

The Throne of Scotland and the First Interregnum

*A Brief Summary by
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Toward the end of his reign (1249-1286) Alexander III, king of Scots, suffered the death of all three of his children within a few years, making the question of his succession one of pressing importance. In 1284, upon the death of his eldest son Alexander, Alexander III induced the Estates to recognize as his heir-presumptive his granddaughter, Margaret, the “Maid of Norway,” daughter of Eric II of Norway and his wife Margaret, daughter of Alexander III, who had died in childbirth.

Though the need for a male heir caused Alexander to marry a second time, to Yolande (or Joletta) of Dreux, in 1285, his sudden death from a fall from his horse in March, 1286 set three-year-old Margaret on a path to become ruler of Scotland, and ushered in a time of political upheaval.

As the only surviving descendant of Alexander III, it was decided that Margaret would ascend to the throne under a regency of six nobles. Fearing that a young and powerless queen would incite civil war between rival claimants to the throne, the Scottish nobles appealed to Edward I of England to intervene. Eager to extend his own influence in Scotland, Edward arranged the Treaty of Birgham in 1290, by which Margaret was betrothed to his son the Prince of Wales (later Edward II of England), in return for an assurance of Scottish independence (though Edward I would serve as the young queen’s ward.) Margaret was then about seven years old, and Edward about six.

Margaret set sail from Norway to her new realm in the late summer of 1290 and was expected to arrive in Orkney (at the time, still a Norwegian province) in the fall, and then travel to Scone to be inaugurated as queen, after which she would be married to Edward II in Perth. However, Margaret became ill during the sea voyage and died in September, soon after reaching the Orkney Islands.

In the two years that followed, Scotland was left with many claimants to the throne. Once again, Edward I was asked to intercede, and he spent a great deal of time between May 1291 and November 1292 dealing with the problem of the succession to the throne of the kingdom of Scotland. Determination of the right to a crown conducted in the court of another king is extraordinary in medieval history, and only King Edward’s desire to place the proceedings on record allows us to understand the events.

On May 10, 1291 English and Scottish nobles, presided over by Edward, gathered in the parish church at Norham, on the river Tweed. The proceedings were conducted in French, though most of the surviving texts are in an elaborately formal Latin. An Englishman, Sir Roger Barbazon, one of Edward’s most capable justices, urged the Scots to recognize Edward as overlord of Scotland so the case could proceed with Edward acting as judge. Acknowledging Edward in that role was difficult for the Scots and caused a three-week adjournment.

When the proceedings resumed on June 2, 1291, they moved to the north bank of the Tweed opposite Norham castle, in an open field called Holywell Haugh. At this point, Edward's spokesman was Robert Burnell, Bishop of Bath and Wells, chancellor of England, and a thirty-year friend of Edward's.

Burnell asked the eight claimants present to accept Edward's judgment in his capacity as overlord of Scotland, and they agreed. The following day, John Balliol and John Comyn made their first appearance, put in their claims, and agreed to accept Edward's judgment, bringing the total number of claimants to ten. There is some confusion about the order of events after this, but it is certain that nine competitors issued letters by which they accepted Edward as judge, and agreed that he should have possession of the lands of Scotland, on the condition that when the case was settled, Edward would restore the realm of Scotland to the successful candidate. This transaction is referred to as "The Award of Norham." (Edward's position was that, without actual possession of Scotland, he could not effectively transfer it to the man who would be chosen king.)

With that settled, it was resolved that 104 "auditors" be appointed to hear and discuss the evidence, and report to Edward so he could render a decision. Bruce was allowed to nominate forty auditors, and Balliol and Comyn together allowed another forty. Provisions were made for all the other claimants to nominate through Bruce, Balliol and Comyn. King Edward was to nominate 24. Two days later, on June 5, 1291 the list of 104 names was complete. Inexplicably, the auditors included Patrick of Dunbar, who was among the claimants and would seem to have had a conflict of interest.

On June 6, the competitors agreed on Berwick as the site of the next meeting, and Edward set the date as August 2, 1291; about eight weeks ahead. Then, Edward appointed a chancellor for Scotland, and went on a tour of the country, receiving oaths of loyalty. Meanwhile, the claimants and their lawyers must have been at work on their claims.

