

MARGARET, THE MAIDEN OF NORWAY.

MARGARET, the grand-daughter of Alexander, and grand-niece to Edward the First, who had been solemnly acknowledged heir to the crown in 1284, was in Norway at the time of the king's death. A parliament, therefore, assembled at Scone, on the 11th of April, 1286, and a regency, consisting of six guardians of the realm, was, by common consent, appointed.¹ The administration of the parts of Scotland to the north, beyond the Frith of Forth, was intrusted to Fraser, Bishop of St Andrews, Duncan, Earl of Fife, and Alexander, Earl of Buchan. The government of the country to the south of the Forth, was committed to Wishart, the Bishop of Glasgow, John Comyn, Lord of Badenoch, and James, the High Steward of Scotland.²

Nothing but the precarious life of an infant now stood between the crown of Scotland, and the claims of other powerful competitors, whose relationship to the royal family, as it raised their hopes, encouraged them to collect their strength, and gave a legal sanction to their ambition. Edward the First of England, whose near connexion with the young Queen of Scotland, and the heretrix of Norway, made him her natural protector, was at this time in France. On being informed of the state of confusion into which

¹ Winton, vol. ii. p. 10. Fordun a Goodal, vol. ii. p. 138.

² Fordun a Hearne, p. 951.

the death of Alexander was likely to plunge a kingdom which had been for some time the object of his ambition, the project of a marriage between the young queen and his son the Prince of Wales, was too apparent not to suggest itself. But this monarch, always as cautious of too suddenly unveiling his purposes as he was determined in pursuing them, did not immediately declare his wishes. He contented himself with observing the turn which matters should take in Scotland, certain that his power and influence would in the end induce the different parties to appeal to him, and confident that the longer time which he gave to these factions to quarrel among themselves, and embroil the country, the more advantageously would this interference take place. The youth of the King of Norway, father to the young Princess of Scotland, was another favourable circumstance for Edward. Eric was only eighteen. He naturally looked to Edward, the uncle of his wife, for advice and support, and, fearful of trusting his infant and only daughter, scarce three years old, to the doubtful allegiance of so fierce and ambitious a nobility as that of Scotland, he determined to keep her for the present under his own eye in Norway.

Meanwhile a strong party was formed against her, amongst the most powerful of the Scottish barons. They met (Sept. 20, 1286) at Turnberry, the castle of Robert Bruce, Earl of Carric, son of Robert Bruce, Lord of Annandale and Cleveland. Here they were joined by two powerful English barons, Thomas de Clare, brother of Gilbert, Earl of Gloucester, and

Richard de Burgh, Earl of Ulster.¹ Thomas de Clare was nephew to Bruce's wife, and both he and his brother, the Earl of Gloucester, were naturally anxious to support Bruce's title to the crown, as the descendant of David Earl of Huntingdon, brother of King William the Lion.² Nor was the scheme in any respect a desperate one, for Bruce already had great influence. There assembled at Turnberry, Patrick, Earl of Dunbar, with his three sons; Walter Stewart, Earl of Menteith; Bruce's own son, the Earl of Carric, and Bernard Bruce; James, the High Steward of Scotland,³ with John his brother; Angus, son of Donald the Lord of the Isles, and Alexander his son. These barons, whose influence could bring into the field the strength of almost the whole of the west and south of Scotland, now entered into a bond, or covenant, by which it was declared, that they would thenceforth adhere to and take part with one another, on all occasions, and against all persons, saving their allegiance to the King of England, and also their allegiance to him who should gain the kingdom of Scotland by right of descent from King Alexander, then lately deceased.⁴ Not long after this, the number of the

¹ *Fœdera*, vol. ii. p. 488.

² Gough, in his *Additions to Cambden's Britannia*, vol. i. p. 265, mentions, that Gilbert, Earl of Gloucester, brother of Robert de Brus's wife, having incurred the resentment of Edward the First, was dispossessed of all his lands; but the king afterwards restored him, and gave him his daughter in marriage. The convention at Turnberry was probably the cause of Edward's resentment.

³ James, the High Steward, married Cecilia, daughter of Patrick, Earl of Dunbar. Andrew Stewart's *Hist. of Stuarts*, p. 16.

⁴ The original is alluded to by Dugdale, vol. i. p. 216.

Scottish regents was reduced to four, by the assassination of Duncan, Earl of Fife, and the death of the Earl of Buchan; while the Steward, another of the regents, having pursued an interest at variance with the title of the young queen, and joined the party of Bruce, heart-burnings and jealousies arose between the nobility and the governors of the kingdom.

The event which the sagacity of Edward had anticipated, now occurred. The States of Scotland were alarmed at the prospect of civil commotions, and, in a foolish imitation of other foreign powers, who had applied to Edward to act as a peacemaker, sent the Bishop of Brechin, the Abbot of Jedburgh, and Geoffrey de Moubray, as ambassadors to the King of England, requesting his advice and mediation towards composing the troubles of the kingdom.¹ At the same time, Eric King of Norway dispatched plenipotentiaries to treat with Edward regarding the affairs of his daughter the queen, and her kingdom of Scotland. The king readily accepted both offers; and finding his presence no longer necessary in France, returned to England, to superintend in person those measures of intrigue and ambition which now entirely occupied his mind. "Now," said he, to the most confidential of his ministers, "the time is at last arrived when Scotland and its petty kings shall be reduced under my power."² But although his intentions were declared thus openly in his private

¹ Fordun a Goodal, pp. 137, 138, vol. ii., places this embassy in 1286. It probably occurred later. Eric's letter to Edward, is dated April 1289. Rymer, vol. ii. p. 416.

