

dans *Contact and Exchange in the Later Middle Ages*, Hannah Skoda et Robert Shaw éd., Woodbridge, Boydell, [à paraître en 2012].

Version pré-éditoriale. Ne pas citer.

Scotland in the Later Middle Ages A Province or a Foreign Kingdom for the English?

The title of this paper may sound provocative: it must be clear from the start that I have no intention of excluding Scotland from the small number of West European monarchies which deserved to be considered as modern states in the making: that is to say, a state deeply immersed in intensive warfare, which implies the building of an efficient fiscal system and the developing of representative institutions able to provide the necessary amount of political legitimation and consensus without which the rise of this socio-political structures proves impossible.¹ However, although all these elements were present in late medieval England and the Scottish king spoke early the language of the modern state, the emergence of this political structure remained a contentious issue in Scotland, where the struggles between the “Royal Stewarts” and other aristocratic lineages such as the different branches of the Douglas family reached a degree of violence exceeding accepted standards, not to speak of the situation in the Highlands.

However, what is at stake here is not Scotland *per se*. Rather, it is the English perspective, the English view of Scotland as a kingdom and an independent state. In his seminal study on fifteenth century English diplomacy, John Ferguson², following the path of his teacher, G.P. Cuttino³, finds no room for Scotland in his survey of the English diplomatic

¹ See now the Edinburgh *History of the Scottish Parliament*, 3 vol., Edinburgh, 2004-2010, especially vol. 1 (ed. by K.M. Brown and R.J. Tanner) and 3 (ed. by K.M. Brown and A.R. McDonald).

² John Ferguson, *English Diplomacy 1422-1461*, Oxford, 1972, p. 178-220. He was still a student of Pierre Chaplais while working for his thesis in the PRO when Malcolm and I, together with Michael Jones, Michael Prestwich and John Palmer, were doing our own research in Oxford in 1964.

³ G.P. Cuttino, *English Diplomatic Administration, 1259-1339*, Oxford, 2nd ed., 1971 ; *English Medieval Diplomacy*, Bloomington, 1985.

machinery. In the tabulation of the data which he included in his study of the English medieval diplomacy, 417 missions were sent abroad in the name of the King of England under the reign of Henry VI. Nearly half of them were sent to the King of France and/or to the duke of Burgundy, 62 to the Pope and the Cardinals, but none to Scotland. It is easy to demonstrate that this is an historian's view, and that there were indeed official embassies on the conventional size and scale sent to Scotland⁴; but although not exceptional, they were so outnumbered by other types of missions that they do not appear to be the normal mean mode of communication between the two kingdoms. Moreover, a detailed examination of these missions to Scotland reveals that their objectives and their personnel are quite different from those observable in the traditional diplomatic missions which were George Cuttino's and John Ferguson's main subjects of study.⁵ This is this difference which we hope to clarify in this paper.

To understand why Anglo-Scottish relations were so unevenly balanced and mainly characterised by bloody hostility, it is necessary to gain a precise idea of the context in which they were understood by contemporaries. From an English perspective – which I shall try to make mine here – Scotland, if foreign, was not a foreign kingdom. It was – or ought to have been – a vassal state, or lordship. Henry II and Edward I, albeit in different circumstances, made it clear that they considered Scotland as part of their sphere of political influence. Resounding and magnificent as it was, the prose of the Declaration of Arbroath⁶ (6 April 1320) seems never to have made an impression on the minds of the English kings of the later Middle Ages. If Edward III had no other option but to recognize Scottish

⁴ For the diplomatic exchanges in the second half of the fifteenth century, see D. Dunlop, "The Politics of Peace-Keeping: Anglo-Scottish Relations from 1503-1511", *Renaissance Studies*, viii, 1994, p.138-161, where he summarizes the findings of his unpublished thesis, *Aspects of Anglo-Scottish Relations from 1470 to 1513*, unpubl. Diss., Liverpool, 1988. ,

⁵ Many documents have been calendared or edited in the following: Thomas Rymer, *Foedera, conventiones, literae et cujuscunque generis acta publica inter Reges Angliae et alios ...*, The Hague, 10 vol., 1739-1745, reprinted Farnborough, 1965 [*Foedera*]; Sir Nicolas Harris Nicolas, *Proceedings and Ordinances of the Privy Council of England*, vol. I and 2, London, 1834 [*PPC*]; Joseph Bain, *Calendar of Documents Relating to Scotland, IV, 1357-1509*, Edinburgh, 1888 [*Cal. Sc. Doc.*]; *Rotuli Scotiae in Turri Londinensi et in Domo Capitulari Westmonasteriensi Asservati*, London, II, 1819 [*Rot. Scot.*].

⁶ A.A.M. Duncan, *The Nation of the Scots and the Declaration of Arbroath*, London, 1970.

Scotland in the later Middle Ages: a province or a foreign country for the English?

independence *de jure* at the beginning of his reign, later events proved that his real position *de facto* was quite different⁷. Much has been written on the “Auld Alliance”, its pro and contra for the destiny of Scotland: but one of its chief merits was to provide the Bruce kingdom of Scotland with an international visibility which could reinforce its status as an autonomous power, which was precisely what the English king constantly denied⁸. And Henry IV in the diplomatic negotiations which followed the Dunbar-Percy raid on Edinburgh in 1401 questioned both the legitimacy of the Stewarts and the status of Scottish kings who, since the time of Lochrine were – in his eyes at least – vassals of the Kings of England. Not without good reasons, the Scots answered by questioning Henry’s own legitimacy, and discussions came to an abrupt end. However, John Hardyng, who was a servant of the Umfraville family but also aroused the attention of Henry V and dedicated a version of his chronicle to Henry VI, was ready to offer excellent – if forged – proofs of Scotland’s inferior status⁹. Fundamentally, Anglo-Scottish relations were undermined by an asymmetric perception of state legitimacy: for the Scots, the treaty of Edinburgh, signed in March 1328 between Robert Bruce and the government of Roger Mortimer and Queen Isabella and ratified at Northampton in May by the English king and parliament, was the cornerstone of any further agreement; whereas for the English it was only a temporary concession of weak and illegitimate leaders, which did not alter the situation of Scotland’s fundamental dependence.

