

An Unpublished Act of David II, 1359¹

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The Political Background

In late February 1359, David II returned to Scotland from a month-long diplomatic mission to London which had cost him at least £666.² It is clear that his aim on this trip had been to revive the plan which, as Professor Duncan has shown, the second Bruce king of Scots had first proposed to Edward III between 1349 and 1352: namely, to secure his release from the English captivity which had resulted from his capture in battle at Neville's Cross in 1346, *not* by paying a large ransom, but instead by recognising a younger son of the English king as his heir presumptive to the Scottish throne, in the event of his failure to sire a Bruce heir.³

That plan had first been rejected resoundingly by a majority of the Scottish political community in a Parliament at Scone in February 1352. At that time, the Lieutenancy of Scotland in the king's absence was held by Robert the Steward, David's half-nephew and Scottish heir presumptive, who had been recognised as the Bruce dynasty's successor-in-waiting by Acts of Succession in 1318 and 1326. By 1341, the Steward had emerged as David's chief domestic antagonist and, along with Patrick earl of March, had infamously abandoned the king to his fate on the battlefield near Durham in 1346. In February 1352, the Steward was able to rouse considerable Scottish opposition to David's apparently Anglophile plan by deploying rhetoric about the sacrifices which

had been made in the long wars against the Plantagenets and the tradition of active alliance with France. But this also enabled Robert Steward to defend his own political position as heir to David's throne and as the dominant territorial noble of central Scotland. In the end, in October 1357, David was only able to secure his release by promising to pay England a ransom of 100,000 merks (£66,666) over ten years (and even then only after the French king, John II, had also been captured by Edward III's forces at Poitiers in September 1356).⁴

However, David still clearly viewed the younger-son plan as a gamble worth taking to avoid a crippling financial burden and, far more importantly, to help him reassert royal power at home over self-made Scottish magnates like the Steward. Thus in late December 1358 or January 1359, just over a year after his release, he returned to London in person with up to forty attendants, lodging at the capital's Blackfriars. There – with the help of his Queen, Joan, Edward III's sister – David arranged by 12 February (confirmed on the 21st) for a postponement of the next ransom payment of 10,000 merks from St John the Baptist's Day (24 June) 1359 until December that year.⁵ Yet it is also clear that behind the scenes David put the succession offer back on the negotiating table with a definite view to securing Edward III's third son, John of Gaunt, earl of Richmond, as his heir presumptive in return for the full cancellation of his ransom. It was David's intention thereafter to return to Scotland and sell this plan to his subjects.

But when he got home things seem to have gone badly wrong. David's first surviving act after his return journey dates from 28 February at Scone, suggesting perhaps that the king intended to hold a Council or Parliament upon his arrival to promote his plan. He would have found several of his most significant subjects – especially the

Steward – extremely unwilling to attend such a meeting. Instead, David had to content himself at Scone with granting the castle-barony of Urquhart to his brother-in-law, William, earl of Sutherland, and his son, John. Young John Sutherland (d. c. 1361), David's full nephew, was a noble heir whom later Scottish chroniclers would assert David had already mooted as a possible alternative heir instead of his half-nephew, the Steward.⁶ But a fortnight later, on 15 March 1359, David was at Edinburgh in the company of several of the men who had accompanied him on his recent embassy to London. William de Landellis bishop of St Andrews, Patrick de Leuchars bishop of Brechin and Chancellor, Sir Robert Erskine, Sir Hugh Eglintoun, Sir Archibald 'the Grim' Douglas and Sir John Preston all witnessed David's charter of the Dumfriesshire barony of Terregles to a member of his favoured chivalric cadre, John Herries, esquire, who would go to England on the king's business in July 1359. These lands had first been resigned to the crown by Thomas, earl of Mar, the king's cousin (and next in line to the throne after the Stewarts) who had also been on the embassy to London. However, these men were joined at Edinburgh by the Steward and William, first earl of Douglas. These two would lead the opposition to David's diplomatic plans: the first concerned to protect his royal succession; the second to preserve hostility to England and alliance with France; and both anxious to avoid the restoration to Scottish lands and titles of the Disinherited – those families exiled to England by the Bruces since 1314 - as part of any deal with Edward III. Indeed, as Douglas still controlled Edinburgh castle and was Justiciar south of Forth, at this meeting in March 1359 they may already have begun to bring pressure to bear on the king to abandon his scheme.⁷

