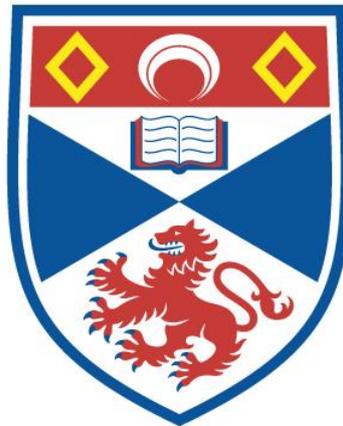


**THE ORIGINS AND DEVELOPMENT OF THE SCOTTISH  
PARLIAMENT, 1249-1329**

**ALISON A.B. MCQUEEN**

**A Thesis Submitted for the Degree of PhD  
at the  
University of St Andrews**



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# The Origins and Development of the Scottish Parliament, 1249-1329

Alison A B McQueen

A thesis presented for the degree of Ph.D. at the University of St Andrews, 2002



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### Abbreviations

- APS* *Acts of the Parliaments of Scotland*, ed. T. Thomson and C. Innes (Edinburgh, 1814-1875)
- Arbroath* *Liber Sancte Thome de Aberbrothoc registorum Abbacie de Aberbrothoc* (Edinburgh, 2 Vols., 1848-1856)
- Cal. Chart. Rolls* *Calendar of the Charter Rolls preserved in the Public Record Office* (London, 6 Vols., 1903-1927)
- CCR* *Calendar of Close Rolls, preserved in the Public Records Office* (London, 47 Vols., 1892-1963)
- CDS* *Calendar of Documents relating to Scotland Preserved in Her Majesty's Public Record Office* ed. J. Bain (Edinburgh, 5 Vols., 1881-1888)
- Chron. Fordun* *John of Fordun's Chronicle of the Scottish Nation*, ed. W.F. Skene (Dyfed, 1993)
- Chron. Lanercost* *The Chronicle of Lanercost, 1272-1346, translated with notes by Sir Herbert Maxwell* (Glasgow, 1913)
- Chron. Melrose* *A Mediaeval Chronicle of Scotland: The Chronicle of Melrose*, translated by J. Stevenson (Lampeter, 1991)
- Chron. Rishanger* *Willelmi Rishanger, quondam monachi S. Albani et quorundam anonymorum, Chronica Et Annales, Regnantibus Henrico Tertio et Edwardo Primo, A.D. 1259-1307*, ed H.T. Riley (London 1865)
- CPR* *Calendar of the Patent Rolls preserved in the Public Record Office* (London, 66 Vols., 1893-1948)
- Dunfermline* *Registrum de Dunfermlyn: liber cartarum abbatie benedictine S. S. Trinitatis et b. Margarete regine de Dunfermelyn*, ed. C. Innes (Edinburgh, 1842)
- EHR* *English Historical Review*
- Foedera* *Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica*, ed. T. Rymer (London, 1816-1869)
- Glasgow* *Registrum Episcopatus Glasgouensis: munimenta ecclesie metropolitane Glasguensis a sede restaurata seculo ineunte III ad reformatam religionem* (Edinburgh, 2 Vols., 1843)

- Guisborough*      *The Chronicle of Walter of Guisborough, edited for the Royal Historical Society by Harry Rothwell* (London, 1957)
- Innes Review*      *The Innes Review: Scottish Catholic Historical Studies*
- NAS*                National Archives of Scotland (formerly the Scottish Records Office, Edinburgh)
- Nat. Mss. Scot*      *Facsimilies of National Manuscripts of Scotland, selected under the direction of Sir William Gibson-Craig, Bart Lord Clerk Register of Scotland* (Southampton, 3 Vols., 1867-1872)
- NLS*                National Library of Scotland, Edinburgh
- Parl. Writs*        Palgrave, F. (ed), *The Parliamentary Writs and Writs of Military Summons together with the Records and Muniments relating to the suit and service due and performed to the king's High Court of Parliament and the Councils of the Realm, or affording Evidence of Attendance Given at Parliaments and Councils, Vol. 1* (1827)
- PRO*                Public Records Office, London
- PSP*                *Proceedings of the Scottish Parliament\**
- RMS*                *Registrum Magni Sigilli Regum Scottorum, The Register of the Great Seal of Scotland*, ed. J.M. Thomson et al., (Edinburgh, 2 Vols., 1882-1914)
- Rot. Scot.*        *Rotuli Scotiae in Turri Londonensi et in Domo Capitulari Westmonasteriensi Asservati*, ed. D. Macpherson et al., (London, 2 Vols., 1814-1819)
- RRS*                *Regesta Regum Scottorum*
- Scalachronica*      *Scalachronica: the reigns of Edward I, Edward II and Edward III; as recorded by Sir Thomas Grey [sic]; translated by Sir Herbert Maxwell* (Felinfach, 2000)
- Scotichronicon*      *Scotichronicon* by Walter Bower, in Latin and English, general editor D.E.R. Watt (Aberdeen, 9 Vols., 1987-1998)
- Scots Peerage*      *The Scots Peerage: founded on Wood's edition of Sir Robert Douglas's 'Peerage of Scotland: containing an historical and genealogical account of the nobility of that kingdom;* ed. Sir J. Balfour Paul (Edinburgh, 9 Vols, 1904-1919)
- SHR*                *Scottish Historical Review*

*SHS**Scottish History Society**TRHS**Transactions of the Royal Historical Society*

\* This is a provisional title for the updated version of the *Acts of the Parliaments of Scotland*, being produced by the Parliamentary Project at St Andrews University. The referencing for this source used throughout this thesis identifies each section through year, month and number of act. For example, *PSP* 1293/2/3 refers to the third section of the roll of parliament from February 1293.

## Abstract

This thesis examines the origins and development of Scottish parliaments between 1124 and 1329. Previous historians have judged that parliaments formed no place within Scotland before 1290 and no frequent role until the reign of Robert I. By examining the membership, business and frequency of early governmental bodies, a more thorough portrayal of their growth has been constructed.

Chapter 1 directly compares the minority governments for Alexander III, and for Lady Margaret and the guardianship. This highlights the influence of the absence of an adult king over developing parliaments, countering the portrayal of actual parliaments held extensively during Alexander III's minority while showing how the guardians defined their institution due to a closer relationship with England. Chapter 2 examines English influences on the Scottish parliament, from Henry III's involvement as father-in-law of Alexander III, to Edward I's overlordship between 1296 and 1306. Chapter 3 examines the role of parliament under John, showing the frequent meetings used to re-establish the kingship and resist Edward I's encroachment. Chapter 4 looks at the sporadic use of parliaments during the second guardianship, and how they were employed to counter the English administration and maintain Scottish authority. Chapters 5, 6 and 7 look at the reign of Robert I, who made parliaments an essential part of government, held with increasing frequency, expanded business and a more defined membership. In conclusion, there is significant evidence to show that parliaments not only developed across this period, but also held an important role within government and national identity well before the reign of Robert I. This was where the king took consent and support for his policies, issued judgements or rewarded supporters, and where the community gathered during the absence of an adult monarch to maintain unity and political cohesion.

## Introduction

Professor Geoffrey Barrow noted that parliament was “simply a nickname for the debates and consultations (counsel) which took place between the king and his magnates, lay and ecclesiastical, and thus for the actual institution (council) where the talking was done”. Dr Roland Tanner commented that while parliament was indeed an institution with various functions such as dealing with legislation, trade, finance and justice, the point which was most important and most frequently missed, was that “a medieval parliament took place in a room in which all the most wealthy and powerful men of the realm sat together to discuss issues of common interest”.<sup>1</sup> As such, what should be looked for is not a modern assembly with democratic features but a gathering, not necessarily official or pre-organised, which involved all those necessary to advise the king on subjects of major importance to the monarch, the kingdom or the political community either as a whole or individually.

Before any secondary works are examined, possibly the most obvious source which provides information on the initial development of parliaments is the printed *Acts of the Parliaments of Scotland (APS)*. Published in the nineteenth century, the first volume covers the extensive period before the reign of James I. However, while this does provide a generally invaluable source, it can only be used with caution. Not only is the presentation of this volume confusing, with at least six different page numbering systems within this volume, as well as a large collection of tables which are not numbered at all, but the documents which are included also form a very puzzling

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<sup>1</sup> G.W.S. Barrow, *Kingship and Unity: Scotland 1100-1306* (Edinburgh, 1981, repr. 1988), 126; R.J. Tanner, ‘The Political Role of the Three Estates in Parliament and General Council in Scotland, 1424-1488’ (Unpublished PhD Thesis, University of St Andrews, July 1999), 1.

collection.<sup>2</sup> Aside from the actual acts and charters, this volume also contains a wide variety of additional information, such as a comparative table of the charters issued in an edition of Sir John Skene with those in *APS* i. While any representation of governmental meetings from before the term 'parliament' was widely used will always be open to debate as to what is included, there appears to have been little clear reasoning behind this collection of meetings. Even once parliaments became regular features within Scottish government, *APS* i still contains some curious entries. While it covers eleven meetings which are recognised as parliaments during the reign of Robert I, *APS* i also details a number of his assemblies and councils. These include a council held at Stirling in 1317, an assembly at Berwick in 1319 and two councils also held at Berwick in 1323 and 1324 respectively.<sup>3</sup> While some of these meetings concerned important business, such as the articles for a truce with England which were discussed at Berwick in 1323, none appear to have been in any way parliamentary, and thus their inclusion here is rather unusual. In addition to this odd collection of evidence which provides a slightly misleading picture of regular councils held within Scotland, some of the information which *APS* i provides has also proven to be incredibly difficult to trace. As such, while *APS* i is an important source, it must be used with caution over the documents which are included within the first volume and the perceptions of the origins of parliament which this provides for Scotland.

Overall the study of Scottish parliaments has stimulated a considerable body of research. Yet the initial development of this institution has prompted considerably less interest than other phases of parliamentary history within Scotland, or for those bodies

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<sup>2</sup> In addition to the different page numbers, all appendices before the reign of Robert I are marked with an asterisk, to differentiate them from the acts printed with the same page numbers.

<sup>3</sup> For Robert I's reign, see *APS*, i, 459-487. For these meetings, see *APS*, i, 477-483.

which developed in surrounding countries across a similar time-scale. Only three works specifically cover the earliest period of Scottish parliamentary development. Two of these are articles; A.A.M. Duncan's "The Early Parliaments of Scotland" printed in the *Scottish Historical Review (SHR)* in 1966, and H.G. Richardson and G.O. Sayles' "The Scottish Parliaments of Edward I", printed in the same journal in 1928. The third is Professor Robert Rait's book on the Scottish parliament, printed in 1924.

Rait's *The Parliaments of Scotland* provides a very limited investigation of the predecessors to and early uses of parliament. His major focus begins with the reign of David II, and he stated that sufficient information to create any hypotheses only remains from the end of the fourteenth century. However, he did provide a short, three page comment in his introduction on the earlier period of parliamentary history. Rait noted that it was possible "to trace the historical Council of the Scottish kings to the reign of David I (1124-1153)". The land tenure system introduced by David included the use of a *Curia Regis*, a meeting of "the king's great vassals, clerical and lay, and including the officers of the royal household", although this did not gain such official terminology until the reign of William the Lion (1165-1214). Rait accepted that it was possible that the use of such councils of bishops, earls and barons, dates back to at least the reign of Alexander I (1107-1124) if not before. He stated, however, that the lack of surviving evidence constrains any further examination. Interestingly, Rait noted that this "was the King's Council and the sovereign determined both its membership and its business", yet he did so without drawing any comparison with the monarchical control wielded over medieval parliaments. He also observed that

Up to the end of the thirteenth century, there is no definite indication of any process of development or differentiation in the Concilium Regis, except for a statement, in a document belonging to the reign of Alexander III, or to that of John Balliol, that Parliament and no lesser council must decide upon cases

affecting rights of inheritance.

While Rait marked this change in terminology, no attempt was made to examine exactly how, where or why this came about. Much of the latter section on these early developments concerns the addition of burgesses to the membership of parliament, to which considerable importance is attributed. For Professor Rait, these men did not hold any considerable or regular place within Scottish parliaments until they were required to pay their share of David II's ransom to England after 1357.<sup>4</sup> Overall, this account provides an effectual list of important dates when the council originally used by Scottish kings developed into a more 'parliamentary' institution. However, this was not supported by a detailed analysis of how or why such a change came about within Scotland across this period. Nor was any major attempt made to differentiate between the two types of assembly. While parliament was noted as holding legal and judicial powers, and included a wider membership with burgesses necessary for financial decisions, no thorough investigation was made into the earlier assemblies and how, if at all, they differed from their later parliamentary equivalent.

Richardson and Sayles provided a more helpful and detailed piece of research which examines the parliaments held by Edward I or his lieutenant in Scotland during periods of English ascendancy (1291-1306). The aim of this article was to substantiate the claim that Scottish parliaments were still held across the difficult periods of the Great Cause and the Wars of Independence by Edward, his representative or occasionally by the Scots themselves. While this was successfully shown, no attempt

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<sup>4</sup> The document referred to in this quote is "The Scottish King's Household" manuscript which is attributed to one of these reigns. This document states that claims to hold office of fee from the Crown must be tried in a parliament not a lesser council. R.S. Rait, *The Parliaments of Scotland* (Glasgow, 1924), 1-3, 129. "The Scottish King's Household and Other Fragments from a fourteenth century manuscript", M. Bateson ed., *SHS Miscellany*, Vol. 2 (Edinburgh, 1904), 3-43, 37, 43.

was made to take this analysis any further. Much of the article appears as a list of parliaments, providing only occasional substantiating detail that these meetings were not merely councils. The background detail was only included to highlight that these meetings were also held in Scotland before 1291, with no real interest in the specific detail of their form, function or development either before or after Edward I became overlord of Scotland. Much of the article focusses upon English sources for Scottish parliaments, which provides a rather limited study over certain periods, lacking any great detail for the Scottish meetings. For example, in providing background details of the parliaments held before 1291, Richardson and Sayles only provide a list of meetings which were held after 1250, before which they found “no certain knowledge of organised parliaments in Scotland”.<sup>5</sup> However, these meetings were not examined in any detail to analyse their uses or growth across the thirteenth century. Richardson and Sayles provided only limited information on the politics, diplomacy and justice dispensed within parliaments, the latter identified for Scotland as elsewhere as the primary function of such meetings. Richardson and Sayles’ analysis of parliaments under John Balliol is much more thorough. However, this is still limited, only covering the two meetings which were held in 1293 and whose records are printed within *APS* i. While an examination of the development or detail of parliaments was never the focus of this article, Richardson and Sayles provided, particularly in detailed footnotes, a wealth of information of lesser known parliaments from this period which would greatly benefit from a more in-depth evaluation.<sup>6</sup>

Professor Duncan has provided the only detailed examination of the early uses

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<sup>5</sup> H.G. Richardson and G.O.Sayles, “The Scottish Parliaments of Edward I”, *SHR*, xxv (1928), 300-317, 300.

<sup>6</sup> One example is Richardson and Sayles, “Scottish Parliaments”, 304 *n.5*, which detailed information regarding a further three parliaments believed to have been held by John in 1294 and 1295.

for parliaments within Scotland until 1331. As with the Richardson and Sayles article, the study before 1286 and the death of Alexander III is rather short. Professor Duncan stated that the interchangeable terms of *colloquium* and parliament can be found as often as eight times between 1235 and 1285.<sup>7</sup> However, he qualified this by stating that the surviving evidence is too brief to allow for any detailed examination or to support any conclusions such as that reached by Richardson and Sayles that justice was already the primary function of parliaments before the death of Alexander III. While the review of the years after 1286 is considerably more detailed, the initial stages again convey the importance placed by historians on examining English influences over the development of the Scottish institution, which is continued throughout the remainder of this article.<sup>8</sup> While the impact of their relationship with the English was an important factor in the development of Scottish parliaments, without a more thorough look at the body used before 1286, it is difficult to ascertain how far the Scots were willing or able to defend an institution which they had already developed, or the extent to which they were influenced by the English. The most useful section of Duncan's article concerns the reign of John Balliol. While official sources highlight only the two parliaments held in February and August 1293, Duncan also noted the more sporadic and fragmented information which highlights the existence of other parliaments, held in February and May 1294, at Lanark and Edinburgh respectively.<sup>9</sup> For what Duncan described as the interregnum period, the author deliberately added little to the findings of Richardson and Sayles, except regarding the membership of parliaments.<sup>10</sup> His conclusions, that

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<sup>7</sup> A.A.M. Duncan, "The Early Parliaments of Scotland", *SHR*, 45 (1966), 36-58, 36-37.

<sup>8</sup> *Ibid*, 38-39, 42, 47.

<sup>9</sup> *Ibid*, 42-44, 45-46.

<sup>10</sup> Although the period of 1296-1306 has generally been referred to as an Interregnum period, these ten years should actually be considered as a part of John Balliol's reign, as the Scottish government continued to operate in his name until Robert Bruce took the throne.

knights and freeholders joined the political community due to their importance to Edward I, marks a considerable expansion of the membership of parliaments used within Scotland during this period.<sup>11</sup> For parliaments under Robert I, the expanded detail of this study reflects the increased degree of surviving evidence. The business of parliament and the contradiction of previous ideas over the timing of the inclusion of burgesses within parliament, which Rait dated to 1357, forms the majority of the analysis from this period. Added to this is evidence concerning brieves of summons and procedure, which is an important aspect of Duncan's analysis.<sup>12</sup> Yet, there is no attempt to explore why Robert suddenly used parliaments to such an extent, or whether the business and membership which Duncan was able to identify were unique to the parliamentary meetings from this reign. While Duncan stated that "twice or thrice-yearly parliaments with judicial and other functions seem probable after 1286", there was no attempt to examine either how or why parliaments developed across this period within Scotland.

All three of these publications provide interesting information and justifiable conclusions. However, none attempted to determine how or why parliaments developed within Scotland, or to compare parliaments in terms of their business, membership and procedure by the end of Robert I's reign to those methods used before this terminology was adopted to determine how far this was actually a new institution of the late thirteenth century. These four men are not the only historians to have written on the uses of parliaments in Scotland across this period, particularly for the later years of this study. Various historians have included important, incidental examinations of the

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<sup>11</sup> *Ibid*, 49.

<sup>12</sup> *Ibid*, 51-56.

institution's position within Scottish society during their studies of various political settlements and organizations from the thirteenth and early fourteenth centuries.

Richardson, in his article on the origins of parliament, noted that the earliest reference to this meeting in Scotland can be found within the chronicle of Jordan Fantosme. Fantosme claimed that a council was held by William I in the summer of 1173 which he described as a "plenary parliament". This was apparently called by the king to enable him to take advice from his magnates as to whether the Scots should first request the return of Northumberland from the English, or simply try to regain the territory through force.<sup>13</sup> While it is curious that this meeting was thought of under the term 'parliament' at such an early stage, this does not detract from the fact that this was an important council called by the king in order to discuss and decide on such influential matters as foreign policy, warfare and defence. This also suggests that it is worthwhile investigating such councils further, to attempt to determine if those used by William were effectively parliaments by another name in terms of their membership, business or style, which would have allowed such an early use of this term.

Professor Barrow has provided some important analysis concerning Scottish parliaments, particularly within his book *Kingship and Unity*. He stated that parliaments had developed differently in Scotland from England, where the need for taxation and resultant demands from the freeholders had allowed the English parliament to develop into a "negotiating forum".<sup>14</sup> With taxation much harder to extract in Scotland, their parliament grew from other stimuli. The use of parliaments in Scotland was partially attributed to the fact that their king's authority was never absolute, and therefore he

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<sup>13</sup> H.G. Richardson, "The Origins of Parliament", *TRHS*, xi, Fourth Series (1928), 137-171, 138; Sir A.C. Lawrie, *Annals of the Reigns of Malcolm and William kings of Scotland AD 1153-1214* (Glasgow, 1910), 124-125.

<sup>14</sup> Barrow, *Kingship and Unity*, 57-58.

always needed to rule through consent, which was granted in councils, assemblies, *curia* and later parliaments. This institution also expanded as a means for the political community to govern collectively without a king, as the thirteenth and early fourteenth centuries were punctuated by minorities or absences in the Scottish monarchy. Barrow noted that while the king lived, he ruled with his political community, but that when a king died and was not replaced by another adult male, the 'community of the realm' was forced to resurface in order to rule and preserve peace and the rights of the crown. This can be seen in the events after 1286, when the cohesion of the Scottish community allowed them to insist that political authority had to stem from the nation as a whole. According to Barrow, this enabled the Scots to hold parliaments, enforce loyalty to the Maid of Norway, send embassies abroad and elect guardians.<sup>15</sup> Barrow did qualify the authority which the political community were able to wield during the absence of a king. While the idea of parliament was developed during such absences, Barrow stated that only the return of an adult king ensured that parliaments with full authority could be held, covering more important business such as foreign diplomacy and justice which were not possible under the guardians because they lacked the natural power of a king.<sup>16</sup>

Barrow also differentiated between lesser councils and parliaments. He stated that the former would have met more frequently to deal with the everyday business of governing, and would have included the chief members of the household along with those knights and barons chosen by the king. The latter were occasional reinforcements

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<sup>15</sup> *Ibid*, 126-127, 158.

<sup>16</sup> G.W.S. Barrow, *Robert Bruce and the Community of the Realm of Scotland*, 3<sup>rd</sup> edn (Edinburgh, 1988), 54. The idea that parliaments developed during monarchical absences, but that these meetings only held full authority once a king returned appears slightly contradictory. However, while the role of 'parliaments' clearly developed after the death of Alexander III in 1286, the evidence of government under these guardians is very limited, concerning mainly temporary land grants and financial accounts. Matters of greater importance, such as justice or permanent land settlements seem to have been held over until those parliaments held by John Balliol after he was elected king in 1292.

of these councils in a larger gathering of bishops, earls and other important magnates, frequently held at special times of the year such as feasts, when these men might have been together anyway. Parliaments or *colloquia* would also have considered more important or unusual business which could not have been decided by the lesser council alone. Importantly, Barrow claimed that parliament during the thirteenth century would not simply have formed rubber stamps for royal authority, filled by loyal men who would not challenge the king's decisions. Instead he believed that they were genuine meeting places to discuss the issues of state and the concerns of the king's subjects. The magnitude of the advice kings gained through such meetings can be seen in the events of 1244, when Henry III and Alexander II were only saved from battle by the intervention and arbitration of both sets of magnates. Despite the importance of these meetings, Barrow stated that, given the size of the buildings used to hold parliaments during the thirteenth century, such as the great halls at Edinburgh Castle or Roxburgh Castle, attendances would have numbered only in the dozens or scores and not in the hundreds.<sup>17</sup> In his book on Robert Bruce, Professor Barrow included a wealth of information on the expansion of parliaments under Robert I. He noted the existence of evidence for at least ten parliaments across this reign, which dealt with such business as the issuing of taxation, hearing pleas and petitions, approving and promulgating major royal acts, and the maintenance of justice with parliament as the supreme secular court. One example of the latter was in 1323 at Scone, when parliament settled the lawsuit of the Abbot of Dunfermline versus John Campbell.<sup>18</sup>

Despite the fact that Barrow provided so much incidental analysis within two

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<sup>17</sup> Barrow, *Kingship and Unity*, 127-128, 151.

<sup>18</sup> Barrow, *Robert Bruce*, 299, 295-300.

of his books, certain other aspects of his work include only passing references to parliaments, without any explanation or detail of the meetings to which he referred. Within *The Kingdom of the Scots*, Barrow included references to *Curia Regis* without any explanation as to the type of body this referred to. While parliaments were mentioned with reference to the role of justiciars within the third chapter, again no explanation was given as to what was meant by this term, nor were these meetings examined in any detail. Overall eight 'parliaments' are identified in this chapter on justiciars with references given, however while the plenary parliament of 1173 or the *colloquium* at Liston in 1236 can be found under these titles elsewhere, five of these meetings were allocated this terminology by Professor Barrow regardless of the fact that they were never referred to as such within any of the surviving evidence.<sup>19</sup> Such references to parliaments without any explanation or supporting evidence for this terminology can also be found within an article which Barrow wrote for the *SHR* in 1990. Covering the reign of Alexander III and the aftermath of his death, this includes very little detail on government and even less on the growth of parliaments. Yet certain meetings are noted, such as the negotiations for the marriage of Alexander III's eldest son to the daughter of the Count of Flanders. Barrow stated that this would have been a parliament because the sixteen men involved formed a gathering which was too large for just an embassy. This article also asserts that both meetings held at Birgham in 1290 were parliaments, even though little evidence remains to show that the Scots referred to them as such at the time. Overall, this article provided a general discussion of events concerning the succession crisis at the end of Alexander III's reign, without any analysis

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<sup>19</sup> G.W.S. Barrow, *The Kingdom of the Scots: government, church and society from the eleventh to the fourteenth century* (London, 1973), 131-136. These five parliaments meetings were held at Holyrood in 1255, Roxburgh in 1266, Scone in 1284, Holyrood in 1285 and Birgham in March 1290.

of where these matters were discussed and limited evidence to support his claims that parliaments were held.<sup>20</sup> Barrow also wrote two articles on David I and William I respectively which could have filled some of the gaps in historical analysis concerning early governmental gatherings. However, while these included odd references towards councils or the fact that these kings took advice or shared government with their magnates, no detail or analysis was provided as to how or where this was done, or how these earlier gatherings related to the parliaments which had developed by the end of the next century.<sup>21</sup>

Another historian who noted that parliament evolved across the thirteenth century out of the existing great councils already in use in both Scotland and England was Dr Alexander Grant. He concurred with Professor Barrow that while the king was the centre and figurehead of governing, he required the support of his community to uphold his position. However, Grant disagreed with the idea that the Scottish system lacked the organization of that of the English and was therefore inferior, stating that the Scottish institutions “never suffered conflicts between crown and parliament on the scale found in England”.<sup>22</sup> Professor Donald Watt supported both Richardson and Sayles’ theory over the importance of English influences and that of Barrow, that the political community had to move to the foreground in the absence of an adult monarch in order to govern the kingdom. His article on the minority of Alexander III shows the

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<sup>20</sup> G.W.S. Barrow, “A Kingdom in Crisis: Scotland and the Maid of Norway”, *SHR*, lxix;2 (October 1990), 120-141, 122, 126, 132. Barrow accepted Stevenson’s identification of the two meetings at Birgham in 1290 as parliaments, despite the fact that Scottish evidence for this term only remains for the July gathering. J. Stevenson, *Documents Illustrative of the History of Scotland from the death of King Alexander the Third to the Accession of Robert Bruce 1286-1306* (Edinburgh, 1870), i, 129-131, 174-175.

<sup>21</sup> G.W.S. Barrow, *The Stenton Lecture 1984: David I (1124-1153) The Balance of New and Old* (Reading, 1985); G.W.S. Barrow, *Scotland and Its Neighbours In The Middle Ages* (London, 1992), chapter 4.

<sup>22</sup> A. Grant, *Independence and Nationhood: Scotland 1306-1469* (Edinburgh, 1984), 147, 166, 170.

influence which Henry III was able to exert over the Scots as father-in-law to the young king, once Alexander married his daughter Margaret in 1251. This included the imposition of two English guardians into the Scottish government to watch over the young couple and his own repeated involvement in changing the personnel of the ruling faction. Along with providing information, such as who made up the new government in 1255, Watt also noted the support which each group relied upon within Scotland as a whole. He suggested that, as they had no provisions of their own for a potential minority, the Scots adopted an English style of governing, using a council of regency, rather than following the French example of giving the regency to the queen mother. Watt also suggested that the levels of government from Alexander II's reign were essentially upheld, stating that "it is clear that the normal process of administration and justice were maintained". However, no attempt was made to determine the body of government used by either faction, or whether this period saw the first development of parliaments in response to a prolonged absence of an adult ruler.<sup>23</sup>

There have also been various additional pieces written on parliamentary development after 1286. Most of these provide alternative angles on the parliaments held between 1286 and 1306 by both the Scots and the English. For the Scottish meetings, Alan Young's book on the Comyn family provides substantial information on parliaments and government generally between 1212 and 1314. Along with the so-called parliaments held during the minority of Alexander III and the guardianship for Lady Margaret, both of which held considerable Comyn influence, he also noted considerable information on the government of John Balliol and beyond. This included

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<sup>23</sup> D.E.R. Watt, "Minority of Alexander III of Scotland", pp1-24, *TRHS*, Series 5, 21 (1971), 1-24, 6-14.

the personnel of King John's government, and the fact that John actually held four parliaments between 1293 and 1294, as highlighted by Professor Duncan. Young noted that under John, there was an "alliance between the crown and the nobility" for government.

From 1286 until 1292 the Scottish kingdom was ruled by this political community of the realm on behalf of the rightful heir of the kingdom. From 1292 to 1296, the alliance between monarch and political community of the realm was renewed though the inexperience of John meant that the political community remained the dominant partner, in practice governing both with and on behalf of the Scottish king.<sup>24</sup>

Young also highlighted the importance of parliaments after John was deposed, noting two meetings held during the second, less settled period of guardianship of 1296-1306, at Rutherglen in May 1300 and at Aberdeen in September 1302.<sup>25</sup> More information can be found on the business of the Rutherglen parliament in an article by G.O. Sayles, which states that after some discussion, John Comyn and William Lamberton were joined by a new guardian as Ingram de Umfraville was elected to replace the earl of Carrick.<sup>26</sup> Unfortunately the lack of surviving evidence from both of these meetings prevents any further analysis of the business, attendance or structure of the gatherings held by these guardians. However, this does show that the Scots were able to maintain some form of government, including the use of parliaments, despite the continued warfare.

One other historian who provided information on the Scots' use of parliaments after 1286 was Dr Norman Reid. In his article on the two periods of guardianships between 1286 and 1306, Reid continued the comments of Professor Barrow on the

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<sup>24</sup> A. Young, *Robert the Bruce's Rivals: The Comyns, 1212-1314* (East Linton, 1998), 124-128.

<sup>25</sup> *Ibid*, 174.

<sup>26</sup> G.O.Sayles, "The Guardians of Scotland and a Parliament at Rutherglen in 1300", *SHR*, xxiv (July 1927), 245-250, 248. For the Aberdeen meeting, see G.O. Sayles, "Notes and Communications", *SHR*, xxiv (1926-1927), 325-326, 325.

position of William Wallace within Scottish government. While Barrow had noted that Wallace's indictment by the English in 1305 stated that he had held parliaments as leader of the Scottish resistance, Reid claimed that Wallace had been officially elected as guardian at a parliament held at Torphichen on 29 March 1298, following his victory at Stirling Bridge and the subsequent death of Andrew Murray in November 1297, although no official evidence remains to confirm that this was thought of as a parliament at the time.<sup>27</sup> Reid's article on Robert I talks about the various parliaments known to have been held during this reign and the wide variety of business which was discussed within them. However, the focus of analysis was on the relationship between the king and his community, ensuring that the importance and development of the institution of parliament was effectively ignored beyond what was generally discussed within each meeting.<sup>28</sup> A similar conclusion can be taken from Dr Reid's PhD thesis, which concentrates on the political expansion of Scotland from 1249 to 1329 and why this occurred. While passing references to parliaments remain, again the focus was on the relationship between the crown and the community, without exploring the subsequent growth and influence of parliaments. While Reid identified parliaments as an important body used by both kings and guardians to elect representatives, provide justice or gauge public support, there was no examination of the growth of this body or its terminology, how it differed from other councils which were also held or the important role parliament played in the development of national identity. Interestingly, Reid was also prepared to assign the title of parliament to those meetings which were

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<sup>27</sup> Barrow, *Robert Bruce*, 91; N. Reid, "The Kingless Kingdom: the Scottish guardianships of 1286-1306", *SHR*, lxi (October 1982), 105-129, 109.

<sup>28</sup> N.H. Reid, "Crown and Community under Robert I" in A. Grant, K.J. Stringer, edd. *Medieval Scotland: Crown, Lordship and Community; Essays presented to G.W.S. Barrow* (Edinburgh, 1993), 203-222.

not referred to as such at the time. Along with the Torphichen gathering, Reid also identified parliaments held at Torwood in 1299 and Stirling in 1301, while those meetings held by John Balliol after August 1293 were not mentioned.<sup>29</sup> While parliaments were noted, their overall importance in the government of Scotland or the crown-noble relationship, as well as their gradual development during the thirteenth and early fourteenth centuries was generally overlooked.

Along with providing information on the parliaments which were maintained by the Scots across these unsettled years, Dr Fiona Watson also presented considerable material to augment the Richardson and Sayles article on the English parliaments held for Scotland in both her article "Settling the Stalemate" and in her book on the Scots under Edward I. These include substantial details of the two political settlements Edward I imposed on the Scots in 1296 and 1305 respectively. While this documents those who were either included or excluded from office, the levels of support and opposition which Edward's government faced and the levels of government which were needed to control the country, little emphasis is placed on the fact that these changes were all instigated within parliaments held in both Scotland and England. Nor did she particularly stress the role which parliaments were designed to play in the longer term government of Scotland and her amalgamation into England, once the country had been classified as a mere 'land' by the English in 1305.<sup>30</sup> The two settlements were designed with the Scots retaining both their own council and a separate parliament under an English lieutenant, yet this was an aspect which was never explored.

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<sup>29</sup> N.H. Reid, 'The Political Role of The Monarchy in Scotland 1249-1329' (unpublished PhD Thesis, University of Edinburgh, 1984).

<sup>30</sup> F. J. Watson, "Settling the Stalemate: Edward's Peace in Scotland, 1303-1305", 127-143, in M. Prestwich, R.H. Britnell, R. Frame edd., *Thirteenth Century England VI: Durham Conference 1995* (Woodbridge, 1997), 130-131, 141; F.J. Watson, *Under The Hammer: Edward I and Scotland 1296-1307* (East Linton, 1998), 19, 32-33, 197, 215-217.

Overall there has been no major, recent research into the beginnings of parliamentary development and influence within Scotland. Yet, the period of 1249 to 1329 saw a considerable progression in the methods used by the Scots to govern their kingdom. These not only saw the development of the specific institution of parliament but also the alteration of the political consciousness of the Scottish community in terms of their role within government, expectations of their king, and the importance of parliaments to the defence of the integrity and independence of their kingdom. As the evaluation of previous historians' assessments has shown, there has been a tendency to examine the influence of English parliaments, both direct and indirect, or to look at parliaments in Scotland once they had been reasonably established during the fourteenth century, without any comparison with previous forms of government to establish whether these were new, revolutionary institutions which were used. Alternatively, parliaments have only been examined as part of a general discussion on the overall government of Scotland, amidst overwhelming detail of who held office, or jurisdictions of responsibility. There has been no attempt to place the origins and initial development of the Scottish parliament within the wider political events of the period, to go beyond the terminology and attempt to determine what parliaments developed from, when and why, or what impact it had upon the government of the country in terms of the business, attendances and the frequency of meetings. If parliament did not exist in Scotland until 1286 or 1290, and was not a frequent aspect of government until the reigns of John Balliol or Robert I, why did the term 'parliament', or that of *colloquia*, appear at various points across the thirteenth century? Also, the ability of contemporary records and later chronicle accounts either to interchange 'parliament' and '*colloquia*' for meetings, or entirely to disregard these terms for considerable periods of time, needs

to be examined. How important was terminology to contemporaries, and how if at all did these meetings differ from those gatherings named as *curia regis*, councils or those which were not specifically identified at all?

One complaint which can be issued against the three existing texts which examine early Scottish parliaments is that they all ignore the early periods of parliamentary development before the reign of John Balliol. Unfortunately, this thesis will be no different. Due to the limitations in both the length of this work and the available evidence, it is not possible to examine the unusual, larger gatherings or occasional *colloquia* which were held before 1286. References to these meetings remain only as passing notes within the chronicle sources, or as occasional references within royal charters. Without additional records or reliable attendance lists from summonses to such meetings, it is impossible to accurately determine who attended these gatherings, what items of business were discussed or what topics stimulated such meetings. One example of a reference to a *colloquium* can be found under Alexander II (1214-1249) from 1235. *APS* i details the meeting held at Listun on 8 April 1235, which concerned the settlement of a dispute between Melrose Abbey and Roger Avenel over pasture and hunting rights.<sup>31</sup> Yet this is represented by a very standard charter which provides little information to suggest that it referred to a different form of meeting which could have stimulated the use of this title of *colloquium*. Nor was this a particularly expansive meeting, with only eight names provided within the charter's witness list. One factor which might have affected the title applied to this meeting is the business which was discussed. The importance of a dispute between a major Abbey and

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<sup>31</sup> *APS*, i, 68, 408; *Liber Sancte Marie de Melros: munimenta vetustiora Monasterii Cisterciensis de Melros* (Edinburgh, 2 Vols., 1837), i, no. 198; *Handlist of Alexander II, 1214-1249*, compiled by J.M. Scoular (Edinburgh, 1959), no. 214. Listun is now Kirkliston, just outside Edinburgh.

one of the most important magnates of the realm, combined with the fact that justice was one of the earliest concerns later associated with parliaments, could have ensured that this meeting was thought of as a parliament at the time. However, the only evidence within the charter itself which suggests that this represented something unusual was the statement that these decisions were made “*ad colloquium apud Listun*”. Beyond this there is nothing to distinguish this document from an ordinary charter issued from a standard meeting. A passing reference to an important gathering given within the chronicle sources for the same reign can be found within both the *Scotichronicon* and *Gesta Annalia I*. According to *Gesta Annalia I*, Alexander spent the Christmas of 1215 at Forfar and then,

with our lady the queen, his mother, and many noblemen of the kingdom, was at Striveline (Stirling), at the Epiphany; and thence he went on to Lothian, and held a parliament at Edinburgh, whereat he gave back the chancellorship to William of Boscho, the constablership to Alan of Galloway, and the chamberlainship to Philip of Walloniis - just as it had been before, in his father's lifetime; and as for the rest, he gave to each his rights, as their feus required. Soon after, however, some kind of council was held, by a few persons, at Haddington; and some, who had been contented before, withdrew from court discontented.<sup>32</sup>

Although Fordun wrote his chronicle during the first half of the fourteenth century, the first section of the *Gesta Annalia* attached to his *Chronica* is believed to have been composed in the thirteenth century, and would have been considerably more contemporary to these events. Within the *Chronicle of Melrose* there is only notification of a general council held in 1215, while no official records remain for any meetings which were held in January or early February 1216.<sup>33</sup> While this title could have been

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<sup>32</sup> *Chron. Fordun*, ii, 278; *Scotichronicon*, v, 80-81. The Latin term given for this meeting was ‘*parliamentum*’.

<sup>33</sup> This is further hindered by the fact that accurate dating of charters did not become a regular feature in Scotland until the 1220s. *Chron. Melrose*, 43. For details of the sources of the *Chronicle of Fordun*, see D. Broun, “A New Look at *Gesta Annalia*”.

a fourteenth century addition by Fordun, the details provided in this extract would suggest that this was an unusual meeting. The reissuing of governmental positions to those who had held them under Alexander's father and providing others with their "rights, as their feus required" suggests that this meeting saw the new king settling his kingdom. This might appear a little late, given that he had succeeded to the throne in December 1214. However, the MacWilliam and MacHeth rebellions had broken out in the north of Scotland within weeks of Alexander's inauguration and were not quelled until June 1215. After this, Alexander had become involved in a siege at Norham between 19 October and the end of November, amidst the resumed English civil war. As such, he would not have had the time to settle his government before this point. The acknowledgement of a new king as well as issuing offices and recognizing rights were important matters and could have stimulated a large attendance. Many would have appeared to secure or further their own positions and to learn who would form the new king's council. *Gesta Annalia I* certainly hinted at an expanded meeting as, although only the Queen Mother and the three officeholders were named, the account stated that the king had been accompanied by "many noblemen of the kingdom" as he moved around before holding his parliament. Overall, this could suggest two possibilities. Either this was considered a parliament at the time but no official evidence remains to support this, or it was later recognised under this term because the events and attendance at this meeting matched what would have expected of a fourteenth century parliament. However, this provides little reliable information which could be used to analyse early Scottish parliamentary bodies.

During the personal reign of Alexander III, similar restrictions remain within the surviving evidence. Nothing exists to suggest that parliamentary gatherings developed

during this successful and strong adult reign. Important meetings were held across Alexander's reign, such as those to settle control over the Western Isles with Norway in 1266 and to establish a marriage alliance between Eric II of Norway and Alexander's daughter, Margaret, in 1281.<sup>34</sup> However, only one meeting exists from this reign which has been taken by certain historians to have possibly been parliamentary. *APS* i noted one parliament from Alexander III's majority, held at Scone on 5 February 1284. This dealt with the settlement of the succession on the king's granddaughter, Margaret Maid of Norway, following the deaths of Alexander's first wife and all three of his children. However, given that this is the only source to call this meeting a parliament, with no reference to this title within the text itself, the use of this term appears to be inaccurate.<sup>35</sup> Unlike most documents, this charter did not include a witness list at the end, with the thirty seven names instead provided within the opening clause. These men formed a mix of some of the most important and frequent members of government, such as Alexander Comyn Earl of Buchan, and some of the lesser figures from the laity. Most of the less frequent witnesses were probably included as representatives for their localities, including Alexander of Argyll, Angus son of Donald and Alan son of Ruairi.<sup>36</sup> This was the first official settlement of the succession which survives from Alexander III's reign, and secured the throne for an infant female who had never been

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<sup>34</sup> *APS*, i, 420-424, 461-463; *Foedera*, i, 595-596; *CDS*, ii, no. 197; *Handlist of the Acts of Alexander III, The Guardians, John, 1249-1296*, compiled by G.G. Simpson (Edinburgh, 1960), no. 61, 133.

<sup>35</sup> *CDS*, ii, no. 248; *APS*, i, 424. Issued as a letter patent, most historians have not attributed any title to this meeting. Nicholson referred to it as a council, while Barrow once called it a parliament. R. Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, 1974, repr. 1993), 27; Barrow, *Kingship and Unity*, 157.

<sup>36</sup> McDonald noted the significance of the inclusion of these three MacSorleys as integrated and equal members of the Scottish political community, with their position at the end of the list of names representing their recent assimilation into Scottish politics. R.A. McDonald, *The Kingdom of the Isles Scotland's Western Seaboard, c.1100-c.1336* (East Linton, 1998), 136. This also shows that Alexander III wanted representatives from all areas of his kingdom to provide a public declaration of support for his chosen successor.

to Scotland. As such, the king would have needed the support and acceptance of his laity to uphold this choice if he should die without issue from his second marriage. Such an important decision could not have been made in a smaller gathering with less support or consent. The final aspect which implies that this was an unusual, possibly parliamentary meeting was the form of the document which was issued. As already mentioned, the witnesses were included within the opening clause, rather than at the end. These men were also listed as having effectively issued the charter without the involvement of the king. The greeting was given in their collective names, with Alexander only mentioned in the body of the text with reference to the succession itself and not with the decision which was formulated, which was that those listed promised to bind themselves faithfully to any heirs that their king should have or to the succession of his granddaughter Margaret. The unusual structure of this document was probably designed to indicate that the magnates had gathered together to formulate this strategy without their king's active involvement and thus that their oath was more likely to be upheld on Alexander's death than if they had been coerced into their choice by the monarch himself. When these factors are combined, this appears to have been an unusual meeting, or at least was presented as such in the documentation. It is clear why this has been identified as a parliament, as a large number of magnates met to discuss and issue a very important decision on the royal succession. Yet, while this may appear to have been a 'parliament' to some later historians, there is nothing to suggest that the Scots actually used this terminology at the time. This meeting was not even mentioned within any of the chronicle sources which detailed this period, contemporary or otherwise.

The failure of the two Alexanders' to develop their political institutions is an

important factor in itself. During peaceful, strong reigns, the Scottish political community and their kings did not feel the need to develop their political institutions to allow for greater consultation or to limit the power of their monarchy. This in turn increases the importance of those periods within the thirteenth century which saw the Scottish political community forced to find alternative methods of governing during the absence of an adult king and which did encourage the growth of parliaments. While a more in-depth examination of the large gatherings used during the twelfth and thirteenth centuries would be interesting, it could form a thesis in itself, and would not fit with this look at the early development of those meetings which were recognised as parliaments at the time. However, the fact that this work begins in 1249 yet does not examine the personal rule of Alexander III (1258-1286) requires some explanation. Parliaments did not develop until after the death of Alexander III, with no substantial evidence remaining from such meetings until the reign of John Balliol. However, as Richardson and Sayles have noted, some English evidence suggests that the Scots held parliaments during the minority of Alexander III.<sup>37</sup> Questions also exist as to why the absence of an adult monarch between Alexander's death in 1286 and the election of John Balliol as king in November 1292 stimulated the growth and definition of parliaments, which were used throughout John's reign, when a similar development did not occur during the minority of Alexander III (1249-1258). In order to determine the accuracy of the English claims regarding political meetings in Scotland in 1258 and to compare the influence of both periods, the minority period must be examined here.

The overall time span chosen for this thesis allows for a fuller picture to be gathered concerning the gradual development of parliaments across the various reigns

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<sup>37</sup> Richardson and Sayles, "Scottish Parliaments", 300-301.

and less stable periods of the thirteenth and early fourteenth centuries. Concluding in 1329 provides both a slightly false ending and a certain symmetry in the phases of parliamentary development which are analysed here. Parliaments did not stop evolving with the death of Robert I in 1329 and it can be argued that considerably more important developments occurred across the remainder of the fourteenth century, which also left more detailed records to be examined. However, David II's reign is long and difficult to examine without including the subsequent reigns of the first Stewart kings. Also, a considerable degree of parliamentary analysis for David II was included within Dr Michael Penman's thesis.<sup>38</sup> As such, the slightly premature, if frequently used end point of the death of Robert I has again been adopted to limit the time scale to almost 200 years. However, ending in 1329 does provide some balance to this analysis. Ending in 1329 allows for the study of two periods when parliaments were used and developed under adult male rulers and the resultant full authority which they wielded, between 1292 to 1296 under John and 1306 to 1329 under Robert I. This also allows for the analysis of the guardianships around these reigns, when the political community expanded parliaments during the absence of an adult monarch and without a king's authority from 1286 to 1291 and 1296 to 1306. In addition to events within Scotland, English influences over Scottish parliaments from the minority of Alexander III to the usurpation of the crown by Robert Bruce in 1306 can also be explored in order to expand upon the wider influences on the development of the Scottish institution.

The wide time scale enables this analysis to form two separate sections. The first section will examine why parliament developed across the latter stages of the thirteenth

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<sup>38</sup> M.A. Penman, 'The Kingship of David II' (Unpublished Phd Thesis, University of St Andrews, May 1999)

century. This is subdivided again, initially exploring internal events within Scotland to determine if previous historians such as Professor Barrow were correct in stating that parliament was a reaction to the unsettled monarchical position which the Scots repeatedly faced. The second part of this section is a chapter on English influences. This will take a long-term view of English influences and controls, to examine how similar the bodies used by the two countries were even before Edward I's overlordship from 1291, and thus determine how important Edward was in the overall development of the Scottish parliament. The second section will deal with how parliaments evolved within Scotland once they had been established. This will explore the frequency of meetings, their attendances, business and also the importance of parliaments and their decisions to the political community, and to the king. Overall, by looking at the stimuli for political change, and then studying parliaments as they were initially used by the Scots, this will place the institution in the context of a more long-term growth, to determine the functions and effectiveness of parliaments within Scottish politics by the early fourteenth century.

## 1. Filling the gap; minorities and guardianships, 1249-1291

The thirteenth century saw three periods when Scotland lacked an adult male ruler and the political community were forced to find alternative methods of ruling. The influence of two of these phases on the development of parliaments will be examined here. The first of these intervals was during the minority of Alexander III, who was crowned at the age of seven years and ten months after his father's sudden death on Kerrera in July 1249. The second, more unsettled period without an adult monarch came after the death of Alexander III in 1286, when the king's only remaining descendant was his infant granddaughter, Margaret, a three year old child then resident in Norway. This succession remained insecure for up to nine months until it became clear that Alexander's widow Yolande would not provide another heir for the kingdom. Once the succession was settled on Lady Margaret, the Scots were left with the prospect of a lengthy minority and the additional complications of a female monarch. Finally the death of Lady Margaret at Orkney in 1290 left the Scots with no direct successor to their throne and the probability of a civil war over the crown. These two periods have stimulated considerable research, including the suggestion from Richardson and Sayles that the minority of Alexander III saw a substantial number of parliaments held within Scotland.<sup>1</sup> Given the importance placed on these two periods by different historians and their impact on society at the time, this chapter will examine these absences in the monarchy to determine their effect on the development of expanded gatherings which later became known as parliaments.

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<sup>1</sup> Richardson and Sayles, "Scottish Parliaments", 300-302.

### Minority of Alexander III (1249-1258)

As Professor Watt stated, the nine year minority of Alexander III created considerable constitutional and political problems. The Scots were forced to find alternative means of governing which did not revolve around the authority and decisions of an adult monarch. Attempts to maintain a peaceful and united government were made more difficult by the fact that Alexander II left neither a united country, nor any evidence of his intentions for governing during his son's childhood. However it is rather curious that Watt should have expected any such contingency plan. Unlike William I, who lived and ruled over Scotland to the age of seventy-one, Alexander II was only fifty-one when he died and probably expected to live and reign considerably beyond 1249. Nor does Alexander appear to have suffered from any of the ill health which had forced his father to secure the succession, although even William is not known to have made any provisions for a minority when he could have been succeeded by his three year old son. One potential solution to the problem of a child heir was to follow the system used when Malcolm IV became king in 1153, aged twelve. When it had become apparent that Malcolm was to succeed, he was entrusted to the guardianship of the most important magnate of the day, the earl of Fife. A similar custodian could have been used to maintain authority for the minority of Alexander III. However, the lack of a clear figure for this role and the political instability left by Alexander II made this highly unlikely.<sup>2</sup>

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<sup>2</sup> Watt, "Minority of Alexander III", 1, 6. It is unlikely that a guardian would have been required to maintain security during Alexander III's minority. The MacWilliam and MacHeth threats had been settled by his father and the dispute concerning control over the Western Isles would not have threatened the royal succession. The decline of the Comyn family's dominance by the end of Alexander II's reign meant that while the Comyn's were still powerful, they were now joined by other ambitious men including Alan Durward, who wanted to use the minority period to increase their role and influence in Scottish politics. Details from the 1249 coronation ceremony suggests that tensions were already surfacing amongst the political community. While magnate disputes did not threaten the actual succession, they did cause problems during what was to be a lengthy minority, without a strong leading figure to maintain peace and stability.

Instead the Scots were forced to find an alternative method of ruling. As Watt highlighted, the political community seem to have ignored the French example of appointing the queen mother as regent, despite the fact that Alexander II's widow, Marie de Coucy, would have been aware of this option. Instead, the Scots formed a government based around the principles which were employed in England to rule for the nine year old Henry III after the death of King John. A committee of thirteen men were nominated by John before he died, who in turn selected three of their number to act as a core council, while the majority of the officers from the previous reign continued in their posts without having to be re-appointed.<sup>3</sup>

Richardson and Sayles stated that while no meetings held before 1250 were referred to as parliaments, the sources, particularly those from England, highlight a considerable number of gatherings which were called parliaments during Alexander III's minority. Professor Duncan specified three 'parliaments' which were held during the minority, one in 1256 and a further two in 1258, while Professor Barrow also noted the 1256 *colloquium*.<sup>4</sup> If the titles given to these meetings are accurate then this would indicate a massive increase in the use of recognised parliaments, with three meetings held in nine years compared to two parliaments held during each of the surrounding reigns. Scottish provisions for their minority government were organised around a small group of important nobles who ruled with the backing and approval of Henry III of England. While this council would have dealt with the everyday business of government, at various points these men would have been expected to take wider support through augmented gatherings to ensure that their decisions on more important

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<sup>3</sup> Watt, "Minority of Alexander III", 6-7.

<sup>4</sup> Richardson and Sayles, "Scottish Parliaments", 300-301; Duncan, "Early Parliaments", 36-37; Barrow, *Kingship and Unity*, 127.

concerns were accepted by the majority of the political community and would be fully implemented throughout the country. As these councillors lacked the natural authority of the crown, it might be expected that this minority would have seen an increase in the use of expanded gatherings, regardless of their terminology, as the council would have required wider consent more often and for more topics than a king. The business discussed at these larger meetings also needs to be examined to determine if the change in authority and methods of rule affected the jurisdiction of these gatherings. During the reigns of Alexander II and III, many meetings were held which discussed important topics and were thought of as parliaments by later chroniclers and historians, but were not recognised as such at the time. As such, the suggestion from Richardson and Sayles that the Scots referred to more of their important meetings held during this minority as 'parliaments', only to revert back to more ambiguous terminology during Alexander III's majority also requires some examination. This chapter will initially explore the terminology given within Scottish and English sources, before looking at individual meetings to determine the nature and influence of expanded gatherings across this minority.

### Terminology

Although some evidence exists to show that parliaments or *colloquia* were held throughout Alexander's minority, the official documents which remain from Scotland do not suggest that the term was adopted for all of the important or expanded meetings which were held. In the list given at the beginning of *APS* i, one coronation, six assemblies and one '*concilium regis et magnatum*' were given for this period.<sup>5</sup> While

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<sup>5</sup> *APS*, i, 68-69.

this list did not mention any parliaments, when the documents were later printed in full, one meeting was referred to as a *colloquium*. Held at Holyrood on 14 January 1256, this concerned the provision of justice “*in pleno colloquio domini regis habito apud Sanctam Crucem*”.<sup>6</sup> The evidence details an agreement over lands which was made between David sheriff of Perth and the abbot and convent of Dunfermline before the king in his full *colloquium*, after the matter had been the subject of an inquisition held at Perth by Alexander Comyn Earl of Buchan, then justiciar of Scotia. With the inquisition held elsewhere, the decision was given *before* the king, not by him, although it is unclear whether this was because of Alexander’s age or if this was standard practice during the thirteenth century. As with the *colloquium* held by Alexander II at Kirkliston in 1235, the statement quoted from the surviving document is one of few markers which show that this meeting was different or particularly remarkable. With no surviving witness list it is impossible to know whether this was an expanded gathering, although justice was certainly one of the earliest factors to have featured within augmented meetings held across the twelfth and thirteenth centuries. While this document included a slightly unusual opening clause, providing the date before moving on to the business concerned, this detail alone would have been insufficient to suggest that this recorded the decisions of a ‘parliament’. Despite the supposed expansion of recognised parliaments throughout this minority, this is the only evidence of such a meeting within the official Scottish sources.

Although Richardson and Sayles said that the English records noted many parliaments held in Scotland across this minority, only three documents in Henry III’s

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<sup>6</sup> *APS*, i, 69, 426; Richardson and Sayles, “Scottish Parliaments”, 301; Duncan, “Early Parliaments”, 37.

Close Rolls recorded any information on actual parliaments. These references detailed Henry's requests that the Scottish king would move his proposed 1258 parliament to a time and location more convenient for an English delegation to attend. The Scots had originally planned to hold their meeting at Stirling over three weeks at Easter. Since this was too far away and too soon for an English delegation to attend, Alexander called another meeting at Edinburgh, but the rearranged date clashed with Henry's Oxford Parliament. The English king then asked the Scots to delay their parliament until September, and for the location to be moved even further south.<sup>7</sup> However, these letters from 1258 provide little convincing evidence that the Scots were holding frequent parliaments across the whole of Alexander's minority. The only names given in this correspondence were either the Scottish messengers, including magister Adam de Malcarveston Provost of St Andrews and Thomas de Normanville, who had brought letters from Alexander's government to which Henry III was replying, or various Englishmen, including Robert Neville sheriff of Northumberland. The Close Rolls also provide no information about the business of these potential Scottish meetings. The lack of detail concerning any agenda could be accounted for if either the topics for discussion had not been decided in advance, or if they were so well known that it was unnecessary or inappropriate to include them within these letters. Another factor which should be noted was that although Henry III was replying to letters from Scotland, there is nothing to suggest that he used Scottish terminology. Instead, the English sources appear to have applied different terms for these gatherings depending on who Henry wrote to. While his letter to the Scottish king dated 13 May used the term '*colloquium*'

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<sup>7</sup> *CCR 1256-1259*, 300, 310-311; *CDS*, i, no. 2114, 2126, 2127; Richardson and Sayles, "Scottish Parliaments", 300-301; Duncan, "Early Parliaments", 36 *n.5*.

with reference to the meeting in Edinburgh, the two letters sent to Robert Neville, with the latter also copied to William de Latimer sheriff of York, called the meetings planned for Stirling and Edinburgh '*parleamentum*'.<sup>8</sup> Importantly, these records provide no information as to how these bodies were different from general gatherings, if indeed they were, to warrant the alternative terminology.

These official sources do not suggest that meetings which were identified as 'parliaments' during this minority were either particularly prolific, or that the term was applied to every important meeting held across these nine years. While only one document printed within *APS* i was referred to as a parliament, two of the other meetings feature larger witness lists. The first charter which represents an expanded gathering concerns a meeting held at Stirling on 17 December 1253, and features a witness list of fourteen names. This assembly is also noteworthy as it settled a land dispute and survives in two charters, the later of which has the fourteen witnesses listed in the opening clause, effectively issuing the decision collectively.<sup>9</sup> Notwithstanding the size and unusual style of this document, there is no evidence that this meeting was thought of as parliamentary at the time. The second of these larger gatherings noted within *APS* i is the assembly held at Roxburgh in September 1255. Attended by the English king, this charter features the names of forty-nine Scottish magnates, although they did not necessarily all attend the meeting, and clearly represents an unusual gathering. Significantly, this assembly dealt with the hugely important business of the second change in the composition of the minority government. Despite the importance of this meeting, it was only named as an assembly within the surviving records. With

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<sup>8</sup> Bain included both terms in his calendar of the letters issued on 25 March and 13 May, but only parliament for the final letter of 14 May. *CDS*, i, no. 2114, 2126, 2127.

<sup>9</sup> *APS*, i, 419-420, 425-426.

this mixed evidence from the official sources it is difficult to sustain the theory that Alexander's minority saw a considerably higher level of meetings which were recognised as parliaments at the time. This evidence also raises doubts over the evidence from English sources. The 'parliaments' mentioned by Henry III were all meetings held during 1258 to discuss the third alteration to the composition of the Scottish government. However, as this was also the purpose of the Roxburgh meeting in 1255, it seems strange that the terminology applied to gatherings with similar aims could have changed so much over three years without any reflection in the official sources which survive from Scotland. Overall this variety of official evidence suggests that throughout Alexander III's minority the Scots continued to use a variety of terms to describe their governmental meetings, with greater importance placed on who was involved in the discussions and the business they discussed, rather than what the gatherings were called.

Evidence provided in the *Chronicle of Melrose*, the *Scotichronicon* and *Gesta Annalia I* also suggests that the governing process during this minority remained dominated by 'meetings', 'gatherings' and 'assemblies' rather than by 'parliaments'. While the English rolls refer to various parliamentary gatherings planned across 1258, only the contemporary *Chronicle of Melrose* noted that a discussion was held at Jedburgh in September 1258. This was not named as a parliament by the chronicle, although it referred to a three-week long meeting which was originally believed to have established a compromise council of ten to rule Scotland and maintain subordination to England until Alexander reached the age of twenty-one. It is now thought more likely that this meeting actually saw Alexander III's first moves to take control over his

kingdom, end factionalism and begin his majority rule.<sup>10</sup> These three chronicles all detailed Alexander's inauguration in 1249, the meeting to transfer St Margaret's relics in 1250, Alexander's marriage at York in Christmas 1251 and events surrounding his return to Scotland early the following year, and the change of government which took place at Roxburgh in 1255. However, none of these gatherings were referred to as 'parliaments' by the chroniclers, despite the important business which they discussed or the large attendances which were often either listed or implied. Similar meetings were noted by the contemporary English chronicler, Matthew Paris, including the royal wedding in 1251, the 1255 meeting which saw Henry III travel to Scotland and the last changes to the composition of Scottish government which were made in 1258. In noticeable contrast to the Scottish accounts, Paris detailed an additional parliament which he stated was held in Scotland on 25 November 1258, when the Scottish king and queen had gathered with their magnates to meet with William de Horton, monk and treasurer of St Albans and ambassador for Henry III. Paris said that this meeting saw the discussion and eventual acceptance of English plans that the Scots should continue to take English advice and counsel on all "difficult and private" matters.<sup>11</sup> While the reliability of this claim will be examined later, the combined English sources highlight considerably more parliaments held during Alexander's minority than were recognised by the Scots either at the time or later.

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<sup>10</sup> *Chron. Melrose*, 92; Watt, "Minority of Alexander III", 18-20. Watt said that the compromise council was only known through two English accounts which also indicated an oath which the Scottish councillors were to take to ensure their continued subordination to English authority and Scottish support for English interests. Given that it is unlikely that this was ever obtained, this casts doubts over the reliability of this source. Was this compromise council what the English wished to see but never occurred, rather than the reality of the Scottish political situation after the Jedburgh meeting in 1258? Matthew Paris, *Chronica Majora*, ed. by H.R. Luard (Rolls Series, 1872-1884), v, 739-740; E.L.G. Stones, ed., *Anglo-Scottish Relations 1174-1328; some selected documents* (London, 1965), 35-37; *Foedera*, i, 378.

<sup>11</sup> Paris, *Chronica Majora*, v, 739-740; A.O Anderson, *Scottish Annals from English Chroniclers A.D. 500 to 1286* (London, 1908), 377-378.

Within both Scottish and English sources there remains some evidence that the term 'parliament' was used across this minority. Yet, contrary to the theory of Richardson and Sayles, there was no sudden recognition of all large or unusual meetings as parliaments. Expanded gatherings were still referred to under a variety of titles which appeared to have held few links to the business or form of the meeting they represented. For example, the 1255 assembly considered the same subject as that held in 1258, with the added influence of the attendance of the kings of both Scotland and England, yet the two are referred to under different titles in almost every source. As during the surrounding reigns, the Scots appear to have cared little for the definitions of their governmental meetings, with attendance and business more important than the titles applied to their expanded gatherings.

### Parliaments and Political Gatherings

Given that the terminology applied to these minority meetings remained unsettled, it seems appropriate to examine the business, attendance levels and overall functions of the various expanded or politically important gatherings held across this period. Were they effectively parliaments under different terminology and how far were each influenced by their surrounding events and circumstances?

