regard to England which remained unshaken for the rest of the middle ages.

APPENDIX A

DAVID II'S RANSOM

Scotland's obligation to pay England a ransom for David II sprang initially from the truce of Berwick in 1357, by which David, imprisoned in England since his capture at Neville's Cross in 1346, had been freed for a ransom of one hundred thousand marks to be paid in yearly instalments during a ten years' truce.[1] Only two payments were in fact made, so that in 1365 when a new truce was made, eighty thousand marks were still owing. According to this new agreement, the Scots would pay a total of £100,000 at a yearly rate of £4,000 over twenty-five years.[2] In 1369, however, another truce was made, by which the Scots would pay fifty-six thousand marks, the amount still owing from the original 1357 one hundred thousand marks, in yearly instalments of four thousand marks over a fourteen years' truce beginning in February, 1370.[3] The amount, in gold, silver or the equivalent, was to be paid at Berwick, Norham or Bamburgh each Candlemas. In June, 1370 however, when one instalment had been made, Edward III and David II agreed that in future the money should be paid at midsummer.[4] When David II died in February, 1371 the obligation to pay his ransom, according to the truce of Durham, fell to Robert II. The ransom negotiations continued to be held each year at the same time and followed an easily discernible pattern.

As the annual payments were due on 24 June, in early June each year from 1371 to 1378 the English chancery issued the necessary documents to the various people concerned in the negotiations, and these documents were enrolled on the Scotch Rolls.

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1. RS, i. 811-4.
2. Ibid., 894-5.
3. Ibid., 934-5.
4. Ibid., 938.

They included a safe-conduct for the treasurer of Scotland to come to Berwick, where the payments were always made; a general commission to the keeper and the treasurer of Berwick, the sheriff of Roxburgh and the sheriff of Northumberland to go to Berwick to collect the ransom; a commission to the English teller of receipt to count and assay the amount; an individual commission to the sheriff of Northumberland to convey the payment from Berwick to York; a similar commission to the sheriff of Yorkshire to take it from York to London; and a quittance to be given to the Scottish party in exchange for the amount.[5]

The first of these standard documents, the safe-conduct, issued each year in favour of the Scottish chamberlain, followed the usual pattern of a safe-conduct in the late fourteenth century. Written in Latin and generally without a note of warranty, it began by naming the recipient, who was Walter Bygar from 1371 to 1377, and granted him leave to come to Berwick with his retinue and to stay there until 1 August.

The seven general commissions were also identical, in French and issued under the great seal. Each began by addressing the commission to the keeper of Berwick,[6] to the treasurer of Berwick,[7] to the sheriff of Roxburgh,[8] and to the sheriff of Northumberland.[9] Each commission stated that Edward III by letters patent had commissioned his teller[10] to count the four thousand marks which Robert II would pay on 24 June in part payment of David II's ransom. Each commission, too, charged the recipients to go to Berwick to witness the delivery of the payment, to give Edward III's quittance to Robert II's party and to convey the amount from Berwick to York. There they were to give it to the sheriff and mayor of York, who would, in turn, be responsible for taking it to London.

The commissions to Beaufeye and his successors were also in

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5. Examples of all these documents may be found in RS, i. 944-5.
6. Peter, lord Mawlay in 1371 and 1372; Thomas, lord Musgrave from 1372-7.
7. John Bolton from 1371 to 1376; Thomas Ilderton in 1377.
8. Alan Strother throughout.
9. Never named in the commissions.
10. William Beaufeye, a Carmelite friar, from 1371-4; Robert Woburn in 1375; Thomas Durant in 1376 and 1377.

French and issued under the great seal and each instructed the recipient to go to Berwick 'nombrer, accompter, trier et poiser' the four thousand marks received from the Scots.

The individual commissions to the sheriffs of Roxburgh and Northumberland were in Latin and bore no note of warranty. They informed the recipient that he had been appointed, with the keeper and treasurer of Berwick, to go to Berwick and to receive there on 24 June, in the king's name, four thousand marks sterling from Robert II and to bring the amount from Berwick to York, where they would give it to William Melton, sheriff of Yorkshire throughout these seven years, and to the mayor of the city of York. The commissions issued to these latter were also in Latin and without a note of warranty. They told the recipients to receive the four thousand marks from the sheriffs and, with William Beaufeye or his successor, to convey the amount to London.

Finally, the quittance, which was in French and normally warranted 'Per ipsum regem',[11] also followed a standard pattern. It acknowledged the English king's receipt of the appropriate amount and quit Robert II of any further obligation to pay that sum. The uniformity of all these documents throughout these seven years sug ests that they were issued each year as a matter of routine, and therefore their enrolment on the Scotch Rolls does not necessarily mean that payment was made. Fortunately, however, although these documents probably were issued and enrolled as a matter of course, it is still possible from the documents themselves to know when payments were made and when they ceased, for each commission, the general commission to the four English officials,

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11. In 1371 and 1377 it was issued under the great seal. It obviously had to be prepared in advance for the English to take with them to Berwick and therefore was issued with the other pertinent documents. When payment was refused, the quittance was returned to chancery and entered on the Scotch Rolls with a note, 'Vacated because sent back and nothing was done'. This happened in 1378 (Chancery, Scotch Rolls, roll 58, m. 5; omitted from RS, ii. 10), in 1379 and 1380 (CDS, iv. 58) and in 1391 (Chancery, Scotch Rolls, roll 70, m. 4; omitted from RS, ii. 109).

the individual commissions to the sheriffs and the commission to the teller, stated a) the original debt, b) how much was still owing and c) how much was to be paid then. Thus in 1371 the English party were told to collect four thousand marks of the fifty-two thousand marks still owing of the fifty-six thousand marks to be paid as David II's ransom. In 1372 they were to collect four thousand marks of the forty-eight thousand still owing of the fifty-six thousand agreed upon in 1369. These details were given each year, until in 1378 the documents recorded a debt of twenty-four thousand marks. Clearly, payment had been made each year from 1371 to 1377. Then, in February, 1379 diplomats were again appointed to collect four thousand marks of the twenty-four still owing and in September, 1380, December, 1383, December, 1389 and March, 1391 further diplomats were appointed to receive the same amount.[12] No payment, therefore, had been made since 1377, and these twenty-four thousand marks had still not been paid by 1401, when procurators were told to ask for them.[13]

The commissions are the documents basic to the ransom negotiations but other supplementary documents also remain to delineate more clearly how Anglo-Scottish financial diplomacy was conducted. According to an entry on the Issue Rolls,[14] William Beaufeye, commissioned on 6 June, 1374, left London on 7 June. He carried with him the safe-conduct which chancery had issued in favour of Walter Bygar on 4 June. Beaufeye was accompanied by two valets, for whom he was paid 12d per day. They reached Newcastle about 19 June. There they hired three horses to take them to Berwick and from Berwick, which they probably reached about 22 June, Beaufeye sent on one of his valets into Scotland with the safe-conduct for Walter Bygar. At the meeting, due to be held on 24 June, the two parties exchanged their general commission, as was customary at negotiations.[15] Beaufeye probably

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12. RS, ii. 13, 23, 56, 101-2 and 110.
13. CDS, iv. 122-3; Nicolas, i. 168-73.
14. CDS, iv. 48.
15. Copies of Edward III's general commissions in 1371 and 1372 are contained in the Black Book, ff. 32 and 33, as are copies of the two quittances for 1372, f. 34; Parl. Recs, i. 119-20, 126 and 128 The quittance for 1375 is preserved amongst the Treaties, 1369-1375, in the SRO.

left Berwick about 27 June, as he returned the three horses in Newcastle ten days after he had hired them.

When the transactions were ended, the Scottish party returned with the English general commission and the quittance. The English party still had to convey the money, or at least part of it, to London. The formalities and safeguards employed in this part of the negotiations are exemplified in four documents, dated 1377, which are contained in a pouch preserved in the exchequer records.[16] The first document is the individual commission to the sheriff of Northumberland, on which he based his claim for his expenses. It stated that with Thomas Musgrave, Thomas Ilderton and Alan Strother he was responsible for receiving the instalment in Berwick, in English money or gold or silver to the requisite value, and for bringing it from Berwick to the city of York, where he was to give it to William Melton and the mayor of the city. According to the second document, an indenture, the English officials were still in Berwick on 1 July, where the sheriff of Northumberland, now named as Sir Robert Umfraville, drew up an indenture with Musgrave and Ilderton to testify that they had given him 2,000 marks of David II's ransom. Two of the three men appended their seals to the indenture. Umfraville proceeded to York with the 2,000 marks and there on 27 December he drew up another indenture, the third of the documents in the pouch. This indenture testified that Umfraville had delivered to Sir William Melton and to the mayor of York, 2,000 marks in English money, as part payment of David II's ransom, for them to take to London according to their instructions. Umfraville, Melton and the mayor all appended their seals. Umfraville's account is the remaining document in the pouch. He asked for payment for his journey to Berwick to receive the money and for his journey to York. He listed the details: on 25 June he had left the town of 'Fernages' in the bishopric of Durham and had spent two days travelling to Berwick. There he had delayed four days waiting for the

16. Exchequ. Various Accounts, bundle 34, no. 28.

Scottish party. He spent another four days conveying the two thousand marks from Berwick to York and he spent a day there, 5 July, while formally handing over the money to Melton and the mayor. It took hi another two days to return to 'Fernages', where he stayed two days before returning to Berwick. For his own expenses and those of twenty men and one horse from Berwick to York and back, he was paid £18 - 7 - 0.[17] Possibly the remaining two thousand marks were not taken to London but used to finance the king's activities in the north, such as paying the garrisons of castles. On 20 June, 1372, for instance, Edward III ordered the sheriff of York to pay £68 - 4 - 0 of the four thousand marks to Henry Percy before despatching the rest to London.[18]

Although the Scots paid no further instalment of David II's ransom after June, 1377 the English continued to ask for it. Since the 1369 truce was not due to expire until February, 1384 several attempts were made, at least from the English side, to renew it. Understandably, however, by 'renewal' the English meant that the Scots would acknowledge their obligations as agreed in 1369, one of which was to pay the ransom of David II. Thus when negotiations were held in March, 1379[19] and in October, 1380[20] the English party asked for David II's ransom, but on each occasion the Scots refused. Then, in June, 1381, possibly because he was anxious the Scots should not attack England during the Peasants' Revolt, Gaunt, acting as Richard II's lieutenant on the marches, agreed not even to ask for the ransom until the end of the truce in 1384.[21] The truce over, in May, 1384 Richard II

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17. The horse was probably for himself. The twenty men were probably men-at-arms and archers and possibly carters. M. C. Hill, The King's Messengers, 1199-1377 (1961), 93-4 describes how a sum of £4,000 was conveyed from London to Carlisle in 1307. The coin was loaded into four carts, each drawn by five horses and guarded by twelve men-at-arms and sixteen archers. The journey took about twelve days.
18. Chancery, Scotch Rolls, roll 51, m. 3, omitted from RS, i. 950.
19. Exchcq. Scots Docts, no. 1527.
20. CDS, iv. 64-5.
21. Foedera (O), vii. 314-5. For Richard II's ratification, dated 30 August, 1381, RS, ii. 39.

renewed the demand.[22] The Scots refused. Richard asked again in December, 1389[23] and was again refused.[24] He asked again in 1390,[25] in 1391[26] and in 1394[27] but always without success. As late as 1401 Henry IV also asked for the ransom[28] but did not, of course, receive it. When Robert III died in 1406, the Scots still owed twenty-four thousand marks of David II's ransom, the same sum as at the beginning of Richard II's reign.