This certainly seems to be what happened after David attempted to push his plan through finally at a Council held at Dundee in early April. There, on the 5th of that month, David issued a remarkable charter granting the earldom of Moray to Henry de Grosmont, Duke of Lancaster, Edward III's leading general, who was also just about to become the father-in-law of John of Gaunt.⁸ To do so must first have required the king to take Moray back from Patrick, earl of March, whom he had recognised as heir to the core of the former Randolph regality in 1357, but who had been 'captured' by the crown in late 1358 on unspecified charges (perhaps relating to deforcement of exchequer officials collecting taxes for David's ransom).⁹ It was probably David's hope that his dramatic re-grant of Moray in April 1359 – which could have been agreed with Lancaster, Gaunt and Edward III while David was in London – would give Gaunt, as the husband of the aging Lancaster's second daughter and co-heiress, a stake in Scotland: this might make it easier for David's subjects to accept the Prince as Scotland's royal heir.¹⁰

Yet it can be speculated that this grant was a dead letter within a matter of hours of its inception. Beginning on the same day – 5 April – and continuing for the next few weeks, David seems to have been obliged to issue a number of further acts favouring the Steward, the earl of Douglas and their supporters. This was a pattern of behaviour which broke completely with David's usual partisan direction of patronage to his supporters and to the total exclusion of these great magnates.¹¹ In this context, it is possible that, angered by David's attempts on 5 April to once more alter the succession, admit Gaunt and seek peace with England, the Steward, Douglas and others quickly joined together to resist and intimidate the king, forcing him to change tack.

Certainly, having expended so much personal energy and money in drawing up this deal with Edward III, it seems unlikely that David II would have willingly done a volte-face, abandoned the Gaunt scheme, and sought alliance with France. Admittedly, David would contemplate the shrewd alternative of a revived French alliance in 1369. But by that year there were many new reasons to compel David to change direction: John II of France – Edward III's captive between 1356 and 1361 – was dead and England was already at war with his Valois successor, Charles V; David had not paid any of his ransom since 1360; and Anglo-Scottish talks about a ransom-succession deal, ongoing between 1360 and 1364 and again 1365-7, had apparently stalled.¹² However, by June 1359, only three months after David's return from his first personal embassy to England, a secret treaty had been concluded by the Scots with the then Dauphin Charles.

The text of this treaty makes it clear that a Scottish embassy of May-June 1359 had sought to persuade the French to pay off the remaining 90,000 merks of David's ransom, allowing Scotland to reactivate its alliance with France and make '*bonne et forte*' war on Edward III. In the end the French only agreed to give the Scots 50,000 merks by April 1360. The money was to be transferred to the Scots through the Augustinian church in Bruges. In 1355 some 40,000 French gold écus (about £10,000) had been paid in the same way to the Scottish nobility under the Steward's Lieutenancy by John II, to induce them to aid a French expedition in Scotland to attack northern England. By the terms of the 1359 treaty the Scots were again expected to attack England, although there were also vague promises given of up to a thousand French troops (500 archers and 500 men-at-arms) to serve in Scotland. Significantly, French aid to ensure the full payment of David's ransom, and the same number of French troops promised to Scotland, would again form

the terms of secret agreements with France which the Steward would make in March 1371 – just a month after David’s death and Steward’s accession as Robert II - and again in August 1383. These French connections thus appear to be consistent Stewart policies between 1355 and John de Vienne’s ill-fated expedition to Scotland in 1385.¹³