But history, precedents and memory are not the only ingredients of diplomacy. Negotiations imply two negotiating partners. In the case of the Scottish monarchy, kings were, for many years, in a position which prevented them from being active participants in government, or that at least compromised their ability to rule with relative independence. Robert II and Robert III were notoriously disabled and their authority denied. James the 1st, taken at sea by a Yarmouth pirate while crossing to France was kept a

⁷ R. Nicholson, *Edward III and the Scots. The formative years of a military career, 1327-1335*, London, 1965.

⁸ J. Campbell, “England, Scotland and the Hundred Years War”, in *Europe in the Later Middle Ages*, ed. J.R. Hale, J.R. Highfield and B. Smalley, London, 1970.

⁹ A. Gransden, *Historical Writing in England from 1307 to the beginning of the Sixteenth Century*, Ithaca-London, 1982, p. 274-287. See also A.S.G. Edwards, “The Manuscripts and Texts of John Hardyng’s Chronicle”, in D. Williams, *England in the Fifteenth Century*, Woodbridge, 1987, p. 75-84 and A.J. McDonald, “John Hardyng, Northumbrian Identity and the Scots”, in Ch. Liddy et R. Britnell, éd., *North East England in the Later Middle Ages*, Woodbridge, 2005, p. 29-42.

prisoner in England from 1406 to 1424, as David II had been nearly a century before (from 1346 to 1357). James II, moreover, was a minor from 1435 to 1449, as James III was to be from 1460 to 1479. And even when the king was able to rule, he was often confronted by a hostile nobility: the three James died violent deaths, two of them at the hands of their noble political opponents. The same applies, it is true, to their English counterparts, but the English had a highly sophisticated diplomatic and administrative machinery at their disposal, which was able to keep things going, whatever the political upheavals of the period.

Obviously, these circumstances undermined the possibility of establishing diplomatic negotiations between the two kingdoms. But, despite military hostilities of all kinds – about which more later – it is possible to discern a pattern in Anglo-Scottish relations¹⁰. During the reign of Richard II, after a bad start to relations, an escalating climate of violence culminated with the English disaster at Otterburn in 1388: the army led by the Percies (the Earl of Northumberland, who was not on the battlefield, Lords Henry [Hotspur] and Ralph Percy) met the Scots under the command of the earls of Douglas and March, returning from a devastating raid in the North of England.¹¹ After this, however, relations improved. Richard II engaged into a peaceful policy of reconciliation with France and the truces concluded at Leulinghem in 1389 included Scotland. The period scrutinized here is therefore a period in which Anglo-Scottish relations were regulated by the truces, technically extended to 1426, despite occasional bouts of war. Under Richard, things improved to such a degree that peace negotiations were even planned in April 1399: “peace” was more than “truce”, and implied that it was thought possible, maybe for the first time, to contemplate an examination in depth of the vexed question of England’s feudal domination

¹⁰ If we leave aside the problem of the Border and the recent works of Cynthia Neville and Alastair McDonald on it, Anglo-Scottish diplomatic relations do not appear to have awakened much interest: neither Pierre Chaplais, “English Diplomatic Documents 1377-1399”, John Palmer, “English Foreign Policy 1388-1399”, both in F.R.H. Du Boulay and C. Barron, *The Reign of Richard II. Essays in honour of May McKisack*, London, 1971, p. 21-45 and 75-107, nor Maurice Keen, in “Diplomacy”, in G.L. Harriss, *Henry V. The practice of Kingship*, Oxford, 1985, provide any significant detail.

¹¹ On Otterburn’s significance, see A. Grant, “Otterburn from the Scottish point of view”, in A. Goodman and A. Tuck, ed., *War and Border Societies in the Middle Ages*, London-New York, 1992, p. 30-64 ; this paper provides the best analysis of Scottish policy towards England and its impact on noble divisions and factions in Scotland.

Scotland in the later Middle Ages: a province or a foreign country for the English?

over Scotland.¹² Richard II's deposition put an abrupt end to all this: his peace policy weighed heavily in the Percies' support of the Lancastrian claim.

The Lancastrian revolution destroyed any hope of peace, and this led to the Scottish disasters of Nesbit Moor and Homildon (Humbleton) Hill in 1402, but Henry IV's difficulties with the Percies (the victors of Homildon Hill) until the battle of Shrewsbury (13 July 1403) prevented him from capitalising on these victories. However, the capture at Shrewsbury of Archibald 'the Tyneman', the fourth earl of Douglas and head of the Douglasses,¹³ who had originally been captured by the Percies at Homildon Hill but now fought at their side in this battle, allowed Henry IV to achieve a measure of control over the Scottish threat and quieter relations. He could also rely on George Dunbar, the Earl of March, an exile in England, a highly reputed captain, and indeed a bitter enemy of Archibald Douglas. Meanwhile the captivity of the child James I, taken at sea in 1406 while crossing to safety in France, gave the English considerable bargaining power, especially after the final defeat of the Percies at Bramham Moor in 1408. He also had in his power Moray, Angus and the Duke of Albany¹⁴'s son, Murdoch.

Nevertheless, despite his strong position, Henry could not avoid a fresh crisis. In 1409, the uncertainties engendered for the Scots by such a situation were great. However, when Douglas returned to Scotland on parole, a dramatic change intervened: he failed to come back as promised at Easter 1409, and the duke of Albany, who was governing Scotland in the name of James I, managed to reconcile him with Dunbar: therefore Dunbar too came back to Scotland. This led to a new eruption of military activities in the Borders, with the Scots retaking and destroying the castle of Jedburgh, while Robert of Umfraville retaliated in raiding the Forth. In the end, Douglas

¹² The decision followed a meeting between John of Gaunt, duke of Lancaster and the Scottish nobles in 1398 at Haldenstank (a usual meeting place on the Border); after it had been discussed by the Scots at Perth in 1399, Richard II issued commissions to authorize peace negotiations between English and Scottish ambassadors: *Cal. Sc. Doc.*, IV, p. 515 and 519.