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22. Ibid., 62-3; Foedera (O), vii. 431-2.
23. Ibid., 101-2; ibid., 651-2.
24. Ibid., 102; ibid., 652-3.
25. Nicolas, i. 27-33.
26. RS, ii. 110.
27. Vespasian, no. 25. f. 31.
28. Nicolas, i. 168-73.

APPENDIX B

BORDER MEETING-PLACES

Between 1371 and 1406 various grades of diplomats held negotiations on the Anglo-Scottish border, and in particular the wardens of the marches, the commissaries and the procurators. Since one of the main functions of the wardens was to hold march days to redress violations against the truces, the task of holding border negotiations fell most frequently to them and was considered so integral a part of their work that they seem to have been responsible for arranging the details for themselves. The commissaries however, who supplemented the work of the wardens but unlike them were not resident on the border, were generally told in their commissions where and when their meetings were to be held.[1] Similarly the procurators, who for most of the period were comparatively infrequent visitors to the border, received detailed instructions in advance about the place and time of their negotiations. Consequently, part of the preparation necessary for a meeting between commissaries or between procurators was to send a preliminary deputation to arrange the time and meeting-place, although sometimes these details were decided at the previous negotiations or by correspondence between the Scottish and English kings. If, as was sometimes the case, they had not been decided at the time when the commissions were enrolled, the commissaries were told to go 'ad certos dies et loca',[2] and the arrangements were completed after the issue of the commission. In Robert II's reign there were three areas where meetings were commonly held: at 'Liliot Cross', probably in Roxburghshire, used

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1. On 26 May, 1373 for example Edward III told his commissaries to meet the Scottish party at Liliot Cross on 27 June. RS, i. 958; Foedera (O), vii. 9-10.
2. For example on 25 July, 1373. RS, i. 960.

by wardens of the marches, commissaries and procurators; at the 'Water of Esk' in Dumfriesshire, apparently used only by wardens of the marches; and at Ayton in Berwickshire, used only by procurators. In Robert III's reign places on the west marches were given greater prominence by both wardens of the marches and commissaries, but the two more eastern areas were superseded by the 'Hawdenstank' area, 'Gamelspath' and 'Redeswyre' for all negotiations. Before the full significance of this change of emphasis can be appreciated, it is necessary to locate precisely where all the meeting-places were, a difficult task for, as D. MacPherson said almost two hundred years ago, 'Nothing can be more distressing to a reader of history, than the difficulty, frequently insuperable, of discovering the situation of places, where the events recorded have happened. Many of them having no importance but what they derive from history, or having now sunk from their ancient dignity into obscurity, are not to be found in modern general maps, or in any maps whatsoever.'[3] His words might have been written with special reference to Anglo-Scottish meeting-places in the reigns of Robert II and Robert III! Yet if these diplomatic haunts could be rescued from obscurity, a little more light would be cast not only on medieval topography but also on the substance of Anglo-Scottish relations in these two reigns.

Unfortunately, not even Liliot Cross, specified in the English commissions at least twelve times between 1371 and 1383 and possibly used in 1373, 1375, 1380 and 1381, when the commissaries were directed merely 'ad certos dies et loca', can be located with certitude. H. D. Gauld associated it with Ancrum Moor, north-west of Jedburgh, 'The tradition about the Maid of Lilliard on Ancrum Moor may or may not be authentic but there was a place of rendez-vous here called 'Lylliot', at which the wardens of the borders met to discuss the settlement of frontier affairs.'[4] Gauld's

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3. D. MacPherson, Geographical Illustrations of Scottish History (1796), preface.
4. H. D. Gauld, Brave Borderland (1935), 187.

opinion was corroborated by G. Watson, 'An important wayside cross stood medievally where the Roman road approached or crossed the culminating point of Lilliard's Edge. Distinctly named 'Lylliot Cross' as early as 1372, this cruciform structure was the subject of many mentions between 1372 and 1383, during which period it is often specified as a meeting-place.'[5] The supposed grave of the maid of Lilliard, who fought 'upon her stumps' at the battle of Ancrum Moor in 1542, and whose story F. R. Banks has described as 'wholly fanciful',[6] lies on the northern side of Lilliard's Edge and beside the Roman road, Dere St. Possibly the medieval Liliot Cross was on the spot where the grave is now, and perhaps, even, the base of the cross is below the grave, a nineteenth century structure, having been mistaken by the maid's admirers for a mutilated gravestone. It is certain that Liliot Cross was at least near Lilliard's Edge, for it was occasionally closely associated with two other places in the area: Maxton and 'Morehouslaw'. Maxton is still on the map, within five miles of Melrose and slightly east of Dere St. 'Morehouslaw', 'Morchouslawe' or 'Morchouslaw' is Muirhouselaw, slightly north east of Dere St. and south east of Maxton. In 1383 negotiations which began at Liliot Cross on 2 July were continued at Muirhouselaw from 3 to 10 July.[7] It would therefore seem that Liliot Cross should be identified as a place on Lilliard's Edge and possibly more precisely as the site of the maid of Lilliard's gravestone. This whole area offered an ideal arena for Anglo-Scottish negotiations. Commanding an open view of the surrounding countryside, it is only about six miles along Dere St to Melrose Abbey, where the Scottish diplomats appear to have stayed,[8] and

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5. G. Watson, 'Wayside Crosses of Roxburghshire', Transactions of the Hawick Archaeological Society (1943), 3.
6. F. R. Banks, Scottish Border County (1951), 73.
7. Foedera(O), vii. 403.
8. The Exchequer Rolls often refer to meetings at Melrose but never at Liliot Cross. The English records never mention Melrose. Unfortunately it is not possible to clinch the matter by supplying a Scottish and English record of one particular meeting.

eight to Kelso, while Roxburgh and Jedburgh are within easy distance.

The advantage of a Roman road also applied to the Ayton area, where Ayton, Coldingham,[9] 'Abchestrelaw' and 'Bilingiemyre' were used. 'Bilingiemyre' is probably Billiemyre, which was used in 1386 for truce negotiations and is near Ayton. 'Abchestrelaw' or 'Abchestre' as it was spelt in 1381 when it was closely associated with Ayton, may be equated with Habchester and this in turn can be identified as the present day Bastleridge in the parish of Ayton.[10] According to D. H. Gauld, 'A ramification of the Roman road which ran from Watling St northwards into Scotland is believed to have passed the base of Habchester', so that the Ayton area, like that of Liliot Cross, was easy to reach from England.

There is little problem in identifying the 'water of Esk beside Solway' where the wardens of the marches drew up a truce in 1385.[11] It was probably the 'Sulwath' or 'Solway' mentioned in the border laws in 1249 and was the most important ford across the Solway at Eskmouth.[12] Similarly, the places frequently used in Robert III's reign are easily located. 'Clochmabenstane', was the Lochmaben Stone, an upright stone, eight feet high and twenty-one feet in circumference,[13] at Gretenhaw or Old Gretna[14] where the Solway could be forded. According to W. R. Gourlay, 'The stone was for centuries the landmark which guided those crossing the fords of the Solway to the high ground where the ford ended',[15] while according to I. A. Richmond it had earlier been called the 'Locus Maponi' or meeting-place of Maponus, the Celtic god equated with the classical Apollo. 'The stone was a traditional meeting-place

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9. Like Melrose, Coldingham is mentioned only in Scottish references, Ayton only in English.
10. I owe this indentification to Dr. W. F. H. Nicolaisen, recently of Edinburgh University. According to W. and A. K. Johnston, Gazeteer of Scotland (Edinburgh, 1958), 120 Habchester hill is 1½ m. S.E. of Ayton and has vestiges of an ancient camp.
11. RS, ii. 73.
12. The point is discussed by J. L. Mack, The Border Line (1926), 76-7.
13. W. McDowall, History of the Burgh of Dumfries (Dumfries, 1906), 168.
14. Mentioned as a meeting-place in an indenture dated 1367. RS, i. 913-
15. W. R. Gourlay, 'The Lochmaben Stone', TDG, xvi (1939), 929-30.

and in Roman frontier politics played its part as one of those permitted places of assembly for markets and public business which enabled Rome to control tribal gatherings.'[16] Probably because of this long tradition it was the most popular meeting-place on the west marches in the reign of Robert III. In addition, Canonbie, Kershope Bridge and Kirkandrews were used, but probably only by the wardens for the redress of local grievances. In the main, therefore, the location of places on the west marches does not present a problem. What is most interesting, however, is that negotiations do not appear to have been held there by either commissaries or procurators in Robert II's reign. The point is worth querying, and the answer probably lies in an understanding of why negotiations further east were moved in Robert III's reign from the Liliot Cross and Ayton areas to those of 'Hawdenstank', 'Gamelspath' and 'Redeswyre'.

'Hawdenstank' or 'Houdenstank', which became a popular meeting-place in Robert III's reign, was presumably Hadden near Kelso. 'Brigham', occasionally used in the early years of his reign, was undoubtedly Birgham, and Carham and Kirk Yetholm, which were also used, are still on the map. On the middle marches 'Gamelspath', mentioned in the border laws of 1249 and again in an indenture of 1398,[17] was Chew Green or Coquet Head on Dere St and therefore easily accessible to both Scots and English.[18] 'Redeswyre', also on the middle marches, is the modern Carter Bar and like 'Gamelspath' lay directly on the border-line. All these places can be located with reasonable ease but one place frequently referred to in the early years of Robert III's reign almost defies identification. Yet it is this place, 'the place called Rewele',[19] which is the key to an understanding of why negotiations were moved from the line of the River Tweed in Roxburghshire to the line of the border as it left the Tweed at Redden, crossed the Cheviots at Chew Green and Carter Bar and passed over the west marches to the Solway.

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16. I. A. Richmond, Roman Britain (1963), 138-9.
17. Foedera (O), viii. 57.
18. Banks, 5.
19. This indefinite reference to it, in Vespasian, no. 28, f. 35 suggests that even in 1390 it was not a well-known place.

Rewele was mentioned apparently for the first time in Anglo-Scottish relations in 1389, when the Scots suggested that forthcoming negotiations could be held there. The English party reported the suggestion to Richard II who strongly disapproved because, as he said to Robert II in a letter dated 16 February, 1390, it was difficult to reach and even perilous because if there were floods, and he seemed to expect there would be in the spring, the English party would need a little boat to cross to it.[20] Presuming the boat would be needed to cross the floods, Rewele might be identified as the modern Reaveley in the parish of Ingram in Northumberland. It was mentioned as 'Reweley' in a calendar of escheats in Edward I's reign, is near the Roman road, Devil's Causeway, and probably floods easily since it is beside a ford across the River Breamish where the Fawdon and Middledean Burns flow into the river.[21] In 1391 however Robert III described Rewele as near Kelso,[22] so that in fact it cannot be identified as Reaveley in Ingram, and later in the same year he associated it with Birgham, where he agreed to hold a meeting. This association, coupled with the Scottish king's obvious satisfaction that Birgham should be the meeting-place, suggests that the two places were near each other[23] and that, in achieving a meeting at Birgham, Robert III had won whatever point he was trying to make in urging the use of Rewele. The actual 'place called Rewele' was, therefore, not as important as the principle behind the dispute, which was the subject of continued correspondence between the Scottish and English kings in 1390 and 1391.

This correspondence seems to have begun on 16 February, 1390 when Richard II wrote to Robert II objecting to the use of Rewele.

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20. The reference to Richard II's letter is in Robert II's reply, Vespasian, no. 34, f. 41. Mentioned by Perroy, 77 and 218-9.
21. J. Hodgson, A History of Northumberland (1820), part iii, i. 48.
22. Vespasian, no. 30, f. 37.
23. If Rewele was near Birgham it was also near Kelso. The Scalacronica (Maxwell), 92 has an interesting reference to Edward Balliol's moving from Kelso to Roxburgh in 1332 because of danger from floods.

