

## The Origins of the Wars of Independence in Scotland, 1290-1296

Very late on the 19th March 1286, in the teeth of a howling gale on a dark and stormy night, Scotland's history was changed forever with the death of King Alexander III. Earlier that evening the king had held a meeting of the Privy Council at Edinburgh castle and after a good meal and French wines he decided to return to his voluptuous young pregnant French wife, Yolande, who was staying at one of the king's residences at Kinghorn on the opposite shore of the Firth of Forth. Alexander set out into the stormy night with several of his barons, surviving a perilous crossing from Dalmeny to Inverkeithing. On their journey along the coast road, not far from Kinghorn, the king became separated from his companions and apparently took a wrong turning in the midst of the storm and ended up on the rocks at the foot of the cliffs of Pettycur, where his body with its broken neck was found the next morning. At the time of his death Alexander was forty-four having only recently married Yolande who, following her miscarriage returned to France. Alexander's first wife, Margaret of England, whom he had married in 1251, had died and both their sons, Alexander and David had also died without issue before 1284, leaving the child of their daughter, Margaret, who had married Eric II of Norway, as heir to the crown of Scotland.<sup>1</sup>

Seizing this opportunity, in the winter of 1286-87, the aged Robert Bruce, lord of Annandale, rose in rebellion to advance his own claim to the throne, as a descendant of David I. Bruce's rebellion was put down by the six Guardians of Scotland (the earls Alexander Comyn of Buchan and Duncan of Fife, the bishops, William Fraser of St Andrews, and Robert Wishart of Glasgow, James the Steward<sup>2</sup> and John Comyn, Lord of Badenoch) who had been governing Scotland since Alexander's death. Thus, Margaret and Eric's daughter, Margaret, known as the Maid of Norway, was declared Queen of Scots.

In 1290, by the Treaty of Birgham, it was agreed that the seven-year-old Maid would marry the son and heir of Edward I of England — Edward, prince of Wales. The Scots were well aware that this would lead to one man ruling two kingdoms, and they wrote into the marriage treaty many safeguards for the continued independence of Scotland. When the Maid died on her way to Scotland from Norway in 1290 however, the people of Scotland soon discovered how little the treaty of Birgham meant to Edward. In a

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<sup>1</sup> J. MacKay, *William Wallace: Braveheart* (Edinburgh and London, 1995), pp. 26, 33-34.

<sup>2</sup> Steward of Scotland: Office held by a family of Breton origin from mid-12th century: Walter FitzAlan (son of Alan, from Old French. *filz de Alain*) 1147-77; Alan 1177-1204; Walter 1204-46; Alexander 1246-83; James 1283-1309; Walter 1309-28; Robert 1328-90, who became King as Robert II, and from that time the office has been vested in the crown and it still pertains today to the heir apparent, who is 'Prince and High Steward of Scotland'. Prince Charles is reckoned the 29th High Steward

determined pursuit of what he considered to be his rights, Edward rode roughshod over the protests of the Scots, casting aside the agreement that had been reached.<sup>3</sup> In doing so, he began the hostility that was to last, interspersed with warfare, until the mid-sixteenth century during the first years of Queen Elizabeth's reign in 1560.

Scotland's problem, following the death of the Maid of Norway, was not the lack of an heir to the throne, but too many heirs. In all, thirteen candidates came forward, most of them basing their claims on descent, legitimately or illegitimately, from the Scottish royal house. Eric II of Norway claimed it by right of his late wife and daughter; John Comyn, Lord of Badenoch, advanced a claim based on descent from Donald Ban, younger brother of Malcolm Canmore. Of the descendants of David I, Florence V, Count of Holland, great-great-grandson of Malcolm IV and William the Lion's sister, Ada, and from three grand-daughters of their younger brother David, Earl of Huntingdon, descended the three major claimants to the throne. John Balliol was the grandson of Margaret, the eldest of the three, Robert Bruce, lord of Annandale was eldest son of Isobel the second grand-daughter, and John Hastings, Lord Abergavenny, was the grandson of Ada, the youngest. Essentially, however, the dispute devolved around the claims of John Balliol and Robert Bruce. By the law of primogeniture Balliol had the stronger claim, but precedence of the grandson of the elder sister over the son of a younger sister was not clearly established.<sup>4</sup>

At Norham on the Anglo-Scottish Border in May 1291, Edward I, King of England, was invited by the divided Scots to help resolve the claims of several men to be the rightful king. In response Edward announced that he was overlord of Scotland. He invited the Scots to disprove this — a line suggested to him by the subservient Bruce. After strong resistance by the Scots, when the bishop of Glasgow told Edward to his face that his attack upon a leaderless people did him no credit, Edward seems to have announced that he was inclined to declare the Scottish kingdom a fief to which there was no true male heir. This would mean that Edward himself would take control of Scotland as overlord. In the face of this threat to march in, a number of prominent Scots yielded, and Edward took possession of the royal castles: the keys to the kingdom of Scotland. The acknowledgement as lord that Edward so dearly wanted, however, was not forthcoming until, in November 1292, the English courts of justice chose John Balliol as rightful heir. On St Andrew's day, 30th November 1292, John was inaugurated as king of Scots on the Stone of Scone and a few weeks later, on 26th December, he gave homage to the English king.<sup>5</sup>

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<sup>3</sup> A.A.M. Duncan, 'The Search for a Monarch', *Story of Scotland* (Glasgow, 1984), Vol. 5, p. 116.