¹³ On the Douglas family and their military enterprises, see M. Brown, *The Black Douglasses*, East Linton, 1998: Archibald was later the victor of the battle of Beaugé and became duke of Touraine but was defeated and killed at Verneuil.

¹⁴ He was the Regent of Scotland after the death (murder?) of his nephew the Duke of Rothesay, elder brother of James.

agreed to pay a heavy ransom to Henry IV and some peace discussions were held¹⁵.

As regards Henry V, he seems to have been more concerned by the martial achievements of the Scottish soldiery in France. He treated James I well, and seems to have promised as early as 1416¹⁶ to send him back to Scotland, with the hope that the exiled Scots would realize that they had to make a choice to come back home as faithful subjects to their king rather to stay in France as adherents of an “Auld Alliance” of which their king was no more a part¹⁷. But he never fulfilled this promise; rather, in fact, he chose to send back to Scotland a potential rival to James, Murdoch, Albany’s son. Meanwhile, he knighted the young James and took him with him to France, which had the additional advantage of legitimizing the hanging of the Scots taken prisoners as traitors, duly carried out at Melun.¹⁸ The situation was again reversed by the death of Henry V and James eventually went back to Scotland, though only with a truce, not with a peace. The idea of a peace was not again seriously considered before the reign of Edward IV, once the last episodes of the York-Lancaster rivalry were over: but the death in a rapid sequence of Edward IV, Richard III and James III himself – who was even courting at a time the widow of King Edward, Elizabeth Woodville – put an end to all this.

The complex links between English and Scottish aristocratic factions explains in part why there were so few great English embassies. The Lancastrian revolution prevented the peace discussions from blossoming, and the impossibility of peace limited negotiations to the prolongation of truces and to matrimonial discussions. Nonetheless, these latter did take place, with some solemn embassies, such as the one sent to Edinburgh in 1474 for the betrothal of the future James IV to the princess Cicely, the youngest daughter of Edward IV.

If negotiations at the highest level were most often lacking, the frequent military clashes and aristocratic interferences witnessed in the preceding lines also meant that continued Anglo-Scottish discussions, debates, meetings and intercourses of some form or other were a necessity,

¹⁵ R. Nicholson, *Scotland. The Later Middle Ages*, (The Edinburgh History of Scotland, II), Edinburgh, 1978 [1974], p. 230.

¹⁶ *Rot. Scot.*, II, 219.

¹⁷ A.J. McDonald, “The Apogee of the Auld Alliance and the Limits of Policy”, *Northern Scotland*, XX, 2000, p. 31-46.

¹⁸ Nicholson, *Scotland. The Later Middle Ages ... op. cit.*, p. 251.

Scotland in the later Middle Ages: a province or a foreign country for the English?

either to prevent crises or to deal with their consequences.. However, the discussions that are found in this period do not fall precisely in the diplomatic category. The most salient feature of these discussions is that they may be described more accurately in judicial and legal terms than in diplomatic ones. The subject of these meetings and discussion was not “peace” – which could not be discussed because the disagreement was fundamental – nor even “truces”. Rather, it was an intricate mixture of redress of grievances, law and order disturbances and private feuds: these took place mainly in the Borders, because it was precisely the zone in which most military confrontations took place, and because aristocratic elites had kept there a higher degree of political autonomy than elsewhere.

The characteristics of the Borders shaped Anglo-Scottish relations. But the nature of the Borders was also shaped by the English view of Anglo-Scottish relations. Cynthia Neville has stressed the fact that the denial of the sovereign status of Scotland resulted in the impossibility of imposing law and order on both sides of the border, by “a system of law that distinguished the March lands of both realms, and acknowledged their quasi-independence from the normal machinery of the common law”¹⁹: hence the existence of what is usually called the March Laws. It is “law” indeed, but not in the sense given to the word in the modern states of England or Scotland: the word “custom” would be more appropriate than that of “law”, and it worked as a rather primitive system of arbitration.²⁰ There were crimes, farms were burned, women were abducted and/or raped, cattle were stolen, people were racketed, ransomed, kidnapped, robbed and/or murdered. Sometimes, this happened in the course of military raids which might themselves be part of a campaign of royal orchestration, but were more often simply border disturbances. This was border life, but the consequences of these events were more far-reaching, and could be considered either as acts of war, or as breaches of the truces, depending upon the current relations between the two

¹⁹ C. Neville, *Violence, Custom and Law. The Border Lands in the Later Middle Ages*, Edinburgh, 1998. See also A. Goodman, “Introduction”, in Goodman and Tuck, *War and Border Societies ... op. cit.*, p. 1-29.

²⁰ H. Summerson, “The Early Development of the Laws of the Anglo-Scottish Marches, 1229-1448”, in W.M. Gordon and T.D. Fergus, *Legal History in the Making: Proceedings of the Ninth British Legal History Conference*, London, 1991; W.W. Scott, “The March Laws Reconsidered”, in A. Grant and K.J. Stringer, eds., *Medieval Scotland: Crown, Lordship and Community*, Edinburgh, 1993; C.J. Neville, “Scottish Influences on the Medieval Law of the Anglo-Scottish Marches”, *Scottish Historical Review*, 81, 212, 2002, p. 161-182.

kingdoms. A Scottish raid called for an English retaliation, and vice versa, but disorders were also due to the fact that the governments of both kingdoms had to rely on local aristocratic leadership to maintain some sort of order. These great families had their own agendas, competitions and rivalries between them, which often erupted in the violent feuds and private wars which were a structural element in the explosive situation of Anglo-Scottish relations. Some of these oppositions are well known: Dunbar against Douglas or Johnstone against Maxwell in Scotland, the Neville and Percy rivalry in England; rivalries could also be cross-border, witness the Percy-Douglas feud fuelled by the dispute about the possession of Jedburgh. And these conflicts were echoed at lower levels by conflicts and vendettas between gentry families of slightly lesser rank.

