
A PLEA ROLL OF EDWARD I'S ARMY
IN SCOTLAND, 1296

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INTRODUCTION

In the twenty-fourth year of the reign of King Edward of England, Easter Day fell on the day of the Annunciation of our Lady. On the Wednesday in Easter week, being the twenty-eighth day of March, the before named King Edward passed the river Tweed with 5000 armed horse and 30000 footmen...¹

So began a contemporary account of the opening campaign of the War of Independence, a campaign which ended some five months later with the formal submission of representatives of the Scottish baronage and landholding ranks to the crown of England. Edward I's conquest of the kingdom of Scotland in 1296 was a watershed in Anglo-Scottish relations, celebrated by English chroniclers and mourned by Scottish observers. Pierre de Langtoft saw it as the fulfilment of Merlin's prophecies:

Now are the two waters united in one
Which have been separated by great mountains;
And one realm made of two different kingdoms
Which used to be governed by two kings....

¹ J. Stevenson (ed.), *Documents Illustrative of the History of Scotland, 1286-1306* (2 vols., Edinburgh, 1870), ii, 25. This fourteenth-century French manuscript is also printed in *Instrumenta Publica*, ed. T. Thomson (Bannatyne Club, 1834), 177-80, and appears also in *Bannatyne Miscellany*, i, eds. W. Scott and D. Laing (1827), 271-82, together with an early sixteenth-century English translation, 264-70.

There is neither king nor prince of all the countries
 Except king Edward, who has thus united them;
 Arthur had never the fiefs so fully.²

For John of Fordun, on the other hand, looking back on the events of the 1290s from a late fourteenth-century perspective, the submission of the earls, barons and other landholders signalled the tragic conclusion to a decade of political turmoil in Scotland which had begun with the death of King Alexander III in 1286: 'how worthy of tears, and how hurtful, his death was to the kingdom of Scotland, is plainly shown forth by the evils of after times'.³

The campaign of 1296 remains of importance for several reasons. For political historians its significance lies in the fact that it signalled the commencement of open hostilities which would characterise relations between the kingdoms of England and Scotland for three hundred years and more; as such it has received extensive historiographical study. It has likewise been commented upon by military historians, for seldom until modern times has one nation been overrun and apparently subjugated by another in such a brief span of time. In the late 1290s Edward I already boasted an impressive record as a military leader, but the swiftness of his victory in the spring and summer of 1296 was noted with respect even by those who were already his ardent admirers.⁴

The campaign is noteworthy for still another reason, for it generated a valuable and all-too-rare administrative document. The army plea roll transcribed and edited below records the details of nearly two hundred offences allegedly committed by members of the English expeditionary

² *The Chronicle of Pierre de Langtoft*, ed. T. Wright (2 vols., Rolls Ser., 1868), ii, 265, 267. For a discussion of poems which praised Edward I's victory in 1296, see R.M. Wilson, *The Last Literature of Medieval England* (London, 1952), 201-6, and L. Stones, 'English chroniclers and the affairs of Scotland, 1286-1296', in *The Writing of History in the Middle Ages: Essays Presented to Richard William Southern*, eds. R.H.C. Davis and J.M. Wallace-Hadrill (Oxford, 1981), 335-43; A. Gransden, 'Propaganda in English medieval historiography', *Journal of Medieval History*, i (1975), 367, 369.

³ *Johannes de Fordun Chronica Gentis Scotorum*, ed. W.F. Skene (The Historians of Scotland, i, Edinburgh, 1871), 309; *John of Fordun's Chronicle of the Scottish Nation*, trans. F.J.H. Skene (The Historians of Scotland, iv, Edinburgh, 1872), 304.

⁴ The itinerary of Edward I's progress through Scotland states with disarming simplicity that Edward 'conquered the realm of Scotland, and searched it, as is above written, within twenty-one weeks, and no more': Stevenson (ed.), *Documents*, ii, 31. See also the succinct account of the campaign of 1296 in *Flores Historiarum*, ed. H.R. Luard (3 vols., Rolls Ser., 1890), iii, 97-8.

force which occupied Scotland between late March and mid-September 1296. The paucity of extant Exchequer accounts relating to such crucial military matters as provisions, stores and household expenditures for the campaign of 1296 is well known, and has been lamented by historians,⁵ but the survival of the plea roll goes some way towards compensating for the loss of these materials. If historians remain unable to determine precisely the numbers of cavalry and infantry men who fought in Scotland, they are nonetheless rewarded in a host of other areas. The roll casts light on a variety of army-related matters, from practical affairs such as watch-keeping duties and muster-taking, to more domestic aspects of army life, which are only rarely glimpsed from such a great distance in time. These include gambling, fighting and booty sharing. The document also reveals something of the manner in which ingenious commanders and common foot-soldiers alike sought out comfortable quarters and entertained themselves away from their own homes.

The careful recording of the names of both defendants and plaintiffs makes it possible, in conjunction with other contemporary source materials, both public and private, to construct brief biographies of several hundred of the fighting men in the English army. The picture which emerges is one of an expedition which drew on all levels of English, Welsh and Irish society, from the ranks of the greatest feudal lords to those of the poorest villagers. Finally, the roll transcribed here is noteworthy because the judgments rendered by the court and the procedures used to submit suspects to trial provide legal historians with valuable insight into the workings of military law in a period which is otherwise almost devoid of reliable source material.

The document classified in the Public Record Office, London, as E39/93/15 (Exchequer Scottish Documents) consists of nine large parchment membranes of differing sizes, measuring from 119 cm to 173 cm, each written front and dorse. A torn fragment sewn to the foot of membrane 1 suggests that the clerk who was ultimately responsible for the roll in the form in which it has come down to us was William Beccles, clerk of the king's Wardrobe. Although the fragment is badly damaged, the following words may still be read:

⁵ M. Prestwich, *War, Politics and Finance under Edward I* (Totowa, N.J., 1972), 51, 94.

Rot.

Edwardi R.

liberatum in Garderoba apud Twedemuth

per dominum Willelmum de Beccles clericum Comitis Marescal...⁶

William de Beccles was certainly present in Berwick at the conclusion of the campaign in August 1296, for on the last day of that month he paid over to Roger le Bigod, Marshal of England, the sum of £50, 'as part of the fee due to him by the king for his service in the king's army in Scotland'.⁷ Other internal evidence, however, suggests that Beccles was not solely responsible for the final version of the roll. Membranes 1r to 4d and 7r to 9d are written in one hand, while another clerk wrote the intervening membranes, 5r to 6d.⁸ The entries numbered 75 and 85 below include several words penned in as additions to the original text in a contemporary, but again different, hand. In the former the words indicate that a second deliberation or discussion of the case occurred after its initial hearing at Roxburgh on 10 May; in the latter, the words were added to correct an omission made by the clerk who had drafted that section of the roll. Similarly, in no. 54, several scored-out words show that a pardon granted to the defendant was subsequently rescinded, while in no. 84 a large space was left blank in the manuscript for the recording of a decision which was never set down. No. 146 refers to a second attempt on the part of a plaintiff to secure a favourable decision in a plea of trespass. The organisation of the roll, then, suggests a series of collations: one by a clerk who travelled around Scotland in the company of the king and the marshal, charged with collecting notes on army pleas as they were heard in a dozen different locations, who then drew these up in final form (membranes 1r-4d, 7r-9d); another whose task was to record gaol delivery proceedings where these were held (membranes 5r-6d); and a third, perhaps William de Beccles, who added his own emendations to the final version of the roll.