### July 1249

As Dr Reid stated, until Alexander III came of age the ruling of Scotland had to be done by a section of the community. With the succession of a minor who was not yet eight years old, the Scots faced a minority which would last a significant duration, and the idea that they would not have made at least some arrangement for their government

seems unlikely. Given that Alexander II had not left any provisions for a minority, the Scots would have needed to gather together in order to formulate their own strategy.<sup>12</sup> Yet while the business of government continued unstinted, there remains no evidence of an expanded meeting held at the start of this minority where the magnates and ecclesiastics could have formulated their plans. The first major meeting of Alexander III's minority was for his inauguration at Scone in July 1249, for which the only evidence remains within the chronicle sources. *Melrose* stated that Alexander was "placed upon his father's throne by the nobility" and was "honoured by all as his lawful heir".<sup>13</sup> While *Melrose* suggests the unanimity of the kingdom behind the succession of a child, this narrative provides little information as to who specifically attended the inauguration or any details of the proceedings. However, certain other accounts suggest that there may have been more to this gathering than a simple crowning. Held only days after the death of Alexander II, the timing of this Scone meeting would have allowed any settlement to have been initiated immediately, attempting to limit any possible disruption to the peace or security of the kingdom. At the same time, the inauguration would have attracted the huge attendance levels required for the widespread acknowledgement of any settlement created for the minority government. The *Scotichronicon* and *Gesta Annalia I* provide similar accounts of events at Scone, suggesting that a substantial portion of the kingdom attended the ceremony, including the bishops, prelates, earls, barons and knights. Most of these men would have wanted to reassure themselves that the new king had been inaugurated, as well as either to protect their own role in the new government, or to gain first hand knowledge of the

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<sup>12</sup> Reid, 'Political Role of the Monarchy', 4-7.

<sup>13</sup> *Chron. Melrose*, 87.

provisions for the minority. The *Scotichronicon* stated that Alexander was enthroned in the presence of David Bernham Bishop of St. Andrews, Geoffrey Bishop of Dunkeld, the abbot of Scone, Alan Durward, Walter Comyn Earl of Menteith, Malcolm Earl of Fife and Malise Earl of Strathearn.<sup>14</sup> While neither the abbot of Scone nor Malise Earl of Strathearn can be found with any frequency within the witness lists from either Alexander II's reign or the minority, both could have attended the crowning through the location as well as the business conducted, while the Earl of Fife and the Bishop of St Andrews were both involved in the actual ceremony. The fact that the *Scotichronicon* mentioned five different social groupings suggests that this inauguration saw a mass gathering which encompassed representatives of the full spectrum of the political community. If such numbers did attend, this would surely have been the most opportune point for the Scots to determine a political settlement for the coming years. The most important factor surrounding the possibility that the Scots established governmental provisions for the minority during the inauguration at Scone is that this marked the first known display of political disunity among the political community, when a dispute arose between Alan Durward and Walter Comyn Earl of Menteith as to whether the king should be knighted before he was crowned. *Gesta Annalia II* noted that

as soon as they were gathered together, there arose a great dispute among the nobles ... While they were arguing, the Lord Walter Comyn, Earl of Menteith, a man of foresight and shrewdness in counsel, answered... and, by his advice, the said bishops and abbot, as well the nobles, and the whole clergy and people, with one voice, gave their consent and assent to his [Alexander III] being set up as king.<sup>15</sup>

This suggests that the dispute was settled through some form of arbitration before the ceremony took place. While most of the sources accredit Menteith with the resolution,

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<sup>14</sup> *Scotichronicon*, v, 291; *Chron. Fordun*, ii, 289.

<sup>15</sup> *Chron. Fordun*, ii, 289; *Scotichronicon*, v, 291-293.

what is important here is that more occurred at Scone than just the inauguration of a king. There was also some form of assembly held to determine certain other issues and resolve arguments. While there is no direct evidence that any governmental settlement was made at this time, this was clearly the most opportune time and place for such discussions, particularly given the dissension which was already emerging amongst the political elite. It is plausible that any provisions made at this point during the minority centred around maintaining the officers appointed during the final years of Alexander II's reign, just as most of King John's councillors had remained in office for the minority of Henry III in England. For example, there is no evidence that Alan Durward, justiciar of Scotia from 1244, lost his position in government before 1251 despite his outspokenness regarding the crowning of the young king.<sup>16</sup> Changes in government personnel do not appear to have been made until after Alexander's marriage over Christmas 1251. Despite the immediate continuity in their administration, the Scots would still have required some form of assembly where this policy would have been discussed and agreed upon, particularly if the magnates could not even crown their king without dissent.

### June 1250

The only other important or expanded meeting which was held between the death of Alexander II in 1249 and the marriage of his son in 1251, and could possibly have seen an assembly held to formulate provisions for a minority government was held in 1250. *Gesta Annalia I* noted that on 19 June 1250, the king and his mother "with bishops and abbots, earls and barons, and other good men, both clerics and laymen, in great

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<sup>16</sup> Barrow, *Kingdom of the Scots*, 137; Watt, "Minority of Alexander III", 7.

numbers, met at Dunfermline” to move the relics of St Margaret. *Wyntoun* named David Bernham Bishop of St Andrews and Robert Keldelth Abbot of Dunfermline as among the “gret company Off erllis, bischopis and baronwnys, And mony famows gret persownys” who attended the ceremony. Marinell Ash noted that Bernham would have been expected to attend, given his involvement in the canonisation process for Margaret.<sup>17</sup> It is possible that this large body of men could have taken advantage of having been gathered together to discuss governmental business. However, no evidence remains, either officially or within the available chronicles, to support the theory that any discussion of provisions for the minority were held around this ceremony, or that any aspect of Scottish government was changed in 1250. Finally, this ceremony was held after a full year of minority government. It seems highly unlikely that the Scots would have gone for so long without making any formal provisions for their government.

While it is unlikely that this canonisation ceremony saw any governmental settlement for Alexander’s minority, it is still possible that there could have been more to this meeting than the surviving chronicle references suggest. *Gesta Annalia I* noted that “the magnates of Scotland saw the danger in the country being under the governance of a boy” because although the council was composed of the greatest men of the realm, they “were swayed by the advantages which one had to gain” in terms of personal power and influence while their monarch was a child. Those who were unhappy with the original provisions for the minority government took the “advice of

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<sup>17</sup> *Chron. Fordun*, i, 290-291; *Scotichronicon*, v, 297; *Wyntoun, The Original Chronicle of Andrew of Wyntoun* edited by F.J. Amours (Edinburgh, 6 Vols., 1907), v, 109; Marinell Ash, “David Bernham, Bishop of St Andrews, 1239-1253”, *Innes Review*, 25 (Spring 1974), 3-14, 7. According to Ash, Bernham was close to Alexander II and both were involved in the canonization process, ensuring that the Bishop would have attended the ceremonial translation of the saint in 1250.

the clergy”, and sent an embassy to Henry III of England to renew the peace which had been established at the end of the previous reign, and to reaffirm the planned marriage of Alexander III to Henry’s daughter. The details of this embassy and the timing provided in both *Gesta Annalia I* and the *Scotichronicon* are rather vague, stating that this approach was initiated at some point during 1251 without naming any of those involved.<sup>18</sup> What this suggests is that some Scots approached Henry III in an attempt to alter the political situation in Scotland before the marriage took place at York at the end of 1251, and that those who initially looked for English intervention did so after only one or two years of minority rule. No evidence remains of any large gatherings which might have been called across these initial years to allow the Scots to resolve existing problems internally, with no charter witness list exceeding six names, although this does not provide conclusive proof given the limited nature of the official evidence which survives from this period. The failure of the Scots to hold such a meeting and settle their problems internally could stem from the fact that none of the magnates held sufficient authority to preside over a major dispute, or sufficient influence to enforce any decision regarding provisions for government which was not unanimous, making the desire to involve a third party with greater natural authority appear reasonable.

## 1252

The different chronicles note similar versions of the events which surrounded the change in government personnel which took place upon Alexander III’s return to

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<sup>18</sup> *Chron. Fordun*, ii, 290-91; *Scotichronicon*, v, 299. Watt suggested that this embassy consisted of the Comyns, who had begun to reassert themselves within Scottish politics by 1251. He also noted that Henry was increasingly dissatisfied with the Durward-led government who had begun to suggest to the Papal court that the Scottish kings should be anointed, and that papal taxes raised in Scotland should be used for Scottish crusades, rather than to aid Henry’s plans. Watt, “Minority of Alexander III”, 8-9.

Scotland after his marriage in 1251. By 1252 the system of maintaining the councillors employed by Alexander II at the end of his reign looks to have become unworkable. Alan Durward had increased his personal power after 1249, remaining as the sole justiciar after David Lindsay ceased to hold that post for Lothian and was not replaced.<sup>19</sup> The discontent apparent among the Scottish magnates noted above and Henry III, combined with dissatisfaction amongst the clergy at Durward's failure to protect the churches from lay attacks, would have meant that many Scots might have welcomed a change of officials by 1252.<sup>20</sup> Perhaps the most believable, or least confused account of the events which surround this change in administrators was provided by the contemporary *Chronicle of Melrose*. This stated that several men, including Durward, were forced to resign their offices while in England, after the king's marriage, whereas others fled back to Scotland in fear. Alexander, under the advice of Henry III, calmly returned home before settling matters, when various men were deposed over charges of treason.

The king of England stated that he had been informed that the lord Alan, the Doreward (who was also at that time the justiciary,) and his accomplices, had despatched messengers and presents to the pope, with the request that he would legitimise the daughter which he, the said Alan, had begotten by the sister of the king, in such manner that if any accident should happen to the king of Scotland, they should succeed him in the kingdom as its lawful heirs.<sup>21</sup>

This account of events in early 1252 is supported by a document issued by the English king, which stated that at the marriage in York, "the said King of Scotland's bailiffs

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<sup>19</sup> Barrow, *Kingdom of the Scots*, 137. David Graham was noted by Barrow as the deputy justiciar of Lothian, while he said that Lindsay left the post in 1249, although Lindsay could have continued until 1251.

<sup>20</sup> Watt, "Minority of Alexander III", 8-9.

<sup>21</sup> *Chron. Melrose*, 88. The charges of treason would have to have been levelled by the Scottish king, as Henry III would not have held the authority to make such an accusation outwith his own country, nor would the Scots have accepted such interference within their kingdom. However, the implication within this chronicle was that Alexander had been informed of events by the English king, who might have coached him on his response.

there present, at his [Alexander's] own instance, spontaneously restored their bailleries to their said lord". While this has been taken by Professor Watt to show that Henry III suggested that Alexander acted without direct English interference, this supports the chronicle's statement that many of the original government officials resigned their posts while still in England.<sup>22</sup> This contrasts with the descriptions given by the later chroniclers, which state that accusations of treason were initially levelled at Walter Comyn Earl of Menteith and William Earl of Mar while they were in York. Both the *Scotichronicon* and *Gesta Annalia I* stated that Robert Abbot of Dunfermline the chancellor was accused of using the great seal to legitimise Alexander's sister, the wife of Alan Durward, so that she would be the kings' heir. This resulted in the large seal being broken up with a smaller version given to Gamelin, who became chancellor and later bishop of St Andrews. The original counsellors, including Alan Durward, Patrick Earl of Dunbar and Richard de Clare Earl of Gloucester, were all noted as having been removed from office, while their replacements included Walter Comyn Earl of Menteith, Alexander Earl of Buchan, William Earl of Mar and Robert de Ros, the king's cousin.<sup>23</sup> All of the accounts concur over the claim that Durward tried to legitimise either his wife or daughter, a move which would not only have augmented his personal power and alienated many of the Scottish nobility, but would also have ensured that he became a threat to the king himself. Much of the debate which surrounds this change in government concerns the extent of the influence Henry III could have wielded over these events. While some of the sources were designed to suggest that the changes had been instigated by Alexander himself, it seems more

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<sup>22</sup> *CDS*, i, no. 1848; *CPR 1247-1258*, 122; Watt, "Minority of Alexander III", 10.

<sup>23</sup> For the names of those ousted from government see *Wyntoun*, v, 114-115. *Scotichronicon*, v, 301-303; *Chron. Fordun*, ii, 292; *Chron. Melrose*, 88. Durward lost his post as justiciar of Scotia to either Fedarg and Michael Mowat or Philip of Meldrum in 1251. Barrow, *Kingdom of the Scots*, 137.

feasible that the process was initiated by the English king. Given the attempts made to involve Henry in Scottish politics from around the middle of 1251, his influence would probably have been welcomed by many within Scotland. At the same time, as the queen's father, Henry was entitled to nominate several members to the royal household in Scotland to care for his child's welfare, as well as to appoint two guardians within the overall government.<sup>24</sup> Additional evidence can be found to highlight Henry's influence over Scottish affairs, as he issued a number of acts on Alexander's behalf while they were in York. While the English king's actions were not designed as precedent, they clearly accentuate Henry's superiority over the Scottish king.<sup>25</sup> What remains unclear over the events in 1252 is the manner in which these governmental changes were implemented. All of the chronicles agree that, regardless of the accusations or resignations which occurred at York, the Scottish king did not act over replacing his officials until he had returned home. Such major changes would have required some form of expanded gathering of the wider Scottish society, if not to gain acceptance for the changes, at least to assign new positions and publicise the fact that the membership of the administration had changed.<sup>26</sup> Yet there is no remaining evidence that such a meeting was held.

### Stirling December 1253

Information concerning the next large meeting, held at Stirling in 1253, can be found

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<sup>24</sup> Paris, *Chronica Majora*, v, 270-272, 340; Anderson, *Scottish Annals*, 368-369; *CDS*, i, no. 1858, 1899, 1900; *CPR*, 1247-1258, 123, 162.

<sup>25</sup> *CDS*, i, no. 1847, 1852, 1857.

<sup>26</sup> The fact that the changes in government personal which are known to have taken place within Scotland in 1255 and 1258 featured large meetings would suggest that this might have been expected in 1252. While this might not have been to announce the change in government, some form of meeting could be expected in order to assign the new posts to various supporters.

in two documents printed within *APS* i. This meeting saw a renunciation made by Emma, daughter and heir of the deceased Gilbert de Smeaton, before the king and magnates of his council giving the land of Smeaton to Dunfermline Abbey.<sup>27</sup> The only unusual aspects surrounding this gathering can be found in the size of the attendance, the fact that details of the renunciation survive in two charters and in the style of the second document which was issued. While the first document followed the normal pattern of having been issued by the king and witnessed by fourteen men, the second has the fourteen witnesses listed in the opening clause, effectively issuing the decision over land restoration collectively.<sup>28</sup> This second document is very similar in style to that issued in 1284, when Alexander III settled the succession on his granddaughter, and the format used by the guardians after 1286. While the size of this meeting and the unusual structure of the second document suggest that this might represent an unusual body, there is little else to highlight that this gathering was different in any way. Neither of these two charters referred to themselves as the product of a *colloquium*, while the attendance consisted mainly of those who formed the regular government of the time, rather than including many who were not generally involved in the administration. As might have been expected, this meeting featured some of the main figures from the Comyn faction which was in power, including the earls of Menteith, Mar and Buchan, Robert de Ros, Nicholas de Soules and David Graham, as well as the justiciar of Scotia, the chamberlain and the steward.<sup>29</sup> The body included only two ecclesiastics, the bishop of Dunblane and the abbot of Cambuskenneth, both of whom probably attended due to the location of the meeting. This list does not suggest that the ruling faction made any

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<sup>27</sup> *Handlist of Alexander III*, no. 18.

<sup>28</sup> *APS*, i, 425-426.

<sup>29</sup> *Passim*.

attempt to widen the membership of this gathering or to seek legitimacy and consent from those outside their own faction, as would have been expected from a major gathering to discuss important business aside from this renunciation, which could have signalled that this was a potential parliament. While this forms an example of a larger meeting held by the Scottish governing community, neither the business known to have been discussed nor those who attended suggest that this was an unusual or parliamentary gathering.

### 1254

Evidence for the next possible minority meeting which could have been seen as a parliament only survives in English sources. While Henry III was fighting in Gascony he sent word to the English government to ask Alexander III to summon "*personaliter interesse velitis, convocantes et inducentes prelatos et magnates regni vestri ut ad dictos diem et locum represent se coram vobis modis omnibus*" to meet on 16 February 1254 at Edinburgh castle, to hear news of Henry's campaign and furnish urgent "*consilium vestrum pariter et auxilium apponatis*" for his war.<sup>30</sup> That the English tried to demand such provisions from the Scots because the two countries were linked

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<sup>30</sup> CCR 1253-54, 108. The proposed timing of this request, suggested by Professor Duncan, is a little unusual. A.A.M. Duncan, *Scotland: The Making of the Kingdom* (Edinburgh, 1975, repr. 1996), 563. Henry III's Gascony campaign began in 1253 and used appeasement to end the warfare which had flourished there under Simon de Montfort's governorship. Henry's operation culminated in a truce with France, a settlement with Navarre regarding control over Bigorre and a marriage alliance between the future Edward I and Eleanor, half sister of Alfonso King of Castille. On 14 February 1254, Henry formally assigned the whole of Gascony and the isle of Oleron to his son Edward, along with other possessions including the whole of Ireland except for the cities and counties of Dublin and Limerick and the royal castles and acquisitions in Wales. F.M. Powicke, *King Henry III and the Lord Edward; the community of the realm in the thirteenth century* (Oxford, 1966), 231-234. Given the timing of this transfer of lands and Henry's appeasement policy in Gascony, it is surprising that he should have been urgently requesting Scottish counsel and aid as late as February 1254. However, as Carpenter pointed out, Henry III's financial position was very weak, and he was forced to borrow heavily to finance his campaigns. For example, by October 1254 Henry had taken loans from the archbishop and citizens of Bordeaux. He also returned to England with heavy debts after this campaign. D.A. Carpenter, *The Reign of Henry III* (London, 1996), 116-120.

through marriage emphasises the extent of influence Henry III thought he should hold over Scotland.<sup>31</sup> The fact that no evidence survives for an expanded meeting held around this point shows the much more limited reality of the situation. The only gathering from this period is known from a *briefe* issued to denote the decision against *poinding*, which was made at a meeting held in Edinburgh on 4 February 1254. Despite the fact that this assembly was held in Edinburgh around the time of Henry's proposed parliament, such limited evidence hardly supports the theory of an expanded gathering featuring all of the major Scottish figures called together to provide aid for the English campaign.<sup>32</sup> It is far more likely that the Scots took offence at such a demand, rather than offered their full support. Only Alan Durward joined Henry for his war in Gascony and, in return he gained the friendship and support of the English king which was prove crucial for his reinstatement during the second change of government which was instigated the following year.<sup>33</sup>

### Roxburgh September 1255

The gathering held at Roxburgh between 8 and 20 September 1255 was referred to as a council or an assembly within the surviving sources.<sup>34</sup> However, the size of the body and the important business which was discussed shows that this gathering was far more

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<sup>31</sup> It is more probable that the English used the marriage alliance as an excuse to claim the rights which were expected through the recurring issue of overlordship which had resurfaced at the beginning of Alexander's minority and which the English repeatedly tried to recover across the thirteenth century.

<sup>32</sup> *Dunfermline*, no. 84; *Handlist of Alexander III*, no. 20. This was witnessed by Walter Comyn Earl of Menteith, Robert de Ross and Alexander Comyn Earl of Buchan and justiciar of Scotland. While these men were two of the leading Scottish figures within the 1252-1255 government and one of the English guardians appointed by Henry III, their limited number does not support the suggestion that a parliament was held twelve days later.

<sup>33</sup> *Chron. Melrose*, 89, although this wrongly dated the events to 1253. *Foedera*, i, 306; *CDS*, i, no. 1985.

<sup>34</sup> Although this meeting was referred to as an assembly in the *APS I* list, no title was given when the surviving document was printed. The only internal information referred to a "*consilio*". *APS*, i, 419.

unusual than was acknowledged at the time. Roxburgh was one of the most important meetings held during Alexander III's minority, and was the only time when Henry III travelled to Scotland to ensure that the reorganisation of the Scottish government progressed as he desired. Evidence states that the Scottish king had taken the advice of Henry III and twenty-five men who were listed along with the phrase "*et aliorum baronum nostrum*", to exclude from office those councillors who had been appointed to government in 1252. The Comyn party was deemed to have been too assertive of their own factional interests against English wishes and their Scottish opponents. As such, their exclusion was explained "because their faults so demanded", while neither they nor their "accomplices and sympathisers" would be readmitted to council, government or any intimacy with Alexander "until they have fully atoned, by concord or by judgement, to King Henry and ourselves [Alexander], for the offences imputed", although they were still expected to aid the king should the realm be attacked in any way.<sup>35</sup> The Comyns and their allies, of whom twenty-seven were listed within this document, were replaced by fifteen men generally referred to as the Durward faction. Appointed for council, government and guardianship, the provision stated that the Durward men

shall in no wise be removed from their offices on our council, before the expiry of seven complete years, beginning at the feast of the translation of St Cuthbert [4 September] in the year 1255, or of a briefer period upon which King Henry, or his heirs, and ourselves shall have agreed together, unless they shall clearly have so acted as to be unworthy to take part in our councils and the business of our realm.

While this could be taken to suggest that the new group were effectively guaranteed control over the Scottish government for seven years, this statement also highlights that

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<sup>35</sup> *CDS*, i, no. 2013; *CPR 1247-1258*, 426; *Foedera*, i, 329; Stones, *Anglo-Scottish Relations*, 30-34; Watt, "Minority of Alexander III", 10-12.

these provisions were only designed to last for the duration of the minority, and that these men would not retain such power and influence once Alexander III reached his majority. Interestingly, should one of the new council have died, they were to have been replaced “by the advice of the aforesaid bishops, earls, and barons, our councillors, or of those among them who survive” rather than by the involvement of the two kings. With these provisions, Henry tried to ensure that the Scottish government would remain friendly towards English plans or requests, and that if the new councillors failed to fulfill his desires, as in 1254, he had retained a route to interfere within Scottish affairs and alter the governmental provisions again. The changes were initiated from Alexander’s fourteenth birthday and designed to last until he turned twenty-one, despite the fact that his father had taken over government aged sixteen. The implications from this charter are that these decisions were made within a council of considerable size, where the two kings took widespread advice on their proposed policies. As such, this Roxburgh gathering was an expanded meeting, held to discuss the important business of who was to form the Scottish government, and to establish provisions for further changes in personnel, effectively a parliament without the name.

As noted earlier, 1255 saw Henry III’s only visit to Scotland and there are several possible reasons for his appearance. Henry’s earlier attempts to influence the Scottish system from afar had failed to provide a lasting, suitable solution for government. The establishment of the Comyn faction in power in 1252 had floundered, as they had been far more concerned with their own factional interests than in maintaining good relations with England. The attempt to install two men within the Scottish government to act as guardians for the royal couple and to maintain English interests in Scottish policies had also failed. These men, Robert de Ross and John

Balliol, had not made a significant impact upon the Scottish government, while Ross was accused of being the main cause of the young queen's unhappiness at the Scottish court, as she was effectively imprisoned and prevented from engaging in marital relations with her husband.<sup>36</sup> Demands that a parliament met to provide counsel and aid in 1254 appear to have been ignored, while the Scots had attempted to prevent their crusading taxes being used for English campaigns. By 1255, Henry could have felt that he had little choice but to travel to Scotland to attend to the welfare of his daughter and ensure that a carefully planned change to the Scottish government was properly executed, designed to retain a more profitable influence over Scotland until Alexander was undeniably an adult. According to *Gesta Annalia I* and the *Scotichronicon*, the Scots viewed Henry's involvement in this meeting as restoring justice and good judgement to a lawless Scotland under Comyn control.<sup>37</sup> The lack of support for the Comyn government in Scotland by 1255 was demonstrated in their failure to maintain political unity behind their decisions, although the Durward faction would fare little better given the dependence of their regime on English support after Roxburgh.<sup>38</sup> One of the key differences in the changes which took place in 1255 compared to those in 1252 can be seen through the actions of the English king. In 1252, Henry was determined to suggest that Alexander III had acted alone over the governmental changes, stating that his only involvement was through friendly advice offered before the Scottish king had returned home. In 1255, Henry's involvement was clear, from his visit to Roxburgh to his declared involvement in the decisions made at the time and the

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<sup>36</sup> Paris, *Chronica Majora*, v, 501-502, 504-506; Anderson, *Scottish Annals*, 370-373; CDS, i, no. 2168.

<sup>37</sup> *Chron. Fordun*, ii, 292-3; *Scotichronicon*, v, 315-319.

<sup>38</sup> Watt, "Minority of Alexander III", 10-12.

establishment of provisions for his future involvement, should the membership of the Scottish government have needed to change again before Alexander turned twenty-one.

Along with the importance of the business discussed at Roxburgh, this meeting also formed a large gathering of the most important men of the realm. While twenty-five men were named within the official sources as having directly advised the king, evidence from the chronicles suggests that the Roxburgh meeting was even larger. *Melrose* included the fact that Henry entrusted Alexander “and the realm to the earl of Dunbar and his adherents” before returning to England, suggesting that Alan Durward did not actually lead this faction. Also, the chronicle stated that

He [Henry] took it ill that the bishop of Glasgow, and the [bishop] elect of St. Andrew’s, and the V [Walter] Cumin, styled the earl of Menteith, and others of the nobility of the land, refused to affix their seals to a certain most wicked writing, which the said conspirators had framed and confirmed by their seals, and in which were contained many matters which would have worked for the dishonour of the king and the kingdom.<sup>39</sup>

Watt highlighted that Durward had been a visitor to the English court from as early as the summer of 1252, where some of his ‘faction’, which included men such as David de Lindsay as well as the earl of Dunbar, had drawn up the document for the change of government which the Comyn leaders refused to sign as it allowed too much English influence in Scottish affairs.<sup>40</sup> Stones suggested that the inclusion of William Bishop of Glasgow and Gamelin Bishop-elect of St Andrews within the list of advisors to Alexander was only possible as an error, given that both belonged to the Comyn faction

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<sup>39</sup> *Chron. Melrose*, 90.

<sup>40</sup> *CDS*, i, no. 1888, 1895, 1987, 1988; *CPR 1247-1258*, 146, 421; *CCR 1251-1253*, 169; Watt, “Minority of Alexander III”, 12-14. The safe-conduct issued for these men to attend the meeting on 4 September 1255 also survives. *CDS*, i, no. 2003; *CPR 1247-1258*, 424. Although Henry was forced to calm Scottish fears that he would “weaken the state of Scotland or its liberties” before this Roxburgh meeting, he went on to call himself Alexander III’s “supreme advisor” afterwards. See *CDS*, i, no. 1995, 2017; *CPR 1247-1258*, 422, 426.

and were among those excluded from Scottish government from 1255.<sup>41</sup> However, if their inclusion is accurate, this would support the theory that the outgoing Comyn administration were also present at the Roxburgh discussions, and that while more than these two councillors probably attended, only they were acknowledged on the final settlement. It is hardly surprising that the Comyn group would have been unwilling to agree to their own expulsion from government, or to provisions for excessive English interference within Scotland. All of those named as the new council, including Alan Durward and Robert Bruce, were present at the discussion, along with certain additional men including the abbots of Dunfermline, Kelso, Jedburgh and Newburgh. The fact that this account included some who are not known to have been part of either faction could support the idea that this was an important decision made with a cross section of the political community, including several men who were not from the normal governing elite.<sup>42</sup> This could also suggest that the final settlement was made within some form of a discussion, rather than the idea that this was settled by Henry III, certain Scots at the English court and some Englishmen who examined the situation in Scotland, and was simply imposed upon the remainder of the Scottish political community at Roxburgh.<sup>43</sup> Interestingly, no evidence remains to suggest that any other business was discussed at this Roxburgh gathering, further enhancing the image that this was an emergency meeting, called to provide a settlement on a single issue which required widespread consent.

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<sup>41</sup> *CDS*, i, no. 2013; *CPR 1247-1258*, 426; *Foedera*, i, no. 329; Stones, *Anglo-Scottish Relations*, 30-31.

<sup>42</sup> The abbots of Dunfermline, Kelso and Jedburgh only appeared in the Roxburgh settlement. While the latter two could have attended due to the location of the meeting, this is less likely for the abbot of Dunfermline.

<sup>43</sup> Watt, *Minority of Alexander III*, 13.

### Holyrood 1256

This meeting is possibly the most frequently quoted ‘parliament’ from this period, used by historians such as Richardson and Sayles to highlight their theory that the primary function of early parliaments was justice. The surviving document from this meeting detailed a quitclaim issued to Dunfermline Abbey preventing them from rendering suit to the sheriff court at Perth for various lands including Fordoun. The decision noted in this document was acknowledged as having been given before the king “*in pleno colloquio domini regis*”.<sup>44</sup> Professor Duncan dated this meeting to January 1256 because it concerned an inquisition which had been carried out by Alexander Comyn Earl of Buchan while he had been justiciar of Scotia, but the matter was resolved before the king after Comyn had lost the post to Alan Durward. Given that this change in official occurred with the exchange of government in September 1255, this charter could not have been issued any earlier.<sup>45</sup> The surviving document provides very little detail about the actual meeting at Holyrood. With no witness list, it is impossible to discover whether this was an augmented gathering. Nor is there any evidence of other charters issued around the same time as this parliament. Once again the actual business of justice was done in an inquest which was held elsewhere, with only the final decision given in parliament, suggesting that the resolution required a wider acknowledgement or acceptance than could have been gained within a justiciar’s court. While Professor Duncan stated that there remains insufficient evidence to highlight any function as primary to parliament, justice is the primary topic in the available records which the Scots discussed within meetings that they recognised as parliaments, with little

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<sup>44</sup> Richardson and Sayles, “Scottish Parliaments”, 301-303; *APS*, i, 426; *Dunfermline*, no. 85; *Handlist of Alexander III*, no. 230, 253.

<sup>45</sup> Duncan, “Early Parliaments”, 37; Barrow, *Kingdom of the Scots*, 137.

additional surviving evidence which could explain the different terminology which was used at the time.

### 1258

Alexander III's minority came to an effective end in 1258, with the removal of any direct English influence and the beginning of the young king's personal rule, starting with his reorganization of the membership of the governing council. The political background for the settlement created in 1258 suggests that the minority government had remained unstable despite the detailed provisions which had been made in 1255. By around 1257, the political situation within Scotland was worsening as English support decreased, allowing Alexander to begin to establish his position as king. The Durward administration had been beset by problems from the outset, including their failure to prevent the consecration of the pro-Comyn Gamelin as Bishop of St Andrews in December 1255. In October 1257, the Comyn family abandoned their attempts to regain power through peaceful reconciliation and seized the king in an attempted coup. While Henry III promised that a force would go north in 1258, he was overtaken by internal problems within England and was unable to defend the 1255 settlement. By mid-March 1258, Alexander was free from Comyn control and began attempting to end noble factionalism while freeing himself from minority controls.<sup>46</sup> Limited evidence from this period shows another large gathering was held which requires some examination. Before Alexander was free of Comyn control, the Scottish faction formed an alliance with Llywelyn a Gruffydd, Prince of Wales against Henry III. Created in

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<sup>46</sup> *CDS*, i, no. 2114, 2125; *CCR 1256-1259*, 300; Watt, "Minority of Alexander III", 15-18. These highlight Alexander's freedom to correspond with Henry III by 25 March and his queen's freedom from captivity by 6 May 1258.

March 1258, this league was signed by nineteen Scots and twenty-five Welshmen. While the bond was negotiated by envoys, these lists of names suggest that large meetings were held by both sides to discuss and ratify the treaty. However, while most expanded gatherings show signs of a ruling faction opening up their decision to the wider political community for acceptance and approval, both Watt and Barrow have noted that the evidence from this document suggests entirely the opposite proposition. The Scottish magnates named for this league were solely formed by Comyn supporters, with five of the nineteen Scots actually members of the Comyn family, while only another five of the remaining fourteen names were important figures within Scotland. The text of the document also highlights the weakness of the Comyn faction's position, both in terms of support from the political community and from the king himself.<sup>47</sup> Overall, this bond with the Welsh highlights how expanded meetings were not always full gatherings designed to allow the ruling faction to take widespread advice and support for their policies.

Although the seventeen year-old king had to wait until he turned twenty-one before he was able to exercise full power across his kingdom, 1258 is generally taken to mark the point when Alexander began to exert his own effective control, attempting to reconcile the factions for a more stable basis to his personal rule.<sup>48</sup> What is important

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<sup>47</sup> For an analysis of this treaty see G.W.S. Barrow, "Wales and Scotland in the Middle Ages", *Welsh Historical Review*, x (1980-81), 303-319, 311-312; Watt, "Minority of Alexander III", 17; *Littere Wallie* preserved in *Liber A* in the Public Records Office, ed. by J.G. Edwards (Cardiff, 1940), 184-186; *Foedera*, i, 370.

<sup>48</sup> Watt, "Minority of Alexander III", 17-21. Watt noted that Alexander did not exercise certain formal powers until 1262, when he turned twenty-one. His first major land grant survives from this year, and he also obtained the matrix of a new great seal at the same point. However, there remains evidence of correspondence between Alexander and Henry III from March 1258 through neutral Scottish envoys and he began to arrange various assemblies to encourage compromise within Scottish politics while Henry was distracted by increasing problems within England. *CDS*, i, no. 2114, 2126, 2127; *CCR 1256-1259*, 300, 310-311. These named the abbot of Jedburgh and William de Hay as envoys from Alexander to Henry III in March 1258 with Adam de Makerston Provost of St Andrews and Thomas de Normanville envoys in May 1258. With regard to their neutrality, the abbot witnessed the 1255

here is the manner in which Alexander ended the minority's factionalism and initiated his majority. Professor Watt noted that Alexander increasingly took the initiative for governing through a series of assemblies, planned to enable the two factions to meet and learn to compromise. He also noted that the authority behind these meetings rested with the Scottish king, rather than with Henry III. By August 1258, Henry had sent representatives to the Borders for discussions concerning the "unexpected and unwelcome suggestions" over planned reforms to the problematic Scottish government, which Alexander had detailed in his letters to the English king. Watt's 'assemblies' were the alleged parliaments referred to by Henry III within his Close Rolls.<sup>49</sup> When these English sources are closely examined, they clearly suggest that all of the gatherings or 'parliaments' Alexander planned across 1258 were held, despite Henry's attempts to delay all discussions until his delegation could freely attend. On 25 March 1258, Henry wrote to Robert Neville to say that the Scottish king had sent word that a parliament had been convened for Stirling in three weeks from Easter. Alexander had requested that Henry send a delegation to "redress offences" which had been made against both monarchs.<sup>50</sup> However, due to the short notice, the distance which the delegates would have to travel and the fact that the English king had to hold his own parliament on "diverse difficult matters", Henry said that he was unable to send such men. He instead asked Alexander to delay his meeting and move it further south, to allow easier access from England. However, the suggestion in this document was that

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settlement at Roxburgh, while Thomas de Normanville appeared amongst the excluded Comyn faction named within the arrangement. Stones, *Anglo-Scottish Relations*, 30-34.

<sup>49</sup> Watt, "Minority of Alexander III", 18; *CCR 1256-1259*, 300, 310-311; *CDS*, i, no. 2114, 2126, 2127.

<sup>50</sup> This appears to have been a clear reference to the 1255 settlement, highlighting that Alexander did not question the legitimacy of that arrangement when he went to alter the composition of his government in 1258.

Henry sent his request for a delay to the Scottish ‘parliament’ once it was already in session.<sup>51</sup> The two letters which survive regarding the meeting held at Edinburgh in May 1258 are slightly less clear as to whether the Scottish gathering had already started before the English could ask for another postponement. Perhaps the clearest indication that this meeting did at least begin was that Henry asked Alexander to “prorogue” his parliament, rather than delay the session outright. The timing of the letters and the May gathering might also suggest that the messengers could not have reached the Scots with Henry’s request before the meeting began. Henry did not send his reply to Alexander III with the “prudent men” of the Scottish embassy until 13 or 14 May, while the English king’s second letter stated that Alexander had “his parliament fixed (captum) at Edinburgh, in the quinzaine of Trinity”. As these letters were issued from Winchester, it is unlikely that there would have been sufficient time for these men to have returned to Scotland before the start of the ‘parliament’ to prevent it being held at all.<sup>52</sup> Finally, Henry III sent a more substantial embassy to Scotland on 4 August 1258, when he

committed full power to S[imon] de Montfort earl of Leicester, Peter of Savoy, and John Maunsel treasurer of York, or two of them, to treat of peace between the disturbers of the kingdom of Scotland, as they shall see fitting for the king of Scotland’s honour.

By 27 August, the abbot of Dunfermline and William de Hay had travelled from

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<sup>51</sup> *CDS*, i, no. 2114. This stated that “he [Henry] provides that the Abbot of Burgh, R[oger] de Quency earl of Winchester, and John de Baylol, shall be present at the parliament, and ‘interpel’ [request or appeal to] the King of Scotland to hold the same on a day, when the King may conveniently send, at some fitting place on this side of the sea [the Forth]”. *CCR 1256-1259*, 300.

<sup>52</sup> Trinity fell on 19 May in 1258, with the English asking that the meeting should be delayed until the feast of the Nativity of the Blessed Virgin Mary on 8 September. As Henry issued his letters from Winchester, just north of Southampton on 13 or 14 May, this would have left a considerable distance for the Scottish embassy to travel before the start of Alexander’s Edinburgh parliament. *CDS*, i, no. 2126, 2127; *CCR 1256-1259*, 310-311. For the dates of these meetings, see C.R. Cheney, *Handbook of Dates for Students of English History; Royal Historical Society Guides and Handbooks No. 4* (London, 1945), 55, 88, 158.

Scotland to give Henry III letters of credence and details regarding the planned changes to the Scottish government, to which Henry promised to reply after he had taken advice from both the Scottish embassy and his own nobles.<sup>53</sup> As such, it would appear that the Scots held another important gathering, or possible parliament in Henry III's eyes, between 4 and 27 August 1258, where they discussed with the English delegation provisions for changing their government. While this was the last gathering noted within official English sources, Alexander is thought to have continued to seek the advice and support of his father-in-law, awaiting a response to these August proposals before finalising the changes to his government in September. All of this evidence supports the provision that Alexander III held a number of important gatherings across 1258, before a final meeting was called in September, where the English claimed a compromise council was established to rule the country until Alexander turned twenty-one, the details of which will be examined next. Yet, despite English references to these meetings as 'parliaments', Watt described them as a series of assemblies, with discussions held at an unnamed gathering at Jedburgh in September.<sup>54</sup> Certainly no Scottish sources remain for any of these meetings and as such, the terminology applied could have been English. Without Alexander's letters to which Henry replied, it is impossible to determine if these titles were used by the Scots themselves across 1258. However, the fact that Henry III used the term 'parliament' to describe these Scottish meetings highlights the fact that they were recognised as parliaments outwith Scotland. While no information remains regarding who attended these gatherings or their general

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<sup>53</sup> *CDS*, i, no. 2131, 2133; *CPR 1247-1258*, 645; *CCR 1256-1259*, 329. The second letter implied that the Scots had brought plans of governmental changes from Alexander, in that "he [Henry] greatly wonders at certain things which the Abbot of Dunfermelyn and William de Hay, lately come with letters of credence from the King of Scotland, have set forth on the latter's behalf".

<sup>54</sup> Watt, "Minority of Alexander III", 18.

size, what is known, the primary business discussed at each meeting, the assumption of certain political controls by Alexander III and the compromise which was established between the various political factions, was important or unusual enough to have justified the use of a series of expanded and influential meetings. These gatherings could have been referred to or thought of as effective parliaments, called and suspended across the year until all parties, including a full English delegation, were present to agree upon a resolution.

Among the chronicles only *Melrose* detailed the September gathering. This account suggested that the Scottish king met an English embassy which consisted of the “earl of Hereford, the earl of Albamarle, and John de Balliol” who attended “a lengthened conference, which lasted for nearly three weeks” held in September at Jedburgh to find a solution for the instability of the Scottish government.<sup>55</sup> Aside from stating that this meeting finally united the Scottish factions, *Melrose* provided no other information for the gathering. The only other evidence of this settlement can be found in two letters dated 6 November 1258, sent from Henry III to the Scottish council, and in the chronicle account of Matthew Paris.<sup>56</sup> The two letters from Henry III referred to ten men as the new counsellors of Scotland, which included a mix of representatives from both factions, with Alexander Comyn Earl of Buchan and William Earl of Mar listed alongside Alan Durward and Robert Menzies, as well as involving Marie de Coucy the queen dowager and her second husband, John of Acre.<sup>57</sup> This effective compromise council would support the idea that a large meeting was held later in the

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<sup>55</sup> *Chron. Melrose*, 92.

<sup>56</sup> Paris, *Chronica Majora*, v, 739-740; Anderson, *Scottish Annals*, 377-378.

<sup>57</sup> *CDS*, i, no. 2139, 2140; *CCR 1256-1259*, 461-462; Stones, *Anglo-Scottish Relations*, 35-37. For the likely timing of the queen dowager’s second marriage, see *CDS*, i, no. 2064, 2083; *CPR 1247-1258*, 499. *CCR 1256-1259*, 134.

year to settle the factionalism of the minority. However, these letters do not provide any other information regarding the business or attendance of this Jedburgh gathering, while doubt exists over the accuracy of this English report of the Scottish provisions for their government. Watt has suggested that this was an inaccurate attempt by the English to portray an extended minority after Alexander had already taken effective control of his kingdom. Suspicions over this compromise council are supported by the inclusion of the second husband of the queen dowager within the list of councillors, despite his return to France by February 1259 at the latest. One final detail from the English sources for this compromise council casts further doubt upon the accuracy of this account. These letters included an oath to be 'obtained' from the Scottish council which would have seen them promise to submit to continued subordination to England and the provision of aid and counsel whenever Henry asked. While the promise of mutual aid and council between two countries linked by marriage would probably have been acceptable to the Scots, the oath allowing continued subordination to England when their king was reaching adulthood and beginning to exert control over his kingdom seems impossible. There is no evidence that the Scots ever took such an oath, while its inclusion casts doubt over the accuracy of these sources.<sup>58</sup> The account given by the English chronicler, Matthew Paris substantiates the claims that the English asked the Scots to allow continued aid and council between the two countries. Paris stated that William de Horton, monk and treasurer of St Albans caused the Scottish king, queen and magnates to assemble for a parliament, during which he persuaded them, against their initial opposition, to accept that "the lord king of Scotland and the queen should

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<sup>58</sup> *CDS*, i, no. 2140; *CCR 1256-1259*, 461-462; Stones, *Anglo-Scottish Relations*, 35-37; Watt, "Minority of Alexander III", 18-20.

not omit to come into England to listen and discuss concerning these things which they urged emphatically were a difficult and private matter".<sup>59</sup> This places a final parliament on 25 November, well after the English letters had been sent to request the oath on 6 November. While this account would support the official English records, no evidence remains from within Scotland that another expanded meeting was held after the Jedburgh gathering in September. It is possible that Paris simply reflected the details given in the official English records, rather than identifying what actually occurred in Scotland in 1258. Although he highlighted the initial Scottish resistance to proposals that they should allow continued English aid and council, Paris also stated that further correspondence went between the two kings to settle the matter, for which no evidence survives. With no substantiating evidence for this account, and particularly as Stones noted that the letter of submission from the Scots was never enrolled, suggesting that it was never obtained by the English, the accuracy of these different English sources must remain questionable at least.<sup>60</sup>

The Scots seem to have held a number of important and expanded gatherings across 1258 which culminated at Jedburgh in September 1258, creating a resolution that marked a formal end to any significant level of English interference within Scottish politics, and to factionalism amongst the Scottish nobility. While the English were willing to refer to these 1258 meetings as parliaments, no similar titles are known to have been used by the Scots. Despite this, the discussions held across these gatherings would have concerned all of those who were or had been involved in the Scottish government throughout the minority. As such, it is possible that these meetings could

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<sup>59</sup> Paris, *Chronica Majora*, v, 739-740; Anderson, *Scottish Annals*, 377-378.

<sup>60</sup> Stones, *Anglo-Scottish Relations*, 36 n.3.

have stimulated wide attendances to discuss the important topic of settling the kingdom, which would have justified the identification of these meetings as parliaments by the English.

### Conclusions

Any analysis of this period is dependent upon a range of different sources which do not provide the standardised evidence which can be found for parliaments once they became established. Despite these limitations, what can be established is that there is little evidence to support the idea that the term 'parliament' was suddenly used prolifically in Scotland across this minority, only to decline again during Alexander III's adult reign. Instead, the minority appears to have followed previous governmental patterns in terms of actual, identifiable parliaments or *colloquia*. These titles were used infrequently, left little surviving evidence and generally discussed something which pertained to justice, even if that was not their primary purpose. However, the minority also saw several meetings which featured unusual, important business under a variety of titles, and often involved larger attendances where these can be identified. In all, this could suggest that the Scots already used the types of bodies which went on to become known as parliaments, but without any official or fixed terminology. The application of the term '*colloquia*' for Scottish meetings when England used 'parliament' might also indicate that the Scots were slower to organise or modernise their terminology. A substantial number of these meetings also appear to have been emergency gatherings, held for specific political business which arose and required immediate wider consent. These important topics seem to have been considered separately, rather than as part of an organised gathering which dealt with a variety of business at the same time. Large

meetings seem to have been held with increasing frequency across the minority, with twelve or thirteen expanded gatherings identifiable in the different surviving sources from this nine year period. This high number of larger gatherings used to maintain government resulted from the political turbulence which arose from the age of the monarch and the lack of provisions made for a minority rule within Scotland. While this political factionalism and uncertainty was enough to trigger an increased use of important or expanded gatherings, it does not appear to have been sufficient to force the Scots to define their meetings in terms of their terminology, attendance levels or the business which only expanded gatherings or 'parliaments' could discuss. As parliaments had become an established and frequent part of government under John Balliol, this would suggest that these meetings must have developed during the guardianship for Lady Margaret, Maid of Norway. Although the period after 1286 was upset by the age, physical absence from the kingdom and sex of Alexander's heir, the rule of six guardians was more stable and secure in comparison with that of the 1250s, given the provisions which were made both during the reign of Alexander III and by the magnates themselves in 1286.

#### Margaret and the Guardians (1286-1291)

The next period when the Scots were forced to govern without a resident adult king was between 1286 and 1292. This rule was initially for Margaret Maid of Norway, granddaughter and sole surviving heir of Alexander III, until her death in 1290. By 1284, the Scottish king's position was so strong that he could not only insist on the acceptance of an infant as heir to the throne but also a female, despite the existence of adult male alternatives in John Balliol and Robert Bruce, both descended from

daughters of David Earl of Huntingdon, younger brother of Malcolm IV and William I, although John's position in the succession fell behind that of his mother, Dearbhforghaill, until her death in 1290. Added to this was the fact that Margaret was supposedly a sickly child who lived in Norway and had never been to Scotland. Alexander III did not merely insist on Margaret as his chosen successor should he die without producing issue through his second wife, Yolande, but he also demanded pledges on it from his major nobility.<sup>61</sup> While such oaths were not unusual in Scotland, for example, William I made his nobility swear oaths to his chosen successors within various assemblies held at the end of the twelfth century, it is possible that Alexander III was trying to prevent a similar outcome to that in England after the death of Henry I.<sup>62</sup> Although the English had sworn an oath to uphold the succession of Henry's daughter, Matilda, this was overturned for the male alternative of Stephen after the king died. In terms of this guardianship, questions which arise include how the Scots coped politically after 1286 and then after the Maid's death in 1290. How far could the guardians act effectively as "king and council" for everyday business, and how frequently did they need to call expanded gatherings to seek widespread support for their decisions? Finally, what events from this period stimulated the change in the terminology used by the Scots to describe their governmental meetings, evident from 1293, and did this also affect the business or attendance levels at these meetings? What will be examined here is whether there were any major differences between the political bodies used to govern before Margaret's death and the evidence from the previous

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<sup>61</sup> Sir F. Palgrave, *Documents and Records Illustrating the History of Scotland and the transactions between the crowns of Scotland and England, preserved in Her Majesty's Exchequer* (London, 2 Vols., 1837), i, 42; A. Young, "Noble families and political factions in the reign of Alexander III" in N.H. Reid ed., *Scotland in the Reign of Alexander III, 1249-1286* (Edinburgh, 1990), 1-30, 22.

<sup>62</sup> *Scotichronicon*, iv, 411, 427; *Chronica Magistri Rogeri de Houedene*, ed. W. Stubbs (London, 4 Vols., 1870), iii, 298-299, 308; *Chron. Fordun*, ii, 271.

minority of Alexander III.

Although this was a more problematic guardianship in that the future monarch was a female, the Scots were at an advantage over their situation in 1249, as they had experience of dealing with a minority within living memory. There was also some provisions for a regency, established in 1260-61 for the birth of Alexander's first child in England, although these arrangements had been designed only to provide a means to retrieve the child and her mother from England should the king have died before their return.<sup>63</sup> These precautions provided a basis for establishing a smaller, more workable council than had been used previously. The plan, a council of six who were chosen to govern over everyday business, consisted of two bishops, two earls and two barons to represent the three elements of the political elite and was theoretically split evenly between north and south of the Forth.<sup>64</sup> This group was designed to consist of those who could govern on behalf of the entire political community and thus allow the country to avoid factionalism. What is important here was the manner used by this council to 'report back' to the remainder of political society. The majority of the information which survives detailed business which concerned the future of their queen and her marriage prospects.<sup>65</sup> This might suggest that there would have been considerable demand for regular large meetings, to ensure that the council's decisions were made with widespread consent, and that the political community were kept informed of the plans made regarding their monarch and thus their kingdom's future.

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<sup>63</sup> *CDS*, i, no. 2229; *CPR 1258-1266*, 128.

<sup>64</sup> *Chron. Fordun*, ii, 313; *Scotichronicon*, vi, 9; *Chron. Lanercost*, 43; *Scalacronica*, 5; Barrow, *Robert Bruce*, 15; Watt, "Minority of Alexander III", 21; Reid, "Kingless kingdom", 106.

<sup>65</sup> Twelve of the remaining seventy-five acts of government from this period dealt with business conducted with either England or Norway. While a few of these concerned justice or aid regarding England, the majority focussed on attempts to settle Margaret's move to Scotland and plans for her subsequent marriage. The remainder of the sources concerned the provision of general government, such as the payment of fees. For details of these charters, see *Handlist of Alexander III*.

### Terminology

The official Scottish records from this guardianship contain only two letters which were issued in Margaret's name on 17 March 1290. These were sent to the kings of England and Norway respectively regarding decisions made in a meeting held a few days earlier. Although the *APS* i list stated that these came from a parliament held at Birgham, neither of these letters specifically refer to themselves as the product of a meeting under this title. Instead the letters note Scottish approval for the proposed marriage of their queen to the future Edward II of England, and requested that King Eric II of Norway should send his daughter directly to England for the marriage.<sup>66</sup> Despite the exclusion of the term 'parliament' from these two sources, the first letter, issued to Edward I, provides some suggestions regarding the body it was issued from. The 107 witnesses listed for this decision provided their names at the beginning of the document rather than at the end, in a similar manner to those documents issued in 1253 and 1284. By issuing the letter collectively, a greater level of authority was gained for the policy than if it had been issued by the guardians and then simply accepted by the remainder of the political community. Various historians have acknowledged the March 1290 gathering as a parliament, including Joseph Stevenson.<sup>67</sup> While this Birgham meeting may effectively have been a parliament, as the letter featured important business and a huge attendance which will be examined later, it would appear that the Scots never used that terminology themselves. One piece of evidence remains which supports the idea that this was seen by some at the time as a parliament. Richardson and Sayles noted an

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<sup>66</sup> *Foedera*, i, 730, 731; *APS*, i, 70, 441-442.

<sup>67</sup> Stevenson, *Documents*, i, 129-131; W.C. Dickinson, G. Donaldson and I.A. Milne edd., *A Source Book of Scottish History, Volume one; from the earliest times to 1424*, 2<sup>nd</sup> edn (Edinburgh, 1958), 121-122. Although Stevenson gave this meeting the title of parliament, this title was not mentioned within the actual text.

English source which suggested that a delegation was sent north to attend this parliament. A loan of £6 13s 4d was made to “*Domino Willelmo de Bliburgo eunti ad parliamentum Scocie mense Februarii pro negociis Regis*”.<sup>68</sup> Although the Scottish sources did not call this meeting a parliament, that seems to have been how the English thought of it.

Evidence for the second gathering at Birgham in July 1290 suggests that this meeting was thought of as a form of parliament at the time. It is noted in *Foedera* that this was a *colloquium*, held to settle the marriage treaty with England.<sup>69</sup> Also, a letter sent from the mayor and commonality of Berwick to Edward I, regarding redress for injuries, referred to a “*parliamentum*” which had been held at Birgham. It has been suggested by Richardson and Sayles that the use of the more modern title was due to the fact that the people of Berwick appealed directly to the English king over complaints which his commissioners had refused to consider at Birgham.<sup>70</sup> As such, was it appropriate for the Scots to refer to the July body as a parliament, the modern term used in England, only when addressing Edward directly? Unfortunately there exists no detailed evidence of the body used by the Scots or why it suddenly became appropriate or necessary to change the terminology used to describe Scottish governmental meetings.

Although official sources are very limited for this first period of guardianship, the remaining chronicles include references to other parliaments which they claimed were held during this period. Both *Gesta Annalia II* and the *Scotichronicon* detailed the point when the six guardians were selected “by the clergy and estates of the whole

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<sup>68</sup> Richardson and Sayles, “Scottish Parliaments”, 302 *n.5*.

<sup>69</sup> *Foedera*, i, 736.

<sup>70</sup> Stevenson, *Documents*, i, 174-75; Richardson and Sayles, “Scottish Parliaments”, 302.

kingdom of Scotland, in a parliament held at Scone on the second day of April" 1286.<sup>71</sup>

Neither of the English chronicles, the contemporary *Lanercost* or the fourteenth century *Scalacronica*, mentioned that this provision was made within a parliament.<sup>72</sup> *Lanercost* did claim that Duncan Earl of Fife, one of the original six guardians, was "slaughtered on horseback by his own men and kinsfolk as he was travelling along the king's highway to Parliament". As this referred to his murder on 25 September 1288, this might suggest that parliaments were regular occurrences during this period.<sup>73</sup> The reliability of this evidence is enhanced when the authorship of this chronicle is examined. A.G. Little highlighted the fact that between 1280 and 1297, this chronicle was written by Friar Richard of Durham while he was based at Haddington and then most likely in either Berwick or Roxburgh.<sup>74</sup> As such, this chronicle is not merely contemporary to the events recorded, but was also written in Scotland, increasing the possible accuracy of the information which is provided. Although none of these chronicles mentioned either of the gatherings held at Birgham in 1290, their overall evidence suggests that the number of meetings referred to as 'parliaments' increased slightly during this period. Professor Duncan also suggested that parliaments held by these guardians were considerably more widespread than was previously believed. He

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<sup>71</sup> *Chron. Fordun*, ii, 313. The parliament is also mentioned in *Scotichronicon*, vi, 9. While both of these sources come from the fourteenth century, their information is thought to have been taken from a lost chronicle believed to have been written in St Andrews during the thirteenth century. It is therefore possible that these chroniclers took the terminology for this meeting in April 1286 from that contemporary text, rather than using the terminology which would have been applied to such meetings during later centuries. D. Broun, "A new look at *Gesta Annalia* attributed to John of Fordun" in B.E. Crawford ed., *Church, Chronicle and Learning in Medieval and Renaissance Scotland* (Edinburgh, 1999), 12-17.

<sup>72</sup> *Chron. Lanercost*, 43; *Scalacronica*, 5.

<sup>73</sup> *Chron. Lanercost*, 59.

<sup>74</sup> A.G. Little "The Authorship of the Lanercost Chronicle", *EHR*, 31 (April 1916), 269-279, 274; A.A.M. Duncan "Sources and Uses of the Chronicle of Melrose, 1165-1297" in S. Taylor ed., *Kings, Clerics and Chronicles in Scotland, 500-1297; essays in honour of Marjorie Ogilvie Anderson on the occasion of her ninetieth birthday* (Dublin, 2000), 146-185, 174-175.

noted a reference in a brief "whereby they [the guardians] ordered the attachment of parties *ad respondendum coram dictis custodibus in proximo colloquio*".<sup>75</sup> Duncan used this to support his supposition that the guardians could be found dispensing justice in frequently held *colloquia*. Parliaments seem to have been held substantially more frequently than the surviving official evidence suggests, and they concerned important general business as well as extraordinary events such as the marriage settlement for Lady Margaret. However, these additional accounts provide almost no details of the actual meetings themselves, with regard to who was involved in such important decisions, or why the use of the term parliament suddenly increased.

Evidence from 1286 to 1291 shows that everyday government was maintained despite the absence of an adult monarch. The guardians acted as a replacement for the king and his council, although their limited authority did constrain the number of issues which could be dealt with.<sup>76</sup> Larger meetings were still held to augment general government and to settle important issues such as the Scots' need to gain possession of their Lady, arrange her marriage and then deal with the succession crisis after her death in 1290. While there remain few official references to parliaments, when all of the evidence is collected together, the implication is that expanded gatherings were held throughout this period. Perhaps even more than during the previous minority, after 1286 the Scots needed to use collective government through larger meetings to maintain

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<sup>75</sup> Duncan, "Early Parliaments", 37.

<sup>76</sup> This limited authority was reflected in the business of surviving charters. Rather than being dominated by land grants, confirmations, or justice demands as during previous reigns, the guardians predominately dealt with the provision of wardships, possibly due to their lack of authority to make lasting decisions over land, and financial accounts. The latter records were likely maintained in such detail due to the complaints which surfaced during Alexander III's minority. The Durward faction, in power from 1255, accused the Comyn's of financial mismanagement during their years of government from 1252, a problem which these guardians would have wanted to avoid. Stones, *Anglo-Scottish Relations*, 31; Watt, "Minority of Alexander III", 12.

peace and stability as well as to decide on the future of their queen. Although provisions existed for a minority, these were complicated by the fact that their heir was female, ensuring that the Scots needed to take extreme care in terms of the marriage alliance they made for her and the consequences this had upon the long-term independence and government of their realm.

### Parliaments and Political Gatherings

Aside from any uncertain changes in terminology, were there any differences in the business, membership and overall functions of these larger gatherings to justify calling them parliaments and how far were these changes influenced by the surrounding events and circumstances?

### 1286

Various sources including the contemporary *Chronicle of Lanercost*, which was written in Scotland during this period, and some later chroniclers and historians recognized that the Scots selected six Guardians to rule on behalf of the entire political community during Margaret's minority, but few provided information concerning where or how this decision was reached. As previously noted, both the *Scotichronicon* and *Gesta Annalia II* stated that a parliament was held to determine a political settlement. What is perhaps a little curious is that Richardson and Sayles claimed that "we doubt whether this meeting was technically a parliament or was called so at the time".<sup>77</sup> Certainly, neither *Lanercost* nor the *Scotichronicon* used this terminology. The former stated that "the

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<sup>77</sup> *Chron. Fordun*, ii, 313; *Scotichronicon*, vi, 9; Richardson and Sayles, "Scottish Parliaments", 302 n.4. For the discussion of the membership of the Guardianship, see Reid, "Kingless kingdom", 106.

magnates of the realm of Scotland, adopting sound counsel for themselves, elected from the prelates as well as the nobles, Guardians of the Peace for the community". Although *Scalacronica* made less of the event, it also suggested that a large meeting was held involving the "lords of Scotland - prelates, earls, barons and the commons" who all saw trouble stemming from a disputed succession following the death of Alexander III.<sup>78</sup> While there is little to support the idea that this was actually thought of as a parliament at the time, this was an unusual gathering. Given that Alexander III died on 19 March 1286, the timing of this gathering at the beginning of April would appear appropriate. The Scots would have needed to make a quick political settlement before any dissent was able to build, particularly as the succession itself was not secure until it was clear that Yolande would not produce an heir. Given the problems which had plagued Alexander III's minority, the Scottish political community would have sought not merely a speedy agreement, but also an encompassing one, to ensure the continued stability and peace of their kingdom. In order for these provisions to have maintained peace, the arrangement would have needed the support of as many of the political elite as possible. Dr Reid suggested that the Bruce uprisings which marred this period were due to his exclusion from the government settlement of 1286, rather than from his opposition to Margaret's succession.<sup>79</sup> All of the chronicle accounts highlight the expanded attendance at this meeting. *Gesta Annalia II* emphasizes that this gathering included "the clergy and the estates of the whole kingdom", while the *Scalacronica* covered the prelates, earls, barons and the commons. The idea that any settlement could have been undertaken, even with the provisions of 1260-61, without such collective

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<sup>78</sup> *Chron. Lanercost*, 43; *Scalacronica*, 5.

<sup>79</sup> Reid, 'Political Role of the Monarchy', 55-57.

consent appears unlikely, particularly as the use of large gatherings had increased towards the end of the previous minority, and that so many of the political community had been involved in the succession oath for Margaret in 1284. The groups involved in this meeting and the business it discussed suggests that the guardians were selected within an expanded gathering, an effective parliament whether called as such at the time, and by a broad cross-section of the political community. This appears to have been the first attempt by the Scots to take a decisive step in deliberate collective responsibility for the government of their realm and the defence of their kingdom in the absence of an adult, male monarch.

#### Birgham March 1290

The first of the Birgham meetings of 1290 was held in March to ratify the Treaty of Salisbury which had been made with England on 14 March 1289. While this has generally been viewed as a parliament, it was never referred to as such in either of the two surviving letters. Yet the business which was discussed would have required an important meeting. The Treaty of Salisbury had been negotiated by commissioners from Scotland, England and Norway and concerned Margaret's transport from Norway to England. She was designed to remain in England "free and quit of all contract of marriage and espousal" until Scotland was at peace and Margaret's security there could be guaranteed following the Bruce uprisings in the south-west. Birgham's March meeting saw the ratification of this treaty by the political elite of Scotland in order to provide fuller consent and authority for the policy. However, this gathering took on an even greater importance in that, having acknowledged what was originally negotiated, the Scots went on to amend the settlement, so that rather than have Margaret ultimately

travel to Scotland, she was instead to be sent directly to England to marry Edward I's heir.<sup>80</sup> Such a decision, to marry their queen into the English monarchy and thus unite the two countries, could not have been made by a mere council without wider consent from the political classes. In addition to the important business discussed, the size of the gathering and the structure of the document which remains also indicates that this was an unusual body. The first letter, written for Edward I, includes a witness list of 107 names, the largest known assembly held in Scotland before 1469. It is impossible to know for sure how many of these men actually attended the entire meeting, or how involved they were in the discussions. However, the fact that they were prepared to add their names to this letter demonstrates that they supported or at least accepted the marriage alliance this proposed. As such, what information do these names provide? 107 massively outnumbers any previous record and many later ones, with the thirty-eight names given in 1284 not even surpassing some 'normal' charter witness lists. Birgham was a huge meeting, comprised of twelve bishops, twelve earls, twenty-three abbots, eleven priors and forty-nine barons. The names of the guardians were provided at the beginning, slightly separated from the rest of the list given their position at the fore of the governing community. As Barrow noted, the sheer size of Birgham "meant that this had been able to rally support from the bishops and earls and a thoroughly representative body of barons and religious houses". When these names are carefully examined, this is clearly accurate. Although many of the abbots, priors and lesser barons are harder to place, forty-nine of these 107 men can be found acting as auditors for the

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<sup>80</sup> *APS*, i, 441-442; Stevenson, *Documents*, i, 129-131; Dickinson, Donaldson, Milne, *Source Book*, i, 121-123.