² Fordun a Goodal, b. xi. cap. 3, p. 139.

council, he proceeded cautiously and covertly in the execution of his design. At his request, the Scottish regents appointed the Bishops of St Andrews and Glasgow, assisted by Robert Bruce, Lord of Annandale, and John Comyn, to treat in the presence of the King of England regarding certain matters proposed by the Norwegian commissioners, and empowered them to ratify whatever was there agreed on, "saving always the liberty and honour of Scotland;" and provided that from such measures nothing should be likely to occur prejudicial to that kingdom and its subjects.¹ To this important conference the king, on the part of England, sent the Bishops of Winchester and Durham, with the Earls of Pembroke and Warren.

The place appointed was Salisbury; but previous to the meeting of the plenipotentiaries, Edward secretly procured a dispensation from the Pope for the marriage of his son, the Prince of Wales, to the young Princess of Norway, as the youthful pair were within the forbidden degrees.² No hint, however, of this projected union, was yet suffered to transpire; and the commissioners met at Salisbury, where a treaty was drawn up, in which no direct allusion was made to the marriage, although it included provisions which bore upon this projected union.

It was there stipulated by the commissioners for Norway, that the young queen should be sent into the kingdom of Scotland or England, untrammelled by any matrimonial engagement, before the feast of

¹ Rymer, vol. ii. p. 431. Date, Oct. 3, 1289.

² Ibid. vol. ii. p. 450.

All Saints in the next year ; and that on this first condition being fulfilled, the King of England should send her into Scotland, also free from all matrimonial engagements, as soon as he was assured that this kingdom was in such a state of tranquillity as to afford her a quiet residence. This wide and extraordinary clause evidently gave Edward the power of detaining the heretrix of the crown for an almost indefinite period in England ; and its being inserted in this treaty, proves, that although Bruce, by accepting the office of Commissioner, appeared to have abandoned his son's claim to the crown, Edward was no-wise satisfied that the interest which looked to a male successor to the crown, was not still pretty high in Scotland. By the third article, the States of Scotland undertook, before receiving their queen, to find security to the King of England, that the said lady should not marry without his counsel and consent, and that of the King of Norway. The Scottish commissioners next engaged for themselves, that the quiet of the kingdom of Scotland should be established before the arrival of the queen, so that she might enter her dominions with safety, and continue therein at her pleasure. With regard to the removal of guardians, or public officers in Scotland, it was determined, that should any of these be suspected persons, or troublesome to the King of Norway, or the Queen of Scotland, they should be removed, and better persons appointed in their place, by the advice of the good men of Scotland and Norway, and of persons selected for this purpose by the King of England ;

and it was stipulated that these English commissioners were ultimately to decide all disputes regarding public measures, which might occur between the ministers of Scotland and Norway, as well as all differences arising amongst the Scottish ministers themselves. It was finally agreed, that in the middle of the ensuing Lent, there should be a meeting of the Estates of Scotland at Roxburgh, by which time the Scottish plenipotentaries engaged, that every thing to which they had now consented should be fulfilled and ratified in the presence of the commissioners of England.¹ Of this convention three copies were made: one in Latin, which was transmitted to the King of Norway, and two in French, retained for the use of the Scots and English. At this period, the majority of the nobility of both countries were of Norman-French extraction, and Norman-French was alike in England and Scotland the language in which state affairs were generally conducted.

By this treaty, which gave so much power to Edward, and left so little to the Estates of Scotland, it is evident that some of the Scotch commissioners were in the interest of the English king. Bruce, Lord of Annandale, had either altered his ambitious views, or he trusted that a temporary concealment of them, and the dissatisfaction which such a convention must occasion in Scotland, might ultimately turn to his advantage. Edward, in the meantime, neglected nothing which could secure or increase the power which he had so dexterously acquired. He directed a letter to the Estates of Scotland, requiring them to be obe-

¹ Rymer, *Fœdera*, pp. 446, 447.

dient to their regents, and informing them, that he meant to send into that country some of the members of his council, from whom he might receive correct information of its condition.¹ Although a dispensation from the Pope was already obtained, no allusion to the intended marriage between Prince Edward and the young queen had been made throughout the whole treaty : Edward, with his usual calm foresight, seems privately to have directed the Scottish commissioners at Salisbury, three of whom were regents, to sound the nobility of Scotland on their return, and discover the feelings of the people regarding the projected union.

Accordingly, as soon as the important project became generally known, a meeting of the Estates of Scotland assembled at Brigham, a village on the Tweed, near Roxburgh, and from thence directed a letter to Edward, which was signed by the dignified clergy, and by all the earls and barons, of the realm. It stated, that they were overjoyed to hear the good news which were now commonly spoken of,—“ that the Apostle had granted a dispensation for the marriage of Margaret, their dear lady and their queen, with Prince Edward.” It requested King Edward to send them early intelligence regarding this important measure, and assured him of their full and ready concurrence, provided certain reasonable conditions were agreed to, which should be specified by delegates, who would wait upon him at his parliament, to be held next Easter at London.²

¹ Rymer, vol. ii. p. 445.

² Ibid, vol. ii. p. 471.

A letter¹ was at the same time dispatched by this assembly of the States to Eric, King of Norway,

¹ This important letter is in Norman-French, and as follows:—

“ A tress noble Prince, Sire Eyrik, par le grace de Deu, Roy de Norway, Guillam e Robert, par meme cele grace, de Seint Andreu e de Glasgu Eveskes, Johan Comyn, & James Senescal de Escoce, Gardains de Reaume de Escoce, e tote la commune de meyme cel Reaume, salut & totes honours.

“ Come nus feumes certayns ke vous Seets desirous del' honur, & del' profist de nostre Dame, vostre fille, & de tut le Reaume de Escoce, par encheson de ly: e le Apostoylle ad grante, & fete dispencacion, solom ceo ke communement est parle en diverses partys de Mound, ke le Fitz & le Heyr le Roy de Engleterre pusse nostre dame, vostre fille, en femme prendre, nin ostant procheynette de Saunk.

