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*John Reuben Davies*

## **The Making of the Ragman Roll: the work of the Notary**

Between the middle of May and the end of August 1296, during the course of a royal progress through the kingdom of Scots, via an eastern coastal route, having militarily asserted his authority over the leading nobles of Scotland, Edward I received into his peace the prelates, earls, barons, nobles and the communities of the realm of Scotland. Over 1500 individuals performed fealty, with those who held their lands *in capite* (that is, 'in chief', immediately of the Crown) doing homage as well. Fealty was performed either individually or in groups, and the acts were recorded in over 180 deeds, in the form of letters patent written in French, with each individual or community attaching their own seal. Of these original deeds, about seventy are extant, preserved in the records of the exchequer, collection E 39, 'Scottish Documents', at The National Archives in Kew.

The Ragman Roll is the name given to the manuscript rolls into which these deeds of fealty came to be copied a few years after the event. Three almost identical and comprehensive copies of the enrolled deeds of homage and fealty of 1296 were commissioned and completed, all written by the same notary over the course of six years. They survive in The National Archives as C 47/23/3–5.

Because of the comprehensive nature of the Ragman Roll, which provides a panoramic snapshot of the property-holders of Scotland in 1296, it is a source of utmost importance for *The Breaking of Britain* and the prosopographical database of medieval Scotland which forms part of the project. Little, if anything, has been written, however, to explain the process by which the three copies of the roll were produced.

*FIGURE 1 (below): The three copies of the Ragman Roll at The National Archives, Kew, C 47/23/3–5*



Occasion for the comprehensive enrolment of the deeds of fealty came after 1299, during Edward I's continuing engagement in a campaign against rebels in Scotland. Prompted by arguments presented by agents at Rome acting in the cause of John Balliol (the deposed king of Scots), Pope Boniface VIII issued a letter, known – like all official papal *acta* – by its opening words, *Scimus fili* ('We know, O son . . .'). The pope claimed that Scotland was not a realm feudally subject to the kings of England, but rather that it rightly belonged to the Roman Church.<sup>1</sup>

Edward's initial response was to send an interim letter with the earl of Lincoln and Hugh Despenser on their mission to Rome in November 1300.<sup>2</sup> A definitive response, however, was completed in May 1301, and delivered to the pope at his palace in Anagni, not far from Rome, in July 1301.<sup>3</sup> An important part of Edward's argument was that the Scots had performed fealty and done homage to him in 1296, and then risen against him 1297.

The work which went into Edward's letter of 1301, supported by chronicles, records, and private papers in the archives of cathedrals, monasteries, and the universities, would eventually form the basis for an even greater historical survey, known as the Great Roll.<sup>4</sup> Of the Great Roll, two versions were produced by two leading notaries, one by John of Caen, and a later and longer version by Andrew of Tong.

In the meantime, however, Andrew of Tong was engaged in another, related project: the enrolment of the acts of fealty and homage performed in Scotland during 1296 – the Ragman Roll.

### *Andrew of Tong, Notary Public*

Andrew of Tong was the son of William of Tong; he was a clerk of the diocese of York, and a notary public by the authority of the Apostolic See. Andrew always styled himself in the formula of subscription of his own instruments according to the Italian custom, using the genitive form of his father's name, *Andreas quondam Guilielmi*, 'Andrew [son of] the late William'. He is referred to by other notaries and in royal accounts as 'Master Andrew of Tong'.

We first hear about Master Andrew as a notary engaged by Durham cathedral priory, by whom he continued to be employed until 1315.<sup>5</sup> His role at Durham might explain why he was present as a notary in Scotland in 1296, for the bishop

<sup>1</sup> Kew, TNA, SC 7/6/10; *Calendar of entries in the Papal Registers relating to Great Britain and Ireland. Papal Letters, Vol. I. A.D. 1198–1304*, ed. W. H. Bliss (London 1893) 584–5; text and translation in E. L. G. Stones, *Anglo-Scottish Relations 1174–1328. Some Selected Documents* (London 1965) no. 28 (pp. 81–7).

<sup>2</sup> Rishanger's chronicle, however, is the only authority for the letter, which is considered unusual in its style for a product of the English chancery: *Willelmi Rishanger ... Chronica et Annales*, ed. H. T. Riley, Rolls Series (London, 1865), pp. 451–3; see Simpson and Stones, *Edward I*, I.155.

<sup>3</sup> Kew, TNA, C 54/118, mm. 10 dorso, 9 dorso; a draft in French survives in TNA, E 39/99/48, 50, 51, and E 39/1/18; for text and translation, see Stones, *Anglo-Scottish Relations*, no. 30 (pp. 96–109). For the chronology, see *ibid.*, p. 96, note 1.