Equally revealing evidence of the composite nature of the final version of the document is found in its internal organisation, which does not correspond precisely to the chronological progress of

⁶ Transcripts of the contents of E.39/93/15 are reproduced here by permission of H.M. Stationery Office.

⁷ PRO, E101/684/50 (1), calendared in *Calendar of Documents Relating to Scotland* [CDS], v (supplementary, 1106-1516), eds. G.C. Simpson and J.D. Galbraith (Edinburgh, n.d.), no. 156.

⁸ I am grateful to Professor Geoffrey Barrow for his opinion on the handwriting in the roll.

Edward's army on the expedition. Army pleas heard at Wark on 21 March, Berwick on 4 April and Roxburgh on 10 May are enrolled first (membranes 1r-4d), followed by a series of gaol delivery trials held in several Scottish towns between 17 May and 8 August (membranes 5r-6d) which, as noted above, were recorded by a different clerk. This format is similar to contemporary records of visitations of the Eyre south of the border, in which cases of trespass and other pleas were set down in the rolls separately from crown pleas, and was probably intended deliberately to recall these other rolls.

Finally, the formulaic and, at times, monotonous recording of a majority of the cases suggests that the roll represents a condensed version of a series of more extensive notes. Unusual incidents of trespass and cases of alleged felony are described with careful attention to detail. The *minutiae* of more mundane incidents are omitted, and they are often subsumed under the general category of 'trespass'. Here, too, the clerks who drew up the roll consciously imitated the editorial practice of their fellows who compiled Eyre rolls.

There seems little doubt that the roll was drawn up shortly after Edward's return to Berwick in the last days of August 1296. Indeed, the record of two of the last pleas heard there suggests strongly that it was drafted in its final form on Thursday 28 August. In no. 179, the settlement of John de Roddom vs. John Sampson was postponed until the following day, when a jury was to be assembled by the sheriff of Northumberland. In no. 184, final deliberation of Hugh Despenser's case against the same John Sampson was likewise delayed, this time until the following Monday, 1 September, again in order that a jury of men who had cognisance of the alleged incident might be convened. The final verdict of neither case is recorded on the roll. But by 28 August Edward I was tremendously occupied with other, more pressing, concerns. On this and subsequent days he was called upon to preside over the assembly which he had summoned at Berwick to receive and record the oaths of fealty proffered by several hundred defeated Scotsmen. The army plea roll was probably hurriedly submitted to the royal Wardrobe and forgotten there in the days which ensued.

The existence of PRO E39/93/15 has been known to historians for many years, but it has never been printed and translated in its entirety. An eighteenth-century transcript is included among various

Hardwicke family papers now in the British Library;⁹ another, dating probably from the nineteenth century, is to be found among the Advocates' Manuscripts housed in the National Library of Scotland.¹⁰ Both contain numerous editorial errors, though they have been used in this edition to fill in gaps when words or letters are illegible in the original document. Excerpts from E39/93/15 were translated by Joseph Bain in the late nineteenth century and included in his *Calendar of Documents relating to Scotland*.¹¹ These were selected chiefly for their anecdotal value, and do not reflect the prevalence in the document of cases enrolled merely as 'pleas of trespass'.¹² The roll is cited briefly in two histories of the fourteenth-century Court of Chivalry, and reference to its existence is made in more recent historical works, notably by Michael Prestwich, in his examination of the administration of war in the reign of Edward I.¹³ But little attention is paid in any of these works to its value as a source of information concerning army life. Maurice Keen likewise notes the existence of the roll in his study of the origins of the constable's court in England (where it is misdated to 1294-95), but he dismisses it because it sheds little light on the procedures which he argues were developed for use in military tribunals in the fourteenth century.¹⁴

Despite the short shrift it has been given by scholars, the plea roll contains much of value as a source of legal and military history. In first place, it shows clearly that the notion of military law, as both a complement to, and an extension of, English common law, was very much in existence in the closing years of the thirteenth century. In times of war common law principles became peripatetic, capable of expression wherever the persons of the king and his highest officials travelled, within the kingdom of England proper, or outwith its traditional boundaries. When John Lovel, who acted as deputy marshal

⁹ British Library, Additional MS 35,822.

¹⁰ National Library of Scotland, Advocates' MS [Adv. MS] 17.1.19.

¹¹ *CDS*, ii, no. 822.

¹² Those entries from the original document that were calendared by Bain in *CDS*, ii, no. 822, are noted in the edition below.

¹³ L. W. Vernon Harcourt, *His Grace the Steward and Trial of Peers* (London, 1907), 362-3; G. D. Squibb, *The High Court of Chivalry* (Oxford, 1959), 11; E. F. M. Powicke, *The Thirteenth Century, 1216-1307* (Oxford, 1954), 615n; Prestwich, *War, Politics and Finance*, 107n, 115n, 167.

¹⁴ M. Keen, 'The jurisdiction and origins of the constable's court', in *War and Government in the Middle Ages: Essays in Honour of J. O. Prestwich*, eds. J. Gillingham and J. C. Holt (Cambridge, 1984), 165 and n.

of the army on the expedition of 1296 (no. 165), heard and ruled on accusations of spying, homicide, larceny, robbery and other war-related crimes levelled against Scotsmen (nos. 89, 95 and 98), he acted on the authority which he wielded as a representative of the English crown in territory considered subject to that crown. It was under similar authority that he also undertook to prosecute English soldiers for offences allegedly committed against Scotsmen (nos. 134 and 136). Geoffrey Barrow has argued that although the theoretical justification for Edward I's war against Scotland lay in the rebellion of his vassal King John, he was nevertheless aware that until Balliol had formally resigned his kingdom, he was in a 'curious' position, constitutionally and legally. The forced resignation did not, in fact, take place until July 1296, and Barrow suggests that Edward's actions between the fall of Berwick in late March and the first week of July belie his uncertainty as to his constitutional position.¹⁵ Certainly, no legal niceties troubled his military justices. From the time the army moved to relieve Wark Castle in March until its triumphant return to Berwick in August, the deputy marshal exercised the prerogative of his office as if no boundary existed between Edward I's hereditary possessions and those he would claim *de jure* only after 10 July. Scotsmen and Englishmen alike (as well as Irishmen and Welshmen) brought their complaints before him, or were adjudged according to the rules, regulations and traditions inherent in his office.

