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Published in:
England and Scotland at War

Publication date:
2012

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Citation for published version (APA):

MacInnes, I. A. (2012). To be annexed forever to the English Crown: The English Occupation of Southern Scotland, c.1334-37. In A. King, & D. Simpkin (Eds.), *England and Scotland at War: New Perspectives* (pp. 183-201). Brill. <http://www.brill.com/england-and-scotland-war-c1296-c1513>

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**‘To be Annexed Forever to the English crown’: The English
Occupation of Southern Scotland, c.1334-37**

IAIN A. MACINNES

The resumption of Anglo-Scottish conflict in 1332-3 brought with it a replication of some of the major issues of the First War of Independence, reigniting the Scottish civil conflict between Bruce and Balliol. This manifested itself in the invasion of Edward Balliol and his Disinherited allies, whose early success encouraged other disaffected Scots to rally to their support as they sought to gain possession of Scottish territories to which they retained claims.¹ The active entry of Edward III into the war in 1333 also brought about a return of large-scale English invasions of Scotland over a prolonged period, with the subsequent devastation that accompanied such forays. The involvement of Edward III and the participation of his armies in the Balliol attempts to regain the throne came at a cost, and

¹ The Disinherited were a group of English and Anglo-Scottish nobles and others whose lands in Scotland had been forfeited as a result of their failure to support the Bruce cause during the reign of Robert I. Although raised during the Anglo-Scottish peace negotiations of 1327-8, the issue of outstanding Disinherited claims to Scottish lands was not resolved. The Disinherited party thereafter formed a close association with the young Edward III, and were prominent in the 1330 coup that saw him overthrow the ruling minority government and seize power. Sonja Cameron and Alasdair Ross, ‘The Treaty of Edinburgh and the Disinherited (1328-1332)’, *History* lxxxiv (1999), pp. 237-56; Caroline Shenton, ‘Edward III and the Coup of 1330’, in *The Age of Edward III*, ed. J.S. Bothwell (Woodbridge, 2001).

Edward III demanded £2,000 worth of Scottish land as reimbursement for his efforts.² At Newcastle in February 1334, the English king received his reward. The sheriffdoms of Berwick, Roxburgh, Peebles, Selkirk, Dumfries and Edinburgh (the latter with its associated constabularies of Haddington and Linlithgow) became the possessions of Edward III, as southern Scotland was effectively annexed to England.³ An English administrative apparatus was quickly established in the region, and individual sheriffs reported to the head of English administration for Scotland at Berwick.⁴ For the period of the 1330s there exist, therefore, detailed records produced by the new English administration in these areas.

These records include the accounts of those same English sheriffs as they sought to establish control over their new territories. For the period from 1335 until 1337 they contain lists of territories from which the sheriffs were expected to collect revenue due to the English Crown. The records themselves have existed in published form for quite some time within the appendices of volume three of Bain's *Calendar of Documents Relating to Scotland*.⁵ Despite the potential significance of these records, Bain's at-times inaccurate recording of documentary evidence has resulted in these sources being used relatively sparingly. Many historians *have* utilised them, but usually as a source of historical detail within a larger study of specific geographical areas or individuals and families.⁶ No-one has, as yet, examined the

² *Fædera* (RC edn), II, ii, 847-8; Ranald Nicholson, *Edward III and the Scots. The Formative Years of a Military Career, 1327-1335* (Oxford, 1965), pp. 97-9.

³ *Fædera* (RC edn), II, ii, 888-90; Nicholson, *Edward III and the Scots*, pp. 158-62.

⁴ *Rot. Scot.*, i, 271, 275, 276.

⁵ *CDS*, iii, appendices iii and vi. The original records are held in the TNA, E 101/331/21 and E 101/331/22.

⁶ See, for example, Richard D. Oram, 'Bruce, Balliol and the Lordship of Galloway: South-West Scotland and the Wars of Independence', *TDGNHAS*, 3rd ser., lxvii (1992), pp. 29-47; Bruce Webster, 'The English Occupation of Dumfriesshire in the Fourteenth Century', *TDGNHAS*, 3rd ser., xxxv (1956-7), pp. 64-80; idem, 'Scotland without a King', in *Medieval Scotland. Crown, Lordship and*

records as perhaps they should be considered – as an intricate record of the English administration of southern Scotland. This corpus of information is, after all, practically unique for this period of Scottish history. The English control of southern Scotland in the 1330s brought with it the English administrative machine. Though the records cover a period of less than three years, they record the minutiae of English government in the region, as well as affording the possibility of comparison between one accounting year and the next. When they have been used, the general impression is of a fragmented and incoherent set of documents that provide little in the way of quantifiable evidence. A quantitative analysis of the state of lands in southern medieval Scotland is, nonetheless, made possible by these sources.

In comparison with the dearth of record evidence for Scotland more generally in this period, the English sheriffs' accounts would appear to offer the opportunity for detailed investigation of the experience of southern Scotland under English occupation and the impact of war on this area. That the Scottish south was affected more than most, becoming as it did a part of the English polity, makes it more than worthy of detailed analysis. Still, the possibilities for research provided in these sources are greater than this paper can possibly hope to cover. Indeed, investigation of the record evidence for this paper suggests that the study is deserving of a larger research project on the impact of war on Scotland, both on its countryside and its people. This paper will not, therefore, be able to discuss all the salient material relating to the English administration of southern Scotland in the 1330s. That is something for the future. Instead, it will provide something of an overview of the kind of information provided by the sheriffs' accounts and the conclusions that may be drawn from them, focussing in particular on two areas: the physical impact of war on the Scottish countryside and the extent of continued allegiance to the Bruce Scottish cause in the face of the Balliol/English alternative.