<sup>4</sup> See Stones and Simpson, *Edward I*, for the comprehensive treatment of the Great Roll.

<sup>5</sup> Stones and Simpson, *Edward I*, I.81.

of Durham, Anthony Bek, was also present, and indeed, it was to Bek that King John Balliol resigned the kingdom of Scotland. By 1298 he had entered royal service and, as a valued servant of the crown, was receiving £80 a year in 1300.<sup>6</sup> From 1300 to 1306 his main work was on the Ragman Roll.

Notaries public at this time were specially trained officers of one or other – sometimes both – of the two international authorities of medieval Europe, the Apostolic See or the Holy Roman Empire. A notary public therefore had the status of a quasi-independent official, representing a supra-national authority. If an agreement had to be drawn up between two parties, or any other legal proceeding needed to be verified, the notary public would record its terms in a public instrument, and would then authenticate them not by sealing the document, but by declaring, in the concluding passage, called the subscription – or *eschatacol* – that he was present at the transaction, bearing witness to the truth of his record, and that he had added his personal sign (*signum*) as evidence of it.

The *signum* was a distinctive and often elaborate symbol, unique to each notary, by which his instruments were authenticated. The *signum* would appear next to the subscription, and would also be drawn across the seams between the membranes of rolls.

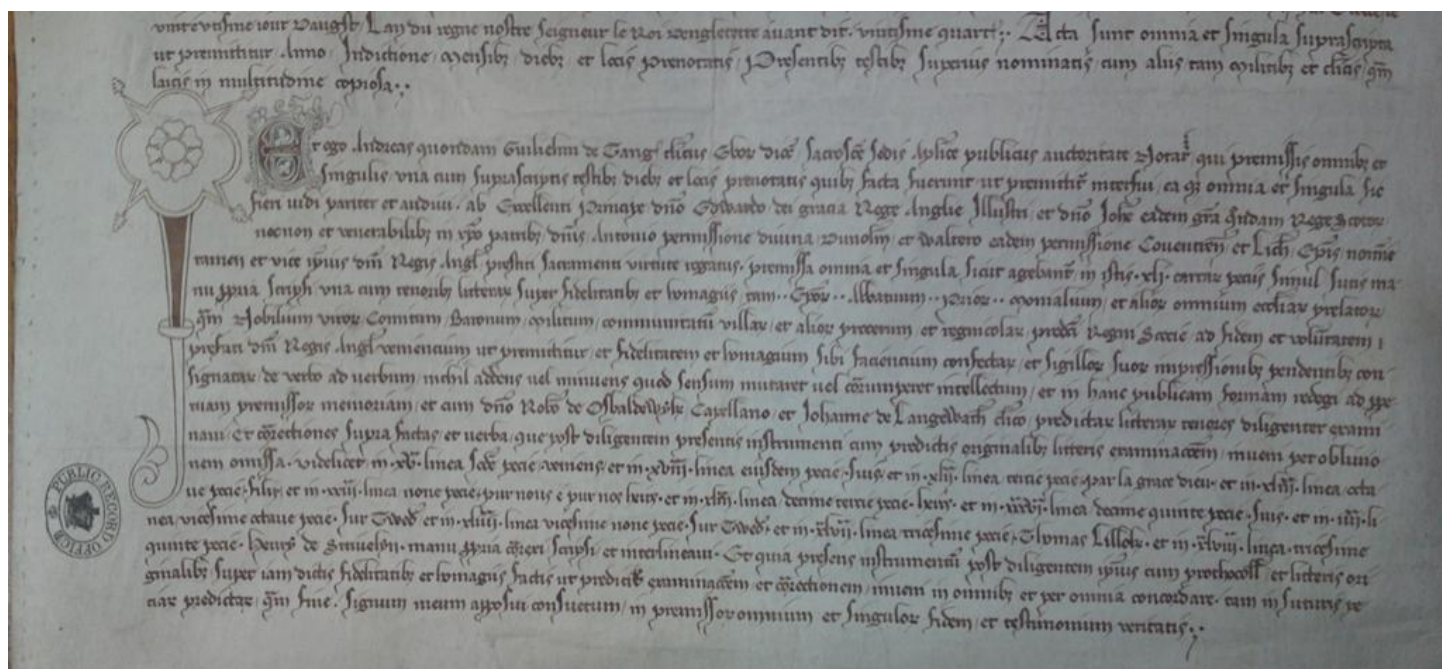


FIGURE 2 (above): Andrew of Tong's signum and subscription or eschatocol in the Ragman Roll C 47/23/5

<sup>6</sup> Stones and Simpson, *Edward I*, I.81.