<sup>4</sup> Mackay, *William Wallace*, pp. 43-45.

<sup>5</sup> Ranald Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, 1974, repr. 1978,) pp. 36-38 and 43.

There is no doubt that Edward's court of King's Bench tried to hear fairly the various claims put forward, and any idea that Balliol was chosen for dishonourable reasons, such as that he would capitulate to Edward, dismisses the record of Bruce as the chief protagonist of Edward's lordship. Late in 1290, Bruce had sent a message to Edward urging the English king with Bruce's help, to assert his lordship and take the crown of Scotland for himself. Bruce asserted that:

since the crown must be held undivided, let him know by Elias de Hautville (the messenger) that, when he wants to make his claim in legal form, I shall obey him with all my friends and kin ... And I beseech your grace for my right and my truth which I want to demonstrate before you.<sup>6</sup>

Robert the Bruce argued that he was the rightful heir as he was the senior male descendant by degree. This argument was strong in law, weak in appeal to his peers and contemporaries, and did him little good. It explains, however, the determination of his grandson, the Robert Bruce who became King Robert I, that he was the rightful king.

In the meantime John Balliol, having been made king of Scotland by Edward I, suffered the indignities of a mere figurehead. The English king heard appeals, mostly concerning land, to Westminster from John's court in Scotland, and forced John to accept his jurisdiction. When John protested that this behaviour infringed the promises made at Norham in 1291 as well as the Treaty of Birgham in 1290, Edward argued that the Norham promises were for the duration of the succession only (which was true) and were no longer in force. Furthermore, he announced punitive regulations for any future failure on John's part which, if carried out, would have shredded John's kingship to tatters. This threat was enough to unite the Scots in determined opposition to Edward.

On 23 October 1295 the first Franco-Scottish treaty of which there remains documentary evidence was contracted between John Balliol, king of Scots, and Philippe IV (le Bel) and signed at Paris. It was a defensive and offensive alliance directed against England and the incursions of Edward I. By the terms of the alliance neither the French nor the Scots would make a separate peace with England. It was further strengthened by the proposed marriage of John Balliol's son, Edward, to Philippe IV's niece; and also by the French request that the treaty should be ratified not only by King John but also by the Scottish prelates, barons, knights and communities of the towns. Professor Nicholson says that: 'the Scottish burgesses made their entry into

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<sup>6</sup> Cited in, Duncan, 'The Search for a Monarch', p. 117.

high affairs of state when the seals of their six burghs were attached to the Scottish ratification at Dunfermline on 23 February 1296'.<sup>7</sup>

Retribution soon followed when Edward and his army stormed into Berwick on 30 March 1296, indiscriminately butchering many of the inhabitants. The Scots nobles and army were ill-managed and a month later they were heavily defeated at Dunbar. Edward advanced northwards against little opposition in search of the Scottish king, who had been deserted by all save a few supporters. Shortly after the fall of Berwick, King John had sent two Franciscan friars to Edward, with a final protest. In John's words, Edward had 'caused harm beyond measure to the liberties of ourselves and our kingdom'. John renounced homage and fealty to Edward 'which, be it said, were extorted by extreme coercion on your part'.<sup>8</sup> Brave words but John had little choice other than to surrender himself and the land and people of Scotland to Edward. At the royal castle of Kincardine, on 2 July 1296, he was obliged to seal a document in which he confessed his wrongdoing and folly in allying himself with the foe of his overlord. Later, at Montrose, the family heraldic insignia was ripped from his coat, a sign that he was unworthy to be even a knight, and he became known as 'Toom Tabard', the man with the 'empty coat'. From there he went to prison in England, while many nobles taken prisoner at Dunbar were released on condition that they served Edward in his planned attack on France.

For most Scots, however, John remained the rightful king. When Robert Bruce (son of the original claimant, who had died in 1295) asked Edward to install him as king of Scotland, Edward sent him packing with the approval of John's supporters which included William Wallace, the younger son of a Renfrewshire laird. English control crumbled swiftly away when Wallace raised first an outlaw band, then a rebel force, in Ettrick Forest. A similar rising in the north brought another force south under Sir Andrew Moray. The two men, self-elected, joined forces and became in their own words, 'leaders of the army of Scotland', representing the determination of Scots not to accept the humiliation of King John and the kingdom of Scotland.

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<sup>7</sup> Nicholson, *Scotland: The Later Middle Ages*, p. 47. The six burghs were: Aberdeen, Perth, Stirling, Edinburgh, Roxburgh and Berwick.

<sup>8</sup> Cited in, Duncan, 'The Search for a Monarch', p. 118.