SOUTHERN SCOTLAND – THE PHYSICAL IMPACT OF WAR

First and foremost the sheriffs' accounts provide a useful overview of the state of southern Scottish territories and estates in this war-torn period. Chronicle writers, when describing the destruction of war, invariably fell back upon general descriptions of regions being put to fire and sword, utilising recurring narrative tropes in relating the scale of the damage.⁷ Although the sheriffs' accounts supply few details regarding actual destruction, they do provide a more detailed picture of the aftermath of such devastation for very specific territorial units. Instead of vague descriptions of lands being burned, the records instead provide an insight into the real impact of war on the value of particular lands, and the difficulties faced by the English sheriffs and their administrations in reclaiming the proceeds due from such territories as a result of the conflict. Indeed, the difficulties faced by the sheriffs are perhaps best demonstrated in the different terminology used by them in their accounts, when providing reasons for lands returning less money than would normally be expected. One of the principal terms used in the accounts is that of land recorded as 'waste.' The precise meaning of this term in a Scottish context is not always clear. Analysis of the term's meaning within an English eleventh- and twelfth-century context has suggested that the term could be used: as a shorthand accounting tool, covering various administrative, political and tenurial difficulties that impeded revenue collection; as a means of explaining poor return rates as a result of wartime damage, such as that committed by William I's forces in the 1060s and 1070s; to signify simply that the land produced no surplus, and therefore no taxable profit.⁸ During

⁷ Christopher Allmand, 'The Reporting of War in the Middle Ages', in *War and Society in Medieval and Early Modern Britain*, ed. Diana Dunn (Liverpool, 2000), pp. 20-2.

⁸ Stephen Matthews, 'William the Conqueror's Campaign in Cheshire in 1069-70: Ravaging and Resistance in the North-West', *NH* xl (2003), pp. 59-62; E.A. Amt, 'The Meaning of Waste in the Early Pipe Rolls of Henry II', *Economic History Review* xlix (1991), pp. 240-8; Graeme White, 'Damage and "Waste" in Yorkshire and the North Midlands in the Reign of Stephen', in *Government, Religion and Society in Northern England, 1000-1700*, ed. J.C. Appleby and P. Dalton (Stroud, 1997), pp. 63-76; idem, 'Were the Midlands "Wasted" during Stephen's Reign?', *Midlands History* x (1985),

King Stephen's reign, however, the word does appear to have been used specifically in reference to war damage.⁹ That the term could be utilised in this fashion suggests that, in spite of the chronological distance between the twelfth century and the 1330s, 'waste' could, in the English administrative lexicon, refer more directly to wartime destruction. Indirect evidence of this being the case in Scotland is found in the common use of the term 'in time of peace' to describe what a territorial unit *should* have returned to the Crown, before the sheriff recorded what it was in fact able to produce during wartime.

Unfortunately, the term 'in time of peace' was not used exclusively in relation to 'waste' lands. It was also used to justify a reduction in financial return for lands that produced some profit during the war, but fell short of their 'peacetime' value. Another problematic term that recurs within the accounts is the ambiguous 'nothing could be collected for the period of the account' (*nichil potuit inde levare per tempus huius compoti*).¹⁰ The reasons for the use of this term, as opposed to 'waste', are unclear. It could be that the territories involved were yet to be brought fully under English control, or that Bruce Scots continued to hold the territory even after its official escheat to the English Crown. This would account for the land returning no profit. The terminology could also imply the flight of tenants from individual territories as a result of conflict, resulting in a depopulated area from which no revenue could be collected. This interpretation corresponds with the suggestion that the term 'waste' could refer to land that was unaffected by war damage, but was bereft of tenants. Further confusion is prompted by scribal references that do appear to indicate tenant flight, such as the phrase 'nobody could

pp. 26-46. See also D.M. Palliser, 'Domesday Book and the "Harrying of the North"', *NH* xxix (1993), pp. 1-23; J.J.N. Palmer, 'The Conqueror's Footprints in Domesday Book', in *The Medieval Military Revolution*, ed. A. Ayton and J.L. Price (London, 1995), pp. 23-44; idem, 'War and Domesday Waste', in Strickland, *Armies*, pp. 256-78; W.E. Wightman, 'The Significance of 'Waste' in the Yorkshire Domesday', *NH* x (1975), pp. 55-71.

⁹ Amt, 'The Meaning of Waste', pp. 240-8; White, 'Damage and "Waste" in Yorkshire and the North Midlands', pp. 63-76; idem, 'Were the Midlands "Wasted" during Stephen's Reign?', pp. 26-46.

¹⁰ See, for example, *CDS*, iii, p. 332.

be found in the area' (*nullo districcio potuit inveniri ibidem*). Such a phrase would appear naturally linked to the dangers and problems of wartime, although it could also conceivably refer to a basic lack of tenants in a given area.¹¹ This latter term is used, however, less frequently than the preceding examples of 'waste' and 'nothing could be collected for the period of the account.' Considering the regularity of use of these two phrases, often without specific explanation as to why one term was used over another, it may be suggested that they were used interchangeably. This would appear likely as a result of basic variation and ambiguity on the part of the individual sheriffs, as well as a probable consequence of scribal inconsistency more generally.

Examples from the accounts themselves demonstrate the difficulties faced by the new sheriffs in exerting their authority, in collecting revenue and in establishing English control over southern Scotland. One of the most telling accounts, perhaps, also happens to be the shortest. Eustace Maxwell, lord of Caerlaverock and a Scottish Balliol supporter, presented his accounts for the period from 15 October 1335 to 29 September 1336.¹² Among the various territories under his control, many were unable to provide any financial return on the basis that they were 'waste.' These included the baronies of Tinwald, Kirkmichael, half the barony and the town of Sanquhar, and the town of Kircudbright. There had been a large amount of military activity in this area in the period immediately preceding Maxwell's account. Edward III and his army passed through this area during the summer invasions of 1335, proceeding to Irvine in July by way of Sanquhar.¹³ Bruce raiding parties also entered the region in later 1337 as Balliol supporters were targeted in devastating raids.¹⁴ Those who abandoned their Balliol/English allegiance in the wake of such attacks, including Eustace Maxwell, were

¹¹ Ibid., iii, p. 388. The land of 'Fitelcrofte' (Edinburgh), for example, returned nothing in 1336-7 as 'nobody could be found in the area' (*nullo districcio potuit inveniri ibidem*); *ibid.*, iii, p. 388.

¹² Ibid., iii, pp. 317-19.

¹³ BL, Cotton Nero MS C.VIII, f. 272.

