

IX.—THE PERCIES AND THEIR ESTATES IN SCOTLAND.

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LIST OF ABBREVIATIONS USED IN FOOTNOTES

CCR—*Calendar of Close Rolls.*

CChR—*Calendar of Charter Rolls.*

CDS—*Calendar of Documents relating to Scotland*, ed. Bain.

CPR—*Calendar of Patent Rolls.*

Comp. Peer.—*The Complete Peerage*, by G.E.C. (Revised and enlarged ed.).

FMAN—C. H. Hartshorne, *Feudal and Military Antiquities of Northumberland and the Scottish Borders* (London, 1858).

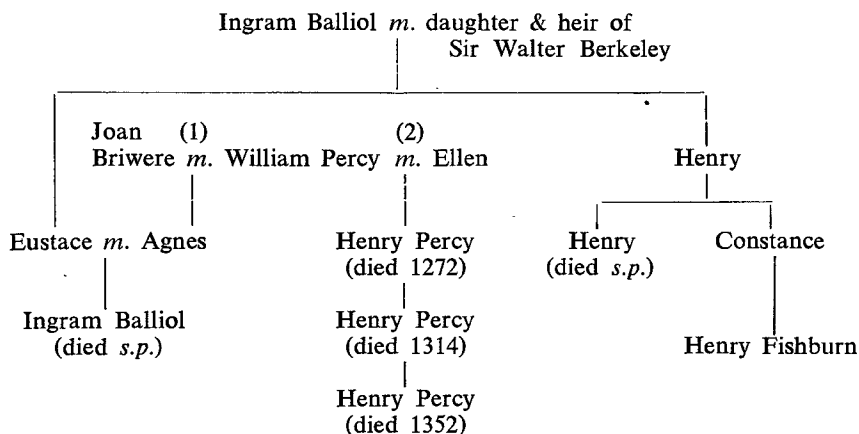
PC—*The Percy Chartulary*, ed. M. T. Martin. Surtees Society Publications, vol. 117.

RGSS—*The Register of the Great Seal of Scotland, 1306-1424*, ed. Thomson (Edinburgh, 1912).

SHR—*Scottish Historical Review.*

On the eve of Edward I's wars in Scotland the Percies did not belong to the group of Anglo-Scottish landowning families who held estates both in England and in Scotland. Yet within ten years of the invasion of 1296 they had become powerful landowners in Scotland: their territorial interests there played some part in Anglo-Scottish relations both before and after the Treaty of Northampton and in Edward Balliol's attempt to secure the throne of Scotland. An enquiry into the Percies' estates in Scotland can thus throw light not merely on the history of the family but also on important problems in Anglo-Scottish relations.

At the time of the invasion of 1296 the Percies were linked by marriage ties with one of the Anglo-Scottish families—the Balliols of Red Castle, a branch of the Balliols of Barnard Castle in Durham, who had settled in Scotland in the reign of William the Lion. William Percy (died 1245) had married as his second wife, who bore him his son and heir, Ellen, daughter of Ingram Balliol. One of William's daughters, by his first wife, married Eustace,



Ingram Balliol's son and heir.¹ The above simplified pedigree² indicates the relationships between the Percies and the Balliols of Red Castle.

However, since Ellen Balliol was not an heiress, her marriage to William Percy brought no Scottish estates into the Percy family.³ The Percies, in fact, acquired their

¹ Agnes Percy inherited from her mother, Joan, daughter of Sir William Briwere, the manor of Foston in Leicestershire. On her death it descended to her son Ingram Balliol (*Comp. Peer.*, X, pp. 453-4).

² Based on *Comp. Peer.*, X, pp. 453-4; R. Surtees, *The History and Antiquities of the County Palatine of Durham*, IV (1840), pp. 57 and 60; G. Chalmers, *Caledonia* (new ed., 1887), 11, pp. 529 and 567.

³ Ellen did, however, bring the Percies in *libero maritagio* the manor of Dalton in Durham (*P.C.*, no. 879, pp. 375-6).

first possessions in Scotland⁴ in the course of, and as a result of, Edward I's wars.

I

From the invasion of 1296 onwards Henry Percy fought as one of the leading English commanders in Scotland.⁵ His services were rewarded by Edward I in three separate grants.