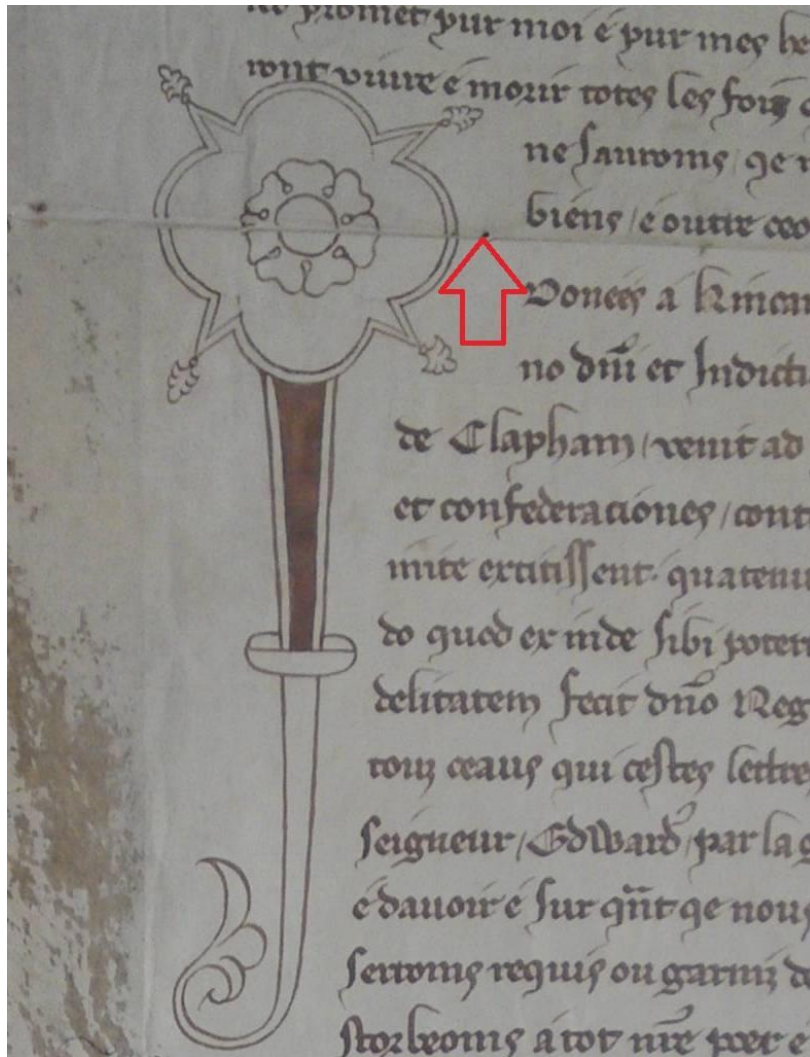
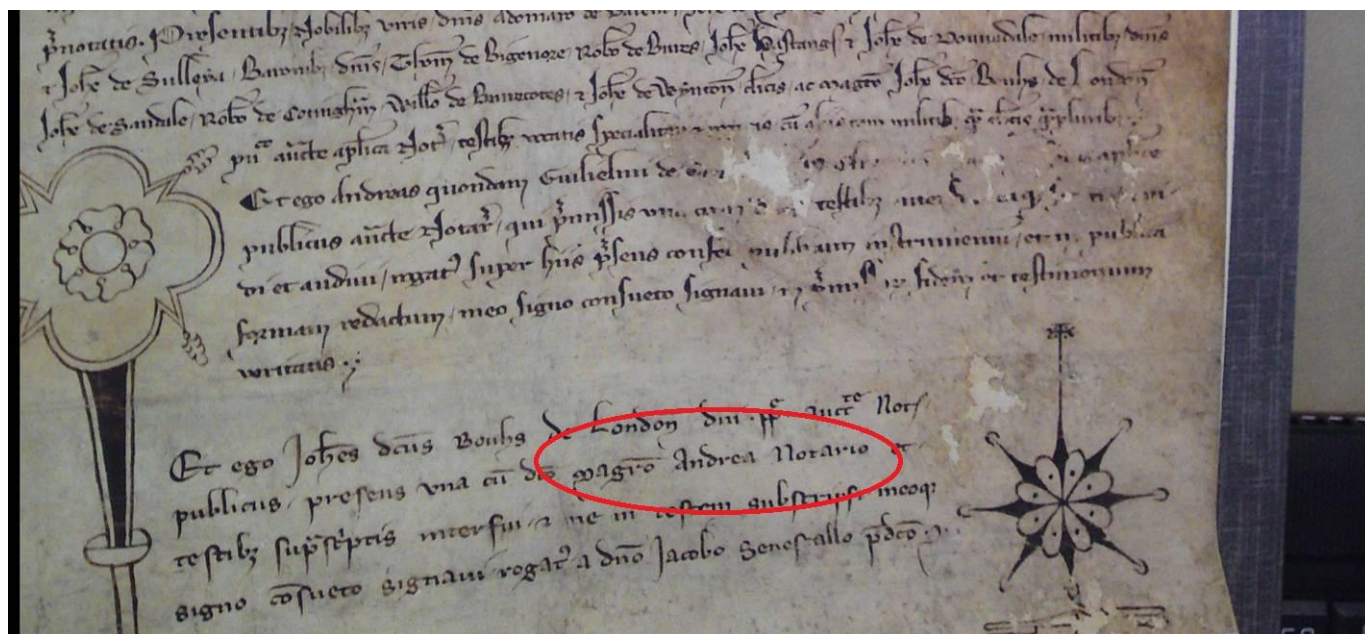