Great Cause in 1292, with nineteen for Bruce and thirty for Balliol.<sup>81</sup> The only obvious, major absentee is John Balliol himself, as both Bruce the competitor and his son, the earl of Carrick, were present. It is interesting to note that the majority of these men were lesser figures; abbots, priors and some of the barons, and it would have been helpful, had more evidence survived, to determine how much influence these people actually held over the decision, particularly if their views had clashed with those of the bishops, the earls or the more prominent barons. In addition to the sheer size of this gathering, the 107 names are all listed within the opening clause of the record, presenting the letter as having being produced by the entire body, rather than decided by the few names given at the beginning and simply agreed to by the remainder, who added their names at the end. The extra authority of having been agreed to and issued collectively would have been appropriate, given the nature of the business being decided and the lack of royal authority to issue such a decision.<sup>82</sup> The second letter issued from this March meeting which was sent to the Norwegian king did not provide the same extensive list of names. However, it did continue this theory of being the product of a meeting which had involved the wider political factions, in that it listed the names of the remaining guardians and claimed that they acted on behalf of “*tote la comune de meyme*”.<sup>83</sup>

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<sup>81</sup> Barrow, *Robert Bruce*, 27-28; Stevenson, *Documents*, i, 129-131; E.L.G. Stones and G.G. Simpson, *Edward I and the Throne of Scotland 1290-1296: An edition of the record sources for the Great Cause, Volume II, Texts* (Oxford, 1978), 82-85. Possibly the only comparable evidence of such a large meeting was the Treaty of York, signed between Alexander II and Henry III in 1237. *CDS*, i, no. 1358; *Foedera*, i, 233-234; *CPR 1232-1247*, 203. This contained a witness list of fifty-six names, including one archbishop, five bishops and sixteen earls, of whom one bishop and nine of the earls were Scottish, but this did not include any abbots or priors, with the witness list dominated by the laity. The different composition of this list could reflect the nature of the business discussed. The letter in 1290 included Scots from all major ranks to highlight full support for the proposed marriage alliance, while the 1237 Treaty involved the elite laity and ecclesiastics from both countries who consented to a decision made between two adult monarchs.

<sup>82</sup> *APS*, i, 442.

<sup>83</sup> *Ibid*, 442.

Birgham July 1290

The second gathering held at Birgham in July 1290 formulated the treaty which settled the marriage contract with England and established safeguards to protect the independence of the Scottish kingdom. Unlike the previous meeting, the sources which survive from this assembly do not list the Scots who ratified these decisions. Instead, what survives is the treaty itself and a letter from Edward I, in which he promised to abide by the provisions which had been established. In his letter, Edward noted the names of his commissioners, who went to the negotiations having been instructed to “concede and grant certain things to the guardians, bishops, abbots, earls and barons, and all the community” of Scotland, as well as the members of the Scottish embassy, who were to negotiate for the “high personages and the community of Scotland”. These Scottish commissioners included two of the guardians, Robert Bishop of Glasgow and John Comyn, along with Alan Bishop of Caithness.<sup>84</sup> There was no mention that this treaty was ratified by the wider political community as Salisbury had been at the March meeting, although this must surely have occurred. While the Scottish embassy would have received explicit instructions before going into these negotiations, the Scots must have ratified the final settlement to ensure that their embassy had retained adequate safeguards and had not agreed to anything the wider community regretted. Given that the political system for this minority was based around a small group of men whose rule was then reinforced, the idea that this did not happen for a treaty which formalised the marriage of their Lady, established union with England, and created safeguards for the political structure of Scotland, seems highly irregular. This would appear even more unlikely given that the treaty itself provides some of the best evidence to suggest that

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<sup>84</sup> Stevenson, *Documents*, i, 163.

parliaments were used frequently within Scottish government, and that these meetings formed the focus of the Scottish political system which was to be protected after this union. Two of the main sections of this treaty stated that “No-one of the realm of Scotland by reason of any contract entered into or any offence committed in that realm, or in any case, shall be obliged to answer for this outwith the same realm” and that “parliament shall not be held outwith the realm of Scotland or its marches to deal with those matters which concern that realm or its marches, or to deal with the status of the inhabitants within that realm.”<sup>85</sup> If Richardson and Sayles were correct in stating that justice was the prime function of parliament, then these two clauses would suggest that the maintenance of both were considered crucial by the political community to protect Scottish independence. What can be taken from this source is that “*parliamentum*” were thought of as crucial enough to form an important clause in this treaty for the maintenance of Scotland as it stood before the intended marriage.<sup>86</sup> Hence, while the Scots may not have specifically called their governmental bodies parliaments or *colloquia* with any regularity, their use of the term in this treaty suggests that this assembly was already effectively used under different titles to maintain authority within Scotland.

It appears that the Scots cared little for the terminology which was applied to their governmental meetings, but that the bodies they used were ‘parliaments’ to all intents and purposes. The political community were more concerned with who was involved in the decision-making process and what was discussed, than with the titles given to their meetings. The Scots only seem to have defined these meetings when

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<sup>85</sup> Stevenson, *Documents*, i, 162-173; Barrow, “Kingdom in Crisis”, 137-141.

<sup>86</sup> Stevenson, *Documents*, i, 170.

forced to do so through their increasingly close relationship with the English; whether through the planned marriage for Margaret or through overlordship after 1291. In England, the Scots found themselves dealing with a much more defined, centralised system. In order to defend themselves from incorporation into their larger and more powerful neighbour, they were forced to define their own existing institutions to prevent them being submerged by their established counterparts in the south. Numerous Scots who were involved in this process would also have had knowledge of the English system of government. Many held lands in England and as such would have been required to attend the English parliament. They would have recognised any differences or similarities between the two methods of government, which would have enabled them to clarify their own when necessary. If, particularly in the Treaty of Birgham, the Scots were defining their own methods of government negatively, to prevent Scottish landowners from being called to an English parliament to discuss Scottish affairs, this would likely only have been possible because they already had their own established custom of holding assemblies to give consent in Scotland, effectively a parliament without any defined terminology, which could not have been superceded by another body outwith the country. It would appear that the Scots saw no difference between a large gathering, a parliament and a *colloquium*. They were all extraordinary meetings with larger attendances which dealt with unusual or more important business than normal.

If this is true, why did these events not happen after Alexander II's death in 1249, and why did the Scots retain this terminology once John Balliol was crowned in 1292? Alexander III's minority saw very different circumstances in the Scots relationship with Henry III, while his influence over Scottish affairs between 1249 and

1258 was not as encompassing as the planned union in 1290. Added to this was the fact that until the events of 1258, the role of parliament in England was less pronounced, ensuring that Henry III would not have felt the need to clarify the governmental position within Scotland. The change of circumstances in England were reflected in the sudden expansion of references to Scottish parliaments in English sources from 1258. However, the weakened nature of Henry III's authority within his own kingdom after this point would have ensured that he was unable to influence Scottish terminology as Edward I was able to. With regards the rule of John Balliol, the maintenance of these changes to the Scottish gatherings could be attributed to a variety of reasons. If this was merely a terminology change and as many Scots would have been familiar with English parliaments, the term would not have been particularly alien to most in 1290. After two years of the 'new' terminology being used during the Great Cause, those who had found the terms strange would have become accustomed to the change, which would also have been maintained due to the continued overlordship of Edward I during John's reign.

#### Perth October 1290

Evidence remains for one further large gathering held at Perth in October 1290, which was never given a title. Bishop William Fraser's letter to Edward I of 7 October 1290 is best known for informing the English king of the likelihood of the death of Lady Margaret and that Edward should treat with John Balliol if he should have the opportunity. What is important here is the additional information provided within this letter of another expanded assembly. Fraser noted that

As it was ordered lately in your presence, your ambassadors and the ambassadors of Scotland who had been sent to you and also some other nobles of the kingdom of Scotland met at Perth on the Sunday next after the feast of Saint Michael the Archangel to hear your answer upon those things which were

asked.

Having heard Edward's replies, Fraser said that men were sent to Norway to bring their Lady across to Scotland. After noting her possible death, the Bishop went on to state that

Sir Robert of Brus who before did not intend to come to the foresaid meeting, came with a great power to confer with some who were there. But what he intends to do or how to act, as yet we know not. But the Earls of Mar and Atholl are collecting their army. And some other nobles of the land are drawing their party and on that account there is fear of a general war ... My lords the Bishop of Durham, Earl of Warenne and I ... have agreed amongst ourselves to remain about Perth, until we have certain news by the knights who are sent to Orkney, what is the condition of our Lady.<sup>87</sup>

The implication from Fraser's letter is that a number of Scots had met along with Edward's ambassadors in order to finalise preparations for lady Margaret's transport. These men then appear to have remained at Perth, and were joined by many more Scots, some with their armies, once the rumours of their Lady's death became known. All concerned then decided to remain in Perth until the situation became clearer and could be resolved. In all, while Perth may not have begun as an expanded gathering for important business, it appears to have developed into a large, emergency meeting to discuss the situation facing Scotland with the death of Lady Margaret.

### Conclusions

These two phases marked the beginning of recurring minorities or absences of adult kings in Scotland which would last until the monarchical union with England in 1603. In turn, these periods greatly influenced the development and practices of Scottish kingship, royal authority and government as a whole, including the uses and influences

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<sup>87</sup> *Facsimilies of National Manuscripts of Scotland, selected under the direction of Sir William Gibson-Craig, Bart Lord Clerk Register of Scotland* (Southampton, 3 Vols., 1867-1872), i, lxx.

of parliaments. In England, the development of parliament was stimulated by a response from the political community to problematic or over powerful kings, whom they sought to constrain through parliaments. However, this was not a problem yet faced by the Scots. Scottish kings did not rule with either the centralised political system or the outright authority of English kings which could cause such a rift with their leading nobility. Instead, parliaments were stimulated by different political problems, namely repeated absences of adult monarchs and the resultant needs of the political community to develop methods to rule alone. However, as has been demonstrated here, the absence of an adult king was not sufficient to stimulate this change in terminology. Alexander II's death in 1249 left the country facing a lengthy minority for his son, and led to considerable factionalism and various large assemblies used to maintain government and deal with those major problems which arose. However, these meetings do not appear to have developed different terms or overall definitions in order to clarify their role within Scottish government. It was not until the first period of guardianship following the death of Alexander III in 1286, that these expanded gatherings developed any lasting change in terminology. This was prompted by the ongoing crisis over the royal succession and, importantly, by external stimulation from the influence of Edward I as the prospective father-in-law for Margaret, and then as the demanding overlord. Yet even with this period of change and development, alterations to Scottish government were limited to the cosmetic. The protective measures stated within the Treaty of Birgham gave no suggestion that to prevent Scots being called to an English parliament the political community had to establish a new institution. Rather, the declaration was that 'parliaments' already existed within Scotland under a variety of terms and thus there was no need for these provisions to be made elsewhere. From this it could be

determined that the large meetings held with increasing frequency across such periods to deal with different, important business, formed parliaments in Scotland under varying titles. As such, the stimuli of royal crises and external pressure led the Scots to define an already existing body in 1290, rather than to suddenly develop a new institution for government.

## 2. English Influences, 1249-1306.

While a substantial amount of this thesis concentrates on how the Scottish parliament developed due to the effects of internal political events, it must also be acknowledged that neither the institution nor the Scottish kingdom developed in isolation. A considerable amount of modern research can, often justifiably, be accused of having ignored Scotland's wider position within Western Europe. Instead, these accounts have overwhelmingly concentrated on comparisons with her southern neighbour. While Scotland had close links to France and the Low Countries, or had considerably more in common with kingdoms such as Norway, it is the interaction with England which has stimulated most research. Unfortunately this chapter will be no different. It will not seek to compare the developing institutions of the two countries, a pointless task, given the divergent political procedures of each kingdom, or the rates of development of their respective parliaments. Nor will this chapter examine some of the broader English influences or interferences within Scottish politics across this period, of which numerous examples survive.<sup>1</sup> Instead, the focus will be to examine how far English political development and Scotland's close relationship with her southern neighbour, influenced the emerging Scottish parliament. Several constraints exist for this, including those inherent within the remaining evidence, and that many aspects of English influence over this period have already been or will be discussed from a Scottish viewpoint within other chapters. As such, much of this section will focus on the

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<sup>1</sup> These included the appointment of John Halton Bishop of Carlisle to collect Scottish Papal taxes in 1291. As this did not occur within parliament or exert any influence over the institution, such appeals will not be examined in any detail across this chapter. *Scalacronica*, 6; Stevenson, *Documents*, i, 111-113; Barrow, "Kingdom in Crisis", 137-141; Young, *The Comyns*, 104; Barrow, *Scotland and Its Neighbours*, 34-35.

particular influence of Edward I upon Scottish parliaments.

Before examining the effect of such influences on the development of the Scottish parliament, it is worthwhile examining the growth and uses of parliament in England across the same period. It is striking to note how similar the position of the fledgling English parliament was to her northern counterpart during the first half of the thirteenth century. Both countries appear to have operated similar, loosely defined systems of government. Carpenter noted that

When the word [parliament] first appears in England in the 1230s and 1240s, it was, up to a point, simply a new word for an old institution. From the earliest times, the kings of England had always assembled their great men to discuss the affairs of the realm. Under the Norman and Angevin kings such gatherings had been called ‘councils’ or ‘great councils’ and under the Anglo-Saxon kings they had been called ‘witanas’.<sup>2</sup>

Both countries appear to have continued, even once parliaments had begun to be established, to use a consultative body with no set terminology for their governing. Like the Scots, in England the term ‘parliament’ simply replaced ‘great council’ to describe a body which dealt with administration and the law. While the English kings had remained Dukes of Normandy and spent considerable periods of time outwith their kingdom, rule in England had surrounded a justiciar and his exchequer court, predominantly held at Westminster. However, the loss of Normandy in 1204 ensured that this court was repressed (to the dismay of the king’s subjects who had it reinstated in 1215) and replaced by a *curia regis*; the king’s council or great council. This held the king’s ministers at the core, with bishops and barons attending when it was either convenient or necessary. Sayles noted that this “existed day to day to deal with the routine matters of government”, and at various points the membership was augmented

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<sup>2</sup> Carpenter, *Henry III*, 382-383.

for the discussion of serious business and to reach important decisions. He also stated that by 1236, this great council was called a parliament and that these meetings contained many features of Edwardian parliaments over legislation, taxation and judicial concerns. Interestingly, Sayles declared that

before 1258, though the name of parliament is more and more freely given to assemblies of this kind, we cannot draw a clear distinction between them and other afforded meetings of the council. That distinction can be seen only when parliament is made a recognised and organised part of the machinery of government.<sup>3</sup>

The first 'official' English parliament was held in January 1237, having been summoned the previous November. However this body did not become a fixed, central element of government until after the Provisions of Oxford (June 1258) and Henry III's conflicts with Simon de Montfort during the 1260s. As such, while Henry has frequently been credited by historians such as Richardson and Sayles as having greatly influenced the holding of parliaments in Scotland throughout the minority of Alexander III, this would appear less likely given that the institution had not yet developed into a major force within England by this point.<sup>4</sup> Parliamentary development during the reign of Henry III splits conveniently into three separate stages. These begin with the period before the major political crises and subsequent reforms from 1258 onwards, followed by the changes attempted by the barons between 1258 and 1265, and concludes with the latter years of Henry's reign, looking at whether these developments had any lasting influence over the methods deployed to govern England. Each phase will be examined in turn, before going on to the reign of Edward I, to determine the rate and extent of

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<sup>3</sup> G.O. Sayles, *The Functions of the Medieval Parliament of England* (London, 1987), 6-15.

<sup>4</sup> Carpenter, *Henry III*, p 382. Carpenter described this as the first 'official' parliament because it appeared within a government record; the rolls of the court of the king's bench. H.G. Richardson and G.O. Sayles, "The Earliest Known Official Use of the Term 'Parliament'" in H.G. Richardson and G.O. Sayles ed., *The English Parliament in the Middle Ages* (London, 1981), 747-750.

parliamentary development in England across this period.

### Parliaments under Henry III (1216-1272)

#### 1216-1258: Early Parliaments

During the period before the baronial reforms which dominate accounts of Henry III's reign, parliaments did exist and were occasionally used for the government of England. However, according to Treharne, parliament was still a developing body, not yet an institution with fixed terminology or business. Meetings were frequently referred to under different titles even within the same document, while the business discussed was rarely exclusive to parliament. Indeed, many items were only brought before parliaments because it was convenient to do so.<sup>5</sup> The introduction of the new terminology into England during the 1240s can be found from chroniclers such as Matthew Paris, clerks, magnates and even the king. According to Treharne, such men saw the term parliament as "a useful means of distinguishing specially expanded gatherings of the *curia regis* or the *magnum concilium*, to which the king had summoned unusually large numbers of magnates to transact important business",<sup>6</sup> and that old words of "council", *'conseil'*, or *'concilium'* no longer adequately represented

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<sup>5</sup> Richardson and Sayles noted that parliamentary business was the same as council business, as both answered petitions and discussed issues which concerned war, legislation or taxation. Treharne suggested that it was premature to suggest that there were any set 'functions' of parliament. These varied greatly, covering judicial business and fiscal concerns, as well as receiving envoys, negotiating treaties and discussing papal demands amongst other issues. R.F. Treharne, "The Nature of Parliament in the Reign of Henry III", *EHR*, lxxiv (October 1959), 590-610, 601-602; H.G. Richardson and G.O. Sayles, *Parliaments and Great Councils in Medieval England* (London, 1961), 45-46.

<sup>6</sup> Treharne, "Nature of Parliament", 590-592. Treharne suggested that those meetings which became known as 'parliaments' under Henry III were thought of as different meetings, and could not be adequately described by the old terms. "A new word is being used, if not for a totally new thing, then at least for a new way of looking at something familiar". Treharne also believed that by examining what the different factions thought of as parliaments, it would be possible to distinguish between the old and new institutions more easily.

the meeting which was being discussed. F. Thompson provided a very broad description of parliaments, stating that it was “aristocratic, *feudal* - an assembly of the king’s tenants-in-chief, meeting at intervals, perhaps two or three times a year, to advise, sometimes indeed to control or coerce, their lord the king in great matters”. Parliaments were major events, unusual from the everyday government which surrounded the king’s council. They also discussed a wide range of business, including legislation, administration, and especially justice, formulating or changing laws and hearing trials on important matters such as treason or felony.<sup>7</sup> Richardson and Sayles noted that they had found “scores of examples from the thirteenth century which seem to show that men understood exactly what parliament was and knew precisely where and when parliaments were held”. Unlike other historians, such as Treharne or Stubbs, they did not believe that a failure to declare meetings as parliaments in *briefes of summons* ensured that the meeting was in no way parliamentary.<sup>8</sup> However, there were signs of parliamentary development before the baronial reforms of 1258. A. Marongiu stated that the summoning of wider representation, which did not become fixed until the latter years of Edward II’s reign, can be found much earlier than the 1260s. King John is thought to have included representatives of the knights in a meeting in 1213, as did Henry III in 1231 and 1254, before his baronial problems surfaced.<sup>9</sup> As such, the

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<sup>7</sup> F. Thompson, *A Short History of Parliament, 1295-1642* (Minnesota, 1953), 3. Thompson differentiated parliaments from *curia regis* by stating that the latter was simply a group of household servants and public officials who remained with the king at all times and aided him in the everyday business of government, rather than the more important or unusual business which came before the larger gathering of parliament, or “great council”.

<sup>8</sup> Richardson and Sayles, *Parliaments and Great Councils*, 2. They stated that Henry III specified in 1260 that English parliaments were to be a place where justice was administered and laws could be amended or created. They also suggested that even when the terminology was not used consistently for all parliamentary meetings, men would have known which gatherings were parliaments without the need to record such information directly. Parliament seemed to have been an easily recognisable institution, set apart from other courts.

<sup>9</sup> A. Marongiu, *Medieval Parliaments: A Comparative Study*, translation taken from the Italian and adapted by S.J. Woolf (London, 1968), 89.

expansion of parliamentary representation by Simon de Montfort during the 1260s was not a new practice; he merely made such representation more regular or expected, along with his attempts to formalize the business and frequency of meetings and to allow the king less flexibility and control over calling parliaments.

Parliament did exist within England before 1258, but remained an irregular feature of government which lacked a definite structure of attendance, summons or business which parliaments should discuss. While certain aspects of the institution such as attendance had been expanding gradually, parliaments required a major stimulus to speed up the process, and this was found in the baronial reform movement. However, it is clear that by 1249 and the death of Alexander II of Scotland, Henry III did not yet use parliaments exclusively for the important business of English government. As such, there appears no reason to expect that he would have used parliaments in such a manner in Scotland across the minority of Alexander III.

### 1258-1265 Baronial Reform

The area of parliamentary development which has stimulated the most research is the baronial revolts against Henry III from 1258 to 1265, and their impact on English governmental structures. Treharne stated that because the magnates did not trust Henry III over arrangements for parliament, they decided to regulate matters themselves, formalizing membership, functions and meeting times. He also suggested that the aims of the barons were very specific. Parliament was

to be the systemized and organic form of the constitution between the king and the *communitas* always implied in feudal custom, but now made explicit....to ensure that this consultation should be regular and frequent, that it should no longer be left to the king's whim to decide when and whom he should consult, and that the consultation should be completely effective in controlling royal policy in all matters of public interest.

For Simon de Montfort, the Oxford provisions established parliament with an entirely separate existence and authority from that of the king, with its own heavy responsibilities.<sup>10</sup> This use of parliament independently from the king can also be found within the Scottish system after the death of Alexander III. Equally, the desires of the English to clarify an implied constitutional situation in 1258 could be compared to the Scottish attempts to define and clarify their governmental structures in the Treaty of Birgham (1290), although the Scots acted in the absence of a monarch to prevent their institutions being submerged into those of England after union, attempting to limit an over-powerful Edward I, rather than to limit their own king.

The Provisions of Oxford stated that parliament should meet at least three times each year on set dates and should always be attended by certain groups who would represent the *communitas* of the realm. Carpenter noted that the occasional attendance of knights at earlier parliaments did not lead to any feeling that a fixed, fuller representation was necessary. Instead two small groups were established to attend each parliament so that the magnates would be spared the expense of attending frequent meetings. Firstly, parliament was

to be attended, without summons, by the king's fifteen elected councillors (with provision for emergency meetings by special summons), 'to review the state of the realm and to deal with the common threads of both the realm and the king'.

The political community were also to be represented by twelve other elected magnates who had the "power to pledge the assent of the whole *communitas* to whatever the fifteen and the twelve should jointly decide 'concerning the needs of the king and of the realm'".<sup>11</sup> Both of these groups were to be chosen by the political community, rather

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<sup>10</sup> Treharne, "Nature of Parliament", 604, 608-609.

<sup>11</sup> Treharne, "Nature of Parliament", 602-604; Carpenter, *Henry III*, 392.

than by the crown. Unless required by the king and the defence of the realm, weapons, armour and horses were not to be brought to parliament. For the governing of the kingdom between meetings of parliament, the king was to be attended by “two or three ‘*mesne gent*’ of the council” who were to be replaced at each parliament, giving the meeting some control over government even while parliament was not in session. If these men were unable to cope with any unusual business which arose between parliamentary meetings, they were to summon a “special session of the full council to deal with it”.<sup>12</sup> However, as Richardson and Sayles noted, the Provisions of Oxford did not provide any information concerning the specific business which was to be exclusive to parliaments. They said only that the “king’s “elected councillors” should be present “to survey the state of the realm and to discuss the common interests of the king and the kingdom””. It was not until 1260 that the business of parliament, particularly that of justice, was more closely defined.<sup>13</sup> Overall, Oxford saw the instigation of legal, procedural and administrative reforms designed to establish parliament as a defined, structured meeting which was no longer under the complete control of the monarch. That these reforms were devised within a parliament shows that this was already the place for agreeing and initiating legislation, even when it concerned parliaments themselves.

Several factors point to how important parliament was to both Henry III and the rebellious barons by 1260. Writing from France in January and February 1260, Henry attempted to forbid the holding of a parliament in England in his absence, despite the Provisions of Oxford. Treharne suggested that the king would not have been so insistent

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<sup>12</sup> Treharne, “Nature of Parliament”, 602-3.

<sup>13</sup> Richardson and Sayles, *Parliaments and Great Councils*, 1-2.

or so concerned had parliament equated to

nothing more than a routine session of the exchequer or of the law courts...nor would he have tried to convict Simon de Montfort of treason on a charge of having defied the royal prohibition by attempting to hold a parliament in Henry's absence.

Henry III stated that, while parliament could not be held without the king, his justiciar, Hugh Bigod, should continue to provide justice to the realm. Richardson and Sayles suggest that the provision of justice, a key duty of the monarch, was easier within regular parliaments.<sup>14</sup> The great importance both parties placed on parliament is also evident from the fact that they called rival parliaments across the five years of baronial revolts, suggesting that each saw the meeting as adding legitimacy to their position. As early as 1261, de Montfort summoned knights to a parliament at St Albans, while the king held his parliament at Windsor.<sup>15</sup> The English situation across this period bears a remarkable resemblance to Scotland after the deposition of John Balliol in 1296. Both Edward I and the diverse Scottish guardians held a variety of parliaments within or for the country with the aim of maintaining an administration and therefore control, and to seek legitimacy for their claim to authority over the country. The two most important parliaments of this period in England were held towards the end of the civil war. After defeating Henry III at the battle of Lewes in May 1264, de Montfort summoned four knights from every county, who would be “chosen by the assent of the county court” to attend his parliament in London. Carpenter noted that this was innovative because “it was the first occasion in which all the characteristics of the later parliamentary summons appears: the knights were representatives of their counties; they were coming

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<sup>14</sup> Treharne, “Nature of Parliament”, 603-4; Richardson and Sayles, *Parliaments and Great Councils*, 10.

<sup>15</sup> Richardson and Sayles, *Parliaments and Great Councils*, 10; Thompson, *Short History*, 9.

to a parliament; and their brief was general not specific". This was followed, in December 1264, by an expanded summons, where every town was to send two knights and two burgesses to a parliament which ran from January to March 1265. Treharne noted that these summons also highlighted the business and purposes of parliament. The three examples he provided included the summons to Peter of Savy at Pevensey and Hugh Bigod at Bosham amongst others "to come before us and our council in our next parliament at London on 1 June (1265) to do and receive justice".<sup>16</sup> As such, parliaments under de Montfort were held regularly, included a much wider representation of the English political community and dealt with major business, such as justice. Yet, while these were vital changes, their importance lay in whether or not such control, taken from an unwilling monarch, could be maintained.

#### 1265-72: Monarchical Control Resumed

The changes created by the baronial reforms did not lead to an immediate, lasting change in the organization of parliaments in England. The defeat of de Montfort at Evesham in 1265 allowed parliamentary meetings to return to the complete control of the king, with no independent authority of their own. The final seven years of Henry III's reign highlight, through the chancery records, that the king's old views were re-established. Parliament was still used to transact important public business in consultation with the important men of the realm, but this was to be done once more at the complete discretion of the king. After the term parliament had appeared forty-three times within letters patent and letters close between 1258 and 1265, the title only appeared five times in the chancery rolls across the remaining seven years of this

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<sup>16</sup> Carpenter, *Henry III*, 393; Treharne, "Nature of Parliament", 606.

reign.<sup>17</sup> However, the baronial reforms did stimulate some lasting changes. Parliaments were called with greater frequency than before, if not with the exact regularity required at Oxford. They also often included wider representation, although without any consistency until the end of Edward II's reign. One of the major influences for parliament and its attendances was that from the 1260s, no general taxation was granted without consultation within parliament. This change stemmed partially from the fact that the Magna Carta (1215) had stated that general taxation could only be granted by the "common counsel" of the realm, while the events of 1258 to 1265 had determined that this counsel could only come through frequently held parliaments.<sup>18</sup> With around sixteen meetings called between 1265 and 1272, parliaments were still important to the English king, despite Henry's reaction to the preceding events. As Treharne noted, the ideas behind the baronial revolts had been brought to the attention of the English political community under de Montfort, and thus a complete return to the previous situation was impossible. It was under Edward I that the barons' aims came to fruition.<sup>19</sup>

#### Parliaments under Edward I (1272-1306)

Unlike his father, Edward I's influence over parliament cannot be so easily divided into phases. However, it is to Edward that much of the substantial and lasting development of parliament is generally attributed. He was the king who Stubbs said held the 'Model Parliament' in 1295. Yet, as Richardson and Sayles highlighted, both Edward I and his son remained under "no restriction of the name of parliament to assemblies in which

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<sup>17</sup> Treharne, "Nature of Parliament", 597, 607-609.

<sup>18</sup> Carpenter, *Henry III*, 396-397.

<sup>19</sup> Richardson and Sayles, *Parliaments and Great Councils*, 35-36; Treharne, "Nature of Parliament", 610.

they [representatives] were present”<sup>20</sup> It seems as though, as Prestwich stated,

the term ‘council’ was not used with great precision in Edward’s day, for it was also applied to much larger gatherings in which the king met with his nobles and others. Some of these meetings, but not all, were termed parliaments.<sup>21</sup>

Although the terminology remained undefined, much of the business of parliament was clarified under Edward I. Justice, thought by Richardson and Sayles to have always been a major aspect of parliaments, was “a primary feature of parliament’s activities” by 1300, according to Carpenter. The changes which Edward initiated within the English judicial system ended the previous use of a single justiciar who toured the country to provide accessible justice for the population. Edward replaced this practice with an invitation from the outset of his reign that all subjects could present petitions to parliament. With sixty-one petitions recorded at the 1278 parliament alone, Edward was eventually forced to share the burden of petitioning with other bodies, ensuring that parliament saw only the most important matters which could not be considered elsewhere. It is viewed that in doing this, Edward was reacting to the lasting complaint issued against Henry III about the increasing grievances which could not be solved without redress from central government.<sup>22</sup>

Other examples of the business of parliament include the discussion of great affairs of state, such as dangers to the realm, and particularly foreign affairs. Legislation had also become an important aspect of parliamentary business under Edward I, along with discussions of war plans and military service, or marriage proposals for the royal

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<sup>20</sup> Richardson and Sayles, *Parliaments and Great Councils*, 7-9.

<sup>21</sup> M. Prestwich, *Edward I* (London, 1988), 440.

<sup>22</sup> Carpenter, *Henry III*, 384-385; Prestwich, *Edward I*, 459-462. Carpenter noted that there was no evidence that parliament had been designed for such specific judicial functions during either 1230-1250s or the 1258 reforms. Instead, this role was designated to the single justiciar. However, as litigation had increased in complexity and in popularity, this was no longer a reasonable solution by the reign of Edward I.

family. However, such topics were still not exclusive to parliament. Prestwich noted that the resolution to move against the Welsh in 1282 was reached within a council, as the decision had to be made too quickly to allow for the gathering of a larger body.<sup>23</sup>

The influence of taxation can never be underestimated in the development of the English parliament, particularly for a king such as Edward who was involved wholeheartedly within crusades and then major warfare throughout most of his reign. One of the reasons given for holding the 'model' parliament of 1295 was that the English king was about to enter into various wars and needed financial help and support from all of his political classes, which resulted in the diverse attendances at this parliamentary meeting.<sup>24</sup> Edward I's desire to go on crusade ensured that he was involved within parliament even before he became king. J.R. Maddicott wrote that from Edward's assumption of the cross in June 1268 until his departure in August 1270 there were a flurry of parliaments, with seven or eight meetings held across the twenty-six months to discuss the arrangements and financing of the crusade. "Save perhaps for the opening phase of the reform movement in 1258-9, no comparable period of Henry III's reign was so prolific in parliaments". The frequency of these meetings merely highlights the fact that parliament was by this point, the natural forum for the discussion of taxation and other national business. The novelty lay in the increasing summons of knights and burgesses to parliament, as their acceptance was necessary for such financial grants.<sup>25</sup> Carpenter suggested that the need for taxation "gave parliament a power and a place in the political constitution which it had never enjoyed before".

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<sup>23</sup> Prestwich, *Edward I*, 451-452.

<sup>24</sup> Thompson, *Short History*, 10.

<sup>25</sup> J.R. Maddicott, "Crusade Taxation of 1268-1270 and the Development of Parliament" in P.R. Coss and S.D. Lloyd ed., *Thirteenth Century England II: proceedings of the Newcastle Upon Tyne conference 1987* (Woodbridge, 1988), 93-117, 93-94.

Edward I exploited customs and received money from Italian bankers, yet his royal finances were still insufficient to meet the costs of his various wars. The inability of a king to raise taxation within a parliament which lacked full representation can be seen from 1297, when Edward failed to raise a grant of an eighth on movable property in a parliament improperly summoned and without any representatives. While before this it had still been possible occasionally to gain finances from a smaller body, 1297 marked the turning point in the involvement of the wider political community in such matters.<sup>26</sup> Carpenter noted that representatives had attended parliament only occasionally during the first half of Edward's reign, becoming much more regular after 1294. "Between 1294 and 1297, knights alone, or knights and burgesses together, attended four of the eight parliaments. Between 1300 and 1307...they attended seven out of nine". With regards to more general attendance, Prestwich determined that such officials as the chancellor, the treasurer and various judges were present, while in 1305, the prelates, earls, lords, knights, citizens and burgesses all attended and were dismissed after three weeks, leaving the councillors and anyone else with business to be discussed to remain at the continuing parliament. Only the 1297 parliament featured no ecclesiastics, as the archbishops and bishops normally attended with the earls, although records of summonses for abbots appear to have been less regular. Problems remain to determine which lay magnates attended each parliament, as any knowledge is dependent on irregular summons records or inconsistent and poorly recorded clerks lists. Individual summons appear to have only gone to those men whose advice was valued by the king, or who held local power and authority which could not be ignored. Witness lists, used to supplement irregular summons records, suggest that the only time when

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<sup>26</sup> Carpenter, *Henry III*, 385-386, 403; Prestwich, *Edward I*, 453-457, 467.

royal charters were not witnessed by a large number of earls was during Edward's journey round Wales in 1284. However, these lists provide little other information.<sup>27</sup>

Under Edward I, certain parliamentary traditions were clearly maintained. Like Henry III, Edward believed in the royal monopoly. Parliaments were only ever called by the king, and were generally attended by Edward in person, although he occasionally sent a specially appointed representative. Although parliaments were frequently housed at Westminster, this was not exclusive, and meetings were regularly held in whichever suitable monastic house was near the king at the desired time. Given the increasing importance of these meetings, Prestwich noted that it was unusual that parliament had so little administrative independence. Parliament did not possess any permanent staff, and instead used the king's chancery, treasury and royal clerks.<sup>28</sup>

According to Carpenter, parliament and particularly the commons were "creatures of the thirteenth century".<sup>29</sup> Despite the fact that changes to representation were not finalized until the end of Edward II's reign, and that the majority of the business discussed in parliaments was not yet exclusive to this meeting, this period still saw the major development of the institution of parliament within England. This would suggest that the development of parliaments from expanded gatherings occurred across a very similar time period in both Scotland and England, allowing for a considerable degree of cross-border influences.

### Influence of the English on Scottish Parliaments

The aim of this chapter is to determine the extent of English influence over the rate and

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<sup>27</sup> Carpenter, *Henry III*, 408; Prestwich, *Edward I*, 445-447, 235.

<sup>28</sup> Prestwich, *Edward I*, 442.

<sup>29</sup> Carpenter, *Henry III*, 381.

direction of the development of the Scottish parliament across the period from Alexander II's death in 1249, until 1306 and the assumption of the Scottish throne by Robert Bruce. This discussion will divide into six sections, depending on the changes in the king or ruling body in either of the two kingdoms.

### 1249-1272

The first period to be examined concerns the interaction between Henry III and his son-in-law, Alexander III, during both the minority and the adult rule of the Scottish king. The only real influence which Henry held over expanded meetings held in Scotland which later became known as parliaments can be found within Alexander's minority which has already been examined within the previous chapter. With his own political problems in England from 1258, Henry was unable to extensively influence either the latter years of Alexander's minority, or the start of his adult rule. Other aspects of English interference aside from the parliamentary have been noted by historians, from political control as Alexander III married Henry's daughter, to his desire to have the dispute over the succession to the earldom of Menteith settled before his own court (1259-1264). However, under pressure from the Scots, the Papacy refused to allow this, stating that the decision had to remain within Scotland. The Pope was willing to impose taxation for the relief of the Holy Land on Scotland and England together, with proceeds being diverted into the English treasury, and occasionally made the English responsible for the overall collection of the tax. However, this met with such opposition from the Scots that the decision was reversed.<sup>30</sup>

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<sup>30</sup> *CDS*, i, no. 2040, 2066. The taxation concerned a grant of a twentieth which was to finance Henry's campaign within Sicily. *Scots Peerage*, vi, 127-131; Barrow, *Scotland and Its Neighbours*, 33-34.

As was noted and explored throughout the previous chapter, Henry III has generally been acknowledged as the key to changing the composition of Scottish government across the minority, with particular reference to the increased use of expanded meetings which were thought of as parliaments by the English at the time.<sup>31</sup> However, the examination of this period has shown that while Henry did refer to parliaments held in Scotland, these were all limited to those meetings held in 1258, despite the fact that these meetings concerned similar business to the gathering held at Roxburgh in 1255, which was never called a parliament.<sup>32</sup> As such, why did the terms used in the English records change for the larger, important Scottish meetings held at the end of Alexander's minority? Much of this rests upon the situation within England itself. Before June 1258 and the Provisions of Oxford, parliament was a body controlled by the English king which lacked any real definition or regularity in terms of attendance, business, frequency of meetings or even the terminology applied. As such, Henry III would not have insisted on calling all important political meetings held in Scotland 'parliaments' when that was not yet the policy within his own kingdom. The sudden expansion of references to parliaments in 1258 was likely due to the fact that the newer terminology was taking on such an increased significance within England across this period. Henry's use of both *parliamentum* and *colloquium* to refer to the Scots 1258 meetings might reflect the continued uncertain position over parliament within England, as well as reflecting the terminology which was possibly used within Scotland at the

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<sup>31</sup> Richardson and Sayles, "Scottish Parliaments", 300-302; Barrow, *Kingship and Unity*, 127; Duncan, "Early Parliaments", 36-37.

<sup>32</sup> *CDS*, i, no. 2013, 2114, 2126, 2127, 2131, 2133, 2140; *CCR*, 1256-1259, 300, 310-311, 329, 461-462; *CPR*, 1247-1258, 426, 645; *APS*, i, 69, 419-420; *Foedera*, i, no. 329; *Chron. Melrose*, 90, 92; Paris, *Chronica Majora*, v, 739-740; Anderson, *Scottish Annals*, 377-378; Stones, *Anglo-Scottish Relations*, 30-36; Watt, "Minority of Alexander III", 10-12, 18-20; Richardson and Sayles, "Scottish Parliaments", 300-301; Duncan, "Early Parliaments", 36 *n.* 5.

time.<sup>33</sup> The first English reference to a Scottish parliament came in March 1258, well before the Oxford Parliament. However, the rescheduled date in May was believed to have clashed with Oxford, which resulted in the Scottish assembly being delayed again until August and then September. Political problems within England probably influenced Henry III in his references to the Scottish political developments of the same period.

This remains the only major aspect of interaction between Henry III and the Scots which resulted in alterations to the provisions of parliaments within Scotland. While the English king maintained close links with the Scots throughout the reigns of both Alexander II and that of his son, Henry's own unsettled internal situation after the baronial reforms ensured that once parliament had taken on major significance within England, he was no longer in a position to influence the institution used by the Scots.

### 1272-1286

The second period of English influence runs from Edward I's succession in 1272 until Alexander III's death in 1286. With the reigns of two adult kings, this does not present itself as a period which would have been particularly open to the developing English governmental practices influencing the Scots. The prestige of two strong adult monarchs reigning over their own kingdoms would have prohibited any outright interference and the resultant implications for the independent status of each.<sup>34</sup> The only possible

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<sup>33</sup> Bain used both terms in his translations of the letters of 25 March and 13 May, but only parliament for the last letter of 14 May 1258. *CDS*, i, no. 2114, 2126, 2127; *CCR 1256-1259*, 300, 310-311; Richardson and Sayles, "Scottish Parliaments", 300-301; Duncan, "Early Parliaments", 36 *n.5*.

<sup>34</sup> Despite the independence of the two kingdoms under these strong adult rulers there does remain evidence of interaction and influence between the two countries. Professor Barrow provided two examples of coinage and linguistics, to highlight that the Scots viewed themselves on the same level of kingship as their English counterparts, and thus required similar rates of development for the trappings of government. For example, Barrow noted that Scottish 'sterlings' or silver pennies had

influence would have stemmed from the continued friendship between the two monarchs, and Edward I's attempt to extract homage for Scotland from Alexander in 1278. Much of the debate surrounding this homage concerned the ambiguity over the extent of the lands included by either side and the implications this had after 1286.<sup>35</sup> However, what is more relevant here is where this was performed. When Alexander finally appeared to offer his homage at Tewkesbury on 16 October 1278, the ceremony was delayed by Edward, who asked for it to be performed at a parliament held at Westminster on 28 October, because the king's council was not present at Tewkesbury. Parliament was clearly identified by the English as having held an important role in government, in terms of attendance and authority. This fact would not have been lost on the Scots, particularly as Alexander's reply was designed to preserve Scottish independence and stature against English interference and demands for overlordship.<sup>36</sup> One other point also needs to be considered here. A substantial number of Scottish nobles, including Alexander III, were landholders within England, and would have been required to attend the increasingly frequent parliaments which were held there. These men could hardly have remained unaffected by the political developments within England. While this influence could be referred to as having been 'friendly', in that it did not overtly interfere in the Scottish system, it still impacted upon the Scottish consciousness. Areas where the Scots 'larger meetings' were similar to or differed from

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been the same weight and purity as the English issue since the 1140s, and that the Scots updated their coins to match changes in English design or size promptly in 1250 and 1280. Barrow, *Scotland and its Neighbours*, 32.

<sup>35</sup> CDS, ii, no. 127; CCR, 1272-1279, 505; *Dunfermline*, 217; *Foedera*, i, 563; Stones, *Anglo-Scottish Relations*, 38-41; A.O. Anderson, *Early Sources of Scottish History AD 500 to 1286* (Edinburgh, 1922), ii, 676.

<sup>36</sup> The remaining document included thirty-four names of those who attended Edward's Michaelmas parliament at Westminster. Although the Scottish king would not have travelled or made such a declaration alone, only one of these names referred to a Scot, Robert Earl of Carrick, likely included by the clerk due to his role within the proceedings, as he swore fealty for Alexander III.

English parliaments would have been increasingly obvious to the Scottish king and his nobility. While this could have slowly influenced the methods of government during Alexander III's reign in terms of what his nobility expected and what the king was prepared to allow over consultation, this influence became more obvious after Alexander's death. As the previous chapter stated, 'parliaments' effectively already existed in terms of the expanded gatherings held within Scotland, but these lacked any precise definition of terminology or functions. Prestwich supported this theory, stating that the English did not bring parliaments to Scotland in 1291, as the Scottish kings already called them.<sup>37</sup> Only once a closer relationship with England was proposed through the planned marriage for Lady Margaret and Prince Edward were the Scots forced to define their political terminology to prevent their body being submerged by the English counterpart. The involvement of Scots as English landholders throughout parliamentary developments within England would have made clarification of their own system considerably easier in 1290. However, unlike the influence Henry III tried to exert during Alexander III's minority, or the power which Edward I was to go on to wield over the Scots after Alexander's death, Edward never appears to have been able, or to have even attempted, to wield more than an indirect, friendly encouragement between 1272 and 1286.

### 1286-1290

The period which followed Alexander's death marks the beginning of considerably more extensive English influence over Scottish political developments. While Edward's relationship with the Scots could be examined as a whole until John Balliol was

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<sup>37</sup> Prestwich, *Edward I*, 463-464.

crowned in November 1292, it seems easier to divide this further, differentiating between Edward's relationship with the guardians who ruled on behalf of Lady Margaret, and the events during the Great Cause. This first period, between the deaths of Alexander III in 1286 and Lady Margaret in 1290, saw the establishment of rule by six guardians who acted on behalf of the wider political community. While these four years saw unrest in Scotland over who had been included, or excluded, from the guardianship, relations with the English king appear to have been generally peaceful. Edward is believed to have aided the Scots in their negotiations with Norway, suggesting that Lady Margaret should be sent to England for safety until Scotland was returned to peace. He also provided a solution to the marriage problem for the Scots, negotiating an alliance between Margaret and his son, whilst allowing the Scots to include major safeguards of their independence within the Treaty of Birgham.<sup>38</sup> However, alternative theories exist as to the relationship between the two countries across this period, suggesting significantly higher levels of English interference than this implies.

Edward I held considerable influence over various aspects of Scottish political affairs across this first phase of the guardianship. One example concerns the timing of Edward's petition to the Papacy for the planned marriage alliance, as the two children were second cousins. According to the *Scalacronica*, papal consent was not applied for until after the Scots had consented to the marriage. This settlement was not negotiated until the Scottish political community had gathered at Birgham in March 1290 to ratify the existing Treaty of Salisbury, creating the Treaty of Birgham which was then ratified

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<sup>38</sup> *Foedera*, i, 730, 731, 736; *APS*, i, 70, 441-442; Stevenson, *Documents*, i, 129-131, 162-173; Dickinson, Donaldson and Milne, *Source Book*, i, 121-125; Barrow, "Kingdom in Crisis", 137-141. The influences of this treaty and the planned union on Scottish parliament have been discussed in chapter three.

in July. Yet evidence suggests that Edward I had petitioned the Pope before this point, with the resultant bull issued on 2 November 1289.<sup>39</sup> While it is feasible that negotiations which led to the marriage contract were simply started earlier, it is also possible that Edward I was not honest in his dealings with the Scots. Professor Barrow also highlighted the fact that the Scots found it difficult to prevent the English king exerting “unwarrantable influence over the taxation of the *ecclesia Scotticana*”, as the 1291 Papal tax was to be collected in Scotland by John Halton Bishop of Carlisle.<sup>40</sup> When Edward I ratified the Treaty of Birgham in August 1290 he appointed Anthony Bek Bishop of Durham as his lieutenant in Scotland. Bek was not simply to become another guardian, but was to be the overall leader of the Scottish kingdom. The Scots were “to defer to Bek in matters ‘which are required for the governance and peaceful state of the realm’”. This appointment does not appear to have been issued from an English parliament, although Edward did suggest that Bek was to act “in conjunction with the remaining Guardians, by the counsel of the prelates and magnates”, when such counsel would have been given within parliaments in Scotland. The Scottish guardians’ delay before handing castles over to the English does not seem to have been issued from a parliament, although any moves to try to act on the provisions of the Treaty of Birgham and safeguard Scottish independence could have been left to the guardians alone, as the treaty’s provisions had already been accepted by the Scots.<sup>41</sup> While evidence remains concerning Edward I’s various attempts to intrude in Scottish affairs

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<sup>39</sup> *Scalacronica*, 6; Stevenson, *Documents*, i, 111-113, dated 16 November; Barrow, “Kingdom in Crisis”, 137-141; Young, *The Comyns*, 104. Prestwich stated that the embassy which went to Rome to gain papal dispensation for the marriage did not leave England until May 1290. Prestwich, *Edward I*, 360.

<sup>40</sup> Barrow, *Scotland and Its Neighbours*, 34-35.

<sup>41</sup> *CDS*, ii, no. 446, 450, 451; Stevenson, *Documents*, i, 162-173; Young, *The Comyns*, 105-107; Barrow, *Robert Bruce*, 28-29; *Foedera*, i, 737, 735; *CPR, 1281-1292*, 386-387; Barrow, “Kingdom in Crisis”, 137-141.

and the limited Scottish resistance, there is little to suggest that Edward wielded any major influence over Scottish parliaments across this period, aside from the terms negotiated at Birgham which were examined in the previous chapter.

### 1290-1292

The period which saw the first major English interference over Scottish parliaments, came after the death of the Maid of Norway in 1290. From around June 1291, Edward I did not simply influence Scottish parliaments, but as the recognised overlord for Scotland he held joint parliaments for both countries and was able to control the officers appointed and methods of government used in the northern kingdom. This influence, and the process of the 'Great Cause' to determine the Scottish succession, began at Norham by violating the guarantees established within the Treaty of Birgham, as Edward called the Scots to a parliament outwith their own borders. Reluctance amongst the Scots to attend a meeting in England can be seen in that Edward was forced to grant safe-conducts before anyone would travel, and to promise that if they came this would not form prejudice or precedent for the future.<sup>42</sup> On 10 May 1291, Roger Brabazon began proceedings with a speech which proposed the right and desire of Edward I to overlordship over Scotland before requesting Scottish assent and recognition. Sources suggest that the resultant adjournment of three weeks stemmed from a "stand-up row on 10-11 May" during which the Scots protested against such claims. Edward I even

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<sup>42</sup> Professor Duncan noted that the 'process of Norham' must be distinguished from the Great Cause which was carried out on Scottish soil at Berwick. The former, held between 10 May and 12 June 1291, saw meetings which were held to formalise recognition of English overlordship over Scotland, rather than for the hearings which eventually determined the succession to the Scottish throne. That these were called by Edward I and not requested by the Scots can be seen in the specific phrasing within the surviving documents. See A.A.M. Duncan, "The Process of Norham, 1291", in *Thirteenth Century England V: Proceedings of the Newcastle Upon Tyne Conference 1993*, edd by P.R. Coss and S.D. Lloyd (Woodbridge, 1995), 207-230, 208, 210. For no prejudice to cross the Tweed, see *Foedera*, i, 755.

reissued his offer of no prejudice against the Scots if they would return to Norham on 2 June to settle the matter. Despite the Scottish response given at Upsetlington, which attempted to delay any decision until a new Scottish king had been selected, all real resistance by the Scots is believed to have been overcome by either 7 or 12 June.<sup>43</sup> Much historical debate has focussed around the fact that Edward ensured that there were multiple claimants to the Scottish throne to prevent any attempts to make the Great Cause an adjudication, and to ensure that his own lordship was enhanced through sitting in judgement over who would be the next king of Scotland.<sup>44</sup> What is most important here is that these initial matters were determined within a parliament held in England, although the Scots were able to ensure that the Great Cause itself was heard on Scottish soil. Yet little is actually known about this first meeting at Norham and considerable debate remains as to whether it was actually regarded as a parliament at the time. This was certainly a major meeting called by the English king to discuss the important business of his right to overlordship over Scotland, to establish provisions concerning how to determine the Scottish succession and, to an extent, renegotiating the safeguards for the Scottish kingdom as the death of Lady Margaret had altered those established in the Treaty of Birgham.<sup>45</sup> Such vital matters would have required the consent and involvement of a considerable number of the magnates from both countries. Little is known about attendance at the initial meeting at Norham. Brabazon's initial address on 10 May mentioned the involvement of "*episcopis, prelatibus, comitibus, baronibus,*

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<sup>43</sup> *Great Cause*, ii, 16-18, 20-21, 31, 24; Stones, *Anglo-Scottish Relations*, 51-55; Duncan, "Process of Norham", 211. For a full discussion of the dates of the Scottish submission to Edward and the securities which the Scots asked for in return, see Stones and Simpson, *Great Cause*, ii, 30-37; Duncan, "Process of Norham", 211-214, 222.

<sup>44</sup> Stones and Simpson, *Great Cause*, ii, 120; Duncan, "Process of Norham", 215, 222.

<sup>45</sup> Stones and Simpson, *Great Cause*, ii, 24, 94-99; Stevenson, *Documents*, i, 162-173; Barrow, *Robert Bruce*, 36-37.

*magnatibus, communitati regni Scocie*". Stones and Simpson highlighted the fact that no brieve of summons survives for the Norham meeting, although they suggested that the Scots may have been summoned by the guardians "acting in some formal request from Edward which would name the date and place of meeting, and might add something of what manner of approach was intended". Equally, Brabazon's speech which asked for recognition of Edward's overlordship was addressed to "the people" or "the good people of the realm". This has frequently been taken to represent merely the magnates of Scotland, although the original, *bone gent*, could have been used to represent 'community' or 'faithful subjects'.<sup>46</sup> The only place where any suggestion of this attendance remains is in the list of thirty-two Scots who gave formal, personal recognition of fealty to Edward I at Upsetlington on Wednesday 13 June 1291.<sup>47</sup> Norham likely saw the collection of a large number of the important men from Scotland who had gathered for the crucial business of determining whether Edward I had any right to overlordship or what the Scots could do to prevent or delay English attempts to seize control of their country.

In terms of terminology, this meeting has not always been described as a parliament. While the speeches made at Norham never referred to it as such, this terminology was used before the meeting began. Norham was referred to as a parliament in the testimony of Richard of Wilscothe, who issued summons for Norham to Oxford

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<sup>46</sup> Stones and Simpson, *Great Cause*, ii, 14, 16-19, 21 n.1, 31 n.3; Stones, *Anglo-Scottish Relations*, 51-55; E.L.G. Stones and G.G. Simpson, *Edward I and the Throne of Scotland 1290-1296: An edition of the record sources for the Great Cause, Volume I, Introduction* (Oxford, 1978), 102.

<sup>47</sup> Stones and Simpson, *Great Cause*, ii, 102-104; Barrow, *Robert Bruce*, 37. The names of the four Guardians were given separately at the start of the document. However, unusually two of the guardians were listed again, in the midst of those who swore fealty on 13 June 1291. These men included the claimants of Robert Bruce and John Balliol, as well as the earls of Dunbar, March, Mar, Buchan, Atholl, Angus, Lennox and Menteith. For details of those who swore fealty to Edward I generally across the summer of 1291, see Stones and Simpson, *Great Cause*, ii, 114-127, 366-370.

University on 18 May. On 23 April, the Dean of York noted within his records that he was about to go to “*parlamento de Norham*”. Andrew de Tange also used the same term amidst his general explanation of Edward I’s intentions, while in the chronicles, the contemporary *Lanercost*, stated that

In the same year, after Easter, Edward, king of England, held a parliament at Norham, in the nineteenth year of his reign, concerning the affairs of the realm of Scotland, where the suzerainty of Scotland was adjudged to him and unanimously conceded by all magnates of the aforesaid realm elected for this matter.<sup>48</sup>

However, those documents which remain from Norham itself, once the meeting was in session, provide a very different picture. Roger Brabazon called the gathering “*Convenientibus apud Norham*”, while the notarial protocol of proceedings stated that this was “*congregatis in ecclesia parochiali de Norham*”, and provided no mention of this having been a parliament.<sup>49</sup> As far as Richardson and Sayles were concerned, Norham could not have been a Scottish parliament of Edward I as he was not recognised as overlord when the meeting was summoned, and they believed that it “is equally impossible to accept it as an English parliament”. However, according to Barrow, the crisis following the death of Lady Margaret would have initially been discussed within Scotland at a “full council or parliament, and that the Scots agreed with the English that a joint parliament to settle the succession should be convened for the early summer”. Having commented upon the parliamentary evidence noted above, Barrow concluded that this formed convincing “proof that on the English side the assembly called for Norham on 6<sup>th</sup> May was an English Parliament” and that the Scots involvement would also have been parliamentary to ensure that the encounter was

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<sup>48</sup> Stones and Simpson, *Great Cause*, ii, 5-6, 13-14; *Chron.Lanercost*, 85.

<sup>49</sup> For the Notarial protocol, see Palgrave, *Documents*, Illustrations no.ii; Stones and Simpson, *Great Cause*, ii, 14; *Chron.Rishanger*, 233-234; *Foedera*, i, 762, 755.

equal.<sup>50</sup> There certainly appears to be more evidence to support Professor Barrow's claims surrounding Norham, if not an independent Scottish gathering beforehand, than those of Richardson and Sayles. If the only debatable issue surrounds whether Edward had the authority to hold a 'parliament' which the Scots were obliged to attend, this could explain the lack of any formal designation of the gathering while the meeting was actually in session. The ambiguity of authority in Scotland, of both Edward and the remaining guardians, following the Maid's death could have ensured that the term parliament was not used until concerns over jurisdiction were resolved. Such important decisions could not have been decided within a lesser form of council, but this gathering could not have officially been acknowledged as a parliament until a king held the necessary authority to call one.

In most accounts of the Great Cause, Edward I is credited with having travelled around Scotland as far as Perth to collect homages to his newly established overlordship, before holding the first court session to decide the succession in August 1291. However, slight evidence remains to suggest that there was an additional meeting held between these two points and that Edward I actually held his first parliament on Scottish soil in July 1291. An ordination recorded within *Foedera* stated that this meeting was held "*apud Styvelyn*". The ordinance reads

The guardians of the said kingdom of Scotland, namely William Bishop of St Andrews and Robert Bishop of Glasgow, James the Stewart of Scotland, John Comyn of Badenoch and Brian son of Alan, and all the others who were assigned by the said lord king, out to take oaths of fealty from the bishops, earls, barons, magnates and other nobles; from freeholders and all others who ought to make fealty to the aforesaid king; from the people of the isles and the inhabitants of other places, wherever they come [from], in this way. Those who come should be admitted and should make and moreover swear fealty to the said

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<sup>50</sup> Richardson and Sayles, "Scottish Parliaments", 306 n.3; Barrow, *Robert Bruce*, 31; Stones and Simpson, *Great Cause*, i, 102-104.

lord king of England, as the superior and direct lord of all the aforementioned kingdom of Scotland; those who come and shall be unwilling to make [the oath] should be arrested by their bodies until they make this fealty. Those who do not come but excuse themselves, should be heard if they have a reasonable reason, and afterwards be adjourned to the next parliament. The others, who neither wish to come, nor besides excuse themselves, should be more closely distrained until they make the said fealty ... And such oaths ought to be received from 3 July for 15 days; in the abovesaid year of this king of England.<sup>51</sup>

Although no other information survives from this gathering, this does highlight that Edward intended to hold regular parliaments within Scotland, with the subsequent meeting already established before this July parliament even met. The fact that this ordinance concerned the collection of homages means that this was the first instance where Edward used parliament in Scotland for more than simply hearing the Great Cause. This also supports the idea that the Scottish political community became used to regular, frequent parliaments before the election of John as their king in November 1292, ensuring that they might have expected this increased volume of consultative gatherings to have continued throughout his reign.

The gathering which saw the start of the hearings for the Great Cause was held in August 1291 at Berwick, but there remains considerable doubt over whether this was referred to as a parliament at the time. Official records described the meeting as a “*Conventibus in castro de Berwyk super Tuedam*”, while the fact that this signalled the beginning of the trial to judge each claimants’ right to the Scottish throne has ensured that this is generally referred to as a court, rather than a parliament.<sup>52</sup> Despite this qualification, it appears slightly odd that the adjournment at the end of this meeting specifically referred to the next gathering as a parliament, to be held on 2 June 1292 at

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<sup>51</sup> *Foedera*, i, 774; Richardson and Sayles, “Scottish Parliaments”, 306-307. Thanks to Dr Roland Tanner for providing the translation of this ordination.

<sup>52</sup> *Foedera*, i, 774; Richardson and Sayles, “Scottish Parliaments”, 307 n.6.

Berwick. Yet this next meeting considered the same business, only moving into the actual trial for the Great Cause rather than the appointment of auditors and initial presentation of petitions which had dominated the proceedings in August. Aside from the title, little is actually known about this August 1291 meeting. Most of the accounts concentrate on the numbers of auditors who were elected to judge the claimants, and the reference to the use of the Roman court of the *Centumviri*.<sup>53</sup> With regards the attendances at this gathering, the twenty-four Englishmen and eighty Scots who formed the auditors are all known to have attended, along with the various contenders to the Scottish throne who presented their petitions in the church of the Friars Preachers near Berwick castle. The official record suggested a very wide membership of “*domino Edwardo, Dei gratis, Rege Anglie illustri, et superiore et directo domino regni Scotiae: necnon episcopis, praelatis, comitibus, baronibus, militibus, multisque etiam popularibus, tam clericis, quam laicis, regnorum Angliae et Scotiae*”.<sup>54</sup> Overall it appears unusual that the nomination of auditors and initial presentation of petitions were not considered to have been performed within a parliament, despite the fact that the actual hearings were held within a recognised parliament in June 1292. What this could

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<sup>53</sup> G. Neilson, “Brus *versus* Balliol, 1291-1292: the Model for Edward I.’s Tribunal”, *SHR*, 16 (October 1918), 1-14, 7-14. Palgrave, *Documents*, Illustrations no.iii; *Chron. Lanercost*, 84-85; *Chron. Fordun*, ii, 307-308; *Scalacronica*, 11; *Foedera*, i, 774-775, 777. A point raised by Neilson could support the theory that the August 1291 meeting was in fact a parliament. He stated that the 104 men were elected as ‘auditors’ rather than as ‘arbiters’, the former having been used during the thirteenth and fourteenth centuries by kings in England, France and Scotland to administer justice through courts of parliaments. As such, these offices would have been entirely appropriate if this was a parliamentary court. See Neilson, “Brus *versus* Balliol”, 6; Richardson and Sayles, “Scottish Parliaments”, 307. The delay of almost a year to the next meeting was designed to allow collection of the necessary documents to hear the case, particularly those required by the Count of Holland. Despite this, the fact that all of the auditors were appointed by Edward I, Robert Bruce and John Balliol highlights that these two men remained the only real contenders for the Scottish throne, with the others probably included only to ensure that Edward had to provide a judgement, rather than arbitration. Barrow, *Robert Bruce*, 39-41; *Scalacronica*, 11-12.

<sup>54</sup> *Foedera*, i, 766-767, 774-775; Palgrave, *Documents*, Illustrations no.ii; G. Neilson, “Brus *versus* Balliol”, 10.

imply is that the latter gathering may have featured other elements which further differentiated it from the August 1291 meeting, as both concerned the same membership and business but were referred to under different terminology.