In an attempt to control this situation, the English government created the 'Wardens of the marches of England towards Scotland', an institution which had reached its maturity by 1348.²¹ The delegation of the defence of the North to the Wardens may have alleviated Westminster's burden, but it still cost a lot. The cost of the defence absorbed roughly between £5000 and £6000 a year and sometimes much more, as in the summer of 1384, when Henry Percy was given £10,666 for six months for the keeping of the East Marches, John Neville being paid for the West March alone.²² However, it did not necessarily bring peace to the Borders. The wardens were themselves embedded in these feuding societies: they were usually chosen among the leaders of these feuding parties, because it was better to rely on the strength of their retainers and tenants rather than to have to fight these men.²³ Wardens enjoyed a quasi-royal delegation of power and were free to retain first a set number of soldiers, each soldier receiving a fixed salary; later on, they were given a fixed sum, with which they could retain as many soldiers as they could.

²¹ Goodman, "Introduction", *ibidem*, p. 19; R.L. Storey, "Wardens of the Marches of England towards Scotland, 1377-1489", *English Historical Review*, lxxii, 285, 1957, p. 593-615.

²² W.M. Ormrod, "England in the Middle Ages", in R. Bonney, ed., *The rise of the Fiscal State in Europe, c.1200-1815*, Oxford, 1999, p. 19-52; G. Harriss, *Shaping the Nation. England 1360-1461*, Oxford, 2005, p. 62; Storey, "Wardens ...", *art. cit.*, p. 598.

²³ Henry Summerson gives a good analysis of the English king's problem: "The nature of the war fought on the border was such that the king could only protect his subjects there by employing the services of just those magnates whose power he needed to restrain, but whose local predominance he was, for all that, obliged to maintain and all too often to increase ...", in "Responses to war. Carlisle and the West March in the later fourteenth century", in Goodman and Tuck, *War and Border Societies ... op. cit.*, p. 155-178, at p. 165.

Scotland in the later Middle Ages: a province or a foreign country for the English?

However, there was some sort of organization in the apparent anarchy of the Borders. In that sense, the Borders are a special territory, with laws of their own or rather rules and traditions, more influenced by Scottish practices than by English ones. Conflicts, crimes and offences were to be dealt with in March Days: these can be described as the “tribunals which dealt with illegal cross-Border violations”.²⁴ Several of them were organized each year, and their outlook was more one of commissions of the peace or county courts than diplomatic conferences. These March days acquired more and more importance from the reign of Richard II onwards. They were held in villages (Redenburne, Clogmanbanstone and, most often, Haddenstank). What was going on there was neither diplomacy, nor local administration: it was arbitration, the negotiation of workable compromises, reached after discussions dominated by feudal lords rather than by governmental officers. Bishops, such as the bishops of Durham and Carlisle on the English side, were always nominated as members of the commissions and Barrie Dobson insists upon the importance of the participation and of the role of clerics in the Anglo-Scottish negotiations, especially at the March days.²⁵ However, the meetings were dominated by members of the Percy, Neville, Douglas and Dunbar retinues. As a matter of fact, most of the English and Scot commissioners were members of the local elites, and some of them were godfathers to most of the prominent criminals whose dubious exploits were to be discussed during the sessions. The strict observance of law was not the main preoccupation: arbitration was expected to provide socially acceptable answers to problems which would have been dealt with by judicial institutions elsewhere²⁶, but procedures were routinized and the recourse to written compromises was experienced with some success. It is only when the decisions made were ignored or refused while for some reason the Wardens could not use violence to enforce decisions that the normal law system of one of the two kingdoms was used. In some cases, Scots and English could act together, either in arbitrating or in perpetrating

²⁴ A.J. McDonald, *Border Bloodshed. Scotland and England at War, 1369-1403*, East Linton, 2000, p. 29.

²⁵ R.B. Dobson, “The Church of Durham and the Scottish Borders, 1378-1388”, in Goodman and Tuck, *War and Border Societies ... op. cit.*, p. 124-154; especially p. 132-135, concerning Walter Skirlaw, Thomas Hatfield and John Fordham. Bishops of Durham could also be Warden of the Marches, such as John Fordham.

²⁶ C.J. Neville, “Arbitration and Anglo-Scottish Border Law in the Later Middle Ages”, in M. Prestwich, ed., *Liberties and Identities in the Medieval British Isles*, Woodbridge, 2008, p. 37-55. On a more general level, see *The Settlement of Disputes in Early Medieval Europe*, ed. by P. Fouracre and W. Davies, Cambridge, 1986.

violence as when some Scots had seized the castle of Berwick for themselves in December 1384²⁷, refusing to acknowledge the authority of both kings: they were put to the sword by joint forces. Whether in war or in peace (or rather truce time), Anglo-Scottish relations were both continuous and intense: but could those who were managing them considered as “diplomats”?

The sources offer valuable information on those men who, below the grandees who were Warden of the Marches, bore the burden of Anglo-Scottish relations from 1379 onwards: their activity reveals the true nature of these communications. Among them, there is no doubt that at least in the English Marches, with which we are dealing, gentry landowners and local administrators were prominent. A systematic prosopographical study of all those implicated in the management of Anglo-Scottish relations on both sides of the border could be revealing²⁸: given the limited space here, I have selected two samples of men belonging to this social group, the members of Parliament for Cumberland, on the West March, and those for Northumberland, on the East March, between 1386 and 1421²⁹. The two groups are strikingly dissimilar: none of the twenty nine Cumbrian knights of the shire, with the notable exceptions of Christopher Curwen and Thomas More II – but only from 1451 onwards – appear to have developed an expertise or an interest for dealing with Scotland, and only six of them received commissions concerning Scotland. On the other hand, among the twenty knights representing Northumberland, we find a group of eleven knights, that is more than half of the members, who took part frequently in negotiations with the Scots. There may be several explanations for this: one is the relative weight of Carlisle for the West March, and also the fact that, though some noble families had important demesnes (Dacre, Clifford, Neville, Percy), the King was here the “greatest single power”, thanks to his

²⁷ Grant Grant, “Otterburn ...”, *art. cit.*, p. 44.