Robert II replied on 29 March, and it is in his letter that the principle behind the dispute begins to emerge. If Rewele should not be identified as Reaveley in Ingram but as a place near Birgham, when Richard II complained of the difficulties of crossing to it, he must have been referring to crossing the Tweed. Robert II's reply, that if the English were afraid to cross, the Scottish party would cross to the English side, not only elicited a firm response from Richard II but also led the English council to state in its instructions to commissaries that negotiations must be held in Scottish territory, not in English.[24] Robert II also asserted that all kinds of negotiations had already been held at Rewele and his arguments were upheld by Robert III, who on 21 September, 1390 commenting on the failure of recent negotiations in Berwick, again urged the use of Rewele which, he said, had been used 'before the truce (1389) was made and since'.[25] Richard II however refused to be convinced. Writing on 17 October, 1390 he also referred to the Berwick negotiations, held on 25 July, and said that on that occasion his own party had suggested negotiations could be held at 'Liliotars', 'Morehouselaw', 'Abchestrelaw', Ayton, 'Bilingiemyre', 'Farindoncraggis' or Eccles,[26] or any other place situated between two nearby fortresses, but that the Scottish party had refused all these and had continued to insist on the suitability of Rewele. Robert III replied on 26 November, 1390.[27] He repeated Robert II's offer to send the Scottish party across the floods if the English found it too perilous, and pointed out that when the English party had refused Rewele, the Scots had alternatively suggested Gamelspath or Redeswyre or a 'nearby place on the march'. He insisted that

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24. Nicolas, i. 27-33.
25. Vespasian, no. 40, f. 47.
26. Liliot Cross, Muirhouselaw, Bastleridge, Ayton, Billiemyre, Fairnington Craigs and Eccles. I owe this identification of 'Farindoncraggis' as Fairnington Craigs near Muirhouselaw and to the east of Dere St to Dr Nicolaisen.
27. Vespasian, no. 28, f. 35.

the places named by the English were not suitable 'because they are not on the marches'. He also said they were not customary places. Taking a short-term view, this claim was grossly untrue as Liliot Cross had been frequently used in Robert II's reign, but taking a long-term view of Anglo-Scottish relations since the Norman conquest, it was true to say that even Liliot Cross was not a customary place. Robert III was in fact reiterating the stipulation in the border laws that disputes should be heard at places on the border. It was not customary for Liliot Cross, or any of the other places suggested by the English, to be on the border, which is presumably what Robert III meant when he insisted, 'They are not on the marches', and why he also insisted that the Scottish commissaries 'do not wish to and must not agree to the places' named by the English. Clearly, there was much more to the argument than interest in a mysterious place called Rewele.

But the English were not easily coerced. When Richard II replied on 16 December, 1390, he said he had referred the matter to his council, who had agreed with him that Rewele, Gamelspath and Redeswyre were inconvenient and not customary.[28] Robert III, however, answering on 7 January, 1391,[29] continued to insist that Rewele had been used, and by men of high standing, as the English could very well remember if they wanted to, and therefore, he said, he and his council maintained that negotiations should be held there. He proposed that the next meeting should be there and, on the assumption that the English would agree, he said he would send his representatives to Kelso 'which is nearby' on the previous Saturday or Sunday. In fact, according to a further letter of Robert III, dated 28 May, 1391, this meeting was not held at all and the next one was held at 'Brighamhalch'.[30] Nevertheless, Robert III was obviously pleased and agreed to another meeting there on 6 August, 'We certify by these present letters that it is

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28. As mentioned in Robert III's reply, Vespasian, no. 30, f. 37. Perroy, 75 and 216.

29. Ibid..

30. Birghamhaugh. Vespasian, no. 35, f. 42.

well-pleasing to us to send our deputies to the said place of Brighamhalch.'[31] Whatever his argument was, he had won it. What was it?

Before the border line was defined in 1237, Scottish kings tried to push it further south, while English kings strove to prevent the Scots from reaching Newcastle and, if possible, from crossing the Tweed. After 1237 the Scottish king could no longer push the border south but, in the late thirteenth century Edward I, by occupying the Lowlands, did push it further north. In retaliation, Robert I not only ousted the English from any land north of the 1237 line but also renewed Scottish raids south of the Tweed and the Tyne, and, on the west of the Solway. In 1328 the treaty of Edinburgh-Northampton restored the border to its 1237 position, but Edward Balliol's grant to Edward III in 1332 enabled the English king to push the border north again. Since all these lands had not been recovered by 1371, there was a discrepancy, in Robert II's reign, between Scottish and English views of where the border was, especially after 1384 when the Scots had regained all their lands except Berwick, Jedburgh and Roxburgh. They could maintain that since Edward Balliol was not their rightful king, he had had no right to give away land and therefore the border must be along the 1237 line, as confirmed in 1328. The English maintained, and for long possession enforced their argument, that the border was newly defined in 1332. By 1389 the Scots had the force of possession and therefore could demand that the English recognise the border as it was in reality, not as it had been in 1332. Hence what the Scottish king was insisting on between 1389 and 1391 was not so much that Rewele was an ideal meeting place but that meetings could no longer be held on the marches as defined in 1332, but as they were in reality in 1389. The Scottish party

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31. T. Hodgkin, The Wardens of the Northern Marches (1907), 4 - comments on the dangerous fords at this part of the Tweed, because of the countless streams in the Cheviot and Lammermuir hills which make the river suddenly rise and swell. This danger would obviously be increased in the spring.

'could not wish to and must not consent to the places the English named', because Liliot Cross, Fairnington Craigs and Muirhouselaw were in the area of Roxburghshire recovered by the Scots, and Ayton, Bastleridge and Eccles were in Berwickshire, which had also been recovered. The only places the Scots could find satisfactory were those like Rewele, Birgham, Chew Green and Carter Bar on or near the border as defined in 1237. After 1391 Hadden on the east marches, Chew Green and Carter Bar on the middle marches and the Lochmaben Stone, Canonbie, Kirkandrews and Kershope Bridge on the west marches were used and acceptable, because they stood on or near the 1237 border. The significance of the frequent use of places on the west marches in the last years of Richard II's reign, in contrast to what had been usual at the beginning, is surely that, according to the 1332 border, meetings would have been held on the northern boundaries of Kircudbrightshire and Dumfriesshire, clearly inconvenient for both parties. The first recorded use of a place on the west marches, in Robert II's reign, is dated 1385 and by then the Scots had recovered the South-west. It is significant that the meeting there in 1385 was held by wardens, not commissaries. The wardens were, therefore, ready to accept the realities of the situation. If they also did so on the east marches, it is probable that Robert III was right in claiming that meetings had in fact been held at Rewele. At any rate, in moving the negotiations to Birgham the Scots had won their case. As far as Anglo-Scottish territorial relations were concerned, the reign of Robert II was a brilliant achievement, and in bringing the Rewele dispute to this triumphant conclusion his son, Robert III, began his reign with an equally brilliant success.

APPENDIX C

ILLUSTRATIVE DOCUMENTS

No. 1 A commission to wardens of the marches to enforce the truce and array forces, 3 May, 1372

2 Commissions to English commissaries:
(a) 22 October, 1378
(b) 28 June, 1390
(c) 5 April, 1399

3 A commission to English procurators, 22 October, 1378

4 John of Gaunt's commission as the king's lieutenant on the marches, 6 September, 1380

5 A commission to English deputies to treat for a place and date of meeting on the marches, 20 July, 1392

6 A commission to Englishmen to receive the oath of Robert III to observe the 1389 truce, 30 May, 1392

7 An indenture drawn up at Muirhouselaw, 9 March, 1379 (unprinted)

8 A Scottish commission to commissaries, 4 May, 1399 (unprinted)

9 An indenture made at Hadden, 14 May, 1399 (unprinted)

Appendix of documents

No. 1

A commission to wardens of the marches to enforce the truce and to array forces — 3 May, 1372 RS, i. 949.

Rex Venerabili in Christo patri Thome eadem gratia episcopo Dunolmi ac dilectis et fidelibus suis Gilberto de Umfravill comiti de Angos Henrico de Percy et Petro de Malo Lacu salutem. Sciatis quod assignavimus vos coniunctim et divisim custodes Marchiarum regni nostri Anglie versus partes boriales in comitatu Northumbrie infra libertates et extra et ad treugas inter nos pro nobis et subditis nostris et David de Bruys de Scotia fratrem nostrum iam defunctum pro se et hominibus suis de Scotia initas in partibus Marchiarum predictarum et in dominio nostro Scotie et in partibus illis tam pro nobis et dictis subditis nostris quam pro nobili viro Roberto consanguineo nostro de Scotia et pro hominibus suis de Scotia conservandas et ad querelas omnium et singulorum qui de iniuriis eis contra formam treugarum illarum factis conqueri voluerint audiendas et plenam et celerem iustitiam inde faciendam et ad omnia et singula que contra formam dictarum treugarum per subditos nostros attemptata fuerint tam tempore predicti David quam tempore predicti consanguinei nostri debite reformanda et ad omnes et singulos in hac parte delinquentes arestandos capiendos et incarcerandos et iuxta eorum demerita debite puniendos et ad consimilem reformationem et punitionem de dicto consanguineo nostro et dictis hominibus suis de Scotia super attemptatis per eos et eis adherentes contra subditos nostros petendam et prosequendam et fieri faciendam et ad castra et fortalitia et alia loca quecumque infra libertates et extra in quibus malefactores et delinquentes contra formam treugarum predictarum receptari contigerit ingredienda et investiganda et malefactores et delinquentes huiusmodi ab eisdem castris fortalitiis et locis extrahendos et secundum formam treugarum predictarum iuxta eorum demerita castigandos et puniendos necnon ad eadem fortalitia et loca in casu quo constabularii aut custodes eorumdem huiusmodi scrutinium per vos et quemlicet vestrum fieri permittere noluerint in manum nostram nomine districtionis capienda et sub salvo et securo aresto

custodienda et ordinari et custodiri facienda et ad constabularios sive custodes sic vobis resistentes capiendos et arestandos et in prisonis nostris detinendos quousque aliud de eis precepimus et ad omnes homines defensabiles in comitatu et Marchiis predictis inter etates sexaginta et sexdecim annorum existentes infra libertates et extra per vos et quemlicet vestrum ac deputatos vestros arraiandos et ad omnes homines ad arma armatos hobelarios et sagittarios videlicet quemlicet eorum iuxta status sui exigentiam et facultates suas armis competentibus muniri et in millenis centenis et vintenis poni et eos sic armatos et arraiatos et munitos in arraiatione huiusmodi teneri faciendos ita quod omnes homines huiusmodi ad arma armati hobelariis et sagittariis prompti sint et parati ad proficiscendum in defensionem regni nostri Anglie quotiens ex hostium incursibus periculum aliquod imineat et super hoc ex parte nostra fuerint premuniti et ad omnes huiusmodi homines ad arma armatos hobelariis et sagittariis ad se in forma predicta arraiandos per incarcerationem corporum suorum et captionem terrarum et tenementorum suorum in manum nostram et aliis viis et modis quibus melius expedire videritis distringi et compelli faciendum et ad nos in cancellaria nostra de numero hominum ad arma armatorum hobelariorum et sagittariorum quos sic arraiaveritis ad citius quo poteritis sub sigillis vestris distincte et apte certificandum. Et ideo vobis mandamus quod circa premissa cum omni dilgentia intendatis et ea effectualiter faciatis et exequamini in forma predicta. Damus autem vicecomiti nostro comitatus predicti ac constabularibus castrorum et villarum maioribus ballivis ministris et aliis fidelibus nostris in comitatu et Marchiis predictis tam infra libertates quam extra tenore presentium in mandatis quod vobis et cuilibet vestrum in premissis faciendum et exequendum intendentes sint consulentes et auxiliantes quotiens et prout eis et eorum cuilibet scire feceritis ex parte nostra. In cuius rei testimonium etc.
Teste rege apud Westmonasterium tertio die Maii.