The later thirteenth century in England was a crucial period in the development of substantive law and, more generally, of legal procedure - civil, criminal and, as the army plea roll shows, military. One of the many striking features of the document is the tremendous development in the judicial powers of the marshal which it attests. This official had cognisance no longer merely of matters arising from organisation and discipline within the king's household, but now of all matters concerning discipline within the royal host and of relations

¹⁵ G. W. S. Barrow, *Robert Bruce and the Community of the Realm of Scotland* (3rd edn., Edinburgh, 1988), 73. Cf. M. Prestwich, 'Colonial Scotland: the English in Scotland under Edward I', in *Scotland and England, 1296-1815*, ed. R. A. Mason (Edinburgh, 1987), 6-7. On the events surrounding Balliol's resignation, see E. L. G. Stones and M. N. Blount, 'The surrender of King John of Scotland to Edward I in 1296: some new evidence', *Bulletin of the Institute of Historical Research [BIHR]*, xlviii (1975), 94-106. and M. Prestwich, 'The English campaign in Scotland in 1296, and the surrender of John Balliol: some supporting evidence', *BIHR*, xlix (1976), 135-8.

between soldiers and non-combatants.¹⁶ In the reign of Edward I, too, royal justices were beginning to distinguish with increasing confidence between offences which were considered felonious and those defined as trespass.¹⁷ Plucknett defined the latter as a 'varied assortment of torts', and noted that they were brought to court by means of a variety of actions, notably the still ill-defined procedures of complaint (*querela*), writs of trespass and actions of *quare*.¹⁸ The roll demonstrates clearly the broad scope in the concepts of tort and trespass posited by Plucknett. The entries range from straightforward cases of debt to cases in which the defendant was not accused of the felonious offence of larceny, but was said rather to have 'illegally withheld', 'taken and withheld' or 'taken and led away' the plaintiff's animals or goods.¹⁹ Other goods were said to have been 'alienated', 'illegally taken' or 'taken and carried off'.²⁰ Injuries to the person pursued by means of the actions noted above include accusations of illegal imprisonment or attachment, assault and injury.²¹ The problems which late thirteenth-century lawmakers continued to experience in treating the thorny

¹⁶ The functions of the marshal in the twelfth and thirteenth centuries are discussed in J. O. Prestwich, 'The military household of the Norman kings', *English Historical Review* [EHR], xcvi (1981), 1-35. For the late thirteenth and fourteenth centuries, see Keen, 'The jurisdiction and origins of the constable's court'. Keen's article does much to clarify Squibb's confusion with respect to the powers of the marshal and constable in this period.

¹⁷ On the history of the action of trespass in the development of legal procedure, see T. F. T. Plucknett, *A Concise History of the Common Law* (4th edn., London, 1948), 349-53, 428-31; F. Pollock and F. W. Maitland, *The History of English Law Before the Time of Edward I* (3rd edn., 2 vols., Cambridge, 1968), ii, 511-28; S. F. C. Milsom, 'Trespass from Henry III to Edward III', *Law Quarterly Review*, lxxiv (1958), 195-224, 407-36, 561-90. More recently, see M. S. Arnold (ed.), *Select Cases of Trespass from the King's Courts, 1307-1399* (2 vols., Selden Soc., 1985), i, pp. ix-lxxxv, and *The Roll of the Shropshire Eyre of 1256*, ed. A. Harding (Selden Soc., 1981), pp. xxxii-lviii. The best recent study of the development of the law of felony in the late thirteenth and early fourteenth centuries is H. N. Schneebek, 'The Law of Felony in Medieval England from the Accession of Edward I until the Mid-Fourteenth Century' (University of Iowa PhD dissertation, 1973).

¹⁸ Plucknett, *Concise History of the Common Law*, 431.

¹⁹ Pleas of 'trespass' only: nos. 15, 16, 21, 25, 26, 29, 32, 39, 54, 66, 69, 72, 77, 137, 138, 145, 148, 150, 156, 166 and 171. Complaints: nos. 4, 5, 6, 7, 11, 27, 33, 35, 36, 43, 46, 47, 61, 64, 67, 79, 81, 84, 90, 91, 108, 112, 147, 153, 154 and 158. Debt: nos. 3, 34, 42, 53, 75, 78 and 174. Illegally withheld: nos. 9, 19, 20, 31, 38, 44, 48, 53, 56, 62, 63, 70, 73, 78, 120, 159 and 170. Took and withheld: nos. 143 and 144. Took and led away: nos. 110, 113, 127, 161, 176, 179, 183 and 184. Led away: no. 37.

²⁰ Alienated: nos. 58, 82, 160, 162, 164, 167 and 169. Illegally took: nos. 22 and 57. Took and carried off: nos. 8, 30, 59, 68, 71, 152, 157, 163, 175, 176, 177, 178, 179 and 182. Other property-related suits include a charge relating to the wounding of the deputy marshal's destrier, no. 121; illegal ejection, no. 28; breaking lodgings, nos. 51 and 185; and the illegal attachment of goods, no. 93.

²¹ Illegal imprisonment: nos. 57 and 152. Illegal attachment of persons: no. 18. Assault: nos. 83, 142, 151, 172 and 173. Injury: nos. 68, 142, 151, 172 and 173.

question of intent in incidents of robbery are clearly shown in a number of cases which were heard as a result of several different actions, and which were punished sometimes as trespasses, but at other times as felonies.²²

The judicial sessions held on the campaign of 1296 also tried suspects on a wide variety of criminal charges. These trials were held in sessions of gaol delivery, as distinct from tribunals convened to hear pleas of trespass in the army; on each of the nine occasions when they were held the clerk who drafted this portion of the roll differentiated their status clearly.²³ Regrettably, no specific commissions of gaol delivery have survived for the campaign, but it seems likely that these must have been issued. The marshal was empowered by virtue of his office to judge cases involving life and limb, but because the judicial procedures adopted were those current at common law, specific commissions to deliver town gaols of suspected criminals were required. Moreover, the scope of the felonious and treasonable offences which were heard and determined was sufficiently broad as to necessitate the authority of commissions as extensive as those of gaol delivery. The presence on the expedition of Chief Justice Sir Roger Brabazon²⁴ probably ensured the observation of these legal requirements; indeed, Brabazon himself may have joined army officials on the bench at these tribunals.