FIGURE 3 (above): Andrew of Tong's signum drawn across a seam between two membranes of the Ragman Roll



FIGURE 4 (below): Andrew of Tong's *signum* and subscription next to that of John Bouhs of London. TNA E 39/3/50. This is a notarial attestation of the fealty of James the Steward of Scotland. Lanercost. 23 October 1306. Note how John Bouhs gives his colleague the honorific title *magister*: 'Magistro Andrea Notario'.



A 'public instrument' – which is what the Ragman Roll is – was a type of fully authenticated record which notaries were employed to write, and whose special value was that its authenticity was internationally recognised. A public instrument was also internally authenticated by at least three other distinctive features, apart from the notary's *signum* and the subscription: (i) its opening words, 'In the name of the Lord, Amen'; (ii) an archaic, papal-style dating formula, which included the pontifical indiction (the point in a cycle of fifteen years); (iii) and the use of *cursus* rhythm (again characteristic of the papal chancery) in the composition of the somewhat verbose Latin. Andrew of Tong is notable in that he consistently dated his instruments according to the year of grace since the nativity of the Lord, 25 December. This reflected Roman curial practice rather than papal curial practice, which dated from the incarnation, that is, from the annunciation to the Blessed Virgin Mary, 25 March. Master Andrew was so consistent in this practice, in fact, that he assigned to 26 December 1293 the act by which he recorded John Balliol's homage of 26 December 1292, unmoved by the fact that he was including a transcript of John's own statement that the homage was paid 'on the morrow of the nativity in the year 1292.'<sup>7</sup>

The subscription, or *eschatocol*, gives us a detailed account of how the notary went about producing his instrument (see Appendix I for a translation of Master

<sup>7</sup> E. L. G. Stones, 'Two points of diplomatic', *Scottish Historical Review*, 32 (1953), 47–51, at 49.

Andrew's subscription in one of the copies of the Ragman Roll).<sup>8</sup> He tells us that he was present at each and every one of the transactions, together with the witnesses whom he has recorded, on the days and at the places where they were performed, and therefore saw and heard each and every one of them take place as they happened. The whole text, describing each act, is written in his own hand – in this case on 41 parchment membranes – together with the texts of the letters of fealty and homage. And he has copied each document word for word, not adding or subtracting anything. With the help of a chaplain, Robert of Osbaldwick, and a clerk, John de Langewath, he has checked all the texts of the letters against the originals, and made some corrections. Each correction is then given, with the number of the membrane, the line number, and what has been added.