It might be inferred from the collective weight of this suggestive evidence that in spring and summer 1359 Robert Steward and others obliged David II, against his will – or in the face of massive anti-English opinion roused at the April Dundee Council – to seek secret alliance with France. The unusual wording and nature of the commission which David issued to the three Scottish envoys sent to Paris seems to confirm this pressure. It is reproduced and translated here as a previously unpublished act of the king to add to Mr Bruce Webster’s splendid *Regesta* volume. The letter of 10 May 1359, issued once more from the Douglas-held castle of Edinburgh, empowers the envoys to renew the Franco-Scottish alliance: their agreement was to be binding upon ‘the aforesaid king of Scotland, or his lieutenant, or any other person or persons who hold sufficient authority for this.’ This remarkable clause - although it might possibly have been included to deal with the eventuality of David re-entering English captivity if future ransom payment was disrupted - could in theory have enabled the Steward to marginalise the king and to once more act as lieutenant of the realm. In doing so, the Steward and others could have provided themselves with a precedent for the noble rebellion against David of 1363. In the spring of that year, the Steward, Douglas and March – enraged by David’s non-payment of his ransom and mistreatment of noble hostages to England – were provoked into action by the king’s plans to both try once again to change the succession through a deal with England and to redraw the map of Scottish lordship to his advantage. According to John

of Fordun's anonymous contemporary source, the three earls rose up in 1363 with the intention of:

Bending him [David] to their views . . . or of banishing him . . . to gain their ends through force or fear.¹⁴

Both this attempt to forcibly marginalise the authority of the crown, and that of 1359, also provided templates for the political coups of 1384, 1388 and 1402, when magnates schooled in politics as young men during David's reign applied these methods all too well.¹⁵

The men chosen to go to Paris in 1359 also suggest that the secret French alliance was a course contrary to David's wishes. Sir Robert Erskine (a Renfrewshire tenant of the Steward, able to play him off against the king for his own gain), Sir John le Grant and Norman Leslie were not the usual official body of one bishop, one earl, one baron but instead are described as 'faithful confidential representatives'. Yet in spring 1359 they were not committed Crown men. Erskine had been Chamberlain c. 1348-51 and was an exchequer auditor in March 1359. But in May-July 1359, he and his associates were probably not acting in France as Scottish financial officers under the direction of the Chamberlain since mid-1358, namely Thomas, earl of Mar. Remarkably, on 24 February 1359, Mar had agreed to become the liege man of Edward III and to serve him in his French wars. This was probably done with the approval of David II, for an Anglo-Scottish alliance of some sort would form part of all the succession-ransom deals proposed by David between 1349 and 1367. But Mar's bond with Edward III does suggest that in 1359 this earl may have been eased out for a while as Chamberlain by the man he himself had replaced in 1358, Thomas Stewart, earl of Angus, a kinsman and deputy of the Steward as

King's Lieutenant in the years 1351-7, and a man keen on alliance with France. By 1359, Angus must also have been alarmed by David's attempts to send him south as a ransom hostage.¹⁶

As for the 1359 envoys' personal motives, Leslie, certainly, had been a deputy of Angus as Chamberlain c. 1351-8, but had lost his office sometime before March 1359, about the time Mar took over. After securing the French alliance in June, Leslie and Erskine went on to Avignon and persuaded the Pope, by 9 August 1359, to change his mind about granting David a clerical tenth for three years to help pay the ransom, a windfall the king was happy to exploit.¹⁷ But Leslie, a crusader who was strongly attracted to David's chivalric court along with his brother, the bold (and mercenary) Sir Walter Leslie, is reported to have been captured in battle by the English in France in 1360.¹⁸ The third envoy, John le Grant, had been a Randolph man as keeper of Darnaway forest in Moray and had thereafter become a Mar adherent; but he had followed William, Lord (by 1358 earl) of Douglas, to fight at Poitiers. In 1359 Grant may have felt his role in Moray threatened by the Lancaster grant and although he does not seem to have actually participated in the final talks in France for the secret alliance, David would retaliate after 1360 by denying him a £40 royal pension and replacing him as Darnaway's forester with another of the royal chivalric cadre, Richard Comyn esquire, only for the Steward as Robert II to restore Grant in 1371.¹⁹ Finally, although Erskine very obviously became David II's key political fixer and envoy to England after 1362, he did not win the king's complete trust and direct royal patronage until 1360.²⁰