The gaol delivery sessions closely resembled in form and content those convened in this period south of the border. The justices heard accusations and appeals of robbery and larceny. Predictably, most of these involved horses, harness and other war gear; they illustrate, incidentally, the casual fashion in which some of the king's mounted troops made arrangements for fulfilling their military service requirements. The presence in the king's army of men charged with 'numerous larcenies, robberies, arsons, homicides and other misdeeds', and the details of more than a dozen trials for murder, similarly underline the violent tenor of life in the ranks. With few exceptions the victims of these deadly encounters were not residents of the newly

²² Nos. 1, 98, 122, 125 and 140. Felony: nos. 41, 87, 130, 133, 139 and 141. On the question of intent as it related to robbery, see Plucknett, *Concise History of the Common Law*, 422-3; Pollock and Maitland, *History of English Law*, ii, 493-4; Schneebek, 'Law of Felony', 527-48.

²³ Sessions of gaol delivery were held at Roxburgh on 17 May, Edinburgh on 12 June, Stirling on 19 June, Clunie on 28 June, Forfar on 5 July, Aberdeen on 18 July, Elgin on 28 July, Kildrumny on 1 August, and Perth on 8 August. These sessions are enrolled in E39/93/15 at mm. 5r, 5d, 6r, 6d.

²⁴ No. 30. Sir Roger secured a pardon for two men amerced for a false plea of trespass.

conquered Scottish territories, but members of the royal expedition, often Welshmen.²⁵

Unsettling as were their circumstances, these sorts of criminal activities were not frequent. Of more interest to historians are those incidents which constituted treason, and which were therefore of special concern to the king and his military officers. Two Scotsmen, John de Salton and John the porter, were charged by the marshal with being 'spies of the Scottish king and enemies of the [English] king', while William de Chester was also accused of being a spy.²⁶ Two accusations of firing granges and houses (and, in one case, churches and houses) in England, and one of breaking prison, were reserved to royal officials presiding over sessions of gaol delivery, for these were offences considered treasonable (nos. 88, 99 and 114). When two Scotsmen confessed to the marshal that they had held a public ceremony in which they solemnly excommunicated King Edward, they were similarly committed to trial before royal agents who were empowered by the most authoritative of commissions (no. 115).

Curiously, the one felonious offence which one would expect members of a conquering army to commit, the crime of rape, was not the subject of a single trial in the pleas heard in 1296. In part this may have been a reflection of the state of flux which had until recently characterised the status of the offence,²⁷ but its absence from the roll must surely be due chiefly to a reluctance on the part of women victims to confront a military court with a charge so difficult to prove.²⁸

The verdicts returned and the sentences imposed on convicted felons

²⁵ Two exceptions are the case of Richard de Leeds, a resident of Perth, who was killed while in pursuit of a horse stolen from his house, and a boy, John, allegedly killed by a Welshman: nos. 127 and 132.

²⁶ Nos. 89 and 118. See also nos. 1 and 40, where two other charges of spying were dealt with by the deputy marshal.

²⁷ For changes in the methods of prosecuting rape, see J.B. Post, 'Ravishment of women and the Statutes of Westminster', in *Legal Records and the Historian*, ed. J.H. Baker (Royal Hist. Soc., Studies in History, 1978), 150-64; B.A. Hanawalt, 'Women before the law: females as felons and prey in fourteenth-century England', in *Women and the Law: A Social Historical Perspective*, ed. D.K. Weisberg (2 vols., Cambridge, Mass., 1982), i, 181-6; J.M. Carter, 'The status of rape in thirteenth-century England, 1218-1275', *International Journal of Women's Studies*, vii (1984), 248-59; B.A. Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge, Mass., 1979), 104-7; R. Kittel, 'Rape in thirteenth-century England: a study of the common-law courts', in *Women and the Law*, ed. Weisberg, ii, 103-4.

²⁸ On the difficulties involved in prosecuting cases of alleged rape, see J.M. Carter, 'Rape in medieval English society: the evidence of Yorkshire, Wiltshire and London, 1218-76', *Comitatus*, xiii (1982), 51-3; Hanawalt, 'Women before the law', 183-4, and Schneebeck, 'Law of Felony', 482-6.

demonstrate the determination of juries and justices to deal harshly with men whose violence was considered unacceptable even by army standards. Two of the entries, nos. 177 and 184, reveal that the jurors who were summoned to the sessions were not local people, but rather men in the king's immediate entourage and in the army at large, who had first-hand knowledge of the circumstances surrounding alleged incidents. Altogether, some one hundred suspects were dealt with at the nine sessions of gaol delivery; together they were charged with almost fifty felonies. Twelve of these men - more than 10 per cent - were sentenced to hang, and three others (including the king's two excommunicators) escaped the noose only because of their clerical status (nos. 115 and 136). Their offences were clearly of the most serious sort. A gang of seven men was put to death because its members had set off on a raid through English lands and set fire there to churches and houses (no. 99). Brawls within the ranks were to be expected, but the conviction of an English soldier for the murder of a Welshman demonstrated the disapproval of army authorities (no. 111). Similarly, when a soldier deliberately lured his opponent to his death he was adjudged guilty and sentenced to hang (no. 135). Capital punishments were also handed down to an Irishman who burgled the home of a Scotsman in Forfar, and to a man who committed blasphemy by robbing a church (nos. 123 and 133). Both these incidents represented open challenges to authority: the former to the conventions of war proclaimed by the king's marshal, the latter to holy mother church. The final sentence of hanging was imposed on a soldier who broke prison.²⁹ The wide variety of offences for which verdicts of guilty were returned suggests that justices and juries alike were prepared to make examples of serious offenders.

The procedures followed in the numerous judicial sessions held in the spring and summer of 1296 were those used at common law. A century later the Court of Chivalry, presided over by the constable of England and the earl marshal, would boast a procedural system substantially different from that of the common law,³⁰ but the rules and regulations

²⁹ No. 114. The law permitted the immediate execution, without need for a trial, of suspected felons who broke prison: J. G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973), 178; R. B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), 224-31.

³⁰ Keen, 'The jurisdiction and origins of the constable's court', and Vernon Harcourt, *His Grace the Steward*, 362-99.

adopted on the Scottish campaign were virtually identical to those in contemporary sessions of the Eyre. Terms of imprisonment were imposed in some twenty-eight instances, and the awarding of damages in a half dozen cases reflected a growing trend found in England.³¹ Amercements were levied on defeated parties in some 105 cases, ranging in amount from 6d to one mark. It is not possible to assess with confidence the sum total of the monies raised in this manner, because in some thirty cases in which the amercement was pardoned, either on the intervention of the marshal, constable or some other army official, or because the party was too impoverished to pay, the marginalia do not specify the amounts forgiven. Furthermore, the sums enrolled were not always the same as those actually collected.³² But from those entries which do note clearly that amercements were levied and duly paid, it would appear that the judicial sessions held in Scotland raised only £116, a paltry sum compared to the cost of the expedition.