June 1292 was the first recognized parliament held in Scotland for the Great Cause. The one aspect which clearly differentiates this from the other gatherings is that there remains evidence of other, more 'normal' business which was conducted at this meeting alongside the judicial processes for the Scottish succession.<sup>55</sup> The first aspect of the additional business discussed at Berwick was an unspecified land dispute between Alexander of Argyll, Lord of Lorne, and Angus Macdonald of the Isles and his son Alexander. The case was not settled at this point and frequently came before parliament during the reign of John Balliol. Few details remain from June 1292 as the matter was simply delayed until the next parliament, planned for Berwick on the quinzaine of Michaelmas. Delays and holding issues over across several parliamentary meetings were also features of John's parliaments.<sup>56</sup> The June parliament also heard a petition from Eric II, King of Norway for the arrears of the tocher of his late Queen, Margaret daughter of Alexander III. Eric's attorneys stated that 7,000 of the 14,000 marks originally promised had already been paid by the late Scottish king. The remainder had been assigned to Eric, his wife and their heirs as the rents of certain lands. These included Rothiemay in Moray and Bathgate and Ratho in the sheriffdom of Edinburgh, which together provided 700 marks per year, with deficiencies to be raised from the lands of "Minnemorth". However, Eric claimed that since Alexander's death, these payments had been detained by the bishops of St Andrews and Glasgow

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<sup>55</sup> That this was referred to as a parliament at the time can be seen in the surviving evidence of proceedings, such as the discussions which surrounded the Norwegians demands for the tocher of Margaret, daughter of Alexander III of Scotland. Stevenson, *Documents*, i, 313.

<sup>56</sup> *Foedera*, i, 761, 777; Richardson and Sayles, "Scottish Parliaments", 308.

and the other guardians of Scotland. He requested justice over the matter from “the bishops, earls and barons, nobles and magnates, and the rest of the council then being of the late Alexander king of Scotland”. Interestingly, this session of parliament saw not merely the petition being presented, but also an interrogation of the proof brought by Eric’s attorneys, the questioning of those Scots involved, and a resolution for the matter. Eric was to “recover seisin of the said rent from the said lands, except the lands of “Minnemorth”, and the arrears thereof for the past three years”, if he would elect “good men of the realm of Scotland” to whom the lands could be entrusted along with collection of Eric’s rents.<sup>57</sup> While these examples suggest that parliament was used mainly for judicial means, with the discussion of land disputes and resolution of tocher demands heard alongside the trial of the Great Cause, this also suggests that the body held an important political role. Edward I was already firmly established as overlord of Scotland, with all matters brought before his council in parliament and addressed to him, as they required his authority to end disputes. The fact that Edward’s political control was formed and practised within parliaments highlights the important role the institution held by this point. These decisions would last at least until a new king was appointed, to whom another petition could be made if Edward’s decision was unsatisfactory. Just as in England, Edward considerably expanded the accessibility of justice in parliament for the people of Scotland. This was to go on to form a major aspect of parliaments under John Balliol as the Scots had become accustomed to judicial decisions being determined before parliaments under Edward’s overlordship.

Records highlight a number of other items of business which were conducted

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<sup>57</sup> *Rot. Parl.*, i, 105-106; Stevenson, *Documents*, i, 312-317; *CPR, 1281-1292*, 501-502. Richardson and Sayles, “Scottish Parliaments”, 308. For details of the parliaments held under King John, see discussions in chapter five.

by the English king in this June parliament. These included several orders to pay wages, such as the stipend of Alan of Dumfries the chancellor, or the payments for Roger de Burton and Osbert de Spaldington. More influential was evidence of the minor grants which were also made at this parliament, such as the allowance that Johanna de Clare, widow of Duncan Earl of Fife, could remarry as she chose if she paid a fine of 1,000 marks. The bishop of Glasgow was also given permission to complete his building works.<sup>58</sup> While none of these grants mark a major provision by Edward I, they are still important. Together these highlight the control which Edward exercised as overlord over the lives and rights of the Scottish people, their government and the financial accounts. Crucial here was the fact that Edward issued these allowances from within his parliament, showing the political uses of the institution through which the English king could publically declare his authority and control in Scotland.

The deliberation of the Great Cause was held over from June until Michaelmas, when parliament was immediately adjourned again until November. This final gathering appears to have been divided into a number of meetings which involved various sections of the auditors for the Great Cause. Initially, the question over whether the succession should descend through the eldest female line or through nearness of degree appears to have been put to Edward's own council, including the twenty-four auditors he had nominated. Once their decision was made, their choice was put to the remaining eighty Scottish auditors who had been appointed by Bruce and Balliol respectively, before the final decision was made to award the whole of Scotland, without any partition, to John Balliol through his descent from the eldest daughter of David Earl of Huntingdon. The final judgement was made on Monday 17 November in the hall of

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<sup>58</sup> Stevenson, *Documents*, i, 317, 323-325; *Rot. Scot.*, i, 8, 10.

Berwick castle, in full parliament, before the 104 auditors and all of the petitioners.<sup>59</sup>

Edward I heard the Great Cause on Scottish soil across a period of sixteen months and a number of meetings, only two of which were officially referred to as parliaments at the time, in June and November 1292. However, the primary business and, to a certain extent, most of the attendances would have remained very similar across the various gatherings held for this judgement. As such, it is curious why these meetings would have required different terms or descriptions. Certainly, the June parliament in 1292 concerned other business of government aside from the succession. Also, evidence from the thirteenth century shows that important judicial decisions were generally declared before the king and his council in parliament, even if the case had been heard elsewhere. This could explain why the November 1292 meeting which announced the decision for the Great Cause was recognised as a parliament, even though some of the other gatherings which deliberated the process were not given the same title. As parliament was the highest court in the kingdom, and Edward I had been awarded overlordship and thus the right to hold such meetings, it would have been highly unusual if he had not used parliaments to demonstrate his authority over Scotland and add further legitimacy to his judgement over the succession.

From all of the adjustments Edward made to the Scottish administration, those which made the greatest and most lasting impact on parliament concerned the judicial system. Under Edward's overlordship, considerably more petitions were determined before parliaments. Despite the replacement of Scottish justiciars with Englishmen who lacked any knowledge of Scots law, local justice appears to have remained relatively

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<sup>59</sup> *Foedera*, i, 775-780. For the details of the different meetings and the manner in which Edward and the various auditors formed their decisions, see *Chron. Rishanger*, 259-265, 354-363; Neilson, "Brus versus Balliol", 11-12; *CDS*, ii, no. 646, 649.

unaffected. Interestingly, and in direct contrast to events during the reign of King John, there appears to have been no judicial appeals from the Scottish parliaments held across the Great Cause to parliaments at Westminster. Instead, justice was heard within Scotland either by Edward himself at parliament, or by the auditorial board of Englishmen which he had established. The latter group was designed to hear Scottish petitions and resolve those matters which did not need to go before Edward himself. The more important cases, such as those mentioned regarding Norway and the Isles, were heard by Edward in his parliament, ensuring that there was no need for appeals to Westminster. Other important cases heard before parliament included the involvement of Hugh de Abernethy in the murder of Duncan Earl of Fife, Sir William Douglas who disturbed the abbot and monastery of Melrose, and MacDuff's invasion of the lands of Creich and Rires in the earldom of Fife which he claimed had been settled on him by his father, Malcolm Earl of Fife, who died in 1266.<sup>60</sup> Edward seems to have been happy to hear such cases within parliaments in Scotland, rather than calling the Scots to meetings in England, although as he had promised to hear the Great Cause on Scottish soil he may simply have found it convenient to determine justice at the same time. What Edward did state was that all complaints against the decisions made by his auditors in Scotland should be referred to him, ensuring that he would hear any appeals which resulted from these cases, even after John was elected king.<sup>61</sup> One final area of influence

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<sup>60</sup> *Rot. Scot.*, i, 2, 8; Duncan, "Early Parliaments", 39; D.W. Hunter Marshall, "Two Early English Occupations in Scotland - their Administrative Organization", *SHR*, xxv (1927-28), 20-40, 32-33; Barrow, *Robert Bruce*, 58; Young, *The Comyns*, 103.

<sup>61</sup> For details of changes to the Scottish administration implemented by Edward I across the two years, see Hunter Marshall, "Two Early English Occupations", 26-32, 38. A point which has frequently been made was that the possibility of appeals being sent to Westminster encouraged the Scots to make much more detailed parliamentary and judicial records under John. A similar situation could have existed during the Great Cause, encouraged by the existence of English councillors within the Scottish administration. Duncan, "Early Parliaments", 38-39, 42; *Foedera*, i, 783.

which should be noted concerned the Scots' use of various English governmental terms with reference to their own government. Professor Duncan suggested that the use of words such as *parliamentum* should be taken as evidence of English influence on the Scottish system of government. This could mark an extension of the influence of terminology suggested in the Treaty of Birgham (1290). Just as the Scots had been forced to define their governmental bodies before the proposed marital union, the close ties under Edward I's overlordship ensured that these terms were used in Scotland to such an extent that they became regular features of government before John was elected in 1292.<sup>62</sup> Overall, Edward appears to have affected the vocabulary of government and especially parliaments in Scotland, as well as their practices in terms of attendances, business and frequency of meetings. These created lasting changes to the Scottish methods of government from this short period of direct English rule.

### 1292-1296

The penultimate period to be examined here concerns the rule of John Balliol, king of Scotland under Edward I's overlordship. Much of this will be discussed in greater depth within the next chapter, however, it is interesting to compare the influence Edward held over Scottish government during the Great Cause with his role as overlord to John. Once the succession was settled Edward continued to intervene in Scottish politics, claiming jurisdiction over appeals concerning King John's judicial decisions. While Edward I had a reasonable right to hear appeals which concerned those determinations

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<sup>62</sup> Duncan highlighted a large number of terms which were used by John that suggest English influences, including *placita coram custodibus*, *recordum* (record), *transgressio* (trespass), *ingressus* (entry) or *tenementa* when the Scottish record would usually have used *terra*. He also suggested that such English influences over terminology cannot be found before this period, and are so strong in the record of John's two parliaments in 1293 that the records might even suggest an English author. Duncan, "Early Parliaments", 42.

which he or his auditors had made during his direct rule, he extended this jurisdiction to include appeals made against John's decisions, through his position as overlord. The *Scalacronica* noted that

an appeal was lodged in the court of the King of England by a gentleman of Scotland, because he could not obtain justice, as it appeared to him; in the court of the king of Scotland against one of his neighbours.<sup>63</sup>

While the most famous appeal was lodged by MacDuff, the initial, defining case was launched by a Berwick burgess called Roger Bartholomew on 7 December 1292, only a week after John's enthronement. Bartholomew was involved in three disputes which had gone before the court of the guardians held under Edward's overlordship during the Great Cause. As all three cases had gone against him, Bartholomew complained to Edward while the English king was at Berwick. Although Edward determined the appeals under Scottish law, his judgement was given at Newcastle on 22 December, with only one of the three cases overturned for the burgess, while the other two ended in a compromise and upholding the original result respectively. What was at stake was not simply the ability to overturn Scottish decisions, but also the clarification of Edward's authority over and right to intervene in all Scottish appeals, and to do so outwith Scotland. The pressure placed on John from the outset of his rule resulted in the repeal of the Treaty of Birgham-Northampton on 2 January 1293, along with any defence of Scottish independence which this contained. For Edward I, this treaty had been nothing more than a marriage contract which was invalidated by the death of Lady Margaret in 1290.<sup>64</sup> This allowed a number of judicial appeals to go to England after

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<sup>63</sup> *Scalacronica*, 13.

<sup>64</sup> Stevenson, *Documents*, i, 377-389; Stones and Simpson, *Great Cause*, ii, 264-268, 270-274; *Foedera*, i, 783, 785; Barrow, *Robert Bruce*, 51-53; Prestwich, *Edward I*, 370-371; Young, *The Comyns*, 133-134. The Bartholomew appeal could have led to a more limited result in that the cases concerned had originally been heard during Edward's direct overlordship. However, Edward's demands that he had the right to hear all appeals and to call John before his court further clarified his

they had been heard before the Scottish parliament which will be examined in greater depth in the following chapter. The influence which this gave Edward I over the authority of the new Scottish king and his parliament was important. As Professor Barrow noted, justice was one of the primary functions of a monarch, and if John's "capacity as supreme secular judge were diminished, his position was open to challenge from all sides". Edward's interference did not lie in merely questioning or revoking the judicial decisions of the Scottish king and his parliament. Edward also required that John attended the English parliament in person to answer for his decisions, an intolerable position for any monarch and one which was enforced in 1293 when John was made to appear at Edward's Michaelmas parliament to answer at MacDuff's appeal.<sup>65</sup>

A slightly different or more positive aspect of English influence over Scottish justice within parliaments surrounds the increase in both the number of cases and the levels of records kept regarding pleas heard in parliament. While this could represent the fact that the fear of appeals being taken to England ensured that fuller records had to be kept, Professor Duncan has suggested an alternative theory. John issued an open call that anyone with a complaint should bring it before parliament in February 1293 in order to receive justice. Duncan stated that "parliament was here offered as an occasion for a judicial remedy for any wrong, for the dispensing of justice upon a scale which may have been unprecedented in Scotland".<sup>66</sup> This can be seen as a direct influence from the development of the provision of justice within English parliaments, and

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denial of Scottish judicial independence.

<sup>65</sup> For details of the other appeal cases which went before the English parliament during John's reign, see Stones, *Anglo-Scottish Relations*, 65-67; Barrow, *Robert Bruce*, 54, 57-59; Prestwich, *Edward I*, 371-372.

<sup>66</sup> Duncan, "Early Parliaments", 46.

particularly Edward's meeting in 1278.

It is clear that Edward I held considerable influence over government and particularly the development of parliaments in Scotland under John. While this varied in terms of the benefits felt by the Scots, parliaments were established as the primary meeting of government with important procedures which had to be followed over the provision of justice and the records which were kept. When these meetings are examined in greater depth during the following chapter, it is clear that John's parliaments were just as political as those held by Edward during the Great Cause. However, it was the influence which Edward held as overlord over the provision of justice and appeals which had the greatest impact upon the development of Scottish parliaments throughout John's reign.

### 1296-1306

The final phase of English influence came after John was deposed in 1296, with Edward's resultant attempts to re-establish direct rule over Scotland. While this phase forms the most difficult period to examine due to the scarcity of surviving sources, it also provides the most direct English influences over the Scottish administration and parliaments. The fact that the English were only able to establish effective direct control over the whole of Scotland for two short intervals, during 1296-97 and 1304-06, ensures that it is considerably easier to establish their methods of governing than those used by the Scots to counter English rule which will be discussed in chapter six.<sup>67</sup> The focus begins with the settlement of the government for Scotland, established in 1296 after the

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<sup>67</sup> The English did manage to maintain effective control over certain areas of Scotland, particularly the south-east, for the entire period between the fall of John in 1296 and the assumption of the Scottish throne by Robert Bruce in 1306 and beyond.

removal of John. According to the *Scalacronica*, Edward I “occupied all the castles of Scotland ... and appointed his officials” to run the country, with overall control given to the earl of Warenne, alongside Hugh de Cressingham as chamberlain and William de Ormesby as justiciar. Edward also summoned “his parliament at Berwick, where he took homage from all the magnates of Scotland”. That this meeting was recognised as a parliament at the time is suggested in part of the Ragman Roll. This record was begun on 13 May 1296 at Roxburgh and was initially taken round the country to receive and record homages to Edward. The entries pause between 6 and 28 August, when the roll was taken from Arbroath to Berwick Upon Tweed, where homages were collected in a “parliament of the nobles and prelates of both realms” where “the aforesaid nobles, prelates, knights and others” gave homage and renounced the league which the Scots had established with France.<sup>68</sup> The only policy from this parliament which was mentioned by the chronicler was the imposition of a tax of half a mark sterling on every stack of wool in both Scotland and England.<sup>69</sup>

The fact that Edward I called a parliament within Scotland so quickly signals the important role which he felt the institution played in the legitimate government and control over a country. The parliament began on 22 August and lasted for three weeks

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<sup>68</sup> CDS, ii no. 823, 196; *Instrumenta publica sive processus super fidelitatibus et homagiis Scotorum Domino Regi Angliae factis A.D. 1291-1296* (Edinburgh, 1834)

<sup>69</sup> *Scalacronica*, 17-18. The more contemporary chronicle account of Lanercost also noted that Edward I went to Berwick “on the octave of the Assumption [22 August] where the homage of the people of Alban [Scotland] was repeated to my lord the King of England and his son and successor; also it was renewed again by a charter with all the seals of the nobles”. However, this gathering was only referred to as a “ceremony”, never a parliament. *Chron. Lanercost*, 150-151. For details of the English administration which was established to govern Scotland from 1296, see Stevenson, *Documents II*, 31-32; CDS, ii, no. 823, 824, 832, 853, 1681, 1867; *Foedera*, i, 731; *Rot. Scot.*, i, 23-37; *Fordun*, ii, 320; Watson, “Settling the Stalemate”, 130-131; Barrow, *Robert Bruce*, 75; Watson, *Under the Hammer*, 32-33; Young, *The Comyns*, 162-163. For clerical appointments and attempts by Edward to alter the Scottish procedures of government, see M. Prestwich, *The Three Edwards: War and State in England 1272-1377* (London, 1980), 47; G.W.S. Barrow, “The Scottish Clergy in the War of Independence”, *SHR*, xli, (April 1962), 1-22, 4; M. Prestwich, “Colonial Scotland: The English in Scotland under Edward I” in R.A. Mason, *Scotland and England 1286-1815* (Edinburgh, 1987), 6-17, 13-14.

and three days. This was a very large affair, attended by “all the bishops, earls, barons, abbots, and priors; and the sovereigns of all the common people; and there he [Edward] received the homages of all, and their oaths that they would be good and loyal to him”.<sup>70</sup> This list of attendees could highlight more than simply an enlarged membership. The suggestion that this parliament included knights and town representatives would have been an unusual occurrence within Scotland. While this could have stemmed from the increased but not yet regular inclusion of such groups within English parliaments across the same period, it is also possible that this was due to Edward’s demands for homage and the establishment of an English administration in Scotland. These factors ensured a larger and wider attendance than would normally have gathered for parliament in Scotland, although there is no evidence that all of those who gathered to give homage would have stayed at parliament for the full three weeks. Evidence also remains to suggest that this gathering did not proceed without any problems. The son of the earl of Angus was noted as having struck Hugh of Lowther, sheriff of Edinburgh during the session.<sup>71</sup> Along with taking homage and the denunciation of the French Alliance of 1295, Edward also made it clear that the “earls, barons, and bishops he permitted to enjoy their lands, provided they came at All Saints [November 1] to the parliament at St Edmunds”. This was the first planned parliament which was to be attended by both Scots and Englishmen, rather than Edward simply hearing Scottish appeals at his

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<sup>70</sup> Stevenson, *Documents*, ii, 31.

<sup>71</sup> Stevenson, *Documents*, ii, 31, 81; *Instrumenta Publica* (Ragman Roll), 113-114, 180; Richardson and Sayles, “Scottish Parliaments”, 309-310. Very little evidence remains to show who actually attended this parliament to provide their homage to Edward I in person. Aside from the two men named in the dispute, the only Scots named from this gathering included the earls of Dunbar and Angus. For a small list of Scots and Englishmen, see *Instrumenta Publica* (Ragman Roll), 114.

English court or holding separate parliaments for the two countries.<sup>72</sup> These plans could be taken to represent Edward's intention to hold regular meetings for the government of Scotland, although not necessarily all within the country itself. The unpopularity of the English leaders appointed to this new administration ensured that any long term plans for ruling Scotland were worthless. The anglicized government was in financial difficulties by May 1297 and by August the system had been overtaken by rebellion. The English hold over Scotland was not eradicated, but nor was it strong enough to hold another parliament either in or with any real authority for the whole of Scotland until after 1304.<sup>73</sup>

Despite these difficulties, Edward's parliament was held at Bury St. Edmunds in November 1296 and accounts suggest that some Scots did attend, although it is difficult to determine any specific names beyond Hugh de Cressingham. While there remain briefs of summons issued from the parliament at Berwick for those Englishmen who were required to attend Bury St Edmunds in November, none remain for any Scots. If these were also issued at Berwick then it is possible that verbal demands from Edward were sufficient. The majority of the business which remains from this parliament also concerned England, with only one item appearing to have pertained to Scotland. On 16 November the parliament considered the exchequer accounts which had been sent from Scotland along with a request for "certain things which the said [Berwick] treasurer desires to be sent to Berwick for the ordering of the exchequer there". The schedule of items sought was attached to the record, including a variety of documents from the English exchequer "so that there may be had by them

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<sup>72</sup> Richardson and Sayles called the planned meeting at St Edmunds a 'Union Parliament', although that term was originally used by Palgrave for the meeting in 1305. Palgrave, *Documents*, Introduction pcli; Richardson and Sayles, "Scottish Parliaments", 310.

<sup>73</sup> Barrow, *Robert Bruce*, 78.

[the exchequer at Berwick] full knowledge of how to make and write those things that pertain to the office of the remembrancer”, along with bushels, gallons and other objects “pertaining to the office of the marshalsea of the market”. One other influential item of business discussed at this parliament was the planned rebuilding of Berwick as the heart of the English administration in Scotland after the destructive conquest of 1296. Prestwich noted that Berwick was chosen as it was convenient to the English, and plans “for the creation of what amounted to a new English town of Berwick were discussed in parliament, in the autumn of 1296, and in the following January a meeting of the eminent townsmen was held at Harwich, to take the project further”.<sup>74</sup> While Scottish concerns were included in this parliament, they were not of the utmost importance, highlighting the fact that although the Scots were to attend English meetings, this was not on an equal basis.

The attempts made by the Scots to maintain their own administration and to hold parliaments across the warfare of 1296 to 1304 will be discussed in chapter six. Although the Scots won a victory of sorts against the English at Roslin in 1303, both sides had reached a position where they were neither willing nor able to sustain warfare for much longer. With the Scots deserted by their continental allies and facing the increasing reality that John was unlikely to return and reclaim his kingdom or lead resistance against English rule, the Scots were forced to capitulate. Led by the guardian John Comyn of Badenoch and excluding only William Wallace, Simon Fraser and John de Soules, the Scottish political community negotiated a settlement with Edward I in 1304. This settlement saw a limited return to the language of the 1290 Treaty of

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<sup>74</sup> Stevenson, *Documents*, ii 136; *CCR 1288-1296*, 496-500; *Chron. Rishanger*, 165; Sayles, *Medieval Parliament of England*, 226; Prestwich, *Edward I*, 474; Richardson and Sayles, *English Parliament in the Middle Ages*, v153; *CCR 1288-1296*, 513; *Parl. Writs*, i, 47.

Birgham, stating that the Scots

should be protected in all their laws, usages, customs and liberties in every particular as they existed in the time of King Alexander III, unless there are laws to be amended, in which case it should be done with the advice of King Edward and the advice and assent of the responsible men [bones gentz] of the land.<sup>75</sup>

The Scottish demands issued to Edward suggest a continued pride in their system of government, which had been maintained despite the alternative English administration imposed from 1296.

A new ordinance for Scotland was negotiated by both Scots and Englishmen and was issued from another joint parliament held at Westminster in September 1305. From this point, Scotland was to be regarded only as a land not a kingdom, and was to be ruled by a royal lieutenant with all of the major offices held by Englishmen, although they were to serve jointly with the Scots as justiciars. Prestwich suggested that Edward I deserves considerably more reproach for this ordinance than has previously been given, as it contributed to the downfall of the English administration once again, with the Bruce rebellion in 1306.<sup>76</sup> The terms of the settlement are detailed by numerous historians.<sup>77</sup> What is more important here is the manner in which Edward established the re-settlement. Most of the events surrounding the creation of a new ordinance, including nominating Scottish representatives for negotiations, were carried out within parliaments or expanded gatherings. After the Scots had submitted to Edward, he called a parliament for mid-Lent 1304 in St Andrews. This meeting, which is believed to have lasted at least a fortnight, saw those still outwith the king's peace, such as Wallace and

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<sup>75</sup> *CDS*, ii, no. 1455, 1741; Palgrave, *Documents*, 279-288; *Scalacronica*, 25; Barrow, *Robert Bruce*, 129-130; *Rot Parl.*, i, 212-213.

<sup>76</sup> Prestwich, "Colonial Scotland", 7.

<sup>77</sup> For details of the 1305 settlement, see amongst others *CDS*, ii no. 678, 715, 1646, 1691, 1694; *Foedera*, i, 925; Palgrave, *Documents*, 292; Stones, *Anglo-Scottish Relations*, 120-129; Barrow, *Robert Bruce*, 134-135; Watson, "Settling the Stalemate", 141; Watson, *Under the Hammer*, 197, 215-217; Young, *The Comyns*, 192.

Fraser, named as outlaws, while all who had already submitted had the question of their ransom delayed until a later date. Richardson and Sayles stated that “practically every man of note in Scotland seems to have been present, except the irreconcilables and those excused attendance for reason of ill-health or because their services were required elsewhere”. This can be supported in the surviving evidence which shows that Edward summoned such men as the earls of Menteith, Strathearn and Lennox, stating that they were to bring as few men as possible with them to parliament in order to leave sufficient numbers to defend Edward’s hold over Scotland while the meeting was in session, while others including Alexander de Abernethy or the abbot of Dunfermline were to come alone.<sup>78</sup> Additional information regarding the attendance of lesser figures can be found within the list of forty names of “certain Scottish knights and others who performed homage to Edward I”, which included “quite unimportant people” such as Pieres de Pontkyn and John du Boys.<sup>79</sup> Edward certainly appears to have expanded on those called to give homage in 1296. For example, the original Ragman Roll did not include William Wallace. While this could have been because he refused to give homage, it is also possible that Wallace’s social status was such that he was not required to attend. If this was true, then 1304 could mark Edward’s attempt to include more men of lower standing within Scotland who held the potential for rebellion, in an effort to prevent a recurrence of resistance.

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<sup>78</sup> Stevenson, *Documents*, ii, 470-471, 477-478; CDS, ii, no. 1471, 1480; Palgrave, *Documents*, 345-346; Fordun, ii, 329; Richardson and Sayles, “Scottish Parliaments”, 310-311; Hog, T., *F. Nicholai Triveti, De Ordine Frat. Praedicatorum, Annales sex regum Angliae, qui a comitibus andegavensibus originem traxerunt, (AD MCXXXVI-MCCCVII) ad fidem codicum manuscriptorum recensuit* (London, 1845), 402 n.2. With no full list remaining for the attendance levels at this parliament, the implications from those letters and lists which have survived is that this was a substantial meeting of men from all social classes. There also remains evidence of those who were excused from attending this parliament, such as John of Argyll, exempted through ill-health, but who was commanded to come before the king at a later date “with as simple a retinue as you like”, presumably to provide homage under the new settlement.

<sup>79</sup> Palgrave, *Documents*, 299-300; Duncan, “Early Parliaments”, 48-49.

The next parliament which concerned the Scottish settlement was held at Westminster in Lent 1305, and highlighted that, as in 1297, Edward expected the Scots to attend parliaments in England. Only certain Scots are known to have been present, including the bishop of Glasgow, the earl of Carrick and John Mowbray, (one bishop, one earl and one baron) along with some of the English officers based in Scotland.<sup>80</sup> This parliament only considered the provisions necessary for creating a new settlement for the Scottish government, rather than actually making any decisions concerning a new administration. What was discussed concerned the re-establishment of provisions for justice, clearly a prime concern for the English king. A committee of Englishmen was formed to hear judicial complaints in Scotland which included William Inge and Henry of Guildford, both English justiciars, Richard of Havering the king's cleric, James of Dalilegh, the escheator south of the Forth and John Weston the king's receiver. Initially these men were simply to receive the petitions for Scotland as far north as the Forth, but not to answer any of them. However, Maitland noted that

as it seems plain that in the first instance all petitions are to pass through the hands of Roubury, Caen, Kirkby, and Bush, we may perhaps believe that the committee for Scotland had the same power that was given to the committees for Gascony and for Ireland, that it consisted not merely of receivers and sorters of petitions, but of triers and auditors.

Edward had previously appointed clerks and notaries as men, not only receive but also to give first hearings to petitions, and the inclusion of such important figures as Caen and Bush among this list would suggest that Maitland's theory was possible. This committee, or Board of Auditors, left the first surviving roll of Scottish petitions which

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<sup>80</sup> F.W. Maitland, *Memoranda de Parlamento; Records of the Parliament holden at Westminster on the twenty-eighth day of February, in the thirty-third year of the reign of King Edward the First (AD 1305)* (London, 1893), 14-16; *Parl. Writs*, i, 155, 160; *Rot. Parl.*, i, 160; Richardson and Sayles, "Scottish Parliaments", 311-312.

had been issued to this parliament.<sup>81</sup> The roll listed each petition which had been heard and the responses which were given. These included the petition from Edward de Keith and his wife Isabelle, asking if the baillies and sheriff of Selkirk would hold an inquest into Isabelle's position as heir to her brother Andrew de Syntone. The inquisition was established with the promise to announce the findings once the inquiry was completed. Another petition came from the abbot and convent of Sweetheart Abbey, who requested the confirmation of their charter of lands and tenancies. The response stated that this request would go before a committee which included Roger Brabanzon and the chamberlain of Scotland, who were to examine and discuss the claims before issuing any royal assurances.<sup>82</sup> As with parliamentary evidence from meetings held by King John, petitions which came before Edward included a variety of concerns. Frequently, these appear to have been passed over to other committees or officials who went on to consider the matter and issue a settlement. Few judicial appeals seem to have been either decided at this parliament, or held over to the next meeting. Nor do these appeals seem to have concerned any major business, with most involving local disputes. Overall this appears to be another example of Edward's preoccupation with the provision of all levels of justice, with provisions for hearings established within parliament.

As previously noted, this parliament did not discuss plans for the new government of Scotland. Instead, it was determined that more gatherings had to be held in both Scotland and England before the matter could be resolved. Edward is known to have consulted with the three Scots who attended the Lent parliament about the

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<sup>81</sup> Maitland, *Memoranda de Parlamento*, lviii-lx, 3-4, 168-188; Parl. Writs, i, 155, 160; *Rot. Parl.*, i, 159; For the careers of the men listed in the original council, see *CDS*, ii, no. 294, 438, 457. For the careers of Cain and Bush, see Prestwich, *Edward I*, 444-445; Stones and Simpson, *Great Cause*, i, 79-80; Richardson and Sayles, "Scottish Parliaments", 311-312.

<sup>82</sup> Maitland, *Memoranda de Parlamento*, 168, 173, no. 268, 279. *Dulce Corde* is Sweetheart Abbey, near Dumfries.

schedule for establishing a settlement. It was decided that this was to be formulated within a *parliamentum Scocie*, arranged for London in the three weeks of midsummer 1305. The delay was included to allow for a gathering of the ‘commune’ of Scotland, which was to be held at Perth on 28 May, to select ten commissioners who would negotiate on behalf of the Scots at the London parliament.<sup>83</sup> This meeting at Perth does not appear to have been referred to as a parliament at the time by any of those involved, instead being called an *assemble*. Despite this, the community were noted as being summoned to Perth by ‘writs of chancery and the king’s officers’. Duncan noted that this was a similar method of summons as had been used for the 1304 gathering where the Scots had negotiated the cease fire. Such formal summons procedures and the fact that this gathering was also attended by knights and freeholders would suggest that this was a hugely important and broadly representative gathering, even if it was not referred to as parliamentary. Given that there was still no permanent provision for the Scottish government, this Perth gathering was commissioned to establish further temporary measures to ensure continued peace. In terms of the likely attendance at this gathering, although no official lists remain certain information can be deduced from additional evidence. It is likely that the ten who were elected as representatives would have been in attendance, while additional names can be taken from a surviving document from an inquisition which was held at Perth on 31 May 1305. This was conducted before ten knights and six freeholders from Fife, along with John Earl of Atholl the warden north of the Forth, and John Sandale, the Scottish chamberlain, at least some of whom likely attended the meeting held three days earlier to decide on the Scottish commissioners.

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<sup>83</sup> Maitland, *Memoranda de Parlamento*, 14-16; *Parl. Writs*, i, 155-156, 160-161; *Rot. Parl.*, i, 159; Richardson and Sayles, “Scottish Parliaments”, 312; Duncan, “Early Parliaments”, 49.

The impression from these names is that the Scots were not trusted to gather together without the attendance of certain Englishmen, and that this meeting involved representatives from all of the political classes within Scotland, to ensure that everyone was aware of what was being discussed, and accepted the men who were selected to attend the next English parliament.<sup>84</sup> The Scots nominated two bishops, two abbots, two earls and four barons, two of whom were representatives to cover north and south of the Forth. Of the original three commissioners sent to the London parliament at Lent, only Sir John Mowbray was re-selected. One of those chosen by the Scots, Patrick Earl of Dunbar, was later noted as having failed to attend the English parliament when it finally met in September, although no reason was given. He was replaced by Edward's choice of Sir John de Menteith.<sup>85</sup>

Although the meeting at Perth was not referred to as a parliament, Edward's Scottish lieutenant, John of Brittany, was required to hold such a meeting in Scotland around the same time. Little evidence survives from this gathering, except notification that a parliament was held at Scone before the royal lieutenant or governor of Scotland and the magnates of the land, to form an agreement for orderly government and that it concerned the same petitions which had been presented to the London parliament at Lent.<sup>86</sup> The only direct evidence of a petition which would have been discussed at this meeting can be found within the judicial request originally made at Westminster. This plea asked for a declaration on market costs, and was given the response that the matter

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<sup>84</sup> Maitland, *Memoranda de Parlamento*, 14-16, 171 no. 276; *Parl. Writs*, i, 155-156; *Rot. Parl.*, i, 159; *CDS*, ii, no. 1670; Duncan, "Early Parliaments", 49.

<sup>85</sup> *CDS*, ii, no. 1691, 124; Barrow, *Robert Bruce*, 134.

<sup>86</sup> Maitland, *Memoranda de Parlamento*, 178-9 no. 290; Richardson and Sayles, "Scottish Parliaments", 312. The Latin describing this gathering stated "*Sequantur coram tenente locum Regis ad parlamentum de Scona, et si magnates terre Scochie velint consentire, certificet Regem, et Rex ordinabit*".

would be discussed before the royal lieutenant and the Scottish magnates at the parliament which would be held at Scone. The examination of Scottish petitions under the English committee established at Westminster in March or before the parliament held at Scone by the English lieutenant, rather than during the expanded gathering held at Perth in May, suggests that the English were already removing judicial procedures from Scottish influence. Richardson and Sayles suggested that "Edward intended to set up for Scotland a judicial system similar, as far as might be, to that existing for Ireland, and to extend to Scotland the relationship already existing between the English courts and those of Ireland". In Ireland, English-appointed justiciars had formed a main-stay of the English government there, with the justiciar's council ruling in place of the absentee king under Henry III. Judicial complaints were not heard by natives and were determined under English law.<sup>87</sup> Further evidence of English attempts to impose their judicial system upon the Scots can be seen within the next parliament.

The *parliamentum Scocie* which had been arranged for mid-summer 1305 was delayed twice before it finally sat in September. During this time, the plan to hold a parliament solely for Scottish issues was rejected in favour of holding another joint parliament which could also deal with problems from England. The ten Scottish commissioners were joined by twenty-two Englishmen for a parliament which began on 15 September 1305. This meeting finally created regulations for the joint Anglo-Scottish administration of Scotland and settled the remaining issues of exiles or

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<sup>87</sup> Maitland, *Memoranda de Parlamento*, 178-179, no. 290. Richardson and Sayles, "Scottish Parliaments", 312. H.G. Richardson and G.O. Sayles, "Parliament in Medieval Ireland", *Medieval Irish History Series I, pamphlet* (Dublin, 1964), 4-7, 9-12. As for the Scots, Edward established a committee to deal with Irish petitions at the London parliament held at Lent 1305. It was noted that the petitions "can be answered without the king" and instead with "a less dignified group of men" than were used for Gascony. Maitland, *Memoranda de Parlamento*, lxi. The similarity between the two can also be seen in that Edward proposed the codification of Scots law at the September parliament at Westminster, a move which would have made either the unification of the two legal systems, or imposing the English system upon Scotland considerably easier.

ransoms which were to be levied on the former Scottish rebels. English concerns over the provision of justice were also apparent at this meeting, with the continued discussion of Scottish petitions. With the governmental proposals formed, Edward made further changes to the legal provisions for Scotland, establishing plans for the codification of Scots law. The Scots were to hold another assembly to select a new body of representatives who would discuss the codification with Edward's Scottish lieutenant. These new Scottish representatives were then to attend Edward's next parliament planned for Easter 1306, although this was later prorogued until 12 May.<sup>88</sup> By the time the rescheduled meeting was held, Bruce had slain John Comyn and been crowned king at Scone.

Edward I held one final parliament which dealt with Scottish issues before Scotland was lost to the Bruce rebellion. This meeting was called to Carlisle at Hilary (13 January) 1307 and discussed legislation which Edward I ordered was to be applied to Scotland, England, Ireland and Wales, supporting the theory that Scotland's constitutional position was increasingly similar to that of Ireland. Statutes made for England were also applied to Ireland and appear to have simply been extended to cover Scotland. A few Scottish petitions also came before this parliament, suggesting that the Scots continued to look to Edward for the provision of justice, unsurprising given the support which the English retained in Scotland.<sup>89</sup>

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<sup>88</sup> *CDS*, ii, no. 1691; *Rot. Parl.*, i, 211-215; *Parl. Writs*, i, 161-162; Richardson and Sayles, "Scottish Parliaments", 313.

<sup>89</sup> *CCR, 1302-1307*, 470-471; *Parl. Writs*, i, 181-182; *Rot. Parl.*, i, 188-223. An example of a statute established for England which was also to cover both Scotland and Ireland can be seen in *Statutes and Ordinances, and Acts of the Parliament of Ireland. King John to Henry V.*, ed H.F. Berry (Dublin, 1907), 240-243. This was issued to "religious persons" and was established to prevent abbots, priors and wardens of monasteries, priories and houses from imposing any taxation which was not established by the king. Richardson and Sayles, *English Parliament in the Middle Ages*, V154; Richardson and Sayles, "Scottish Parliaments", 314. Unfortunately no major evidence remains to highlight Scottish attendance at this parliament. The remaining summonses refer only to Englishmen, while only the occasional Scot such as the earl of Angus, a predominantly English landholder, or

What all of this evidence suggests was that 'parliament' was increasingly viewed as the method not only for the direct rule of Scotland by Edward I, but also for the government of Scotland within the kingdom, as long as these meetings were only held by the king's lieutenant. Although Edward seems to have initially planned to hold separate parliaments for the government of Scotland, it seems to have proven more convenient to simply add the Scots to existing parliaments held to deal with the more important concerns surrounding events in England. Where evidence remains of attendances at the different expanded gatherings held in Scotland, it is clear that these included some Scottish knights and freeholders along with the prelates and magnates, an expansion of membership which had already occurred once within Scotland for the ratification of the French alliance in 1296. Although these groups had formed an increasingly frequent and important aspect of parliaments in England under Edward I, their role in Scottish parliaments would not be formalized until the 1326 tax raising parliament held by Robert I.<sup>90</sup> The business of these parliaments included justice, creating a settlement for governing Scotland and plans to codify Scottish law. While there was little autonomy for the Scots within these gatherings, the English recognised that the Scots had to have some involvement within their own government if Edward was to try to avoid the rebellion which had followed the 1297 settlement. The increased importance of the role of parliaments across this period can be seen in that when Robert Bruce sought legitimacy for his increasingly successful regime, he did so in a parliament held at St Andrews in 1309, as soon as was practical during his reign.

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Scottish officers including Sandale, appear on the list given within the record from this parliament.

<sup>90</sup> The best example of this is the list of knights from the St Andrews parliament of 1304. Palgrave, *Documents*, 299-300; Duncan, "Early Parliaments", 49.

## Conclusion

The political systems of these two countries differed considerably. England used a much more developed parliamentary system, particularly under Edward I. With their governmental meetings expanded and defined through the provisions of taxation and justice which became prominent across the thirteenth century, parliament had become a mainstay of the English administration. Alternatively, parliament did not hold such an eminent role within Scotland by the end of the thirteenth century. While important, larger meetings were used, they did not hold a regular role, specific attendance or any unique business until the reign of John Balliol (1292-96). Although the English did not import parliaments into Scotland, their meetings did exert an influence over their northern counterparts. Scots were exposed to frequently held, established parliaments, both through being required to attend meetings at Westminster as English landlords, and through Edward's use of parliaments during his direct rule over Scotland, across 1291 to 1292 and 1296 to 1306. Factors which suggest that the Scottish parliament was influenced by England include the frequency of the meetings called by John Balliol and Robert Bruce immediately after periods of English rule. This was also reflected in the business discussed at Scottish parliaments, particularly with the provision of justice and the expanded attendances, which increasingly followed the English practice of including knights and freeholders. However, this is not to suggest that the Scottish parliament would not have developed without such English input. Justice and foreign policies were already determined within large, parliamentary-style meetings held in Scotland before 1291. The Scots clearly knew the value of parliaments to their government, given the protections which they included within the Treaty of Birgham (1290). It should also be noted that these English influences did not completely change the Scottish parliament.

Different offices used by the English were not maintained; escheators did not permanently replace sheriffs, the treasurer soon resumed the title of chamberlain, justiciars were maintained throughout, and taxation did not become a major, permanent feature of Scottish politics until the fifteenth century. What the English provided, rather than the imposition of an alien system of government upon the Scots during periods of direct rule or influence, was a stimulus for the development of an existing institution which remained distinctly Scottish, but adopted and adapted some of the ideas and practices used by its southern counterpart.

### 3.Re-establishing the kingship, 1292-1296.

Professor Barrow stated that at the end of the Great Cause,

the judgement in favour of Balliol was surely the triumph of law, common sense and respect for orderly procedure in the most important public act in which a medieval nation could join....and the choice of Balliol was not something with which most Scots had any wish to quarrel.

He went on to say that Scotland “was sophisticated enough to carry on a governed existence during the prolonged absence of a ruler, but at least there had to be a ruler. What mattered most was to end the interregnum and to inaugurate a lawful king”.<sup>1</sup> In November 1292, Scotland did exactly that, accepting John Balliol as their newly elected king. Yet Barrow’s analysis highlights the situation which faced the new king. While most accepted that John had the best claim to the throne, he needed to extract himself from the conflicts of the Great Cause before he could go on to re-establish the kingdom and royal authority after the competent but limited rule of the guardians. To do this John needed to settle remaining disputes, confirm grants and recapture those royal rights and dignities which had been eroded during the guardianship. At the same time, he also had to contend with the added pressures exacted by the overlordship claimed by Edward I, which John had accepted with the rest of the Scots in 1291 and then again in 1292, both immediately before and after he was crowned.<sup>2</sup>

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<sup>1</sup> Barrow, *Robert Bruce*, 49-50.

<sup>2</sup> John swore fealty to Edward on 20 November 1292 at Norham and gave homage on 26 December at Newcastle upon Tyne. Stones and Simpson, *Great Cause*, ii, 254-258, 260-263. Edward generally requested that the swearing of homages was done within parliament, with examples including Alexander III in 1278 and the Scots in 1291 and 1296. Yet neither of these 1292 meetings were recognised as parliaments. John’s fealty was given only three days after the Great Cause had been settled in the parliament at Berwick, yet Edward waited until he was on English soil at Norham for the ceremony. Homage was then taken at Newcastle after John had been crowned, during the same meeting which considered the appeals of Roger Bartholomew. Despite the nature of these issues, there is no evidence that this meeting was thought of as a parliament. It seems unusual that Edward would not have made the political statement of his continued domination over the Scots and their new king within the more important, public body of parliament. It appears that summoning the Scottish king

As has already been discussed in previous chapters, the prospect of closer ties with England, through the planned marriage of Prince Edward and Lady Margaret, and then through Edward I's overlordship, stimulated the definition of existing Scottish political bodies. In addition to this, the resolution of the Great Cause had been carried out in frequently held parliaments. This must have considerably reinforced the idea that justice was a primary function of parliament, which was in turn an integral part of government. When John was crowned on St Andrews Day 1292, he faced the prospect of having to unite his people and govern providing a just and comprehensive rule within a country which, over the previous two years, had become accustomed to using frequently held meetings of the political collective which were identified as parliaments. The possibility of uniting the Scots under a Balliol king would have taken time. The competition of the Great Cause had ensured that the country was divided between Bruce and Balliol supporters, and John faced the additional difficulty of a lack of Bruce support from the outset of his reign. The fact that he had been elected ensured that John, like the guardians, did not have the natural authority of a king born and raised to the role, as his predecessors had been, or of someone who took the throne during war and proved himself through success in battle, as Robert Bruce eventually did. Rather, John initially had to prove his capabilities as a ruler with the land generally at peace, through the manner in which he dealt with his people, the problems and administration of good government, and, ultimately, in his relationship with the English. Full acceptance of his leadership would have come with time, experience and successful policies, none of

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and hearing judicial appeals in England rather than at Berwick was sufficient for Edward to display his authority over John. Certainly these were both large gatherings. The meetings for homage, fealty and the release of Edward I from all previous obligations towards Scotland in January 1293 were detailed in charters with witness lists of seventeen, forty-three and twenty-three names respectively. Of these, eleven, twenty-two and eleven men were Scots. *Handlist of Alexander III*, no. 359, 361, 363; *Foedera*, i, 781-784.

which John had the opportunity of proving. However, to begin with, he would have had to act almost on a par with the guardians in terms of his need to acquire considerable consent for his decisions and support for his actions. Without natural authority or universal endorsement, John would have needed visible approval from his subjects, taken through regularly held parliaments, to enable him to defend himself and his decisions, particularly against the English.

### Parliaments under John

Having established that parliaments were used with increasing regularity during the period immediately preceding John's rule, what evidence survives of the number of parliaments held during this reign? The *SHR* articles of Richardson and Sayles and Professor Duncan have established that after a period when relatively few parliaments were held, with even fewer surviving references, under John there appear to have been at least seven parliaments between February 1293 and October 1295. The records of the first two of these meetings, held in February and August 1293, provide the most information from this reign. Both are printed within *APS* i, although lacking sederunts and direct evidence of summoning briefes or procedures. The official rolls also fail to provide any information regarding the actual events of the assemblies; any debates which might have taken place, how much influence the nobility held over the final decision, or if this body was merely a rubber stamp for royal authority. This latter theory seems unlikely given that the political community had spent the previous six years ruling without a king and would therefore hardly have been willing to step back and allow the newly elected, inexperienced monarch an entirely free hand at running the kingdom. Despite such limitations, the records from these first two parliaments still

represent a considerable move forward in terms of the meetings they describe. The evidence for the remaining parliaments held by John comes from chronicle references, assorted charters and English documents from this period. While these combine to provide a reasonably comprehensive picture of the volume of parliaments used by John, they also mark a return to the reduced level of information available. Most provide only a passing reference to a parliament which was held, with a note regarding one or two pieces of business which were considered important from each session. As such, these accounts lack any detail concerning the different aspects of governmental business which would have been considered at these meetings.

The first of the remaining five parliaments was held at Lanark from 2 February 1294. Edward I claimed wardship over the earldom of Fife through his custody of the child earl. English sources noted that the king sent his agent, Walter of Cambo, to settle the matter with John, and that Cambo eventually received confirmation of Edward's wardship "*ad parlamentum suum apud Lanarke, xvj die Februarii*".<sup>3</sup> The next parliament was held in Edinburgh around 16 May 1294. The date of this meeting is taken from the point when the king and his council are known to have been in Edinburgh, where they agreed to pay the tocher of Margaret of Flanders, widow of Prince Alexander, eldest son of the late King Alexander III.<sup>4</sup> Although the charter issued from this meeting provides only three witnesses and says that this was decided within a "*consilium*", the fact that an actual parliament was held in Edinburgh at this point can be determined from additional evidence found within a *brieve* concerning land rights,

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<sup>3</sup> Stevenson, *Documents*, i, 415, 408, 410; Duncan, "Early Parliaments", 42-43; Richardson and Sayles, "Scottish Parliaments", 304 *n.5*.

<sup>4</sup> Stevenson, *Documents*, i, 421-422.

which will be discussed later.<sup>5</sup>

References to the remaining parliaments can only be found within the various chronicle sources which cover this period, ensuring that the evidence for these gatherings must be used with caution over their reliability. The first parliament detailed in the chronicles was held in either June or July 1294, although the place is unknown. This meeting was mentioned in the *Scotichronicon*, where John was noted to have summoned his “*parlamentum*” to determine if he was expected to fight against the French as part of his homage to Edward I.<sup>6</sup> References to the next parliament are rather less straightforward. Both *Gesta Annalia II* and the *Scotichronicon* referred to John holding a parliament upon his return from London, where he had attended Edward I’s parliament and had been forced to answer for his decision regarding the MacDuff case. *Scotichronicon* tentatively placed this meeting in February 1295, while *Gesta Annalia II* did not provide a date. Richardson and Sayles stated that Balliol returned from the trip to London which had discussed the MacDuff case at the end of 1293, which would place this parliament in February 1294; the already mentioned Lanark gathering. Richardson and Sayles went on to suggest that the parliament mentioned in *Gesta Annalia II* actually referred to a gathering held at Stirling on 6 July 1295, which is also known from *Lanercost*. This chronicle stated that

the magnates, prelates and other nobles of the kingdom of Scotland having assembled, a solemn parliament was held at Stirling, where by common consent it was decreed that their king could do no act by himself, and that he should have twelve peers, after the manner of the French, and these they then and there elected and constituted.

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<sup>5</sup> Duncan, “Early Parliaments”, 45. It is interesting to note that the *brieve* used the term “*colloquium*” for both the meeting to be held in Edinburgh and that recently held in Lanark. The other sources which mention the parliament in February 1294 all referred to a “*parliamentum*”. This could be due to the fact that the surviving sources from Lanark were letters and charters written for Edward I, as the English would have been more likely to have used the term parliament.

<sup>6</sup> *Scotichronicon*, v, 40-41.

The *Scalacronica* also noted that “four bishops and four earls and four barons” were appointed “to rule the land of Scotland”, although this chronicle provided no record of any parliaments being held during this reign, instead claiming that rulings were carried out by the “council of Scotland”. As neither the *Scotichronicon* nor *Gesta Annalia II* mentioned either parliament from February 1294 or July 1295, they could simply have failed to differentiate between the various meetings. There certainly appears to be no other surviving evidence to support the idea that there was another, separate parliament held in February 1295.<sup>7</sup>

A final parliament was held in October 1295. *Lanercost* stated that a “parliament of the nobles of Scotland and the council of prelates” met at Edinburgh to answer the English king, who had demanded that they give him custody over the four castles of Berwick, Roxburgh, Jedburgh and Edinburgh, so that he could protect the Scots from invasion during the English war against France. This was also referred to in *Scalacronica*, which stated that this demand was given to the Scots during negotiations held at Jedburgh.<sup>8</sup>

Overall there remains sufficient evidence to identify at least seven parliaments held during John’s reign. These appear to have dealt with a variety of issues, both national and international, many of which were not settled within one session. Certain issues which might have been expected to appear in a parliament, such as the ratification of the French alliance in February 1296, are found within lesser meetings. What must now be examined are the apparent functions of parliaments under King John

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<sup>7</sup> *Chron.Lanercost*, 115; *Scalacronica*, 14; *Scotichronicon*, v, 43; *Fordun*, ii, 315-316. Richardson and Sayles, “Scottish Parliaments”, 304, n.5. Richardson and Sayles noted that some confusion existed over whether this parliament was held at Stirling or Scone.

<sup>8</sup> *Chron.Lanercost*, 125; *Scalacronica*, 14; Richardson and Sayles, “Scottish Parliaments”, 304 n.5; Duncan, “Early Parliaments”, 46 n.1.

and whether the development of this terminology had altered the business or attendances at these expanded gatherings.

### Scone February 1293

John's reign began with a gathering which does little to dispel the notion that the primary function of parliaments was justice. The first parliament, held in February 1293, features a range of judicial issues, some of which were settled within this first session while several others were held over to be considered at future meetings. Those concerns which were concluded at Scone include the question of rights to the lands of Kirkmabreck, Bagbie, Carsluith and the Boreland of Anwoth, all of which were the heritage of Sir Bertram of Cardoness, but which he had temporarily granted to the bishop of the Isles. The issue was settled with the bishop allowed to retain all rents from the tenements for the entire four years of the original agreement, along with sasine of the lands for the remainder of the grant. However, the bishop was not entitled to seek infeftment without royal consent. A similar issue settled at this parliament regarded a dispute between William Bisset and William Fraser Bishop of St Andrews, over the right to hold the lands of Earl's Calder for the child heir to the earldom of Fife. The lands had originally been granted to William Bisset by the guardians, who had acted at the behest of Edward I. Bisset had then given the lands to the bishop of St Andrews to hold until the heir reached his majority, in return for an annual rent of forty pounds. The dispute centred around the fact that after Edward I became the direct lord of Scotland in 1291, he regranted and confirmed Bisset's wardship in a charter. This official grant caused Bisset to claim that the tenancy should have reverted back to him from the bishop of St Andrews, while the latter refused to relinquish control over the lands. John

heard from both parties and decided that Bisset should retain the overall right to the lands, but that as the English king had simply reaffirmed the original grant, this did not affect the subsequent arrangement which had been made between Bisset and the bishop. As such, the latter was allowed to keep possession until the heir came of age. The final dispute which was resolved during this session of parliament concerned a land grant originally made by Alexander III. The bishops, earls and barons are all said to have supported the claim that Sir Ingram de Umfraville and his wife Isabella had been granted 100 merks of land in tenancy, split between forty marks of land in the sheriffdom of Carrick, and forty pounds from the king's chamber, all of which they had received until the death of Alexander III. John agreed that the couple should retain these rights from Isabella's tocher from her first marriage to Alan MacRuairi, lord of Garmoran.<sup>9</sup> However, should any of Alan's heirs have recovered their heritage, all of the lands and rent were to return to the king. As no further information appears regarding this decision, it seems that this was not challenged at this time by any of Alan's heirs.<sup>10</sup> From these examples it appears that the disputes which came before John's first parliament mainly concerned issues which had been left unsettled due to the lack of direct authority in Scotland under the guardians or Edward I's overlordship. John was recognised as having held the necessary authority to determine such disputes from the outset of his reign. Issuing these decisions within parliament also highlights that John was prepared to use these meetings as Edward had, to highlight his personal, political power over his kingdom. As king, John was the only person who could issue

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<sup>9</sup> Alan MacRuairi was one of the MacSorley descendants who held lands in Moidart, Arisaig, Morar, Knoydart, Rhum, Eigg and possibly also in Barra, the Uists and Harris. Prominent during the 1290s and the subsequent wars, the MacRuairis eventually sided with the Bruce cause. McDonald, *Kingdom of the Isles*, pp130-131.

<sup>10</sup> *APS*, i, 446-447; *PSP* 1293/2/11, 1293/2/13, 1293/2/15; *NAS PA* 1/1, PA 1/2. In the Cardoness case, the bishop of the Isles was referred to as the bishop of Man in the text.

judicial settlements, while the fact that these cases all had to be considered within parliament highlights the political uses of the institution.

It has generally been accepted that the start of John's reign saw a typical reinforcement of royal authority through the rewarding of the king's supporters from the Great Cause. This can clearly be seen through John's use of parliaments. While little can be discovered about Bertram of Cardoness, it is possible that John's decision over the dispute with the Bishop of the Isles could have been influenced by the fact that Edward I had seized the Isle of Man from Scottish control in 1290 and only belatedly returned authority over the island to John on 5 January 1293.<sup>11</sup> The other two cases are more clear cut. In the dispute between William Bisset and the bishop of St Andrews, the king decided in favour of the bishop, a man who had served as John's auditor in 1291. Alternatively, the Bisset family had been rivals of the Comyns from the 1240s, and although they had ceased to be a major threat from about the 1270s, the Scottish king rewarded his long-term supporter over an old enemy of his Comyn allies. Equally, the judgement in favour of the Umfravilles, cousins of the earl of Angus and related to both the Balliols and the Comyns through marriage, came against the heirs of part of the MacRuairi clan. The MacRuairi's were related to the MacDonalds, who supported the Bruce claim to the throne, and eventually sided with the Bruce cause themselves. Throughout these judgements John used parliament for his political means, to reinforce his authority and reward his supporters. Such a tactic can be seen throughout these parliaments for which any significant level of evidence remains.

Other issues were discussed in this parliament which suggest a king tying up loose ends from the period which preceded his reign. These included grants of

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<sup>11</sup> Barrow, *Robert Bruce*, 28-29, 49.

wardships; with the lands and tenements of John of Restalrig given to John of Stirling due to the insanity of their former lord, while the lands of Alexander de Abernethy went to Alexander de Menteith until the former came of age.<sup>12</sup> The important issue of homage, giving recognition of John's authority as king, was also raised within this first parliament. The knight John de Soules offered his homage to John for the lands in a fourth part of the barony of Ardrossan which he had inherited during the guardianship from Margaret, wife of Hugh de Perisby.<sup>13</sup> As with the previous judgements, these grants also stress the use of parliaments to reward John's supporters. Simon, son and heir of John of Restalrig, was immensely dissatisfied with the king's failure to give him wardship of his father's barony, and appealed to the English court over the matter. The beneficiary of the lands, John of Stirling, was part of a family who had held long-term connections to the Comyns at least as far back as the 1240s. Both Abernethy and Menteith appear to have been Balliol supporters, with the latter resultantly given wardship only until Abernethy came of age. Finally, Soules was another supporter who was rewarded, although one with a slightly more unusual history. Although his family was related to and had supported the Comyns between the 1250s and 1291, and he became a prominent member of government after 1292, John de Soules had acted as an auditor for Robert Bruce during the Great Cause. However, this does not appear to have prevented John from recognising Soules' inheritance or restoring him to royal circles.<sup>14</sup>

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<sup>12</sup> *APS*, i, 446-447; *PSP* 1293/2/6, 1292/2/14. NAS PA 1/1, PA 1/2. Alexander's father was Hugh de Abernethy, who died in prison after his involvement in the murder of Duncan Earl of Fife in 1288. *Scots Peerage*, iv, 11.

<sup>13</sup> *APS*, i, 445; *PSP* 1293/2/4; NAS PA 1/1. The record made it clear that Soules had only delayed his homage because he had been infert during the vacancy in the kingship.

<sup>14</sup> Simon of Restalrig appealed to the English at Westminster on 22 November 1293, over the interference of Sir Patrick Graham, a leading member of John's government, claiming that Graham had persuaded his mother to alienate certain of their lands. *Rot. Scot.*, i, 19-20. Both Abernethy and Menteith appear to have been strong supporters of John, the latter died in English captivity having fought for Balliol, while both eventually settled with Edward I after fighting for John. Soules was an envoy to Paris in 1285 for Alexander III's negotiations for his second marriage and again in 1295 for

This Scone parliament also dealt with those who had refused to give homage to John as the new king. The matter had been complicated by the Great Cause, which had divided loyalties between the different candidates and ensured that many did not agree with John's selection as king. John named Robert Bruce Earl of Carrick, Donald son of Angus, John Earl of Caithness and William de Douglas as the first group who had failed to provide their due homage.<sup>15</sup> Initially these men were asked to perform the tribute "*hic ad proximum parlamentum*". This was later deleted and replaced with a summons to attend the king on the day after the close of Easter, wherever John should be within the kingdom. The men were to provide their errant homage and to hear John's judgement on charges regarding their unexplained absence from this parliament. An unidentified sheriff was charged with taking six free men from the three nearest baronies to summon these men to meet with the king.<sup>16</sup> These changes were probably made after the end of this parliament when the king was in Dundee on 24 February 1293.<sup>17</sup> At the same meeting, a brieve was issued to Alexander of Argyll which was copied onto the reverse of the first roll from this parliament. Along with the bailies of Lochawe, Alexander was charged to summon Angus son of Donald, Lamond MacGregor and Anneesius son of

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the French Alliance. He went on to become the sole guardian of Scotland in 1301, appointed by John from his exile in France. Barrow, *Robert Bruce*, 58, 64, 74, 77, 80, 114-126, 166, 276; Young, *The Comyns*, 46, 69, 87 n.18, 100, 125, 177, 135, 200, 204-205.

<sup>15</sup> Donald son of Angus might be a mistake for Angus son of Donald, who was given in the second list of men who still had to provide homage and refers to Angus Mor, head of the Clan Donald. McDonald, *Kingdom of the Isles*, 163.

<sup>16</sup> *APS*, i, 447-448. The original entry in the parliamentary roll was replaced by the phrase "*in crastino clause pasche, ubicumque rex fuerit infra regnum Scotie*", entirely altering the summons. *PSP* 1293/2/20; NAS PA 1/2.

<sup>17</sup> Duncan, "Early Parliaments", 41. Duncan noted that this Dundee meeting concerned the king and a 'lesser council', rather than a parliament, although it would have been just as competent and adequate. Part of the attendance at this gathering can be taken from the witness list in a royal charter issued at the same time, with the earls of Angus and Ross, Alexander Balliol the chamberlain, Sir Thomas Randolph, Sir Ingram de Umfraville and Sir David de Beton all present. *Rot. Scot.*, i, 22. While these men did not make up an overly substantial section of Scottish political society, they did form an important and loyal body for the king.

Duncan MacGregor to come before the king fifteen days after Easter Sunday (13 April), again to wherever John was in Scotland, in order to give their homage and the other things which they were held to by law. These men were to hear John's judgment (*et audiendum judicium suum*) on why they had not attended this first parliament to which they had been summoned. The brieve ended with the warning that "*et hoc nullatenus omittant nec omittatis*".<sup>18</sup> Several factors surrounding these demands are of particular importance regarding John's position and his use of parliaments from the outset of his reign. The fact that homages were both required and received within parliaments suggests that John expected a similar acceptance of his authority to be given within the political and public institution of parliament as Edward I had. This would have been especially relevant for those men who were absent from this first gathering. Alan Young noted that Bruce opposition continued unabated after John was named king, with the competitor resigning his claim to the Scottish throne to his son, who in turn almost immediately resigned the claim and the earldom of Carrick to his son (the future king). The elder two Bruces refused to pay homage to John, with the younger Robert forced to do so in order to be confirmed in his earldom. The other discontented factions included Angus son of Donald, also known as Angus Mor, head of Clan Donald who, as already noted, supported the Bruce family. With the Macdougalls linked to the Comyns and thus to the king, the Macdonalds felt that they could not receive adequate justice within Scotland over the land dispute concerning supremacy in the Isles, which had surfaced under Edward I's direct rule at the Berwick parliament in June 1292. Alexander of Argyll, who had been charged to bring these men to the king, was not only

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<sup>18</sup> *APS*, i, 448; Duncan, "Early Parliaments", 40-41. Dr Tanner suggested that Anneesius son of Duncan MacGregor could have been called Angus. *PSP* 1293/2/8; *NAS PA* 1/1.

one of John's auditors in 1291, but was also married to a daughter of John Comyn 'the red'.<sup>19</sup> From the outset, John appears to have tried to emphasise his authority as the supreme lord to whom everyone owed homage. Given that John was prepared to use parliament for such political means, it seems unusual that the original request for the remaining homages to be provided within the next parliament was changed to have the men called before the king separately. Perhaps the desire to settle the matter quickly and enforce John's authority by gaining the remaining awkward submissions was thought more important than the influence of parliament. These homages also demonstrate that many issues brought before parliament were not settled within one session. While the matter was supposed to have been concluded around Easter, it was resurrected during John's second parliament, held in August at Stirling.