David was vulnerable in 1359, being childless and estranged from Queen Joan who had returned to England where she would die in 1362. It would take the king a

number of weeks in 1359 - really until mid- to late- summer - to shake off the influence of the Steward, Angus, Douglas and others and to begin to win over the loyalty of men like Erskine and Leslie and possession of Edinburgh castle. In recovering his political autonomy, David was probably also extremely lucky that the secret Franco-Scottish alliance was almost immediately just as dead a letter as his own grant of the earldom of Moray to the house of Lancaster. The Scottish embassy of June 1359 was timely and clearly found the Dauphin Charles extremely keen to make alternative diplomatic plans. Draft indentures concluded with England in London on 18 May 1358 and then on 24 March 1359 had made it obvious that the cost of recovering the humiliated John II, with whom the Dauphin had strained relations, would be massive: the cession of almost half of France with full sovereignty to Edward III (who would give up his claim to the Valois kingship), a ransom of up to £666,666, hostages and the abandonment of alliances directed against England, including that with the Scots. Indeed, so unpalatable were these English demands that the French Estates-General rejected them on 25 May 1359, just days before the arrival of the Scottish embassy. But long before Erskine (though probably not Leslie) could return from France via the papacy to Scotland - presumably about September 1359 - to present the secret French alliance for ratification by the king and the estates, David had extricated himself from Stewart-Douglas pressure. By then it must also have been apparent that the Dauphin Charles and the war-weary French would have little or no choice but to conclude a deal with England for the release of their king and that he would not honour the secret pact with the Scots: John II would indeed be released by the Treaty of Bretigny of May 1360.²¹

David may thus have suffered a major scare and setback to his diplomatic and domestic agenda in 1359. It would take him fully three years before he was able to try once again to go in person to London in 1362-3 to revive the succession-ransom deal. That plan too would provoke a violent threat to remove the king in spring 1363 and would ultimately be rejected in parliament in March 1364.

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Note on Diplomatic.

David II's letter of 10 May 1359 survives as a transcription about three quarters of the way through the French copy of the treaty of June 1359 (Archives Nationales J677 nos. 7, 8. Photograph held at National Archives of Scotland, RH1/2/853), where it is presented as an inspection of the Dauphin Charles, and following a similar inspection of the French appointment of ambassadors for the negotiations on 15 June. There are a number of points which make this document stand out as unusual for royal documents of this period, and which create suspicion about the background to its creation. The first point of interest is the absence of a witness list. Such an absence would in normal circumstances suggest a privy seal letter (in other words a preliminary document produced as an instruction to the king's clerks to produce a final and authoritative document under the great seal).²² It is not clear which seal was appended to this document, but the use of a document without a witness list as an apparently 'final' document, suitable for sending to the king of France and intended to bring about a drastic change in Scotland's relations with France and England, must be considered very unusual.

This lack of a witness list links to a number of further points. First, the introductory phrase to the letter – ‘*Omnibus has litteras visuris uel audituris, David Dei gracia . . .*’ – is entirely unique in David II’s reign in a document made in the king’s name and addressed publicly, and may not have been used in a royal document of this sort since very early in the reign of Robert I. The only exception to this rule is private letters to particular individuals of very high political or religious status, particularly foreign monarchs, the pope and leading prelates, on which occasion the monarch or prelate would be named before the Scottish king. These, however, were an entirely different class of correspondence, and leave the letter of 10 May 1359 in a unique position.²³ In all other surviving royal documents addressed publicly the king’s name begins the text (‘*David Dei gracia ...*’).²⁴ The form of phrasing used in the May 1359 letter was quite normal, however, in documents made in the name of a noble, and equally when a noble was acting on the king’s behalf.²⁵ It is therefore significant that the nearest parallel to this letter, in terms of language and intended purpose, is Robert Steward’s letter as King’s Lieutenant of 17 January 1357 appointing ambassadors to treat for the release of David II from England.²⁶ In fact, apart from the replacement of the Steward’s name with the king’s, the opening clauses of the 1357 letter are largely the same in terminology and meaning (‘*Omnibus has litteras Nouerit vniversitas vestra quod . . .*’), and it goes on to appoint ambassadors in a manner roughly comparable to the 1359 letter. As a result it seems probable that the scribe in 1359 had used the 1357 letter as a template. This, in turn, may support the notion of the Steward’s predominance at the time the 1359 letter was made.