On 20 February 1299 Percy received all the estates, in both England and Scotland, late of Ingram Balliol, deceased. This grant possesses some puzzling features. Its terms state that, on the death of Balliol, the estates devolved on Ingram Umfraville, a rebel: it is implied, though not specifically stated, that the estates had been forfeited by Umfraville's rebellion.⁶ Now, Ingram Balliol was a nephew of Ellen who had married William Percy. Although it is now impossible to discover the basis of Umfraville's claims, they seem to have been recognized, in part, at least, by Robert (Bruce) I, who, some years later, after Percy's deprivation, divided the barony of Red Castle equally between himself and Umfraville.⁷ Our pedigree, however, shows that the estates should undoubtedly have descended to a junior branch of the Balliols of Red Castle. Thus Henry Percy's gains were at the expense of his Scottish relatives, a fact best explained on the hypothesis that Ingram Balliol and his family had opposed Edward I. The estates so acquired were the manors of Foston in Leicestershire and Wharrington-on-Tees in Durham⁸ in England and in Scotland the barony of Urr in Galloway and Red Castle in Angus.

⁴ Alan, illegitimate son of Alan Percy (died 1130-5), served under David, King of Scotland. He and his brother Geoffrey—probably illegitimate also—had some lands in Scotland: those of which traces have survived were given to Whitby, and, in one case, to Kelso, Abbeys. None of their lands seem to have descended to the main legitimate line (*Comp. Peer.*, X, p. 439, n. e).

⁵ See J. Bain, "The Percies in Scotland", *Archæological Journal*, XLI (1884), pp. 335-7.

⁶ *CDS* II, no. 1060, p. 270; *CPR*, 1292-1301, p. 396; *PC*, no. 1076, p. 453.

⁷ *RGSS*, App. 1, no. 76, pp. 463-4.

⁸ Wharrington-on-Tees was granted to Percy by Bishop Bek of Durham, to whom, presumably, it had been forfeited. The grant states that it was *quondam Eustachii de Balliolo* (*PC*, no. 881, p. 376).

The two other grants provide a greater measure of the importance of the part played by Henry Percy in the Scottish wars. In 1304 he was granted the lands of the earl of Buchan;⁹ but this grant, though intended to be permanent, was in fact temporary, since the dispossessed earl, John Comyn, returned to the allegiance of Edward I and recovered his estates.¹⁰ The third grant may have been intended as compensation for the loss of the Buchan lands, but it is a striking indication of the worth of Percy's services in the English campaigns in Scotland. On the rebellion of Robert Bruce Henry Percy in 1306 received the forfeited earldom of Carrick.¹¹

Thus, when Bruce began the campaigns which were to achieve the expulsion of the English from Scotland, Henry Percy held the earldom of Carrick, together with substantial estates in Galloway and Angus. It is very unlikely that the ravages of war allowed him to derive much financial profit from his new possessions.¹² But the Scottish wars clearly occupy a position of revolutionary importance in the territorial history of the Percy family: ¹³ they became, for a short time, leading landowners in Scotland and thus acquired a vested interest in any attempt by the English Crown to control Scotland.

II

The next stage in the history of the Percy estates in Scotland forms part of the negotiations connected with the

⁹ An undated copy of the original grant is entered in *P.C.*, no. 1075, pp. 452-3. The year in which the grant was made and proof that, for a short time at least, it was effective can be obtained from *CDS*, II, nos. 1472 and 1487, pp. 384 and 387.

¹⁰ *CDS*, II, no. 1535, p. 399.

¹¹ An undated copy of the grant is entered in *PC*, no. 1074, p. 452. See also *Chronicon Walteri de Hemingburgh*, ed. H. C. Hamilton (1848-9), II, p. 251.

¹² Hemingburgh (*loc. cit.*) tells how Bruce "sent some of his men into Carrick and they raised there his farms for the term of Martinmas". A few months later—about February 1307—he besieged Percy in Turnberry Castle.

¹³ See the discussion on this point in my article, "The Percies' Acquisition of Alnwick", *ante*, 4th Ser., xxxii, pp. 317-19.

Treaty of Northampton in 1328. The expulsion of the English nobles from Scotland had created the problem of "the disinherited", those English barons who had been deprived by Robert I of their inheritances in Scotland. To this group belonged Henry Percy, the son of Edward I's commander, who had inherited the grants made to his father. It is important, however, to draw a distinction between the type of claim which Percy possessed and those of the other "disinherited". The claims of the latter were to estates held by their families before the outbreak of the Scottish wars: Percy's were based on grants made to his father by Edward I during the latter's attempt to conquer Scotland.