“ Nous, par commun assent de tut le Reaums de Escoce, e pur le grant profits del' un & del' autre Reaume, ke le mariage se face, si issint seit, avums uniement acorde, e communement assentu.

“ Pur la queu chose nus priums & requerums vostre hautessel, ke il vous pleyse issuit ordiner, e ceste bosoyne adrescer endroit de vous: ke meyme cele vostre fille Dame puyse en Engleterre venir a plus toust ke estre purra;

“ Issuit ke, a plus tart, seit en meyme la terre avaunte la tut Seynt procheyn avenir, si com, de sa venue, est acorde, devaunt l'avaunt dyt Roys de Engleterre, entre nous & vos messages, ke il oehes vyndrunt de par vus.

“ Et taunt en facet, Sire, si vous plest, ke nous vous saums le plus tenu a tou Jurs; ke, si il avenoyt ke vous ceste chose ne feisset, il nus convendroit, en ceste chose, prendre le meillour conseil ke Deus nus dorra pur le estat du Reaume, & la bone gent de la terre.

“ En tesmonage de les avauntdite choses nus, Gardeyns du Reaume, & la commune avantdyt, en nom de nous le Seal comun, que nous usom en Escoce, en nom de nostre Dame avaundynt, avum fet mettre a ceste lettre.

“ Donne a Brigham, le Vendredy procheyn apres la Feste Seynt Gregorie, le An de nostre Seygnur 1289.” Rymer, vol. ii. p. 472:

See Illustrations, Letter E.

which informed him of their consent to the marriage, and requested him to fulfil the terms of the treaty of Salisbury, by sending over the young queen, at the latest before the Feast of All Saints, and intimating to him, that if this were not done, they should be obliged to follow the best counsel which God might give them, for the good of the kingdom. The nobility of Scotland could not be more anxious than Edward for the arrival of the intended bride; but the king employed a more effectual way than entreaty, by dispatching to Norway one of his ablest counselors, Anthony Beck, Bishop of Durham, who, under the plausible name of pensions, distributed money among the Norwegian ministers, and obtained a solemn promise, that she should immediately be sent to England.¹ So assured of this was Edward, that, on the arrival of the Scottish envoys to his parliament held in Easter, he came under an engagement to pay three thousand marks to Scotland, if Margaret did not reach England, or her own country, before the Feast of All Saints. He next appointed the Bishop of Durham, and five other plenipotentiaries, to attend a meeting of the Scottish Estates, which was held at Brigham, (July, 1290) intrusting them with full powers to conclude that solemn treaty, on the basis of which the marriage was to take place, and, after due conference, to concur in those securities which the Scottish Estates demanded for the preservation of the independence of their country.

¹ Rymer, vol. ii. p. 479.

The principal articles of this treaty of Brigham are of the utmost importance, as illustrating the justice and the inveteracy of that long war, which afterwards desolated the kingdoms. It was agreed by the English plenipotentiaries, that the rights, laws, liberties, and customs of Scotland were to be inviolably observed in all time coming, throughout the whole kingdom and its marches, saving always the rights which the King of England, or any other person, has possessed, before the date of this treaty, in the marches or elsewhere; or which may accrue to him in all time coming. It was stipulated also, that failing Margaret and Edward, or either of them, without issue, the kingdom should return to the nearest heirs, to whom it ought of right to return, wholly, freely, absolutely, and without any subjection; so that nothing shall either be added to, or taken from, the rights of the King of England, of his heirs, or of any other person whatever. The queen, if she should survive her husband, was to be given up to the Scottish nation, free from all matrimonial engagement; and, on the marriage, to be secured in a jointure befitting her rank. The kingdom of Scotland was for ever to remain separate and undivided from England, free in itself, and without subjection, according to its ancient boundaries and marches. With regard to the ecclesiastical privileges of the country, it was provided, that the chapters of churches, which possessed the right of free election, were not to be compelled to travel forth of Scotland for leave to elect, or for the presentation of the bishop or dignitary, or for the performance of fealty to the sovereign. No crown-vassal, widow,

orphan, or ward of the crown, was to be under the necessity of performing their homage or relief out of the kingdom, but a person was to be appointed in Scotland to receive the same, by the authority of the queen and her husband. From this clause was reserved the homage which ought to be performed in the presence of the king, and fealty having been once sworn, sasine of the land was immediately to be given by a brief from Chancery.

It was anxiously and wisely provided, that no native of Scotland was, in any case whatever, to be compelled to answer out of the kingdom regarding any civil covenant or criminal delinquency which had taken place in Scotland, as such compulsion was contrary to the ancient laws and usages of the realm ; and that no parliament was to be held without the boundaries of the kingdom, as to any matters affecting the condition of its subjects. Until the arrival of the queen, the great seal of Scotland was to be used in all matters relating to God, the church, and the nation, as it had been used during the life and after the death of the late king ; and on the queen's arrival in her dominions, a new seal, with the ancient arms of Scotland alone, and the single name of the queen engraven thereon, was to be made, and kept by the chancellor ; it being moreover provided, that the chancellors, justiciars, chamberlains, clerks of the rolls, and other officers of the realm, were to be natives of Scotland, and resident there.

All charters, grants, relics, and other muniments, touching the royal dignity of the kingdom of Scotland, were to be deposited in a safe place within that

kingdom, and to be kept in sure custody under the seals of the nobility, and subject to their inspection until the queen should arrive, and have living issue; and before this event took place, no alienation, encumbrance, or obligation, was to be created in any matters touching the royal dignity of the kingdom of Scotland; and no tallage, aids, levies of men, or extraordinary exactions to be demanded from Scotland, or imposed upon its inhabitants, unless for expediting the common affairs of the realm, or in the cases where the kings of Scotland have been wont to demand the same. It was proposed by the Scots that the castles and fortresses should not be fortified anew upon the marches; but the English commissioners, pleading the defect of their instructions, artfully waved the discussion of this point.