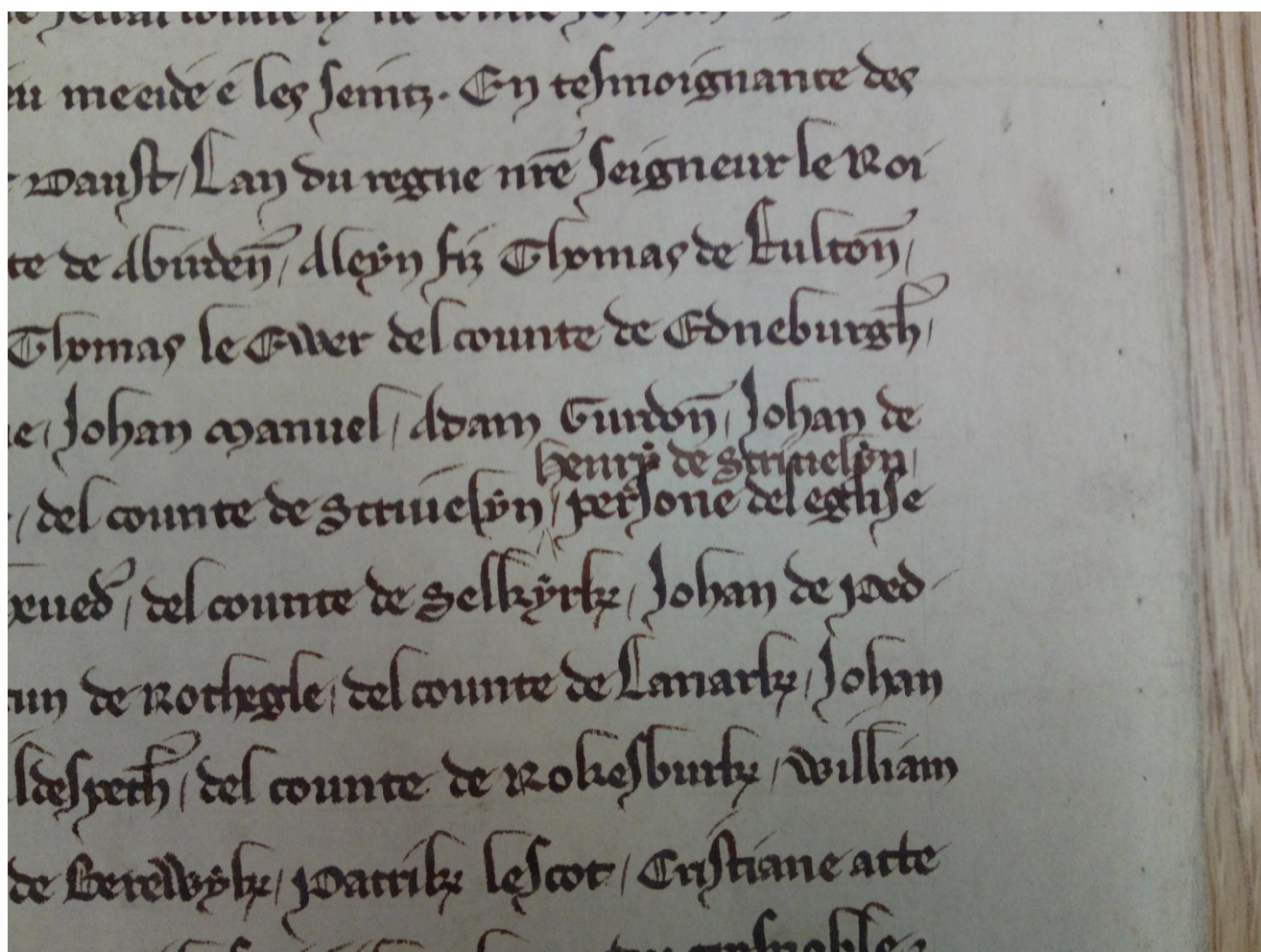


FIGURE 5 (above): Interlinear correction to Ragman Roll by Andrew of Tong: \Henry de Striuelyn/. TNA, C47/23/5, m. 35, line 48.

All the corrections have been written by Master Andrew himself. Finally, his *signum* has been put at the end of the document, and over every seam (see figures 2 and 3). In this way, the authenticity of the instrument could be guaranteed: no membranes could be added, and no corrections made.

<sup>8</sup> *eschatocol* is a term of Greek origin first employed by German diplomatists in this context.

The accounts of Edward I's Wardrobe show that Andrew of Tong began work on his Ragman Rolls in December 1300 and completed the three exemplars by March 1306 (See Appendix below). Over a decade later, however, Master Andrew was still owed the money due to him for producing two copies of the roll, work he had carried out between 28 April 1302 and 16 March 1306. An entry in the wardrobe accounts for 6 Edward II records the payment of £80 on 6 April in that year, 1313, for two processes (that is, official accounts of legal proceedings), on the basis that he had been paid £40 for producing a process on the same fealties and homages in 1301/2 (Appendix IV).<sup>9</sup>

We know that the copy of the Roll which contains 35 membranes was deposited in the Exchequer: this is C47/23/4. We cannot be sure which of the other two was kept in the Wardrobe and which in the Chancery, but perhaps we might guess that C47/23/5, being the most decorative, and having the most damage, was the copy deposited in the Wardrobe, where it was more likely to be moved around and viewed.