Eodem modo assignantur

Thomas episcopus Karlioli, Gilbertus de Umfravill comes de Angos, Henricus de Percy, Rogerus de Clifford et Thomas de Musgrave coniunctim et divisim custodes Marchiarum versus partes occidentales in comitatibus Cumbrie et Westmorlensis.

Teste rege apud Westmonasterium tertio die Maii.

No. 2 (a)

A commission to English commissaries

22 October, 1378 — RS, ii. 12.

Rex Venerabili in Christo patri Johanni eadem gratia episcopo Herefordensis, carissimo fratri nostro Thome de Holand ac dilectis consanguineis et fidelibus nostris Johanni de Arundell marescallo Anglie, Henrico de Percy comiti Northumbrie et Thome de Percy fratri ejus necnon dilecto clerico nostro Johanni de Waltham canonico Eboraci salutem. Sciatis quod nos de fidelitate et circumspectione vestris plenius confidentes assignavimus vos quinque quatuor tres et duos vestrum ad corrigenda et reformanda et in statum debitum reducenda omnia et singula attemptata seu facta per quoscumque subditos nostros contra formam conventionum seu treugarum ultimo factarum et initarum inter clare memorie Dominum Edwardum nuper regem Anglie illustrem avum et progenitorem nostrum pro se et heredibus et subditis suis ex parte una et David Bruys de Scotia quondam consanguineum nostrum ejusque vassallos et subditos qualescumque ex altera et specialiter ad querelas omnium et singulorum qui de injuriis eis contra formam treugarum factis conqueri voluerint audiendas et plenam et celerem justitiam inde faciendam et ad omnia et singula que contra formam dictarum treugarum per subditos nostros attemptata fuerint tam tempore predicti David quam tempore illustris principis Domini Roberti consanguinei nostri de Scotia moderni debite reformanda et ad omnes et singulos in hac parte delinquentes arestandos capiendos et incarcerandos et juxta eorum demerita debite puniendos et ad consimilem reformationem et punitionem de dicto consanguineo nostro et hominibus suis de Scotia super attemptatis per eos et eis adherentes contra nos et subditos nostros petendam prosequendam et fieri faciendam et ad omnia alia et singula que in hac parte necessaria fuerint vel oportuna facienda et exequenda promittentes nos ratum gratum et firmum habere et habiturum quicquid per vos quinque quatuor tres et duos vestrum actum reformatum seu concordatum fuerit in premissis. Et ideo vobis mandamus quod vos quinque quatuor tres vel duo vestrum apud Liliot Crosse die Lune proximo post festum Sancti Martini

proximo futuro conveniatis et premissa omnia et singula cum continuatione dierum ibidem et in aliis locis per vos et deputatos dicti Domini Roberti consanguinei nostri concordandis prout necesse fuerit faciatis et exequamini in forma predicta. Super premissis autem omnibus et singulis faciendum et effectualiter adimplendum damus et committimus vobis etc ut premittitur plenam et liberam tenore presentium potestatem. Universis et singulis vicecomitibus constabulariis castrorum et villarum majoribus ballivis ministris et aliis fidelibus nostris partium illarum infra libertates et extra dantes tenore presentium in mandatis quod vobis etc in premissis faciendum et exequendum intendentes sint consulentes et auxiliantes quotions et prout eis seu eorum alicui scire feceritis ex parte nostra. In cujus etc.

Teste Rege apud Gloucestrum xxij die Octobrensis.

Per ipsum regem et consilium.

No. 2 (b)

A commission to English commissaries

28 June, 1390 RS, ii, 107.

Ricardus Dei gratia rex Anglie et Francie et dominus Hibernie omnibus ad quos presentes littere pervenerint salutem. Notum vobis facimus per presentes quod nos de fidelitate circumspectione et industria providis venerabilis in Christo patris Johannis episcopi Menevensis thesaurarii nostri Anglie ac dilecti et fidelis consanguinei nostri Thome comitis Marescalli et Notynghamie necnon dilectorum et fidelium nostrorum Johannis domini de Roos Radulphi domini de Nevill Henrici de Percy le fitz Ricardi le Scrop Thome de Grey Radulphi de Eure Gerardi Heron Magistri Willelmi Cawode et Magistri Edmundi Warham plenam et solidam fiduciam optinentes ipsos undecim decem novem octo septem sex quinque quatuor tres et duos eorum ad supervidendum ordinandum et fieri faciendum quod treuge et guerrarum abstinentie inter nos et adversarium nostrum Francie necnon adversarium nostrum Scotie tanquam dicti adversarii nostri Francie alligatum per nostros et ipsius adversarii nostri Francie commissarios apud Lenlyngham ultimo capte inite et firmate juxta vim tenorem et effectum earumdem per subditos nostros debite teneantur et custodiantur et si que per eosdem subditos nostros in contrarium attemptata fuerint reformentur prout dicte treuge exigunt et requirunt et ad requirendum prefatum adversarium nostrum Scotie aut ejus in hac parte deputatos virtute juramenti ipsius adversarii nostri Scotie facti quod ipse treugas predictas per se et subditos suos inviolabiles et illesas teneat et observet ac teneri et firmiter observari faciat juxta formam earumdem ac etiam quod idem adversarius noster Scotie quibuscumque contravenientibus alicui articulo in treugis predictis contento non prestabit auxilium consilium vel favorem et ad petendam exigendam et recipiendam de dicto adversario nostro Scotie et subditis suis plenam et debitam reformationem quorumcumque attemptatorum mesprisionum et malefactorum per ipsos contra formam treugarum predictarum qualitercumque contra nos seu dictos subditos nostros

commissorum seu perpetratorum ac generaliter omnia alia et singula facienda excercenda et expedienda que in premissis et quolibet premissorum necessaria fuerint seu etiam oportuna etiam se mandatum exigant magis speciale nostros veros et indubitatos commissarios ac nuncios speciales ordinamus facimus et constituimus per presentes. Et promittimus bona fide et verbo regio nos ratum gratum et firmum habiturum quicquid per dictos commissarios et nuncios nostros undecim decem novem octo septem sex quinque quatuor tres et duos eorum actum factum seu gestum fuerit nomine nostro in premissis seu aliquo premissorum. Damus autem universis et singulis officiaris ministris et aliis fidelibus ligeis et subditis nostris quibuscumque tenore presentium firmiter in mandatis quod eisdem commissariis et nunciis nostris undecim decem novem octo septem sex quinque quatuor tribus vel duobus eorum pareant consulant obediant et fideliter intendant quandocumque ex parte nostra fuerint requisiti. In cujus rei testimonium has litteras nostras fieri fecimus patentes.

Teste Me ipso apud Westmonasterium xxviij die Junii anno regni nostri quartodecimo.

Per ipsum regem et consilium.

No. 2(c)

A commission to English commissaries

5 April, 1399 — RS, ii. 149.

Rex carissimo fratri suo Edwardo duci Albemarlie et venerabili in Christo patri Johanni episcopo Assavensis ac dilectis et fidelibus suis Johanni comiti Sarum Johanni Bussy et Henrico Grene militibus necnon dilecto sibi Laurentio Dreu armigero salutem. Sciatis quod cum quamplura attemptata mesprisiones et malefacta contra formam treugarum inter nos et adversariun nostrum Scotie ante hec tempora captarum per nostros et ipsius adversarii nostri subditos tam officiarios quam alios in Marchia regni nostri Anglie versus partes Scotie facta et perpetrata existant que juxta formam treugarum inter nos et patrem nostrum Francie tanquam dicti adversarii nostri alligatum nuper initarum et quarumdam indenturarum inter nos et prefatum adversarium nostrum apud Lamabanstan ultimo factarum a diu est reformari reparari et emendari debuerunt et nondum reformata emendata nec reparata existunt ut dicitur. Nos pro debita reformatione reparatione et emendatione attemptatorum mesprisionum et malefactorum in partibus illis per dictos subditos nostros eisdem subditis ipsius adversarii sic ut premittitur factorum et perpetratorum providere volentes et de vestris fidelitate et circumspectione plenius confidentes assignavimus vos quinque quatuor tres et duos vestrum quorum aliquem vestrum vos prefati dux episcope et comes unum esse volumus ad omnia et singula attemptata mesprisiones et malefacta predicta eisdem subditis prefati adversarii nostri per dictos subditos nostros contra formam treugarum predictarum facta et perpetrata et nondum reparata nec emendata ut predictum est ac omnes alios defectus per eosdem officiarios subditos et ligeos nostros in hac parte factos sive perpetratos juxta tenorem indenturarum predictarum reformandos reparandos et emendandos et ad consimilem reformationem reparationem et emendationem pro ligeis et subditis nostris de

quibuscumque mesprisionibus attemptatis et malefactis sibi per predictos subditos et ligeos ipsius adversarii nostri tam officiarios quam alios ac de omnibus aliis defectibus per eosdem officiarios subditos et ligeos ipsius adversarii nostri in hac parte facts et perpetratis petendam recipiendam et habendam et partibus plenarie justitie complementum in hac parte faciendum et exhibendum et habere faciendum juxta vim formam et effectum indenturarum earumdem. Et ad omnes et singulos subditos et ligeos nostros tam officiarios quam alios quos inveneritis hujusmodi attemptata mesprisiones et malefacta subditis ipsius adversarii nostri seu alios hujusmodi defectus in partibus predictis fecisse sive perpetrasse ad eadem attemptata mesprisiones et malefacta reparanda reformanda et emendanda juxta vim formam et effectum indenturarum predictarum per districtiones ac alios vias et modos quibus melius juxta discretiones vestras sciveritis compellendos et etiam si casus exigerit juxta sanas discretiones vestras tam per incarcerationem corporum suorum quam per punitionem vite et membrorum castigandos et puniendos. Et ideo vobis mandamus firmiter injungentes quod circa premissa diligenter intendatis et ea faciatis et exequamini in forma predicta. Damus autem universis et singulis custodibus Marchiarum predictarum et eorum loca tenentibus ac universis et singulis vicecomitibus majoribus ballivis ministris et aliis fidelibus ligeis et subditis nostris earumdem Marchiarum infra libertates et extra tenore presentium firmiter in mandatis quod vobis in executione omnium premissorum intendentes sint consulentes obedientes et auxiliantes quotiens et quando per vos super hoc fuerint ex parte nostra premuniti. In cujus etc.

Teste Rege apud Westmonasterium quinto die Aprilis.

Per ipsum regem et consilium.