Twelve competitors put their petitions in writing. They were, in order of their petitions (asterisks indicate illegitimate descent):

- (1) Florence, Count of Holland
- (2) Patrick of Dunbar, Earl of March*
- (3) William de Vescy*
- (4) William de Ros*
- (5) Robert de Pinkeny
- (6) Nicholas de Soules*
- (7) Patrick Golightly*
- (8) Roger de Mandeville*
- (9) John Comyn of Badenoch
- (10) John Hastings
- (11) John Balliol
- (12) Robert Bruce

The first full meeting after the recess took place in Berwick castle on August 3, 1291, at which time the twelve petitions were presented. The records show that they were "heard" by the auditors, but it isn't clear whether there was really any discussion. Each petition confined itself to stating the descent of the claimant, without arguing the case against others.

On August 12, 1291 all the petitions and replies were sealed in a bag and the whole case was adjourned until June 1292. No one knows if the auditors were given copies of the petitions to take away with them.

The claims fell into two classes: those based on lawful descent, and those based on illegitimate descent. It might seem absurd for those claims based on illegitimate descent to have been filed when there were several candidates with legitimate claims and the cost of time and lawyers was sure to have been considerable. One motive might have been to ensure that their claims were on record in case of a future deficiency of legitimate heirs. Another might have been the medieval fondness for controversy and a desire to appear in the public eye. In a sense, that desire may have been successful, because the petitions of these candidates have made it necessary to include their descents in all modern pedigrees of the kings of Scotland.

On June 2, 1292 the proceedings resumed. Representatives then appeared on behalf of King Eric of Norway, and his claim as father of the Maid of Norway was entered as the thirteenth. This claim ran counter to a firm principle of feudal law, at least in England, that ascendants are not eligible to inherit.

Details of the strengths and weaknesses of all the claims are too lengthy to include here, and seemed to overwhelm Edward. The strongest claims seem to have been those of Robert Bruce and John Balliol. Edward asked the forty auditors from Scotland nominated by Bruce and Balliol what were the laws and customs by which he should judge the case. They were unable to agree and, after consulting with the 24 auditors nominated by him, Edward sought advice from other regents abroad.

When the case resumed on October 14, 1292, the various issues had not been reconciled. It is clear that there was discussion of the nature of the law which ought to govern the case, but it is not certain what view was actually accepted by the court. There was argument about whether Scotland ought to be treated as an inheritance differing from earldoms and baronies, and about the relative importance that should be attached to primogeniture and proximity (Bruce's claim was based on his being most closely related to the legitimate line.) Fearing that a judgment might be made in favor of Balliol, Bruce and Hastings also claimed that the realm, as opposed to the crown, should be partitioned.

On November 17, 1292 the final judgment was given.

Florence, Vescy, Patrick of Dunbar, Ros, Pinkeny, Soules, and Golightly had already withdrawn their claims. It was declared that Eric, Comyn, and Mandeville would be dismissed, since they had not pursued their claims; that Bruce's claim for partition was ill-founded and incompatible with his original claim for the whole; that Hastings' claim for partition was dismissed; and that Balliol was awarded the whole of the claim. The impartibility of Scotland was stressed, as was the importance of primogeniture. Also stressed was the fact that Balliol's pedigree, as presented in his petition, had not been questioned. Balliol was warned to rule Scotland justly, and arrangements were made for him to swear fealty and to do homage to Edward. Balliol was enthroned at Scone on November 30, 1292. This ended The First Interregnum.

Notes:

1. Following the ascension of John Balliol to the throne of Scotland, Edward treated Scotland as a vassal state and humiliated his appointee. John finally stood up for himself and set up the first international treaty of alliance, between Scotland, Norway, and France. In response, Edward invaded Scotland and triggered the Wars of Scottish Independence. Edward defeated John and forced him to abdicate, placing Scotland under the administration of English officials. This left Scotland without a monarch for ten years, until the ascension of Robert the Bruce in 1306.
2. On page 14 of *Edward I and the Throne of Scotland*, Stones and Simpson use the petition of Nicholas de Soules to illustrate the format of all of the petitions; The text of Soules' petition follows:

“As it pleased God, on the deaths of Alexander, who lately died as king siesed of the realm of Scotland, and of all those who issued of him in the direct line, the right to the realm ‘resorted’ (resortiebatur), and should have [so] ‘resorted’, to Marjorie, formerly wife of Alan Durward (le Hussier) as sister and heir of King Alexander. Thus from Marjorie the right descended, and should have [so] done, to Ermengarde, [her] daughter, and heir of King Alexander, and from Ermengarde the right descended, and should have [so] done, to Nicholas de Soules, who now petitions as son and heir.”