### The Three Copies of Andrew of Tong's Ragman Roll

London, The National Archives

❖ C 47/23/3 (?Chancery copy)

33 membranes. Edited in *Instrumenta Publica* (1839)

❖ C 47/23/4

Exchequer copy. 35 membranes. Excerpts printed by William Prynne, *Antiquae Constitutiones* (1672); calendared by Joseph Bain, *Calendar of Documents Relating to Scotland*, Vol. II (1884)

❖ C 47/23/5 (?Wardrobe copy)

41 membranes (some now missing). Unprinted.

In 1317, Master Andrew was granted a royal pension of 20 marks a year for life, specifically for his good service to King Edward II and his father.<sup>10</sup> The last we hear of him is in December 1319, having lately been captured by the Scots, the king's 'enemies and rebels', and held by them in Scotland for a ransom. The king ordered the payment of £50 13s. 4d. to Master Andrew's son, Richard, for the work that Andrew had done on a process concerning the realm of Scotland, between 25 November 1316 and 7 July 1318, 'that it might avail for [Master Andrew's] speedy deliverance from captivity'.<sup>11</sup>

<sup>9</sup> Kew, TNA, E 101/369/11, fol. 48 (Wardrobe Book); text in Stones and Simpson, *Edward I*, p. 377 (vi).

<sup>10</sup> *Calendar of Close Rolls 1313–18*, p. 500.

<sup>11</sup> TNA, C62/96 m. 3 (*Liberate rolls*); ed. Stones and Simpson, *Edward I*, II.381.



## APPENDIX

### I. The Subscription of Andrew of Tong to the Ragman Roll C47/23/5 (see figure 2, above)

I, Andrew, son of the late William of Tong, clerk of the diocese of York, a Notary Public by authority of the Holy Apostolic See, who was present at each and every one of the foregoing transactions, together with the witnesses recorded above, on the days and at the places already mentioned where they were performed, as already mentioned, and therefore in like manner saw and heard each and every one of them take place as they happened; requested by the excellent prince, the lord Edward, by God's grace, illustrious King of England, and the lord John, by the same grace formerly King of Scots, as well as the venerable fathers in Christ, the lord Anthony, by divine permission bishop of Durham, and Walter, by the same permission bishop of Coventry and Lichfield, in the name of and in the stead of the lord King of England himself, by virtue of a duly given oath; I have written with my own hand each and every one of the foregoing matters, just as they were carried out, in these 41 parchment membranes all sewn at once, together with the texts of letters of fealty and homage that were prepared, [letters] as well of bishops, abbots, priors, monks, and all other ecclesiastical prelates, as of noblemen, earls, barons, knights, the corporations of towns, and of other people of standing, and inhabitants of the aforesaid kingdom of Scotia, of the coming into the allegiance and obedience of the said lord King of England as already mentioned, and of the performance of both fealty and homage to him, and sealed with the pendant impressions of their seals; word for word, neither adding nor subtracting anything that would change the sense or distort the understanding; and I have collected them into this public document as an everlasting memorial of the foregoing matters; and with the lord Robert of Osbaldwick, chaplain, and John de Langewath, clerk, I have carefully examined the texts of the aforesaid letters, and the corrections made above; and after careful comparison of the present instrument with the aforesaid original letters, I found the following words omitted by oversight: in line 15 of the second membrane, *ueniens*; in line 18 of the same membrane, *suis*; in line 42 of the third membrane, *par la grace dieu*; in line 43 of the eighth membrane, *filis*; in line 23 of the ninth membrane, *pur nous é pur nos heirs*; in line 43 of the thirteenth membrane, *heirs*; and in line 36 of the fifteenth membrane, *suis*; in line 4 of the twenty-eighth membrane, *sur Twed'*; in line 44 of the twenty-ninth membrane, *sur Twed'*; in line 47 of the thirtieth membrane, *Thomas Lillok*; and in line 48 of the 35th membrane, *Henry de Striuelyn*; corrected, written, and interlineated by my own hand. And since, after careful comparison and correction of the present instrument (as mentioned before) against the protocols, and the original letters concerning the performance of fealties and homages (already mentioned), I have found it to agree in every detail; I have put my customary *signum* on the aforesaid sewn membranes, as well as at the end, as an assurance and evidence of the truth of each and every one of the foregoing things.