No. 3

A commission to English procurators

22 October, 1378 RS, ii. 12.

Rex omnibus ad quos etc salutem. Sciatis quod nos de circumspecta fidelitate et industria dilectorum et fidelium nostrorum Venerabilis in Christo patris Johannis episcopi Herefordensis Johannis de Arundelle marescalli Anglie Henrici de Percy comitis Northumbrie et Thome de Percy fratris ejus consanguineorum nostrorum necnon dilecti clerici nostri Magistri Johannis de Waltham canonici Eboraci plurimum confidentes de assensu et avisamento consilii nostri ipsos episcopum Johannem Henricum Thomam et Johannem quatuor tres et duos eorum nostros veros et legitimos procuratores gestores ac nuncios speciales ad loquendum tractandum et concordandum cum magnifico principe Roberto consanguineo nostro Scotie seu ejus in hac parte procuratoribus nunciis seu deputatis plenariam potestatem ab ipso consanguineo nostro habentibus tam de pace et concordia quam de quibuscumque bonis et firmis amicitiis et alligantiis inter nos et heredes nostros pro nobis terris et dominiis ac subditis et vassallis nostris quibuscumque et ipsum consanguineum nostrum et heredes suos pro se terris dominiis et subditis suis pro perpetuo duraturo ordinamus facimus et constituimus per presentes. Dantes et concedentes eisdem episcopo Johanni Henrico Thome et Johanni quatuor tribus et duobus eorum potestatem et auctoritatem speciales ac mandatum generale pro nobis heredibus terris dominiis subditis et vassallis nostris premissa omnia et singula loquendi tractandi concordandi faciendi et expediendi et ea omnia cum locuta tractata concordata et expedita fuerint firmandi et vallandi et omnia alia excercendi que circa ea necessaria fuerint vel etiam oportuna si mandatum exigant magis speciale. Ratum gratum et firmum habituri quicquid iidem episcopus Johannes Henricus Thomas et Johannes quatuor tres vel duo eorum nomine nostro fecerint in premissis vel aliquo premissorum.

Datum sub magni sigilli nostri testimonio apud Gloucastrum xxij die Octobrensis.

Per ipsum regem et consilium.

No. 4

John of Gaunt's commission as the king's lieutenant on the marches

6 September, 1380 — RS, ii. 27.

Rex universis et singulis archiepiscopis episcopis abbatibus prioribus comitibus baronibus custodibus Marchiarum regni nostri Anglie Marcheis Scotie adiacentium militibus capitaneis castellanis custodibus castrorum et fortalitiorum maioribus vicecomitibus ballivis ministris ligeis subditis et fidelibus nostris quibuscumque ad quos etc. salutem. Sciatis quod cum nos de probitate fidelitate et industria carissimi avunculi nostri Johannis regis Castelle et Legionis ducis Lancastrie intime confidentes de assensu et avisamento consilii nostri assignavimus ipsum avunculum nostrum ac certos alios fideles nostros ad corrigenda, reformanda et in statum debitum reducenda omnia et singula attemptata seu facta per quoscumque incolas aut subditos regni nostri Anglie contra forman conventionum seu treugarum nuper factarum et initarum inter Dominum Edwardum nuper regem Anglie avum nostrum subditosque eius ex una et David de Bruys de Scotia quondam fratrem ipsius avi nostri defunctum eius vassallos et subditos qualescumque ex altera parte et per illustrem principem Robertum consanguineum nostrum de Scotia confirmatarum et ad quedam alia in litteris nostris patentibus inde confectis contenta facienda et explenda prout in eisdem litteris plenius continetur. Nos ut omnia et singula in dictis litteris contenta meliorem ac celeriorem sortiantur effectum committimus eidem avunculo nostro vices nostras dantesque ei potestatem generalem faciendi et concedendi quotiens quando et quomodo sibi videbitur expedire omnibus et singulis pro conservatione conventionum et treugarum predictarum tractare ac reformationes iniuriarum si que fuerint in hac parte prosequi seu conqueri volentibus litteras de salvo et securo conductu nostro veniendi in dictum regnum nostrum Anglie ac partes Marchiarum predictarum et confinia eiusdem ob causam predictam necnon ad propria redeundi. Committimus etiam eidem avunculo nostro vices nostras dantesque ei potestatem generalem easdam treugas et conventiones si in aliquo impedite violate seu interrupte fuerint corrigendi reformandi

et in statum debitum et honestum reducendi ac etiam se sibi expediens videbitur prorogandi reformandi et eas sic correctas reformatas et redactas ac prorogatas firmandi et nomine nostro roborandi. Constituimus etiam ipsum avunculum nostrum locum nostrum tenentem in partibus Marchiarum predictarum ad facienda loco nostro et nomine nostro excercenda omnia et singula que pro salva et secura custodia dictarum partium contra omnes et singulos si qui ipsas partes hostiliter ingredi presumpserint necessaria fuerint vel oportuna et ad omnes et singulos homines defensabiles regni nostri Anglie in partibus illis et alibi ubi eidem avunculo nostro videbitur expedire ad proficiscendum secum in obsequium nostrum in defensionem regni nostri et Marchiarum predictorum (sic) quotiens quando ubi et prout sibi melius videbitur expedire congregandi et ipsos si necesse fuerit nomine nostro viis et modis quibus convenit ad proficiscendum in dictum obsequium nostrum compellendum. Dantes insuper eidem avunculo nostro plenariam potestatem quod si forsan aliquo casu emergente huiusmodi attemptata seu facta ex utraque parte modo debito corrigi reformari et in statum debitum reduci non valeant per quod treugas seu conventiones predictas quod absit violari contigerit et infringi et de invasione dicti regni por ipsos de Scotia aliqualiter timeatur pro resistentia inimicorum nostrorum ordinandum prout pro defensione regni nostri predicti melius et securius fore viderit faciendum et ad omnia et singula castra, villas et fortàlitia partium predictarum tam nostra quam aliorum supervidendum et ea tam cum hominibus ad arma armatis (hobelariis) et sagittariis quam victualibus necessariis sumptibus illorum quorum interest ex causa predicta muniri et in huiusmodi munitione teneri faciendum quousque pro salvatione et defensione castrorum villarum fortalitiorum et partium predictorum aliter duxerimus ordinandum necnon pro reparatione defectuum castrorum et villarum nostrorum in dictis partibus ordinandum prout eidem avunculo nostro pro honore et commodo nostris ac pro salvatione earumdem partium melius videbitur fore faciendum. Constituimus etiam facimus et ordinamus ipsum avunculum nostrum verum ac legitimum procuratorem et nuncium nostrum specialem ad loquendum tractandum et concordandum cum dicto consanguineo nostro de Scotia seu eius in hac parte procuratoribus nunciis seu deputatis plenariam potestatem ab ipso consanguineo nostro habentibus tam de pace et concordia quam de quibuscumque

bonis et firmis amitiis (sic: amicitiis) et alligantiis inter nos et heredes nostros pro ter is, dominiis ac subsiditis (sic:subditis) et vasallis nostris quibuscumque et ipsum consanguineum nostrum et heredes suos pro se terris, dominiis, subditis pro perpetuo vel ad tempus duraturum. Dantes et concedentes eidem avunculo nostro tenore presentium potestatem generalem ac mandatum speciale pro nobis heredibus terris dominiis subditis et vasallis nostris quibuscumque premissa omnia et singula loquendi tractandi concordandi faciendi et expediendi et ea omnia et singula cum locuta tractata facta et expedita fuerint firmandi (et) vallandi et omnia alia excercendi faciendi et explendi que circa premissa vel aliquod premissorum necessaria fuerint vel etiam oportuna si mandatum exigant magis speciale. Promittentes nos ratum gratum et firmum habiturum quicquid idem avunculus noster nomine nostro in premissis sicut predictum est duxerit faciendum. Et ideo vobis et cuilibet vestrum in fide et ligeantia quibus nobis tenemini iniungimus et mandamus quod eidem avunculo nostro in premissis omnibus et singulis et quolibet premissorum modo et forma supradictis faciendum et exequendum intendentes sitis respondentes obedientes consulentes et auxiliantes prout decet. In cuius etc.

Teste Rege apud Westmonasterium vi die Septembris

Per ipsum regem et consilium

No. 5

Commission to English deputies to treat for a place and date of meeting on the marches.

20 July, 1392. RS, ii. 117.

Rex dilecto et fideli suo Gerardo Heron chivaler ac dilecto sibi Johanni Mitford armigero salutem. Sciatis quod nos de fidelitate circumspectione et industria vestris plenius confidentes ordinavimus deputavimus et constituimus vos ad tractandum et concordandum nomine nostro cum deputatis et commissariis adversarii nostri Scotie tam super aliquo certo loco et die competentibus in partibus Scotie optinendum ubi ambassatores et commissarii nostri ac deputati et commissarii prefati adversarii nostri pro conservatione treugarum inter nos et adversarium nostrum Francie ac dictum adversarium nostrum Scotie tanquam alligatum prefati adversarii nostri Francie per nostros et ejusdem adversarii nostri Francie commissarios nuper captarum initarum et firmatarum necnon pro reformatione quorumcumque attemptatorum mesprisionum et malefactorum contra formam treugarum predictarum per subditos nostros et ipsius adversarii nostri Scotie commissorum et perpetratorum convenire ac colloquium inde habere potuerunt et tractatum quam de numero et statu personarum qui huiusmodi tractatui pro parte nostra et ipsius adversarii nostri Scotie intererunt ex causa supradicta. Et ideo vobis mandamus quod circa premissa diligenter intendatis et ea faciatis et exequamini in forma predicta. Ratum gratum et firmum habiturum quicquid per vos actum gestum seu procuratum fuerit in premissis. In cujus etc.

Teste Rege apud castrum de Wyndesore xx die Julii.

Per ipsum regem et consilium.

No. 6

Commission to Englishmen to receive the oath of Robert III to observe the 1389 truce.

30 May, 1392. RS, ii. 116.

Rex,

dilecto et fideli nostro Gerardo Heron militi et dilecto sibi Johanni Mitford armigero salutem. Sciatis quod nos de fidelitate probata ac circumspectione et industria vestris providi-s plenam et solidam fiduciam reportantes constituimus deputavimus et assignavimus vos conjunctim et divisim ad proficiscendum versus partes Scotie ad sacramentum adversarii nostri Scotie juxta formam quorumdam articulorum treugarum et abstinentie guerrarum inter nos et adversarium nostrum Francie initarum et firmatarum prefatum adversarium nostrum Scotie et subditos suos specialiter tangentium seu concernentium petendum et recipiendum et predictum adversarium nostrum nomine nostro requirendum ad litteras testimoniales sub magno sigillo suo sacramentum suum predictum testificantes vobis immediate post prestationem eiusdem liberandum ac omnia alia in hoc casu necessaria seu quomodolibet oportuna faciendum et exequendum et ad nos et consilium nostrum de omnibus et singulis que per vos seu aliquem vestrum acta et gesta fuerint in premissis referendum et certificandum ac in scriptis plenarie et expresse redigendum. Et ideo vobis mandamus quod circa premissa faciendum et exequendum partes vestras cum omni diligentia et efficia adhibeatis solicitas et discretas. In cuius etc.

Teste Rege apud Staunford xxx Maii.

Per ipsum Regem et consilium.

No. 7

An indenture drawn up at Muirhouselaw, 9 March, 1379

Exchcq. T. R. Dip. Docts, no. 1527 (unprinted).