More examples of John's attempts to reestablish a strong Scottish kingship, regain lost royal rights and reaffirm royal control can be found in some of the other cases dealt with at this Scone parliament. One case which will be examined later was the dispute brought by Reading Abbey regarding rights to the priory of May. The abbey's representatives stated that the changing ownership of the priory during the guardianship had meant that certain liberties, rights, privileges or lands of the monarch had been lost, sold or in some way altered, and that John should revoke these detrimental changes immediately.<sup>20</sup> Another similar issue concerned the extension of royal administration throughout the realm, with the establishment of three new sheriffdoms. The first of these was the sheriffdom of Skye, given to William Earl of Ross, which covered lands including the earldom of Ross and the islands of Lewis,

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<sup>19</sup> For the initial discussion of the dispute over the Isles, see chapter four. Young, *The Comyns*, 122-123; McDonald, *Kingdom of the Isles*, 158-164.

<sup>20</sup> *APS*, i, 445-446; *PSP* 1293/2/5, 1293/2/7; *NAS PA* 1/1.

Eigg, Rhum, Uist, Barra and Skye. The sheriffdom of Lorn was awarded to Alexander MacDougall Lord of Argyll and Lorn, and included Ardnamurchan and Lochiel, as well as those lands which belonged to John MacGilchrist, Colin Campbell and John of Glenorchy amongst others. Finally the sheriffdom of Kintyre included the lands of Lochman, MacKilcolim and MacErewer and was given to James Steward of Scotland. This marked a continuation of the policy instigated by the Alexanders, to expand crown control further into the Western Isles.<sup>21</sup> The creation of these offices demonstrates a king attempting to establish a 'normal' reign, renew and enhance his predecessors' policies and settle his kingdom and authority after the period of royal absence. While all three recipients were the principle magnates in their respective sheriffdoms, royal power in Scotland still focussed around the use of strong, loyal magnates holding a region for the crown. John's appointments show that he was using loyal supporters to expand his authority beyond the royal heartlands. The Earl of Ross was a committed Balliol supporter, rewarded for his loyalty with the new post in Scottish government, while the MacDougall family were crucial to John's influence in or control over the Isles. Only the inclusion of James Steward of Scotland could be suggested as slightly unusual, as he was a long term Bruce supporter and had been an auditor for Bruce during the Great Cause. His family's influence in the western mainland of Argyll, his experience as one of the original guardians selected in 1286 and his clear commitment to Scottish politics must have ensured that he was too important to be excluded over previous affiliations.<sup>22</sup> At the same time, John needed not only to establish his authority as king, but also to expand his support if he was to maintain control over the kingdom

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<sup>21</sup> *APS*, i, 447; *PSP* 1293/2/16, 1293/2/17, 1293/2/18, 1293/2/19; *NAS PA* 1/2.

<sup>22</sup> Barrow, *Robert Bruce*, 45, 49, 55-56, 74.

for any length of time. His governmental appointments could not simply reward his traditional support to the detriment of all Bruce adherents, many of whom were important political figures and would have constituted a potential problem if consistently excluded from power.

Overall, these examples show a king who used parliament to re-establish the kingship and particularly his own authority, to ensure that his decisions were accepted, to end running disputes and to maintain peace. Evidence from this first meeting shows the range and complexity of issues brought before John's parliament. However, it is unclear whether this meeting can be relied upon to establish patterns concerning the general functions or regular business of parliaments across the entire reign, given that so much of this meeting concerned problems which arose from the guardianship.

Justice formed a major aspect of parliamentary business under John, with seven out of the thirteen items of business recorded from this parliament, including the three already examined. Two of the remaining four cases raised saw their decisions held over until future meetings. What can be taken from these cases is the suggestion of the existence of a procedure, however limited, for the provision of justice within parliament. These pleas concerned MacDuff, accused of invading the lands of the deceased Earl Duncan of Fife, which were then in the wardship of the king, and the previously mentioned case from Reading Abbey. Mary Countess of Strathearn was called to provide witness as to whether Alexander, the son from her marriage to Hugh of Abernethy, should have possession of various lands and tenements in the sheriffdoms of Fife and Perth. Finally the king wanted to fine Matthew Bishop of Dunkeld £1000

for prejudice and hurt to the royal dignity through his actions at the Roman *curia*.<sup>23</sup> The existence of at least some form of procedure for a plea heard in parliament can be found in the manner in which these people were called to answer their case. Mary Countess of Strathearn was specifically called to parliament to answer regarding her son's rights to certain lands. No record exists of her appearance at this session, nor any indication that the issue was to be carried over to a future meeting. Yet the fact that the Countess was to be summoned highlights that she was not already in attendance, and that her right to appear at parliament stemmed only from her involvement in this dispute. In the case of the king against the Bishop of Dunkeld, the latter did not have to say anything until after the case against him was presented. Yet there remains no record of any summons for the Bishop, which suggests that he was actually already at parliament, likely through his position and office, and thus simply had to come forward to protest his innocence.<sup>24</sup> Although any conclusions which can be drawn from this are limited by the few examples which remain, this still implies that some form of procedure was used in Scottish parliaments across this reign.

The dispute which concerned Reading Abbey differed in that the surviving record did not suggest that anyone was called to give evidence. This could have stemmed from the fact that this was the only case which did not involve the king within the actual suit. Reading claimed that the sale of the Priory of May during the guardianship had been against the assent of the king of Scotland, patron of May, as there

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<sup>23</sup> *APS*, i, 445-447; *PSP* 1293/2/2, 1293/2/3, 1293/2/5, 1293/2/7, 1293/2/10, 1293/2/12; *NAS PA* 1/1, 1/2. The Countess of Strathearn was the widow of Hugh de Abernethy, and her son was the same Alexander of Abernethy whose lands were given in wardship to Alexander de Menteith earlier in this parliament. For the family connections and details of the Countesses marriages, see *Scots Peerage*, vii, 399-401; viii, 246-247.

<sup>24</sup> The Countess was "*summonitum*" to this parliament, while the bishop simply came forward, "*Et episcopus venit et defendit vim et injuriam*". See *PSP* 1293/2/2 n.4, 1293/2/10, 1293/2/12.

was no king at the time. Also, the bishop of St Andrews had no right to buy the priory given that he was a guardian at the time and should have been protecting the kingdom rather than altering it in any way. For Reading, the case was brought by two representatives; Brother John de Sotton a monk of Reading and Hugh de Staunforth a clerk. One curious point from this dispute is that no mention remains in this roll of the bishop of St Andrews having been required to defend his purchase of the Priory or to respond to Reading's desire to regain possession. This case did provide the only example from this parliament of a judgement made by John which was not accepted by at least one of the parties involved. The record within the first roll of parliament from 1293 initially detailed the letter written by William Abbot of Reading on 17 January 1293, to acknowledge the appointment of the two representatives and to clarify the claims and demands of Reading Abbey over the restoration of the Priory of May. This letter stated that Reading wished not simply for the return of the priory, but also for all of the proceeds from the four years during which it had been alienated from them. With regards to the jurisdiction of the envoys, the letter stated

Giving to the same general power and special mandate in our name and [the name] of our church of Reading for settling all and singular the foregoing and for appealing at the court of our lord the illustrious king of England and prosecuting that appeal and doing all other things by which it shall be possible to settle the said business legitimately, regarding as ratified and acceptable to us, now and in the future, whatever our said procurators shall do in the foregoing.

The prospect that this matter would be taken to an appeal at the English court seems to have been anticipated and planned from the outset. The abbot of Reading also provided a petition which detailed the history of their relationship with the priory, originally given to them by David I, and how it had been alienated. Along with the previously noted demands surrounding the priory and its proceeds, Reading also claimed that the bishop of St Andrews had only provided £200 14 marks of the £1000 originally

promised for the purchase. While there was no outright judgement made during this parliament as to the legitimacy or validity of the original sale, John did offer a solution in asking whether Reading would be prepared to repay the 1100 marks originally agreed with the bishop of St Andrews for the priory. The representatives claimed that they had not been sent to make a payment to the bishop, and were unable to oblige themselves for any money. Instead they requested that the petition would remain open until the next parliament, so that they could consult with their abbot and with the English king. They also stated that they might have been unable to attend the very next parliament which was to be in August 1293, showing that regular meetings of parliament were already planned by the Scottish king. Given the mandate which these men held, detailed above, the only reasonable explanation for their refusal to accept this settlement was that they had been sent to regain the priory without further loss, with an appeal to be launched to Edward I if that was not forthcoming from the Scottish king. There remains no evidence that this matter was brought before John at his Stirling parliament the following August. However, in his examination of the Priory of May, Professor Duncan suggested that the Stirling parliament would have been the only possible time when the matter could have been re-examined, as the abbey obtained a warrant from Edward I on 2 September 1293 to cite the Scottish king to answer for his default of justice over the matter.<sup>25</sup>

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<sup>25</sup> *APS*, i, 445-446; *PSP* 1293/2/7, 1293/2/9; *NAS PA* 1/1; A.A.M. Duncan, "Documents Relating to the Priory of May, c.1140-1313", *PSAS*, xc (1956-1957), 52-80. The Priory of May had originally been sold to St Andrews to clear debts, because Robert of Burghate the former abbot had bankrupted his house. As such, it is possible that Reading was simply unable to repay the bishop for the Priory. Duncan also highlighted the likelihood that this matter was discussed again at the parliament held at Stirling in 1293 in that the brieve issued by Edward I in September concerned "an account of failure and denial of justice" towards Reading. *Rot. Scot.*, i, 19; *Cal. Chanc. Warrants, 1244-1326*, 38. After the representatives had gone back to Reading and discussed the outcome of the February parliament with their abbot, they then returned to the Scottish king. At this meeting, justice was denied to them on the basis that the bishop of St Andrews had appealed to Rome over the matter. The Priory was only reinstated to Reading by Edward I after John had resigned in 1296. The debate over ownership

What these four cases show is that there appears to have been a basic procedure for hearing cases brought by the king and for continuing a case until the next parliament, to allow time to seek alternative opinions or collect further evidence. Both the representatives of Reading Abbey and the bishop of Dunkeld were permitted to wait until a future meeting to finalise their decisions.<sup>26</sup> MacDuff was refused this right and was instead imprisoned, while no further evidence remains regarding the countess of Strathearn.

Another aspect of this record worth noting is the reference to the fact that parliament, despite any changes in terminology, business or membership from previous incarnations, remained centred around the king and his council. The opening lines of this parliament noted not only the fact that this would hear “*Placita apud Scon*”, but also that this was “*coram ipso rege et eius consilio in parlamento suo primo*”. The representatives of Reading Abbey also noted within their petition that any decision would be made by the king and his council. Although most of the issues of this parliament were directed to John alone, there remain sufficient comments to suggest that the king was supported by and linked to his council for his decisions within parliament.

Overall, these two rolls provide a considerable resource for the functions of parliament during this reign. The assembly dealt with a substantial range of business, from justice instigated by the king, to cases brought to parliament by others. The settlement of rights to land or occupancy were considered alongside demands for and acceptances of homage and the establishment of measures to safeguard peace

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continued throughout this period as control over the Priory and its endowments fluctuated between the two houses until it finally settled with St Andrews under Robert I.

<sup>26</sup> *APS*, i, 445-447; *PSP* 1293/2/2, 1293/2/3, 1292/2/5, 1293/2/7, 1293/2/10, 1293/2/12; *NAS PA* 1/1, 1/2.

throughout the kingdom. The opening statement highlighted that this parliament was focussed around dealing with pleas, a fact supported by the evidence, as over half of the business dealt with some form of judicial settlement. However, the re-establishment of the kingship was also evident in many aspects from this session. The importance of justice cannot hide the fact that parliament was used overwhelmingly for political means. The institution was employed to highlight the personal power of the new king and his authority over the country, whether through the provision of judicial settlements, the expansion of royal control into the extremities, or through dealings with those who refused to submit to or acknowledge John's position as king. It remains to be seen whether this parliament was unusual in terms of its business and jurisdiction, due to its position at the beginning of a reign which followed on from the less certain government under the guardians and the Great Cause, or whether this did provide a blueprint for the uses of parliament under John.

### Stirling August 1293

That the second parliament followed a similar path to that held in February can be seen throughout the legislative roll which survives from this meeting. The opening lines of the record stated that this was to be "*Placita parliamenti [apud Striuelin] coram domino rege et eiu[s consilio]*".<sup>27</sup> The fact that the basis of parliament was the king and his council is highlighted to a much greater degree in this Stirling record than in the two rolls from the previous meeting. Alongside the opening clause, only the William Douglas case and the Bruce homage make no reference to the council, and while the

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<sup>27</sup> *APS*, i, 448; *PSP* 1293/8/2; *NAS PA* 1/3. The square brackets have been used within the *PSP* to represent text lost since the publication of *APS*, i.

representatives from Flanders appealed only to the king, their response was issued by both. When John's inheritance was restored to him, the two men were said to have come before the king and his council to return the property. This record seems to identify the important role filled by what Duncan called the "efficient" part of parliament.<sup>28</sup> Yet while the procedures, business and themes followed closely upon those found in the previous parliament, none of the judicial issues begun in February but held over were resumed at this gathering. The only issue which was finalised from the previous assembly concerned the homage due from Robert Bruce. The final article on this roll stated that the grandson of Robert Bruce the competitor appeared before John at Stirling to be instated as the new earl of Carrick. The record noted that he "*venit coram domino rege in parlamento suo apud Striuelin dicens se habere resignationem patris sui de toto comitatu de Karrik, qui fuit de hereditate matris sue, cuius heres ipse est*". The younger Bruce then requested that John would accept his homage for the earldom. He presented the earl of Lennox, John de Soules and Gilbert de Carrick as pledges for his father's resignation of the earldom, while Donald Earl of Mar and James the Steward promised to act as pledges for Bruce's relief of the earldom, as through Scottish law, sasine of the lands had to pass to the king before John could take homage. The king's response was to command the sheriff of Ayr to take sasine and to assess the land for taxation purposes. Although the elder two Bruces never gave homage to John, the letter written by the new earl's father on 9 November 1292 to confirm his resignation of the earldom, acknowledged John as "*Magnifico et sereno principi domino Johanni Dei gracia illustri regi Scot'*".<sup>29</sup>

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<sup>28</sup> Duncan, "Early Parliaments", 41.

<sup>29</sup> *APS*, i, 449; *PSP*, 1293/8/8; *NAS PA* 1/3. All five of the men listed can be highlighted as major Bruce supporters. Barrow, *Robert Bruce*, 50. It is interesting to note that here, parliament was used by the younger Bruce to continue to defy the king. John had issued explicit demands as to where and

Two of the judicial issues brought before this August meeting followed very similar procedures to those used during the February parliament. The first was the request made by representatives of the Count of Flanders that the Scottish king should pay the tocher of the Count's daughter Margaret, widow of Prince Alexander, eldest son and heir of Alexander III. The second saw proceedings brought against William Douglas regarding his actions towards various bailies both before and after John became king. Both cases took a similar form to those left incomplete from the first parliament. As with the record of the case instigated by Reading Abbey, two representatives of the Count of Flanders; John Vidame de Pinkeney and Raso de Guar', asked for the tocher promised to the Count's daughter upon her marriage. This was identified as 1,300 marks due from the town of Berwick, with a further 200 marks from the manor of Linlithgow. They also requested the arrears of this money, from the time of the previous king's death. The request ended with the phrase "*et non in forma placitandi quia ad placitandum ad istud parliamentum non sunt missi*", highlighting that this was not given in the form of a plea, as it was not sent to parliament as a plea and was not put forward because it required justice. Instead the king was asked effectively to confirm a previous grant and ensure that it was fulfilled, rather than investigate the legality of the claim.<sup>30</sup> John initially asked for proof from either the Count or his daughter which would bind him to answer the request, and two letters were proffered to prove that the Count held the rights to the tocher and that these men were his attorneys. John then asked the procurators and attorneys if they wished to be judged over their petition according to the customs and laws of Scotland. The answer simply reiterated the desire

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when the errant homages were to be given. Robert's delay until this parliament clearly flouted those royal commands.

<sup>30</sup> *APS*, i, 448; *PSP* 1293/8/3; *NAS PA* 1/3.

that this would receive an amicable response rather than a judgement as it was not a plea. The king stated that he wished to take counsel over the matter, asking advice from friends and advisors in both Scotland and England. A date was arranged for the next parliament to be held after the Scottish king arrived back from England, when the delegates from Flanders could return to receive their response.<sup>31</sup> It is interesting that this record acknowledged the king's intended trip to England, and that John was planning to discuss certain Scottish matters there, including the claim from Flanders, as well as to answer for his previous judicial decisions. The inclusion of the question of whether the Count was prepared to have the matter judged according to Scottish laws and customs might have been John's attempt to ensure that his decision would be accepted and that the matter would not be taken to an appeal in England. The final arrangements confirm that this reign was to see regularly scheduled parliaments, contrary to official records which only cover the two gatherings from 1293. The debate over the nature of this case and whether it required judgement at all differentiated it from the appeal brought by Reading Abbey, although the style of presentation was very similar. With the supplication brought by an external party, this followed the procedure of allowing the presenting group to state their case before it was answered by John, who then sought documentation to support the claim and either requested time to take advice over the matter or issued his recommendation.

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<sup>31</sup> *APS*, i, 448; *PSP* 1293/8/4; *NAS PA* 1/3. John had been summoned to the Easter parliament at London, where he was due to answer for his decisions regarding MacDuff and John Mazun, the Bordeaux wine merchant who had requested justice over the debts of Alexander III. When John had refused to attend, the English king and his council drew up a set of rules to cover all appeals from Scotland to England, including the necessity of a personal attendance by the Scottish king to answer for his judicial decisions, amongst other points. This ensured that John was forced to attend the next English parliament held at Westminster in Michaelmas 1293 to answer for the MacDuff case. The Mazun appeal became void when the merchant died. Barrow, *Robert Bruce*, 58-59; Palgrave, *Documents*, 138-141.

The second case which remained unsolved after this meeting concerned John's action against William Douglas over the latter's treatment of the king's baillies and other men. This also appears to have followed a structured procedure for the trial, as the king's pleas were laid out before the defendant was required to answer the charges. The fact that Douglas was not called to parliament suggests that he was already in attendance. Firstly, Douglas was accused of imprisoning the king's baillies of Lanark for a day and a night against their will. These men had come to Douglas's castle to deliver sasine of certain tenements to the Earl's mother, which had originally belonged to the Earl, and to levy damages on Douglas of 140 marks. To this charge, Douglas answered that he had simply been unable to raise the levy as quickly as was required and therefore had asked the baillies to stay, which they did against their will. John decided that Douglas had unjustly detained his servants and thus was to be committed to prison "*et redimatur ad voluntatem domini regis prout continetur in statuto*".<sup>32</sup> Another charge was set out against Douglas on behalf of the king, which stated that before John had been crowned, Douglas had imprisoned three of the king's men in his castle and detained them until one died, another was beheaded by Douglas and the third escaped. The resultant damages to the king amounted to £1,000. Douglas declared that he could not counter such claims as he had "*inprisonavit contra leges et consuetudines regni usitatas*". Instead he simply placed himself at the king's will, where he remained as no judgement was recorded during this parliament.<sup>33</sup>

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<sup>32</sup> APS, i, 448; PSP 1293/8/5; NAS PA 1/3.

<sup>33</sup> APS, i, 448-449; PSP 1293/8/6; NAS PA 1/3. It is difficult to assess the position of Douglas within Scottish politics. He does not appear to have particularly supported either Bruce or Balliol, although he was a nobleman with links through his first marriage to James Stewart of Scotland. Barrow described him as a "rough and reckless man" who had been in trouble under the guardians, Edward I and John through flouting authority. He did go on to form an important part of the early resistance to English rule after 1296. Barrow, *Robert Bruce*, 83.

The similarity between the procedures used for these disputes and those from the previous parliament is evident. Each case was established before the defendant was summoned or brought forward to respond to the charges and if possible to provide proof of their position, either at the current session of parliament or at a future meeting. Finally, a judgement was either considered and declared, or was delayed until further counsel could be taken. While such procedures seem very logical, it is interesting to note that these were followed so precisely. The fact that this record included a reference to the next parliamentary meeting, where the Flanders tocher was supposed to be settled, supports the theory that by this reign, the Scottish parliament was “a court with settled procedure and periodical sessions”.<sup>34</sup>

What appears from the official record of this parliament is that many of the issues dealt with in February at Scone were not just attempts made by a new king to settle his kingdom. Rather, these were ongoing disputes and problems which had to be discussed in each parliament before they could be resolved. Equally, the procedures which are suggested in the official accounts appear to have been the methods used throughout this reign to deal with judicial matters which came before the king and his council in parliament. Noticeably, this record included a much smaller amount of surviving evidence compared to the previous parliament. Duncan suggested that this was only a fraction of the business which would have come before the king and council at this time, with only the most important issues being recorded.<sup>35</sup> This theory is supported by the existence of a royal letter which provides some additional information about this gathering.

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<sup>34</sup> Richardson and Sayles, “Scottish Parliaments”, 303.

<sup>35</sup> Duncan, “Early Parliaments”, 41.

This letter comprises a summons issued to a sheriff, requesting that he attended an unspecified *colloquium*. While the letter is undated, the internal evidence suggests that it refers to this Stirling parliament in 1293.<sup>36</sup> As well as providing evidence of the methods of summons John used, this also highlights three aspects of parliamentary business which do not survive within the official record. The letter stated that the parliament would surround the king and his council, and that it was planned to deal with certain aspects of arduous business.<sup>37</sup> The baillies of certain unnamed sheriffdoms were instructed to warn all complainants to attend this parliament so that they could receive justice. These sheriffs were also to summon all tenants-in-chief who had entered into their lands since the death of Alexander III, and thus without royal permission. They were directed to bring evidence of their rights to the lands before the king and his council in parliament. Finally, the command was given that all sheep should be kept on their owners own lands until the parliament was held, even if they were infected with the sheep-scab epidemic.<sup>38</sup> As the sheep epidemic is believed to have spread to Scotland shortly after it appeared in England in 1272, the fact that it was still a major concern by August 1293 would have formed an immense problem for Scottish agriculture, ensuring the need to discuss the matter in parliament to try to determine a solution. With regards to the matter of land rights, one example of the settlement of lands which had changed hands during the guardianship can be found within the official roll from this parliament. The sixth article in this record noted that James the Steward and John de Soules came before the king and his council in parliament to return all of the lands and tenements in

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<sup>36</sup> For the examination of internal evidence, see Duncan, "Early Parliaments", 44-45. For the text of the letter, see *APS*, i, 181 facsimile; *PSP* 1293/8/1; Duncan, "Early Parliaments", 43.

<sup>37</sup> The Latin stated "*arduus negotiis*". *PSP* 1293/8/1.

<sup>38</sup> Duncan noted that an earlier mandate had stated that all sheep were to be slaughtered within eight days of becoming infected, and that this effectively created an exemption from the original order. Duncan, "Early Parliaments", 44.

“Nainstanthirl” which had formerly belonged to Bernard de Balliol, the king’s uncle, for whom John was the legitimate heir. These two men had been Bruce supporters before this reign, although both had remained important members of government due to their experience and their political importance in Scottish society.<sup>39</sup> This is the sole evidence of this type of business from the Stirling parliament, although considerably more land disputes were brought before other parliaments. An example from the February parliament at Scone can be seen in the homage provided by John de Soules for his infeftment into lands in Ardrossan during the guardianship, with which he would have had to provide some proof of his rights to the inheritance.<sup>40</sup> This letter highlights just some of the additional business discussed within this parliament which has not survived within the official record.

While the first parliament at Scone appears to have been dominated by issues which arose from the guardianship and John’s need to settle the kingdom, the second was a continuation of this process, finishing off certain issues such as homage, and moving on to consider those tenancies which had changed hands after 1286. What is also suggested by the official record is that there appears to have been, even at this early stage in John’s rule, a definite system or procedure for parliaments, particularly over judicial disputes. The rapid appearance of such a procedure might suggest that it was already used by the Scots before this reign; however, there appears to be little evidence either way.

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<sup>39</sup> *APS*, i, 449; *PSP* 1293/8/7; *NAS PA* 1/3. Professor Barrow identified the lands as Nenthorn in Berwickshire. Duncan, “Early Parliaments”, 45 *n.1*. For details on the two men, see Young, *The Comyns*, 69, 87 *n.18*, 100, 125; Barrow, *Robert Bruce*, 49.

<sup>40</sup> *APS*, i, 445; *PSP* 1293/2/6; *NAS PA* 1/3.

### Westminster Michaelmas 1293

While this meeting was not a Scottish parliament, it was immensely important for John's relationship with Edward I and the concern over appeals going to England. John had originally been summoned to the Easter 1293 parliament in London, but had refused to appear or send others to defend his decisions. Edward I then insisted that the Scottish king attended in person at the Westminster parliament of Michaelmas 1293. The Scottish chronicles suggest that John had initially attempted to answer Edward's demands by proxy, however the English king refused to allow this, and forced the Scottish king to answer for himself.<sup>41</sup> However, there is no official evidence that such a ploy was used by John. Instead, this account could have been confused over the fact that, when John was asked to justify his judicial decision regarding MacDuff, the Scottish king claimed that he was unable to answer without first consulting with the *probis hominibus* of his realm. The official record noted that after being initially defiant, John eventually renewed his homage and fealty to Edward I at this Michaelmas meeting and promised that if he was allowed to go to Scotland and take the advice of his council, he would return to Edward's first parliament held after Easter the following year in order to answer the English demands. As both Edward and MacDuff agreed, John was allowed to leave for Scotland, bound to return on 14 June 1294 to answer the appeal.<sup>42</sup> These events suggest a number of important points which may have influenced the parliaments John held in Scotland. The importance of the judicial process and

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<sup>41</sup> *Fordun*, ii, 315; *Scotichronicon*, vi, 43. The *Scalacronica* briefly noted that John had been called to an English parliament as one of his subjects had been unable to obtain justice in Scotland and that John's appearance disturbed the council of Scotland. *Scalacronica*, 13.

<sup>42</sup> *Rot. Parl.*, i, 112-113; Stones, *Anglo-Scottish Relations*, 65-66; Barrow, *Robert Bruce*, 58-59. John initially seems to have tried to refute the English court's jurisdiction over Scottish judicial affairs. However, after a verbal attack from Edward I before a hostile English parliament, John renewed his submission under the threat of the loss of three major castles and towns over his contempt of court.

particularly the records of parliament would have been greatly emphasised. The need for the Scottish king to be able to defend his decisions before Edward's court is reflected in the predominance of judicial matters within the remaining official evidence from Scotland. At the same time, the political importance of parliaments, which Edward utilized to stress his own strength and humble any opponents or rebellious subjects, would also have been accentuated. These events could also have reinforced John's plans to hold another parliament within Scotland, originally intended to determine the tocher for the Count of Flanders. If John was to return to the English parliament after the following Easter to answer for his MacDuff decision, he would have needed to hold his own gathering before that point in order to clarify the response which he would make. The fact that the issue of the Flanders tocher was not settled until May 1294, despite the fact that the Scots held a parliament in February, could suggest that the events of the Michaelmas parliament at Westminster either stimulated an extra, unplanned Scottish parliament or that the English business was so pressing that John had to delay some of his other concerns until the subsequent meeting.

#### Lanark February 1294

The next Scottish parliament is known entirely through unofficial records which noted a session held at Lanark in February 1294 that lasted approximately two weeks. Edward I had custody of the child earl of Fife and thus laid claim to wardship of the earl's lands. On 20 November 1293, Edward appointed Walter of Cambo as his agent to travel to Scotland and further his claim. Walter saw John about the wardship at Buittle Castle in January 1294, where the Scottish king was involved in the dispute over the election to the see of Whithorn. Despite remaining with the Scottish king at Buittle for twelve days,

Walter received no answer for Edward, and the matter was held over to be considered at the subsequent parliament at Lanark. There Walter remained with John for a further fifteen days before receiving the desired confirmation of the English king's rights to the lands and tenements in the earldom of Fife, given in royal letters issued on 16 February 1294. The expense claims made by Walter of Cambo confirm these proceedings. These stated that "*euntis ad regem Scotiae in Galweye cum litteris domini regis pro seysina comitatus de Fyfe habenda, commorantis ibidem per xij dies et postea prosequentis ad parliamentum regis de Lanarke pro eisdem, commorantis per xv dies*".<sup>43</sup>

Other evidence of this parliament remains within the accounts kept by John le Romeyn Archbishop of York, which suggest that the various meetings held at Buittle, Lanark and also the next parliament at Edinburgh all discussed the dispute over the vacant bishopric of Whithorn in Galloway. Henry Bishop of Whithorn died on 1 November 1293 and his successor, Thomas Dalton of Kirkcudbright, was not consecrated until 10 October 1294. During the vacancy there appears to have been a considerable dispute over who would succeed to the post and which ecclesiastical body held prerogative over the matter. Unlike the other Scottish bishoprics, Whithorn owed allegiance to the Archbishops of York rather than directly to Rome. However, as the previous incumbent had been elected in 1255, nobody could remember who held jurisdiction over the election, with the matter disputed between the convent of Whithorn, the archdeacon of Galloway and the Archbishop of York. At some point before 13 January 1293, the prior, convent and clergy of Whithorn elected Thomas Dalton to the see. What is important here is that this candidate was opposed by the

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<sup>43</sup> Stevenson, *Documents*, i, 407-408, 410-411, 415-418; *PSP* 1294/2/1; Richardson and Sayles, "Scottish Parliaments", 304 *n.5*; Duncan, "Early Parliaments", 42-43. For the English letters issued to Cambo in November 1293, see *Rot. Scot.*, i, 19.

Scottish king and supported by the Bruce family, as Dalton had been the clerk to Robert Bruce Lord of Annandale. John wrote a letter to Archbishop Romeyn to ask him to delay the consecration until he had heard the king's case, to be presented by his clerks; Walter de Fodringey and Thomas de Esthall. Bruce also wrote to the Archbishop around this point, supporting the election. Importantly, John wrote his letter from Buittle, near Dalbeattie, from the same meeting where Walter of Cambo initially presented Edward's request for wardship over Fife. The various dates known from these two sources suggest that there would have been a reasonable break between the Buittle meeting and the Lanark parliament. The king's letter to the Archbishop was sent to York on 13 January, while Walter spent twelve days at Buittle before moving to Lanark. The English agent is known to have remained at the Scottish parliament for fifteen days before he received his answer on 16 February, which would place the parliament as having started on 2 February. Professor Duncan stated that "There can be little doubt that the parliament met at Candlemas (2 February) and lasted for a fortnight, and that in it petitions were answered and the question of the bishopric of Whithorn debated". Given that petitions had formed such an important part of the previous two parliaments, and that John was to return to the English parliament after Easter to answer for his judicial decisions, it would seem likely that judicial matters would also have been discussed at Lanark. At the same time, as Brentano emphasised, the dispute over Whithorn marked "the families of Balliol and Bruce competing for what was more or less the patronage of the see of Whithorn", although neither tampered with the rights of the clergy or the Archbishop of York over the matter. As both families took their personal, landed power from this area, the importance of the bishopric is clear. As John had used previous parliaments to emphasise and practice his own political power against dissent, it would seem

appropriate that this matter, as a threat to his personal power and royal right to patronage over the church, would have been discussed at the Lanark parliament in an attempt to find a workable solution.<sup>44</sup>

The only other information which possibly refers to this meeting comes from a brieve detailed by Professor Duncan, which concerned the same alienated lands originally highlighted in the summons to the Stirling parliament of August 1293. At Stirling, John appears to have ordered a local inquest which uncovered a number of lands held in chief that had been alienated after 1286. The king had his sheriff take control of these lands until the new tenant could prove his right to ownership. The brieve noted that a recently held parliament had seen the tenant offer sureties to produce these titles at the following parliament. This brieve then ordered the sheriff to return the lands to the tenant until the next parliament was held in Edinburgh, where the tenant would show how he had obtained possession. This Edinburgh parliament likely referred to the meeting in May 1294, as the only other gathering known to have been held in Edinburgh was not until 1295, which would have been a rather long time scale for the dispute this discovered. If this timing is correct then it would ensure that the intermediate parliament, where the sheriff had received the sureties, referred to the meeting held at Lanark in February 1294.<sup>45</sup>

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<sup>44</sup> For details of the disputed election at Whithorn see R Brentano, *York Metropolitan Jurisdiction and Papal Judges Delegate, 1279-1296* (Berkeley, 1959), 97-106; *Registers of John le Romeyn, Lord Archbishop of York 1286-1296 Part II and of Henry of Newark, Lord Archbishop of York 1296-1299* (Surtees Society, 1913-1917), 114-133; J. Raine ed., *Historical Papers and Letter from the Northern Registers* (London, 1873), 104-105; Duncan, "Early Parliaments", 42-43. John is believed to have protested about the election, not over the rights of the prior and clergy to their nomination, but that they had been bribed. His action was carried out from Buittle Castle, the chief residence of the lords of Galloway who had always viewed themselves as patrons of the see. The archdeacon and his nephew, involved in the dispute over who held the authority to elect the new bishop, were both Balliol supporters, with the nephew having been one of John's auditors during the Great Cause alongside the previous bishop of Whithorn. Stones and Simpson, *Great Cause*, ii, 84; Barrow, *Robert Bruce*, 66.

<sup>45</sup> Duncan, "Early Parliaments", 45-46.

Overall this collection of unofficial sources provides an image of the Lanark parliament as having covered the ongoing issues of hearing petitions and determining rightful tenancies of land, the discussion of ecclesiastical appointments and claims by Edward I to wardship over the earldom of Fife. It is interesting that in February 1294, Edward was still willing to use the Scottish parliament to claim his right to wardship over these lands legitimately, rather than simply demanding them through his position as overlord. This could show some willingness to go through the correct procedures in Scotland and thus, at least certain respect for the rule of the Scottish king. However, as the decision went with Edward, there is no way of knowing if he was simply humouring John and would have taken control of the lands anyway, had the decision gone against him. What is apparent here is that important issues initially raised within smaller meetings could be delayed until a parliament met. Edward's control over Fife and the election to Whithorn were both raised at Buittle Castle. Yet both were referred on to be discussed at the Lanark parliament, with the Whithorn decision then delayed again until Edinburgh in May. What this suggests was that these issues were either considered so important as to require a larger degree of consent and thus were delayed until a full parliament was held, or that the king wanted to take more time before deciding, and thus used the delaying tactic of postponing until another parliament was held, when he could then decide or delay the matter further. While the former is possible, the fact that John used delaying tactics when he was forced to attend English parliaments to answer for his judicial decisions, might suggest that he would have been prepared to use this strategy for his own parliaments as well. Either possibility would have given parliament a very important political role through its use to delay decisions, and as important decisions could not have been made elsewhere. Due to the lack of any further evidence

from this meeting, particularly of any procedural information, it is difficult to determine whether the functions of this parliament were similar to the two previous meetings. Certainly their business remained familiar, formulating major decisions over the holding of lands and deciding who should fill the important offices in the kingdom.

#### Edinburgh May 1294

The next parliament is believed to have been held in Edinburgh around 16 May 1294, when John issued a charter which ordered the payment of the tocher due to Margaret of Flanders, first brought to light ten months earlier at Stirling. This matter was originally raised at parliament, and delayed until the meeting to be held immediately after John's return from England, which would have seen this issue discussed at Lanark in February. The initial delay suggests that the eventual decision would be made within another parliament, which John seemed to have been planning to hold regularly, rather than in any lesser form of gathering. Despite this, the surviving charter did not present the resolution as the product of a parliamentary meeting, instead stating "*Nos autem usi consilii nostri et quorundam aliorum fidedignorum consilio, volumus et concedimus quos...*". This document also listed only three witnesses; John Comyn Earl of Buchan and constable of Scotland, Alexander Balliol the chamberlain and Geoffrey de Mowbray knight. While these were important men within Scottish government, it is unlikely that they were the only men present at this meeting.<sup>46</sup> Three days after this charter was issued, John wrote to the Archbishop of York to withdraw his opposition to the bishop-elect for Whithorn, due to "*preces venerabilium nobilium et discretorum magnatum*". Brentano suggested that the solution to the Whithorn dispute had only been

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<sup>46</sup> Stevenson, *Documents*, i, 421-422.

possible because of the increasing difficulty surrounding John's position in Scotland which forced him to capitulate to the Bruce candidate.<sup>47</sup> Finally, as already noted, it was at this meeting that the issue of the disputed land probably resurfaced for the final time. The brieve stated that the matter would be settled at "*ad proximum colloquium nostrum apud Edinburch*", where the tenant of the disputed lands was to appear before the king, his nobles and his council to prove his entitlement to possession of the said lands. If this brieve does refer to this Edinburgh meeting then it is the only place which claimed that this gathering was actually a parliament. Professor Duncan stated that the process detailed within this document demonstrates an increase in the speed and determination of the Scottish government, attributable to the pressure of English influence. He also noted that it displayed little difference in method from those used in January 1256 for another suit owed to a sheriff court. As such, the judicial process appears to have been well established in Scotland before Edward exerted his influence after 1291.<sup>48</sup>

Although the least information has survived from this parliament, the general image remains unchanged. Once again, decisions on important concerns were provided within a parliament which was also utilised to settle the ongoing consideration of land disputes. Details from the remaining parliaments of this reign can only be found within chronicle sources from Scotland and England, including the best known of John's parliaments, when power was supposedly removed from the hands of an ineffectual king by his disgruntled people.

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<sup>47</sup> Brentano, *York Metropolitan Jurisdiction*, 104-106; *Registers of John le Romeyn*, 129-130.

<sup>48</sup> Duncan, "Early Parliaments", 45-46.

## The Chronicle Parliaments

### June-July 1294

The next mention of a parliament was given within the *Scotichronicon*, which stated that in 1294, during the war between England and France, Edward I claimed that through his homage for Scotland John had to fight for him against the French. The chronicle went on to state that John immediately called a meeting of his parliament to consider the claim. Eventually the Scots decided that John owed no such service for his homage to Edward, given that the subjection of the kingdom had been done without consultation with the three estates in Scotland, and that the Scottish kings were traditionally allies of the French, and thus would not fight against them.<sup>49</sup> While chronicle evidence must be used with caution over the reliability of a secondary and often later source, it is entirely possible that some form of meeting was held at this time. These events and thus the meeting occurred not long after the previous parliament was held at Edinburgh in May. Given that the pattern which otherwise exists for this reign would have seen a spring and a summer meeting only, this furthers the theory that this was an 'extra' gathering, not planned by the Scottish crown, but rather called due to the situation which suddenly arose. This also shows that parliaments were not merely designed as a planned forum for 'important' issues, such as the provision of justice or the expansion of royal authority. They were also to be used for any unusual business which developed unexpectedly and affected the kingdom to such an extent that they could not be settled by a smaller body. Such issues would have included foreign threats to or demands upon the Scottish kingdom or their king.

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<sup>49</sup> *Scotichronicon*, vi, 41. The source provided no specific date for this meeting beyond 1294, although the translators suggested that this fell between June and July, as the Anglo-French war started in June.

This decision, rejecting English demands for military service, would certainly have been one that the Scottish king would have been unable to make without taking advice from his political community, while this idea of collective power through parliaments gave John a useful excuse for disobeying his overlord. There remain a number of charters from this reign which support the possible timing and events surrounding this parliament. Three charters survive which place John in London on 20 June 1294, and at Newark on 2 July, when he would have been travelling home from a meeting with the English king, where these demands could have been made. In Scotland, other documents place John in Edinburgh in mid-May, before he travelled to England, and then back in Scotland, in Lindores at the beginning of August.<sup>50</sup> What these charters show is that the Scottish king was in London with Edward I during the summer of 1294, and that John returned to Scotland in early July. The events surrounding this meeting are also supported by two other factors. The first of these is that when John was allowed to return to Scotland from the Westminster parliament of Michaelmas 1293, he pledged to return to England on “the morrow of Trinity [14 June 1294]”, which would fit perfectly with the timing of the account given in *Scotichronicon*. The second piece of supporting evidence comes from Guisborough’s chronicle, which stated that John attended an emergency council held by Edward in London in mid-June, where the Scottish king promised aid for the English wars.<sup>51</sup> Having established that John attended a meeting in London in June 1294, it is therefore

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<sup>50</sup> For the chronology, see *Handlist of Alexander III*, no. 372-376. For the three charters placing John in England, see *CPR, 1292-1301*, 102; *Cal. Charter Rolls*, ii, 456; Stevenson, *Documents*, i, 426-427.

<sup>51</sup> Stones, *Anglo-Scottish Relations*, 66; *Guisborough*, 243; Barrow, *Robert Bruce*, 62. The meeting originally planned for Easter 1294 was postponed by Edward I due to the outbreak of rebellion in Wales and the start of the French war. However, the English king could have called an emergency meeting for June to discuss his plans for the war. Stones, *Anglo-Scottish Relations*, 67; *Rot. Parl.*, i, 113, 127.

entirely possible that he would have called a parliament on his return home to discuss the demands placed upon him and the promises he had made to the English king. Indeed, had Edward asked him to fight as a part of his homage, John would have been expected to delay answering until he could take the advice of his chief magnates at home.<sup>52</sup> Again, the surviving evidence from this meeting is so limited that few conclusions can be drawn beyond the fact that this may mark another parliament held by John, and that this was the institution which the Scottish king relied upon for emergency decisions as well as to fulfill his own political agenda. The lack of evidence is especially unfortunate given that the unusual timing and nature of such an assembly would have provided a very interesting contrast to those planned meetings which covered a considerably wider range of governmental business.<sup>53</sup>

### Stirling July 1295

The next parliament for which any information survives was held at Stirling on 6 July 1295 and is possibly the best known assembly from this reign. Detailed in *Lanercost*, this meeting is generally thought to have covered the removal of John Balliol from active government. *Lanercost* stated that “the magnates, prelates and other nobles of the kingdom of Scotland, having assembled, a solemn parliament was held at Stirling,

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<sup>52</sup> John would have had to take magnate advice on any request for military homage, particularly given the response Malcolm IV had faced from his magnates upon his return from fighting for Henry II.

<sup>53</sup> The meeting which *Gesta Annalia II* and the *Scotichronicon* mistakenly dated to February 1295, which was examined earlier in this chapter could have referred to this gathering. These chronicles stated that John had returned to hold a parliament after having been humiliated by Edward at an English parliament where John had been made to answer for his MacDuff judgement. The chronicles stated that during the parliament held upon John’s return, where John had “called together the chiefs of the kingdom - both of the clergy and of the people”, the Scots decided to revoke their homage to England as Edward I’s demands were “to the detriment of the kingdom’s liberty”. *Fordun*, ii, 315-316; *Scotichronicon*, vi, 43. While the MacDuff case had been raised much earlier in John’s reign, it had not yet been settled, so this could have been discussed in 1294. However, if the MacDuff reference is set aside, the remainder of this information suggests that these references could have concerned John’s parliament held in June or July 1294.

where by common assent it was decreed that their king could do no act by himself”, and thus they instead elected a council of twelve peers to rule for him.<sup>54</sup> The *Scalacronica* also noted that while the English and the French were at war, “the council of Scotland” which was repeatedly referred to in place of Scottish parliaments, “appointed four bishops and four earls and four barons to rule the land of Scotland, by whose advice rebellion was planned against the king of England”.<sup>55</sup> While this evidence is generally used with greater caution as it is provided by English sources, the fact that the account given within *Lanercost* was written at the time by Friar Richard while he was resident within Scotland might imply that this information could be more reliable regarding these meetings.<sup>56</sup> Once again, certain charter evidence remains to support the claims of these accounts. Three charters, one issued from Stirling on 3 July and the other two on 5 July 1295, support the existence of this parliament and some of the business done there. The first charter which granted land to Anthony Bek Bishop of Durham, was issued three days before the supposed parliament and was witnessed by eight of the most influential men of the kingdom; the bishop of Glasgow, the earls of Mar, Buchan, Dunbar and Strathearn, and John Comyn of Badenoch, Geoffrey de Mowbray and Patrick de Graham. The other two charters, issued on 5 July, selected four commissioners; the bishops of St Andrews and Dunkeld, with John de Soules and Ingram de Umfraville, who were to go to Paris and begin negotiations with Philip IV for an alliance with the French. It is curious that land was granted to such an influential Englishman just days before the parliament which instigated moves to break up English

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<sup>54</sup> *Chron.Lanercost*, 114-115.

<sup>55</sup> *Scalacronica*, 14.

<sup>56</sup> Little, “Authorship of Lanercost”, 274; Duncan, “Chronicle of Melrose”, 174-175.

overlordship for a French alliance.<sup>57</sup> The gathering together of such important men who witnessed the charter on 3 July at least places them in Stirling at the time of the proposed parliament.

As with the parliament from July 1294, the lack of surviving information from such an important assembly is frustrating. The ability or willingness of the Scottish magnates to undertake the removal of power, even from an elected monarch, would have been an incredibly important parliamentary session. However, this evidence does provide some clues as to the possibility of John's removal from power. The committee which these chronicles claimed was selected was made up of four bishops, four earls and four barons; an expanded version of the guardians who had been used during previous minorities or monarchical absences in Scotland. Such details might add legitimacy to the suggestion that the Scottish community had gathered to create a new body to govern in place of their deposed king. As such, the importance of the witnesses listed on the first charter is apparent. Barrow has suggested that these men are likely to have been members of the council elected to replace John.<sup>58</sup> However, certain aspects of the treaty which was created with France in October 1295 contradicts the theory that John was removed from power. To secure the treaty of mutual defence, a marriage was planned between John's son Edward, called "*Edwardum filium nostrum primogenitum, predictum regnum nostrum et incolas regni nostri qualitercunque tangencia*", and

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<sup>57</sup> *Handlist of Alexander III*, 381-383; *APS*, i, 453; *Foedera*, i, 822-823; *CDS*, ii, no. 872; *CPR 1292-1301*, 233-34; *CPR*, 1327-30, 427. No witnesses were given on the two charters issued on 5 July.

<sup>58</sup> *APS*, i, 453; Barrow, *Robert Bruce*, 63-65; *Gesta Annalia II* actually called the council of twelve "peers or guardians" who had been "appointed to guard and defend the freedom of the kingdom, and of the Estates thereof", although he placed their selection after John had been deposed from power and taken to London. *Fordun*, ii, 321. Barrow believed that the replacement council of twelve comprised of the bishops of St Andrews, Glasgow, Dunkeld and Aberdeen, the earls of Buchan, Mar, Strathearn and Atholl. The barons probably included John Comyn of Badenoch and James the Steward and possibly also Alexander Balliol and Geoffrey Moubray, although the latter two names are less certain.

Jeanne, daughter of Charles of Valois, Philip IV's brother. This would have been an unusual move had John been completely stripped of power. The Scots could have been planning to maintain their king as a figurehead until his son was able to take over control of government. However, this strategy sits uneasily, suggesting that this parliament had removed power from a king at the same time as establishing an embassy to negotiate a treaty with France, for which the security surrounded marrying their king's son into the French monarchy.<sup>59</sup> With this evidence implying that John was not deposed by the Scots at this parliament, it is possibly more likely that this council of twelve was created not to replace a king, but to aid his governing. In a similar manner to the baronial reforms of 1258 in England, these measures could have been designed by the political community to ensure that John was always surrounded by good council, so that he could not capitulate to any further English demands. This is supported by Guisborough's claims that John had agreed to English demands for aid at the June meeting in London, a move which would have been seen by many Scots as the first step towards their king agreeing to fight for Edward, as Malcolm IV had done for Henry II in Toulouse. After this point, Scottish policy switched from John's submissions to Edward, to a more positive, rebellious stance. This could have come from the political community having taken a more active, immediate role in government, running the country with the king, not for him. Such a theory is also substantiated by the fact that all accounts surrounding the Scottish rebellion in 1296 suggest that the Scots fought for or against John, not a council of twelve which, if the membership matched those

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<sup>59</sup> *PSP* 1296/2/1; *APS*, i, 451-453. It is highly unlikely that the French king would have been willing to marry his niece to Edward Balliol if there was any doubt at all surrounding his succession to the Scottish throne, or the position of his father.

suggested by Barrow, would have consisted of both Bruce and Balliol supporters.<sup>60</sup> It is possible that, as in 1258, these English chronicles could reflect what the English wanted to portray regarding events in Scotland, rather than what actually occurred there at the time. As Edward I forced John to abdicate one year later, these chroniclers could have been trying to provide additional justification for this move by suggesting that a similar action had already been implemented by the Scots themselves, even if this was not the case.

### Edinburgh October 1295

Evidence for the last recognised parliament from this reign, held in Edinburgh around October 1295 when the treaty was created with France, actually could support the theory surrounding the Stirling appointment of some form of council of twelve. Both *Scalacronica* and *Lanercost* noted that, with the Scottish rebellion against England underway, Edward repeatedly attempted to summon the Scottish king to his parliament. Finally, Edward was said to have approached the “parliament of nobles of Scotland and the council of prelates” assembled at Edinburgh to ask them to give him custody of the four castles of Berwick, Roxburgh, Jedburgh and Edinburgh, so that he could protect the natives of Scotland against invasion, a request which was denied.<sup>61</sup> The fact that Edward initially called John to his parliament could suggest either that the English were either unaware of his deposition, if this had taken place, or that he was still involved, even if only as a figurehead for the Scottish government. However, this account failed

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<sup>60</sup> The suggested council splits almost perfectly across the two camps. The bishops of St Andrews and Aberdeen, the earls of Buchan and Strathearn, John Comyn, Alexander Balliol and Geoffrey Moubray all supported the king, giving him the slight numerical advantage. The remaining bishops of Glasgow and Dunkeld, the earls of Mar and Atholl and James the Steward had all previously supported Bruce. Stones and Simpson, *Great Cause*, ii, 82-85.

<sup>61</sup> *Chron.Lanercost*, 125; *Scalacronica*, 14.

to mention John with reference to the Edinburgh parliament which might suggest that he had been deposed, with the institution used by the Scottish nobles to continue governing the kingdom, just as the guardians had after the death of Alexander III. One charter survives to support the timing of this parliamentary meeting, although to a lesser extent than any previous evidence. Letters issued from Edinburgh on 8 November 1295 granted safe-conduct to John Halton Bishop of Carlisle, so that Edward's ambassador could return to England. Although this was issued after the proposed parliament in October, he could have been made to wait for written confirmation of the Scots' decision to take back to Edward. Equally, as there is no specific information as to when in October this Edinburgh parliament was held, there is no way of knowing how long Halton had remained in Scotland. These letters were witnessed by four men; John Comyn, Patrick Earl of Dunbar, Malise Earl of Strathearn and James the Steward of Scotland.<sup>62</sup> All had been involved in the previous decisions from the parliament in July 1295, and could have formed part of the government for or with the king and therefore been in a position to issue this decision.<sup>63</sup>

As such, what can be proposed for the functions of parliament used by John during his short reign? As the only parliaments for which any larger records remain were held during the first year of John's rule, any evaluation is limited, particularly given that much of the information on the latter parliaments comes from less reliable chronicle sources. However, despite all of these limitations, this reign still represents the first reasonable level of surviving information for parliaments and therefore considerable amounts can be determined. These parliaments initially dealt with a

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<sup>62</sup> *Handlist for Alexander III*, no. 384; Raine, *Northern Registers*, 119-120.

<sup>63</sup> While Dunbar was amongst those who renounced his allegiance to John in March 1296, there is nothing to suggest that he would have acted against the Scottish king before this point. Young, *The Comyns*, 142.

number of issues needed to settle the kingdom under the new king. Justice formed a considerable aspect of parliamentary business, and many items concerned the possession and holding of lands. Along with the idea of parliament as the main court of the land, this was also a meeting where the important issues were addressed from outwith the country, both concerning relations with other powers and judicial cases brought by foreigners. In this sense, these parliaments formed a continuation of those meetings held during the guardianship, when issues such as the unpaid wine costs of Alexander III were originally brought before parliament. However, the most important aspect of parliament appears to have been its overtly political uses. This was a gathering of the most important men of the realm, along with any others required for the business being discussed. Initially it was an opportunity for the new king to establish his authority through the settlement of the kingdom, to attempt to end dissent against his rule and call those who tried to remain outwith his control to answer to him. As problems with the English overlord mounted, parliament was the institution where the king discussed the obstacles which faced the kingdom, and where the political community tried to establish a solution to the crisis which had developed from John's inability to stand up to Edward I. No item of political importance appears to have been discussed outwith parliament, with concerns either held over between meetings or delayed from lesser councils until the next parliament sat. Parliament also remained an unusual meeting. Although called with increasing regularity, this was not yet the institution where "normal", everyday business of government, particularly legislation, was conducted. Despite the fact that parliament appears to have become the body for the discussion of major business which required widespread consent, there remains at least one important issue which would have been expected within a parliament, but

which is found in a meeting described as an assembly.

### Dunfermline 23 February 1296

The last major gathering from this reign was held at Dunfermline on 23 February 1296. Despite the fact that this gathering ratified the French treaty and marriage alliance, and that it included an expansive witness list, this has almost always been referred to as an assembly, rather than a parliament.<sup>64</sup> The record provides the Scottish confirmation of the alliance, which includes not only the letter sent by Philip IV King of France, but also the original letter taken by the Scottish embassy to initiate the negotiations, and the confirmation of the commission for the four ambassadors to negotiate the alliance. None of these documents issued from either Scotland or France referred to themselves as the product of a parliament. The letter and commission for the Scottish ambassadors were issued from the July 1295 meeting which has already been discussed. This policy saw not merely a marriage alliance proposed between the Scottish heir and the French king's niece, but also the detailed provisions of a mutual defence alliance which was acknowledged within the text of the treaty as containing the possibility, or the likelihood, of leading Scotland into war against the English.<sup>65</sup> The idea that the Scots would not have instigated a fuller meeting, not necessarily called a parliament at the time, within which they could have examined and then ratified the terms of their

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<sup>64</sup> *APS*, i, 451-453. See also *Foedera*, i, 832; *CDS*, ii, no. 721. Professor Barrow referred to the meeting as a parliament in his book, Barrow, *Robert Bruce*, 65; *PSP* 1296/2/1.

<sup>65</sup> The treaty directly stated "It was agreed between us and the aforesaid representatives, in above name, that if perchance it should happen that the aforementioned king of England should gather together his forces and attack the kingdom of Scotland, either personally or acting through someone else, after the war has been begun by the king of Scotland at our request, or after the present alliance or treaty entered into by us by occasion of the same". The latter point was reiterated several times throughout the letter from the French king, which could be taken to suggest that both sides were preparing for an Anglo-Scottish war through Edward's reaction to this treaty. *PSP* 1296/2/1.

alliance with the French seems very unlikely. This treaty was after all designed to provide a defence against English aggression as John revoked his homage to Edward I. At the same time, Scottish precedent saw ratifications of similar important treaties, such as Brigham or Salisbury, made within parliaments. It is possible that the assembly at Dunfermline was not recognised as a parliament for alternative reasons, such as how quickly the meeting was called in order to respond to Philip's letter. However, the document is dated 23 October 1295, four months after the Scots sent their original letter to France on 5 July, and exactly four months before the gathering at Dunfermline.<sup>66</sup> Even allowing for the length of time required for transport, this still leaves a reasonable amount of time to call a parliament.<sup>67</sup> Finally, this gathering might only have been recorded as an assembly due to the nature of the business discussed. Dunfermline would have been one of the few major meetings called under John which was designed to discuss only one issue. This narrow focus for the gathering might have ensured that Dunfermline was not recognised as a parliament at the time.<sup>68</sup>

The theory that this was a mere assembly, rather than a parliament, is also discouraged by the witness list provided for the Scottish ratification. This began with the statement that the treaty had been approved, ratified and renewed by "*prelati (quantam eis de jure licet) ac comites, barones et alii nobiles, necnon villarum universitates ac communitates, dictos tractatus, conventiones, pactiones ac confederationes ut superius est expressum suo nomine approbaverunt et se per*

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<sup>66</sup> PSP 1296/2/1.

<sup>67</sup> With six weeks allocated to take the French king's letter to Scotland, this would still leave a potential forty days to summon a parliament.

<sup>68</sup> If the chronicle sources are believed then John called a number of gatherings designed to deal with only one issue, including the parliament called in 1294 upon John's return from a meeting in England where Edward I had demanded that the Scottish king should fight for him against the French. *Scotichronicon*, vi, 41. As such, the fact that this meeting was designed to discuss only one issue should not have affected the title attributed to the gathering at Dunfermline.

*presentes observatueros firmiter promiserunt*". This specifically included the seals of four bishops, including St Andrews and Glasgow, five abbots, with Holyrood, Kelso and Dunfermline, four earls, such as Buchan and Mar, and eleven barons, with Alexander de Balliol, Nicholas de Hay and Herbert Maxwell. This also explicitly named the "*communitatem villarum*" of Aberdeen, Perth, Stirling, Edinburgh, Roxburgh and Berwick as having provided their support and approval.<sup>69</sup> These witnesses are generally taken to have included not merely the proposed council of twelve and the traditional ruling sections of society, but also saw the first appearance of representatives of the burgesses, who went on to form the 'third estate', an important element of parliament towards the end of Robert I's reign. It is perhaps unusual to find such wide representation at such a parliament, given that the topic which usually stimulated the attendance of the burgesses regarded the provision of taxation. There do not appear to be any links between this treaty and the need for any financial grant, although the Scots would have needed to provide the bride with tocher lands. The inclusion of such important men, the size of the Scottish witness list and the involvement of a 'commons' would suggest that this was a policy which required as comprehensive a support as was possible from the Scots. As such, it would appear strange that such an important move was not given added legitimacy through the use of a parliament.<sup>70</sup>

## Conclusion

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<sup>69</sup> *APS*, i, 453; *PSP* 1296/2/1.

<sup>70</sup> It is worth noting that the references to the parliaments held from the summer of 1294 onwards come predominantly from English sources. It is possible that the failure to recognise the Dunfermline meeting under this term resulted from the fact that evidence for that gathering remains in the Scottish sources. However, this was the only expanded gathering from John's reign which was not called a parliament, so it seems unlikely that the Scots were still flexible about the terminology applied to their governmental meetings under King John.

Under John, there remains evidence of seven parliaments which were held in Scotland, a massive increase from the occasional references to a *colloquium* or parliament which survive from previous reigns or from the guardianship. The expansion of this institution is frequently associated with the influence of Edward I, as the direct lord from 1291 and then as overlord over John, particularly on the increased recording of the pleas heard in parliament. How far Edward's own influence would have affected Scottish parliaments is unclear, given that the Scottish nobles and their kings would have attended English parliaments as landlords there, and thus would have been influenced by English methods before 1291. However, the increased use of parliaments during the preceding periods of guardianship and the Great Cause, combined with the need to stabilise the authority of a king who had been elected after a disputed succession, would surely have been influential. If nothing else, the political community would have expected to continue their involvement in government through parliaments after John was elected. That the business of these assemblies appears to have followed on from that displayed in the larger meetings held during previous reigns, which support the theory that 'parliaments' in effect existed before this terminology was used with any great regularity in Scotland. The lack of comprehensive surviving evidence for most of these meetings constrains the extent of the analysis which can be made regarding the expansion and development of parliaments, particularly over attendances and procedures. Yet John's reign still provides the first detailed evidence of parliaments in Scotland, with their frequency and functions. The overall image created is of an increasingly important political forum, summoned with greater regularity and frequency than ever before. Parliament remained an unusual body which could be called whenever necessary to respond to a crisis, rather than for use in the everyday business of governing. They were utilised for domestic

problems as well as international concerns, and formed the highest court in the country with an established procedure. While meetings continued to be based around the king and his council, the increasing importance of parliaments ensured their continued use during periods of political uncertainty within Scottish government both before and after John was deposed by Edward I in 1296.

#### **4. Return to Uncertainty, 1296-1306.**

With the deposition of John Balliol in 1296, the Scots found themselves back in an ambiguous situation. Unlike in 1286 or 1290, they had a legitimate, crowned king whom it was felt, by at least certain elements of the political community, should still have been their focus for government. However, this was not a unanimous position, and a few Scots may have been prepared to accept Edward I's overlordship even at this early stage. As such the different guardians, chosen by varying sectors of the political community across this ten year period, did not rule with any of the unanimity, either of purpose or support, or the resultant authority of those selected to govern in 1286. The instability in Scottish government was also enhanced by the continued warfare, which stimulated changes in guardian personnel and fluctuating levels of support as members of the political community switched allegiances across the conflict. Another factor which had altered since the last interregnum were expectations of how Scotland should be ruled in the absence of a monarch. The guardians had to maintain the administration and deal with those aspects of everyday government which could be sustained during warfare. Yet expectations that they should report back to the remainder of the political community on their progress or for more important matters, particularly within parliaments, must have been considerably greater than in 1286. Parliament had become a much more familiar feature of Scottish government during the Great Cause and the reign of King John. While the interruptions of warfare made it almost impossible to hold regular expanded gatherings, or to maintain control across the whole country, there must have been a need to retain the use of an institution which had taken on such a central role within Scottish government, if only to counter the authority of those

parliaments held by the English to govern Scotland. The continued existence of Scottish parliaments can be supported to an extent by the surviving sources. Despite the difficulties of this period, large gatherings, occasionally called parliaments, were called by the various guardians and dealt with the major concerns of government which required acceptance from the wider political community.

### Meetings under the Guardians

Between 1296 and 1306, parliaments were held across Scotland by various parties. Besides the Scots, an English lieutenant, appointed by Edward I to run Scotland, also held parliamentary gatherings for his administration. Additionally, Edward held his own parliaments, both within Scotland and in England, which exercised jurisdiction over Scottish affairs. This chapter will focus on only those meetings which were held by the Scots themselves, as the others have already been discussed within chapter four. It seems logical to begin by establishing when and where parliaments and expanded gatherings were held by the Scottish administration across this period and under whose authority, before going on to examine attendances at these meetings and the business they discussed.