To all the articles in the treaty, the guardians and community of Scotland gave their full consent, under the condition that they should be ratified within a certain time.¹ If not so confirmed, they were to be esteemed void; but Edward was too well satisfied with the terms of the negotiation to postpone this condition, and accordingly, without delay, pronounced the oath which was required. His next was one of those bold and unwarrantable steps, which frequently marked the conduct of this ambitious and able monarch. He pretended, that without the presence of an English Governor, he could not fulfil the terms of his oath to maintain the laws of Scotland; and although no such authority was given him by the treaty, he appointed Anthony Beck, Bishop of Dur-

¹ Before the Feast of the Virgin's Nativity.

ham, to the office of Governor of Scotland, in the name of Margaret the queen, and his dear son Edward, and for the purpose of acting in concert with the regents, prelates, and nobles, in the administration of that kingdom, according to its ancient laws and usages.¹ Edward had already gained to his interest two of the Scottish regents; by this measure he trusted that he could overrule their deliberations at his pleasure; and, grown confident in his power, he intimated to the Estates, “that certain rumours of danger and perils to the kingdom of Scotland having reached his ears, he judged it right that all castles and places of strength in that kingdom should be delivered up to him.”²

This demand effectually roused the Scots, and Sir William Sinclair, Sir Patrick Graham, and Sir John Foulis,³ with the other captains of the Scottish castles, peremptorily refused, in the name of the community of Scotland, to deliver its fortresses to any one but their queen and her intended husband, for whose behoof they were ready to bind themselves by oath to keep and defend them. With this firm reply Edward was obliged to be satisfied; and, sensible that he had overrated his influence, he patiently awaited the arrival of the young queen.

It was now certain that she had sailed; the guardians of the realm, accompanied by commissioners from England, were preparing to receive her, and all eyes, in both countries, were turned towards the sea,

¹ Rymer, vol. ii, p. 487, 488. ² Ibid, vol. ii, p. 488.

³ These three knights had been high in the confidence of Alexander the Third. Fordun a Hearne, p. 785.

anxious to welcome the child on whom so many fair hopes depended, when accounts were brought that she had been seized with a mortal disease on her passage, and had died at Orkney. She was only in her eighth year. This fatal event, which may justly be called a great national calamity, happened in September 1290, and its first announcement struck sorrow and despair into the heart of the kingdom. In 1284, the crown had been solemnly settled on the descendants of Alexander the Third, but the parliament and the nation, confident in the vigorous manhood of the king, and the health of his progeny, had looked no farther. All was now overcast. The descendants of Alexander were extinct, and Bruce and Baliol, with other noble earls or barons who claimed kindred with the blood-royal, began, some secretly, some more boldly, to form their schemes of ambition, and gather strength to assert them.

Previous to the report of the queen's death, a convention of the Scottish Estates had been held at Perth, to receive Edward's answer to the refusal of delivering their castles. To this meeting of the Estates, Robert Bruce, Lord of Annandale, indignantly refused to come, and a great part of the nobility made no concealment of their disgust at the insolent demands of the English king.¹ When the sad news was no longer doubtful, the miseries attendant on a contested throne soon began to show themselves. Bruce assembled a great force, and suddenly came to Perth. Many of the nobility declared themselves of his party, and the Earls of Mar and Athole joined him with all their followers. If the nation and its

¹ Rymer, *Fœdera*, vol. ii. p. 1090.

governors had been true to themselves, all might yet have gone well ; but the money and power of England had introduced traitorous councils. One of the guardians, William Fraser, Bishop of St Andrews, a man of a dark intriguing spirit, and a creature of the King of England, addressed a letter to Edward upon the first rumour of the queen's death, informing him of the troubled state of the country, and the necessity of his interposition to prevent the nation from being involved in blood. "Should John de Baliol," says he, "present himself before you, my council is, that you confer with him, so that, at all events, your honour and interest may be preserved. Should the queen be dead, which heaven forefend, I entreat that your highness may approach our borders, to give consolation to the people of Scotland, to prevent the effusion of blood, and to enable the faithful men of the realm to preserve their oath inviolable, by choosing him for their king, who by right ought to be so."¹

Edward's mind was not slow to understand the full import of this treacherous counsel ; and the death of the young queen, the divisions amongst the Scottish nobility, and the divided state of the national mind as to the succession, presented a tempting union of circumstances, too favourable for his ambition to resist. The treaty of Brigham, although apparently well calculated to secure the independence of Scotland, contained a clause which was artfully intended to leave room for the absurd and unfounded claim of the feudal superiority of England over this country ; and even before the death of the Maid of Norway, Edward, in writs,

¹ Rymer, Fœdera, vol. ii. p. 1091.

which he took care should be addressed only to creatures of his own, had assumed the title of Lord Superior of the Kingdom of Scotland.¹ Fully aware of the favourable conjuncture in which he was placed, and with that union of sagacity, boldness, and want of principle, which characterised his mind, he at once formed his plan, and determined, in his pretended character of Lord Superior, to claim the office of supreme judge in deciding the competition for the crown. His interference, indeed, had already been solicited by the Bishop of St Andrews, and, in all probability, by others of the Scottish nobility; but there is not the slightest authority for believing, that any national proposal was made by the Scottish Parliament, requesting Edward's decision as arbiter, in a question upon which they only were entitled to pronounce judgment. The motives of Edward's conduct, and the true history of his interference, are broadly and honestly stated, in these words of an old English historian:—"The King of England, having assembled his privy-council, and chief nobility, told them, that he had it in his mind to bring under his dominion the king and the realm of Scotland, in the same manner that he had subdued the kingdom of Wales."²

For this purpose, he deemed it necessary to collect an army, and issued writs to his barons and military tenants, commanding them to meet at Norham, with horse, arms, and all military service, on the 3d June 1291.³ The sheriffs of the counties of York,

¹ Prynne, Ed. I. p. 430—450.