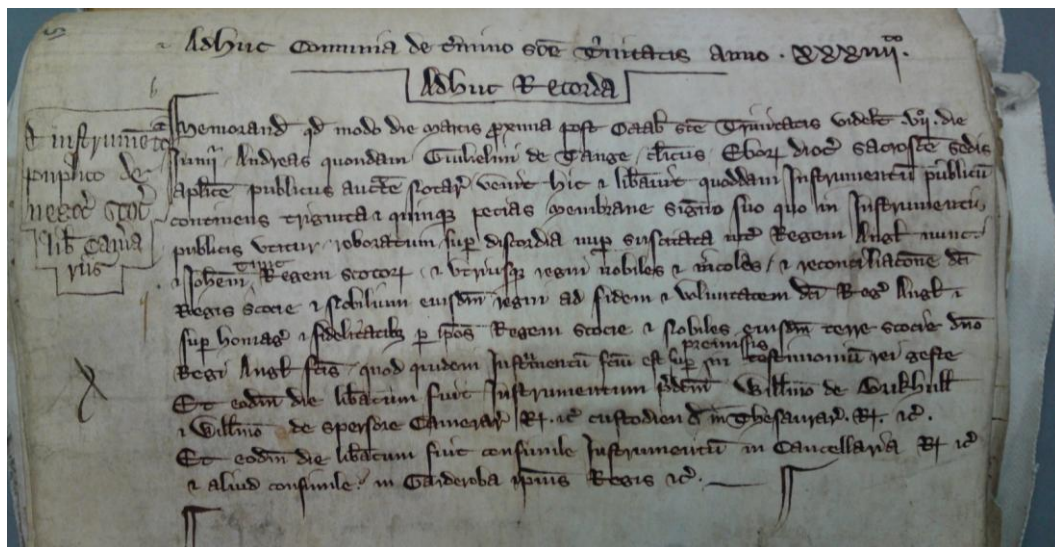
## II. Andrew of Tong's first payment for work on the Ragman Roll, 1301.<sup>12</sup>

*Expense magistri Andr' Tange:* Magistro Andree de Taunge, notario publico, eunti per preceptum thes' de Ebor' usque Lond', pro processu faciendo super homagiis et fidelitatibus Scottorum, pro vadiis suis et expensis a xxj<sup>o</sup> die Decembr' usque ultimum diem Febr', utroque computato, per lxx dies, morando London' circa negocium predictum, et veniendo de ibidem usque Linc', et ibidem morando tempore parliamenti, percipienti per diem ij s., per comptum factum cum eodem apud Linc' xxvij die Febr': vij li.

*Expenses of master Andrew Tong:* To Master Andrew of Tong, notary public, in coming by instruction of the treasurer of York to London, in order to make the process on the homages and fealties of the Scots, for his wages and expenses from 21 day of December [1300] to the last day of February [1301] inclusive [*lit.* both reckoned], for 70 days, staying in London about the aforesaid business, and coming from there to Lincoln, and remaining there at the time of the parliament, receiving each day 2 shillings, by the reckoning made with the same at Lincoln 27th day of February: £7

<sup>12</sup> London, BL, MS. Add. 7966 A, fol. 30 (Wardrobe Book); Bain, *CDS*, iv, 449; text in Stones and Simpson, *Edward I*, II.376 (iv).

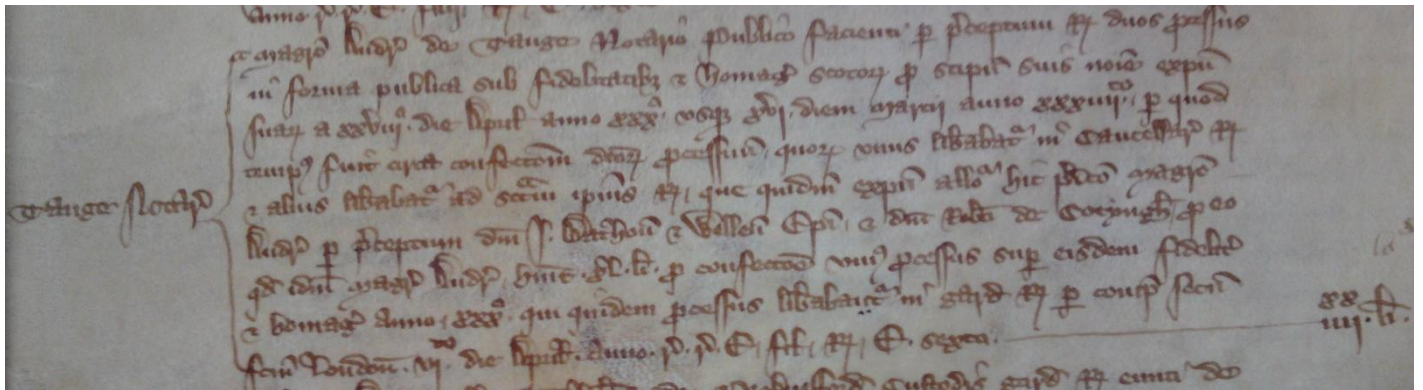
III. Memorandum about the delivery of a copy of the Ragman Roll to the Treasury in June 1306. TNA E 368/76, m. 51 (Memoranda Roll for 33-36 Edward I)