Hec indentura facta apud Moreshouslaw nono die mensis marcii anno domini millesimo trecentesimo septuagesimo octavo inter Reverendum in Christo patrem Johannem Episcopum Herefordensis dominos Edmundum de Mortuo Mari Marchie et Ultonie Henricum de Percy Northumbrie Comites Willelmum dominum de Latymer et magistrum Johannem de Waltham canonicum eboraci pro parte Regis Anglie ex parte una et Reverendum in Christo patrem Johannem electum confirmatum ecclesie Dunkeldensis dominos Willelmum de Douglas et de Marre comitem et Archibaldum de Douglas dominum Gallvidue pro parte Regis Scocie ex parte altera testatur quod post diversas loquelas super pace et concordia habendas inter regna secundum desiderium diei tenti super hoc alias apud Ayton nono die mensis Novembris ultimo preterito cum protestatione quod ea que proponentur ab una parte vel alia neutram partem obligent quousque per eorum Reges et consilia eorumdem fuerint concordata per prefatos commissarios pro parte Anglie petitum fuit quod ex quo alias apud Ayton locutum fuit de pace inter Regna et de matrimonio Regis Anglie contrahendo cum filia Regis Scocie quod placeret parti Scocie recognoscere Regnum Scocie teneri de Rege Anglie ut de domino superiori et preterea tradere certas partes terrarum Scocie corone Anglie vel solvere pecuniarum summas cui petitioni responsum fuerat per predictos de parte Scocie quod dicti articuli de superioritate et de diminutione terre non erant admissibiles per eas ad concordandum pro nunciis nec verisimiles ad referendum sicut nec articulo de successione alia tactus postea vero per partem Anglie non recedendo a priore peticione petebatur quid volebant facere pro pace et matrimonio quibus responderunt predicti de parte Scocie quod pro pace cum integritate et libertate Regni et pro matrimonio parati sunt remittere iniurias homicidia vastaciones et alia dampna Regno Scocie illata per Anglicos contra pacem ab initam inter Reges et Regna secundo si possit inveniri modus vel via

quo Scoti possint licite et honeste recedere a suis confederacionibus cum illis de Francia parati erunt inire confederaciones et ligancias cum anglicis sub modis condicionibus invenientibus et placitis utrique parti prout inter eos poterit pertractari tercio quod si non possint licite et honeste distringere ab alliganciis eorum cum gallicis parati erunt facere amicitias et alligancias cum anglicis contra omnes alios preter quam confederatos suos supradictos quarto ad [1] de guerra infra Regnum Anglie vel extra in expensis Regis Anglie usque ad certum tempus prout inter eos pertractatum poterit concordari et licet predictus articulus de relaxione dampnorum et iniuriarum erat per partem Scocie graviter ponderatur per partem Anglie dicebatur expresse quod huiusmodi dampna illata fuerunt in insta prosecucione Regis Anglie et in defectum Scottorum et preterea contra dictam pacem pretensam diversa dampna iniurie et vastaciones facta erunt in Anglia per Scotos absque aliquo colore iusticie sive iuris Et quantum ad alias oblaciones licet videbantur bene in se apparuit tum quod non sufficiebant pro tam magno facto Preterea propositum erat per eos de parte Scotorum qualiter saperet Anglicis si Scoti devenirent mediatores inter Franciam et Angliam. Sic quod mediacioni eorum temptaretur qualiter evenire posset pax inter ipsa tria regna simil Preterea petitum fuit per partem Scotorum qualiter in eventu concordie possent esse securi de pace propter minoritatem etatis Regis Anglie de qua supra esse pretensum Cui peticioni per ipsos Anglie fuit responsum quod concordia si eveniret firmaretur finaliter in parliamento eorum vocatis ad hoc prelatis clero proceribus et communitatibus cum decreto ferendo ibidem quod esset utile et expediens Regno et Regi. Item petitum fuit per Scotos quod in casu quo eveniret concordia pacis neutrum regnum receptaret aliquos undecumque essent ad nocendum vel invadendum alterum Regnum demum quod concordia super dictis difficultatibus expediciis eveniret apud ipsos Reges et eorum consilia quam per commissarios remotos ab eisdem locuti sunt prefati commissarii pro parte Anglie quod expediret quod nuncii solempnes mittantur de Scocia ad Curiam Anglie super dictis

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articulis et postea alii equalentis status mitterentur ad curiam Scocie finaliter placuit ambabus partibus premissa locuta referre Regibus et eorum consiliis huic inde et quod Reges ab utraque parte super missione nunciorum et alia voluntate sua certificabunt invicem per litteras suas apud Roxburgh infra mensem post festum Pasche proximo futuro. In cuius rei testimonium sigilla predictorum Episcopi et electi presenti indenture alternatim sunt appensa. Datum apud Moreshouslaw predicto nono die mensis marcii Anno domini millesimo trecentesimo septuagesimo octavo supradicto.

No. 8

A Scottish commission to commissaries, 4 May, 1399

Exchcq. Scots Doct, box 96, no. 8 (unprinted),

Robertus dei gracia Rex Scotorum. Universis presentes litteras inspecturis Salutem in sancti salvatore. Noverit universitas vestra nos ob reverenciam et honorem dei et ad evitandum effusionem sanguinis Christiani populi quoque deformaciones ac cupientes auxiliante domino gentem nobis subditam in pace ponere et quiete. Confidentes ad plenam de fidelitate circumspectione discrecione et prudencia carissimi primogeniti nostri David ducis Rothesaye comitis de Carrick et Senescalli Scocie Reverendi in Christo patris Mathei episcopi Glasguensis dilecti fratris nostri David Comitis de Crawforde Willelmi de Lyndesay et Johannis de Ramorgny militum ac Ade Forester de Corstophyn armigeri ipsos constituimus deputavimus et ordinavimus constituimus deputamus et ordinamus pariter ex certa sciencia et de deliberato consilio per presentes nostros veros et speciales nuncios commissarios et deputatos ad conveniendum et representandum se cum commissariis quos adversarius noster Anglie ad hoc duxerit mittendos. Dedimus quoque atque damus harum litterarum tenore eisdem commissariis nostris quinque quatuor aut tribus eorum plenam et liberam potestatem auctoritatem et mandatum speciale se representandi ac conveniendi cum quibuscumque commissariis nuncis et deputatis dicti adversarii nostri sufficientem potestatem in hoc casu habentibus ab eodem in quibuscumque locis ipsis commissariis nostris visum fuerit expedire. Et tractando cum ipsis de bona vera et finali pace et concordia super quibuscumque questionibus debatis discordiis guerris et dissensionibus que sunt vel poterunt esse mote inter nos Regnumque nostrum terras dominia subditos et confederatos nostros ex parte una et dictum adversarium nostrum Regnum suum subditos suos et confederatos ex altera. Et concordandi transigendi et paciscendi ac componendi pro nobis et nomine nostro super omnibus questionibus debatis discordiis guerris et dissensionibus supradictis cum omnibus suis articulis et circumstanciis incidenciis emergenciis dependenciis et

connexis quibuscumque. Et faciendi bonam veram fidelem et firmam ac finalem pacem inter nos Regnum nostrum terras cominia subditos et confederatos nostros ex parte una et nostrum adversarium predictum Regnum suum subditos suos et confederatos suos ex altera. Et eciam tractandi capiendi firmandi et assecurandi bonas veras et fideles treugas et abstinencias guerre generales vel particulares pro nobis regno nostro terris dominiis subditis et confederatis nostris antedictis ex parte una et adversario nostro predicto Regno suo subditis et confederatis suis ex altera tales et tanto tempore duraturis sicut bonum videbitur nostris commissariis antedictis. Et super quocumque sic tractato composito transacto pacto et concordato pro nobis et nostra parte cum illis partis adverse firmandi et assecurandi per fidem et iuramenta super sancta dei evangelia in animam nostram prestandi. Et dandi et concedandi super hoc et super dependenciis suis omnesmodas cauciones securitates stipulaciones obligaciones et litteras sigillatas tot et tales quot et quales necessarie fuerint aut eis in tali casu visum fuerit expedire Quas volumus talem fortiam et habere effectum eandem quoque vigoris et roboris firmitatem quales habere et obtinere deberent si nos in persona propria eas dedissemus aut eciam fecissemus. Et faciendi exequi expediri et adimpleri omnes articulos de puncto in punctum qui erunt concordati pro nobis et pro parte nostra sine fraude dolo vel malo ingenio adeo sicut nos ipsi faceremus si nos in propria persona ibidem contingeret esse presentes. Et faciendi excercere et expediri omnes alios articulo qui quoiusmodo bene perfectioni et complemento eiusdem tractatus pacis et treugarum predictarum cuiuscumque nature existant proficere potuerint seu valere posito quoque requiratur ad hoc mandatum magis speciale. Et promittimus fideliter bona fide et in verbo regis nos tenere et habere ac fore perpetuo habiturus. Ratum firmum et acceptum quicquid pro nobis et nomine nostro factum fuerit per dictos commissarios nostros quinque quatuor aut tres eorumdem super omnibus et singulis antedictis. Et litteras nostras confirmatorias tradituras magno sigillo nostro sigillatas super omnibus punctis que sic erint concordata. Et factum exequi eadem de puncto in punctum in quantum in nobis est sine dolo fraude aut malo ingenio quocumque. Et hoc promittimus super caucione et oblicacione omnium bonorum nostrorum presentium

et futurorum absque facere dicere vel proponere verumptamen aliquid in contrarium infra indicium vel extra. In Cuius Rei testimonium presentibus litteris sigillum nostrum magnum precepimus apponi apud Castrum nostrum de Edynburgh quarto die mensis maii Anno gracie millesimo trecentesimo nonagesimo nono. Et Regni nostri Anno decimo.

Per Regem et consilium.

No. 9

An indenture made at Hadden, 14 May, 1399

Exchcq. Scots Docts, box 91, no.11(unprinted).

Hec indentura facta apud Hawdenstank die xiiij mensis Maii anno domini millesimo trecentesimo nonagesimo nono Inter illustrem principem et dominum dominum David Serenissimi principis Roberti dei gratia Regis Scottorum primogenitum Ducem Rothysaye et Reverendum in Christo patrem dominum Matheum permissione divina Episcopum Glasguensis David de Lyndesay comitem de Crawford Willelmum de Lyndesay Johannem de Remorgny milites et Adam Forstar armigerum commissarios eiusdem serenissimi principis Roberti Regis Scottorum ex una parte ac illustrem principem et dominum dominum Edwardum ducem Albemarlie ac Reverendum in Christo patrem dominum Johannem permissione divina Episcopum Assavensis Johannem Comitem Sarum Johannem Bussy Henricum Grene milites immo Laurencium Drew armigerum commissarios domini regis Anglie parte ex altera adinfrascriptam sufficientem potestatem habentes testatur quod postquam super finali pace et concordia ac tranquilitate inter dictos Reges et eorum subditos perpetuis temporibus servandis inter dictos commissarios fuerat tractatum iidem domini commissarii considerantes tanti negocii arduitatem et presencium treugarum brevitatem Et propterea huiusmodi eorum laudabile propositum non posse infra dictum tempus sortire effectum idcirco sub spe pacis et concordie ac tranquillitatis predictorum ipsi commissarii presentes treugas a festo Sancti Michaeli Arkangeli proximo futuro usque ad idum festum extunc proximo sequens inclusive unius anni circulo revoluto prorogaverunt et prorogant per presentes sub eisdem modo forma effectum condicionibus articulis punctis et circumstantiis prout nuper per dictum illustrem principem David ducem Rothysaye tunc Comitem de Carrick ac illustrem principem Robertum ducem Albanie tunc Comitem de Fyfe et Reverendum in Christo patrem Walterum permissione divina Episcopum Sancti Andree immo David de Lyndsay tunc Comitem de Crawford tunc commissarios dicti domini nostri Regis Scottorum

ex una parte ac Recolende memorie Johannem Acquitanie et Lancastrie ducem et Reverendum in Christo patrem Johannem permissione divina Episcopum Assavensis ac Thomas de Percy Wygornye immo Willelmum le Scrope Wiltschiri comites tunc commissarios dicti domini Regis Anglie parte ex altera die xvj mensis marcii anno domini millesimo trecentesimo nonagensimo septimo in prefato loco de Hawdenstank usque ad festum Sancti Michaeli anni domini millesimo trecentesimo nonagesimo nono fuerunt prorogate prout in duabus indenturis per prenotatos tunc commissarios factis plenius continetur hoc addito quod licebit dicto domino nostro Regi Scottorum et suis durante tempore huiusmodi prorogacionis treugas xxviij annorum ultimo perisuis initas inter commissarios Regum Francie et Anglie acceptare et beneficio treugarum huiusmodi gaudere si eis placuerit et visum fuerit oportunum. In quorum omnem fidem et testimonium prefati domini duces Episcopi et Comites nunc commissarii pro se et aliis suis concommissariis supradictis sua sigilla huius indenture partibus alternatim apposuerunt die mense anno et loco supradictis.