² *Annales Waverleenses*, p. 242. *Script. Britt. a Gale*, vol. ii.

³ *Rymer*, vol. ii. p. 525.

Lancaster, Westmoreland, Cumberland, and Northumberland, were also directed to summon all who owed the king service within their jurisdiction, to repair to the rendezvous with their full powers, and, in the meantime, Edward requested the clergy and nobility of Scotland to have a conference with him at Norham on the 10th of May, to which they consented.

Edward opened the deliberations in a speech delivered by his Justiciary, Roger Brabason, in which, after an introductory eulogium upon the godlike and regal attribute of justice, and the blessings attendant on the preservation of peace and tranquillity, he proceeded to observe, that the sight of the great disturbances, which on the death of Alexander the Third had arisen in the kingdom of Scotland, was highly displeasing to him ; and that, for the purpose of doing justice to all who had claims upon the crown, and for the confirmation of peace in the land, he had requested its nobility to meet him, and had himself travelled from remote parts, that as Lord Paramount he might do justice to all, without encroaching upon the rights of any man. "Wherefore," concluded the Justiciary, "our lord the king, for the due accomplishment of this design, doth require your hearty recognition of his title of Lord Paramount of the kingdom of Scotland."¹

This unexpected demand struck dismay and embarrassment into the hearts of the Scottish assembly. They declared their entire ignorance that such a right of superiority belonged to the King of England ; and added, that at the present conjunc-

¹ Hemingford, vol. i. p. 33.

ture, when the country was without its king, in whose presence such a challenge ought to be made, they could give no answer.¹ "By Holy Edward!" cried the King of England, "whose crown I wear, I will either have my rights recognised, or die in the vindication of them!" "And to make this speech good," says Hemmingford, "he had issued writs for the convocation of his army, so that, in case of his demand being resisted, he might conquer all opposition, were it to the death."²

The representatives of the Estates of Scotland, who were well aware of this, now found themselves placed in very trying circumstances. They requested time to consult and deliberate with their absent members. Edward at first would give them only one day, but on their insisting that a longer interval was absolutely necessary, the king granted them three weeks, to prepare all that they could allege against his pretensions. This delay Edward well knew would be productive of some good consequences towards his great scheme, and, at any rate, could not possibly injure his ambitious views. Before these three weeks elapsed, his army would meet him at Norham. He had already corrupted Fraser the regent³ by his secret intrigues, and the money and promises which he judiciously distributed, had induced no less than ten competitors to come forward, and claim the Scottish crown. In

¹ Wallingford, p. 56.

² Hemmingford, p. 33.

³ On Aug. 13, 1291, Edward made a pilgrimage from Berwick to St Andrews, probably to consult with his friend the bishop.

this way, by the brilliant prize which he held out to the most powerful of the nobility of Scotland, he placed their private ambition and their public virtue in fatal opposition to each other. All hoped that if they resigned to Edward this right of superiority, they might receive a kingdom in return ; and all felt, that to rise up as the defenders of the independency of a country, which was then torn by mutual distrust and civil disorder, which was without a king, without an army, and with the most powerful of its nobility leagued against it, would be a desperate undertaking,—and especially desperate against so able a general, so profound a politician, and so implacable an enemy, as Edward. I say not this to palliate the disgraceful scene which followed, nor to insinuate that any circumstances can occur which entitle the subject of a free country to sacrifice its independence ; but to prove that the transaction, which was truly a deep stain upon our history, was the act not of the Scottish nation, or of the assembled states of the nation, but of a corrupted part of the Scottish nobility.

To return to the story. On the 2d of June, eight of the competitors for the crown assembled, along with many of the prelates, nobles, and barons of Scotland, on a green plain called Holywell Haugh, opposite to Norham Castle. These competitors were,—Robert Bruce, Florence, Earl of Holland, John Hastings, Patrick Dunbar, Earl of March, William de Ross, William de Vescy, Walter Huntercombe, Robert de Pynkeny, and Nicolas de Soulis. The Bishop of Bath and Wells, then Chancellor of England,

spoke for the king. He told them, that his master having on a former occasion granted them three weeks to prepare their objections to his claim of being Lord Paramount, and they having brought forward no answer to invalidate his right, it was the intention of the King of England, in virtue of his acknowledged right of superiority, to examine and determine the dispute regarding the succession as Lord Paramount of Scotland. The chancellor then turned to Robert Bruce, and demanded whether he was content to acknowledge Edward as Lord Paramount of Scotland, and willing to receive judgment from him in that character; upon which Bruce clearly and expressly answered, that he recognised him as such, and would abide by his decision. The same question was then put to the other competitors, all of whom returned the same answer. Sir Thomas Randolph then stood up, and declared that John Baliol, Lord of Galloway, had mistaken the day, but would appear on the morrow; which he did, and then solemnly acknowledged the superiority of the English king. At this fourth assembly, the chancellor protested in the name of the king, that although with the view of giving judgment to the competitors, he now asserted his right of superiority, yet he had no intention of excluding his hereditary right of property in the kingdom of Scotland, but reserved to himself the power of prosecuting such right at whatever time, and in whatever way, he judged expedient.¹

¹ Rymer, *Fœdera*, vol. ii. p. 551.