Second, the description of the seal as ‘*sigillum nostrum autenticum*’ is almost without parallel in a royal document in David’s reign. *Autenticum* is virtually unheard of as a term to describe the seal in royal documents, indeed it is very rare phrase in non-royal documents in the years around 1359.²⁷ It is, however, found in at least one other royal document, on this occasion under the great seal: an undated record of a decision of Parliament perhaps produced in the days before David II died on 22 February 1371 and almost certainly after the Perth Parliament of October 1370.²⁸ The return to the use of this word in late 1370 or early 1371 may be no coincidence. With the king perhaps ailing, the Steward may already taken control of some of the reins of government. Certainly the presence of not only the Steward but also, more unusually, his son, John earl of Carrick, at the October Parliament and as a witness to the undated letter suggest they were taking an increasingly prominent role in royal affairs in the last weeks and months of David II’s life.²⁹ This may also explain why the Steward is accorded such unusual prominence in the document, which is specifically permitted by his ‘consent and assent’. If, therefore, his officers had already entered the royal chancery before David’s death, it may be no coincidence that a return to this phraseology was made at this time. In other words it might be suggested tentatively that the word ‘*autenticum*’ was familiar to the scribe from previous work for the Steward, and that he was unaware of the different procedure of the royal chancery, or made an error resulting from habit.³⁰

The final peculiarity suggests some confusion in the drafting of the letter. While written in David II’s name, and generally using the normal royal first person plural, in the middle of the text it suddenly refers to the king as ‘*prefatus dominus rex Scocie uel locum eius tenens* [the aforesaid king of Scotland or his lieutenant]’ where grammatical sense

and the usual practice of such documents demands ‘we or our lieutenant’.³¹ Together these oddities suggest that not only did the scribe in 1359 use the Steward’s document as a template, but also that he was unfamiliar with the usual form of royal letters and made some elementary mistakes. Was he, in other words, the Steward’s scribe?

Yet, although the 1359 letter had been based on the Steward’s 1357 letter, it differed in one important respect. The 1357 letter had been a very public act, with a large witness list, made in full Council at Perth in the name ‘of all the prelates, nobles and the whole community of the kingdom of Scotland’, and under the Steward’s seal and the seals of representatives of the prelates, nobles and burgesses.³² This was a far more usual form than that of the 1359 letter, which, although giving authority to the ambassadors to make obligations which would be binding upon king and community, was not made with the permission of the latter. Embassies and diplomatic matters, in the context of the 1350s and 1360s as at other times, were expected to be authorised publicly, before the assembled community and in full Council or Parliament — the 1359 letter breaks this expectation.³³ In short, the peculiar nature of the 1359 letter supports the notion that the Steward and those with him in Edinburgh castle were forcing David II to issue diplomatic documents without general consent, and of dubious legality, in the spring of 1359.

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*Letters of David II appointing Ambassadors to France to renew the Franco-Scottish Alliance. Edinburgh, 10 May 1359.*³⁴