TABLES

1 English wardens of (a) the east marches
(b) the west marches,
as commissioned on the Scotch Rolls

2 English commissaries engaged in Anglo-Scottish Relations:
(a) from 1373 to 1381
(b) from 1389 to 1392
(c) in 1398 and 1399,
as commissioned on the Scotch Rolls

3 English procurators engaged in Anglo-Scottish Relations from 1378 to 1406, as commissioned on the Scotch Rolls.

4 English deputies engaged to negotiate for a suitable meeting-place on the border, as commissioned on the Scotch Rolls

5 English envoys engaged to receive the Scottish king's oath to maintain a truce, as commissioned on the Scotch Rolls

6 Scottish equivalents to English commissaries

7 Scottish equivalents to English procurators, as mentioned on the Scotch Rolls

8 Scottish equivalents to English deputies commissioned to negotiate for a meeting-place on the border

9 Scottish envoys engaged to receive the English king's oath to observe a truce

TABLE 1(a)

English wardens of the east marches from 1371 to 1406, as commissioned on the Sco

	1371	'71	'72	'72	'75	'76	'77	'77	'79	'80	'80	'81	'82	'82	'83	'83	'83	'83	'84	'85	'85	'86	'87	'8
	25	12	25	3	9	16	16	12	7	10	29	16	14	16	20	23	3	12	30	20	21	27	24	
	Jun	Oct	Feb	May	Nov	Jly	Jly	Dec	Dec	Mar	May	Dec	Mar	Jun	Mar	Jly	Aug	Dec	Jly	May	Dec	Mar	May	Jl
Prince John of Lancaster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..
Thomas Hatfield, bp Durham	x	x	x	x			x						x	x	x				x					
Gilbert Umfraville, (e. Angus)	x	x		x																				
Henry Percy, (e. Northumberland post 1377)	x	x	x	x	x	x	x	x		x	x	x	x	x		x		x	x	...	...	...	...	..
Thomas Mowbray, (e. Nottingham)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..
Thomas Percy, (e. Worcester post 1397)	...	...	...	...	...	x	...	...	...	...	...	...	...	...	...	...	x							
William, lord Aton	...	...	...	...	...	...	...	...	x															
Roger, lord Clifford	...	...	...	...	x			x	...	...	...	...	...	...	...	...	...	...	x					
Ralph, lord Greystoke	...	...	...	...	...	...	...	x		x	x			x										
Peter, lord Mawlay	...	...	x	x	...	...	...	...	...	...	x													
John, lord Neville		x			x	x	x	x				x	x	x	x		x	x				x	x	x
Richard, lord Scrope	...	...	...	...	...	x																		
Ralph Bisset	x																							
Thomas, prior of Drax	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x							
John Fenwick	...	...	...	...	...	...	...	...	x															
Ralph Ferrers	x																							
Thomas Fogge	x																							
Ralph Hastings		x																						
Alan Heton	...	...	x	...	...	...	...	...	x															
John Heron	...	...	...	...	...	...	...	...	x															
Thomas Ilderton	...	...	...	...	...	...	...	...	x															
Henry Percy, son	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....		...	...	x	x	x	...	...	..
Thomas Roos		x																						
The sheriff of Northumberland	...	...	...	...	...	...	x																	
John Stanley	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..
Alan Strother			x																					
John Strother	...	...	...	...	...	...	...	...	x															
John Thirlwall	...	...	...	...	...	...	...	...	x															
John Waltham	...	...	...	...	...	...	x																	
Richard Widrington			x																					

TABLE 1 (b)

English wardens of the west marches from 1371 to 1406, as commissioned on the

	1371 25 Jun	'71 12 Oct	'72 25 Feb	'72 3 May	'75 9 Nov	'76 16 Jly	'77 16 Jly	'77 12 Dec	'79 4 Jun	'79 4 Nov	'79 7 Dec	'80 10 Mar	'80 7 Dec	'81 12 Feb	'82 14 Mar	'82 16 Jun	'83 20 Mar	'83 12 Dec	'85 15 Feb	'86 27 Mar	'88 1 Jly	'89 8 Mar	'89 12 Apr	'89 12 May
Edmund, d. York	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Thomas Appleby, bp Carlisle	x	x	x	x			x			x														
Gilbert Umfraville, e. Angus	x	x	x	x																				
John Holland, e. Huntingdon	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Henry Percy, (e. Northumberland post 1377)	x	x	x	x	x	x		x							x			x			x			
Ralph Neville, (e.Westmorland post 1397)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x	x	x
John, lord Beaumont	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x			
Roger, lord Clifford	x	x	x	x	x	x	x	x	x			x	x		x	x	x		x	x	x			
Hugh, lord Dacre	...	...	...	...	...	...	...	...	x	x			x		x	x								
Ralph, lord Greystoke						x	x	x	x	x										x				
Thomas, lord Musgrave			x	x																				
John, lord Neville					x			x							x	x	x	x	x					
John, lord Roos	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x	x	x	x
Richard, lord Scrope							x						x	x										
Ralph Bisset	x																							
Thomas Clifford	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				
Gilbert Culwen	...	...	...	...	...	...	...	...	...	...	x													
Ralph Dacre		x	x																					
John Denton	...	...	...	...	...	...	...	...	...	...	x													
Ralph Ferrers	x																							
Thomas Fogge	x																							
Ralph Hastings		x																						
Amand Mounceux	...	...	...	...	...	...	...	...	...	...	x													
Henry Percy, son	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Matthew Redman	...	...	...	...	...	...	...	...	...	...	...	x												
William Stapleton							x				x													
Peter Tilliol	...	...	...	...	...	...	...	...	...	...	x													
Thomas Whytrigg	...	...	...	...	...	...	...	...	...	...	x													

TABLE 2

English commissaries engaged in Anglo-Scottish Relations fr

	1373 26/5	1373 25/7	1375 29/1	1375 29/7	1377 10/6	1378 1/1	1378 18/5
John of Gaunt, d. Lancaster							
Alexander Neville, archbp York							
Thomas Appleby, bp Carlisle	x	x					
Thomas Hatfield, bp Durham	x						
John Gilbert, bp Hereford							x
Thomas Holland, e. Huntingdon							
Edmund Mortimer, e. March	x					x	x
Henry Percy, e. Northumberland					x	x	
John Montague, e. Salisbury			x				
Hugh Stafford, e. Stafford							
William Ufford, e. Suffolk							
Thomas Beauchamp, e. Warwick			x	x			
Guy, lord Bryan				x			
Roger, lord Clifford	x	x					
Ralph, lord Dacre	x	x					
Ralph, lord Greystoke							
William, lord Latimer							x
Thomas, lord Musgrave	x	x					
John, lord Neville					x	x	
Richard, lord Scrope					x	x	x
John Arundel							
William Burton			x				
Ralph Ferrers				x			
Ralph Hastings				x			
Robert Hales							
Thomas Percy							
Henry Scrope	x		x	x	x		
Robert Reynton					x		
Richard Stafford	x						
John Appleby, dean St Paul's	x		x	x		x	x
John Waltham, canon of York					x	x	x

TABLE 2(b)

English commissaries engaged in Anglo-Scottish relations from 1389 to 1392, as commissioned on the Scotch Rolls.

	1389 12/12	1390 28/6	1391 12/3	1391 13/7	1392 15/11
Walter Skirlaw, bp Durham			x		
John Gilbert, bp St David's		x	x		
Henry Percy, e. Northumberland				x	x
Thomas Mowbray, e. Nottingham		x	x		
Ralph, lord Neville		x	x		
John, lord Roos		x	x		
Richard, lord Scrope		x	x		
William Cawode		x	x		
Nicholas Dagworth	x				
Ralph Eure		x		x	
Thomas Grey		x			
Gerard Heron					
John Lincoln			x		
John Mitford	x		x	x	x
Alan Newark	x		x	x	x
Henry Percy, son		x			
Ralph Percy			x	x	
Richard Ronhale	x		x		
John Russell	x				
Thomas Umfraville	x				
Edmund Warham		x			

TABLE 2(c)

English commissaries engaged in Anglo-Scottish relations in 1398 and 1399, as commissioned on the Scotch Rolls.

	1398 5/2	1398 3/10	1399 5/4
John of Gaunt, d. Lancaster	x		
Edmund, d. York	x		x
John Trevor, bp St Asaph	x		x
John Montague, e. Salisbury			x
Ralph Neville, e. Westmorland			
William Scrope, e. Wiltshire	x		
Thomas Percy, e. Worcester	x		
John Bussy		x	x
Laurence Dru		x	x
William Elmham	x		
William Feriby		x	
Henry Green		x	x
John Shepeye, dean Lincoln	x		

TABLE 3

English procurators engaged in Anglo-Scottish relations from 1378 to 1406, as commissioned on the Scotch

	1378 Oct 22	'79 Feb 14	'81 May 3	'82 Nov 12	'83 May 6	'84 Jun 12	'85 Feb 18	'85 May 3	'85 Nov 24	'86 Apr 8	'86 Apr 20	'86 Jun 18	'87 Mar 20	'88 Mar 26	'93 Aug 22	'93 Oct 11	'94 Feb 9	'94 Aug 27	'99 Mar 22	1400 Mar 12	'01 Mar 24	'01 Sep 1	'0 Au
John of Gaunt, d. Lancaster			x		x																		
Edmund, d. York	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				
Richard Young, bp Bangor	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	x	
Walter Skirlaw, bp Bath & Wells	...	...	...	...	...	...	...	...	...	...	...	...	x										
Thomas Appleby, bp Carlisle						x		x	x				x		x							x	
Richard Scrope, bp Coventry & Lichfield	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x						
Thomas Hatfield, bp Durham					x	x	x	x						x				x					
John Gilbert, bp Hereford/ St David's	x	x	...	...	...	...	...	...	...	...	...	...	...	...	x		x						
John Trevor, bp St Asaph	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				
Edmund Mortimer, e. March		x																					
Henry Percy, e. Northumberland	x	x			x	x	x	x					x	x	x		x	x			x	x	
John Montague, e. Salisbury	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				
Ralph Neville, (e. Westmorland post 1397)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x		x	x				x	
Thomas Percy, (e. Worcester post 1397)	x																						
Roger, lord Clifford					x																		
Philip, lord Darcy	...	...	...	...	...	...	...	...	...	...	...	...	x										
Richard, lord Grey of Codnor	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	x	
William, lord Latimer		x																					
John, lord Neville				x	x	x	x	x	x	x		x	x	x									
Richard, lord Scrope				x	x		x	x							x		x						
The Abbot of Alnwick	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x			
John Arundel	x																						
John Bussy	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				
Thomas Colville	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	...	..
John Curson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	x	x	
Laurence Dru	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				
Ralph Eure	...	...	...	...	...	...	...	...	...	x												x	
Hugh FitzHugh	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	...	..
Henry Green	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				
Thomas Gretham	...	...	...	...	...	...	...	...	...	...	...	x											
Gerard Heron	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x		x	x				x	x
Roger Lecha	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	...	..
John Mitford	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x		x	x					
John de la More	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	...	..
Thomas Neville	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x	x						
William Neville							x				x												
Alan Newark	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x		x	x			x	x	
Henry Percy, son	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x				x	
Ralph Percy	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x					
John Radyngton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x					
Matthew Redman	...	...	...	...	...	...	...	...	...	x		x	x										
Richard Ronhale	...	...	...	...	...	...	...	...	...	...	x			x									
Guy Rouclif	...	...	...	...	...	...	...	...	x														
William Roos	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x					
John Shepeye, dean of Lincoln					x																		
Edmund Stafford, dean of York	...	...	...	...	...	...	...	...	...	...	...	...	x										
Thomas Stanley	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	x		x					
Brian Stapleton	...	...	...	...	...	...	...	...	...	...	x			x				x					
Richard Stury	...	...	...	...	...	...	...	...	x		x												
Robert Swynowe	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	...	..
Robert Umfraville	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	...	x
Roland Vaux	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	....	...	...	..
John Waltham	x	x			x	x																	

TABLE 4

English deputies engaged to negotiate for a suitable meeting-place on the border, as commissioned on the Scotch Rolls.