The king in person next addressed the assembly. He spoke in Norman-French, recapitulated the proceedings, and, with many professions of his extreme affection for the people of Scotland, declared his intention not only to pronounce a speedy decision in the controversy, but to maintain the laws and re-establish the tranquillity of the country. John Comyn, Lord of Badenoch, called the Black Comyn, who had married a sister of Baliol, now came forward as a competitor for the crown, and acknowledged the superiority of Edward; after which, the claimants affixed their signatures to two important instruments. The first declared, that, "Forasmuch as the King of England has evidently shown to us that the sovereign seignory of Scotland, and the right of hearing, trying, and terminating our respective claims, belong to him, we agree to receive judgment from him, as our Lord Paramount. We are willing to abide by his decision, and consent that he shall possess the kingdom to whom he awards it."¹ By the second deed, possession of the whole land and castles of Scotland was delivered into the hands of Edward, under the pretence, that the subject in dispute ought always to be placed in the hands of the judge; but on condition that Edward should find security to make a full restitution within two months after the date of his award, and that the revenues of the kingdom should be preserved for the future sovereign. It was determined, after so-

¹ Hemingford, vol. i. p. 34. Rymer, Fœdera, vol. ii. p. 529.

lemn consultation with the prelates and earls, that, in order to prepare the point in dispute for an ultimate decision, Baliol and Comyn for themselves, and the competitors who approved of their list, should choose forty "discreet and faithful men" as commissioners; that Bruce, for himself, and the competitors who abided by his nomination, should choose other forty; and that Edward, the king, should select twenty-four commissioners, or, as he thought fit, a greater or lesser number. These commissioners were to meet in a body, to consider the claims of the competitors, and to make their report to the king.

× On the 11th of June, the four regents of Scotland delivered the kingdom into the hands of Edward; and the captains and governors of its castles, finding that the guardians of the realm, and the most powerful of its nobility, had abandoned it to its fate, gave up its fortresses to his disposal. And here, in the midst of this scene of national humiliation, one Scottish baron stood forward, and behaved worthy of his country. The Earl of Angus, Gilbert de Umfraville, who commanded the important castles of Dundee and Forfar, declared, that having received these, not from England, but from the Estates of Scotland, he would not surrender them to Edward. A formal letter of indemnity was now drawn up, which guaranteed the Earl of Angus from all blame; and, in name of the claimants of the crown, and of the guardians of the realm, enjoined him to deliver the fortresses of which he held the keys. This removed the objection of

Umfraville, and Dundee and Forfar were placed in the hands of Edward. The King of England, satisfied with this express acknowledgment of his rights as Lord Paramount, immediately redelivered the custody of the kingdom into the hands of the regents, enjoining them to appoint Alan, Bishop of Caithness, an Englishman, and one of his own creatures, to the important office of chancellor; and to nominate Walter Agmondesham, another supple agent of England, as his assistant. To the four guardians, or regents, Edward next added a fifth, Bryan Fitz-Alan, an English baron; and having thus secured an effectual influence over the Scottish councils, he proceeded to assume a generous and conciliating tone. He promised to do justice to the competitors within the kingdom of Scotland,¹ and to deliver immediate possession of the kingdom to the successful claimant; upon the death of any king of Scotland who left an heir, he engaged to wave his claim to those feudal services, which, upon such an occasion, were rigidly exacted by lords superior in smaller fiefs, with the exception of the homage due to him as Lord Paramount; but he stipulated, that, in the event of a disputed succession occurring, the kingdom and its castles were to be again delivered into his hands.²

The first act of this extraordinary drama now drew to a conclusion. The great seal, which had been brought from Scotland for the occasion, was delivered to the joint chancellors, the Bishop of Caithness and

¹ Rymer, vol. ii. p. 532.

² Ibid. vol. ii. p. 601.

Walter Agmondesham. The four guardians, in the presence of a brilliant concourse of English and Scottish nobility, swore fealty to Edward as Lord Superior, while Bruce, Lord of Annandale, with his son, the Earl of Carric, John de Baliol, the Earls of March, Mar, Buchan, Athole, Angus, Lennox, and Men-teith, the Black Comyn, Lord of Badenoch, and many other barons and knights, followed them in taking the oaths of homage. A herald then proclaimed the peace of King Edward as Lord Paramount, and the king added a protestation, that his consent to do justice in this great cause within Scotland, should not preclude him from his right of deciding in any similar emergency within his kingdom of England. The assembly then broke up, after an agreement that its next meeting should be at Berwick on the 2d of August, on which day the King of England promised to deliver his final judgment upon the succession to the crown of Scotland.¹

It was now only the 13th of July, and Edward determined to employ the interval till the second of August in a progress through Scotland, for the purpose of receiving the homage of its inhabitants, and examining in person the disposition of the people, and the strength of the country. He proceeded, by Edinburgh and Stirling, as far as Perth, visiting Dunfermline, St Andrews, Kinghorn, and Linlithgow; and at these places imperiously called upon persons of all ranks, earls, barons, and burgesses, to sign the

¹ Rymer, vol. ii. p. 258.

rolls of homage, as vassals of the King of England.¹ In the more remote districts, which he could not visit, he appointed officers to receive the oaths, and enforce them by imprisonment upon the refractory;² and having thus examined and felt the temper of the country, which he had determined to reduce under his dominion, he returned to Berwick, where, in the presence of the competitors, with the prelates, earls, and barons of both countries, assembled in the chapel of the castle, he, on the 3d of August, opened the proceedings.

First of all, he commanded the hundred and four commissioners or delegates, to assemble in the church of the Dominicans, adjoining to the castle, and there receive the claims to the crown. Upon this, twelve claimants came forward. These were,

I. Florence, Count of Holland, descended from Ada, the sister of King William the Lion.

II. Patrick Dunbar, Earl of March, descended from Ilda, or Ada, daughter of William the Lion.

III. William de Vescy, who claimed as grandson of Marjory, daughter of William the Lion.³

IV. William de Ross, descended from Isabella, daughter of William the Lion.

V. Robert de Pynkeny, descended from Marjory, daughter of Henry, Prince of Scotland, and sister of William the Lion.

VI. Nicholas de Soulis, descended from Marjory,

¹ Prynne, Edw. I. p. 509—512.