After the two meetings Edward I held regarding Scotland in 1296, at Berwick in August and Bury St Edmunds in November, the first evidence which remains regarding government by the Scots themselves comes from several letters sent to the English king in July 1297. These were followed by a meeting known as an assembly, held at Torphichen on 29 March 1298. This gathering may have been held under the leadership of William Wallace, with the possibility that he was actually knighted at Torphichen in a ceremony delayed from his victory at Stirling Bridge, which had earned

him the honour.<sup>1</sup> This was followed a year later by important meetings which took place at Peebles in August and at Torwood in November 1299. The change of guardianship which took place between the Torphichen meeting and the Peebles council is evident from the names of the men involved in the dispute which took place at Peebles, with William Lamberton Bishop of St Andrews elected as a compromise guardian between Robert Bruce Earl of Carrick and John Comyn, who had earlier replaced Wallace as guardians.<sup>2</sup> These gatherings were followed by two parliaments in 1300, the first of which was held at Rutherglen on 10 May. This saw another alteration to the make-up of the guardianship, when the earl of Carrick was replaced, with a second parliament planned for later in the year to discuss military tactics. From 1301, a reference within *Gesta Annalia II* highlights a governmental meeting which was held at some point between January and March.<sup>3</sup> Two references survive from 1302, with a letter sent to France from a meeting held at Scone on 28 February, regarding the French truce with England, while an English source notes that the Scots held a parliament at Aberdeen in August of the same year. The only major information from 1303 can be found in a letter sent to Scotland from a gathering held on 25 May in Paris, which involved a variety of ambassadors from both countries who discussed the Anglo-French treaty and the effect it would have on Scotland.<sup>4</sup> This is the last information for this Scottish administration.

While the Scots seem to have been able to continue their government with reasonably

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<sup>1</sup> For the letters from July 1297, see Stevenson, *Documents*, ii, 200-213. For Torphichen, see *APS*, i, 453-454; *Documents Illustrative of Sir William Wallace, His Life and Times* (Maitland Club, 1841), 161-162. Barrow suggested that Wallace's knighthood was bestowed before 29 March 1298, with the ceremonial suggestion implying that this was possibly carried out within a formal gathering. This could have been completed during the same assembly, with the knighthood having been bestowed prior to the issue of this charter. Barrow, *Robert Bruce*, 96, 344-345 n.38. The only other comment on these events noted that the knighthood was performed by an important Scottish earl. *Chron. Rishanger*, 384; A. Fisher, *William Wallace* (Edinburgh, 1986), 66-68.

<sup>2</sup> *Foedera*, i, 915; *APS*, i, 454; *CDS*, ii, no. 1109, 1978; *Nat. Mss. Scot.*, ii, no. viii.

<sup>3</sup> Sayles, "Parliament at Rutherglen in 1300", 325; *Fordun*, ii, 325.

<sup>4</sup> *APS*, i, 454-455; Sayles, "Notes and Communications", 325-326.

regular expanded gatherings held between 1297 and 1303, Scottish resistance was less organised or unable to resist the English across 1296 to 1297 and 1304 to 1305.

When looking at this period, what must be taken into account is that the surviving sources from these meetings are very limited. They provide little information concerning the business discussed, let alone attendances or levels of support which decisions made at these meetings could command. Richardson and Sayles pointed out that

a legitimate government must keep in being the national system of administration of justice, particularly if the invader is himself ... intent on setting up a new administration ... We must, we think, credit the guardians with a similar policy, and believe that they attempted, amid the interruptions of warfare, to carry on the normal administration of the country between the years 1297 and 1304.<sup>5</sup>

The establishment of an efficient judicial system had certainly been the prime concern of kings before and after this period, under Edward I both during his direct rule over Scotland and as overlord, for John, who made pleas the centre of parliamentary business from the outset of his reign, and for Robert Bruce, who established his administration as soon as was possible to add legitimacy to his position as a usurper king. The purpose of this chapter is to determine whether Richardson and Sayles's proposition is borne out for this period. Due to the limits within the remaining evidence, this analysis will have to examine more general government as well as parliaments to try to identify the forms of meetings which were used by the various guardians.

The enforced abdication of John Balliol in 1296 followed the almost complete desertion of his cause by his Scottish supporters. Yet a guardianship was established within a year in the name of the deposed king. Much of the initial reasoning for this

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<sup>5</sup> Richardson and Sayles, "Scottish Parliaments", 315-316.

resurgence of Scottish support for their maligned king can be attributed to the harsh settlement inflicted on the Scots by Edward I in 1296. The guardians who ran Scotland between 1286 and 1291 had been selected by the political community within a parliament because of their social status, their experience in government, and their likely ability to unite the country and rule despite their political divisions. The various guardians selected after 1296 held considerably less support and authority, and were not always nominated by the political community as a whole. Nor was the office always allocated on the basis of social status and political experience. The best known examples of this were William Wallace and Andrew Moray, described as leaders of the Scottish government after their victory at Stirling Bridge because they were “*duces exercitus regni Scotie*” first and foremost, before they were considered as the heads of the “*Communitas eiusdem regni*”. Wallace’s lower social status meant that he was only knighted after his victory at Stirling Bridge.<sup>6</sup> However, while Wallace and Moray were probably the only men who governed solely due to their military achievements, they were not the only ones whose wartime exploits influenced their appointment. John Comyn, joint guardian across much of this period and certainly the sole guardian of Scotland from the autumn of 1302, once John de Soules went on embassy to France, was recognised within a chronicle as both guardian and the “commander and leader” of the Scots at Roslin along with Simon Fraser.<sup>7</sup> The importance of military skills to the

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<sup>6</sup> *Wallace Documents*, 159, no. xv; Dickinson, Donaldson, Milne edd., *Source Book*, i, 136. For Wallace knighthood details, see footnote 1. It is worth noting that Wallace was not considered an actual guardian until the Torphichen meeting six months after Stirling Bridge. The importance of the guardians as leaders of the war effort was maintained throughout these years. Young suggested that Soules’ appointment as guardian in 1301 was partly due to his military success as commander of the Scottish army which recaptured Stirling in 1300. However, the Scots actually recovered Stirling in 1299, when their troops were under the command of Herbert Morham, a prominent Stirlingshire landowner. Young, *The Comyns*, 173; Barrow, *Robert Bruce*, 105; Watson, *Under the Hammer*, 92-93; *CDS*, ii, no. 1949.

<sup>7</sup> *Fordun*, ii, 326; Young, *The Comyns*, 173.

appointment of the guardians and how they were represented as head of the Scottish government is not necessarily surprising. Aside from the pressing need to defend the Scottish kingdom from English invasion across this period, the primary expectations of a medieval king were the active defence of his realm, along with the provision of justice.

### July 1297

The first evidence concerning the maintenance of Scottish government, although not of parliaments, comes from a series of letters issued to the English king in July 1297. By this point, Edward I had already settled the Scottish kingdom and returned home, leaving the newly established English administration to deal with his Scottish subjects.<sup>8</sup> However, on 24 July a letter was sent to Edward from Berwick-upon-Tweed, probably written by Hugh de Cressingham, the new Scottish treasurer and the effective leader of the initial English administration in Scotland under the Earl of Warenne. This letter suggested that while the first Scottish rebellion had already ended in failure at Irvine that same month, this insurgency was not limited to waging outright war against English control.<sup>9</sup> The Scots were also resurrecting their own administration throughout as much of the country as possible. Cressingham noted that, at the point of writing, “not a penny could be raised in your [*realm of Scotland by any means*] until my lord the earl of

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<sup>8</sup> For details of this English administration in Scotland, see Watson, *Under the Hammer*, 31-37.

<sup>9</sup> Robert Bruce Earl of Carrick, Robert Wishart Bishop of Glasgow and James the Steward led the initial rebellion around May 1297, as the few Scottish leaders who were not already captured by the English. Their military ineptitude led them to instigate peace negotiations with the English at Irvine in July 1297. For these discussions, see Stevenson, *Documents*, ii, 192-194, 198-205, 216-220; Palgrave, *Documents*, 197-200. However, documents from August and November 1297 highlight that their submission was never finalised. Stevenson, *Documents*, ii, 225-227; *CDS*, ii, 247, no. 961. Instead, it is generally believed that the three men used the lengthy negotiations to delay the English campaign in Scotland and allow other leaders including Wallace and Murray to gather strength for a renewed assault on English domination. Barrow, *Robert Bruce*, 83-85; Watson, *Under the Hammer*, 45-46.

Warren shall enter into your land and compel the people of the country by force and sentences of law". Cressingham had also been instructed to levy taxes or rents where any Scotsmen could have been found to "have paid to your enemies rents or ... [*which*] ought to have been paid to you", reinforcing the idea that the Scots were raising their own taxes across the country where the English could not. Cressingham warned Edward that

by far the greater part of your counties of the realm of Scotland are still unprovided with keepers, as well by death, sieges or imprisonment; and some have given up their baillywicks, and others neither will nor dare return; and in some counties the Scotch have established and placed bailiffs and ministers, so that no country is in proper order, excepting Berwick and Roxburgh, and this only lately.<sup>10</sup>

Overall, Scottish resistance stretched considerably beyond the battlefield. From this letter it is clear that the Scots initiated the resumption of basic government throughout large areas of their kingdom soon after the English had established control over the country, although this first rebellion did not last long enough to hold any parliaments. Young stated that the revolts of 1297 were considerably more widespread and well supported than traditional accounts suggest. These uprisings have previously been described as Bruce supporters acting against the deposed Balliol-Comyn government, led by James Stewart, Bishop Wishart and Robert Bruce, with later uprisings under various men including William Wallace and Andrew Moray. However, Young argued that King John had continued the patronage system of earlier reigns, greatly enhancing the power of families such as the Comyns, the Macdougalls, the Stewarts and the Morays. As a result, such men would have been unwilling to accept Edward's 1296

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<sup>10</sup> Stevenson, *Documents*, ii, 206-207. For a similar, private letter from Cressingham to the deputy treasurer in London explaining the financial problems the English faced in Scotland, their inability to raise taxes and their need for the £2000 requested from Edward I, see PRO, E.159/70, rot.29d; Barrow, *Robert Bruce*, 85, 343 n.93.

settlement which ensured that they lost all of their new prestige and public offices to the new English administration. As such, this revolt could have been much more widespread and possibly more coordinated than has previously been believed, led by the Stewart and Macdougall power in the west and north-west, Moray control in the north, and with Bishop Wishart of Glasgow and Robert Bruce Earl of Carrick in the south-west. All of this would have been with at least the probable support, if not outright assistance of the Comyn network in the north.<sup>11</sup> As well as covering wide geographical areas of Scotland in their revolt, these groups would have provided significant resistance to the establishment of an English administration in Scotland. This is not to suggest that a Scottish parliament was held between John's submission to Edward and the defeat of the first revolt at Irvine in July 1297. Parliaments or expanded gatherings do not appear to have been held until after the Scottish resistance became stronger, more successful and more organised. However, the re-establishment of an alternative basic administration would have been vital to the restoration of Scottish government, and the ability of later guardians to hold Scottish parliaments across this period.

An interesting point suggested by Professor Barrow was that this initial rising in 1297 held increased significance because it was led by Bishop Wishart, James the Stewart and the Earl of Carrick - one bishop, one earl and one baron. He proposed that these men "regarded themselves as spokesmen not only for themselves and their immediate following but also for 'the whole community of the realm of Scotland'; Guardians in fact if not in name".<sup>12</sup> This balance among the known leaders of the initial revolt could suggest that Wallace and Moray were not the first guardians to lead the

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<sup>11</sup> Young, *The Comyns*, 163-167; *Chron.Lanercost*, 163; Barrow, *Robert Bruce*, 80; Duncan, "The Community of the Realm of Scotland and Robert Bruce, a review", *SHR*, 45 (1966), 184-201, 193.

<sup>12</sup> Stevenson, *Documents*, ii, 192-194; Barrow, *Robert Bruce*, 84.

Scottish government after 1296. Equally, their aims could be taken to have been more political than military. Barrow suggested that they engaged the English in protracted negotiations for their submission to allow others to expand their support for a more consequential and widespread rebellion across the summer.<sup>13</sup>

### William Wallace

The first guardianship for which any distinct evidence survives, and which was believed to have held parliaments, was that of William Wallace and Andrew Moray, the latter involved until his death in November 1297. The majority of discussions which surround this short period of control have focussed on the military campaigns led by Wallace given that, as already noted, his authority stemmed solely from his success at the head of the Scottish army. However, Wallace also went to considerable lengths to resurrect the Scottish government where possible. Barrow noted that Wallace “made no attempt to seize the government of Scotland or set himself up as an independent ruler” instead always acting for the deposed King John. The letter sent by Wallace and Moray to the mayors and communes of Lubeck and Hamburg on 11 October 1297 is most frequently cited as having highlighted these men’s desire to resurrect an independent Scottish kingdom in the name of King John. Their attempt to reopen trading routes, vital to the Scottish economy, was just one area where they tried to re-establish Scottish government.<sup>14</sup> As Barrow noted, the issuing of such letters and the style of surviving briefs and charters shows that experienced clerks acted for Wallace as a royal chancery. The opening clauses of these documents also highlight that Wallace and

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<sup>13</sup> See footnote 9 on the Irvine negotiations and possible delay tactics from the initial rebels.

<sup>14</sup> *Wallace Documents*, 159, no. xv; Dickinson, Donaldson, Milne edd, *Source Book*, i, 136-7; Barrow, *Robert Bruce*, 90; Young, *The Comyns*, 168.

Moray saw themselves as representatives of the remainder of the political community, whose consent was always noted as having been given for their decisions. If Wallace could claim that he ruled not just on behalf of, but also with endorsement from such people, then this might have been taken within some form of parliament, or wider assembly.<sup>15</sup> The fact that he held parliaments at all was given as part of Wallace's crimes, listed in his indictment for treason by Edward I. It is frequently noted that with the trial in August 1305, Edward aimed not merely to rid himself physically of Wallace as his most persistent enemy, but also to destroy the man's reputation and memory, although the brutal manner of his death actually turned Wallace into a martyr. Yet this indictment reads as a list of Wallace's achievements during his campaign against the English. What is important here is that amidst the claims of sedition, murder, arson, the destruction of property and sacrilege, Wallace was also charged with holding parliaments and maintaining the French alliance of 1295. These, along with his assumption of the role of guardian in the name of King John, were included because they had been hostile to Edward's control over Scotland and symbolised Wallace's assumption of powers which, according to Edward, neither Wallace nor Scotland possessed in law.<sup>16</sup> While the first recognised parliament held by any of these guardians was not until 1300 at Rutherglen, the fact that Edward included this allegation within

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<sup>15</sup> Stones, *Anglo-Scottish Relations*, 77 is one example of the opening clauses of the documents issued by Wallace and Moray which noted the authorisation from the community. *Wallace Documents*, 159; Barrow, *Robert Bruce*, 91. Barrow stated that "Wallace was fully aware that in the absence or incapacity of the lawful king the actual rulers must be responsible to the community of the realm and must derive their authority from its consent" no matter how difficult the holding of parliaments had become because of the war.

<sup>16</sup> For the full details of the trial, indictment and execution, see *Wallace Documents*, 189-193; W. Stubbs ed., *Chronicles of the Reigns of Edward I and Edward II* (London, 2 volumes, 1882), i, 139-142. For analysis of the events, see Fisher, *Wallace*, 123-132; Watson, *Under The Hammer*, 211-214. Watson noted that many Scots would have been in London already for the 'Union Parliament' which was held there in September 1305 and would have witnessed the trial and execution. Barrow, *Robert Bruce*, 136-137.

Wallace's indictment suggests that the English king believed that these meetings were maintained by the Scots across the wars. If this is true then the English must have been aware of considerably more parliaments than those which survive in the records today. Even the chronicles did not suggest that Wallace held parliaments in Scotland during his guardianship. Instead, they stated that he had been chosen by the commons to lead the government, which meant that Wallace had to subject the nobility, which led to his downfall after Falkirk.<sup>17</sup>

Wallace became a guardian at an unknown point after the victory at Stirling Bridge on 11 September 1297, and resigned his position after the defeat at Falkirk on 22 July 1298, which left little time for holding parliaments. The only meeting held during this guardianship for which any significant information has survived was referred to as an assembly which met at Torphichen in West Lothian on 29 March 1298. This gathering issued a charter to Alexander Scrymgeour, providing him with the post of constable over the castle in Dundee along with six marks of land. With no witness list and no suggestion within the surviving document that this meeting was thought of as anything other than an assembly at the time, there is little here to support the English accusations of 1305. The opening clause of this document is the first surviving evidence of Wallace being recognised in his new position as guardian, calling him "*Custos regni Scocie*", along with acknowledging his new knighthood and claiming that he could rely on important levels of support from "*Communitatis ejusdem regni, omnibus probis hominibus dicti regni*".<sup>18</sup> While there is no evidence for when or where

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<sup>17</sup> *Scalacronica*, 18; *Fordun*, ii, 321-322; *Scotichronicon*, vi, 83-95. Bower also noted military reforms implemented by Wallace while he was guardian, although with no mention of whether these were instigated at Torphichen, or at any other gathering, or if they were simply adaptations made on the field.

<sup>18</sup> *APS*, i, 453-454; *Wallace Documents*, 161-162.

the ceremony of knighthood took place, it is generally believed that both titles were bestowed upon Wallace at this Torphichen meeting. If so, then this would suggest that March 1298 saw a considerably larger and more important gathering than the surviving charter to Scrymgeour suggests.<sup>19</sup> Yet there remains some doubt over the extent of the support which Wallace could have called upon at this stage in the war. Wallace is believed to have spent the early part of 1298 besieging Roxburgh, which would not have prevented him from gathering support against the forthcoming English invasion to avenge the events at Stirling. Yet at the same time, many of the important magnates who might have supported Wallace's guardianship for John were imprisoned in England, having been captured at Dunbar.<sup>20</sup> Regardless of the terminology, Torphichen appears to have been a substantial and important meeting. The elevation of this man from leader of the army to being an unprecedented sole guardian of Scotland and a knight would have made this a very important gathering, although the business known to have been discussed did not necessarily warrant a parliament. It seems highly unlikely that Wallace's appointment would even have been attempted without consultation with the remaining political community, whose support was specifically mentioned in the surviving charter and who would likely have wanted to attend a ceremony regarding the selection of a new guardian and his knighthood. At the same

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<sup>19</sup> The letters which were issued in 1297 by Wallace and Murray stated that they were "*duces exercitus regni Scocie, nomine preclari principis domini Johannis dei gracia regis Scocie illustris, de consensu communitatis regni ejusdem*", providing no mention of their assumed position as guardians. *Wallace Documents*, 159; Dickinson, Donaldson, Milne, *Source Book*, i, 136-137; Stones, *Anglo-Scottish Relations*, 77-78. For details on the knighthood and assumption of the guardianship by Wallace, see footnote 1.

<sup>20</sup> *Chron. Rishanger*, 184-185; Barrow, *Robert Bruce*, 96-98. Those captured at Dunbar and were later released from prison to fight for Edward in France included Alexander de Meynes, John Earl of Atholl, Richard Siward, John Comyn son of the Lord of Badenoch, along with Comyn's two brothers, Alexander and Robert, two David Grahams, both the brother and son of Patrick Graham, John Comyn of Kilbride and Simon Fraser, amongst others. See *CDS*, ii, no. 937, 939, 940, 942, 944, 948, 950, 952, 953.

time, the guardianship, Great Cause and reign of King John which preceded these wars had altered Scottish politics to ensure that parliament was the established place where such important, consensual decisions were made.

### Bruce-Comyn Guardianship

With Wallace's resignation after the military defeat at Falkirk in July 1298, the guardianship reverted to a traditional multiple leadership with aristocratic occupants. Robert Bruce Earl of Carrick and John Comyn were the new guardians, and they formed an uneasy partnership. This association is generally considered to have been an obvious attempt at a compromise which aimed to unite the different sides of political society behind Scottish independence, as well as to combine the military resources of these two major factions on behalf of King John.<sup>21</sup> Professor Barrow stated that there was little break in continuity between the government established by Wallace and that of the Comyn-Bruce coalition. Along with control over the church, maintenance of more general Scottish government was one of the few successes of this guardianship. For example, justiciars' courts appear to have been maintained. John Comyn is known to have held a court in the north of the country while he was a guardian, where Sir John de Mowbray sued Malise Earl of Strathearn for the destruction of his lands and seizure of the castle, due to the fact that Mowbray's father Sir Geoffrey had withdrawn from the king's peace at the start of the war. The case was reinvestigated at Perth on 17 September 1304 by John Earl of Atholl, then warden and justiciar for Scotland. John Comyn Earl of Buchan was also able to hold a court as the justiciar for Scotia in 1300, where he heard "*placita sui officij iuxta castrum de Abirden in loco qui dicitur*

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<sup>21</sup> Young, *The Comyns*, 170; NAS GD 137/3679; APS, i, 454.

*Castelfyld*". Evidence from this court featured a witness list of eleven names, which included Henry Bishop of Aberdeen, John Earl of Atholl sheriff of Aberdeen and William Meldrum an ex-sheriff of Aberdeen. The latter court also provides one of the few examples of the existence of Scottish sheriffs throughout the warfare, with others holding these posts including Sir Ingram de Umfraville who was made sheriff of Roxburgh in August 1299, Walter Logan who was sheriff of Lanark and Gilbert Malherbe sheriff of Stirling.<sup>22</sup> Finally, the English complaints from 1297 noted earlier, which stated that the Scots had not only established their own officers but were also preventing the English from collecting rents and taxation within Scotland also appear to have been true. While the accounts from this period remain very limited, there remains the comptus of James de Dailieye clerk, detailing the forfeited or captured property and goods from Lanark, Peebles, Ayr, Dumfries and Annandale across 1303-1304, which were then delivered to Edward I. Barrow stated that this record implies the maintenance of a Scottish system of revenue collection and account keeping which the English utilised when they recaptured areas of Scotland.<sup>23</sup> Perhaps most importantly in terms of the degree of support Bruce and Comyn held and whether they sought consent and legitimacy for their actions through parliaments can be seen in the way they presented themselves within their charters. Bruce and Comyn claimed that they represented or acted with and on behalf of "the bishops, abbots, priors, earls, barons and other magnates and the whole community of the realm", an expanded version of the claim used by Wallace and Moray, and very similar to opening clauses of documents

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<sup>22</sup> *Calendar of Laing Charters AD 854-1837, belonging to the University of Edinburgh*, ed. J. Anderson (Edinburgh, 1899), no. 18; *Liber Sancte Marie de Calchou: registrum cartarum Abbatie Tironensis de Kelso, 1113-1567*, ed. C. Innes (Edinburgh, Bannatyne Club, 1846), i, no. 193; *Arbroath*, i, no. 231; *CDS*, ii, no. 1978; Barrow, *Robert Bruce*, 104-105; Young, *The Comyns*, 174.

<sup>23</sup> *CDS*, ii, no. 1608; Stevenson, *Documents*, ii, 206-207; Barrow, *Robert Bruce*, 105.

issued by the Canmore kings. This could simply have been an attempt to bolster support or to emphasise their right to rule by claiming endorsement from entire groups of the political community. This claim was used within letters which were sent to the French king, to whom the guardians would have wanted to display a united front for their cause.<sup>24</sup> If Bruce and Comyn did hold the support of such a broad section of political society, this consent would likely have been taken through the use of parliaments or expanded gatherings.

Few charters have survived from this period to highlight the business of lesser councils used to maintain the Scottish administration. One example can be seen in the precept issued by the earl of Carrick to the sheriffs and bailies of Forfar, confirming Wallace's previously mentioned grant to Alexander Scrymgeour. Issued on 5 December 1298, this has been taken by historians such as J.R.N. MacPhail to symbolise the continuity between the administrations and policies of the different guardians, who accepted and reaffirmed previous decisions rather than altering or questioning their legitimacy. It was also one of the few surviving documents which had been issued by and thus confirmed the existence of the Comyn-Bruce guardianship.<sup>25</sup> The only aspect of this document which is extraordinary was that it was issued by only one guardian, although acting in the name of the other; "we straitly charge you in the name of Sir John Comyn, the son, our fellow-guardian of the Realm of Scotland, and in our own name". Also, while Robert Bruce was officially acting in the name of King John, unlike in those documents issued by Wallace, John's name did not appear within the precept.

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<sup>24</sup> *CDS*, ii, no. 1301, in full on 535. Bain believed that the letter was sent in 1302, however it has since been redated and is now thought to have been sent on 6 April 1299. Sayles, "Parliament at Rutherglen in 1300", 247.

<sup>25</sup> J. R. N. MacPhail, *Highland Papers*, ii, 1240-1716, *SHS*, Second Series, xii (Edinburgh, 1916), 131-132; Barrow, *Robert Bruce*, 104.

Peebles August 1299

The first major meeting under this guardianship which can be found within *APS* i was referred to as a mere assembly, held on 13 November 1299 at Torwood. However, to examine this next would skip over the vital meeting which took place at Peebles on 19 August 1299. This has generally been described by historians such as Young as a “council of magnates”, which saw the polarization of support between the Bruce and Comyn factions. Descriptions of this meeting have generally focussed on the confrontation between David Graham, part of the Comyn following, and Malcolm Wallace, brother of William and a Bruce supporter, over the former’s demand for the redistribution of William Wallace’s lands “since he was going out of the kingdom without the will or leave of the Guardians”. The dispute culminated when

Master John Comyn leaped on the Earl of Carrick and took him by the throat, and the Earl of Buchan upon the Bishop of St Andrews, and they held them fast, because treachery or treason was planned, until the Steward and others went between and stopped this scuffle.

It was during this meeting that William Lamberton Bishop of St Andrews was elected as the ‘compromise’ guardian, called the “*Principal Cheuetein*”, designed to provide seniority and stability to the unsettled Bruce-Comyn partnership. It is curious as to how Lamberton was expected to do this when he was in no way a neutral. He was disliked by the Comyns because Wallace had appointed him to the Bishopric of St Andrews over William Comyn provost of St Andrews, and for his occasional support for the Bruce claim to the throne, which can be traced back to the 1290s and the Great Cause.<sup>26</sup>

While the most obvious aspect of dissent within the Scottish camp is the actual fight at Peebles, other evidence can be seen within the remainder of the letter which

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<sup>26</sup> *CDS*, ii, no. 1978; *Nat. Mss. Scot.*, ii, no. viii; PRO C.47/22/8; Young, *The Comyns*, 168-171.

described this gathering to show that this was not simply an isolated quarrel over the Wallace lands. The meeting ended after a letter was read out which stated that “Sir Alexander the Comyn and Lachlan were burning and destroying towards those parts where they were in the nation of Scotland”.<sup>27</sup> This referred to the brother of the earl of Buchan and Lachlan MacRuairi, who were both acting against the Scottish cause. The meeting ended with Lamberton elected as the principal leader with control of the Scottish castles, while the Scottish support divided up and returned to their traditional alliances and geographical strongholds. The Comyns returned north to deal with the rebels, Bruce and his supporters went to Annandale and Galloway, and Stewart and Menteith went to Clydesdale. Although the guardianship had returned to the traditional grouping of one earl, one baron and one bishop, the divisions amongst the custodians, as well as the wider political community, remained clearly evident in their actions.

The surviving evidence regarding this Peebles meeting suggests that this was a considerable gathering. The letter sent from the English constable of Roxburgh, Robert Hastings, to Edward I the following day reported that Peebles had included at least thirteen men who had either been involved in the discussions or were noted for the division of Scottish forces around the kingdom. It is entirely possible that this gathering could have been attended by many more men who held a less significant role in the Scottish rebellion whom Hastings did not bother to include.<sup>28</sup> Certainly, this was noted as an assembly of the “great lords of Scotland with all their power assembled”. Also,

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<sup>27</sup> *Nat. Mss. Scot.*, ii, no. viii; PRO C.47/22/8; Barrow, *Robert Bruce*, 107; This section of the letter was not included within the copy in *CDS*, ii, no. 1978; Watson, *Under the Hammer*, 85.

<sup>28</sup> *CDS*, ii, no. 1978; *Nat. Mss. Scot.*, ii, no. viii. The names listed were Ingram de Umfraville, William Balliol, Simon Fraser, the bishop of St Andrews, the earls of Carrick, Buchan and Menteith, John Comyn the younger, David de Graham, Malcolm Wallace, David de Brechin, James the Steward and Robert de Keith. There is also a space between the earls of Buchan and Menteith, suggesting that other names were originally included in this letter. PRO C.47/22/8.

when the meeting dispersed, each lord left part of his troops with Umfraville and Keith, giving them 100 heavy armed horse and 1500 foot soldiers, with which they were to attack the Borders. This evidence suggests that the meeting at Peebles involved considerably more than just those magnates specifically named in the letter. Barrow noted that the Scots had led a full scale raid south of the Forth immediately before this gathering which had occupied some of the most influential magnates of the realm, including nine of those listed at Peebles, with the addition of the Earl of Atholl.<sup>29</sup> These preceding events could also help to explain why such an important and expansive meeting was held in the Borders, rather than in an area of strong Scottish support in the north-east. Such meetings were held when it was expedient during each campaign. At the same time, the Scots ability to hold such gatherings in areas where their control was weaker also emphasised their extending influence throughout the English-held parts of Scotland. Yet, despite the attendance and the business which was discussed at this gathering, Peebles was never referred to as having been a parliament, even though a meeting held one year later to alter the composition of the guardianship, this time to replace the earl of Carrick, did use that title. This could be explained in that this gathering was not officially summoned in the manner of a parliament and did not

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<sup>29</sup> Stevenson, *Documents*, ii, 301-304. This letter from John de Kingston, constable of Edinburgh Castle, detailed Scottish plans to raid towards the Borders, the doubted loyalty of Simon Fraser and additions to Scottish supporters. Professor Barrow noted that the PRO version or the *Nat. Mss. Scot.* facsimile of the letter to Edward I recounting the Peebles meeting, included the incomplete phrase "*le counte [ ]le*" between the earls of Buchan and Menteith. The only thirteenth-century form for an earldom which could have ended in 'le' would have been the earl of Atholl. This would have referred to John Earl of Atholl, whose stepfather was Alexander de Balliol and who had witnessed the Treaty of Birgham in 1290, John's homage to Edward I in 1292 and the Treaty with France in 1295-96. Having joined the Scottish army in 1296, he was one of the Scots captured at Dunbar in April of the same year and imprisoned in the Tower of London. However, Atholl was among those Scots released to fight for Edward in Flanders after one years imprisonment, who gave the English king the slip to return to fighting for the Scots. He did not return to the English king's peace until 1304. By 1306 he had joined Robert Bruce and was subsequently captured at the Battle of Methven and hanged at London in November 1306. Barrow, *Robert Bruce*, 98, 106-108, 345 n.41, 347 n99; PRO, C.47/22/8; *Nat Mss. Scot.*, ii, no. viii; *Scots Peerage*, i, 425-427.

consist of a fully representative attendance, with Lamberton the only ecclesiastic known to have been involved. Equally, there is no suggestion that this meeting was ever called with the intent of adding a third person to the guardianship, business which might have been considered parliamentary. Rather, this meeting initially surrounded the intention to attack Roxburgh as part of the Scottish summer campaign, an idea which was abandoned once "it was made known to them that the town was secured, so that they could make no exploit without great loss of their troops". The fact that this gathering ended with the great lords leaving part of their troops with Umfraville and Keith for the Borders campaign highlights the military situation which was the primary concern of these proceedings. Only when the dispute over Wallace's lands developed into a physical fight between the Comyn and Bruce factions was a third guardian established to maintain some form of balance and a working relationship. What these events proved was that guardians could be nominated outwith officially recognised parliaments. It might have been that the magnates collected together at Peebles, who were some of the most influential men in Scotland, held sufficient authority to institute such a change without deferring the matter to a larger official parliamentary meeting. Alternatively, the magnates and guardians could have sought wider acceptance and support for the move when they returned to their respective localities, although no evidence survives to support this. Overall, Peebles appears to have been a larger gathering held to determine the military aims for the summer's campaigns, but which developed into a more important gathering through the additional issues which surfaced when the different factions were brought together.

Torwood, November 1299

The next major meeting was held at Torwood forest, south of Stirling on 13 November 1299, from which the guardians issued a letter to Edward I. Again the Scots held their governmental meeting at a convenient time and place during the conflicts, as they had gathered to await the surrender of the English garrison in Stirling Castle, whom they were starving out, and to prepare in case Edward, then stationed at Northumberland, decided to lead a winter campaign into Scotland.<sup>30</sup> The letter issued by the three guardians to Edward I stated that they would accept a truce with the English that was negotiated by the French king. The opening clause of this document highlighted the continuity of this administration with its predecessors, as it was addressed to Edward from

William by divine mercy bishop of St Andrews, Robert Bruce earl of Carrick and John Comyn the younger, guardians of the kingdom of Scotland in the name of the famous prince the lord John, by God's grace illustrious king of Scotland, appointed by the community of that realm, together with the community of the realm itself.

The seal tag on the document also highlighted that this was sent by both "the Guardians and community of the realm of Scotland".<sup>31</sup> The implication from these phrases was that the decision expressed within this letter had been made with direct consultation between the three guardians and the political community of Scotland. Yet there is nothing to

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<sup>30</sup> *APS*, i, 454. The Scots had been starving out the English garrison in Stirling Castle since at least August, when the English constable of Edinburgh Castle requested "*E jeo vous pri, sire, que vous y mettez conseil le endreit du chastel de Strivelyn, quil feut vitaille*". The chronicles of Guisborough and *Rishanger* noted that the Scots had taken the castle by the end of the year. The latter also noted that Edward had moved to Berwick before his magnates dissuaded him from a winter campaign in Scotland. This suggests that the Scots would have been justified in preparing for another campaign while at Torwood in November. Stevenson, *Documents*, ii, 301-304; *Chron.Rishanger*, 402-403; *Guisborough*, 332. Evidence that Edward was planning another invasion remains with issues for the levy of foot soldiers, ships and miners to come to Berwick in December, as well as a command to strengthen Lochmaben castle. *CDS*, ii, no. 1111, 1112.

<sup>31</sup> *APS*, i, 454; PRO E.39/14/14; *Foedera*, i, 915; Barrow, *Robert Bruce*, 109-110. The information provided with the seals was not detailed within *APS*, i.

suggest that Torwood was anything other than an assembly. With no witness list it is difficult to determine the size of this gathering. While various men would have been with the guardians as they awaited the surrender of the English garrison, there is no evidence that this was issued from an extensive assembly of the Scottish political community. Nor was the business which survives from Torwood particularly unusual. Various truces were established between England and Scotland across these wars, while the involvement of the French was almost standard. The exiled Scottish king had been sent to France from his imprisonment in England, while William Wallace was there between 1299 and 1300, attempting to hasten the restoration of King John to Scotland, gain French military aid against England and try to encourage more diplomatic pressure against the English campaigns.<sup>32</sup> The proposal of another truce would not necessarily have required the approval of a Scottish parliament. This was just one of several charters which demonstrated the continued government and maintenance of an administration in Scotland by the guardians.

#### Rutherglen May 1300

The first evidence of actual parliaments held across this period of guardianship can be found regarding two meetings in 1300. However, only information from the first of these meetings, held at Rutherglen on 10 May, has survived in any real form.<sup>33</sup> The impression from this period is that Robert Bruce and John Comyn had continued to find

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<sup>32</sup> Barrow, *Robert Bruce*, 110. Barrow listed those Scots known to have gone with Wallace to France and demonstrated their likely affiliation towards John.

<sup>33</sup> Sayles, "Parliament at Rutherglen in 1300", 246; PRO SC 1/30/114; Barrow, *Robert Bruce*, 105. Watson noted the importance of this parliament for both sides, highlighting not only the maintenance of a Scottish administration, but also their ascendance over English control in Scotland, given that the latter recognised the Scots ability to hold such gatherings which the English had been unable to do in Scotland since 1297, and would not manage again until 1304 at mid-Lent in St Andrews, see chapter 2. Watson, *Under the Hammer*, 102.

it impossible to work together as guardians after Peebles, even with Bishop Lamberton as the leading member of their administration. Bruce is thought to have resigned his post either before or during this meeting at Rutherglen, before switching sides to give his allegiance to the English king by February 1302.<sup>34</sup> Unlike the Peebles gathering, this parliament was deliberately called to revise the guardianship, which explains the use of the formal terminology. Little is known about this meeting aside from one letter sent by Sir John de Kingston, the English sheriff and constable of Edinburgh Castle, to Sir John de Manton.<sup>35</sup> The Rutherglen parliament appears to have been another meeting planned to allow the Scots to gather and prepare for the forthcoming campaigning season, while during the meeting it became clear that the two remaining guardians, Comyn and Lamberton, were unable to work together and so a new, third custodian, Ingram de Umfraville, was elected after further fighting.<sup>36</sup> It is interesting that, despite the attendance of such men as James the Steward and the earl of Atholl, who had favoured Bruce at times before this gathering, as well as the noted absence of the earl of Buchan, a Balliol proponent who was on campaign in Galloway, this parliament still selected Ingram de Umfraville, a prominent supporter of the Comyn family and kinsman of John Balliol, as the new third guardian.<sup>37</sup> This appointment considerably altered the balance

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<sup>34</sup> For details of possible reasons for Bruce's defection, see Reid, "Kingless Kingdom, 111; Barrow, *Robert Bruce*, 110; Young, *The Comyns*, 171-172; E.L.G. Stones, "The Submission of Robert Bruce to Edward I, c.1301-1302", *SHR*, 34 (1955), 122-134.

<sup>35</sup> Given that the only remaining evidence from Rutherglen comes from one letter, this terminology represents the English view of the meeting. There is no surviving evidence of what the Scots called this gathering at the time. Sayles, "Parliament at Rutherglen in 1300", 245. Richardson and Sayles suggested that there remains little difference between the meetings at Peebles and Rutherglen to justify the different terminology. Richardson and Sayles, "Scottish Parliaments", 314-315.

<sup>36</sup> Although Lamberton's primary aim was the independence of the Scottish church and nation regardless of the leader, his Bruce affiliations have already been noted. Sayles suggested that Lamberton might have believed that if John Balliol would have returned, he would not have been strong enough to continue the Scottish fight for independence, further strengthening the Bishop's existing personal allegiance to Bruce. Sayles, "Parliament at Rutherglen in 1300", 246-249.

<sup>37</sup> This gathering highlights the flexibility in allegiances across this period, as gatherings of men who can be found supporting Bruce at earlier points across this unsettled period, elected Umfraville.

of the leadership back towards a more staunchly pro-Balliol stance, as well as increasing Comyn control over the Scottish guardianship. The letter ended with the adjournment of this meeting until a future date, designed to allow the earl of Buchan to return and for all of the great men of the kingdom to bring their men to the next parliament.<sup>38</sup>

There is some confusion over the proposed date of this second parliament of 1300, established for the day of 'St John'. According to Sayles, this referred to the day of St. John the Apostle and Evangelist, on 27 December. However, such a delay would have required the Scots to assemble their men at the end of the year, well after the year's fighting would have been completed, which seems very unusual. The Scots had never previously held a parliament so late in the year, while this would have given notification for the meeting far in advance. Instead, Barrow suggested that this actually gave a delay of only six weeks, placing the second parliament on the Nativity of St John the Baptist, at midsummer. This would have allowed for the forty day summons to parliament for those who were not already in attendance, as well as positioning the meeting on the same day as Edward I had called for the gathering of his feudal host at Carlisle, in preparation for his campaign into Galloway.<sup>39</sup> This would have appeared as

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<sup>38</sup> Possibly due to his position as lord of Cruggleton in Wigtownshire and sheriff of the area, Buchan was in Galloway to attempt to win over the locals. Despite the fact that John Balliol was lord of Galloway, many of the knights of Annandale had remained loyal to the Earl of Carrick's father, who had retained his allegiance to the English king. The area was a considerable English stronghold, with Lochmaben having resisted previous Scottish attacks, while the Scottish-held Caerlaverock fell during Edward's campaign in 1300. Barrow, *Robert Bruce*, 112; Young, *The Comyns*, 171.

<sup>39</sup> Sayles, "Parliament at Rutherglen in 1300", 246, *n.5*; *Guisborough*, 334; *Chron.Lanercost*, 170; *CDS*, ii, no. 1136; *CDS*, v, no. 220; Barrow, *Robert Bruce*, 109-112; Cheney, *Handbook of Dates*, 53-54. Sayles suggested that the delay until December was designed to allow the Earl of Buchan to return after the fighting in Galloway, as the English campaign was focussed on the area across the summer. However, it would appear unusual that Buchan and all other important Scots were to attend a parliament in December with "all of their power", which would surely have been more appropriate before rather than after the summer's campaigns. Overall, it seems more likely that the Scots would have needed to gather and organise their troops before the campaign, rather than long after it had finished. Richardson and Sayles noted the formality of the adjournment in May which might partly explain the need for the alternative terminology for Rutherglen when the business was so similar to that decided at Peebles in 1299. Richardson and Sayles, "Scottish Parliaments", 315.

considerably more likely timing for a second parliament or gathering of Scottish forces in preparation for the next campaign. Reid noted that “the election of new guardians was carried out in response to the needs of the political scenario at that moment”.<sup>40</sup> What this implies here is that while the events at Peebles had been an immediate reaction to the crisis which arose in the guardianship, selecting a third man to try to stabilise the existing grouping, Rutherglen formed a similar response, but one which was planned in advance. If Bruce did resign before this parliament, the Scots would have had time to consider a replacement before they met, as well as being able to call a formal parliament with notification to determine the important business of re-settling the guardianship. While this letter named only those who were actively involved in the events, it seems unlikely that this change of guardians could have been settled by such a narrow group of men. All of this suggests that Rutherglen was designed by the Scots as a parliament which used the established procedure to seek full consent for the change in the guardianship.

#### January-March 1301

The next reference to a possible parliament held between January and March 1301 was given in *Gesta Annalia II*. This stated that the start of 1301 saw another change in the guardianship, when John Comyn, Bishop Lamberton and Ingram de Umfraville were replaced with John de Soules. Soules was appointed by John Balliol himself, who was thought at the time to have placed his man in the post in order to prepare the country for his return. In *Gesta Annalia II*, Soules was said to have been the sole guardian, acting “with the advice of the prelates, earls, barons, and other nobles of the Estates of the

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<sup>40</sup> Reid, “Kingless Kingdom”, 111.

kingdom of Scotland” when he sent William archdeacon of Lothian, Baldred Bisset, and William of Eglisbam as envoys to the Pope.<sup>41</sup> This account implies that some form of major gathering was held which encompassed all levels of the political community, who had gathered to discuss their ongoing policy of lobbying the Papacy for aid and what their next move would be, eventually agreeing to send the embassy named above. In terms of the accuracy of this account, soliciting the Papacy was a policy which had been maintained for several years, with Scots on the continent, including William Wallace, campaigning for outright Papal support against English claims to both lay and ecclesiastical overlordship over their country. The guardianship of Lamberton, Comyn and Umfraville is believed to have lasted at most until the end of 1300, when Soules was appointed.<sup>42</sup> The list of advisors highlights the fact that the chroniclers believed that foreign policy decisions were made within large assemblies which included all levels of the political society. While chronicles should always be used with caution, this supports existing propositions from earlier sources that large gatherings, sometimes recognised as parliaments, were held by the various guardians throughout this period

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<sup>41</sup> *Chron. Fordun*, ii, 325.

<sup>42</sup> Barrow, *Robert Bruce*, 114-117; Young, *The Comyns*, 172-173. Dr Reid has suggested that this period actually saw a different form of joint guardianship. He accepted that Soules had been appointed by John Balliol, but suggested that “for the first time the leader of the government did not rule by the election of, and with the authority of the community of the realm”. While Balliol’s position was stronger since his release from Papal custody, “it must be doubted whether he had yet gained that situation where his return was sufficiently certain for the community of the realm merely to accept without question his direct nominee as their governor, after years of self-rule and election”. Instead, Reid suggested that Comyn remained as “the elected representative of the community of the realm”, acting as a subordinate advisor to Soules. Although the traditional guardianship had failed to oust English control over Scotland, Reid suggested that “the community had been self-reliant for too long suddenly to give up the reins of government entirely to a man whom they had not elected, over whom they would have no direct power”. Reid, ‘Political Role of the Monarchy’, 180-188. However there is no official evidence that Comyn was guardian again until 1303, when Soules went on the embassy to France. One chronicle account which does support Reid’s suggestion is *Gesta Annalia II*, which states that “the same year [1298], John Comyn, the son, became guardian of Scotland; and remained in that office until the time when he submitted to the king of England - to wit the next year after the struggle as Roslyn [1303]. But within that same time, John of Soulis was associated with him, by John of Balliol ... Soulis did not long keep his charge and governance.” This would certainly suggest that Soules was never the sole Guardian. *Chron. Fordun*, ii, 325.

to maintain Scottish government and seek advice, widespread consent and authority for the most important decisions which they could not have made alone. However, even the fourteenth century chronicler did not suggest that Soules held a meeting in early 1301 which was acknowledged as a parliament at the time.

### Scone February 1302

Only two further meetings remain from this period of guardianships and these appear to have marked the decline of Scottish control before being overshadowed again by the English administration after 1303. Bishop Lamberton returned to Scotland from an embassy in France in order to attend a gathering which Barrow called a parliament. Held at Scone on 23 February 1302, this meeting discussed the developing Anglo-French relations. From this gathering, the Scots issued a letter to the French king within which they agreed to observe a truce established with England. The Scots stated “that we have allowed the aforesaid truce or armistice of war with great joy, and we will cause each of its articles which concern us to be inviolably observed by God’s grace”. There was obviously some concern that the Scots had been or would be accused of not maintaining their position as they sought to reassure the French king, asking

that you do not deign, if it please you, readily to give credence to accusations of this sort; because in all good faith, we are and will be prepared gladly to allow and without violation observe and adhere to faithfully and with one accord to the alliance entered into with you.

Soules was named in the opening clause as having been the sole guardian of Scotland, “*custos regni Scotie nec non prelati Comites Barones totaque ipsius regni communitas*”.<sup>43</sup> This contradicts the proposition given by *Gesta Annalia II*, as well as

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<sup>43</sup> *APS*, i, 454; *PSP* 1302/1; Barrow, *Robert Bruce*, 124.

from historians such as Dr Reid, that from the outset Soules was joined in the guardianship by John Comyn.<sup>44</sup> At the same time, while there was nothing within the letter to suggest that this gathering was referred to as a parliament at the time, the fact that this document was sent by the entire political community might suggest that this came from a major meeting where the Scots had gathered together to discuss the ongoing threat of an Anglo-French alliance to continued support from one of their major international allies, a matter which would have been important enough to have stimulated a parliament.

The potential repercussions of an Anglo-French alliance stimulated the Scots to establish a large and important delegation, filled with some of the most influential men from their political community, who went to Paris in the autumn of 1302 to discuss recent events and determine whether Philip IV was still an active ally on their behalf. These men sent a letter home from France on 25 May 1303 to inform those in Scotland about the potential effects of the Anglo-French truce. The embassy in Paris involved the bishop of St Andrews, the earl of Buchan, James the Steward, John de Soules, Ingram de Umfraville, William Balliol and Matthew Crambeth Bishop of Dunkeld.<sup>45</sup> The letter was addressed to John Comyn, "*custodi regni Scocie*", as well as to the prelates, earls, barons and the whole of the faithful political community of Scotland. This sought to reassure the Scots that, rather than having been abandoned by their French allies, Philip IV was actually in a better position to aid his Scottish friends than ever before. If nothing else, this letter confirms that John Comyn regained his position as leader of the

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<sup>44</sup> Barrow, *Robert Bruce*, 115; Reid, "Kingless kingdom", 111-115; *Fordun*, ii, 324. While Soules could simply have issued this letter alone, as Robert Bruce did during his guardianship with John Comyn, too little evidence beyond the chronicles survives to suggest that Comyn remained as a guardian between 1301 and 1303.

<sup>45</sup> *APS*, i, 454-455; Barrow, *Robert Bruce*, 124-126.

political community in 1302-1303 while John de Soules was part of the embassy to Paris.

### Aberdeen September 1302

The final gathering which the Scots are believed to have held during this period of warfare was referred to as a parliament, held at Aberdeen on 8 September 1302, and marked the only meeting which the Scots held within an area of their country that was under the secure authority of the guardians. The only surviving reference to this meeting can be found within an anonymous letter sent to Edward I, which was written from Edinburgh on 27 August 1302. This stated that

the magnates of (?) Scotland will be at Aberdeen at their parliament on the feast of the Nativity of our Lady [8 September] and intend after the truce has expired to approach the march of England ... to destroy it if possible.<sup>46</sup>

The placement of this parliament at Aberdeen might seem rather unusual when the aim of the Scots was to destroy the English marches. While the Scots usually held parliaments in the midst of the conflicts, wherever they were fighting, the truce established with England in 1302 had altered events, allowing the Scots to plan and hold their meeting within a secure area north of the Forth which had remained under Comyn control. Holding this meeting in a safer area might also have seemed preferable given the recent change in international affairs and the loss of major international support for the Scottish cause from both the French and the Papacy. No other evidence remains as to who was involved in this meeting or the other business which was discussed. Nor is there even an indication of who were acting as guardians at the time.

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<sup>46</sup> Sayles, "Notes and Communications", 325; PRO SC 1/21/171. The truce was due to expire in November 1302. Barrow, *Robert Bruce*, 126.

It is interesting to note that once again, the only reference that a 'parliament' was held within Scotland in September 1302 comes from an English source, rather than from the Scots themselves and it is difficult to know whether this accurately reflects the terminology applied to the Scottish meetings from this period. It is possible that, as with the English evidence of Scottish meetings from the minority of Alexander III, the terms used may have reflected the English governmental bodies, rather than those used in Scotland. This is certainly less likely by the turn of the century than during the 1250s, as parliaments had become an established part of the Scottish government by the end of John's reign.

### Conclusion

One factor which emerges from this evaluation of the Scottish guardianship after 1296 was the relative lack of importance attached to the terminology used at the time. Despite developments across the two preceding decades, the Scots appeared to have once again cared little for the titles used to describe their gatherings. Peebles was apparently called a council, while only the English ever referred to the guardians as having held any parliaments in Scotland in 1300 and 1302.<sup>47</sup> Yet the maintenance of parliaments within Scotland should have been crucial for the Scots. In retaining their own government, administration and provision of justice, the Scots could have countered the legitimacy of English control over their country. Given that Edward held parliaments both in and for Scotland, it would have seemed natural for the Scots to have called similar meetings to show that their government was on the same level as that provided by the English.

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<sup>47</sup> Graham issued his demands over Wallace's lands to the "council" at Peebles. *Nat. Mss. Scot.*, ii, no. viii.

Also, as the council at Peebles and the first ‘parliament’ held at Rutherglen both dealt with the same important business of altering the guardianship, was parliament an important and unusual body by this point? Peebles was a war council called to discuss strategy, and does not appear to have been planned as a parliament held to discuss the composition of the guardianship. The dispute and necessity of selecting a third guardian appear to have arisen with little warning, ensuring that a solution had to be formulated within this council. The fact that changing the guardianship was parliamentary business can be seen in that, while the English letter referred to Peebles as a meeting, it was another Englishman who recognised the Rutherglen gathering, which also altered the guardianship, as a parliament.<sup>48</sup> Overall the lack of sources from this period constrains any evaluation of how the Scots viewed their own governmental meetings across this period. Importantly, however, English letters sent during the wars and the indictment of Wallace in 1305 clearly identified planned Scottish parliaments held for specific, important business, which were separated from the general war councils held by the Scots across this period.

Large gatherings occasionally identified as parliaments appear to have been held in Scotland across this guardianship for a variety of important items of business. The most obvious and consistent of these was the discussion of military tactics, as meetings were held at expedient points during the conflict to plan strategies and deal with any problems which had arisen. In addition, the establishment of diplomatic embassies formed a vital aspect of these gatherings, with their search for international aid for the Scottish cause. Justice appears to have been predominantly limited to local government,

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<sup>48</sup> Peebles was referred to as a meeting within *CDS*, ii, no. 1978, but the great lords were noted only as having “assembled” according to the facsimile in *Nat. Mss. Scot.*, ii, no. viii.

with sheriffs and justiciars maintained in areas of Scottish control, while the guardians again lacked the full authority of the crown necessary to provide justice on a national level within parliaments. Finally, parliamentary meetings also concerned the selection of new guardians to rule the country. Unsurprisingly, the nature of warfare forced the Scots to be flexible as to the type or size of meetings required for such business, most noticeably at Peebles. The ability of the Scots to hold large meetings for important business was considerably constrained by the continuing warfare, the frequent changes to the size and membership of their guardianship and the attempts to establish an English administration throughout the kingdom. While there appear to have been few recognised parliaments which can be conclusively highlighted from the Scottish sources, references within English records shows that they believed or were prepared to claim that the Scots continued to hold parliaments and expanded gatherings across this period of warfare. It is difficult to determine whether the role of parliaments within government could have developed across these ten years. The maintenance of John Comyn in the guardianship throughout the best part of this period has been taken to represent the fact that the Scots had become so used to governing collectively through their selected representatives that they were unwilling to completely relinquish control, namely to John de Soules, the guardian who was nominated by the exiled King John rather than by the political community. The Scottish guardians seem to have managed to maintain their own government and administration which would have required holding large gatherings of the political community who supported the Scottish cause in order to formulate overall decisions and approve or alter the actions of the guardians. Such large gatherings were still held sporadically across this period, however, the mix of warfare and lack of surviving sources has ensured that it is almost impossible for

adequate conclusions to be drawn for Scottish parliaments held across this phase of guardianships.

## 5. Robert I; parliaments during war, 1306-1314

Professor Barrow stated that Robert Bruce was “one of the best of medieval kings, prudent, conscientious, vigorous and patriotic”. Added to this, he should be remembered for his

jealous regard for the royal dignity and prerogatives, the use of parliament as the supreme organ of government, the definition and statutory declaration of the common law, the attempt to heal the wounds of a bitter civil war, the absorption of a purely Celtic territory in ... the western highlands.<sup>1</sup>

Robert's achievements were great, culminating in the recognition of Scottish independence from the English in the Treaty of Edinburgh-Northampton (1328). The majority of the accounts of this reign denote, often in great detail, Robert's military successes and failures, his tactical genius, his obsession with settling the succession question which clouded most of his reign and his production of extensive propaganda, issuing such documents as the Declaration of the Clergy (1309) and the Declaration of Arbroath (1320). However, Robert also resumed the frequent use of parliaments which dealt with the most important elements of his government. These meetings did not fulfill the same role across the whole of Robert I's reign. The circumstances under which he had seized the throne, following the murder of Sir John Comyn of Badenoch in the church of the Friars Minor in Dumfries on 10 February 1306, ensured that Robert initially needed to seek legitimacy for his reign through the collective support which would have been displayed within parliaments. As the reign continued and became more peaceful and secure, both internally and externally, Robert's uses for parliaments expanded, and he in turn altered the frequency, purpose and membership of his

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<sup>1</sup> Barrow, *Robert Bruce*, 165.

gatherings. While burgesses had previously attended parliaments infrequently, most noticeably in February 1296 to confirm the French alliance, it was under Robert that they gained a regular place within these meetings in return for their guarantee to pay a proportion of any taxation granted in parliament. Given these factors and that the official sources detail around fifteen parliaments which were held across the twenty-three years of this reign, how did Robert's changing fortunes in war and his security as king determine his use of parliaments with regard to the frequency of his meetings, the attendances and the importance of the business discussed at each meeting?

It is apparent from the surviving charters that Robert I viewed his immediate predecessor to be Alexander III. While this was partly due to the desire to undermine the legitimacy of the Balliol claim to the throne, this has also been taken to represent Robert's desire to emulate and return to the period already considered to have been a 'golden age' in Scotland's past, during Alexander's peaceful and prosperous rule. Dr Reid noted that however much Robert may have wanted to resurrect the style and methods of kingship used by Alexander III, this simply was not possible by the early fourteenth century. Reid's theory that as king, Robert was merely the "servant of the community itself" and that "the royal dignity, was embodied within the community, and ... the king was a dispensable part thereof", is rather extreme.<sup>2</sup> Yet, it is true that the governmental role of the political community, regardless of its actual composition, had developed across the two guardianships and the abortive reign of King John, so that the political situation after 1306 was very different from that under Alexander III. Robert himself had played a part in this expansion of collective government, acting as a guardian on John's behalf for two years. Overall, by 1306 it is unlikely that most Scots

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<sup>2</sup> Reid, "Crown and Community", 207-209.

would have been willing to relinquish their involvement in the political process to an untried, usurper king whom many of them did not support or recognise.<sup>3</sup> As such, Bruce may have either acknowledged the advantages or had little choice but to accept the necessity of presenting his rule as being in conjunction with his political community through parliaments, even if this was not really the case. Meetings were initially held as frequently as the war would allow, before becoming more consistent and prominent later in the reign.

What is most noticeable from the governmental records of Robert's reign was that, despite the clear importance placed on parliaments, both symbolically and politically, the terminology applied to his various expanded gatherings was inconsistent. While parliament remained dominated by more general business which was also discussed within similar gatherings, there remain a number of meetings which concerned important issues, but which were referred to as councils or assemblies. Perhaps the most obvious of these was the 1315 tailzie placed on the succession. With Robert already using parliaments as a significant part of his government, and with future changes to this policy settled within parliaments held in 1318 and 1326, it appears unusual that this meeting in Ayr was never referred to as a parliament in any of the surviving sources.<sup>4</sup> Other similar items which might have been expected within parliaments include foreign relations, such as the Treaty with Norway which was

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<sup>3</sup> Sayles, "Parliament at Rutherglen in 1300", 246-248. The refusal to return full power to Robert is comparable with Dr Reid's theory regarding the guardianship of John de Soules, elected as the sole guardian in 1301 by John Balliol. Reid suggested that the political community were unwilling to allow their still exiled king to dictate their government after such a long period of self rule, so they retained John Comyn as a second guardian and their elected representative in government. Reid, 'Political Role of the Monarchy', 180-188.

<sup>4</sup> *APS*, i, 71, 464-465; *PSP* 1315/1; *RRS*, v, no. 58.

ratified on 29 October 1312 in an assembly held in Inverness.<sup>5</sup>

While there remains evidence for a significantly high number of parliaments held across this reign, much of this still provides little information beyond how frequently parliaments met and a few details of the affairs which were dealt with in each meeting. There are no full, detailed records of the business, procedure or attendance at each meeting despite the increase in the importance and frequency of parliaments, particularly after 1317. The circumstances at the start of Robert's reign ensured that he needed to call a parliament quite quickly to emphasise the legitimacy of his rule, take support and a declaration of loyalty from large numbers of magnates and prelates, as well as to fulfill more general aspects of governmental business, including restoring links with countries such as France. As well as re-establishing the Scottish administration, Robert also needed to resurrect foreign alliances and trade links, to further the economic and political status of his kingdom. However, Robert was unable to hold a parliament until March 1309, due to the continued warfare and opposition to his rule. Nor did this gathering mark the start of the frequent use of parliaments during this reign, with only two other officially recognised parliaments held before 1317. The parliament at Cambuskenneth in November 1314 marks the first change in the use of such meetings, as Robert began to implement more forceful policies through his gatherings.<sup>6</sup> It was not until 1317 that parliaments were held more regularly, becoming almost annual. As parliaments became more frequent, Robert appears to have resumed the traditional times of year when these were held, called between January and March, or from July to August each year. This was a similar pattern to those parliaments held

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<sup>5</sup> *APS*, i, 71, 461-464; *RRS*, v, A.A.M. Duncan (ed), *The Acts of Robert I; King of Scots, 1306-1329* (Edinburgh, 1988), no. 24, 25.

<sup>6</sup> *APS*, i, 459-461, 464; *PSP* 1309/1, 1309/2, 1309/3, 1314/1.

by John, although the summer meeting was often held slightly later than May and Robert rarely held more than one parliament each year. These gatherings covered a variety of issues, from important policies which required full consent, to the slightly more commonplace concerns which could have been covered within smaller, less influential gatherings. Such important issues included, amongst others, the discussion of the succession tailzies in 1318 and 1326, the publishing of legislation in 1318 and issuing forfeitures in July 1323, March 1325 and March 1327. Less important concerns included grants to the churches of Dunkeld and Melrose in 1312 and 1326 respectively.<sup>7</sup> While occasional parliaments provided slightly fuller records detailing more of the business which was determined at each meeting, such as that held at Scone in December 1318, most provide little detail of Robert's governmental meetings. At the same time, the fact that similar, important business was still dealt with in other assemblies during this period suggests that parliaments did not yet have a settled place within Scottish government, with fixed terminology, style, business or attendances. Despite these limiting factors, there is still a considerable volume of evidence from this period to examine. For easier analysis, this reign will be broken down into three stages. The first phase will cover Robert's reign until 1314, when the frequency and business of parliaments were constrained by the uncertainty of his control and the continuing warfare. The second phase will examine the beginning of a more forceful use of parliaments until 1320, when Robert used one meeting to deal with the Soules conspiracy. Finally, the last nine years of this reign will be taken separately to determine any changes to the role of parliaments under Robert and their uses and importance

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<sup>7</sup> *APS*, i, 461-476, 481-483; *PSP* 1318/1-1318/30, 1323/7/1-1323/7/4, 1325/1-1325/2, 1326/1-1326/2, 1327/3/1.

within Scottish government as a whole.

### Scone March 1306

The first meeting of this reign was definitely not a parliament. The chronicles noted that Robert I was inaugurated on 27 March 1306, when he travelled to Scone to be crowned king of Scots, “taking with him as many men as he could get”.<sup>8</sup> *Guisborough* described the inauguration as having been ‘attended and consented to by four bishops, five earls and the people of the land’ (*populo terre*). Certain aspects of *Guisborough*’s evidence are unreliable, such as the suggestion that the crown had initially been offered in turn to the earls of Buchan, Ross and Dunbar, before it was given to Robert. Yet, as Barrow noted, the overall implication appears to have been reasonably accurate. Robert’s assumption of the throne in 1306 was witnessed and approved in a public display at Scone before certain highly influential men.<sup>9</sup> Robert would have been looking for justification over his actions in Dumfries and to substantiate his claim to the throne in light of the continued failure of John Balliol to return to Scotland. However, the chronicles did not state who specifically attended the inauguration or whether any other

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<sup>8</sup> *Fordun*, ii, 333; *Scotichronicon*, vi, 317-319; *John Barbour, The Bruce: an edition with translation and notes by A.A.M. Duncan* (Edinburgh, 1997, repr. 1999), 86-87; *Scalachronicon*, 30-31; *Chron.Lanercost*, 176.