The claims of "the disinherited" naturally formed one of the most difficult and thorny problems in the negotiations leading to the Treaty of Northampton in 1328.¹⁴ As late as October 1327 Bruce was firmly opposed to their claims.¹⁵ It has recently been demonstrated that this Treaty did not mention the claims of "the disinherited".¹⁶ But in a separate document Bruce consented to restore the estates of three English barons—Henry Percy, Henry Beaumont and Thomas Wake. Professor E. L. G. Stones has suggested that this agreement was made in July 1328 when Queen Isabella went to Berwick for the marriage of her daughter to Bruce's son and heir.¹⁷

The original of Bruce's grant of restoration to Henry Percy has survived amongst the manuscripts of the Duke of Northumberland at Alnwick Castle.¹⁸ On 28 July 1328 Bruce granted to Percy all those estates which had belonged to the latter's father or were his by hereditary right, forfeiture of war notwithstanding: he was given permission to

¹⁴ For a summary of the latest views, see E. L. G. Stones, "The Treaty of Northampton", *History*, XXXVIII (1953), pp. 57-9.

¹⁵ *SHR*, XXX (1951), pp. 49-54.

¹⁶ *Ibid.*, XXIX (1950), p. 34.

¹⁷ *Ibid.*, XXIX (1950), p. 35.

¹⁸ The grant is dated at Glasgow and is under the second Great Seal of Robert I. It is no. 15 of the deeds kept in the Sherborne Missal Case in Alnwick Castle Library (printed in *FMAN*, App. XV, no. 15, p. clv; and entered in *PC*, no. 477, p. 155).

sue for their recovery in the royal courts. The date of this grant enables us to confirm Professor Stones's dating of the undertaking by Bruce to restore the estates of three of "the disinherited". Moreover, it is clear that in the case of Percy Bruce at once performed his promise.

In this respect, however, Percy was receiving preferential treatment: the restorations promised to Beaumont and Wake were effected neither by Bruce himself nor by the Regency which followed his death.¹⁹ This situation can only be explained by resorting to conjecture. In strategic terms the estates claimed by Beaumont and Wake would be, in English hands, a potential threat to the security of Scotland,²⁰ whereas those of Percy made no such breach in the defences of Bruce's realm. Moreover, Percy had been one of the four English ambassadors sent to Edinburgh in March 1328 to negotiate the Treaty of Northampton:²¹ it is possible that he used his presence at the Scottish court as an opportunity to press his personal claims. It certainly seems clear that Percy made no attempt to espouse the cause of the other "disinherited" but was quite content if his claims alone were met.

The estates in Scotland which Percy thus recovered were Urr in Galloway and Red Castle in Angus. The rightful claim by inheritance lay, as we have seen, with a junior branch of the Balliols of Red Castle. Nevertheless, Percy seems to have been successful in securing recognition of his claims, which must have been based on the grant of forfeited estates made to his father by Edward I. The true heir—Henry Fishburn, son and heir of Constance, daughter and heir of Henry Balliol—on 3 June 1331 surrendered all his rights to his distant kinsman Henry Percy, from whom he received the sum of 200 marks.²² It is indeed highly unlikely

¹⁹ CCR, 1330-33, pp. 174, 294 and 562; CDS, III, nos. 1013, 1023, 1029 and 1050-1, pp. 183, 185, 186 and 190-1.

²⁰ Hailes, *Annals of Scotland* (3rd ed., Edinburgh, 1819), II, p. 174.

²¹ SHR, XXVIII (1949), pp. 121-32.

²² PC, nos. 1078-82, pp. 453-4. He also surrendered the manor of Foston in Leicestershire (*ibid.*, no. 1083, p. 454).

that Fishburn was in possession of the estates at the time when he surrendered his rights, since both Urr and Red Castle must have been in the hands of the grantees who had received them from Robert I.²³ No doubt the likelihood of difficulty in recovering them, and the offer of pecuniary compensation, explain why Fishburn was ready to surrender his lawful rights.

III

The arrival of Edward Balliol in 1330 created a new factor in the situation. Although Percy, alone of "the disinherited", had received satisfaction, Balliol's claim to the Scottish throne presented fresh prospects of territorial gain in Scotland. In his attitude to the invasion of Scotland launched by Balliol and "the disinherited" in August 1332, Percy seems to have been cautious in that he let his actions be guided by the policy of the English Crown.²⁴ But, as soon as Edward III intervened openly on the side of Balliol, Percy sought to exploit Balliol's need for assistance. During the siege of Berwick-on-Tweed, on 9 May 1333, he entered into an agreement with Balliol.²⁵ Percy, on his side, undertook to remain for life in Balliol's service within Scotland, saving his allegiance to the King of England: the size of his contingent was fixed at either 100 men-at-arms or 30 knights.²⁶ Balliol, on his side, promised to grant Percy lands in Scotland worth 2000 marks a year. This agreement gives us a remarkable insight into both Percy's eagerness to exploit the opportunities created by Balliol's invasion and the scale of his territorial ambitions in Scotland.