Perhaps the chief interest of the roll lies in the plentiful information it reveals about the conditions of life in a large medieval army. Edward I's expeditionary force consisted of some 25,000 infantry men and several hundred mounted troops,³³ and drew on musters ordered from England, Wales and Ireland.³⁴ The general responsibility for quartering this large number of men fell on the marshal and constable, though their deputies co-ordinated the myriad of arrangements which were made as

³¹ Damages awarded: nos. 14, 31, 62, 73, 149 and 164. Damages ranged from the small sum of 6d to the unusual amount of 40s. On the growth of actions for damages in the reign of Edward I, see Pollock and Maitland, *History of English Law*, ii, 524-6.

³² A. Harding, *The Law Courts of Medieval England* (London, 1973), 68; Bellamy, *Crime and Public Order, 190-1; Crown Pleas of the Wiltshire Eyre, 1249*, ed. C.A.F. Meekings (Wiltshire Arch. and Nat. Hist. Soc., 1961), 106-15.

³³ This estimate is offered in Prestwich, *War, Politics and Finance*, 93-4, and, more recently, in M. Prestwich, *Edward I* (London, 1988), 470. In this later work, Prestwich cites an Exchequer document (PRO. E159/69 m 11d) printed in Stevenson (ed.), *Documents*, ii, 20-1, and corrects Stevenson's error of transcription. See also J.H. Ramsay, 'The strength of English armies in the middle ages', *EHJ*, xxix (1914), 222.

³⁴ *Parliamentary Writs and Writs of Military Summons*, ed. F. Palgrave (2 vols., Record Comm., 1827), i, 275-8; Prestwich, *War, Politics and Finance*, 84, 94. The Irish contingent did not join the king's expedition until June: *The Chronicle of Walter of Guisborough*, ed. H. Rothwell (Camden Soc., 1957), 279; J.H. Lydon, 'An Irish army in Scotland, 1296', *The Irish Sword*, v (1962), 184-7. The roll also notes the presence in the army of Gascons, Flemings and Scotsmen, the latter recruited chiefly from the border counties, which were occupied and garrisoned after the capture of Berwick.

the army made its frequent halts around the kingdom.³⁵ Problems inevitably arose, ranging from incidents of violence committed by grudging Scotsmen against troops billeted in their homes, to more tiresome quarrels among English captains for possession of the most comfortable accommodation. Incidents of the latter sort were dealt with firmly by the king's officials. When, for example, Sir Ralph de Bleyou complained that three soldiers had unjustly taken advantage of his offer to accommodate them for one night, the culprits were fined 1s each – the equivalent of a full day's pay (no. 19). Similarly, when William de Beyrmore attempted to double-cross John Gichard with respect to arrangements which the two had made for the former's lodgings in Roxburgh, Beyrmore was amerced at 12d, and was further required to pay damages of 5s (no. 73). When he subsequently attempted to launch a counter-suit against Gichard the deputy marshal amerced him again, and compelled him to make his peace with Gichard (no. 81).

A more potentially unsettling situation occurred in Arbroath between the agents of Fulk FitzWarin and the earl of Hereford in late June and early July 1296, when goods secured by Gilbert de Lindsay for the use of the earl were carried off by FitzWarin, then forcibly recovered by Lindsay. The deputy marshal's requirement that both men's complaints be put to arbitration revealed his unwillingness to favour either of the contenders, and his wish to avoid dissension between two powerful tenants of the crown (nos. 160 and 161). The deputy marshal himself, John Lovel, was involved in a dispute with a fellow Englishman over the ownership of a sum of money discovered in lodgings in Berwick, a dispute which degenerated into a much more serious quarrel within just a few weeks (nos. 146 and 165). When a scuffle broke out in Berwick at the end of the campaign between Gilbert de Umfraville, son of the earl of Angus, and the king's agent, Hugh de

³⁵ *Liber Quotidianus Contrarotularis Garderobae*, ed. J. Nichols (Soc. of Antiquaries, 1787), 201ff. The military duties of these officials are briefly described in Prestwich, 'The military household of the Norman kings', 21; G.H. White, 'The household of the Norman kings', *Transactions of the Royal Historical Society* [TRHS], 4th ser., xxx (1948), 149-53; Prestwich, *War, Politics and Finance*, 263, n. 3. On 29 June 1296 Gilbert de Lindsay rode ahead of the king's army to Arbroath where, acting as marshal for the earl of Hereford, constable of England, he made arrangements for the lodging of the earl's company: no. 160.

Lowther, steps were taken immediately to settle the contention between the parties.³⁶

The administrative difficulties involved in victualling an army the size of Edward I's 1296 expedition were enormous.³⁷ As in the Welsh wars of the previous decade, troops were victualled according to a variety of arrangements. The men who rode as members of the king's household, or who were assigned to garrison captured fortresses, were kept supplied with goods brought from England by sea or overland by royal purveyors operating out of Carlisle and, later, Berwick, as well as with foodstuffs obtained locally through the king's right of prise. Inevitably, disputes arose between royal agents and the people from whom they obtained victuals, and the plea roll includes several such incidents. William de la Pole, for example, was sued for trespass by the English merchant Robert Scot for refusing to pay 44s owed for a quantity of beer (no. 174). More serious were the charges of regrating and forestalling flour and other victuals brought against several English officers and their men at the delivery of Roxburgh gaol; all those involved were amerced (nos. 101, 102 and 103).

Most soldiers, however, were expected to fend for themselves in the matter of victuals, for the king was under no obligation to supply food to men who were paid wages.³⁸ Some probably carried a few days' or weeks' worth of food with them from home. This was especially true of the contingents from the northern English border counties. Otherwise, they had to buy food in local markets, and here, too, disputes arose. The roll records several charges of debt arising from victualling arrangements, others in which the plaintiff sued for non-delivery of animals and goods purchased and duly paid for, and still others in which the defendant was charged with refusal to pay for goods.³⁹

It was not unusual for even the greatest of Edward's magnates to

³⁶ *Calendar of Close Rolls* [CCR], 1288-1296, 488-9.

³⁷ For a general discussion of the victualling of Edward I's Scottish expeditions, see Prestwich, *War, Politics and Finance*, 114-28, and M. Prestwich, 'Victualling estimates for English garrisons in Scotland during the early fourteenth century', *EHR*, lxxxii (1967), 346-53. For sea-going victualling arrangements, see also W. Stanford Reid, 'Sea power in the Anglo-Scottish war, 1296-1328', *Mariners' Mirror*, xlvii (1960), 7-13.