²⁸ But see for instance J.A. Tuck, “Richard II and the Border Magnates”, *Northern History*, III, 1968, 27-52 and M. Arvanigian, “Managing the North in the Reign of Henry IV, 1402-1408”, in G. Dodd and D. Biggs, ed., *The reign of Henry IV: rebellion and survival 1403-1413*, Woodbridge, 2008, p. 82-104.

²⁹ See J.S. Roskell, C. Rawcliffe and L. Clark, *The History of Parliament. The House of Commons 1386-1421*, 4 vol., Stroud, 1992. All information on the members, unless otherwise stated, derives from this work or from the quoted sources.

Scotland in the later Middle Ages: a province or a foreign country for the English?

control of Carlisle and of the forest of Inglewood³⁰. What are the profiles of these knights, who could be described as “professionals” of the Anglo-Scottish relations?

They are easy to delineate thanks to the excellent work of the *History of Parliament*. All belonged to gentry families, usually from the upper strata. There is only one possible exception, Sir John Mitford, whose father, albeit he was a gentleman, was a collector of the custom in Newcastle’s harbour, and who, while being frequently associated with Sir Gerard Heron, remained very close to the merchant community of his constituency. Between them, they were 45 times elected as knights of the shire (the ubiquitous Mitford was returned 13 times, Ogle and Heron six times, and Euer 5); they collectively accumulated 25 years of tenure in the office of sheriff, though three of them, Gray, Heron and Middleton, were never sheriffs: for instance, Euer was sheriff for eight years in Northumberland and Yorkshire and Bertram six times in Northumberland alone. And between them, these eleven men were solicited 91 times to have their share in the communication process between England and the kingdom of the Scots. The eleven Northumbrians were all, with the exception of Sir John Manners, Justices of the Peace at some time or another, and this for a very long time for some of them: Mitford and Widdrington spent more than thirty years on the bench, Bertram and Euer more than twenty. Only three Cumberland men have similar profiles: Sir Peter Tilliol, returned thirteen times as member for Cumberland and sheriff of Cumberland for twenty seven years³¹, his son-in-law Sir Christopher Moresby, twice returned but once for Westmorland, three times sheriff of Cumberland and J.P. in Westmorland for thirteen years, and Thomas More II, five times M.P. for Cumberland, sheriff of Cumberland four times and J.P for thirteen years. The profiles of all those who were commissioned to deal with Scotland are tabulated in table 1.

Table 1³²

Name, dates, JP	M.P.	Main positions	Missions to or about Scotland
Sir John Bertram	MP N. 1413 1422	Sheriff N. 1412 1417	1429 1433

³⁰ Summerson, “Responses to war ...”, *art. cit.*, p. 165.

³¹ He was briefly keeper of the West Marches, but he knew Scotland and the Scots well, having been their prisoner. He paid a ransom of 1000 £ and sixty chalders of malt for his release: *ibidem*, p. 159.

³² In the table: C = Cumberland , N = Northumberland, W = Westmorland, Y = Yorkshire.

Jean-Philippe Genet

+ 1450	1429 1432	1423 1431 1435 1439	1434/2 1436
JP 1418-1423 1424- 1437 1439-1442		Keeper Roxburgh Castle 1415-1421	1437/2 1438/2
William Bewley + 1434	MP C. 1404 1413		1429
Christopher Curwen + 1450	MP Appleby 1397B ; MP C 1414B 1423 1425 1427 1431 1432	Neville retainer ?	1429/2 1436 1437 1438 1442 1444
Sir Ralph Euer 1350- 1422	MP N. 1380 1381 1393	Sheriff N. 1385-1390 1397-1399	1380 1390 1400 1401
JP N 1382-1385 1392-1410 (and Y. 1397-1409)	MP Y. 1397A 1399	Sheriff Y. 1392 and 1396 ; Steward bishop of Durham 1385-1422	1403 1404 1407 1415.
Sir John Felton 1339-1396	MP N. 1390	Percy retainer Sheriff N. 1390-1391	1386 1389
JP N 1389-1396			
Sir Thomas Gray 1359-1400	MP N. 1397A 1399	Steward bishop of Durham 1389-1391	1390 1392 1394 1398
JP N 1397-1400		Deputy Warden East March 1389/92 Constable Norham C. 1395/1400	1399
Sir Gerard Heron + 1404	MP N. 1391 1393 1394 1397B.1401 1402	Constable Norham C. 1385-1395 Chancellor Berwick 1391-1404	1389 1390/3 1391/2 1392/4 1393/2 1394/2 1395/1 1398 1399/2 1400/2 1401/3 1403/1
JP N 1397-1403			1427 1434
Sir John Manners + 1438	MP N. 1421A	Sheriff N. 1413/4	1427 1434
Sir John Middleton 1373-1441	MP N. 1414A 1417 1426		1429
JP N 1422-1441 JP W 1423-1424			
Sir John Mitford + 1409	MP N. 1372 1377A 1383B 1388A 1388B	Retainer Percy Steward and Constable for lands belonging to	1389/2 1390/4 1391/3
JP N 1372-1375			

Scotland in the later Middle Ages: a province or a foreign country for the English?