²³ *RGSS*, App. I, no. 76, pp. 463-4 and App. II, p. 521.

²⁴ *CDS*, III, nos. 1056-7, pp. 192.

²⁵ The original is no. 16 of the deeds kept in the Sherborne Missal Case in Alnwick Castle Library. An undated and defective copy exists in *PC*, no. 1064, pp. 447-8. The full text is printed in *FMAN*, App. XV, no. 14, pp. cliv-v, where the date has been wrongly transcribed as 1332.

²⁶ Percy himself was to be paid half a mark a day, and his banneret four shillings. The rate for the knights and men-at-arms were two shillings and one shilling respectively.

In less than three months Percy had gained part of his promised reward. On 29 July 1333 he received from Balliol the "peel" of Lochmaben with Annandale and Moffetdale.²⁷ This grant, however, was worth less than half the value originally promised: the territories themselves were worth 1000 marks a year,²⁸ but a charter of confirmation granted by Balliol limited Percy's revenues therefrom to a sum of £497 17s. 8d.²⁹

The history of this grant gives us a glimpse into the rivalries which emerged between the English magnates in sharing out the territorial spoils of Scotland. In April 1306 these same estates, late of Robert Bruce, had been granted to Humphrey Bohun, Earl of Hereford and Elizabeth his wife, daughter of Edward I.³⁰ Edward Bohun, one of their younger sons, now claimed them as his inheritance. Edward III intervened on his cousin's behalf,³¹ and on 20 September 1334 Percy surrendered his rights.³² In return, on 23 September 1334 he received from the English King a grant worth 1000 marks a year³³—the castle, constabulary and forest of Jedburgh valued at 400 marks,³⁴ an annuity of 500 marks from the customs of Berwick-on-Tweed; and the custody of the castle of Berwick-on-Tweed, paid at rates of 100 marks a year in time of peace and £200 in time of war.³⁵ Percy's total revenues therefrom were greater than those he secured from Balliol's grant.

The successful assertion by Edward Bohun of a claim based on a grant made to his father by Edward I in 1306

²⁷ *PC*, no. 1065, p. 448.

²⁸ This value is mentioned in Percy's surrender of 20 September and Edward III's grant of 23 September 1334.

²⁹ *PC*, no. 1067, p. 448.

³⁰ *CDS*, II, no. 1757, pp. 473-4; *CChR*, III (1300-26), p. 66.

³¹ *CDS*, III, no. 1101, p. 198; *CCR*, 1333-7, p. 185.

³² *PC*, no. 1070, p. 451; *CDS*, III, no. 1133, p. 205; *CCR*, 1333-7, p. 327.

³³ *PC*, no. 1069, pp. 449-50; *Rotuli Scotiae*, I, p. 280.

³⁴ The Jedburgh estate and Berwick-on-Tweed were both part of the grant of 2000 librates of land in Scotland which Edward III had received from Balliol (*CDS*, III, no. 1127, p. 203).

³⁵ The two latter portions of the grant were to be held by Percy until he received lands worth 500 marks a year.

suggests that Percy himself could have claimed the earldom of Carrick, which had been granted to his father after Bruce's rebellion and forfeiture of his estates. But in the surviving evidence we meet no mention of any such claim.

The defeat of Balliol's attempt to secure the throne of Scotland and the final expulsion of the English led once more to the loss of the English barons' estates in Scotland. But in this respect the Percies were much more fortunate than most English landowning families. It is true that they lost for ever the estates which had belonged to the Balliols of Red Castle. But Percy's transactions with Edward Balliol and Edward III were very profitable: whereas other families lost, as did the Percies themselves, estates within Scotland, the Percies retained considerable interests on the Scottish Border. They kept some sort of hold on Jedburgh until 1404.³⁶ Moreover, the estate in Jedburgh, the annuity from the customs of Berwick-on-Tweed and the custody of the castle there gave them a powerful vested interest in fighting to protect the North of England against the Scots. It is worth noting that their claim to Jedburgh introduced a family feud into their participation in Border warfare: the rivalry of Percy and Douglas sprang from the Douglas family's claim to Jedburgh by virtue of a grant made by Bruce in 1320.³⁷

³⁶ *CPR, 1401-5*, p. 412.

³⁷ *RGSS*, App. 1, no. 36, p. 448.