	1390	'90	'91	'92	'92	'92	'93	'96	'97	'99	1400
	13	1	23	26	20	15	26	20	14	10	4
	Mar	Jun	Jun	Jan	Jly	Nov	Oct	Jun	Aug	Dec	Dec
Janice d'Artasso										x	
Laurence Dru								x			
William Elmham									x		
William Fulthorp											x
Thomas Grey										x	
Gerard Heron	x	x	x	x	x	x	x				x
John Mitford	x	x	x	x	x	x	x				x
Alan Newark										x	
Richard Ronhale								x			
John Shepeye									x		
Richard Waldegrave								x			
Thomas Umfranville	x										

TABLE 5

English envoys engaged to receive the Scottish king's oath to maintain a truce, as commissioned on the Scotch Rolls.

	1389	'90	'92	'92	'93	'93	'94	'95	'99	1401	'04
	3	11	30	15	27	26	20	12	14	18	21
	Jly	Dec	May	Nov	Jun	Oct	Aug	Feb	Jan	Mar	Aug
Thomas Colville											x
Nicholas Dagworth	x										
John Felton	x										
William Fulthorp										x	
Thomas Grey		x						x			
Gerard Heron	x	x	x	x	x	x	x	x	x	x	
John Lincoln		x									
John Mitford		x	x	x	x	x	x	x		x	x
Alan Newark								x			
John Skelton									x		
Thomas Stanley							x				
Richard Stury							x				
Robert Umfraville								x			
Thomas Walkington								x			

TABLE 6

Scottish equivalents to English commissaries

	1398[a] 22/9	1398[b] 26/10	1398[c] 6/11
David, e. Carrick/d. Rothesay	x		
Robert, e. Fife/d. Albany	x		
Walter Trail, bp St Andrews	x		
David Lyndsay, e. Crawford	x		
Sir William Borthwick		x	x
Sir William Lyndsay	x		
Sir John Remorgny	x	x	
Sir William Stewart	x		
Adam Forster, esquire	x	x	
Roger Gordon, esquire			x

a. Vespasian, no. 35, f. 42.
b. Foedera (O), viii. 54-7.
c. Ibid., 58-61.

TABLE 7

Scottish equivalents to English procurators, as mentioned on the

	1377 27/9	1379 9/3	1380 1/12	1381 16/7	1384 6/6	1384 26/7	1386 7/4	1394 30/8	1394 29/9	1398 late	1399 4/5	1401 23/1
John, e. Carrick	x			x								
David, e. Carrick/d. Rothesay								x			x	
Gilbert Greenlaw, bp Aberdeen										x		
Walter Trail, bp St Andrews								x	x	x		
John Peebles, archd. St Andrews, chancellor of Scotland and, post 1378, bp Dunkeld	x	x	x		x							
Thomas Rossy, bp Galloway												
Walter Wardlaw, bp Glasgow			x									
Matthew Glendonwyn, post 1387 bp Glasgow							x	x		x	x	x
Duncan Petit, prov. St Andrews						x						
George Douglas, e. Angus												x
David Lyndsay, e. Crawford								x		x	x	
William Douglas, e. Douglas	x	x	x									
Archibald, e. Galloway/ post 1388, e. Douglas	x	x	x			x		x		x		x
George Dunbar, e. March			x					x	x	x		
John Dunbar, e. Moray						x						
James, lord Douglas of Dalk.						x		x		x		
Sir William Borthwick							x					
Sir Thomas Erskine						x		x		x		
Sir David Fleming												
Sir Adam Glendonwyn							x					
Sir Patrick Graham								x		x		
Sir James Lyndsay								x				
Sir William Lyndsay											x	
Sir William Murehead												
Sir John Remorgny										x	x	
Sir William Stewart							x	x	x	x		x
Alexander Cockburn								x				
John Edmonston												
Adam Forster							x	x	x	x		x
John Stewart												
John Swinton												x
Master Thomas Barry												
Master John Caroun								x				
Master Walter Forster												
Master John Lighton								x				
Master John Merton												x

TABLE 8

Scottish equivalents of English deputies commissioned to negotiate for a meeting-place on the border.

	1393[a] Jan.	1397[b] 1/10
Sir William Stewart	x	x
Sir John Remorgny		x
Adam Forster, esquire	x	x
Patrick Lumley		x

a. Vespasian, no. 33, f. 40.
b. Foedera (O), viii. 17.

TABLE 9

Scottish envoys engaged to receive the English king's oath to oberve the truce.

	1389[a] 27/9	1399 20/3	1401 26/4	1404 18/9
Sir William Borthwick			x	
Sir Henry Douglas	x			
Sir David Fleming				x
Sir Adam Glendonwyn	x			
Sir John Hamilton		x		
Sir William Murehead				x
Sir John Remorgny			x	
Adam Forster, esquire		x	x	

a. Foedera (O), vii, 638-9. Other references are on the Scotch Rolls.

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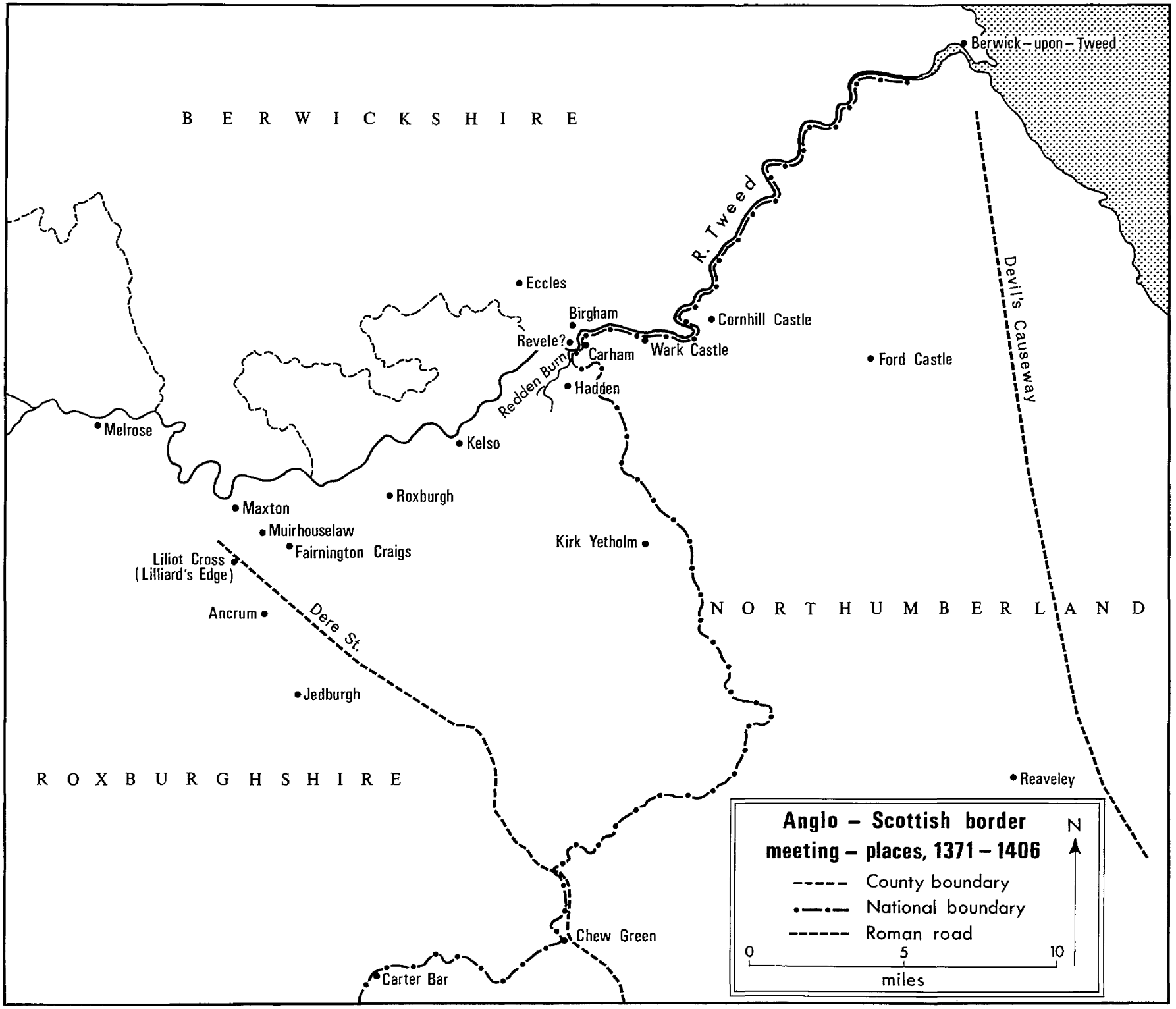
The Anglo – Scottish marches
1371 – 1406
County boundary
County subdivision
National boundary
0
10
20
miles
N
Dunfermline
FIRTH OF FORTH
Leith
Holyrood
Edinburgh
Haddington
Dunbar
Cockburnspath
Coldingham
Ayton
Billiemyre
Bastleridge
Lammermuir
BERWICKSHIRE
Duns
Berwick – upon – Tweed
MERSE
R. Tweed
Eccles
Carham
Melrose
Kelso
Bamburgh Cas
Roxburgh
Fairnington Craigs
Kirk Yetholm
Ancrum
Jedburgh
Dunsta
ROXBURGHSHIRE
Reaveley
TEVIOTDALE
Alnwick Castle
Carter Bar
HILLS
THE CHEVIOT
R. Coquet
Chew Green
Harbottle Castle
Moffat
Redesdale
Otterburn
NITHSDALE
DUMFRIES-SHIRE
NORTHUMBERLAND
ANNANDALE
Morpeth Castle
R. Nith
Lochmaben
Kershope Bridge
R. Annan
R. Sark
Canobie
Kirkandrews
The Lochmaben Stone
Gretna
Annan
R. Esk
Newcastle – upon – Tyne
Stanemoor
Carlisle
SOLWAY FIRTH
CUMBERLAND
Penrith
WESTMORLAND


BERWICKSHIRE
Berwick-upon-Tweed
R. Tweed
Devil's Causeway
Eccles
Birgham
Revele?
Carham
Redden Burn
Hadden
Cornhill Castle
Wark Castle
Ford Castle
Melrose
Kelso
Roxburgh
Maxton
Muirhouselaw
Fairnington Craigs
Liliot Cross
(Lilliard's Edge)
Kirk Yetholm
NORTHUMBERLAND
Ancrum
Dere St.
Jedburgh
ROXBURGHSHIRE
Reaveley
Chew Green
Carter Bar
Anglo – Scottish border meeting – places, 1371 – 1406
County boundary
National boundary
Roman road
N
0
5
10
miles