1376-1409	1390A 1390B 1391 1393 1394 1397A 1401 1402	the Perciess, Edmund Duke of York, Sir John le Scrope. Sheriff N. 1402/1403	1392/4 1393/3 1394/2 1395/2 1398 1400/3 1401 1404/2 1405 1406 1407/2
John More I	MP C 1404A	Sheriff C 1409-1410	1406
Thomas More II 1395-1461	MP C 1420 1429 1450 1455	Sheriff C 1430 1443- 1444 1447-1448 1452- 1453	1450 1451 1453 1457 1460
JP C 1447-1459			
Sir Christopher Moresby 1380-1443	MP C 1410 MP W 1411	Sheriff C 1424-1426 1428-1430 1438-1439	1429 1438
JP W 1430-1443			
Sir Robert Ogle 1370-1436	MP N. 1416A 1419 1420 1421A 1425 1435	Sheriff of N. 1417/1418 Constable of Berwick 1423/6 and Roxburgh 1425/35	1410 1413 1415 1424 1429 (2) 1435 (2)
JP 1422-1436			
Sir Peter Tilliol 1356-1435	MP C 1378 1380B 1385 1391 1397B 1410 1413A 1417 1420 1421B 1422 1425 1426	Keeper West Marches 1380	1380
JP 1380-1385 1389- 1395 1397-1401 1423-1435.			
Sir Thomas Umfraville + 1391	MP N. 1388A and 1390A	Sheriff N. 1389 Captain Roxburgh 1388/91	1389 1390.
JP 1389-1391			
Roland Vaux 1358-1412	MP C.		1404 1405
Sir John Widdrington 1371-1444	MP N. 1404A 1414B	Sheriff N. 1411 1426 1430	1433 1434
JP 1405-1444			

These men were among the leading landowners in their counties, where they also have served on a great number of commissions of all kinds: they exerted a considerable influence on local society. However, if they were members of a closely knit group of gentry, this group was often split by competition and quarrels, fanned by their military abilities. If their family relations might be close, they were sometimes so hostile that they reached

the level of private war, as in the case of the two brothers, Sir Robert Ogle (1370-1436) and Sir John Bertram. Sir Robert Ogle, six times MP for Northumberland and sheriff of Northumberland in 1417-1418 seized and nearly destroyed with an army of Scots and English freebooters the castle of Bothal, given to his younger brother John by his father – who had fought at Otterburn – on the very day of his father's burial. John Ogle took the name of his Bothal grandparents and became known as John Bertram: he was himself four times M.P. and six times sheriff of Northumberland. Both were soldiers of repute: Sir Robert put to the sword all the Scots who had taken the castle of Wark of which he was captain. Ogle was the son-in-law of Sir Thomas Gray (1359-1400)³³, whose career was reaching its peak when it was cut short by a relatively early death. Youth also accounts for the relatively modest career of Sir Thomas Umfraville who died at 29, and his son Gilbert and his brother Sir Robert (died 1437), if figures of considerable importance, were above all soldiers³⁴. However, some of these men were close partners, and appear to have cooperated efficiently: even the Bertram-Ogle feud seems to have been pacified in the end. A good example of this collaborative mood is offered by Sir Gerard Heron and Sir John Mitford, who were often working on the same commissions and were the two dominant figures in Northumberland until their death in 1404 and 1409³⁵. But their positions in the county, as well as their specific dedication to Scottish affairs, are best explained by their places in the networks of patronage.

Patronage in the North had several layers, which interacted and which complicate a picture of Anglo-Scottish relations. For instance, both Mitford and Heron were retained for life by King Richard II in 1393, the later as a King's knight, as well as Sir Thomas Gray later on (in 1400?)³⁶. But behind the Crown, other networks were also working, some of them for the benefit

³³ Sir Robert had married Maud Gray: he was therefore the brother in law of William Gray, who became bishop of London and later bishop of Lincoln.

³⁴ The Umfraville had been Earl of Angus, a title given by Edward I. Sir Thomas, the son of the author of the *Scalchronica*, was the head of the younger branch, but died very young. His son Gilbert was to prove a great soldier during Henry V's wars in France, and was expected to be promoted to an earldom when he was killed at Beaugé. Sir Robert's career was also mainly military and he seems to have been the Percies' chief captain on the East Marches, leading several successful raids in Scotland until his death in 1437.

³⁵ Tuck, "The Percies and the Northumberland Community", in Goodman and Tuck, *War and Border Societies ... op. cit.*, p. 178-195, at p. 132-135,

³⁶ Ch. Given-Wilson, *The Royal Household and the King's Affinity. Service, Politics and Finance in England 1360-1413*, New Haven and London, 1986, p. 233.

Scotland in the later Middle Ages: a province or a foreign country for the English?

of the King, but often also that of the bishop of Durham. Sir Gerard was the son of Sir John Heron: the two men were successive constables of Norham Castle, “the effective centre of both military power and civil government in North Durham” and the great lordship of the Bishops of Durham, whose importance in Anglo-Scottish relations we have already stressed.³⁷ Sir Robert Ogle was retained at life in 1403 to hold the same office. The duke of Lancaster, John of Gaunt, made some contracts when he came in the North in 1377, but most of our M.P.s were at some stage retainers of the Percies, the greatest landowners in the East March as well as in the West March, when the second marriage of Henry Percy to the Lucy heiress brought them the Barony of Cockermouth. But retaining had also become the basic tool of the Wardens system from 1388 onwards, and this gave all the Wardens a strong bargaining position for retaining the best men. The dominant position of the Percies was at his peak during the Appellants ascendancy, but after that Richard II’s distrust and his desire for peace led to a prudent diminishing of their influence. After the death of their only local rival, Lord Neville of Raby, a respected soldier, new powers appeared in the region: the king himself, Thomas Mowbray, earl of Nottingham and earl marshal, the son of Lord Neville, Ralph Neville, created earl of Westmorland in 1398, Edward, duke of Albermarle and future duke of York, the King’s half-brother John Holland, earl of Huntingdon ... This was another motive for the Percies to rally to Bolingbroke’s cause, but they were soon driven to revolt by Henry IV’s refusal to give them a free hand in the North. The king’s son, John of Lancaster (the future duke of Bedford), was then given responsibility for the Marches, but the situation was stabilized again in 1417 with the division of the Marches between the Nevilles (John and then Richard, earl of Salisbury in 1428), and the Percies (Henry Percy, second earl of Northumberland), in the East. Once again, royal resources had to be diverted elsewhere, and the dominance of magnate families remained the rule. However, it is noteworthy that, though linked in one way or another to the Percies, none of the men under study here were ready to follow them in their rebellion: they remained faithful to the King, whoever he was.