¹⁴ *Lanercost*, p. 288.

targeted soon after by English forces exacting their own reprisals.¹⁵ Of interest are repeated comments by chroniclers suggesting ‘waste’ territories were at times the product of depopulation as opposed to wartime damage. Although armed forces from both sides are described ravaging the landscape, few people were killed because the armies ‘found hardly any.’¹⁶ The civil conflict that was raging between the supporters of Bruce and Balliol likely led to wide-scale migration from the affected area.¹⁷ In spite of this disruption within his sheriffdom, Maxwell appears to have attempted to establish, and indeed augment, his authority. He records an attempt to extract profits from Kircudbright, along with nearby Kirkandrews, suggesting that he was trying to spread the geographical scope of his shrievalty west into Galloway. Both territories, however, returned nothing.¹⁸

Like Kircudbright, other territories lying at the geographical extremities of Maxwell’s jurisdiction were almost all recorded as ‘waste.’ This indicates the difficulties of revenue collection over such a wide area during wartime, as well as the problems faced by the English administration more generally in providing protection for its ostensible subjects. Maxwell was a military leader as much as he was a sheriff, and he received English wages for service with

¹⁵ *Ibid.*, pp. 290-1; *The Anonimale Chronicle, 1333 to 1381*, ed. V.H. Galbraith (Manchester, 1927), p. 10; Oram, ‘Bruce, Balliol and the Lordship of Galloway’, p. 44; Webster, ‘English Occupation of Dumfriesshire’, pp. 71-2.

¹⁶ *Lanercost*, p. 291. This example relates to the English invasions of 1337. Other similar references are made, for example, in relation to the Bruce raids on Galloway in 1332; *ibid.*, p. 269.

¹⁷ Galwegians were reported to have fled to England in 1332 as a result of Bruce raids; *ibid.*, p. 269; *The Anonimale Chronicle, 1307 to 1334, from Brotherton Collection MS. 29*, ed. W.R. Childs and J. Taylor (Leeds, 1991), p. 153.

¹⁸ *CDS*, iii, pp. 317-18, 319. Kircudbright had in November 1335 been granted to John Marshall, another Balliol Scot, probably in an attempt to settle the area with ‘loyal’ supporters and perhaps to develop the town and ensure its financial recovery. Little, if any, recovery is noticeable in the returns of Eustace Maxwell; *ibid.*, iii, pp. 317-18.

twenty men prior to the period of his account.¹⁹ It is, however, unlikely that Maxwell and his men were able to offer protection to many outside of the immediate environs of Caerlaverock, where they were based. And although augmentation of his forces may have been forthcoming from other local Balliol supporters, and even perhaps from the English garrison at Carlisle, Maxwell's ability to defend the sheriffdom in the face of consistent Bruce opposition must have been severely restricted. The returns from other outlying territories appear to reinforce this inability on the part of the sheriff to adequately protect those living in his area, as well as emphasising the at times haphazard nature of revenue collection. At the northern edge of the sheriffdom, Sanquhar returned nothing, although ten miles south Durisdeer returned 40s. of profit.²⁰ At the eastern extremity of Maxwell's jurisdiction, Staplegordon similarly produced nothing towards the castle-ward of Dumfries in 1335-6.²¹ By 1336-7, Staplegordon is recorded owing castle-ward to Roxburgh Castle, at a time when there is no sheriff's account for Dumfriesshire, probably as a result of Eustace Maxwell's defection to the Bruce party in 1337.²² The Roxburgh sheriff, William Felton, recorded in his account that Staplegordon again produced no financial return as a direct result of Dumfriesshire (as well as Lanarkshire) being in a state of war (*quod dicti duo vicecomitatus sunt de guerra*).²³

For three of the other Scottish sheriffdoms – Berwickshire, Edinburghshire and Roxburghshire – the English accounts are fuller than Maxwell's. They record the administrations' activities for two consecutive accounting years, providing useful opportunities for comparison as well as evidence regarding the ability of the English administration to resettle abandoned territories, and restart the process of producing revenue from the areas under their control. As it is not practical in an article of this length to examine the state of all of English-occupied southern Scotland, it is perhaps more useful to examine

¹⁹ BL, Cotton Nero MS C.VIII, fos. 253, 256; TNA, E 403/288, f. 7.

²⁰ *CDS*, iii, p. 318.

²¹ *Ibid.*, iii, p. 317.

²² *Ibid.*, iii, p. 373.

²³ *Ibid.*, iii, p. 373.

one area within the region as an indicator of possible trends and activities. The constabulary of Linlithgow, within the sheriffdom of Edinburgh, may provide insight into the state of territories in the area and the ability of the English administration to improve the revenue stream to the English Crown. As Graph 1 (see below) demonstrates, the number of territories described as ‘waste’, or returning no revenue, in the sheriff’s accounts had fallen. This would appear to suggest that a greater number of territories were returning to agricultural productivity, allowing the resumption of revenue production. And indeed, as Graph 2 (below) indicates, the majority of lands in Linlithgow had shown an increase in revenue in 1336-7, in comparison to the returns of the previous fiscal year. All of this suggests, perhaps, that the English administration in this area was acquiring greater control over local territories. It also suggests that security in the area, provided by the English administration and backed by garrison forces at Edinburgh, had improved to the extent that people had returned to previously abandoned lands, or that the English Crown had been successful in granting territories to individuals who had returned them to productivity.²⁴

Appearances can, however, be deceptive and these figures may provide an overly positive view of Linlithgow’s state of recovery. Other English record evidence demonstrates that the town of Linlithgow itself was unable to produce any revenue at all in 1336-7 on account of it being totally wasted and abandoned by its inhabitants as a result of the war (*predicta villa iacet totaliter vasta et non inhabitata per guerram*).²⁵ Graph 3 (below) perhaps demonstrates most ably the reality of Linlithgow’s potential recovery. Of those territories showing signs of recovery – those from which income increased in 1336-7 – over a third had been recorded as ‘waste’ the year before. These territories, recovering from a very basic starting point, often showed slower rates of financial recovery. Of perhaps greater concern to the contemporary

²⁴ That Edward III planned some sort of settlement in the south is suggested by a complaint by the king in 1343 that those who had been granted lands in Lothian had not made suitable plans for their defence, and that the territories had been lost to the Bruce Scots; *Rot. Scot.*, i, 639.

²⁵ TNA, E 372/182, r. 43.