<sup>9</sup> *Guisborough*, 367. Barrow suggested that the crowning may have included the bishops of St Andrews, Glasgow, Dunkeld, Moray and Brechin, along with the abbots of Scone, Inchaffray and possibly also Inchcolm and many other senior clergy. From the laity, there were two or three earls of Atholl, Menteith and Lennox, as well as possibly also the young earl of Mar, who was Bruce’s ward, and a number of lairds, including Thomas Hay of Borthwick, Alexander Seton and Neil Campbell of Lochawe. With the absence of the earl of Fife as the sixteen year old was in England, Countess Isabel, wife of the earl of Buchan and aunt of the earl of Fife, took his symbolic role in the inauguration. The attendance of the bishop of St Andrews at the entire ceremony is questioned by Barbour’s *Bruce*, where the text only notes that Robert wrote to the bishop to inform him of the murder. Professor Duncan suggested that the bishop had been too scared to attend the actual ceremony and only arrived at Scone two days later under threats from the new king. However, Barrow argued that Lamberton could have been at the initial crowning ceremony on Lady Day because the English accused him of attendance shortly after the events. Certainly Lamberton was at Scone on Palm Sunday, two days later, when he celebrated pontifical high mass for the new king as part of the celebrations. Barrow, *Robert Bruce*, 150-152; *Barbour, The Bruce*, 82-83, n.81; *Palgrave, Documents*, 319, 335-336.

business was discussed while Robert and his supporters were gathered together. Additional information regarding these events can be taken from a letter which recorded some of Robert's movements between the death of John Comyn on 10 February 1306, and the inauguration on 27 March. This correspondence must be used with some caution as it was sent from Berwick by an unknown Englishman, can only be vaguely dated and much of the information it provides cannot be checked. According to this letter, Robert deliberately took certain castles, including those of Dumfries and Ayr, in order to expand his control in the west and to allow access for support and supplies to come into Scotland from Ireland and the Western Isles. This letter also stated that Robert sought recognition of his claim to the Scottish throne from the English, and that he had gone to Bishop Wishart of Glasgow, who

gave him absolution fully for his sins, and made him swear that he would abide under the direction of the clergy of Scotland and freed him [that he might go?] to secure his heritage by all the means that he could.

Robert gathered support for his rising as he travelled through Scotland. In "Glasgow and Rutherglen ... [he] has received the fealty of the people ... and has charged them [to be ready?] to go with him" while Robert apparently claimed that he "would take castles, towns and people as fast as he could, and strengthen himself as fast as he could" against the expected English retaliation.<sup>10</sup> All of this suggests that Robert gathered a considerable body of men to take with him to Scone for his crowning. As Barrow noted, it would have been both possible and likely that Robert would have sought support and legitimation from the Scottish clergy, given the excommunication and interdict which followed the Comyn murder. Equally, the clergy would have wanted specific reassurances from Robert that he would protect the independent status of the church

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<sup>10</sup> Stones, *Anglo-Scottish Relations*, 130-134.

before they would have provided any aid for his cause. Wishart certainly seems to have fulfilled his pledge, as he is recorded as having told his congregation to fight for the Bruce cause as though it were a crusade.<sup>11</sup> This letter provides considerable information on Robert's possible movements and gathering of support immediately before his coronation. While the ceremony appears to have involved a large and important assembly, there is no suggestion that the opportunity was taken to hold a parliament while these men were gathered together. This would fit with Scottish precedent as there is no evidence that inaugurations had ever involved parliaments. Instead, Robert's movements show that he did not have time to call a parliament at this point, given the new king's insecure position and the likelihood of English retaliation for the usurpation of the Scottish throne. While the guardians had shown that parliaments could be held whenever it was expedient, Robert needed to strengthen his hold over Scotland before he could legitimately and securely hold such a meeting.<sup>12</sup>

#### Auldearn October 1308

The next meeting worth consideration concerned the submission of William Earl of Ross into the king's peace. Evidence from this gathering survives in a letter issued on 31 October 1308 from the royal castle of Auldearn in Moray, which was witnessed by thirteen men. Printed in *APS* i, the surviving document makes no reference to having been issued from a parliament, although the business involved would have merited such

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<sup>11</sup> Palgrave, *Documents*, 348; Barrow, *Robert Bruce*, 148-150. Wishart was described as Robert's chief advisor within the letter, Stones, *Anglo-Scottish Relations*, 131.

<sup>12</sup> While the guardians had called parliaments despite their lack of full authority within Scotland, they still acted in the name of the deposed King John. Robert was a murderer and usurper who faced English demands to return all castles and towns to English control even before his coronation. Robert probably did not feel able or ready to hold a parliament to justify his actions and deal with any business while his position remained so unsettled.

an expanded assembly.<sup>13</sup> As an adherent to the Balliol cause since the 1290s, the Earl of Ross had been responsible for the capture of the royal party in 1306. Robert had sent his queen, his daughter Marjorie and all of the other ladies from the royal party, entrusted to the safety of the earl of Atholl, Neil Bruce, Alexander Lindsay and Robert Boyd, to seek refuge at Kildrummy Castle or possibly in Orkney, when he faced military defeats after the battle at Methven during the first year of his reign. However, the Earl of Ross intercepted the royal party at Tain and sent them to Edward I. This action led to the deaths of all of the males and the imprisonment of the ladies, with the king's sister Mary and the countess of Buchan both enclosed within iron and timber cages.<sup>14</sup> While these past actions made the Earl uniquely important, alongside his own regional influence, the admission of Robert's right to rule from any of the major nobility would have been vital, in terms of support and propaganda. Barrow believed that Ross capitulated because he had been "Menaced by the new king of Scots on the south and east, he was also defied in the west, in Skye and the other islands supposedly subject to him, by Lachlan Macruarie". The Earl was also completely isolated from his English support and his Scottish allies, as the earl of Buchan and his friends had fled south. With the only alternative seemingly to have been to follow Buchan into exile, the Earl of Ross decided to remain in Scotland. Having been forced to accept a one year truce with the Scottish king from September 1307, Ross submitted to Robert on the last day of October 1308.<sup>15</sup>

The importance of the Earl of Ross's regional influence is highlighted in the generous terms Robert granted to him in return for a full and voluntary submission

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<sup>13</sup> *APS*, i, 477; *PSP* 1308/1.

<sup>14</sup> *Fordun*, ii, 334-335; Barbour, *The Bruce*, 128-131; Barrow, *Robert Bruce*, 45, 161.

<sup>15</sup> *CDS*, iv, no.1837, 399, 400; *APS*, i, 477; *PSP* 1308/1; Barrow, *Robert Bruce*, 174-177.

which encompassed the Earl's heirs and all of his men. Ross highlighted the mercy, grace, generosity and benevolence of the king, who had

forgiven me of all manner of transgressions of offences against him and his men by me and my men perpetrated prior to the making of the present letters, and graciously granted all my lands and tenements [to me], and, notwithstanding myself, has undertaken to infeft me heritably in the lands of Dingwall and Ferincoskry in the earldom of Sutherland.<sup>16</sup>

This letter included the names of four men who would provide surety for Ross's submission, noticeably involving the loyal bishops of Moray and Ross with the Earl's sons Hugh and John, to ensure that the future generations of this family also pledged allegiance to the new king and would not revert to an English alliance. In addition to these men, a further nine names were recorded as witnesses to this document, along with "many other nobles, clerics and laymen assembled on the said day and place". The bishop of Moray's lands had been ravaged by the Earl of Ross while the bishop had spent a year in exile in Orkney following the battle of Methven, and he would likely have been pleased to see the Earl's subjugation, putting an end to any further threat from him. The majority of these witnesses were prominent Moray and Ross landholders who had supported the guardians and then been forfeited for backing Robert in 1306. These included William Hay, William Wiseman, who was sheriff of Elgin in 1305, and the dean and chanter of Elgin Cathedral.<sup>17</sup> Only Sir Bernard the royal chancellor did not represent the area concerned. Overall this seems to have been a gathering of royal supporters, predominantly from the local area, who had come to hear and accept the submission from the Earl of Ross. These were the men who needed to witness the Earl's letter, as they had fought against him in the past and would ensure that his surrender

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<sup>16</sup> *APS*, i, 477; *PSP* 1308/1. The generous terms were used by Bruce to successfully, permanently bind the Earl of Ross to his cause. Ferincoskry most likely referred to a district near Bonar Bridge (Criech parish).

<sup>17</sup> *APS*, i, 447; *PSP* 1308/1; Barrow, *Robert Bruce*, 177-178.

was maintained once the king returned south. Yet homage had previously been a policy which was dealt with in parliaments, such as during the initial meetings of John Balliol's reign in February and August 1293. The acceptance of Ross's capitulation within an assembly held just over four months before Robert called his first parliament could be explained in that the king's position and the ongoing warfare ensured that Robert was not yet strong enough to delay public recognition of submissions until a parliament could be held. Rather, he had to accept homages where and when they were performed, regrating lands and rights to those magnates who chose to side with his regime, to ensure that they would in turn hold their regions against his remaining enemies. As such, this was an important gathering of prelates and nobles to witness and accept the Earl of Ross' surrender, but was not a parliament due to the ongoing circumstances.

#### St Andrews March 1309

The first parliament of this reign was held in St Andrews on or before 16 and 17 March 1309. While certain information remains from both the business and the attendance at this meeting, this is still limited. The material given within *APS* i suggests that two meetings were actually held, with a letter from the Scottish nobility to the French king issued from St Andrews on 16 March 1308, before a general council of the church was held at Dundee on 24 February 1309. This council issued a declaration from the Scottish clergy regarding Robert Bruce's right to the Scottish throne.<sup>18</sup> The date of issue of the clergy's declaration has stimulated considerable debate; however, it is generally acknowledged that of the four versions of this document which exist, two are dated to

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<sup>18</sup> *APS*, i, 459-461.

this parliament at St Andrews.<sup>19</sup> These documents provide considerable information regarding the levels of support which Robert commanded by this point in his reign, certain policies which were initiated at this meeting, and Robert's use of propaganda, which began in earnest from this parliament.

The nobles' letter was sent to Philip IV of France in reply to both his letter offering limited support for Robert as king, and his invitation for the Scots to join him on crusade. Philip's message had been "revealed to us in writing, and having been fully understood [by us], in the full parliament of our lord the king solemnly held not long ago at the city of St Andrews". The Scots acknowledged the alliance which had previously existed between the two countries, and then reminded the French king of the warfare which they still faced, stating that until "the kingdom of Scotland returns to its former free condition, the tempests of war having been quelled and secure peace having been granted" they could not join Philip on his crusade. The nobles also recognized "the credence, you [Philip] say you have towards our lord the king, and we return thanks as best we can to your majesty for restoring the liberties and rights of the kingdom of Scotland", and stated that they held the hope that their renewal of correspondence would lead to Philip providing further aid against the English.<sup>20</sup> The renewed involvement of the French within Scottish affairs actually began earlier in the same year, when both Philip and the Pope provided mediation which led to the establishment of an Anglo-Scottish truce.<sup>21</sup> However, this letter is most interesting due to the list of names which

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<sup>19</sup> For this debate, see D.W. Hunter Marshall, "On A Supposed Provincial Council of the Scottish Church at Dundee in February 1310", *SHR*, 23 (1925-26), 280-293; R. J. Tanner, "Cowing the Community? Coercion and Fabrication in Robert Bruce's Parliaments, 1309-1318", in R.J. Tanner and K.Brown (eds), *Parliament and Politics Volume 1* (Edinburgh, forthcoming), 1-26, 4-5.

<sup>20</sup> *APS*, i, 459; *PSP* 1309/1.

<sup>21</sup> C. McNamee, *The Wars of the Bruces; Scotland, England and Ireland 1306-1328* (East Linton, 1997), 45.

were given in support of Robert as king and the phrases provided in the opening clause to validate this declaration.

Referred to by such historians as Professor Barrow as a “Declaration of the Nobles”, this was an assertion of the right of Robert Bruce to be king of an independent Scotland. The opening clause of this letter provided support from eighteen earls and barons along with

the communities of the earldoms of Fife, Menteith, Mar, Buchan and Caithness, the heirs of which are in ward, likewise the communities of all the other earldoms of the kingdom of Scotland [except] [D]unbar ... and also all of Argyll and the Hebrides and the inhabitants of all the kingdom of Scotland recognising the fealty of the lord Robert.<sup>22</sup>

The fact that Robert I claimed that he could call on so many of the most influential men and earldoms of the kingdom as early as March 1309 is significant. Yet many of these names require some qualification. The inclusion of Alexander MacDougall Lord of Argyll appears very curious, particularly as his son John wrote to Edward II around March 1309 to reassure the English king of his continued loyalty. In his letter, John confirmed that he had been forced, through lack of support, to make two short truces with Robert, and that his father had been made to pay homage to the Scottish king, and to attend the parliament in St Andrews.<sup>23</sup> Given the MacDougalls’ previous resistance to Robert, the fact that Alexander had resumed his allegiance to Edward II by around autumn 1309 and that he had been forced to attend this parliament so soon after his subjection to Robert’s authority, must create some doubt over the sincerity of

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<sup>22</sup> *APS*, i, 459; *PSP* 1309/1. Barrow noted that the version in *APS* i missed the names of Alexander Fraser and John Fenton. The earl of Dunbar remained at peace with Edward II until 1314. Barrow, *Robert Bruce*, 185-186, 364 n.110. Three of those earldoms described as “in ward”, those of Fife, Mar and Buchan, had actually given their allegiance to the English.

<sup>23</sup> PRO C.47/22/6 no. 4; Barrow, *Robert Bruce*, 179-181; McNamee, *Wars of the Bruces*, 45.

Alexander's inclusion within such an overt declaration of support.<sup>24</sup> A rather general statement included within this list was that Robert held the support of all of Argyll and the Hebrides. While the names of three Campbells and Gillespie Maclachlan were given to substantiate this claim, this is a rather limited representation to entitle Robert to claim support from such a large area. These examples underscore Robert's willingness to blur the lines of support for his kingship from the outset of his reign, although the language used within the body of this document does highlight the limitations of Robert's support. The letter claimed that it concerned only those inhabitants of Scotland who acknowledged Robert as their king, rather than the entire political community. Barrow noted that certain men were conspicuous by their absence. These included such important magnates as Ingram de Umfraville, the earls of Angus, Atholl and Dunbar, John Moubray and David of Brechin.<sup>25</sup> Despite these restrictions, this letter does provide some important information concerning the strength of Robert's position by March 1309. The king could claim support from a substantial number of the most influential men of the Scottish nobility, many of whom, including Thomas Randolph lord of Nithsdale and James the Stewart, had switched allegiance not long before this parliament. The correspondence with Philip IV of France also marked a major step in re-establishing lines of communication with and support from major international figures. Finally, although this letter is frequently overlooked in favour of the document issued by the clergy, this correspondence with Philip represents one half of a major propaganda effort instigated after only three years of rule and from the first parliament

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<sup>24</sup> It has been suggested that Alexander of Argyll was in a similar situation as the Earl of Ross. However, Ross had voluntarily accepted Bruce as his overlord, providing homage in return for retaining his lands. There is no record of such a submission from Argyll, suggesting that he had been only temporarily defeated rather than convinced of the legitimacy of Robert as king.

<sup>25</sup> Barrow, *Robert Bruce*, 186. These men went on to perform important roles in the defence of the Scottish kingdom, but had not yet sided with Robert I by 1309.

which the king was able to hold. It resumed attempts to gain recognition from their traditional French allies and from the papacy, as well as asking for aid in the fight against English overlordship.

The other aspect of this attempt to provide recognition and justification for Robert as king came within the Declaration of the Clergy. This initiated the myth that the Scots had always viewed Robert's grandfather as "the true heir after the death of King Alexander [III] and his granddaughter", and that John Balliol was "formerly king of Scotland established *de facto* by the king of England", meaning that he had been instituted as an English puppet in 1292 by Edward I. The clergy expanded their claims against John, stating that his reign had caused the destruction and "near perpetual ruin" of their kingdom, and reduced the Scots to servitude under the English. The clergy also stated that however important Robert was in the rescue of their kingdom, his authority came from both God and the people of Scotland.

And by their [the people's] authority the aforesaid king of Scots was solemnly endowed with the kingdom, with whom the faithful people of the kingdom wish to live and die as with he who, by right of blood and the other cardinal virtues, is fit, [as] aforesaid, to govern, and for the dignity of king in the name and by the esteem of the kingdom, because, by the grace of the Saviour, he had repaired such a damaged and forsaken kingdom by repelling injury with the sword.<sup>26</sup>

This Declaration, as with the nobles' letter, differentiated between those who supported Robert, here called "the faithful people of the kingdom", and those who did not. It went on to state that if anyone (meaning John Balliol, his son Edward or Edward II of

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<sup>26</sup> For the different versions of the declaration, see British Library [BL] MS. Harl. 4694, f. 5r-6r, f. 35r-36r; NAS, State Papers, SP 13/4, SP 13/5. The two BL versions concerned this St Andrews Parliament. *APS*, i, 460-461; *PSP* 1309/2. For a discussion of these documents, see the Latin text of *PSP* 1309/2. The attack on the legitimacy of John Balliol's kingship coincided with an attempt to prevent any return on his behalf or by his son. At the same time, while the clergy were prepared to state that Robert took his authority from both God and the consent of the people, there was no attempt to claim that the Scots were able to depose Robert should he fail to preserve Scottish independence, as would be asserted in 1320.

England) tried to claim the Scottish throne “by letters sealed in the past containing the consent of the people and common folk, you should know that all this arose *de facto* by force and violence which it was not then possible to resist”. Considerable effort was made to emphasise that the position adopted by the clergy was “not compelled by force nor induced by deceit or by lapse in error, but by the pure, perpetual and spontaneous wish”, thus allowing them to give fealty to Robert and his heirs. Finally, this was the first of several documents issued across this reign which were presented in such a manner to suggest that the decisions or policies announced had been formulated by the political community before being ratified by the king, rather than being decided by Robert and then imposed upon his supporters. While this is unlikely to have actually happened, it is another important aspect of Robert’s propaganda. Previous discussions of this Declaration have concentrated on the seals and the names provided on the different copies of this document, trying to determine when and where this was issued and whether those listed could or would have voluntarily added their names in support of these claims. However, when this declaration is examined with the letter issued by the nobility, there are considerable similarities in the justification each provided for Robert’s kingship.

In general terms, the Declaration of the Clergy claimed to have been issued by “the bishops, abbots, priors, and other clergy”.<sup>27</sup> The only version of this record which included the names of those who supposedly signed this Declaration was the undated version which most likely derived from a much later date than the other three copies.<sup>28</sup>

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<sup>27</sup> *APS*, i, 460-461; *PSP* 1309/2.

<sup>28</sup> *NAS*, SP13/5. This version listed William Sinclair as Bishop of Dunkeld. After the previous Bishop, Matthew, died in 1309, there was a disputed succession over the bishopric between Sinclair, the Bruce candidate, and John de Leck, who was appointed by Edward II. The matter was not settled until 1311, when Leck withdrew, with Sinclair consecrated in May 1312. As such, this document must be dated after May 1312, as Sinclair was not even referred to as Bishop-elect. Hunter Marshall, “A

Only the bishops actually added their seals to this Declaration, providing a possible twelve endorsements. Unfortunately only the fragments of seals from St Andrews and Dunkeld remain on the version of the Declaration issued from St Andrews. Questions also remain regarding the other bishops who might have testified to this letter. Bishop Lamberton of St Andrews had been captured by the English after the defeat at Methven. While he is known to have returned to Scotland towards the end of 1308 until March 1309, it would be very unusual if he had been able to add his seal to such a document, given that he was in Scotland on the business of Edward II. Of the remaining bishops, Wishart of Glasgow had also been captured by the English in 1306 and did not return to Scotland until 1314. He had been sent to Rome in 1308 and could not have been near Scotland for this parliament. The bishops of Aberdeen, Argyll, Caithness, Galloway and the Isles all remained hostile to Robert at this stage, with only the bishops of Brechin, Dunblane, Moray and Ross possibly supporting their new king and thus willingly adding their seals to this document. Dr Tanner suggested that certain seals were appended by the members of the diocese, to highlight their continued support despite the absence of their bishop. This would fit with the nobles' letter to Philip IV, which claimed to have been witnessed by the communities of certain earldoms when the earl was unavailable.<sup>29</sup> In addition to these bishops, this parliament was probably attended by various members of the lesser clergy, clerical staff and the chancellor. Overall, these bishops provide a similar portrayal of support for the new regime as those names given

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Supposed Provincial Council", 281-282, 285-290; D.E.R. *Fasti Ecclesiae Scoticae Medii Aevi ad annum 1638* (Edinburgh, 1969), 96; J. Dowden, *The Bishops of Scotland* (Glasgow, 1912), 61-62.

<sup>29</sup> Tanner, "Robert Bruce's Parliaments", 5-7; Barrow, *Robert Bruce*, 185; Hunter Marshall, "A Supposed Provincial Council", 285-289. Hunter Marshall suggested that the bishop of Aberdeen would have signed the declaration, but Barrow stated that he was still hostile to Robert at this point. He instead suggested that Nicholas Balmyle Bishop of Dunblane, the former chancellor of Scotland, would have supported the new king.

in the nobles letter. Both documents included men who either could not have attended this parliament as they were in captivity in England at the time, or who would not have supported Robert as early as March 1309. The propaganda of these letters suggests that support for Robert ran considerably higher than it did in reality. Yet, despite the dubious nature of these claims, Robert used the official body of parliament to issue this propaganda, providing added legitimacy to these claims, his reign and his overall administration through the governmental body he used.

While the earliest surviving charter from Robert's reign dates to 28 March 1306, it appears that the Scottish administration was not fully resurrected under Robert I until September 1308, from which point there was a more regular output of charters which survive from the royal chancery. There is one document, issued from St Andrews on 16 March 1309, which provides slightly more evidence regarding this first parliament. This charter allocated the barony of Manor in Peeblesshire to Adam Marshall for the service of ten archers, was issued from the same place and time as the St Andrews parliament and was written by the same hand which produced the nobles' letter.<sup>30</sup> This charter included six witnesses; Bernard the chancellor, William Earl of Ross, Malcolm Earl of Lennox, James the Steward, John of Menteith and Robert of Keith. All of these men, except for the chancellor, can be found amongst the names in the letter which was sent to France, with Bernard's inclusion justifiable due to his office. Despite the issue of an early version of the Declaration of the Clergy at this parliament, only the chancellor, who was Abbot of Kilwinning before he became Abbot of Arbroath in 1311, represented the clergy within this charter witness list. The absence of such men is slightly abated by the fact that the surviving charters from the surrounding period also

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<sup>30</sup> *RRS*, v, no. 5 n.

predominantly excluded the clergy. What is also noteworthy regarding these early charters is the size of their witness lists. Before 1310, the largest witness list in a charter from Robert's reign featured eight names attached to the grant of a thanage of Downie in Angus given in return for knight service, issued on 20 March 1309 from Dunfermline.<sup>31</sup> Therefore the likely four bishops and twenty-four laity, along with representatives from at least five earldoms, and general references to "the other earldoms of the realm except Dunbar" and "the barons of all Argyll and the Hebrides", who are all supposed to have attended this St Andrews parliament appears quite considerable. Regardless of how much support this gathering excluded, and even with the inclusion of certain men who appeared under duress if at all, this still represents a sizeable level of support so early in Robert's reign. This parliament dealt with important issues in terms of reopening international lines of communication, which would have allowed the Scots to restore trade links, vital for rebuilding their economy. Also, the overall size of this meeting highlights the important and unusual role parliament held within government. While normal charters dealt with land grants, confirmations and the important details of military service, parliament was once again a significantly larger body which concerned unusual and important business, even so early within this disjointed reign.

#### Inchtute April 1312

The next of Robert's parliaments is only known through a passing reference. Three documents survive, all printed in *RRS* v, which were issued from a meeting held at

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<sup>31</sup> *RRS*, v, no. 2-12; Hunter-Marshall, "A Supposed Provincial Council", 285-287. The smaller witness lists could have been a reflection of the ongoing warfare, preventing major gatherings of men around the king.

Dundee on 12 April 1312. The first of these was a letter patent issued by the king to his justiciars, sheriffs, provosts and their baillies as well as other officers and faithful men. This detailed an ordinance that the burghs could only negotiate their military service, tallages and contributions with the chamberlain or his officers. What is particularly noteworthy from this document is that it referred to the business as having been made “*per nos et consilium nostrum*”, not at Dundee, but “*in ultimo parlamento nostro tento apud Inchethor*”.<sup>32</sup> This brief mention of a parliament is the only surviving reference to this meeting, suggesting that there may have been many more parliaments held during this reign for which no evidence survives. This is not the only curiosity stimulated by this reference. One question is why this ordinance was issued from Dundee on 12 April and not from the actual parliament at Inchtute. Much of this depends on when this parliament is believed to have been held. There remains one charter from 1312 which was issued from Inchtute itself, on 7 April, which granted the thanage of Scone to Scone Abbey.<sup>33</sup> Although this included no reference to having been issued from or at the same time as any parliament, the date places it only five days before the Dundee meeting. If the issue of this charter did coincide with the Inchtute parliament then the king’s chancery could simply have waited before issuing certain decisions until they had moved with Robert to the next place of business. Professor Duncan provided an additional theory regarding this parliament. It is known that Dundee was under siege in March 1312 and likely surrendered to the Scots on 12 April. As such, the placement of Inchtute, mid-way between the English held towns of Perth and Dundee, would have been a deliberate choice for a parliament. Duncan suggested that this meeting would

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<sup>32</sup> *RRS*, v, no. 18. For the other charter and the letter patent issued from Dundee, see *RRS*, v, no. 19, 20.

<sup>33</sup> *RRS*, v, no. 17. This is the only surviving charter issued from Inchtute before this reference to a parliament.

have been summoned six weeks before the surrender, around 24 February 1312. In January, Robert had negotiated a truce with Edward II regarding Scottish raids into England's northern counties, around which point the Scottish king began his siege of Dundee. The timing of the April parliament was probably determined by the fact that an agreement had been made in February between Robert and the Scottish commander of the Dundee garrison, with the latter agreeing to surrender if they were not relieved by Edward II. This arrangement was denounced by Edward when he heard of it while at York on 2 March, and he still hoped to relieve the garrison by 21 March.<sup>34</sup> Given that the only surviving business definitely attributable to this parliament concerned negotiations for the burgesses' military and financial contribution to the wars, Professor Duncan suggested that the parliament was called in February, at the start of a reasonably prolonged siege of Dundee, with the express aim of determining how the king would finance his military tactics.<sup>35</sup>

While the letter patent which referred to this parliament did not include a witness list, those documents issued from Inchtute and the other two from Dundee contained lists of seven or eight names. Only Gilbert de Hay appeared in all three documents. The bishops of Aberdeen and Dunblane, along with William Earl of Ross and Malcolm Earl of Lennox were named at the Inchtute gathering as well as in the charter issued from Dundee to Arbroath Abbey. The bishop of St Andrews was named on the second Dundee charter, as he is believed to have been sent to the stricken garrison by Edward II. The bishop of Aberdeen appears to have switched his loyalty to Robert at some point between the fall of Aberdeen in 1308 and this parliament at

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<sup>34</sup> *RRS*, v, no. 18, *n*; *Rot. Scot.*, i, 107-109; A.A.M. Duncan, "The War of the Scots, 1306-1323; The Prothero Lecture", *TRHS*, Sixth Series, 2 (1992), 125-151, 147; Barbour, *The Bruce*, 400-401.

<sup>35</sup> Finances would have been essential to a king who faced prolonged sieges and continued warfare, with Berwick, Perth and Dundee his next targets. Duncan, "The War of the Scots", 147-148.

Inchture in 1312, although his position may have remained insecure until the 1318 parliament.<sup>36</sup> Aside from the bishop of Aberdeen, only William de Vipont and Hugh de Erth cannot also be placed at the St Andrews parliament three years earlier. Barrow stated that “there were very probably present, in addition to the magnates, burgh representatives”, so that Robert could receive their assurances of support and so that these men could accept their role in financing the continued warfare, although there is no evidence to either support or contradict this.<sup>37</sup> This ‘parliament’ at Inchture was a much smaller gathering than that at St Andrews in 1309, and Robert seems to have relied upon the attendance of his loyal supporters, along with a few who were newly converted to his cause, rather than expanding the known attendance at this meeting to include men who actually opposed or were not yet convinced by his reign. More importantly, not only did Robert call this meeting to determine his finances and reward long-term supporters such as Scone Abbey, but this also appears to have been recognised as a parliament at the time, possibly called with due notice given in February.

### Inverness October 1312

The next major political event which is generally discussed was a “*consilio*”, held at

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<sup>36</sup> *RRS*, v, no. 19 *n*, no. 17-20; *Rot. Scot.*, i, 108; Barrow, *Robert Bruce*, 266. In his parliament at Scone in December 1318, Robert I granted a remission and the restoration of Henry Cheyne Bishop of Aberdeen’s temporality. It is curious that such a move would have been necessary if Cheyne had been reconciled to the Scottish king in 1312. Professor Duncan stated “the evidence points to some offence by Bishop Henry about 1314-15 which led to royal seizure of his temporalities until the offence was purged in the December 1318 parliament”. This would certainly explain the remission and restoration in 1318. However Cheyne appears to have remained with the king until at least 1315, as he signed the succession tailzie in April of that year. *RRS*, v, no. 140 *n*.

<sup>37</sup> Barrow, *Robert Bruce*, 300. While the three surrounding charters provided a list of some of Robert’s most loyal supporters, there is no evidence that they all remained with the king at both the parliament in Inchture and the gathering in Dundee. At the same time, other loyalists might have been unable to leave fighting elsewhere in order to attend the parliament, despite the possible notification given for this meeting.

Inverness on 29 October 1312 to ratify the renewal of the 1266 Treaty with Norway.<sup>38</sup>

This gathering was undoubtedly important, in terms of Robert's foreign policy, as well as for accreditation of his kingdom and kingship. The settlement of foreign affairs might have been expected within parliaments, given that they affected the entire country in terms of trade, recognition and aid for their cause.<sup>39</sup> Barrow noted that the major point of contention from the Norwegians probably concerned the Scots' failure to maintain their payments for the Western Isles, established in 1266. These negotiations also attempted to solve some of the other problems which had subsequently arisen between the two countries. For example, the Scots agreed to pay 600 marks in compensation for the kidnap of the seneschal of Orkney by Scottish pirates. For those incidents which were not resolved between the two countries, inquests were to be established to investigate each case and reach an independent resolution. The importance of this agreement can be seen in that the negotiations involved Robert himself, as well as envoys from King Hakon V of Norway. The treaty and the settlement of disputes formed two separate documents, the former of which featured a list of witnesses. This included four bishops and three earls, several of whom require some explanation over their loyalty towards Robert. Farquhar Bellejambe Bishop of Caithness had never previously supported the Scottish king, having originally been appointed to the archdeaconry of Caithness by Edward I in 1297, before becoming Bishop in 1306. Yet

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<sup>38</sup> *APS*, i, 461-464; *RRS*, v, no. 24, 25.

<sup>39</sup> Evidence from preceding reigns highlight examples of foreign policy which were ratified within expanded gatherings or parliaments, such as the Treaties of Salisbury and Birgham in 1290. Yet there is also evidence of important foreign policy decisions which were not brought before parliament, such as the ratification of the French alliance at an assembly in Dunfermline in February 1296. Overall, while foreign policy was an important issue which could have been discussed within parliament, the Scots do not appear to have been consistent in the terminology which they used for gatherings which discussed these topics.

here he acted on behalf of Robert as security for the treaty.<sup>40</sup> The inclusion of Henry Cheyne Bishop of Aberdeen continues the possibility that he had originally begun to support Robert from around the parliament at Inchtute. Of the other names listed for this treaty, the bishops of Moray and Ross were clear supporters of the king before this point, as were the earls of Ross and Moray and the chancellor, who was now Abbot of Arbroath. Yet David of Strathbogie Earl of Atholl only came into the king's peace during this month, after fighting for the English since 1306.<sup>41</sup> The king's generous actions towards Atholl, reinstating his lands and assigning him the office of constable, shows that Robert believed in the reconciliation and wished to secure the support of another earl through favourable submission terms. Atholl's inclusion might also represent Robert taking public recognition within parliament from a recent convert, a policy which was used later in this reign.<sup>42</sup> It is also worth keeping in mind that this ratification only symbolised the final aspect of these negotiations, with no surviving information from any earlier discussions of this policy. Just as it is likely that Bernard Abbot of Arbroath went to Norway for earlier negotiations, this issue might have been discussed within a large assembly or parliament before this point in order to decide on the approach which the Scottish government wanted to take.

#### Cambuskenneth November 1314

The first recognised parliament since 1312 was held in the monastery of

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<sup>40</sup> Barrow, *Robert Bruce*, 201.

<sup>41</sup> *RRS*, v, no. 24, 25; Barrow, *Robert Bruce*, 275.

<sup>42</sup> Barrow, *Robert Bruce*, 171, 176, 186, 191, 274-275. The Earl of Atholl is believed to have played a prominent role in the capture of Perth in 1313. However, Edward Bruce's actions in seducing the Earl's sister before abandoning her for the daughter of the earl of Ross ensured Atholl's alienation. He rebelled on the eve of Bannockburn and was forfeited at the parliament in November 1314. The policy of making new converts sign important documents to visibly declare their allegiance to Robert was used to a greater extent after 1314.

Cambuskenneth on 6 November 1314, and marked an important shift in Robert's kingship and authority within Scotland. As with Inchtute, evidence from this meeting is very limited, surviving in one document which features the seals of all those involved (although most of those are now lost), but no witness list. This parliament established the "disinherited", a group of men who went on to cause immense problems for David

II. The legislation stated that

it was finally agreed ... that all who died outside the faith and peace of the said lord king in the war or otherwise, or who had not come to his peace and faith on the said day, although they had been often summoned and lawfully expected, should be disinherited perpetually of lands and tenements and all other title within the kingdom of Scotland. And they should be considered as the king and kingdom's enemies henceforth, perpetually deprived from any further claim of right whatsoever hereafter for themselves or their heirs.<sup>43</sup>

A considerable amount of information can be taken from the text of this record, as well as from those seals known or believed to have been attached. The decision claimed to have been "adjudged and decreed by the counsel and assent of the bishops and other prelates, earls, barons and other nobles of the kingdom of Scotland, and also all the communities of the aforesaid kingdom". This legislation appears to have been the work of a king who held increasing support and authority, acting against those subjects who would not fully comply with his leadership, and making an important decision within parliament, taking backing from those within the Scottish political community who supported him. This was a comprehensive and a controversial policy, for which Robert would have required visible support from both the long term adherents to his regime and those who had only recently switched sides. In terms of this latter group, such men would have wanted to display their altered allegiance by adding their seals to such an important document. As Dr Tanner pointed out regarding the 1315

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<sup>43</sup> *APS*, i, 464; *PSP* 1314/1.

meeting in Ayr, parliament provided Robert I with an excellent opportunity to force newly converted men to display their allegiance to him publically, so that should they falter during the remainder of his reign, he would have proof of their one-time support. This policy seems to have been used as early as 1314, if not before.<sup>44</sup>

The original manuscript from 1314 contains slits for fifty-two tags and seals, although only seventeen tags remain, of which only four identified the seal which was once attached.<sup>45</sup> The only remaining information about the original seals comes from a seventeenth century transcript made by Sir James Balfour of Denmilne. However, his inclusion of one false monastery and failure to identify two of the bishops present on the original document means that his evidence must be used with some caution.<sup>46</sup> The seals are believed to have represented the king, eight of his bishops, fourteen abbots, five priors, at least four earls, ten barons and six knights, with Balfour noting that some of the other seals were already obliterated.<sup>47</sup> Various early adherents to Robert's reign can be identified from this list including Robert Keith, Hugh and Thomas de Ross as well as their father, William Earl of Ross, Bernard Abbot of Arbroath the chancellor and Alexander Seton. However, certain key Bruce men were noticeably absent from this list, such as Robert Boyd and David or James Lindsay. If Robert was seeking to lend weight to such an important document, which aimed to end internal opposition to his kingship, he would surely have wanted to include all the major supporters of his regime.

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<sup>44</sup> Tanner, "Robert Bruce's Parliaments", 16.

<sup>45</sup> *APS*, i, 464; *PSP* 1314/1; *NAS* SP 13/6; *RRS*, v, no. 41. For the copy of this act which includes the now lost seals, see BL MS Harl. 4694, 3r-4v. I am grateful to Dr Tanner for bringing this source to my attention. The four remaining named slits are number ten *Brechinensis*, number eleven *Andree episcopi Ergad'*, number twelve *Ferchardi episcopi Cathan'* and number thirty-three *Rebertus de Keth'*. The seals of fifty-two men including the king would have ensured that this was an important and expansive gathering covering all of the political elements of Scotland, called together to declare support for Robert and the exclusion of those who refused to acknowledge him.

<sup>46</sup> Balfour stated that this document was sealed by the Abbot of Lincluden. However, as this was a convent of Benedictine nuns, this must have been an error. *PSP* 1314/1 n. 15.

<sup>47</sup> *PSP* 1314/1.

As with many other documents from this reign, this record included seals of several men who either could not have been present at this parliament or whose loyalty cannot definitely be assigned to Robert by this point. Andrew Bishop of Argyll was included despite the fact that he was a former MacDougall ally and had been in the payment of Edward II only eight months before this parliament.<sup>48</sup> The inclusion of his seal signals either a recent shift of allegiance on his part, possibly after Robert's victory at Bannockburn, or Robert's continued willingness to use bishop's seals regardless of their actual allegiances. The remaining bishops whose seals can be identified appear to have been recent converts, including Alan Bishop of the Isles and Farquhar Bishop of Caithness. The stance of most of the laymen is much more difficult to prove. The list included David and Malcolm Balfour, who also appear on the 1315 tailzie. Tanner noted that Malcolm was sheriff of Fife and was possibly the man who disgraced himself in 1317 by failing to resist an English raid while Robert was in Ireland.<sup>49</sup> However, as with most of the laity included here, these were lesser men who left little or no traces in the records. It is possible that they could have been new converts, from whom Robert sought a public declaration of support. It is curious that so many of the forty eight seals which Balfour named were from the lower levels of political society. Out of the twenty laymen there were a possible eleven men of lesser status, along with fourteen abbots and five priors. While these men may not have formed the mainstay of the political community, their inclusion was obviously important to the king. Here Robert used parliament to gain a similar sense of legitimacy as John Balliol had when he sought outstanding homages in 1293. Robert was deliberately excluding from his kingdom

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<sup>48</sup> *CDS*, iii, no. 355.

<sup>49</sup> Tanner, "Robert Bruce's Parliaments", 10-11, 15.

those men who continued to refuse to accept his leadership, while forcing others who had recently come in to his peace to give open acceptance and agreement for future record.

Finally, Barrow suggested that this parliament also approved the forfeiture of David of Strathbogie Earl of Atholl, whose switch of allegiance to Robert only dated to October 1312. Atholl's act of treachery on the eve of Bannockburn, attacking the Scottish supply depot at Cambuskenneth, stealing food and killing the officer in charge as well as many other men, led to his forfeiture and the return of his office of constable to Gilbert de Hay, a man of proven loyalty. That Atholl's lands were forfeited is not in doubt; they were redistributed to Adam Gordon and Sir Neil Campbell and his son John amongst others.<sup>50</sup> While there is no surviving evidence that the forfeiture was actually carried out within this parliament, this would have been the most likely time and place, particularly given the other evidence which survives from this meeting. Barbour noted

Tharfor syne intil Ingland  
He was bannyst and all his land  
Wes sesyt as forfaut to the king  
That did tharoff syne his liking<sup>51</sup>

While Barbour suggested that David was in England by October 1314, well before this forfeiture in November, this proves little, as he would not have remained in Scotland after his act of treachery, particularly given the result of the subsequent battle at Bannockburn.<sup>52</sup>

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<sup>50</sup> Barrow, *Robert Bruce*, 274-275; *PSP*, 1314/1; *Scots Peerage*, i, 428; *RRS*, v, no. 490. That Hay was constable once again can be seen within the Balfour list of seals. It is possible that this forfeiture was only partial, given that the Earl of Atholl's sister was still recognised as Countess of Atholl by Robert I and was entitled to liferents of certain lands, despite their redistribution. *RRS*, v, no. 372, 373.

<sup>51</sup> Barbour, *The Bruce*, 507.

<sup>52</sup> *Scots Peerage*, i, 428; *CDS*, iii, no. 396.

## Conclusion

Despite the insecure nature of Robert's kingship over this initial period, the limited levels of support he could actually rely upon and the continued unsettlement of warfare, Robert was able to hold at least three parliaments by 1314, along with a number of expanded gatherings. These parliaments began by justifying his reign through two documents which were issued with support from Robert's most faithful adherents, in addition to a number of others who were either forced to seal the declarations or whose seals were included without their knowledge or consent. However, as the reign progressed, the surviving evidence displays an important change in Robert's use of parliaments. Rather than having the documents issued from parliaments supported by men of dubious loyalty, these important meetings were increasingly used to bind recent converts to the king publically. Parliaments were also utilised for a wide variety of concerns, from foreign policies to financial provisions for the ongoing warfare. By November 1314, the position of parliament within Scottish government had shifted markedly. For the first time the king was able to stamp his authority through a legislative ordinance. Although still concerned with the question of allegiance, parliament had become the place where the king issued his important decisions and gained support for their implementation. While the surviving documents imply that the king's policies were made with the counsel and consent of Robert's adherents, 1314 appears to mark the start of a new phase in this reign, with the king in a stronger position to utilise parliaments for his specific aims and purposes.

## 6. Robert I; the search for justification, 1315-1320

By the end of 1314, Robert I had reached a definite turning point. While Bannockburn was not the decisive battle it was once believed to have been, it did alter his position as king. From this point within his political life, Robert was able to use parliaments for much more specific ends. While this included his most famous piece of propaganda, the Declaration of Arbroath, this phase between 1315 and 1320 marks a significant step forward in the extent of Robert's power expressed within parliaments. While these years saw few more parliaments held than during the first period of Robert's reign, the business, attendance, overall style and purpose of these gatherings show that a different role had been developed for parliaments as the reign progressed and Robert strengthened his position as king.

### Ayr April 1315

On 27 April 1315, a meeting was held at Ayr which established the initial tailzie on the royal succession, in an attempt to ensure that the throne was always occupied by an adult male. However, there is no evidence that this gathering was ever referred to as a parliament. The document stated only that the different groups of society had "assembled at Ayr in the parish church of the same place for treating, deciding and finally concluding upon the state, defence and perpetual security of the kingdom of Scotland".<sup>1</sup> The business discussed at this gathering appears to have been parliamentary, as when the tailzie was revised in 1318 and 1326, these changes were made within acknowledged parliaments. The absence of the term 'parliament' from the 1315 record

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<sup>1</sup> *APS*, i, 464-465; *PSP* 1315/1; *RRS*, v, no. 58.

appears, on examination, to have been deliberate. While the tailzie was an astute political move, it was also highly controversial. With Robert lacking a legitimate son until the birth of David II in 1324, the crown was due to pass to his daughter, Marjorie. However, due to the continuing military situation as well as the consequences of the last female succession in Scotland, Robert chose to tailzie the crown onto his only surviving brother, Edward, an adult male capable of ruling and experienced in warfare. The tailzie stated that should the king die

without a surviving and enduring heir male legitimately begotten of his body, the noble man lord Edward de Bruce, the full brother of the said lord king, as a vigorous man and tested on many occasions in acts of war for the defence of the right and liberty of the kingdom of Scotland, and his heirs male legitimately begotten of his body, should succeed the lord king.

Only if Edward died without surviving male issue would the succession revert to Marjory “or failing her to the nearest heir of the body of the lord king Robert”. The ordinance also clarified the situation should the crown pass to a minor. In that case

the noble man Sir Thomas Randolph earl of Moray will have custody of his [Robert’s] heir and the kingdom until it seems to the community of the kingdom, or the greater part, that his heir is capable of government of his kingdom.

Finally, should all three have died without legitimate successors then

the said earl shall have the custody of the kingdom until the prelates, earls, barons and others of the community of the kingdom are able to assemble conveniently for ordaining and discussing upon the legitimate succession and the governing of the kingdom.<sup>2</sup>

The surviving record provides considerable information regarding the meeting held to discuss this tailzie. The phrasing used within the ordinance highlights the importance of the business, which is also reflected in the attendances. This was said to have been a meeting of “the bishops, abbots, priors, deans, archdeacons and other

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<sup>2</sup> *APS*, i, 464-465; *PSP* 1315/1; *RRS*, v, no. 58.

prelates of the church, earls, barons, knights and others of the community of the kingdom of Scotland, both clerics and laymen” who had assembled at Ayr. The seals attached to the document covered

the king, lord Edward, his brother, Marjorie, the daughter of the said lord king, and the earl of Moray, as well as the prelates, earls and barons, and the great men of the community ... along with the conventual seals of the churches and monasteries.

Finally each of the parties involved, as well as the different sections of society, “submitted themselves to the authority of the bishops and prelates of Scotland, so they and their successors may be compelled by all manner of ecclesiastical censures for the observation of all the foregoing”.<sup>3</sup> The impression which is created was that the Scots had made a decision which they wanted to maintain and enforce, which they tried to do through the inclusion of as many sections of political society as possible within the original document, using oaths to bind people to the tailzie and with the threat of ecclesiastical censure against any who might act against this agreement in the future.

Some of the most important factors within this record are the repeated statements that these decisions had been made “by the consent of the greater part of the community of the kingdom”, only taking the “consent of the lord king and Marjorie, his daughter” once the decision had been made. The aim of this was to suggest that the political community had held the active role within these discussions and had not simply been called to rubber stamp a decision already made by the king. There are several possible reasons as to why this record was laid out in such a manner. The first could be that this was actually how the meeting was conducted, in that the community was presented with the dilemma over the royal succession, possibly even offered the

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<sup>3</sup> *APS*, i, 464-465; *PSP* 1315/1; *RRS*, v, no. 58.

solution which Robert preferred, but that essentially it was their decision to make in an excellent example of collective responsibility and authority. However, it seems very unlikely that Robert would have invested such power within any form of gathering, parliamentary or otherwise.<sup>4</sup> The seals attached to this ordinance, which will be discussed later, suggest that this gathering was not even packed with the king's long-term adherents, a situation which might have made the idea of collective decision-making slightly more viable. Aside from the seals, the timing of this tailzie could also cast some light on possible reasons for this portrayal of the Ayr assembly. By 1315 there was no immediate need to settle the succession as far as Robert's ability to produce further children was concerned. However, the imminent expedition which Edward Bruce was to lead into Ireland could have focussed the minds of the Scots on how the succession would fall, particularly if Edward was successful in becoming king of Ireland. It is also possible that Robert did not call this gathering at all. Edward Bruce would have been heir presumptive to Robert while Marjorie was in captivity in England, following her capture in 1306. However, her release in October 1314 would have returned her and the prospect of any children she might have to the royal succession (she married Walter Stewart shortly after Edward went to Ireland and produced a son the following year). As such, Edward Bruce could have demanded recognition as heir to the Scottish throne above Marjorie when the nobility were gathered for his departure to Ireland. Had Edward led this meeting to press his claim and gain public acceptance not merely from Robert or the political elite, but also from Marjorie herself, without whom such a settlement would have been worthless, then it

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<sup>4</sup> While Dr Reid was prepared to accept that the 1315 tailzie shows the importance of the cooperation between king and community, he did not suggest that this decision would not have involved the input of the king. Reid, 'Political Role of the Monarchy', 428-431.

is possible that this would not have been a parliament, not having been instigated or led by the king. The glowing terms associated with Edward within the text of this tailzie might support such a theory. However, the king would still have needed to accept this plan. The idea that this was an act of the community against the will of their king is improbable, particularly as this gathering came less than a year after Bannockburn and began with an oath that all involved would stand by their present king and his heirs.<sup>5</sup> Perhaps the most probable suggestion regarding the layout of this tailzie is that, by deliberately presenting this radical alteration of the primogeniture laws of succession as the act of the political community rather than of the crown, Robert was able to provide greater legitimacy for his policy. The suggestion that these issues were debated by the people within their own assembly, rather than in a royally summoned parliament, and that the Scots then arrived at the decision as being in the best interests of their kingdom, seeking consent from the king and his daughter only where necessary, could have provided greater authorisation and support for this tailzie than if Robert had presented the decision already formulated.<sup>6</sup> If this is accurate, then while this record does not accurately portray the events at Ayr, it does show that the king was using slightly more subtle forms of propaganda to promote his changes to the succession. This

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<sup>5</sup> The oath stated that “they, all and singular, both clerics and laymen, will obey and faithfully defend in all ways the magnificent prince and lord their liege lord Robert by the grace of God illustrious king of Scots and his heirs male to be legitimately begotten of his body, as their king and liege lord against all mortals”. While this could have been included to reduce the radical nature of a document if this altered the succession at the instigation of Edward rather than Robert Bruce, the language does not overtly support this, although the inclusion of the word “male” supports the ousting of Marjorie from the succession. Duncan suggested that the oath which was given again in 1318, highlighted Robert’s continued insecurity as king, from internal as well as external threats. Duncan, “War of the Scots”, 128.

<sup>6</sup> Tanner suggested that rather than signalling an increased role for the community, this tailzie actually directly limited their power, reducing their right to any involvement in the succession until all possible successors of Robert, his brother or his daughter had been eliminated, and even then placing the guardianship in the sole hands of the Earl of Moray, rather than with a group as in 1286 and from 1296 onwards. Tanner, “Robert Bruce’s Parliaments”, 12.

would appear to be the most convincing argument as to why Robert did not use a recognised parliament to add legitimacy to this major change in policy. That parliaments were used in 1318 and 1326 for more straightforward changes to the basic tailzie policy only enhances the possibility that the king had a specific aim for this presentation of the 1315 meeting at Ayr.

Although this ordinance does not contain a witness list, the seals attached to it were transcribed in the seventeenth century by Sir James Balfour. Some of those men involved were obvious loyalists, including the beneficiaries of the tailzie, Edward Bruce and Thomas Randolph, as well as Robert's daughter Marjorie. Added to these were the bishops of St Andrews, Glasgow and Dunkeld, as well as Gilbert Hay, Robert Keith, Alexander Seton and Neil Campbell of Lochawe. However, there were also several major Bruce supporters noticeably absent, including James Lord of Douglas, Robert Boyd, Walter the Steward, David and James Lindsay, and the bishops of Ross, Moray and Brechin.<sup>7</sup> As with many of the documents issued before this point, some of these seals represented men who had only recently converted to or were possibly still acting against Robert. The seals included eight bishops, unusually excluding loyal supporters for others of more recent conversion or dubious support, such as Thomas Dalton Bishop of Galloway who can be found supporting the English in 1319 and 1324.<sup>8</sup> The bishops of Caithness and Argyll were recent converts at best, while the continued refusal of Edward Bruce to marry the Countess of Atholl, sister of the forfeited David of

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<sup>7</sup> It is possible that these men did attach their seals to this document but that they have subsequently been lost. The document was noted as having included "many other broken seals which cannot be read with care, also with many others of the prelates without their inscriptions". Nine royal charters remain which were issued from Ayr between 28 April and 3 May 1315, of which six included witness lists. These placed Douglas, David and James Lindsay, John of Menteith, Thomas de Hay and Walter the Steward in Ayr around the time of this gathering, despite their seals not remaining on the tailzie. *PSP* 1315/1; *RRS*, v, no. 58-67.

<sup>8</sup> Tanner, "Robert Bruce's Parliaments", 14.

Strathbogie, could have affected the position of Henry Cheyne Bishop of Aberdeen. By sealing this tailzie, the Bishop helped to seal the illegitimacy of Edward's son, Alexander, and alienate a prominent family in his diocese. However, the Bishop's loyalties may have been focussed upon the king and the new earl of Atholl, Sir Neil Campbell, who also sealed the tailzie.<sup>9</sup> While the abbots seals provide a more supportive list for Robert, this still includes the odd anomaly, such as William de Jarum Abbot of Jedburgh, who was resident in England in 1315 and loyal to Edward II from around 1314.<sup>10</sup> From the laity, the seals include those of Alexander Rattray, Sir Michael Wemyss and Sir John Logie, who were either involved in the Soules Conspiracy of 1320, or had kinsmen who were. Also, as previously noted, David Balfour and his brother Michael sheriff of Fife were possibly of uncertain loyalty.<sup>11</sup> The involvement of such men within the 1320 conspiracy does not necessarily mean that their inclusion in 1315 was anything other than Robert taking the seals of recent converts, as can often be found during this reign. Both the earls of Fife and Dunbar fell into this category, transferring to support Robert in 1315 and 1314 respectively. Overall the possible attendance of such men suggest that by April 1315, the Scottish king was increasingly using parliament as a means to take public recognition and justification for his rule and policies from those who had only recently switched their allegiance to him. It certainly does not suggest that this was a gathering solely comprised of loyal supporters whom Robert would have trusted to make such a radical decision alone. Instead, every aspect

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<sup>9</sup> Barrow, *Robert Bruce*, 266, 274-275; *RRS*, v, no. 140 n; Barbour, *The Bruce*, 504-505; Tanner, "Robert Bruce's Parliaments", 13-14. Cheyne's position across this period is unusual, although this evidence would certainly support Duncan's theory that his alienation from Robert, which was reversed in December 1318, did not occur until 1315 or later.

<sup>10</sup> *PSP* 1315/1 n.23. Tanner noted that the king gave considerable patronage throughout his reign to thirteen monasteries whose abbots sealed this tailzie.

<sup>11</sup> Barbour, *The Bruce*, 698-701; *Fordun*, ii, 341; *Scalacronica*, 59; Tanner, "Robert Bruce's Parliaments", 15. For the earlier note on David and Malcolm Balfour, see Chapter 7.

of this document appears to have been carefully constructed as subtle propaganda, used to bind members of the nobility to the king and his policies, and to present an outward picture of wider support for both this change to the succession and to Robert himself.

The most unusual factor which remains from this meeting was that it was not referred to under any term, as a parliament or as anything else. Given the apparent aims of Robert I in the overall presentation of this decision, the idea which seems most convincing was that this was a deliberate omission. Major meetings were generally referred to under some form of title across this reign, and if this was a parliament then it would have been led by the king. Had this been specified as some form of body other than a parliament then it would have lost the legitimacy which the official term provided. Deliberate ambiguity must have better served the propaganda sought by Robert. To all intents and purposes, however, the 1315 tailzie appears to have been conducted within a meeting which was a parliament in all but name.<sup>12</sup> The list of seals, possibly incomplete, provides forty-three witness, placing it as an important and extensive meeting, which was emphasised by the business discussed and Robert's attempts to exploit this gathering for propaganda.

### Scone June 1317

Details of the next parliament survive in a form similar to that of 1312. A charter ratifying the right of Dunkeld Cathedral to the teinds of pleas, fines and escheats affecting the king within the earldoms of Atholl and Strathearn, referred to an assize which had been held recently before the king and his council "*apud Sconam in*

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<sup>12</sup> The *Scotichronicon* referred to this as having been a parliament, although it provided a copy of the tailzie with no mention of any name given to the body at the time. *Scotichronicon*, vi, 377-381.

*colloquio nostro*” on 14 June 1317.<sup>13</sup> This provides a witness list of ten names which comprised two bishops, two earls, an abbot, four government officers and two other laymen. Only one of these men could have been of uncertain loyalty to Robert in 1317, as Roger Moubray came from a family who consistently fought against Robert throughout his reign and was eventually forfeited after the Soules conspiracy in 1320.<sup>14</sup> The remainder of the list covered some of Robert’s most loyal supporters, including William Bishop of St Andrews, Nicholas Bishop of Dunblane, the chamberlain William Lindsay, Bernard Abbot of Arbroath, Gilbert de Hay, Robert de Keith and Thomas Randolph. Malise Earl of Strathearn’s position is slightly unclear. Although no official evidence remains of his reconciliation to the Scottish cause until March 1317, the Earl was only in receipt of English pay until 1310. Barbour claimed that Malise was actually reconciled to Robert by at least 1313, when he had brought his father to the Scottish king after the elder Malise, who continued in his English allegiance, had been captured with the fall of Perth.<sup>15</sup> Overall, what information can be taken from this charter? Unlike most of the evidence of Robert’s parliaments, this charter listed only a small number of men as having attended, almost all of whom were very loyal. Equally, the business detailed from this gathering appears slightly unusual for a parliament. However, this was a grant for the church and particularly for the Bishop of Dunkeld, issued around a month after Robert returned from Ireland, where he had gone with the earl of Moray earlier that same year. While the king was away, the Bishop of Dunkeld is believed to have shamed a party of men from Fife, who had met an English invading force at either Inverkeithing or Donibristle but had fled in fear. The Bishop then led a Scottish force

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<sup>13</sup> *RRS*, v, no. 116.

<sup>14</sup> Barrow, *Robert Bruce*, 281, 309-310.

<sup>15</sup> *RRS*, v, no. 112; Barbour, *The Bruce*, 336-342; Barrow, *Robert Bruce*, 178, 186, 258, 275-276.

which repelled the English amid much confusion. This grant could therefore have been a reward to the loyal Bishop for his defence of the realm in the king's absence while others had faltered.<sup>16</sup> Although this small fragment of parliamentary business is unlikely to represent all that went on at this Scone parliament, the reward of loyal supporters who had been instrumental in the defence of the realm during the monarch's absence would have been entirely appropriate for such meetings, a purpose for which parliaments had been utilised in the past.<sup>17</sup>

### Scone December 1318

The next parliament is one of the best known gatherings from this reign and has certainly retained the most extensive surviving record. Held at Scone on 3 December 1318, this resettled the succession tailzie following the deaths of both Edward Bruce, at the battle of Dundalk in Ireland on 14 October, and of Robert's daughter Marjorie. Importantly, the record of this meeting also included details of other business which was discussed within the same meeting, namely the wide range of legislation which was established. This, along with the men who are known to have attended this parliament, provide a slightly clearer picture of Robert's governmental policies by 1318.

The changes to the succession tailzie stated that if

the aforesaid lord king reaches the day of his death without a surviving and enduring male legitimately begotten of his body, Robert [*Stewart*], the son of the lady Marjory of honourable memory, daughter of the said lord king, legitimately begotten from her marriage to the noble man Sir Walter the steward of Scotland, should succeed the same lord king in his kingdom as his nearest and legitimate heir.

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<sup>16</sup> Barbour, *The Bruce*, 606-615; Barrow, *Robert Bruce*, 238. It was from this point that Robert is thought to have called Sinclair "my Bishop". The men who failed to fight for the king against the English invasion are thought to have included the sheriff of Fife. See chapter 7.

<sup>17</sup> For an examination of the use of parliaments to reward supporters, see chapter 5.

If Robert Stewart or any other legitimate heir born after this tailzie was a minor when the king died, the provision was again made for the child to be entrusted to the guardianship of Sir Thomas Randolph Earl of Moray or, if he died, to James Lord of Douglas.<sup>18</sup> These men were to rule until

it seems to the community of the kingdom or the greater and more sensible part [thereof] that the same Robert or other heir of the same lord king, as aforesaid, is capable of the government of the kingdom and the people.

The tailzie ended with an attempt to clarify Scotland's succession laws "since, on some occasions in the past, it had been called into doubt by some ... by what law the succession in the kingdom of Scotland ... should be decided and made lasting". Clearly the controversial alterations which had been established in 1315 had raised some opposition, ensuring that the system needed clarification in 1318 despite the fact that the succession had reverted to a more natural line of descent through Robert's own children or their progeny.

As with the 1315 tailzie, the text of this ordinance stressed the unity of the community behind the decision, although this time it was accepted that this policy was created within an actual parliament. The king was said to have held "his full parliament at Scone with the prelates, earls, barons and others of the community of the kingdom", where the decisions were made "by the common consent of all and singular of the aforesaid people". The oath taken to uphold these changes was made by the "bishops, abbots, priors and others of the clergy in their way according to law, and also the earls, barons, knights, freeholders and others of the community". The new tailzie was "ordained and agreed by the unanimous consent of all and singular of the aforesaid

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<sup>18</sup> *APS*, i, 465-466; *PSP* 1318/30. The inclusion of James Lord of Douglas within the tailzie is unsurprising. He, along with Walter Steward, was left as an effective lieutenant or guardian when Robert went to Ireland. Barbour, *The Bruce*, 596-597; Barrow, *Robert Bruce*, 284, 294-295.

people”, while the guardianship for a minor was also established by “the unanimous consent of all and singular of the community”. Just as widespread involvement was noted for creating this decision, so too the future involvement of the community was assured and expanded upon from the position in 1315.<sup>19</sup> Although this tailzie attempted to clarify the succession as much as possible, the phrase “the community of the kingdom or the greater and more sensible part [thereof]” was left suitably vague regarding who would rule in the event of the succession of a minor, particularly in comparison with the 1315 provisions.<sup>20</sup> This time, the community was not to be entirely excluded from power during a minority, through the establishment of a single guardian. Instead, Robert attempted to allow for the factionalism which had dominated previous minorities in Scotland by allowing a section of the political society to participate in government during a minority if they could not maintain their unity after the king died. The oath to the crown was also more dynamic than the version given in 1315. All those involved promised to “obey the aforesaid lord king and his heirs as their king and liege lord in every way ... [and] faithfully support the same laws for the protection and defence of the rights and liberties of the aforesaid kingdom”. The two potential guardians were made to swear a separate oath to promise to govern, administrate and care for both the heir and the realm to the advantage of both, while upholding the laws and customs of Scotland.<sup>21</sup> This parliament sat only fifty days after the death of Edward

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<sup>19</sup> *APS*, i, 465-466; *PSP* 1318/30.

<sup>20</sup> The vague language used can be compared to the Appeal of the Seven Earls, which was issued to Edward I of England in 1290-1291 to protest against John Balliol’s assumption of his right to the Scottish throne above that of Robert Bruce. This used similarly vague language, referring to “the seven earls ... and the persons of those supporting them among the community of the realm of Scotland”, rather than identifying any definite support. Only two names were given, the son of Duncan, late Earl of Fife who had been murdered in 1290 and Donald Earl of Mar. Stones, *Anglo-Scottish Relations*, 44-50.

<sup>21</sup> *APS*, i, 465-466; *PSP* 1318/30. According to Duncan, the fact that Robert still felt the need to secure an oath to his own position as well as that of his heir highlighted the continuing insecurity surrounding his reign.