Memorandum quod modo die Martis proxima post octabas Sancte Trinitatis uidelicet .vii. die Iunii, Andreas quondam Guilielmi de Tange, clericus Ebor' dioc' sacrosancte sedis apostolice publicus auctoritate notarius, uenit hic et liberauit quoddam instrumentum publicum continens triginta et quinque pecias membrane signo suo quo in instrumentis publicis utitur, roboratum, super discordia nuper suscitata inter Regem Anglie nunc et Iohannem /tunc/ Regem Scotorum, et utriusque regni nobiles et incolas, et reconciliacione dicti Regis Scocie et nobilium eiusdem regni ad fidem et uoluntatem dicti Regis Anglie et super homagiis et fidelitatibus per ipsos Regem Scocie et nobiles eiusdem terre Scocie domino Regi Anglie factis, quod quidem instrumentum factum est super /premissis/ in testimonium rei geste. Et eodem die liberatum fuit Instrumentum predictum . Willelmo de Brikhull' et Willelmo de Spersore Camerariis Regis, etc., custodiendo in Thesaurario Regis etc. Et eodem die liberatum fuit consimile Instrumentum in Cancellaria Regis etc. Et aliud consimile in Garderoba ipsius Regis etc.

Memorandum about how on the Tuesday next after the octave of Trinity, that is, 7 June, Andrew, the son of the late William of Tong, clerk of the diocese of York, and notary public by the authority of the Holy See, came here and delivered a public instrument – made up of 35 membranes, authenticated by the signum he uses in public instruments – about the conflict that recently came about between the present King of England and John, then King of Scots, and the nobles and inhabitants of both realms, and the reconciliation of the said King of Scotia and the nobles of that realm to the faith and will of the said King of England and about the homages and fealties performed by the King of Scotland himself and the nobles of that same land of Scotia to the lord King of England; and this instrument, indeed, was created about the foregoing matters as evidence of the things done. On the same day, the said Instrument was delivered to William de Brikhull and William de Spersore, the king's chamberlains, to be kept in the king's Treasury etc.; and on the same day a very similar Instrument was deposited in the king's Chancery, etc.; and another very similar was deposited in the king's Wardrobe etc.

IV. Payment of £80 to Andrew of Tong, Notary Public, for making two processes in public form between 1302 and 1306. 6 April 1313. TNA, E101/369/11, fol. 48r (Accounts of the King's Wardrobe)



*Tange Notarius:* Magistro Andr' de Tange Notario Publico facienti per preceptum Regis duos processus in forma publica sub fidelitatibus et homagiis Scotorum pro stipendiis suis nomine expensarum suarum a .xxviii. die Aprilis anno .xxx. usque .xvi. diem Marcii anno .xxxviii., per quod tempus fuit circa confectionem dictorum processorum, quorum unus liberabatur in Cancellaria Regis et alius liberabatur ad scaccarium ipsius Regis, que quidem expense allocantur hic predicto magistro Andr' per preceptum domini J. Bathon' et Wellen' Episcopi, et domini Roberti de Cotyngham, pro eo quod idem magistro Andr' habuit .xl. li' pro confectione unius processus super eisdem fidelitatibus et homagiis anno .xxx. qui quidem processus liberabatur in Garderoba Regis per computum factum Londonia .vi. die Aprilis anno regno regis Edwardi filii Regis Edwardi sexta: xx/.iiii. li'

*Tong the Notary:* To Master Andrew of Tong, Notary Public, making by the king's instruction two processes in public form concerning the fealties and homages of the Scots, for his stipends by way of expenses from 28 April 1302 to 16 March 1306, during which time he was about the preparation of the said processes, one of which one was delivered to the king's Chancery and the other to the same king's Exchequer; these expenses were allocated to him by instruction of the lord J. [John Droxford], bishop of Bath and Wells, and the lord Robert of Cotyngham, on the basis that the same Master Andrew had £40 for making a process about the same fealties and homages in 1302; this particular process was deposited in the king's Wardrobe; by account made at London, 6 April, the sixth year of the reign of King Edward, son of King Edward [1313]: £80.