³⁸ Prestwich, *War, Politics and Finance*, 114.

³⁹ General pleas of debt: nos. 3, 34, 42, 53 and 78. Non-delivery of goods: nos. 52, ewes; 70, ewes. Refusal to pay for goods: nos. 55, sheep's carcasses; 168, animals; 174, beer; 181, oxen, cows, calves and mares.

attempt outright plunder and pillage under the guise of victualling. At the sessions convened at Roxburgh on 10 May 1296, Robert de Bamburgh complained that the earl marshal's bailiff, Hugh Thorold, 'falsely imprisoned him, attached 119 of his sheep, and wilfully drove them off, to Robert's damage of 40s and more'. The bailiff countered by claiming that Robert had himself stolen the animals from Patrick earl of March, and that Thorold had not stolen them but, acting in his capacity of bailiff, had rather attached them and had demanded sureties that Robert would duly appear to answer the earl's man with respect to the charge. In the end, Thorold forfeited his attempt to keep the animals by failing to appear before the court on the day set for adjudication, and Robert recovered possession (no. 57). A similar attempt at plunder occurred later in the campaign, when Walter de Huntercumbe was accused of stealing animals from a moor near Aberdeen (no. 183), and a highly ironic incident occurred in early July when 966 animals, the booty of Hugh Despenser, were seized by two English soldiers while on their way south in England (no. 184). Incidents of plundering and pillaging also took place on a smaller scale among the king's foot soldiers, but were ignored by army commanders, who acknowledged the right of every man to acquire spoils on campaign.⁴⁰

But when these activities contravened direct royal prohibitions, or when they caused serious dissension in the ranks, they were more closely scrutinised. When one soldier was charged with plundering lands that had been placed under the king's peace, he made no attempt to deny his action, but pleaded successfully that he had done it before the proclamation of the peace had been made (no. 126). More troublesome were the disputes which sometimes took place among thieves during the sharing of booty; the Welshman Owen Montgomery made himself notorious for his attempts to double-cross his associates in the division of spoils.⁴¹

The maintenance of good relations among the troops was a crucial concern in an army as large and as varied as that of 1296, for while altercations with the conquered Scots might be expected, internal

⁴⁰ One entry in the roll, no. 50, mentions the formation of a company for plundering the king's enemies.

⁴¹ Owen de Montgomery's attempts to retain an unfair share of despoiled goods were the subject of two separate charges: nos. 74 and 80. He was charged with the more general offence of trespass by some of his companions on three other occasions: nos. 43, 66 and 67.

conflicts seriously undermined the morale of the troops. The marshal acted decisively when brawls broke out among soldiers: the parties were first required to make amicable agreements with each other, then were fined the stiff sum of 1s each, five times the daily wage of the average infantryman (nos. 104, 105 and 106). More widespread trouble erupted in Edinburgh when the army was quartered there in June. The Welsh forces clashed with their English fellows, and the deputy marshal's destrier was wounded in the melee. The culprit responsible for the horse's wounds was dispatched to prison, not merely because of the senior status of the plaintiff, but as an example to all potential trouble-makers.⁴²

More problematic still to army commanders were offences which represented a challenge to their authority, because these endangered the very success of the campaign. Overall command of the army fell to the marshal and the constable, but they depended heavily for the effective deploying of troops and manoeuvring of men upon a host of subordinate officials - millenars, centenars and vintenars, and the marshals and constables of individual noble contingents. Acts of insubordination were not tolerated. When some soldiers were charged with refusal to obey a centenar, each was fined the equivalent of five days' pay,⁴³ and when several others refused or failed in their duty to perform watch and ward at night, they too were harshly dealt with (nos. 17, 23 and 116).

The symbol of the marshal's authority, the royal banner, was not merely a thing of pomp and show; it was the visible expression of the power vested in this official by the king, and was to be accorded respect.⁴⁴ Alebinus de Whelton, who had the temerity to ride ahead of the banner of the constable and marshal as the army approached the town of Clunie, was immediately seized 'as one who had shown contempt for the king's precept'. He compounded his offence by subsequently escaping from the custody of the marshal's officials, and for this offence forfeited his two horses and was committed indefinitely

⁴² No. 121. Violent confrontations between Welsh and English soldiers plagued the expedition: they were at the centre, for example, of at least six charges of homicide. See nos. 109, 111, 117, 119, 132 and 135.

⁴³ No. 13. Another man's failure to go on foray as ordered resulted in his imprisonment: see no. 23.

⁴⁴ The symbolic and legal significance of banners and other devices is discussed in M. Keen, *The Laws of War in the Later Middle Ages* (London, 1965), 105-8, 111, and M. Keen, 'Treason trials under the law of arms', *TRHS*, 5th ser., xii (1962), 92-5.

to prison (no. 165). When two other soldiers displayed the ill grace of departing from under the marshal's banner in order to plunder the village through which they were passing, they too were committed to prison.⁴⁵

The army of 1296 included men of all sorts. There were representatives of the most influential ranks of society,⁴⁶ humbler craftsmen and the landless poor. A list of soldiers identified in the document according to their civilian occupations includes Thomas the barber, Elias the shepherd, Alan the carter, Simon the chapman, Robert the cook, Gilbert the collier, Henry the forester, Roger Hirdman, Augustine the mercer, John the taverner and Adam, Ralph and William the tailors. Some men were undoubtedly called upon to use their skills in the service of the expedition: such men included Aymer the baker, William and John the armourers, William the carpenter, John the cook, John the smith, Elie le Ferur, Adam the king's harper and, perhaps most important, given wartime conditions, Nicholas and Master Thomas the physicians. The clerks who appear frequently in the roll provided scribal services in recording debt, loan and purchase agreements, and chaplains celebrated mass, blessed the troops and heard their confessions.

Most of the fighting men remain, to modern observers, merely names; they disappear from royal records of any sort after the return of the army to England in the autumn of 1296. But for several hundred men it is possible to construct a brief history of royal service both preceding and following the campaign of 1296. For such men war against the king's enemies, in Scotland and elsewhere, was evidently both honourable and profitable.

Sir Robert Darcy and Sir William de Huntercumbe were typical of the hundreds of lesser noblemen who spent several years in royal service. As a young man Darcy accompanied Edward I north during negotiations relating to the Great Cause, and in 1295 served the king in Wales. In the spring of 1296, as a reward for his efforts in Scotland, he was restored without penalty to his father's lands in Lincolnshire,

⁴⁵ No. 10. Desertion from the army, which would become a serious problem in Edward I's later campaigns in Scotland, does not appear to have been widespread in 1296. See Prestwich, *War, Politics and Finance*, 95-9.