English administration was the number of lands that demonstrated no change, with the vast majority remaining waste for the whole two-year period. This is suggestive of continued displacement of the local population and ongoing conflict within the region. This latter suggestion is reinforced by the number of territories that returned reduced revenues in 1336-7, the majority of which were recorded as being newly reduced to 'waste.' Such losses probably represent further Bruce Scottish incursions into Lothian between the recognised attacks of the earl of Moray in the spring of 1335 and the raiding of both Bruce and Balliol/English forces in late 1337.²⁶ Considering the apparent difficulty of recovery demonstrated in the sheriffs' accounts, such ongoing devastation and unrest would have had a long-lasting effect on the area.

The extent to which Linlithgow was indicative of the English-controlled south more generally in relation to the difficulties of recovery from the destruction and impact of war, and of the continued wartime state of southern Scotland, can be demonstrated by brief comparison with Berwickshire. The barony of Hilton appears to have suffered from repeated devastation throughout the conflict. In peacetime it was expected to contribute 40s. a year to the castle-ward of Berwick Castle. In 1335-6 this could not be collected as the lands were recorded as 'waste.'²⁷ The account for 1336-7 recorded, however, that Hilton's contribution was collected in full, suggesting a level of recovery not apparent in other territories.²⁸ Such recovery does, nonetheless, appear to have been short-lived and other records demonstrate that by 1338 Hilton was 'waste' once more. David Marshall, who held the territory, petitioned Edward III in May 1338 claiming that he could not pay the expected castle-ward as the Bruce Scots had ravaged his lands.²⁹ And on this occasion the lands appear to have remained in a

²⁶ Bower, vii, p. 107 (1335); *ibid.*, vii, 131; *Andrew Wyntoun, The Orygynale Cronykil of Scotland*, ed. D. Laing (3 vols, Edinburgh, 1872-9), ii, 438; *Scalacronica*, p. 125 (1337).

²⁷ *CDS*, iii, p. 323.

²⁸ *Ibid.*, iii, p. 368.

²⁹ *Rot. Scot.*, i, 530. Such destruction could have occurred during the Bruce raid on Northumberland in September/October 1337, or indeed during the siege of Dunbar (1338) when Bruce forces harried the

devastated state. In 1341 David Marshall was freed altogether from the castle-ward due from Hilton, a change that appears to have been permanent.³⁰

Also from Berwickshire is the example of the territories of Earl Patrick of March. Following his return to the Bruce party in the winter of 1334-5, Earl Patrick's southern Scottish estates escheated to the English Crown.³¹ The reality of actually imposing such a forfeiture appears to have been, however, rather difficult for the English administration in Berwick, and they suffered financially as well as territorially as a result. The English sheriff, Robert Tughale, recorded in his account for 1336-7 that Earl Patrick's territories within the sheriffdom usually contributed £30 annually to the castle-ward of Berwick Castle. This money had, however, proved impossible to collect, in part because half of the lands involved had been 'wasted and destroyed by war' (*maxima pars vastatur et destruitur per guerram*) – possibly by Earl Patrick himself – while the rest of the territories continued to be occupied by the earl and his accomplices (*aliqua pars occupatur per dictum comitem et complices suos*).³² In the English Crown's most important Scottish sheriffdom, in the midst of ostensibly English territory, supported and protected by the large garrison at nearby Berwick, the English sheriff could only look on as his territories were ravaged and his power flaunted by a local Bruce Scottish leader.

ADHERING TO THE BRUCE ALLEGIANCE

The sheriffs' accounts also provide a useful overview of the state of the southern Scottish population and their adherence to either the Bruce or Balliol/English party. The lists of lands that escheated to the English Crown as a result of individuals' refusal to accept the

rear of the besieging English forces (see, for example, *Lanercost*, p. 292; Bower, vii, 149; *Scalacronica*, p. 127).

³⁰ *CDS*, iii, no. 1366. For the removal of castle-ward payments from Hilton, see *CIPM*, xii, nos. 5, 231.

³¹ *CDS*, iii, p. 323. Earl Patrick's English territories had been forfeited by 1 February 1335; *CPR 1334-38*, pp. 75, 79.

³² *CDS*, iii, p. 368.

Balliol/English settlement of Scotland provide a useful 'who's-who' of Bruce supporters for this relatively short period of time. They also demonstrate, for those whose allegiance wavered, the periods in which they appear to have been in and out of favour with the English regime. With regards to Bruce supporters, obvious individuals include Bruce leaders such as: Andrew Murray, who was deprived of territories in Berwickshire; and William Douglas of Liddesdale, who lost land in Linlithgow constabulary.³³ Other leading figures include members of various families who may be regarded broadly as Bruce supporters, including such names as Hay, Keith, Sinclair, Haliburton and Heryng. Gilbert Hay, for example, lost the profits from two tenements in Dumfries, while Thomas Hay forfeited the barony of Lochorwart (Edinburgh).³⁴ Interestingly, this latter barony was granted in 1335-6 to Thomas Hay's son and heir William, who then in turn forfeited the same territory in 1337.³⁵ Elsewhere, John Haliburton lost half the town of Lambden (Berwickshire).³⁶ Robert Keith lost a third of Ellem (Berwickshire), while William Keith forfeited Netherhowden and *Tochenside* (Roxburghshire), as well as Bonnington (Haddington).³⁷ And Henry Sinclair lost part of Roslin, while John Sinclair forfeited the baronies of Cousland, Roslin and Pentland (Edinburgh).³⁸ All of these Sinclair territories were granted by Edward III to Geoffrey Mowbray, a member of the pro-Balliol Mowbray family that had returned to Scotland with Edward Balliol.³⁹ This case is unusual as it is one of few involving an English grant of southern Scottish territories to a Disinherited/Balliol Scot. Why there were so few grants is

³³ Murray lost his lands of Kelloe and Wedderburn (both in Berwickshire), as well as his manor of Hoton (Roxburghshire); *ibid.*, iii, pp. 322, 324-5, 369, 375. Douglas forfeited Blackness and Whitelaw (both Linlithgow); *ibid.*, iii, pp. 333, 341, 379, 389.

³⁴ *Ibid.*, iii, pp. 319, 332.

³⁵ *Ibid.*, iii, pp. 332, 383.

³⁶ *Ibid.*, iii, pp. 325, 370.

³⁷ *Ibid.*, iii, pp. 321, 325, 336, 370, 374, 384.

³⁸ *Ibid.*, iii, pp. 332, 335, 382.