The activity of our M.P.s was dependent upon the general situation: it was obviously different during the periods of war (Richard’s reign to 1388, the beginnings of Henry IV’s reign, the period 1408-1409), and the periods of truce, especially when the general peace policy between England, France and Scotland was enforced after the truces of Leulinghem in 1389: the

³⁷ Dobson, “The Church of Durham ...”, *art. cit.*, p. 137.

M.P.s became indispensable to the truces, because the latter caused the establishment of a demanding administrative machinery. The prorogation of the truces³⁸ implied an exchange of oaths between the Kings of England and Scotland: commissaries had therefore to be sent to Scotland to receive the oath of the king of Scotland³⁹. The Scots going to France for diplomatic business had to be given safe-conducts and to be received in an English border town, to swear they would do no harm on their way, leaving their weapons at a given place where they could take them back when returning⁴⁰. The English commissaries had also to be provided with safe-conducts⁴¹, and money had to be delivered for their expenses, at a given rate according to their status (lord, knights or esquires)⁴². However, the most difficult part of the business was to inquire about the breaches to the truces, in order to prepare the redress of grievances⁴³ and decide where the ambassadors of both Kings would meet.⁴⁴ Conservators of the truce

³⁸ See *Foedera*, III p. IV, 76.

³⁹ Commissions to Sir Gerard Heron and John Mitford to receive the oath of the King of Scotland to the truce, on the 1st of June 1390, *Rot. Scot.*, II, 105; on the 30th of May 1392 and the 27th of June, *Foedera*, III, p. IV, 76, 87, and *Rot. Scot.*, II, 116, 121; on the 26th of October 1393, *Foedera*, III, p. IV, 91; to Richard Stury, Gerard Heron, Thomas Stanley and John Mitford, 20th of August 1394, *Foedera* III p. IV 101 and *Rot. Scot.* II, 125 (there dated 10th of August, the name of a clerk, Thomas Stanley, being added; on the 12th of February 1395, to Sir Thomas Grey, Gerard Heron, Thomas Walkyngton, *Foedera*, III, p. IV, 104; 14th of January 1399, to Sir Gerard Heron and John Skelton, *Foedera*, III, p. IV, 154.

⁴⁰ *Cal. Scot. Doc.*, IV, 396, for a safe-conduct of the 2nd of October 1389 for Thomas Erskine, Master Duncan Petit, canon of Glasgow, and Adam Forster esquire, intending to cross England with 40 horsemen to go to France to take an oath in presence of the sheriff of Northumberland, Sir Thomas Gray, Sir Gerard Heron, Sir Mathew Redman and Sir Thomas Rednesse, knights, to do nothing harmful to England.

⁴¹ Power for Sir Gerard Heron, Sir Thomas Grey, John Mitford and John Lincoln to grant safe-conducts to Scotch ambassadors, 11th of December 1390, *Foedera*, III p. IV, 65.

⁴² *Cal. Scot. Doc.*, IV, 409: on the 1st of March 1390, Sir Thomas Umfraville and Sir Gerard Heron knights, and John Mitford esquire, commissioners to treat with those of Scotland, are to be paid for nine days on the business, each knight 20 s. and the esquire 13 s.4 d. *per diem*, as in similar treaties (24 £).

⁴³ *Foedera*, III p. IV 50 and *Rot.Scot.*, II, 101, for a commission to Sir Nicholas Dagworth, Sir Thomas Umfraville, Sir Gerard Heron, Richard Rouhale and three others, to demand and grant redresses of infractions of the truce with Scotland, on the 18th of December of 1389.

⁴⁴ *Rot.Scot.* II, 103, 13th march 1390 and *Rot.Scot.* II, 115, 26th of January 1392, commissions to Gerard Heron, Thomas de Umfraville, John Mitford, to discuss with the Scots regarding the place where the ambassadors of the two kings could meet.

Scotland in the later Middle Ages: a province or a foreign country for the English?

were instituted, and though they were initially excluded from this office, our M.P.s were soon in demand.⁴⁵ The same evolution appears in the sphere of peace negotiations: we find both Heron and Mitford in a commission instituted to discuss the establishment of a *pax perpetua* between the two kingdoms.⁴⁶ However, when peace was seriously considered, other procedures were necessary beyond what could be handled at the March days. One of the constant problems was that of the ransoms: there was the payment of King David Bruce's enormous ransom, which involved important men, such as the experienced diplomat Sir Nicholas Dagworth in December 1389⁴⁷.

With the development of the pacifist inclinations of Richard II, truces had to be sworn frequently, and commissions had to be issued accordingly: Heron, Mitford and their colleagues were kept busy.⁴⁸ They were deputised by the great lords at the March days.⁴⁹ Though the more political sides of

⁴⁵ The social status of the conservators of the truce was usually superior to the status of our knights, but they were sometimes selected as such. For instance, in July 1386, commissions were issued to John lord Neville of Raby, warden of the East March, and to Ralph of Neville and Thomas of Clifford, warden of the West March to act as conservator of the truce with Scotland: *Foedera*, III, p. III 193 but on the 12th March 1391, a similar commission included Sir Richard Le Scrope, Sir Ralph Percy and Sir Gerard Heron, knights, John Mitford and John Lincoln esquires as keeper of the truces, alongside the bishops of Durham and St David's, the earl of Nottingham and Lords Roos and Ralph Neville, with three clerks led by William Cawood, L.Ll : *Rot. Scot.*, II, 109. They were also to receive the oath of King Robert III. In May 1390, Heron and Mitford were also among the ambassadors – nearly the same men, with the addition of Lord Henry Percy [Hotspur], of Sir Ralph Euer and of Nicholas Raymes, esquire, but without the Lords Roos and Ralph Percy, according to the instructions they were to receive : *PPC*, I, 27.