⁴⁶ A partial list of the noble contingent in the expedition of 1296 may be found in *Parliamentary Writs*, i, 275-8.

which he had entered illegally following the older man's death. He was in Scotland with John earl of Warenne in 1297, when he was knighted, and returned there to fight at Falkirk in 1298, then again in 1300. In 1306 Darcy was again in the king's service in occupied Scotland, this time under Aymer de Valence, but lack of remuneration had caused him by then to tire of his duties. In October 1306 his lands were taken into the king's hands because he had deserted the army, 'in the contempt of the king and to the retarding of the king's business'.⁴⁷

Sir Walter de Huntercumbe served the king in Wales in the campaigns of the 1280s, and was in Wales again in the spring of 1295, after a journey to Gascony in the royal service in the autumn of 1294. On the expedition of 1296 he travelled in the company of John de Warenne, earl of Surrey, and after the conquest of Scotland was appointed keeper of the castle of Edinburgh and the sheriffdoms of Edinburgh, Linlithgow and Haddington. He remained there until 1298, when he fought at the battle of Falkirk, but was relieved of the custody of Edinburgh Castle towards the end of that year. He was appointed a captain in Northumberland in 1299, and from then until his death around 1313 he divided his time equally between his landed interests in Northumberland and a variety of duties north of the border. Huntercumbe's frequent absences from his lands cost him a great deal. In 1307 he petitioned Edward I for permission to retain the scutage raised from his tenants, reminding the king that he had been 'in all the Scottish wars until the present'.⁴⁸

Lesser men, such as Griffin ap Rees, Robert de Neketon and William de Denton, served in a less illustrious, but equally steadfast capacity. The Welshman ap Rees was a soldier in Scotland in 1296, then fought in Gascony in 1297.⁴⁹ Neketon returned to Scotland with the king in 1298, and was still a member of the garrison of Newcastle-on-Ayr in

⁴⁷ *Calendar of Patent Rolls (CPR)*, 1281-1292, 440; *CPR*, 1292-1301, 54, 293; *CCR*, 1288-1296, 410, 480; PRO, SC1/21/58; H. Gough (ed.), *Scotland in 1298* (London, 1888), 48; PRO, C42/2/21/8; *Calendar of Fine Rolls*, 1272-1307, 543; PRO, E101/13/16 m 16.

⁴⁸ Gough (ed.), *Scotland in 1298*, 24, 136, 249; *CPR*, 1292-1301, 202, 249, 387; PRO, E370/1/10; *CDS*, ii, nos. 997, 1014, 1036, 1351, 1356, 1374, 1413; *CDS*, v, nos. 155, 273, 291, 480; C. Moor, *Knights of Edward I* (5 vols., Selden Soc., 1929-32), ii, 252-3; J. E. Morris, *The Welsh Wars of Edward I* (Oxford, 1968), 70-1, 159, 210, 213; *Book of Prests of the King's Wardrobe for 1294-5*, ed. E. B. Fryde (Oxford, 1962), pp. xxviii, xlvi and n., pp. 149-50.

⁴⁹ *CPR*, 1292-1301, 335.

1301-02.⁵⁰ Denton served in Gascony under the earl of Lincoln in 1297, and for his service was pardoned his involvement in the death of a man.⁵¹ The professional biographies of other, equally 'typical', men reveal similar patterns of service.

Among the several thousand common folk who joined the expedition, a few are identifiable as criminals, pardoned on condition that they perform military service in Scotland. Edward I's recruitment of convicted felons, outlaws and fugitives, later to become notorious, had begun on a large scale two years earlier at the time of his campaign to Gascony.⁵² By 1296 the immense resources represented by the gaols and byways of England as recruitment grounds were openly acknowledged by the king when he empowered Sir Roger Brabazon

to receive from persons in prison or outlaws at large charged with homicides, robberies, or other crimes, or from the friends of such, sufficient mainprise that they will forthwith go on the king's service to Scotland and remain there at the king's wages, during pleasure, and after their return take their trial if appealed: and after such mainprise being testified by the said Roger before the chancellor, they are to have letters of pardon of the king's suit.⁵³

Some men took advantage of the offer immediately and enlisted as soldiers;⁵⁴ others were able to appeal successfully to the king's ongoing mercy with respect to crimes they committed after the army had

⁵⁰ Gough (ed.), *Scotland in 1298*, 27, 166; *CCR, 1296-1302*, 228, 276; *CPR, 1292-1301*, 390, 442; PRO, C47/22/3(26).

⁵¹ *CPR, 1292-1301*, 354.

⁵² N. D. Harvard, *The King's Pardon for Homicide Before A.D. 1307* (Oxford, 1969), 247-8.

⁵³ *CPR, 1292-1301*, 186 (8 March 1296). A proclamation to this effect was issued to the kingdom at large on 11 April 1296: Stevenson (ed.), *Documents*, ii, 38-9.

⁵⁴ The northerner Lambert de Burgh, for example, had been at large on bail since 1288, for a murder: *CCR, 1288-1296*, I. William the carter had been in York gaol in 1294 for a similar offence: *CPR, 1292-1301*, 117. John le Fraunceis of Derbyshire was an outlaw as late as December 1295, though he subsequently served the king in the campaigns of 1296 and 1298: *CCR, 1288-1296*, 293, 351, 408; Gough (ed.), *Scotland in 1298*, 188. John le Husser had been in gaol in Buckinghamshire for receiving thieves and other alleged trespasses as late as August 1295: *CPR, 1292-1301*, 138. On the eve of the army's departure for Scotland, the king's suit against Roger de Beauchamp and some two dozen others for the death of a man was respited, for 'the king wishes to show them favour because they are setting out on his service for Scotland'. *CCR, 1288-1296*, 475. Beauchamp was still serving the king in Scotland some four years later: Gough (ed.), *Scotland in 1298*, 20, 33; F. Palgrave (ed.), *Documents and Records Illustrating the History of Scotland* (London, 1837), i, 213.

crossed into Scotland.⁵⁵ A few soldiers traded on their loyal record of service on the campaign of 1296 when, in subsequent years, they too sought refuge under the expedient of royal pardons.⁵⁶

The presence of women in the army plea roll is not unusual, for no medieval army travelled without the variety of services which women provided.⁵⁷ Some wives followed their husbands: Richard le Selser and his wife Margery, for example, brought a suit against a Scotsman at the sessions held in Roxburgh on 10 May.⁵⁸ Others perhaps hoped to scratch a respectable living by working as cooks, laundresses or servants for the troops;⁵⁹ still others became the unwary victims of the dangers which accompanied the presence of fighting men in a conquered town.⁶⁰ Most, however, were probably camp followers and prostitutes. Sometimes they joined their companions in their boisterous escapades.⁶¹ The dangers which might befall a woman involved in such a precarious relationship are illustrated in the case of Maud de

⁵⁵ On 28 July 1296, at Elgin, Alan Bloyou was pardoned the death of a fellow soldier 'for services in the Scottish war': *CPR, 1292-1301*, 193. The Welshman William de Crakehale was outlawed, then pardoned, at Berwick in August 1296 for the wilful killing of John Page: *CPR, 1292-1301*, 195.