³⁹ Amanda Beam, *The Balliol Dynasty, 1210-1364* (Edinburgh 2008), pp. 227-8.

unclear. It may relate to unwillingness on the part of Edward III to entrust southern territories to Balliol Scots who might abandon their allegiance at a later date, or to a possible English policy of distributing pensions and annuities to Balliol Scots in place of territorial grants.⁴⁰ Whatever the reason, the granting of Scottish territories more widely, as recorded in the sheriffs' accounts, is a topic for further analysis.

Another Bruce-supporting Scottish family of note is that of Graham, many members of which forfeited lands in the Scottish south as a result of their apparent support for the Bruce party. All lost lands in the constabulary of Linlithgow during the period of the sheriff's accounts. David Graham forfeited Carlowrie, in the barony of Abercorn, as well as Craigmuck in 1335-6.⁴¹ Patrick Graham lost the lands of Kilpant and Illieston, while Cybil Graham forfeited Newton and Bonnyton in the same year.⁴² John Graham, meanwhile, lost lands in Bo'ness and Dalkeith as well as the unidentified territory of *Coldene* by 1336-7.⁴³ This extensive forfeiture of much of the wider Graham family is suggestive of a generally pro-Bruce stance among the affinity. It is, however, known that members of the Graham family in previous years had submitted to the Balliol/English party.⁴⁴ The Graham family were also old followers of John Balliol and appear to have retained connections to his son.⁴⁵ This raises the possibility that the targeting of the Grahams as a group for mass forfeiture was punishment for previous submissions by members of the family. That retribution could be

⁴⁰ Andy King, 'Best of Enemies: Were the Fourteenth-Century Anglo-Scottish Marches a 'Frontier Society'?', in King and Penman, *England and Scotland*, pp. 123-4.

⁴¹ *CDS*, iii, pp. 333, 341, 380, 390.

⁴² *Ibid.*, iii, pp. 341, 389-90.

⁴³ *Ibid.*, iii, pp. 341, 382, 389.

⁴⁴ See, for example, Penman, *David II*, p. 51.

⁴⁵ Beam, *Balliol Dynasty*, pp. 120-1. Indeed, a Henry Graham was recorded serving as an esquire in the Edinburgh garrison in 1337, demonstrating perhaps that not all submissions to the Balliol party were quickly rescinded and that the long-standing links between the Balliols and the Grahams may have remained; *CDS*, iii, p. 363.

taken for the abandonment of a previous allegiance is demonstrated most strikingly in the case of John Graham, earl of Menteith. It was Menteith who bore the brunt of Edward III's wrath in the aftermath of his capture at Neville's Cross, when he received the full force of English justice and a traitor's execution for his previous allegiance.⁴⁶ That Edward III was particularly (perhaps personally) aggrieved at John Graham's behaviour is emphasised by the uniqueness of his treatment, suffering a punishment endured by no other contemporary Scottish prisoner, not even the fickle earl of Fife who was condemned to death at the same time as Graham but was later spared. There may, then, be a link between the execution of Menteith in 1346 and the forfeitures of the family ten years previously, with the possibility that the Graham family were somehow marked by their choice of allegiance during the war years.

Of course, someone like John Graham was not alone in pledging allegiance to both sides during the conflict, with almost all Scots submitting to the Balliol/English at some point. The English Crown's treatment of such individuals, among them some serial 'waverers', is again hinted at in the detail recorded in the English sheriffs' accounts. There is the case of the much-maligned Patrick, earl of March, who submitted to the Balliol/English cause early (in 1333), but rejoined the Bruce cause around 1334. As Alastair Macdonald has demonstrated, Earl Patrick was an important local figure whose choice of allegiance was dictated by his attempts to secure the best possible outcome for himself and his followers.⁴⁷ Edward III's response to March's defection was to forfeit his Scottish estates, as well as the English ones granted to him in 1333.⁴⁸ His Berwickshire estates were re-granted with some rapidity to Englishmen. They were, moreover, granted to prominent border lords such as Ralph Neville and Anthony Lucy, or men of Edward III's military inner circle, such as Maurice Berkley and

⁴⁶ Fordun, ii, 358; Bower, vii, 259-61; *Lanercost*, p. 351; *Scalacronica*, p. 137; *Melsa*, iii, 61-2.

⁴⁷ A.J. Macdonald, 'Kings of the Wild Frontier? The Earls of Dunbar or March, c.1070-1435', in *The Exercise of Power in Medieval Scotland, c.1200-1500*, ed. Steve Boardman and Alasdair Ross (Dublin, 2003), pp. 140-2, 150-2.

⁴⁸ See above, p. 0.

Thomas Bradeston.⁴⁹ That the lands were redistributed so swiftly to prominent military men who were expected to take physical possession of and defend them suggests that Edward III regarded March's defection as being permanent. Edward III may have been growing weary of the Scottish nobility's propensity for changing allegiances during the war. The defence of southern Scotland would instead be left to Englishmen.

One thing that the sheriffs' accounts do suggest is that the defections of Scottish noblemen such as John Graham and the earl of March were of relatively short duration, and that of Robert the Steward appears to have been particularly brief. The Steward apparently submitted to the two Edwards in August/September 1335.⁵⁰ As the sheriffs' accounts demonstrate, however, he had returned to the Bruce allegiance by 15 October 1335 at the latest and had forfeited various territories as a result. The sheriff of Berwick recorded for 1335-6 that the Steward had forfeited his various interests in Whitslaid and Morrision, while the sheriff of Roxburgh recorded his loss of Longnewton and Makerstoun.⁵¹ Unlike the possessions of the earl of March, the Steward's territories remained in the hands of Edward III for the entire period of the sheriffs' accounts. That they were not rapidly granted to Balliol/English supporters may simply have been a financial decision in order to exact more funds from the territories to the benefit of the English Crown. The possibility also exists, however, that these lands were deliberately retained by Edward III in the hope that the Steward could be persuaded to return to the Balliol/English allegiance at a later date. He was, after all, Scotland's heir apparent while David II remained in exile in France, and the two Edwards were presumably aware of the early divisions between the king and his advisors on one side, and his nephew on the other. Although this suggestion is conjectural, the Steward *was* an important figure and if a deal could be done with him, which would presumably

⁴⁹ *CDS*, iii, p. 323.