² Rymer, vol. ii. 573.

³ The Chronicle of Melross, ad annum 1193, calls her Margaret.

a daughter of Alexander the Second, and wife of Alan Durward.

VII. Patrick Galythly, claimed as the son of Henry Galythly, who, he contended, was the lawful son of William the Lion.

VIII. Roger de Mandeville, descended from Africa, whom he affirmed to be a daughter of William the Lion.

IX. John Comyn, Lord of Badenoch, who claimed as a descendant of Donald, formerly King of Scotland.

X. John de Hastings, who was the son of Ada, the third daughter of David Earl of Huntingdon, brother to King William the Lion.

XI. Robert de Bruce, who was the son of Isabel, second daughter of David Earl of Huntingdon; and lastly,

XII. John de Baliol, who claimed the crown as the descendant of Margaret, the eldest daughter of David Earl of Huntingdon.¹

The petitions of these various claimants having been read, Edward recommended the commissioners to consider them with attention, and to give in their report at his next parliament, to be held at Berwick on the 2d of June, in the following year. This was a judicious and artful delay. Its apparent purpose was to give the commissioners an interval of nine or ten months to institute their enquiries, yet it served the more important object of accustoming the nobility and people of Scotland to look to Edward as their

¹ Rymer, *Fœdera*, vol. ii. pp. 578, 579.

Lord Paramount. Accordingly, when the parliament assembled at Berwick on the appointed day, and when Eric, King of Norway, appeared by his ambassadors, and insisted on his right to the crown of Scotland, as the heir of his daughter Margaret, his petition, and the claims of the first nine competitors, were easily disposed of. They were liable to insuperable objections; some on account of the notorious illegitimacy of the branches from which they sprung, which was the case with the Earl of March, along with the barons William de Ross and De Vescy; others were rejected because they affirmed that they were descendants of a sister of the Earl of Huntingdon, when the direct representatives of a brother of the same prince were in the field.

Indeed, before the final judgment was pronounced, these frivolous competitors voluntarily retired. They had been set up by Edward, with the design of removing the powerful opposition which might have arisen to his schemes, had they declared themselves against him, and to excuse his delay in giving judgment, by throwing an air of intricacy over the case. This object being gained, the king commanded the commissioners to consider, in the first place, the claims of Bruce and Baliol, thus quietly overlooking the other competitors, whose rights were reserved, never to be again brought forward, and virtually deciding that the crown must be given to a descendant of David Earl of Huntingdon. The scene which followed was nothing more than a premeditated piece of acting, planned by Edward, and not ill performed by the Scottish commissioners, who were completely

under his influence. The king first required them to make oath, that they would faithfully advise him by what laws and usages the question should be determined; they answered, that they differed in opinion as to the laws and usages of Scotland, and its application to the question before them, and therefore required the assistance of the English commissioners, as if from them was to proceed more certain or accurate advice upon the law of Scotland. A conference with the commissioners of the two nations having taken place, it was found that the differences in opinion were not removed. The English commissioners modestly refused to decide until they were enlightened by the advice of an English parliament, and the king, approving of their scruples, declared his resolution to consult the learned in foreign parts, and recommended all persons of both kingdoms to revolve the case in their minds, and consider what ought to be done. He then appointed a parliament to assemble at Berwick on the 15th of October, at which he intimated he would pronounce his final decision.

On the meeting of this parliament at the time appointed, Edward required the commissioners to give an express answer to these two questions: 1st, By what laws and customs they ought to regulate their judgment? or, in the event of there being either no laws for the determination of such a point, or if the laws of England and Scotland happen to be at variance, what is to be done? And, 2d, Is the kingdom of Scotland to be regarded as a common fief, and is the succession to the crown to be regulated by the same principles

which apply to earldoms and baronies? The commissioners replied, that the laws and usages of the two kingdoms must rule the question; but if none existed applicable to the case, the king must make a new law for a new emergency; and that the succession to the Scottish crown must be decided in the same manner as the succession to earldoms, baronies, and other indivisible inheritances. The king then addressed himself to Bruce and Baliol, and required them to allege any further arguments in explanation of their right; upon which they entered at great length into their respective pleadings upon the question.

Bruce insisted that he was next heir to the crown, because Alexander the Second had so declared to persons yet alive, when the king despaired of having heirs of his own body; and that an oath had been taken by the people of Scotland to maintain the succession of the nearest in blood to Alexander the Third, failing the Maid of Norway and her issue. He maintained, that a succession to a kingdom ought to be decided by the law of nature, rather than by the principles which regulated the succession of vassals and subjects; by which law, he, as nearest to the royal blood, ought to be preferred; and that the custom of succession to the Scottish crown, by which the brother, as nearest in degree, excluded the son of the deceased monarch, supported his title. He contended that a woman, being naturally incapable of government, ought not to reign; and, therefore, as Devorguilla, the mother of Baliol, was alive at the death of Alexander the Third, and could not reign, the

kingdom devolved upon him, as the nearest male of the blood royal.

To all this Baliol replied, that as Alexander the Second had left heirs of his body, no conclusion could be drawn from his declaration ; that the claimants were in the court of their Lord Paramount, of whose ancestors, from time immemorial, the realm of Scotland was held by homage ; and that the King of England must give judgment in this case as in the case of other tenements held of the crown, looking to the law and established usages of his kingdom ; that, upon these principles, the eldest female heir is preferred in the succession to all inheritance, indivisible as well as divisible, so that the issue of a younger sister, although nearer in degree, did not exclude the issue of the elder, though in a degree more remote, the succession continuing in the direct line. He maintained, that the argument of Bruce, as to the ancient laws of succession in the kingdom of Scotland, truly militated against himself ; for the son was nearer in degree than the brother, yet the brother was preferred. He observed, that Bruce's argument, that a woman ought not to reign, was inconsistent with his own claim ; for if Isabella, the mother of Bruce, had no right to reign, she could transmit to him no claim to the crown ; and besides all this, he had, by his own deliberate act, confuted the argument which he now maintained, having been one of those nobles who swore allegiance to Margaret, the Maiden of Norway.