⁵⁶ See, for example, William de Denton, pardoned on 17 June 1298; Richard de Hereford, pardoned on 8 September 1298; William de Chester, pardoned on 15 September 1298; Robert Roland, pardoned on 5 November 1298; Simon le Chamberlain, knight, pardoned on 10 November 1298, and Ralph the tailor, pardoned after several years' service, including the campaign of 1296, on 16 October 1301: *CPR, 1292-1301*, 354, 358, 359, 371, 374, 614.

⁵⁷ Indeed, the fact that the names of only fifteen women appear on the roll is surprising; this is surely not an accurate representation of their numbers on the expedition. On the role of women in medieval armies, see B. C. Hacker, 'Women and military institutions in early modern Europe: a reconnaissance', *Signs*, vi (1981), 646-54; B. S. Anderson and J. P. Zinsler (eds.), *A History of Their Own* (2 vols., New York, 1988), i, 362; P. Contamine, *War in the Middle Ages*, trans. M. Jones (Oxford, 1984), 241.

⁵⁸ No. 47. Simon de Blye and his wife Sybil were named in a suit of trespass in a curious case, no. 152. Augustine le Mercer and his wife Agnes, Scots, appeared as defendants at the sessions of 10 May 1296: no. 85.

⁵⁹ Agnes the laundress laid a charge of assault and robbery against two English women at the sessions held in Roxburgh on 10 May 1296: no. 68. Christine the laundress was a defendant in a suit of trespass heard at Perth: no. 145.

⁶⁰ One unidentified woman was robbed of beer and milk: no. 86. A Scotswoman who had taken refuge in a church while the army passed through the town of Clunie laid charges against two soldiers when the church was broken into and her possessions carried off: no. 122. The husband of a resident of Perth was killed by an English soldier when he attempted to retrieve a stolen horse: no. 127. Another resident of Perth was robbed of some beer by an Englishman who was accompanied by a notorious Scottish thief: no. 136. These examples illustrate the indifference of medieval soldiers to the rules of conduct proscribing attacks on women and other non-combatants. See C. T. Allmand, 'The war and non-combatant', in *The Hundred Years War*, ed. K. Fowler (London, 1971), 289-90.

⁶¹ See, for example, nos. 2, 68, 142 and 152.

Blackburnshire. She was successful in a suit of trespass brought against a soldier in the early stages of the campaign, but was later sued in turn by the man and accused of stealing 3s worth of cloth (nos. 14 and 45). Women, then, appear in the plea roll both as plaintiffs and defendants and, in one very curious entry, as recipients of the blessings of a dubious cleric (no. 152). Even children were not untouched by the passage of an enemy host: at least one boy was killed when the army halted in Elgin, while another, who seems to have followed his father on the expedition, attempted unsuccessfully to launch an appeal against his father's murderer (nos. 132 and 124).

The unique nature of the army plea roll is a matter of great interest to historians. It is an invaluable source for a wide variety of information concerning army life in the medieval period; it offers much useful evidence concerning an expedition which is otherwise ill-represented in surviving record materials, and it contributes to a clearer understanding of the relationship between common law and military law procedures in the late thirteenth century. Finally, it goes some way towards illuminating an event that has hitherto been overlooked in the history of the English invasion of Scotland. In no. 47 (dated 10 May) reference is made to the recent 'making of peace in Roxburgh'. Clearly, the allusion is to a specific event, and Geoffrey Barrow has suggested that it signals a formal surrender to Edward I by James the Steward who, until that time, had been entrusted with the custody of Roxburgh Castle. If the fortress was indeed handed over to the English forces, and the Steward admitted to Edward's peace, then it indicates that Balliol, who did not formally surrender until July, was deprived of one of his most important supporters in the crucial weeks which ended in his own submission.⁶²

Editorial notes

In the later thirteenth century the royal clerks who drafted the final versions of judicial rolls had for some decades been practising a series of editorial conventions of their own. For example, a plea of denial such as *X venit et defendit vim et injuriam et totum de verbo in verbum* was contracted to *X venit et defendit vim et injuriam etc.*⁶³ *X adjudicatur prisona quousque*

⁶² This interpretation, for which I am indebted to Professor Barrow, goes some way towards explaining the otherwise ambiguous documents found in *CDS*, ii, nos. 737, 739 and 740.

⁶³ Or, commonly, *vim et injuriam quando etc.*

finem fecerit was rendered as *X adjudicatur prisona quousque etc.*; and *X ponit se super patriam* became simply *X ponit se*. These contractions are reproduced in the Latin text of this edition. Grammatical contractions, however, notably suffixes denoting declensions, have been extended. A suspension is indicated by the use of an apostrophe. Any added textual matters, and words supplied by conjecture, have been placed between square brackets. Minor errors of spelling, such as *atachiatus* for *attachiatus*, have been corrected, but attention is drawn in square brackets to more serious scribal errors. The writer emended his own text on occasion. Interlineations and corrections are indicated by the use of backward and forward slashes, \thus/, or otherwise signalled in square brackets. Repetitive Latin words, such as *predictus* and *inde*, are not translated when they would be tiresomely superfluous in the English text.

The authors of the roll only occasionally distinguished between the letters 'c' and 't', and never between 'u' and 'v' or 'i' and 'j'. In most of these cases modern usage has been adopted. The vagaries of the clerks' use of punctuation marks have been ignored, and modern punctuation has been adopted in an effort to ensure clarification of long sentences. Proper names have been accorded capital initial letters. Where capital letters occur in common nouns in the original text, other than in words which begin sentences, they have been removed.

Marginal notes, in abbreviated form, appear beside all but a handful of the entries on the roll. In these, *suspendatur* is noted as a stylised 'S', *miser cordia* as *mia*, *condonatur* as the stylised symbol 'C', *et cetera* as *et c.*, and so on. These have been extended and placed in brackets at the end of each entry. Monetary sums appear consistently in the text in their abbreviated form, that is, *li* for *libra*, *s* for *solidus*, *d* for *denarius* and *ob* for *obolus*. These have been extended in transcriptions of the marginalia, but left intact in the textual entries. The symbol for the conjunction *et* has been extended throughout.

Place names and personal names were enrolled by the clerks without any regard for consistency. In rendering Welsh and Scottish names in particular, they appear to have been guided by purely phonetic principles. Where identification of such names is possible they have been modernised.

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C.J.N.