⁵⁰ *Scalacronica*, p. 121; 'Robertus de Avesbury de gestis mirabilibus regis Edwardi Tertii', in *Chronica A. Murimuth et R. de Avesbury*, ed. E.M. Thompson, Rolls Ser. xciii (1889), p. 302; Penman, *David II*, p. 61; Boardman, *Early Stewart Kings*, p. 6.

⁵¹ *CDS*, iii, pp. 322, 326, 374-5.

include a guarantee regarding his own territorial interests, then the two Edwards may have seen the possibility of ending the war to their satisfaction.

If the sheriffs' records provide some evidence for the loyalty of Scotland's nobles to the Bruce dynasty, they also perhaps illuminate the loyalty of other groups. Scope exists for analysis of men and women of lesser social standing who also found themselves forfeited by the English Crown as a result of perceived support for the Bruce regime. And the records similarly present the possibility of gaining a greater understanding of the extent of support in Scotland for Edward Balliol, as well as the extent of English immigration to southern Scotland as a means of settling it. Again, these are topics for further analysis. One group, however, that can be considered is the Scottish clergy. This is a body of men which has been almost disregarded during this period of conflict, the ambiguous actions of some and the inaction of others having been used as evidence of large-scale ambivalence that stands in stark contrast to the 'patriotic' actions of Bishops Lamberton, Wishart and Murray in the previous conflict.⁵² Although the list of those who were forfeited as a result of Bruce allegiance is not particularly long, or perhaps indicative of consistent loyalty to the Bruce cause, it is nonetheless informative. There is, for example, the case of the parson of Auldathie (Edinburgh), who forfeited the lands of the church there as a result of his 'enmity and rebellion.'⁵³ There is also the vicar of Lochorward (Edinburgh), who was forfeited during the same accounting year.⁵⁴ This individual's rebellion, if such it was, may have related to

⁵² See, for example, Webster, 'Scotland without a King', where, in one of the first real attempts to reassess the Second War of Independence, clergymen receive no mention at all until the appendix, and there on the Balliol side. Richard Oram recently highlighted the lack of study of the Scottish clergy during this phase of conflict, and briefly highlighted the role of William Rae, bishop of Glasgow, in denying Edward III's attempts to insert English clergy into southern Scottish benefices. Richard D. Oram, 'Dividing the Spoils: War, Schism and Religious Patronage on the Anglo-Scottish Border, c.1332-c.1400', in King and Penman, *England and Scotland*, pp. 138-9.

⁵³ *CDS*, iii, pp. 342, 390.

⁵⁴ *Ibid.*, iii, pp. 334, 380.

that of his ecclesiastical superior, the abbot of Paisley, to whom the parish church belonged. The abbot was deprived of the church of Lochorward itself for his own rebellion against the English Crown in 1335-6.⁵⁵ And the abbot of Culross, too, had lost half the proceeds of the ferry at North Berwick in 1335-6 as a result of his 'opposition.'⁵⁶ Of interest among the higher Scottish clergy is the example of the bishop of Dunkeld. Robert I's 'fighting bishop', Bishop William had apparently abandoned his Bruce allegiance early as he participated in Edward Balliol's coronation in 1332, but by 1335-6 he appears to have returned to his previous loyalty. At this time he was deprived of his manor of Aberlady (Edinburgh), as well as territories in Kirkcrammond (Edinburgh) which were forfeited as a result of his 'being against the [English] faith' (*extat contra fidem*).⁵⁷

These 'rebels' aside, the accounts also demonstrate that there remained other Scottish religious figures who appear to have decided that a friendly relationship with the English king was the safest means of protecting their landed interests. There is, for example, the case of the prior and convent of St Andrews, who lost one carucate of land in Spartleton (Edinburgh) on 13 October 1335 for their 'opposition.'⁵⁸ The English records demonstrate, however, that this land was returned to the St Andrews religious on 9 July 1336, presumably as a result of their return to Edward III's peace.⁵⁹ Indeed, the prior appears to have been granted further territories in July 1336 as a reward for his change of allegiance, including half an acre of land next to the parish church of Haddington.⁶⁰ Other churchmen receiving largesse from the king

⁵⁵ Ibid., iii, pp. 326, 372. That this forfeiture was actually carried out is demonstrated by the inclusion of the profits from the church in the sheriff's account for 1335-6, which amounted to £4 13s. 4d.; *ibid.*, iii, p. 326.

⁵⁶ Ibid., iii, pp. 339. The lost proceeds of the ferry were soon after restored to the abbot, presumably as a result of his submission to Edward III at a recent date.

⁵⁷ Ibid., iii, pp. 335, 339, 382.

⁵⁸ Ibid., iii, p. 342.

⁵⁹ Ibid., iii, p. 342.

⁶⁰ *CDS*, iii, p. 340.

of England include representatives of those southern religious houses that by 1334 lay within the ceded territories now under the control of Edward III.⁶¹ The abbots of Melrose and Newbattle appear to have entered Edward III's peace before 1336-7. It was after this submission that they were gifted a short-term grant of the proceeds of the vacant see of St Andrews' manors of Ancrum, Ashkirk and Lilliesleaf (all Roxburghshire).⁶² And Kelso Abbey was able to draw 20 marks from the profits of Duddingston (Edinburgh), as it had historically done, presumably as a reward for their continued support of the English regime.⁶³ Indeed, Kelso's gain was Edward III's financial loss as the sheriff recorded that, following the collection of the 20 marks, there was nothing left for the benefit of the king. The political situation in southern Scotland determined the loyalty of religious men, just as it did their secular neighbours. Evidence from the accounts demonstrates that some Scottish clergy, instead of being wholly ambivalent to the Bruce cause during this period of Bruce defeat and setback, actually engaged in anti-Balliol/English activities and suffered accordingly. Whether such men were representative of the clergy as a whole, or were rebels against a more general trend towards support for the Balliol/English opposition, is worthy of greater analysis.

CONCLUSION – AND AN INTRODUCTION

This overview of selected information contained within the English sheriffs' accounts for 1335-7 has, to an extent, followed previous uses of this evidence in presenting an incomplete picture of everything that the sources have to offer. Despite this, it has been demonstrated that the evidence will open up previously unexplored avenues of research regarding Scotland's experience of war during the Second War of Independence. There are, of course, areas in

⁶¹ Oram argues that the border abbeys in particular were open to the peace, security and possible financial gain that conceivably would accompany English control over southern Scotland; Oram, 'Dividing the Spoils' p. 139.