Omnibus has litteras visuris uel audituris Daudid Dei gracia rex Scottorum salutem in Domino sempiternam. Nouerit universitas vestra quod cum quedam confederacio amicitie inter illustres reges Francie et progenitorem nostrum ac nos populumque ipsorum et nostrorum ab olim facta fuit et inuiolabiliter diucius observata, nos cupientes eam futuris temporibus firmiter persistere, damus et concedimus per presentes dilectis et fidelibus secretariis nostris Roberto de Erskyn, consanguineo nostro, et Johanni le Graunt, militibus, ac Normanno de Lesley, armigero nostro, presentium exhibitoribus, et eorum duobus, de quorum circumspectione et fidelitate plenam habemus fiduciam, potestatem plenam, liberam et generalem ac mandatum speciale dictam confederationem pro nobis prelati, proceribus et communitate dicti regni nostri Scocie renovandi, ampliandi et ad ipsius melioracionem et observanciam firmiorem punctos ac articulos in ea addendi, nosque, dictos prelatos, proceres et communitatem regni nostri ad observacionem ipsius renovacionis et ampliacionis punctorum et articulorum additorum, tam per iuramenta in manum nostram quam ipsorum prestenda quam aliter, obligandi eciam si mandatum exigant speciale; ita tamen quod prefatus dominus rex Scocie uel locum eius³⁵ tenens aut aliquis alius uel alii potestatem sufficientem ad hoc ab eisdem habens vel habentes consimilem renovacionem et³⁶ ampliacionem punctorum et articulorum additorum per omnia et in omnibus nobis faciant et ad consimilem ipsorum firmam observacionem se nobis obligent per omnem modum supradictum ratum et gratum habentes et habituros quicquid dicti Robertus, Johannes et Normannus, vel eorum duo, fecerint in premissis et quolibet premissorum. In cuius rei testimonium sigillum nostrum autenticum³⁷ presentibus apponi fecimus. Apud Edinburgh' decimo die Maii anno regni nostri vicesimo nono.

To everyone who shall see or hear these letters, David by the grace of God king of Scots, eternal greeting in the lord. Know all of you that, since a certain alliance of friendship between the illustrious kings of France and our progenitor and our people was formerly made by them and ours and inviolably observed for a long time, we, desiring this to persist firmly in future times, give and grant by the present letters to our beloved and faithful confidential representatives Robert of Erskine, our kinsman, and John le Grant, knights, and Norman of Lesley, our esquire, the bearers of these letters, and any two of them, of whose circumspection and faithfulness we have full confidence, full, free and general power and special mandate for renewing [and] enlarging the said alliance for us, our prelates, nobles and the community of our said kingdom of Scotland, and of binding ourselves and the said prelates, nobles and the community of our kingdom, either by oaths on our soul, by their sureties, or in other ways, to observe the same renewal and the enlargement of additional points and articles, even if they require a special mandate; with this proviso, that the aforesaid king of Scotland or his lieutenant, or any other person or persons who hold sufficient authority for this [delegated by] them, may make a similar renewal and enlargement of the added points and articles by and in all respects on our behalf, and bind themselves in all the above to a similar strict observance of them, holding and to hold as ratified and pleasing whatever the said Robert, John and Norman, or any two of them, shall do in the fore-mentioned [matters] and each of the fore-mentioned. In testimony of which we have caused our authentic seal to be appended to the present [letters]. At Edinburgh 10 May in the twenty-ninth year of our reign [1359].

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² *Rotuli Scotiae* [Rot. Scot.], i, 817, 822, 823, 838, 835; *Exchequer Rolls* [ER], ii, 48; *Calendar of Documents Relating to Scotland* [CDS], iv, no. 27

³ For this and much of the following paragraph see: A. A. M. Duncan, “‘Honi soit qui mal y pense’: David II and Edward III, 1346-52”, *ante*, lxxvii (1988), 113-41; ‘A Question about the Succession, 1364’, ed. A. A. M. Duncan, *Scot. Hist. Soc. Misc. XII* (Scot. Hist. Soc., 1994), 1-57. For discussion of this diplomacy and the Scottish background see M. A. Penman, ‘The Kingship of David II of Scotland, 1329-71’ (Ph.D. thesis, University of St Andrews, 1999), chapters 4, 5, 6 & 8 or Penman, *The Bruce Dynasty in Scotland: David II, 1329-71* (forthcoming, Tuckwell Press), chapters 5 & 6.