⁴⁶ *Rot. Scot.* II, 123, in February 1394; the commission was led by the bishops of Coventry and St David's, Henry Percy, earl of Northumberland, and the Lords Furnival and Ralph Percy, with also Richard Le Scrope, banneret.

⁴⁷ *Foedera*, III, p. III 193, 50, 52. See IV 61 for another group of commissioners.

⁴⁸ *Foedera*, III, p. IV, 107: power for Sir Gerard Heron, Sir Robert Ogle and John Mitford to receive the oaths of the earls of Fife and Douglas and the lord of Bregin to certain articles in the truce (6th of May 1395).

⁴⁹ *Rot. Scot.*, II, 142 for the ratification, on the 9th of November 1398 of an indenture made at Hawedenstank the 16th of March by John, Duke of Lancaster and of Guyenne, the bishop of St Asaph, the earls of Worcester and of Wiltshire, giving the names of their procurators: Thomas Gray de Horton [Heaton], John de Fenwyck, John de Mitford. The Scots, led by David, son of the King of Scotland, do the same.

negotiations were reserved for men of higher status or for the King's men,⁵⁰ they were associated with them when war came back.⁵¹ And, quite apart from the March days, Homildon Hill and the capture of James I generated a considerable administrative effort to arrange and issue the indispensable safe-conducts: there was a constant flux of young men (and some women as well, visiting their husbands) going from and back to Scotland, as hostages for prisoners they temporarily replaced⁵².

This survey reveals that, to judge from the sample we have studied, the prominent local gentlemen of Northumberland and, to a much lesser extent, Cumberland, were employed by the English government to manage Anglo-Scottish relations. None of them had diplomatic experience: it is striking that despite the expertise they had acquired and displayed in Scotland, they were never called for missions elsewhere, though some of them had been in France, fighting in the English army – Sir John Bertram, was Captain of Fronsac in 1419. From time to time, experienced diplomats, such as Sir Nicholas Dagworth, Sir William Elmham or Sir John Tiptoft turned up; princes and great noble men, such as the Duke of Lancaster, John of Gaunt, or a century later, Richard of Gloucester, could be personally involved in some negotiations, but on the whole, the English government

⁵⁰ *Foedera*, III, p. IV, 156, 22nd of March 1399, for a commission to the bishop of St.-Asaph, Edward, duke of Albermale, John, earl of Salisbury, Sir John Bussy, Sir Henry Greene, and Lawrence Dru to treat for peace with Scotland.

⁵¹ *Cal. Scot. Doc.*, IV, 554: on the 7th of August 1400, “the King commands Sir William Fulthorp, Sir Thomas Picworth, Sir Gerard Heron, knights, John Curson, John Mitford and Edward Ilderton, esquires, to deliver in person his letters to the King and nobles of Scotland, and also to publish them at Kelso, Dryburgh, Jeddeworthe, Melros, Edinburgh and elsewhere in Scotland where they see fitting”. See also *Cal. Scot. Doc.*, IV, 673: instructions (4th of March 1405) for the bishop of Bath, the earl of Westmorland, Lord Fitzhugh, Ralph Euer, Robert de Umfraville, Thomas Colville, John Mitford, knights, Master Alain Newark, clerk, and Roland Vaux esquire, the King's commissioners on the Marches, for redress of injuries from Scotland, *Cal. Scot. Doc.*, IV, 673, and, on the 16th of July 1409, letter addressed “to Robert Umfraville, John Mitford and Richard Tempest, knights, commissioners to treat for prolongation of the truces on the Marches lately concluded with the King of Scotland's ambassadors, and as to some offences in violation of the same” (*Cal. Scot. Doc.*, IV, 784).

⁵² For instance, Rymer, *Foedera* ..., IV, 109, : 28th of March 1424, Indenture for the delivery of David, son and heir of the earl of Atholl, Thomas, earl of Moray and 24 other hostages ; other indentures or letters of safe conduct, IV, 111, 113, 114, 115 and so on.

Scotland in the later Middle Ages: a province or a foreign country for the English?

considered that the local gentry were able to run these relations, under the supervision of the Wardens and the bishops of Durham and Carlisle. In many respects, these relations were given neither the status nor the infrastructures of inter-state relations. The nature of the Borders was such that it was found more profitable to rely on the same kind of personnel which was running, through commissions, the local administration of the English counties. Most of these M.P.s were busy on both fronts, relations with Scotland on the one hand, administration of their respective counties on the other.

But this solution had some negative consequences for the English. First of all, such a policy did not improve security and obedience to the law in the Borders, which remained more or less a lawless – in English eyes at least – territory for the two next centuries. And Northern noble families, not only the Percies and the Nevilles, but also the Grays, Dacres, Scropes, Cliffords, Roos and their like, as well as families of the upper gentry, gained in military strength and power, a power they were too often prone to use at the disadvantage of the English Crown. In many ways, during the period we have studied, seen from Westminster, the Dunbars or the Black Douglases were not very different from these families; to style them “Scot” or “English” did not make much difference. Last, the English attitude towards Scotland is one of the main reasons which Rees Davies⁵³ advances for “the failure of the first British Empire”: Scotland was kept on the periphery of the central design of the English monarchy, the conquest of France, or the union with it under a Plantagenet king. It was still considered as a vassal land, whereas to the papacy and to other European rulers, it was an independent kingdom.

Jean-Philippe Genet
LAMOP (CNRS-Paris 1)

⁵³ Sir Rees Davies, “The Failure of the First British Empire? England’s relations with Ireland, Scotland and Wales, 1066-1500”, in N. Saul, ed., *England in Europe 1066-1453*, London, 1994.