⁶² *CDS*, iii, p. 322.

⁶³ *Ibid.*, iii, p. 379.

which these accounts are deficient. Although the English Crown attempted to establish its sheriffs in the southern counties as part of a permanent annexation of the region, there was insufficient time for them suitably to cement their position and authority. Bruce counter-attacks and counter-insurgency appears, from the evidence presented above, to have been an ongoing problem throughout the southern sheriffdoms, and it is likely that this ongoing state of open conflict restricted the actions of the sheriffs. This accounts for the lack of detailed record on matters not pertaining to the seizure or transfer of lands. Nonetheless, the records do provide important glimpses of the activities of sheriffs, who attempted to function as normal in southern Scotland during this period. It is clear, for example, that the market at Roxburgh continued to operate during William Felton's accounts, and that as sheriff he was able to collect revenue from its activities. In 1335-6, tolls on merchants provided the sum of £7 4s. 10d., of which 11s. 6d. was received from those who paid to set up market stalls in the town.⁶⁴ Attempts to collect tax revenue from the 'new custom' (*nove custume*) on wool and hides were begun in all the sheriffdoms, although appear to have been abandoned in most by 1336-7. Little revenue was forthcoming, but the returns from Edinburgh do indicate the extent and nature of ongoing trade through the port of Leith.⁶⁵ There is also an indication that sheriffs were responsible for some level of local law and order, although cases remain generally war-related. In 1335-6 William Felton, sheriff of Roxburgh, recorded the seizure of quantities of oats, grain and cattle from various criminals or rebels (*diversorum felonum*).⁶⁶ Robert Tughale, sheriff of Berwick, accounted for 50s. expenditure in 1335-6 as the cost of beheading ten criminals (*felonum*).⁶⁷ In a similar entry for the same year, John Stirling, sheriff of Edinburgh, accounted for expenditure of 35s. for the execution of various named individuals, including John, son of William Marshall of Airth, Ellis Walker and Richard

⁶⁴ *Ibid.*, iii, pp. 320-1.

⁶⁵ *Ibid.*, iii, pp. 320, 321, 343-5, 391-3.

⁶⁶ *Ibid.*, iii, p. 322.

⁶⁷ *Ibid.*, iii, p. 327.

McMery.⁶⁸ And in 1336-7, Tughale recorded profits from the sale of horses forfeited from individuals for various reasons, including in one case taking victuals to Peebles against the king's prohibition, and in another taking supplies to Tynningham (Edinburgh) against the same orders.⁶⁹

Where the records are of greatest use is, however, in their depiction of southern Scotland's wartime experience. This region was, of course, always likely to be at the front line of renewed Anglo-Scottish conflict, and this state of affairs would only increase when the Bruce Scots began to turn the tide against the Balliol/English threat and push the English-controlled area further south. That southern Scotland was damaged by the ongoing state of war is not a surprise. The extent of the damage and the length of time it took territories to recover from the effects of war are, however, more apparent. Indeed the sheriffs' accounts, although covering only a relatively brief period of time and not in themselves complete, allow the possibility of comparison at various levels and offer the prospect of comparative analyses with northern England, which would allow discussion of the impact of war on both sides of the border. Comparison, similarly, can be made with the first war and the records of English administration in the late 1290s and early 1300s, which are altogether fuller and combined would present two distinct snapshots of southern Scotland during wartime. It may even be possible to make some comparison with the effects of English military activities in France.

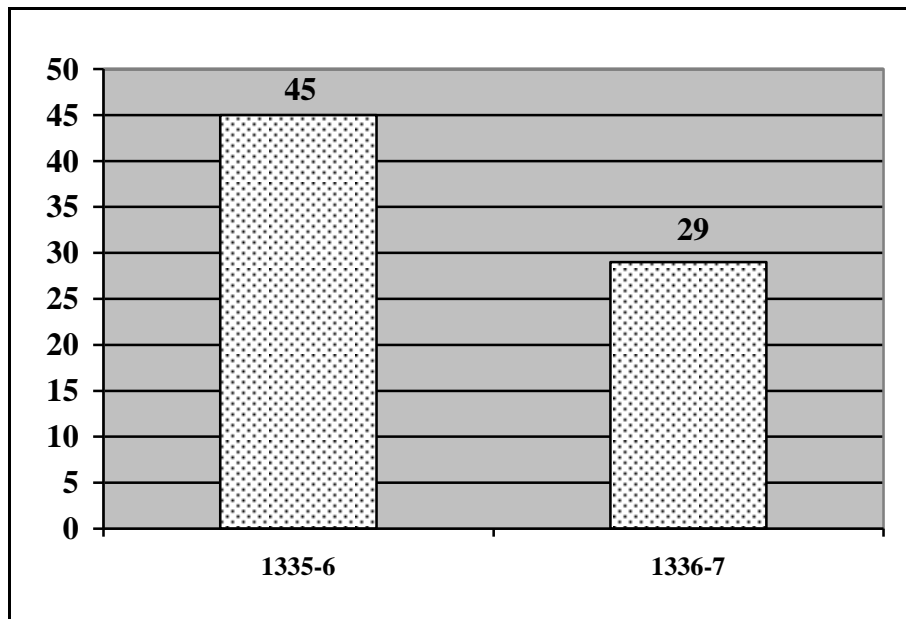
There also remains the question of allegiance. Those Scottish nobles who submitted to the Balliol/English regime appear on the whole to have done so for brief periods of time, and the perceived assumption that the Scottish nobility vacillated wildly in its loyalty throughout this period could be challenged. Further exploration of those below the noble elite would be instructive in developing this point further. The evidence also encourages analysis of the extent of Balliol support in Scotland: how many identifiable Scots were involved in assisting the incoming regime in comparison to those who were forfeited as a result of their opposition;

⁶⁸ *Ibid.*, iii, p. 343.

⁶⁹ *Ibid.*, iii, p. 373.