⁴ *Regesta Regum Scottorum* [RRS], no.s 148-50; M. Penman, ‘The Scots at the Battle of Neville’s Cross, 1346, *ante*, (forthcoming, October 2001); S. Boardman, *The Early Stewart King: Robert II and Robert III, 1371-1406* (East Linton 1996), 1-12.

⁵ *Rot. Scot.*, i, 834; *RRS*, vi, no. 207; Penman, *Thesis*, 302-18. *Scalacronica*, ed. H. Maxwell (*Glasgow 1907*), 128, notes that Joan ‘came . . . to Windsor to confer with her brother the king, and to propose by negotiation a larger treaty.’

⁶ *RRS*, vi, no. 208. On the same day David also granted rights to the Mackintoshes which, like the Sutherland grant, may have been designed to undermine the influence of William, earl of Ross. For the Sutherland succession rumour see *The Chronicles of Scotland compiled by Hector Boece, trans. into Scots by John Bellenden, 1531* (2 vols., Scot. Text Soc., 1938-41), ii, 333; Penman, ‘David II’, chapter 4.

⁷ *RRS*, vi, no. 210 and *Rot. Scot.*, i, 840 for Herries; for Edinburgh castle see M. H. Brown, *The Black Douglases: War and Lordship in Medieval Scotland, 1300-1455* (East Linton, 1997), 44, 55. The earl of Douglas’s men had recovered Hermitage castle from the English in 1358 and continued to raid across the border in 1359 despite the truce (*ibid.*, 55-60).

⁸ *RRS*, vi, no. 211; A. Goodman, *John of Gaunt: the Exercise of Princely Power in Fourteenth Century Europe* (London 1992), 247-8, 356-60.

⁹ *ER*, i, 558.

¹⁰ Lancaster’s eldest daughter and co-heiress, Matilda – named as such in David’s charter of 1359 – would die without issue by William of Hainault, Count of Holland, in highly suspicious circumstances by April 1362, making John of Guant sole heir by marriage to Duke Henry’s lands on his death in March 1361 but sparking rumours that she had been poisoned [Goodman, *John of Gaunt*, 32-4, 42-4].

¹¹ *RRS*, vi, nos. 212, 216, 217, 220, 221. The Steward was also able to wrestle control of the earldom of Fife away from David and his placemen in mid 1359 (Boardman, *The Early Stewart Kings*, 12-5).

¹² Penman, *Thesis*, chapters 8 to 10 or *David II*, chapters 8 to 11; Duncan, ‘A Question about the Succession, 1364’, 17-20; J. Sumption, *The Hundred Years War – Vol. II: Trial by Fire* (London 1999), 511, 573-4.

¹³ Archives Nationales [AN] J677 no.s 7 & 8 for 1359 treaty; for 1371 see AN J677 nos. 9 to 13. For 1355 see Bibliothèque Nationale [BN], MSS Clairambault 43 no. 143/60/6 and no. 109/141. For 1383 see *APS*, xii, 19, no. 36. For 1385 see H. Brown, *Early Travellers in Scotland* (Edinburgh 1978), 8-15 and T. de Loray, *Jean de Vienne, Amiral de France, 1341-1396* (Paris 1877), chapter ix and appendix documents.

¹⁴ *Johannis de Fordun, Chronica Gentis Scotorum*, ed. W. F. Skene (Edinburgh, 1871-2) [*Chron. Fordun*], 369-70.

¹⁵ Boardman, *Early Stewart Kings*, 131-2, 148-53.

¹⁶ *ER*, ii, pp. cxxiv-v. Angus and March had captured Berwick in 1355 while a small French expedition was in Scotland (Walter Bower, *Scotichronicon*, ed. D. E. R. Watt (Aberdeen, 1987-98), vii, 281-3). Angus actually broke his parole as a hostage in 1360, the year in which he was arrested by David II for his part in the murder of the king’s mistress, Katherine Mortimer; Angus died in captivity in Dumbarton castle c. 1362-3 (*Rot. Scot.*, i, 837, 847).

¹⁷ *Chron. Fordun*, 367; *Scotichronicon*, vii, 313. David had sent clerks to the Pope to seek a clerical tax in 1358 but had been turned down (*Foedera*, iii, part i, 396, 407).