The competitors, Bruce and Baliol, having thus advanced their claims, King Edward required of his

great council a final answer to the following question, solemnly exhorting the bishops, prelates, earls, barons, and commissioners, to advise well upon the point :— “ By the laws and customs of both kingdoms, ought the issue of an elder sister, but more remote by one degree, to exclude the issue of the younger sister, although one degree nearer ? ” To this the whole council unanimously answered, that the issue of the elder sister must be preferred ; upon which Edward, after affectedly entreating his council to reconsider the whole cause, adjourned the assembly for three weeks, and appointed it to meet again, on Thursday the 6th of November.

On this day, in a full meeting of all the competitors, the commissioners, and the assembled nobility of both countries, the king declared, that, after weighing Bruce's petition, with its circumstances, and deeply considering the arguments on both sides, it was his final judgment, that the pretensions of that noble person to the Scottish crown must be set aside, and that he could take nothing in the competition with Baliol. The great drama, however, was not yet concluded ; for the king having ordered the claims of Baliol, and the other competitors which were only postponed, to be further heard, Bruce declared, that he meant to prosecute his right, and to present a claim for the whole or a part of the kingdom of Scotland, under a different form from what he had already followed. Upon this, John de Hastings, the descendant of the third daughter of David Earl of Huntingdon, stood up, and affirmed that the kingdom of Scotland was

partible, and ought, according to the established laws of England as to partible fiefs, to be divided equally amongst the descendants of the three daughters. This plea was founded upon an opinion of one of the French lawyers, whom Edward had consulted ; and Hastings had no sooner concluded, than Bruce again presented himself, and, adopting the argument of Hastings, claimed a third part of Scotland, reserving always to Baliol, as descended from the eldest sister, the name of king, and the royal dignity. Edward then put the question to his council, " Is the kingdom of Scotland divisible ; or, if not, are its escheats or its revenues divisible ?" The council answered, " That neither could be divided." Upon which, the king, after having taken a few days more to re-examine diligently, with the assistance of his council, the whole of the petitions, appointed the last meeting for the hearing of the cause to be held in the castle of Berwick, on the 17th of November.

On that great and important day, the council and parliament of England, with the nobility of both countries, being met, the various competitors were summoned to attend ; upon which Eric, King of Norway, Florence, Earl of Holland, and William de Vesey, withdrew their claims. After this, Patrick, Earl of March, William de Ross, Robert de Pynkeny, Nicolas de Soulis, and Patrick Galythly, came forward in person, and followed the same course. John Comyn and Roger de Mandeville, who did not appear, were presumed to have abandoned their right ; and the ground being thus cleared for Edward's final judgment, he

solemnly decreed, that the kingdom of Scotland being indivisible, and the King of England being bound to judge of the rights of his subjects according to the laws and usages of the people over whom he reigns, by which laws the more remote in degree of the first line of descent is preferable to the nearer in degree of the second ; therefore, John Baliol ought to have seisin of the kingdom of Scotland, with reservation always of the right of the King of England, and of his heirs, when they shall think proper to assert it. After having delivered judgment, Edward exhorted Baliol to be careful in the government of his people, lest by giving to any one a just cause of complaint, he should call down upon himself an interference of his Lord Paramount. He commanded the five regents to give him seisin of his kingdom, and directed orders to the governors of the castles throughout Scotland, to deliver them into the hands of Baliol.¹ A degrading

¹ Rymer, *Fœdera*, vol. ii. p. 590. *Rotuli Scotiae*, Edward I. 20. Memb. 7. The forts of Scotland, with their English governors, were these:—

<i>Forts.</i>	<i>Governors.</i>
Stryvelin	Norman de Arcy.
Aberdeen }	John de Gildeford.
Kincardyn }	
Inverness }	William de Braytoft.
Dingwall }	
Invernairn }	Thomas de Braytoft.
Crumbarthyn, } <i>i. e.</i> Cromarty }	
Forres and Elgin	Henry de Rye.
Banff and }	{ Robert de Grey. Richard de Swethop.
Aboyne }	

ceremony now took place. The great seal of Scotland, which had been used by the regents since the death of Alexander the Third, was, in the presence of Edward, Baliol, Bruce, and a great concourse of the nobility of both kingdoms, broken into four parts, and the pieces deposited in the treasury of the King of England, to be preserved as an evidence of the pretended sovereignty and direct dominion of that kingdom over Scotland.¹ Next day Baliol swore fealty to Edward in the castle of Norham, who gave a commission to John de St John to perform the ceremony of his coronation, by placing the new monarch upon the ancient stone seat of Scone. This ought to have been done by Duncan, Earl of Fife, but he was then a minor, and in the custody of Edward. Baliol was accordingly crowned upon St Andrew's day, and soon after, he passed into England, and concluded the last act of this degrading history, by paying his homage to Edward at Newcastle-upon-Tyne, on the day after Christmas.²

<i>Forts.</i>	<i>Governors.</i>
Forfar	} Brian Fitz-Alan.
Dundee	
Gedewarth	
Rokesburgh	
Cluny	Hugh de Erth.
Are and Dumbrettan	Nicholas de Segrave.
Dumfries	} Richard Seward.
Wigton, and	
Kircudbright	
Edinburgh	Ralph Basset.
Berwick	Peter Burder.

¹ Rymer, vol. ii. p. 591.

² Fordun a Hearne, p. 967.