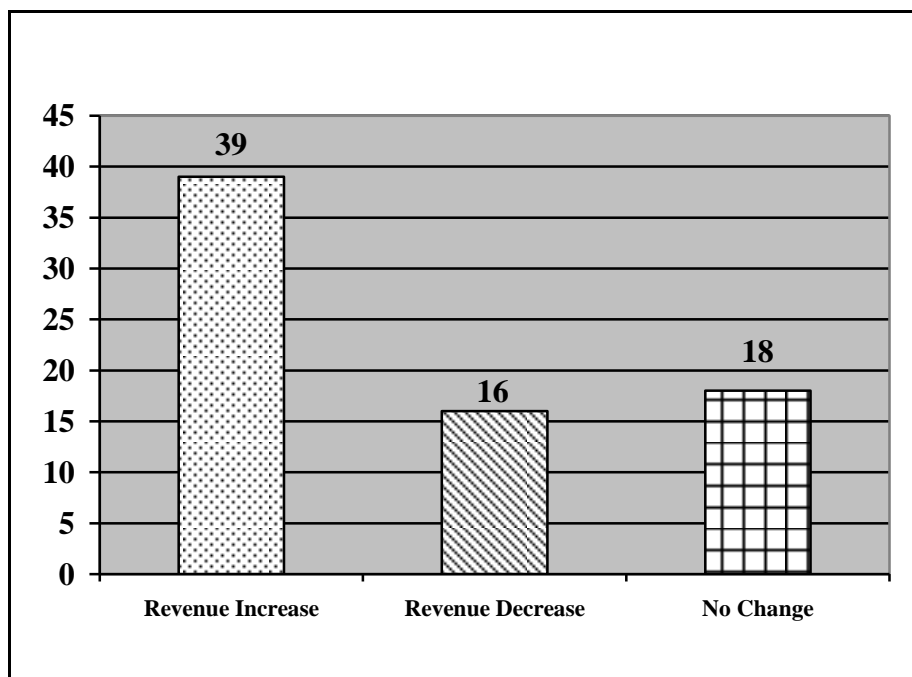
and were the loyal rewarded? The Mowbrays aside, the sheriffs' accounts suggest not, at least not with forfeited southern Scottish lands. Obviously, the picture presented in these records is not a complete one, and all of these areas may be explored in further detail with the assistance of other record evidence. The sheriffs' accounts do, however, appear to suggest an opportunity to question various accepted assumptions. The behaviour and allegiance of the Scottish clergy is a prominent example. The evidence presented here does not suggest that the contemporary clergy were consistent supporters of David II. It does, however, suggest that the picture was far from as straightforward as previously assumed. And this is perhaps the main point that arises from this brief examination of the English sheriffs' accounts – that this period remains one that is ripe for further detailed analysis and that the Scottish perspective, for so long ignored through a perceived lack of evidence, is a rich source for future investigation.

Graph 1: Lands Returning No Profit and 'Waste' Lands in Linlithgow Constabulary⁷⁰



Graph 2. Patterns of Revenue Collection on Lands in Linlithgow Constabulary, 1336-7

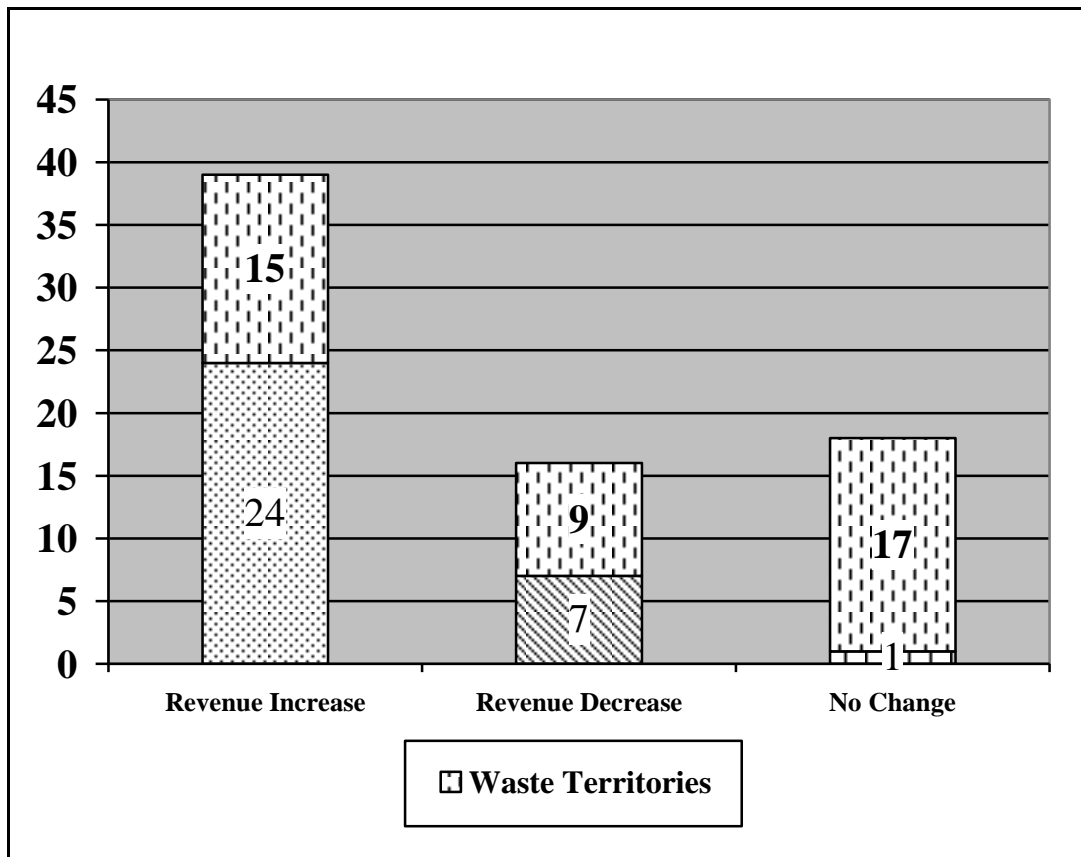
(compared to previous year's income)⁷¹



Graph 3. Revenue Collection in Linlithgow Constabulary – the Impact of 'Waste' Territories⁷²

⁷⁰ Ibid., iii, pp. 327-45, 376-93.

⁷¹ Ibid., iii, pp. 327-45, 376-93.



⁷² Ibid., iii, pp. 327-45, 376-93.