¹⁸ *ER*, i, 549, 555, 562, 590, 593, 618 and ii, 4; *Rot. Scot.*, i, 837; *Scotichronicon*, vii, 313, 331; M. A. Penman, 'Christian Days and Knights: the Religious Devotions and Court of David II of Scotland, 1329-71', *Historical Research* (forthcoming, October 2001).

¹⁹ *Moray Registrum*, i, no. 22; *RRS*, vi, no. 323 and *Rot. Scot.*, i, 837, for Grant travelling to England in 1358 on the business of Mar; *Registrum Magni Sigilli Regum Scottorum [RMS]*, i, app. ii, no. 1265 (pension); *RRS*, vi, no. 473 (Comyn); *RMS*, i, no. 825 (Darnaway 1371). In 1358 Richard Comyn was a valet of the earl of Angus in England [*Rot. Scot.*, i, 821].

²⁰ Penman, 'David II', 307-10 and ch. 7 to 10 *passim*.

²¹ G. P. Cuttino, *English Medieval Diplomacy* (Indiana, 1985), 90-4; J. Campbell, 'England, Scotland and the Hundred Years War in the Fourteenth Century', in J.R. Hale, J. Highfield and B. Smalley eds., *Europe in the Late Middle Ages* (London 1965), 184-216, 202-3; Penman, 'David II', 310-4.

²² *RRS*, vi, pp. 27-8.

²³ *Ibid.*, vi, pp. 18-19, nos 4, 66, 142, 481, 493, 499, 502, 510; v, p5, no. 401. The order reflects protocol between monarchs and prelates, where it was clearly polite to give fellow monarchs and leading churchmen the honor of being named first. The use of 'omnibus' as the first word, by the same rule, therefore implies equality of status between the king and anybody who reads it. This must have been a mistake.

²⁴ The surviving fomularies recording the 'templates' used by clerks when creating royal letters also always begin "*Rex omnibus ...*", with the exception of one style of letter in the Ayr MS (*Register of Brieves*, ed. T. M. Cooper (Stair Society, 1946), 33-64, 46. The placing of the king's name at the start of his charters and correspondance was intended to reflect his status relative to those who would receive the letters.

²⁵ eg. *RRS*, vi, nos. 14, 143, 298.

²⁶ *Ibid.*, vi, no. 141.

²⁷ Only two other documents using this word are known to the author between 1349 and 1371, although others may well exist. Interestingly the earliest is an undated charter of the earl of Mar, which was inspected and transcribed under the great seal just nine days before the making of these letters (*RRS*, vi, no. 215).

²⁸ *RMS*, i, no. 372. The document was dated by Professor Watt to between July 1368 and January 1369, but based on a error which saw Thomas Bisset earl of Fife substituted for Thomas earl of Mar in the translation (Bower, *Scotichronicon*, vii, 454-5, 538). The document forms the last piece of business in the MS register of the great seal, which is roughly chronological in nature.

²⁹ *RMS*, i, nos. 354, 372. The similarity between the witness lists of these two documents reinforces the impression that they were made relatively close together.

³⁰ An alternate explanation is that in both 1359 and 1370/71 'autenticum' reflects some upheaval which left the king's seals temporarily inaccessible.

³¹ Of course, a simple error by the French scribe who made the surviving version of the letter cannot be ruled out. Yet, if it is a mistake, it is a very odd one which would go against any royal scibe's familiarity with the normal grammar of such documents. The author has not hitherto come across any equivalent mistake when translating other 13th to 15th century documents.

³² *RRS*, vi, no. 141.

³³ See, e.g., the lengthy appointments of embassies to England in 1357 and 1364 (*Foedera*, iii(i), 370-2; *APS*, i, 492-3).

³⁴ Text derived from AN J677 no. 7, with unclear words derived from J677 no. 8.

³⁵ Unclear in AN J677 no. 7.

³⁶ Omitted by AN J677 no. 8.

³⁷ Unclear in AN J677 no. 7.