Stones and Simpson refer to the chart showing the pedigrees of each of the petitioners and note “the rather startling fact that the Marjorie on whom this claim depended was a bastard daughter of Alexander II.” They note that nothing to this effect was included in the petition.
3. The pedigree chart shows that John Cromyn of Badenoch (9), was married to the sister of John Balliol, claimant (11) and eventual winner of the throne.
4. While the original pedigree of the claimants notes that John Comyn, son of John Comyn of Badenoch, claimant (9) and king, was killed in 1306, the Wikipedia article on King Robert I of Scotland says, “By murdering John Comyn at Dumfries in 1306 – an act Pope Clement V excommunicated him for – Bruce [Robert I] was able to secure the Scottish crown and was crowned at Scone in April of that year.” I have modified the pedigree to reflect that information.

Sources

Anglo-Scottish Relations 1174-1328, Some Selected Documents, edited and translated by E.L.G. Stones, Professor of Medieval History, the University of Glasgow, published in Oxford by the Clarendon Press, pp.118-125.

Edward I and the Throne of Scotland, 1290-1296, An edition of the record sources for the Great Cause, by E.L.G. Stones and Grant G. Simpson, published for the University of Glasgow by the Oxford University Press, 1978, pp. 1-24.

List of British Monarchs, Wikipedia, http://en.wikipedia.org/wiki/List_of_British_monarchs

The Text of the Judgment of Edward I

You all know, or ought to know, that King Eric of Norway, Florence, count of Holland, John Balliol, Robert Bruce, John Hastings, Patrick, earl of March, William de Ros, William de Vescy, John Comyn, Robert de Pinkeny, Nicholas de Soules, Patrick Golightly and Roger de Mandeville have placed before the eighty persons chosen from Scotland, and the twenty-four nominated by the King of England, the lord superior of the realm of Scotland their petitions for the realm of Scotland, and the arguments on which they based their claim that they had a right to the realm. Of these claimants, Robert de Pinkeny, Patrick, earl of March, Nicholas de Soules, Patrick Golightly, William de Ros, William de Vescy, and Florence, count of Holland have withdrawn their petitions. Therefore the king says to them in judgment that they shall gain nothing of which they ask in their petitions. Since King Eric of Norway, John Comyn, and Roger de Mandeville have not pursued their petitions, the king says to them in judgment that because of their failure to sue, they too shall gain nothing of what they ask in their petitions. You all know also, how when Robert Bruce claimed the realm of Scotland as impartible, by reason of proximity in relationship, and John Balliol likewise claimed the kingdom as impartible, because he was descended from Margaret, the eldest daughter of Earl David, it was declared to Robert Bruce that, having regard to its form and manner, there was no justification for his petition for the realm of Scotland. You know also that John Hastings claimed, as a descendant of the third daughter, Ada, of Earl David, a third of the whole inheritance which descended to Margaret, daughter of the king of Norway, by the death of Alexander, the last king of Scotland, that is by asking for a third of the acquisitions and escheats which accrued to the Scottish kings. Likewise Robert Bruce, as a descendant of the second daughter of Earl David, claimed his share of the realm of Scotland in gross and in sum, and of the acquisitions and escheats which had accrued to the realm.

Therefore the king, the lord superior of the realm of Scotland, after hearing and noting the demands and arguments of John Hastings and Robert Bruce, who were asking for their shares in this manner, and examining them carefully, declares as a matter of law, and by way of judgment, that the realm of Scotland is not partible, and that the acquisitions of the kings of Scotland, and the escheats within that realm which came into the hands of the kings are not partible; but the lands and tenements outside the realm of Scotland should be dealt with according to the laws and customs of the realms and districts where the lands and tenements are. Therefore the king declares by way of judgment to you, John Hastings, and Robert Bruce, that you shall receive nothing, by this judgment, of the shares which you demand within the bounds of the realm of Scotland. But to you, John Balliol, as the nearest heir of Margaret, daughter of the king of Norway, lady of Scotland, and grand-daughter of the late Alexander, the last king of Scotland – by right of succession to the realm of Scotland, as determined before the king – the king renders the realm and the seisin thereof, with all the appurtenances which are within the realm, and what has come into the hands of the king as lord superior of the realm of Scotland since the death of Margaret, saving the right [in Scotland] of the king and his heirs when they wish to raise the point. The king appoints next Thursday, the feast of Saint Edmund, king and martyr [20 November], for swearing to him your fealty for the realm of Scotland, at whatsoever place he may then be, and Christmas day, wherever he may then be in his realm, for doing to him your homage for the realm of Scotland.