Bruce and altered the details of the tailzie with great speed as well as with considerable care and detail in extracting oaths from those assembled.<sup>22</sup> However, it was customary for earlier Scottish kings to demand oaths of allegiance to their chosen heir. David I had Duncan Earl of Fife take the future Malcolm IV about Scotland “and proclaimed heir to the throne” while William I held gatherings at Clackmannan in 1195 and at Mussleburgh in 1201 to have his magnates swear fealty to his daughter Margaret and then to his son Alexander.<sup>23</sup>

The unanimity of purpose within this second tailzie can also be seen amongst the legislation which was established at this parliament. Copies of the new statutes were issued to the “justiciars, sheriffs, provosts and their bailies, and all the other faithful men”, detailing the decisions which had been made by Robert, with “the counsel and express consent of the bishops, abbots, priors, earls and barons and all the community of our kingdom in our full parliament”.<sup>24</sup> The legislation was clearly important to the king, as the record stated that

we command and firmly instruct you that you cause the said statutes to be read and proclaimed publicly at our courts to be held in your bailiaries and in other places where people often assemble, and to be observed inviolably by all as much in the courts of prelates, earls and barons and all others ... [and] we wish that these people should be given a copy of the statutes by you in order that they do not hold themselves to be excused by ignorance.

This was the first opportunity Robert seems to have had to create any substantial new legislation to reform his kingdom, beyond the statute of Cambuskenneth in 1314. It is important as it highlighted his strengthened position and ability to govern, rather than merely fighting or producing propaganda to gather support for his kingship.

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<sup>22</sup> *PSP* 1318/30; Tanner, “Robert Bruce’s Parliaments”, 17.

<sup>23</sup> For David I see *Fordun*, ii, 225. For William I, see *Scotichronicon*, iv, 411, 427.

<sup>24</sup> *APS*, i, 466; *PSP* 1318/1; *RRS*, v, no. 139.

The legislation covered a wide variety of topics which began by renewing old statutes, such as the clause which stated that “The lord king wishes and commands that common law and common justice should be done as much to paupers as to wealthy people according to the ancient laws and liberties used rightly before these times”.<sup>25</sup> Many of the provisions for justice, which formed eighteen of the twenty-seven statutes, altered existing procedures or were reactions to recent events or problems which had arisen from the warfare. Three statutes concerned alterations to procedures which were followed in courts, surrounding the right of the accused to a defence and the order in which items should be presented. These included the fact

that a defender or his advocate should not be bound to answer before the complainer or his advocate has spoken first or gone through his questioning; with the proviso that no-one should be suddenly silenced in the course of his speech.<sup>26</sup>

The influence of the years of warfare can be seen in another statute which reflected Robert’s desire to restrict his lords’ ability to resolve private disputes through fighting, a practice which had increased after 1286. This stated that the king

has commanded and forbidden that henceforth any person cause damage, burden or harm to another, nor to harm any of his men, nor procure [it] to be done secretly or openly. But if anyone shall wish to complain concerning another person, he shall have his suit according to the laws of the land. And whoever shall do otherwise and shall be convicted or attainted concerning this should be accused of having broken the peace of the lord king and his statute.<sup>27</sup>

Added to this, limits were placed on those who held government offices, ranging from the chancellor down to the bailies, clerks and under-bailies. These men were forbidden

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<sup>25</sup> *APS*, i, 467; *PSP* 1318/4.

<sup>26</sup> *APS*, i, 471; *PSP* 1318/19, 1318/20, 1318/21. These three acts were clearly formulated to ensure that no-one could be asked to defend themselves against unspecified complaints, and tried to clarify procedures to entitle men to a fair hearing. This was particularly designed to protect sitting tenants against actions to recover lost property during the wars, where the pursuer had to state the whole of his case before the tenant needed to provide any defence.

<sup>27</sup> *APS*, i, 472; *PSP* 1318/22.

to “be supporters or maintainers of pleas or complaints in the king’s court, nor take any land or other thing, by champerty, for delaying or proroguing anyone’s right outwith the form of law”.<sup>28</sup> This was matched by another statute which stated that anyone would be arrested if they were caught as a conspirator or “an inventor of tales of rumours by which a matter of discord shall be able to arise between the lord king and his people”.<sup>29</sup> In addition to the strict oaths within the tailzie, the suggestion from this legislation is that the king remained insecure about his own position, authority and the extent of the support he could rely upon. Given that the Soules conspiracy, uncovered in 1320, would plan to replace Robert as king, these fears were clearly not unfounded. Those who had been disinherited in 1314, along with the existence of Edward Balliol as a legitimate alternative for the throne, ensured that Robert still faced greater threats to his personal reign than just the provision of a successor. This legislation and some of Robert’s actions in 1318 suggests that the king spent considerable time and effort trying to appease former Balliol supporters and limit possible rebellions against his reign, implying that the Soules rebellion may have begun considerably before 1320, and that the Scottish king was aware of the potential threat.<sup>30</sup>

Several items were more directly influenced by warfare, with the final statute defining exactly who was responsible for paying for the defence of the realm. Laymen who held ten pounds worth of goods were required to have “a sufficient haqueton, a basinet, and mailed gloves with lance and sword”. Those without the first two items should instead “have a good habergeon or a good iron for his body, a cap of iron and

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<sup>28</sup> *APS*, i, 472; *PSP* 1318/24. As Robert had been betrayed by the earl of Atholl, this could represent his insecurity over the loyalty of his nobility, as well as his attempt to strengthen the law.

<sup>29</sup> *APS*, i, 472; *PSP* 1318/23.

<sup>30</sup> M. Penman, “*A fell conjuracioun agayn Robert the douchty king: the Soules conspiracy of 1318-1320*”, *Innes Review*, 50 (1999), 25-57, 30-31.

mailed gloves”, all of which was to be ready by the following Easter. Anyone caught without these would lose all of their goods, with half of the forfeited property going to the king while the remainder went to the errant man’s lord. Anyone with goods to the value of one cow were to have “a good lance or a good bow with a sheath of arrows, namely twenty-four arrows with the pertinents, under the prescribed penalty”. The king’s sheriffs were to investigate and confirm the existence of the relevant provisions with the lords from each area and “immediately cause a muster after the aforesaid octave of Easter”.<sup>31</sup> Finally, just as the requirements to defend the realm had increased, so too had the need to deal with the after effects of the warfare. This can be seen in the alterations made to the brieve of recognition, which determined the entry of an heir into their family lands. It stated that

before these times a brieve of recognition has not been valid except by the death of six persons, namely by the death of a father and mother, brother and sister, uncle and aunt, it was ordained and agreed that henceforth a pursuer may have a brieve of recognition as well of a grandfather or grandmother.

This ensured that inheritance could pass from grandparent to grandchild should the intermediate family have perished during the wars.<sup>32</sup> The majority of these reforms appear to have been reasonable attempts to modify and adapt existing laws to allow for the changes to society which had resulted from the lengthy warfare, as well as to restore

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<sup>31</sup> *APS*, i, 471; *PSP* 1318/19. A habergeon or acton was a stuffed jacket or jerkin which was worn under the mail, although this could also have meant a hauberk, a long coat of mail or military tunic. Despite the fact that the English had been defeated at Bannockburn and that by 1318, Robert had been king for twelve years, Edward II refused to accept Scottish independence. As such, Scottish raids into their northern counties had increased in frequency and the extent of their penetration southwards. In May 1318, a large Scottish raiding party went into Yorkshire. *Lanercost*, 219-221; *CDS*, iii, no. 707, 858. This finally sparked a response from the English, who in 1319 led an unsuccessful campaign to besiege Berwick. Barbour, *The Bruce*, 616-665. As such, Robert would have needed to ensure that the country was still ready and prepared to defend itself. These statutes could also have been affected by the losses incurred by Robert’s army during with Edward Balliol’s failed campaign in Ireland.

<sup>32</sup> *APS*, i, 472; *PSP* 1318/25. For a discussion of the changes to legal rights to inheritance and lands, see H.L. MacQueen, *Common Law and Feudal Society in Medieval Scotland* (Edinburgh, 1993), 106-107, 111, 169-170, 196, 206, 224, 240, 254-255, 265-266.

order where it was lacking, such as in the bribery of officials or feuding between lords. The ability of Robert to pass laws within his parliament highlights his strengthened position, as well as his awareness of potential threats and attempts to limit their potential.

As already noted, the timing of this parliament was determined by the death of Edward Bruce. It is likely that the king simply took advantage of the gathering held to alter the succession, discussing this extensive legislation while the political community were gathered together. However, this does not explain why Robert waited until 1318 to begin his major legislative changes, aside from the act of disinheritance from the 1314 parliament. This could be explained in that Robert's position had changed considerably by 1318. With his major opponents ousted in 1314, his military success within Scotland (although Edward Bruce had been defeated in Ireland) and the continued raiding into England, this marked the point where Robert may have felt himself in a position to make more substantial changes. He was finally able to reissue and confirm those acts of his predecessors which related to the church or basic justice, stressing his links to the past and to tradition, while altering those laws which had been affected by the wars, or needed to be updated and changed. Although the opening comments and the thirty appended seals suggested that the political community were extensively involved in the actual creation of this legislation, these acts were clearly issued by the king, with the support of his people. This can be seen in the repetition of such phrases as "the lord king decreed and forbade", "it was ordained and agreed by way of statute by the lord king" and "the lord king wishes and commands". While the community may have been involved, these statutes focussed on the authority of the king

in determining legislation and policy within his parliament.<sup>33</sup>

While this parliament saw the establishment of a more straightforward succession, as well as the king's ability to pass his desired changes to legislation, some of this legislation and the extent of the oaths required, suggest that Robert was not completely secure as king. As such, do the seals known to have been attached to these documents highlight the continued use of parliament to bind men publically to Robert? This list follows on from the 1317 parliament at Scone. The majority of men featured were not just Bruce loyalists, but had been so for a considerable length of time. These included the bishops of Moray, Ross, Brechin, Dunblane and Dunkeld, along with the chancellor Bernard Abbot of Arbroath. The nobles were some of Robert's strongest supporters, such as Thomas Randolph Earl of Moray, James Lord of Douglas, William Earl of Ross, Walter Stewart, Gilbert de Hay, Robert Keith and Alexander Seton.<sup>34</sup> Of the known witnesses, only the bishop of Glasgow and the earl of Mar cause any major doubts, as the bishopric was in dispute until 1323, while the latter was out of Scotland until 1327.<sup>35</sup> The clearest possible dissenter was William de Soules, leader of the 1320 rebellion and part of the family which had risen to prominence during the thirteenth century. William's great-uncle was John de Soules, guardian of Scotland in the name of King John from 1301. Penman has argued that Soules' power had been reduced under Robert from the family's position in 1286 or their potential under a Balliol king. While Soules could have been resentful of the advancement of Walter Stewart and Sir John (Stewart) of Menteith at his expense, he was still in the king's confidence at the turn of 1319-1320, when he headed a team of truce negotiators in peace discussions

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<sup>33</sup> *APS*, i, 467-473; *PSP* 1318/3-1318/29; Tanner, "Robert Bruce's Parliaments", 16-17.

<sup>34</sup> *APS*, i, 465-466; *PSP* 1318/30.

<sup>35</sup> *PSP* 1318/30 n. 46, 47.

with the English.<sup>36</sup> While Soules may not have been personally happy with Robert's regime, he was still visibly siding with the king until immediately before the rebellion. It is also possible that he could have been one of those men whom the king wanted to draw back into line with aspects of this legislation, if Robert was aware of rising discontent against his regime. While a few of these witnesses may have been suspect with hindsight, it cannot be suggested that, as far as Robert I was concerned, these men were anything other than loyal supporters at the time.

Overall, the evidence from the two parliaments held in 1317 and 1318 suggest that these were different bodies to those used previously. While Robert was still seeking justification for his policies and acceptance of his reign, he was no longer filling his parliaments with men who had only recently changed sides or claiming support from those of dubious loyalty. While he continued to expand his support and pardon men who had remained outwith his peace after 1314, despite the forfeitures declared at Cambuskenneth, this no longer appears to have been the main purpose of Robert's parliaments. The king had moved into a position where he could stress his authority internally, advance the position of his adherents and rely on them for support within parliament. He was also able to use his parliaments to deal with problems which arose from his policies. For example, some of the statutes concerning land rights likely developed from conflicts between various Bruce supporters who had been rewarded

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<sup>36</sup> Dr Penman suggested that with the death of Edward Bruce, Robert had lost both control over Ireland and his adult heir presumptive. As such he was childless and excommunicated with no signs of being able to force English recognition of Scottish independence, particularly as in November 1318 Edward II had found a temporary solution to his problems with the Earl of Lancaster in his parliament at York. While English problems would resurface within a year, Penman argued that "Bruce and his supporters and their enemies, must have sensed a degree of vulnerability in his kingship in late 1318". The king could have been trying to resolve this with his legislation and with the inclusion of a few of his less certain supporters within the loyal witnesses who were used for this parliament. M. Penman, "The Soules conspiracy", 36-38; Tanner, "Robert Bruce's Parliaments", 18; Barrow, *Robert Bruce*, 309; *CPR 1317-1321*, 415

with forfeited lands, and those who had subsequently come into the king's peace and expected the restoration of previously lost property. The king no longer needed to mask his policies with the suggestion that they had been decided by the community alone. Instead, these were portrayed as royal decisions issued by the king and then accepted by his political society within parliament.

Four charters remain which were issued around the time of this parliament and provide certain additional information from this period, with two given on 5 December and one on 6 December, all from Scone, and one on 15 December from Arbroath. Only the first document, issued on 5 December, referred to this parliament, detailing the remission granted to Henry Bishop of Aberdeen and the restoration of his temporality. While the dispute between the king and the Bishop remains unknown, this clearly marks the end of any major problems between the two men which seem to have arisen after the first tailzie in 1315, as Cheyne reappears on royal witness lists after this parliament. The witness list in this charter comprised ten names, of whom three were not among the seals known to have been attached to the parliamentary documents; Duncan Earl of Fife, Malise Earl of Strathearn and Murdoch Earl of Menteith.<sup>37</sup> While the inclusion of Malise is understandable, as he is known to have supported the Scottish king by at least March 1317 if not earlier, the Earl of Fife is a more uncertain figure.<sup>38</sup> Although he came into Robert's peace in August 1315, the Earl did not receive any major patronage and was never a major witness or councillor to the king. With his earldom tailzied to the crown should he die childless, Penman has suggested that he could have gone

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<sup>37</sup> This charter was included within *APS*, i, although wrongly dated to 18 December. *APS*, i, 477-478; *PSP* 1318/31. *RRS*, v, no. 140.

<sup>38</sup> It is worth noting that the family and tenants of this Malise Earl of Strathearn were involved in the Soules conspiracy of 1320, most noticeably John Logie and Agnes Countess of Strathearn, widow of Malise's father who had died in 1313. Penman, "The Soules Conspiracy", 43.

against Robert in 1320 in an attempt to secure improved patronage, as he did in the 1330s with his occasional support for Edward Balliol. However, any potential for rebellion in 1320 does not mean that Duncan would not have publically supported the king, as Soules did in this parliament, or that the king would have had cause to doubt his loyalty.<sup>39</sup> The earldom of Menteith is an unusual case as it was in the custody of the Scottish king for most of this reign, initially on behalf of the child heir Alan, who died in captivity in England, and then for his sister Mary. It was not until around 1323 that Robert is believed to have granted the earldom to Murdoch, Mary's uncle, who had been with the English until at least 1317 if not 1320, when he was said to have heard of the Soules plot and informed Robert.<sup>40</sup> If Murdoch was at Scone in 1318 it would support the theory that he actually moved to support the Scottish king well before this conspiracy. Six men appeared on the witness list of the second document, issued on 5 December from Scone, which concerned the inspection of previous charters issued by Alexander II and Malcolm Earl of Fife, granting lands and rents to Culross Abbey in Fife. Although this list did not include the earl of Menteith, it did feature the chancellor, the earls of Fife and Strathearn, Gilbert Hay, Robert Keith and William Lindsay the chamberlain.<sup>41</sup> While this did not mention the official gathering, the fact that this was issued while the parliament was in session and that half of the witnesses were also noted by Balfour as having sealed the letters issued from the parliament all suggests that this charter was from the same gathering. The charter regarding the ancient rights of the burgh of Haddington produced on 6 December included six names from a list of eight

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<sup>39</sup> Penman, "The Soules Conspiracy", 44.

<sup>40</sup> *RRS*, v, no. 72; *Scalacronica*, 59; Barrow, *Robert Bruce*, 276; Penman, "The Soules Conspiracy", 46-47.

<sup>41</sup> *RRS*, v, no. 141.

who had attended the Scone parliament. The parliament must have finished by 15 December, when the king can be found at Arbroath, issuing a charter granting Polmoody to James Lord of Douglas, with a witness list which included four of those who had been at the parliament, as well as John Wischard and Fergus Marescall.<sup>42</sup> Overall, these charters suggest a small number of additional men who probably attended the parliament, but whose seals were not amongst those which survive on the official documents, further expanding the probable size of the Scone gathering.

### Newbattle March 1320

Probably the most famous document issued from medieval Scotland was the Declaration of Arbroath, also known as the Letter of the Barons of Scotland to Pope John XXII.<sup>43</sup> A testimony to the skill of Robert I's government in producing propaganda, it has often been assumed that this was issued from a major gathering or parliament held at Arbroath in April 1320. However, when the document itself and the events which lead up to its creation are examined, this was clearly not the case. The Papacy persistently refused to accept Robert as king of Scotland, despite his victories against the English. In turn, Robert continued to reject Papal letters and legates until they addressed him by his full title. At the same time, the renewal of English attempts to have Bishop Lamberton of St Andrews replaced with the Englishman, Thomas Rivers, ended with Lamberton and the bishops of Dunkeld, Moray and Aberdeen being excommunicated, along with the king, for failing to appear at the curia over the matter by June 1320. Barrow suggested that this tougher Papal line necessitated some form of

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<sup>42</sup> *RRS*, v, no. 142, 143.

<sup>43</sup> Three letters were sent from Scotland at this time, the other two were from the king and Bishop Lamberton of St Andrews respectively.

national response.<sup>44</sup> The Declaration was partially an appeal for justice over international recognition of Robert's position, with the request that the Pope would exert his influence over the English to force them to acknowledge the same. It was also a piece of deliberate propaganda against English claims to overlordship over Scotland and an attempt lay blame for the warfare on the English. The defence of Scottish independence was separated from Robert's own cause, with the claim that any king could be replaced if he failed to maintain Scottish independence. However, this letter is a very peculiar piece. While fifty-one tags and seals are attached to this document, with thirty-nine names given specifically within the opening clause and the claim that this was also issued by "the other barons and freeholders and the whole community of the realm of Scotland", there was nothing to state how or where this policy or the resulting letter was formed. As with the 1315 tailzie, the opening clause presents the letter without any reference to the king, portraying this as the result of the political elite initially acting alone, only taking consent from Robert once the Declaration had been formulated. This structure was again used to provide added authority to these claims by suggesting that the terms had not simply been dictated by the monarch himself. Details about the meeting used to discuss and decide upon this course of action were also probably deliberately left blank.

Previous accounts which examine the Declaration tended to focus on who wrote the document, how it fits into the overall events of Robert's reign, and whether the witness list can be justified given the events which followed during the Soules conspiracy.<sup>45</sup> It is generally accepted that the Declaration was not discussed and issued

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<sup>44</sup> Barrow, *Robert Bruce*, 302-303; *Foedera*, i, 363-4, 406.

<sup>45</sup> See Barrow, *Robert Bruce*, 303-311; A.A.M. Duncan, *The Nation of Scots and the Declaration of Arbroath* (Historical Association Pamphlets, 1970); A.A.M. Duncan, 'The Making of the Declaration of Arbroath', in D.A. Bullough and R.L. Storey, *The Study of Medieval Records; Essays in honour of*

in the final form from a parliament held at Arbroath. Yet Robert would have needed to hold an expanded gathering at some point to arrange the formation of this document and to decide upon the details of the policy it would declare, as in his parliament at St Andrews in 1309 which was used to create the two earlier pieces of propaganda, if not for the actual drafting and signing of the letter. Such an important piece of propaganda could hardly have been instigated without the support and approval of the political community, who were then portrayed as solely responsible for this policy. Instead it is generally taken that this course of action was discussed within a council which met at Newbattle Abbey in March 1320.<sup>46</sup> Having decided upon the letter they would issue, the political community left the chancellor, Bernard Abbot of Arbroath, to draft the actual document, thus explaining the claim that this was “Given at the monastery of Arbroath in Scotland on 6 April in the year of grace 1320 and the fifteenth of the reign of our aforesaid king”. Opinions differ as to how the seals were added to this letter. It has been suggested that those Scots who had been at Newbattle left their seals with the chancellor to be affixed to the document once it was completed. Alternatively, these endorsements could have been collected throughout April, when the men might have returned to seal the document in response to a general invitation, or the completed letter may have been taken round the country for people to approve and sign without the need to reassemble.<sup>47</sup>

A meeting of the major members of the political community may have taken place at Newbattle in March 1320. When the surviving charters from this period are

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*Kathleen Major* (1971), 174-188.

<sup>46</sup> While there is nothing to suggest that such a move had to be instigated within a parliament, this was a very important aspect of Robert's foreign policy, while both the declarations issued in 1309 are believed to have been formed within parliament.

<sup>47</sup> Barrow, *Robert Bruce*, 304; Duncan, *Nation of Scots*, 28.

examined, nothing was issued from Arbroath until 4 May, by which point the Declaration would have been dispatched. A number of other documents provide vital information on the king's movements across March and the men who were with him, including three charters issued from Newbattle. Two of these place the king in Newbattle on 13 and 14 March, settling a dispute between Dunfermline Abbey and two small freeholders, and accepting the resignation of the barony of Staplegordon from John de Lindsay, cannon of Glasgow.<sup>48</sup> These two documents include a number of important witnesses. For example, the resignation on 14 March featured the bishop of St Andrews, the earl of Moray and four prominent barons. Only the bishop did not subsequently appear in the exclusively secular list of nobles which made up the 1320 Declaration.<sup>49</sup> Although the king was surrounded by influential magnates, neither of these documents suggest that Robert met with a particularly expansive council at this point. The king then moved to Berwick, where he issued two charters on 25 and 26 March. However, he did return to Newbattle for what Professor Duncan described as a "special Easter court, housed in a monastery, like the Christmas courts at Coupar Angus in 1316 and Newbattle in 1317". This meeting issued a charter on 31 March to the mayor and burgesses of Berwick, settling the burgh which had been recovered from the English in April 1318. This included a more expansive witness list of thirteen names, which included all four of the bishops who had been summoned to the Papal

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<sup>48</sup> PSP 1320/3/1; *Dunfermline*, no. 352; *Registrum Honoris de Morton*, a series of ancient charters of the Earldom of Morton with other original papers (Edinburgh, 2 vols., 1853), ii, no. 24, 25. For a general discussion of the charters from this period see Duncan, 'The Making of the Declaration of Arbroath', 177-179. The grant of the barony of Staplegordon to Sir James Lord of Douglas, which was given at Arbroath on 6 May 1320, noted that the land had originally been resigned "*in pleno consilio nostro apud Neubotill coram regni nostri nobilibus*". *RRS*, v, no. 166.

<sup>49</sup> Given that the Declaration of Arbroath effectively formed another letter from the nobility, it is curious as to whether another letter was ever sent at this point from the ecclesiastics of Scotland, as in 1309.

curia in November 1319, along with the chancellor, three earls and five barons, the latter eight of whom all sealed the Declaration. While this gathering is more promising, the king cannot have remained long at Newbattle for this second court, as he issued a charter to James Lord of Douglas from Berwick on 1 April 1320, which was witnessed by the bishop of St Andrews, the earl of Fife and four barons, of whom three were likely involved in the final Declaration.<sup>50</sup> Although none of the three charters which remain from Newbattle can conclusively be attributed to a council which might have determined this policy, each included important witnesses who were either involved in the papal dispute or went on to add their seals to the Declaration. It is entirely possible that these men could have discussed the situation with the papacy while they were gathered together. Of those who can be placed in both Newbattle and on the Declaration, only one is known to have been involved in the Soules conspiracy, William de Soules himself, while the remainder do not appear to have wavered in their loyalty to Robert. The last of these men to have come into the king's peace were the earls of Dunbar and Fife in 1314 and 1315 respectively.<sup>51</sup> These documents suggest that the king could have held various discussions at Newbattle which initiated this policy while he was surrounded by a group of major political players who seemed to have been prominent supporters of his regime. However, the names provided in the declaration itself mark a slightly different picture, both in the list given at the start of the document and in the seals.

Previous analysis of these names and seals have focussed on those who were

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<sup>50</sup> *RRS*, v, no. 163; Duncan, "The Making of the Declaration of Arbroath", 177-178; *RMS*, i, no. 77; appendix i, no. 35; *Morton Reg*, ii, no. 24, 25; *Genealogical Collections concerning families in Scotland, made by Walter Macfarlane 1750-1751, edited from the Original Manuscripts in the Advocates' Library by James Toshach Clark, keeper of the Library (SHS, 2 Volumes, 1900)*, i, 48.

<sup>51</sup> Barrow, *Robert Bruce, 277-278*; *RRS*, v, no. 58, 72; *Morton*, ii, no. 24.

either recent converts to Robert, went on to participate in the Soules Conspiracy over the summer, or were proven, long-term supporters and important magnates, yet were not included. Perhaps the most intriguing example of the latter is the exclusion of Robert Boyd, a loyal supporter who can be found with the king during this period, witnessing the charter to Kilwinning Abbey which was issued from Arbroath on 4 May 1320. His absence from the declaration is particularly unusual as all of the other lay witnesses listed here; Walter the Steward, James Lord of Douglas and John of Menteith, were involved.<sup>52</sup> Barrow suggested that the names given on the Declaration were the result of an expedient gathering of local magnates, brought together to add their seals to the letter before it was sent out, rather than from an expanded meeting or deliberate representation of men from the entire kingdom.<sup>53</sup> However, these names would have been carefully scrutinised by both the Papacy and the English to determine the reliability of these claims and whether these men did represent the entire community of Scotland. As such, the idea that these seals would simply have been gathered quickly and easily from the local area seems highly unlikely, given the carefully planned and constructed nature of this document. Added to this is the length of time it took the Scots to issue their final letter. If this was simply a speedy gathering of local magnates, why would this Declaration not have left Scotland and reached the Papacy considerably sooner than it did?<sup>54</sup> What many examinations have failed to note is the number of those who put

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<sup>52</sup> *RRS*, v, no. 165. The ecclesiastical witnesses were the bishops of St Andrews, Dunkeld and Brechin, and Bernard Abbot of Arbroath, the chancellor.

<sup>53</sup> Barrow, *Robert Bruce*, 308-309.

<sup>54</sup> The Papal reply to the Declaration was issued on 28 August, while all three letters are known to have arrived at the curia between 16 June and 25 July. Allowing for eight weeks of travel from Scotland, this would suggest that the letters were dispatched in late May rather than the 6 April date which was given within the actual letter. However, this was still a considerable delay from the end of March, when the Newbattle councils were held. Duncan, "The Making of the Declaration of Arbroath", 176.

their seals on this letter who were long term supporters of Robert I, including many significant and powerful men. Examples include the earls of Fife, Dunbar, Moray, Strathearn, Lennox and Ross, along with Magnus Earl of Caithness and Orkney and William Earl of Sutherland, about whom very little is known. The list also featured a substantial number of loyal barons, with officers of state and original proponents of the regime such as James Lord of Douglas, Walter the Steward, Gilbert de Hay and Robert de Keith.<sup>55</sup> Even with qualifications placed against those barons who can be identified regarding when they switched to support Robert, all seem to have come into the king's peace by at least the aftermath of Bannockburn, six years before this letter was issued, ensuring that few had less than five years worth of loyalty built up by 1320. What is generally emphasised is the absence of certain major magnates, such as the earls of Atholl, Angus and Mar, as well as the heirs of Buchan and Menteith, all of whom remained with the English in 1320. Robert once again claimed that simply because the earl himself had sided with Edward II did not necessarily mean that the people of that region followed suit. For example, John of Menteith was listed as guardian of the earldom of Menteith to show the community's support for the Declaration, as well as appearing as an important magnate in his own right. Professor Duncan suggested that this document shows a change in patterns of witnessing which occurred towards the end of Robert's reign. This document is seen specifically as the 'barons' letter, dominated by those barons listed and the claim that they represented the "other barons and freeholders and whole community of the realm". Duncan suggested that the economic changes of the thirteenth century had ensured that barons and burgesses held increasing

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<sup>55</sup> For an examination of when the various men whose seals were attached to this letter switched to support Robert, see Duncan, *Nation of Scots*, 28-29.

influence, with their importance placed on a more established footing in the 1326 parliament which will be discussed later. The Declaration of Arbroath saw Robert acknowledging the need to associate important political decisions with a wider political representation in government. Yet these seals were still dominated by politically important figures who were loyal to Robert's regime. Only Menteith specifically claimed to act on behalf of a larger group of people, without the wider emphasis given in either 1309, when the Declaration of the Nobles had claimed to represent communities of all of the earldoms except for Dunbar, or in 1326, when Robert's parliament included "the earls, barons, burgesses and all the other freeholders of his kingdom assembled in the same place" to determine taxation and the final tailzie of the reign, settling the succession on Robert's son David.<sup>56</sup>

Considerable focus has also been placed on those who witnessed this letter and then went on to participate in the Soules Conspiracy. Barrow highlighted a possible eight who were traditional Balliol men, including David of Brechin and Roger Moubray. Yet only five of those who are known to have attested to the Declaration were involved in the subsequent conspiracy.<sup>57</sup> This was not an overly significant percentage of those involved in this letter, nor can it really be thought of as symbolic of a lack of solid, consistent support for Robert's regime. Much of the debate has focussed around how these men could have consented to such a pro-Bruce document and then gone on to participate within this rebellion. Certainly if the conspiracy was to succeed then the men involved would have needed to maintain an appearance of loyalty until they were ready to act, including supporting such important government propaganda. Also, some

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<sup>56</sup> PSP 1309/1, 1320/4/1, 1326/1, 1326/2, 1328/1; Duncan, *Nation of Scots*, 31.

<sup>57</sup> PSP 1320/4/1; Barrow, *Robert Bruce*, 309-310.

might have hoped that their personal situations could have improved if they continued to support Robert. Only de Soules himself is known to have been in Newbattle for any of the royal charters, and thus was likely to have been involved in the initiation of the Declaration.<sup>58</sup> Perhaps the easiest explanation as to how these men could attest to this declaration and then revolt against Robert during the summer lies in the text of the letter itself. This clearly highlighted that Robert would be ousted as king should he fail to protect their independence.

Yet if he should give up what he has begun, seeking to make us or our kingdom subject to the king of England or to the English, we would strive at once to drive him out as our enemy and a subverter of his own right and ours, and we would make some other man who was able to defend us our king.<sup>59</sup>

By 1320, Robert had failed to secure a direct succession for the monarchy, relying on tailzies to dictate who would follow him. This, combined with his increasing age, his failure to end the war or gain recognition for his kingship and Scottish independence from the English and his inability to acquire papal recognition and the lifting of the excommunication and interdict, could have exacerbated any dissatisfaction which existed over the distribution of his patronage. With Edward Balliol, or even William de Soules, as legitimate alternatives for the Scottish throne, signing the Declaration could have been for some a recognition of the Scottish cause, rather than a specifically pro-Bruce move.<sup>60</sup>

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<sup>58</sup> *Morton*, ii, no. 24.

<sup>59</sup> *APS*, i, 474-475; *PSP* 1320/4/1.

<sup>60</sup> Penman suggested that this Conspiracy had not intended to put William de Soules on the Scottish throne, but had instead been an Anglo-Scottish coup designed to replace Robert with Edward Balliol. He also provided the possibility that the details of the Soules plot could have been created by Robert himself, in an attempt to disguise and ridicule the pro-Balliol attempts. Most importantly here was that Penman claimed that support for this plot was considerably more expansive than was suggested in the Black Parliament, and that the events had been planned for much longer than in 1320. He highlighted the likelihood that discontent and plans against Robert went back to around 1318, when the king had been excommunicated, lost his direct adult heir and had been forced to publish legislation against possible conspiracies and to protect tenants. Penman's only comment on the possible reason for the defection of the six men who sealed the Declaration of Arbroath was that "a good many Scottish

Dr Reid stated that this Declaration marked a distinct change in policy concerning Robert's propaganda. Instead of seeking to justify his ascent to the throne as in 1309 (although this did try to eradicate the memory of John Balliol as king), Arbroath was

a statement of his [Robert's] *de facto* leadership of the realm, and of the Scots' acceptance of his dynastic, personal and constitutional fitness to rule. It is also, more importantly, an attempt to lay the blame for almost a quarter of a century's warfare at the door of the English monarchy.<sup>61</sup>

The witness list represents a return to a more conciliatory approach with the political community, spreading the net wide to include more than just Robert's most definite support. Yet there never appears to have been a parliament held to settle this policy. The Declaration was a national statement of intent within Bruce propaganda, yet it was also a somewhat haphazard collection of signatures generally believed to have been organized across the space of a month. Spaces were left for those seals believed to have been coming, but which did not arrive before the document was sent to the Papacy.<sup>62</sup> The list of names which can be associated with this letter fits well with other documents issued at similar times of discord in Scotland, such as the Treaty of Birgham, which might have added legitimacy and authentication to this letter in the eyes of the Papacy.<sup>63</sup> While these names may have represented an odd collection, both in terms of geographical representation and their loyalty to the regime, they must also have

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magnates, ostensibly in Bruce's peace, could still in 1320 harbour hopes of improving their status under a vassal Balliol king". Certainly, Robert appears to have been aware of his consistent need to expand his support and to pardon those who had continually fought against him. The surviving documents from this reign have shown that he was willing to include the names or seals of dubious or forced supporters in order to enhance the support for his propaganda. There is little reason to suggest that this had changed in 1320. The Declaration marked the next step for Robert's propaganda, ignoring the continued Balliol threat to his reign and attempting to show a united country in support of their king, regardless of the fact that he was still a considerable way from holding the full support of the country. Penman, "The Soules Conspiracy", 25-57.

<sup>61</sup> Reid, "Crown and Community", 205.

<sup>62</sup> For a detailed consideration of the seals and tags on the 1320 letter see *PSP* 1320/4/1 n.

<sup>63</sup> Barrow, *Robert Bruce*, 304, 308-309.

embodied a group which, at least at the time, appeared supportive of the crown and represented the remainder of the political community to the Papacy. This was a piece of deliberate propaganda, sent out to deliver a message to the world about events in Scotland under King Robert. These names would surely have been carefully chosen to exclude those who, under closer examination, could have suggested any weakness in this solidarity. That the events which followed over the summer months went some way to discredit this image should not be taken to undermine the aims of Robert and those who were involved in this Newbattle meeting and the Declaration.

#### Scone August 1320

The next meeting from Robert's reign was dubbed the "Black Parliament" in the *Scotichronicon*, for which the only surviving evidence can be found within various chronicle sources which detailed Robert's reaction to the Soules conspiracy. As has already been noted, this rebellion is believed to have developed out of general dissatisfaction against Robert, or his continued use of personal seals on documents such as the Declaration of Arbroath, without gaining consent. The parliament was held at the beginning of August 1320 and formed the trial of the main conspirators. *Gesta Annalia II* listed those involved and their punishments.

the lord William of Sowlis and the Countess of Stratherne were convicted of the crime of high treason, by conspiring against the aforesaid king; and sentence of perpetual imprisonment was passed upon them. The lords David of Brechin, Gilbert of Malerb, John of Logie, knights, and Richard Broune, esquire, having been convicted of the aforesaid conspiracy, were first drawn by horses, and, in the end, underwent capital punishment. The lords Eustace of Maxwell, Walter of Barclay, sheriff of Aberdeen, and Patrick Graham, knights, Hamelin of Troupe, and Eustace of Retreve (Rattray), esquires, were accused of the same crime, but were not found guilty in any way. It so happened, also, at the same time, that when Roger of Mowbray had been released from the trammels of the flesh, his body was taken down thither, and convicted of conspiracy; whereupon it was condemned to be drawn by horses, hanged on the gallows and beheaded.

But the king ... was stirred with pity; so he yielded him up to God's judgement, and commanded that the body of the deceased should be handed over for burial by the Church, without having been put to any shame.

Additional information was provided within *Scalacronica*, which noted that

Robert de Brus caused William de Soulis to be arrested, and caused him to be confined in the castle of Dunbarton for punishment in prison, accusing him of having conspired with other great men of Scotland for his [Robert's] undoing ... which the said William confessed.

He also noted that the "conspiracy was discovered by Murdach of Menteith, who himself became earl afterwards. He had lived long in England in loyalty to the king, and, returned home in order to discover the conspiracy".<sup>64</sup> The fact that Soules was only sentenced to perpetual imprisonment has been taken to suggest that he was not the main leader, and that this was more likely a rising for Edward Balliol with English aid.<sup>65</sup> However, four men were hanged for their part in the conspiracy, including Sir David Brechin, who had simply failed to report what he knew. The extremity of Robert's reaction is said to have disgusted Sir Ingram de Umfraville to such an extent that he left Scotland for good, although Penman has put forward a convincing case that Umfraville was probably a key organiser of the plot and would have fled out of fear for his life. On the other hand, Murdoch of Menteith who informed Robert of the plot, was rewarded with the earldom of Menteith.<sup>66</sup> Although five of the conspirators were acquitted, the severity of Robert's actions against the likes of Brechin can be viewed as an attempt not only to eradicate this threat, but also to provide a deterrent for any other potential rebels. These events certainly show that despite the propaganda in the Declaration of Arbroath, the Scots were still not united behind Robert I, and that the king was aware of the

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<sup>64</sup> *Fordun*, ii, 341; *Scalacronica*, 59; Barbour, *The Bruce*, 698-705; *Scotichronicon*, vii, 2-3.

<sup>65</sup> Penman, "The Soules Conspiracy", 54.

<sup>66</sup> Penman, "The Soules Conspiracy", 50-51; Barrow, *Robert Bruce*, 309-310; McNamee, *Wars of the Bruces*, 235-236.

continued precarious nature of his position and the threat of Edward Balliol. What is important here is that the chronicles which detailed these events concurred over the fact that when Robert was forced to try this group for treason, he did so within “his parliament at Scone”.<sup>67</sup> While Robert was clearly willing to use alternative bodies when it seemed appropriate for his propaganda in 1315 or 1320, when the king’s authority was threatened by rebellion, his legal reaction came within parliament. Parliament was probably also the only legitimate place where such a trial could have taken place. While no other details of the events from this meeting or the attendance remains, a reasonable hypothesis might be that Robert used parliament to display his authority and control over Scotland, and his provision of justice, both harsh and fair.

### Conclusion

Overall, this second phase of Robert’s reign has left evidence of few more parliaments used within government than during the initial years of his rule. However, in his determination to secure his position and the future of the Bruce dynasty, Robert was clearly prepared to disregard terminology and the importance of formal gatherings for the discussion of important decisions, and instead use whichever meetings fulfilled his propaganda needs. At the same time, parliament still held an important role within his overall government, being used where possible or appropriate to add legitimacy to his actions, in dealing with the rebels in 1320 or issuing new and updated legislation in 1318. What should be noted is that two of the parliaments from this period were held in reaction to events, rather than being part of the king’s governmental timetable. The Scone parliament of December 1318 was called after the death of Edward Bruce in

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<sup>67</sup> *Fordun*, ii, 341; *Scalacronica*, 59.

Ireland, while the 1320 parliament was utilised for the trial of those implicated in the failed Soules conspiracy. Only the 1317 *colloquium* at Scone appears to have been a more regular meeting of parliament, although it has left very little evidence. Having survived an internal threat to his kingship in the summer of 1320, Robert can be seen to have gone on to consolidate his own position and increase his use of parliaments across the last years of his reign.

## 7. Robert I; consolidation, 1321-1329

The later years of Robert's reign appear to have been characterised by parliaments which, where evidence has survived, were held on a reasonably regular basis. The timing of official meetings appears to have been standardised once again around the spring and summer routine used under John Balliol, with meetings held either between January and March or in July although, unlike John, Robert rarely held more than one parliament each year. As with the rest of this reign, any analysis of these parliaments is constrained by the limited surviving sources. Certain meetings are known only through passing references, which provide few if any details of their actual business or attendance levels. Equally, despite the increase in the overall number of parliaments which were held, there are still a number of expanded gatherings which were not referred to as parliaments at the time, yet discussed important business within a large body of the governing community. This section will examine the various meetings used by Robert during the latter years of his reign to determine the overall place of parliaments within his government and whether they had developed any different attendances, business or structure across this reign.

### Berwick January 1321

The next possible parliament from this reign cannot be found within any official sources, as it survives only as a brief mention within a list which detailed every major meeting from this reign as a parliament. G. Chalmer's "Notes of the King and Parliaments of Scotland" claimed that Robert I held a parliament in January 1321 at Berwick-upon-Tweed. While the overall proceedings were unknown, basic knowledge

of this meeting survives through a reference in a precept of William Bishop of St Andrews. The Bishop required his bailiffs to cite an inquest to settle boundaries between the monks of Scone and Gilbert de Hay, which was to be returned to the Bishop “*ad parliamentum instans tenendem apud Berwicum super Twedam*” dated 13 January 1321.<sup>1</sup> Although there is no other record of this parliament, the surviving documents support the potential time and place of this parliament. The records from this period place the king at Holyrood Abbey on 14 January, and then in Berwick from 26 January until possibly 22 April. The next surviving charter after that point was issued from Arbroath on 10 May.<sup>2</sup> It is therefore possible that Robert could have held a parliament in Berwick at any point after 14 January. With regards to the general timing of this parliament, Robert is known to have sent envoys to a meeting between representatives from Scotland, England, France and the Papacy, to negotiate a perpetual Anglo-Scottish peace in place of the usual temporary truces. These discussions were held at Bamburgh, near Berwick across March and April 1321, once all of the parties had arrived. However, one of the king’s letters issued from Berwick in January 1321 was a safe-conduct, valid for one month from 2 February, allowing fifty English envoys to come to Berwick.<sup>3</sup> This seems to suggest that these negotiations were originally planned to have started a month earlier than they eventually did.<sup>4</sup> As such, a parliament could have been called in January 1321 to determine the Scottish policy for the upcoming negotiations, along with nominating envoys, preparing for a preliminary

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<sup>1</sup> NLS Adv MSS 20/2/10, 31.

<sup>2</sup> *RRS*, v, no. 170-173, 175-186. Charter no. 174 lacks a place date.

<sup>3</sup> *RRS*, v, no. 171; Barrow, *Robert Bruce*, 240; *CDS*, iii, no. 722.

<sup>4</sup> Stones, *Anglo-Scottish Relations*, 146-153. The first letter sent from Edward II to his ambassadors on 17 February 1321 noted that although they had arranged a meeting for the next day, the Papal and French envoys had only just left London and thus could not attend any meeting so early. As such, Edward asked that the proceedings were prolonged either through discussion with the Scots, or through an adjournment of up to three weeks until the other parties could arrive. *Foedera*, i, 441.

meeting with the English envoys at Berwick and dealing with the judicial matter described above. While this reference provides no details of this proposed parliament, the passing comment highlights the fact that, as with earlier in Robert's reign, many more parliaments were probably held than have survived in the available sources.

### Perth July 1321

The next parliament was held in Perth on 9 July 1321, although evidence from this meeting has also survived in a very limited form. A letter patent remains which approved the sale of the lands of Glanderstone in the Garioch from Agnes de Mordington, daughter and heiress of Sir Peter de Mordington knight, to John son of Adam Browning. While this initially stated that Agnes gave her oath to uphold the sale "in the presence of all the prelates assembled in council at Perth on 9 July 1321", this letter recorded the statement that "I [Agnes] have renounced, resigned and surrendered, in full parliament held at Perth on the day and year stated above, into the hands of the most serene prince Lord Robert by the grace of God illustrious king of Scots". Regardless of the terminology used by the clerks, it would seem that those involved in the business discussed at this meeting thought of the assembly at Perth as a parliament. The witnesses included to support this sale and the oath comprised five bishops of St Andrews, Dunkeld, Aberdeen, Brechin and Caithness, along with Gilbert de Hay the constable and Robert de Keith the marshall.<sup>5</sup> Of these men, only the bishop of Caithness was an infrequent witness across Robert's reign.<sup>6</sup> While this parliament could have included many others who are not detailed here, this suggests that parliaments were

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<sup>5</sup> *APS*, i, 478-479; *PSP* 1321/7/1; *RMS*, i, no. 84.

<sup>6</sup> Barrow, *Robert Bruce*, 201.

again dominated by those most loyal to Robert. This appears very similar to other parliaments, such as the meeting held at Scone in 1317, which also survives through a single reference within a charter. While this acknowledgement highlights that another parliament was held, there is nothing to indicate the wider business of this meeting or whether such staunch support among these witnesses was reflected within the wider attendance levels.

### Berwick June 1323

The next significant gathering was not held until 1323, although it is not clear whether this is due to a lack of surviving evidence or if Robert did not hold any expanded or important meetings between these points. A council met at Berwick on 7 June 1323 and discussed a draft peace treaty which had been agreed with the English.<sup>7</sup> This gathering concluded a thirteen year peace between the two countries which was designed to hold through the death of either king, and also created provisions to reduce tensions between the two realms. No fortifications were to be constructed on either side of the Border, laws were established to deal with shipwrecks from either country and justice was expanded through the implementation of March law. It could be expected that such important arrangements would have been discussed or at least ratified within a parliament. The Scottish embassy for these negotiations comprised Thomas Randolph Earl of Moray, John of Menteith, William Bishop of St Andrews and Robert Lauder justiciar of Lothian, all long-term supporters whom the king would have trusted to create such a settlement. In terms of additional evidence for this meeting, a further ten

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<sup>7</sup> *RRS*, v, no. 232. This survived as a royal letter confirming the treaty which had been made with England.

documents survive which were issued from Berwick during the preceding months. While only half of these include any form of witness lists, they indicate a total of sixteen men who were with the king at Berwick between 21 March and 4 June 1323. Most noticeably, these names include Bernard Abbot of Arbroath the chancellor, Walter the Steward, James Lord of Douglas, William Bishop of Dunkeld, Alexander Fraser and Robert Keith, some of the king's longest supporters.<sup>8</sup> Yet the letter issued by Robert I gave no indication that these provisions had been ratified within a larger council or parliament held in Berwick. Certainly an earlier parliament could have been held to decide on the terms which the Scots were prepared to accept, or to ratify these provisions before the king issued this letter, for which no evidence has survived. Once again, any analysis is greatly constrained by the limited sources available.

#### Scone, July 1323

The next known parliament was held within a month of the previous council. This gathering met at Scone from 25 July 1323 and aimed to settle conflicts over land tenancies which had been affected by the earl of Atholl's forfeiture at Cambuskenneth in 1314. The first record from this gathering is a letter which noted that an inquest had been established to decide who was entitled to the lands of Moulin, "Petdufgy", "Petmaldoc", "Balcone" and "Petmacdufgy". The decision given before this parliament said that all of the lands should return to the abbey and convent of Dunfermline due to the forfeiture of the earl of Atholl. The second letter from this parliament saw the abbey and convent of Dunfermline grant tenancy of these lands to John Campbell, son of Lord Nigel Campbell, and Lady Mary de Bruce, the king's sister, in return for homage,

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<sup>8</sup> *Ibid*, no. 222-231.

service and an annual rent.<sup>9</sup> A further two documents remain which are dated to 3 and 4 August respectively and appear to have been issued from around the same time as this parliament, although neither claim to have been discussed within the actual meeting. The first of these stated that a concord had been reached between Dugald Campbell son of Colin Campbell knight, and Dugald son of Nigel, concerning a section of the lands of Ardsoniche and patronage over the church of Kilmartin.<sup>10</sup> Finally, the record for 4 August noted a petition which had been given to the king by Alexander de Baddeby, requesting the rights to all of the lands of Manor in Peebleshire, which were held by hereditary infeftment by Adam Marschall.<sup>11</sup> Overall, the different fragments which remain from this parliament and the surrounding meetings provide a reasonable level of information about the everyday issues of government which were resolved while parliaments sat. With regard to the different disputes which were brought before this parliament, the disinheritance of magnates at the Cambuskenneth parliament in 1314 left a considerable volume of estates to be redistributed. These predominantly went to Robert's loyal supporters, causing considerable discontent throughout this reign. Dr Penman called Robert's disbursal of forfeited lands a "colonisation using crown supporters in these various regions, almost akin to that undertaken by the Scottish kings of the twelfth and thirteenth centuries" and that "the redistribution of land, offices and resources in the localities seems to have secured some areas to Bruce control but to have

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<sup>9</sup> *APS*, i, 481-482; *PSP* 1323/7/1, 1323/7/2.

<sup>10</sup> *APS*, i, 482; *PSP* 1323/7/3.

<sup>11</sup> *APS*, i, 482; *PSP* 1323/7/4; NLS Adv MSS 20/2/10, 31. In the NLS manuscript, Chalmers claimed that Marschall then appeared in parliament and resigned his half of the lands so that the king could grant the full area to Baddeby. However, the *PSP* translation states that the king only told Baddeby that he would have to resign his claim to those lands which he already controlled before Robert would provide a judgement, which Beddeby then did.

potentially destabilised others”.<sup>12</sup> Penman believed that one of the major causes of the Soules conspiracy of 1320 was the alienation of various magnates through a lack of sufficient rewards or the perceived advancement of rival magnates. As already noted in the previous chapter, some of the legislation issued in 1318 can be linked to the problems which developed from this reallocation of lands and tenancies.<sup>13</sup> It would seem appropriate that Robert would have tried to solve disputes which arose from these redistributions within the official body of parliament, providing justice for those who held jurisdiction over disputed lands and tenancies.

It would have been interesting to examine who was involved in such parliamentary discussions, but unfortunately neither of the two letters which were actually issued from this parliament provided either witness lists or seals. Only the judgement concerning Alexander de Baddeby stated that it was made before the bishop of Dunblane, Bernard Abbot of Arbroath the chancellor and “many other nobles of substance of the kingdom”. A further eight charters remain from this period, all issued from Scone between 26 July and 3 August 1323, of which five include witness lists.<sup>14</sup> While none of these charters refer to themselves as the product of this parliament, the fourteen men who are listed within these documents may have attended this official meeting as they were in Scone at the time. Only the chancellor witnessed all of these documents. The remainder of the names cover some of the king’s longest supporters and major figures of the realm. These included the bishops of Aberdeen, St Andrews, Dunkeld and Dunblane, the earls of Fife, Strathearn and Menteith, Walter the Steward,

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<sup>12</sup> Penman, “The Soules Conspiracy”, 32. He examined the effect of such grants in certain areas of Scotland after 1314.

<sup>13</sup> *APS*, i, 471-473; *PSP* 1318/21, 1318/22, 1318/24, 1318/25, 1318/27, 1318/28. These included the provision that no-one could be ejected from free holding without the king’s pleadable brieve, as well as detailing the responses to be made regarding brieves of right and of mortancestry.

<sup>14</sup> *RRS*, v, no. 235-242.

Gilbert de Hay, Robert de Keith and James Lord of Douglas along with Alexander Seton and John of Menteith. While this is unlikely to have been the entire attendance at this parliament, it does continue the trend of the later period of Robert's reign, where the majority of those who are known to have attended parliaments and witnessed royal charters were among the most loyal supporters of the regime.

### Scone March 1325

Although *APS* i notes the existence of further governmental meetings held in 1324, with a public act issued from Glasgow in June and a council held at Berwick in November, Robert I does not seem to have held another parliament until 1325, although this could be the result of the chance survival of royal documents.<sup>15</sup> The evidence from this parliament is somewhat mixed, covering the two days of 26 and 28 March 1325.<sup>16</sup> The first grant was made by the king in order to finance rebuilding the monastery church in Melrose, giving

to the religious men the abbot and convent of the said monastery of Melrose all wards reliefs, marriages, escheats, fines, amercements, issues and profits of courts, either of justiciar or sheriff, concerning us and our heirs in any way within the sheriffdom of Roxburgh ... until they shall have fully raised £2000 sterling.

While this has been taken as evidence of the devout piety of Robert I, which was maintained throughout his reign, it is also another example of the more general business which was determined within parliament. This charter included a witness list of eight men which continued the trend of filling parliamentary lists with staunch supporters, including the bishops of St Andrews, Glasgow and Dunkeld, the earls of Fife and

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<sup>15</sup> *APS*, i, 482-483.

<sup>16</sup> See *PSP* 1325/1 n. 65 for details of the timing of these meetings.

Moray, Bernard Abbot of Arbroath, Walter the Steward and James Lord of Douglas.<sup>17</sup>

The issue of forfeiture resurfaced in the evidence which remains from 28 March. Only a calendar reference has survived from this day, stating that Ruari of Islay was forfeited at this parliament of the king and his barons.<sup>18</sup> Once again, parliaments were the place where lawsuits were finally settled and the king acted against his opponents throughout this reign.<sup>19</sup> Penman has suggested two points which could pertain to these acts of parliament. The first is that Robert can be seen to have been generous to his general clergy, not only out of piety, but also in order to bind them and their houses to his regime, both to gain stability in the localities and for support from those prelates who attended parliament. This grant to Melrose Abbey could be an example of this policy. The second point is that Robert always needed further alienated lands with which to reward his supporters. According to Penman, after 1314 Robert was able to act as an authoritarian where necessary to gain such territory, with one example of this in the forfeiture of Ruari of Islay.<sup>20</sup> While these concerns were probably insufficient alone to justify the holding of a parliament, they were important enough to require settlement within such an influential, official body, while it was held for other, now unknown reasons.

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<sup>17</sup> *APS*, i, 483; *PSP* 1325/1. The inclusion of the earl of Fife within Scottish politics after the Soules conspiracy tends to suggest that he was not personally involved in the planned rebellion, as the remainder of the men associated with these events were either brought to trial or fled the country.

<sup>18</sup> It is not clear who this 'Ruari of Islay' was. The chiefs of both the MacDonald and the MacRuairi clans were killed at the battle of Dundalk, so McDonald noted that this could have referred to John, son of Angus Og, who became known as Lord of the Isles in 1336. However, John did not die until 1387, implying that he would have been very young, if not a minor, in 1318. Instead, McDonald suggested that there may have been an additional Ruairi or Roderick from the clan Donald who was forfeited at this parliament, and that he may have been the son of either Angus or Alexander Og. McDonald, *Kingdom of the Isles*, 187.

<sup>19</sup> *APS*, i, 483; *PSP* 1325/2; Barrow, *Robert Bruce*, 299.

<sup>20</sup> Penman, 'Kingship of David II', 3, 36.

Stirling July 1326

The next meeting which requires some discussion was the ratification of the Treaty of Corbeil, given at Stirling on 12 July 1326, and created from negotiations held between Scotland and France in April to establish a military alliance against England. The ambassadors to this treaty were listed as Thomas Randolph Earl of Moray, Master James Ben (later Bishop of St Andrews), Master Adam Murray and Walter of Twynholm (the next Scottish chancellor). Unusually there is no surviving record of any witness list for the ratification of such an important agreement.<sup>21</sup> The French needed this alliance as the Anglo-French war had broken out in 1324. With no impending, lasting settlement with England, and as the Papacy were still refusing to acknowledge Robert as king or to lift their sanctions, it is understandable that the Scots would also have sought international recognition and aid where possible. The fact that this was a revival of the earlier French alliance of 1296, albeit with different terms, could account for the apparent lack of any parliament and discussion surrounding this ratification. This was, after all, the move which the Scots had made in 1295 in their attempts to end English overlordship, and thus it was unlikely to have been unpopular. Yet previous ratifications for similar international policies had been given within parliaments, used to declare the terms and provide public legitimacy and support. It seems curious that this practice seems to have been abandoned during the latter phases of Robert's reign. While this could simply be the result of the surviving sources, it does seem unusual that a letter of ratification has survived which does not mention any public support for this policy.

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<sup>21</sup> *APS*, xii, 5-6; *RRS*, v, no. 299; Barrow, *Robert Bruce*, 251.

Cambuskenneth July 1326

The next parliament provides a remarkable but also rather an odd record, creating the final tailzie on the succession in favour of Robert I's son David, who was born on 5 March 1324, establishing the first regular taxation within Scotland and including the burgesses in parliament with a prominent, and as it proved, permanent role in proceedings. Held at Cambuskenneth on 15 July 1326, it might have been expected that the majority of the surviving records from this parliament would have concentrated on the third succession settlement. Yet most of the remaining information focusses instead on the agreement made between the king and his subjects for the provision of taxation, the concessions which Robert had to make in order to receive this money, and the developed role this gave to the burghs.<sup>22</sup> Barrow noted that the parliament coincided with the fact that "it was necessary for the leaders of the community to do him [David] homage and swear fealty" once he had passed his second birthday, and thus had survived the most dangerous aspect of childhood. While the 1318 tailzie would not actually have required renewal, the provision of an infant as heir to the throne, and the near certainty of a minority government, given Robert I's age and ill health, would have ensured that the king needed to seek a renewed parliamentary declaration in support of the future of the Bruce monarchy, and to try to prevent any action by those who sought the resumption of the Balliol dynasty. Robert would also have wanted to ensure that the succession would still fall to Robert Stewart if anything happened to David.<sup>23</sup> The tailzie appears to have taken greater prominence within the chronicle accounts, as they failed to mention the taxation grant at all. *Gesta Annalia II* noted that

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<sup>22</sup> The prominence which the taxation grant has received has been helped by the fact that the tailzie did not survive, probably lost at sea with the other Scottish records in 1660.

<sup>23</sup> PSP 1326/2; RRS, v, no. 301; Barrow, *Robert Bruce*, 294.

the whole Scottish clergy, the earls and barons, and all the nobles, were gathered together, with the people, at Cambuskenneth, and, in presence of King Robert himself, took the oaths to David, King Robert's son and heir, - and to Robert Stewart, the aforesaid king's grandson, in case that same David died childless.<sup>24</sup>

This certainly suggests that a considerable body of men had gathered at Cambuskenneth for this parliament in order to support the plan for the succession and to give their homages to the future king. Despite the importance of this tailzie, the aspects of this meeting which have drawn the most analysis are the establishment of annual taxation and the changed position of the burghs.

The only surviving record for the grant of taxation is a transcript made in the parliament held on 28 February 1328.<sup>25</sup> This stated that Robert had held his full parliament at Cambuskenneth with "the earls, barons, burgesses and all the other freeholders of his kingdom assembled in the same place". As is generally well documented, this marked the beginning of regular parliamentary attendance by the burgesses, who can be found again in the parliament of February and March 1328. Although these men were first called to a parliamentary assembly in February 1296, to ratify the Franco-Scottish treaty, that attendance was only possible due to the specific nature of the business which was discussed, and did not mark a lasting change in the general make up of attendances at parliament. While the 1326 parliament did mark such a development in the social groups who were expected to attend these meetings, only those who were to pay the taxation are known to have appeared at Cambuskenneth, with no reference to the inclusion of any ecclesiastics within this gathering. The king told parliament that his traditional crown lands had been so reduced by the years of warfare

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<sup>24</sup> *Fordun*, ii, 343; *Scotichronicon*, vii, 34-35; Barbour, *The Bruce*, 744-749. Barbour mistakenly placed the tailzie onto David and then Robert Stewart at the former's marriage to Joan of England and coronation which he claimed were held while Robert I still lived.

<sup>25</sup> *APS*, i, 475-476, 483-484; *PSP* 1326/1, 1328/1; *Nat. Mss. Scot.*, ii, xxvii.

that “he did not have appropriate support for his position without intolerable charges and inconveniences to his people”.<sup>26</sup> Noting that “either in his own person or by his men, he had sustained them [the Scottish people] in recovering all their liberties and in saving many inconveniences”, the king requested that the laymen of his kingdom would now support him in turn. The record went on to state that the earls, barons, burgesses and freeholders

considering and acknowledging the foregoing motives of the lord king to be true ... and his petition to be reasonable as well as just, having had common and diligent discussion upon the foregoing, unanimously, with joy and in a spirit of goodwill granted and they gave to their abovesaid lord king, annually, at the terms of Martinmas [11 November] and Whitsun in proportion, for the entire time of the life of the said king, a tenth part of all money from their fermes and rents, both from their lands, demesnes and wards and from whatsoever their other lands, within or outwith liberties, both within and outwith burghs.

Only the destruction of war was to change this allowance. It is interesting to note that this grant, the first of its kind to have been bestowed in Scotland, did not come without limitations. As already noted, the grant was made only for the lifetime of Robert himself and could not be passed on to his heirs. Equally, the record stated that this taxation was to be given with “the proviso that all monies of this kind shall be converted entirely to the said lord king’s use and utility without making any remission of anything”. If this was broken then “the present grant shall be void, and also be without strength of validity”. In return for this money, Robert promised that

until the feast of Martinmas next to come, namely the first term for making payment, he will not impose any collects, nor seize any prises or carriages, unless travelling around or across the kingdom in the custom of his predecessor, the abovesaid King Alexander, for which prises and carriages there shall be full payment on the nail, and that all the great supplies of the king with their carriages shall be entirely without prises, and that the king’s ministers shall pay in the hand without delay for all property in the making of such great supplies,

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<sup>26</sup> Penman suggested that Robert’s policy of rewarding his supporters with land grants had gone too far, ensuring that he needed this taxation in 1326. Penman, ‘Kingship of David II’, 36.

according to the common form of the country.

In order to gain a sizeable grant which was to last for the remainder of his lifetime, Robert was only promising temporarily to give up the right to certain irregular, although presumably frequent sources of income. The most important of these, prises, was the seizure of goods and chattels, generally without payment. The king did not even promise never to take such items, only that in future he would pay for them immediately.<sup>27</sup> Overall, this marked a very small constraint placed upon the Scottish king in return for such a large financial grant.

The composition of this parliament is further clarified within the final lines of the record. This stated that two copies of the grant were to be made. One, with the common seal of the realm attached, was to stay with the community as proof of the king's promises, while the other, with the seals of the community, was to remain with Robert. The latter document was sealed by "the earls, barons and other great freeholders, along with the common seals of the burghs of the kingdom, in their names and [the names of] the whole community".<sup>28</sup> There is little doubt that the burghs were there to agree to and accept the decision made over taxation and thus commit those they represented to paying their section of the grant. Overall, this record suggests that the parliament featured some form of discussion amongst the king and his community as to the legality and justification of taxation, the extent and length of any grant and the conditions which were placed upon the king in return for this money. With no detailed

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<sup>27</sup> *APS*, i, 483-484; *PSP* 1328/1; *Nat. Mss. Scot.*, ii, xxvii; Barrow, *Robert Bruce*, 300. It is worth noting that the sealing arrangements here are reminiscent of a cyrograph, which could provide some insight into how this agreement was perceived by those involved.

<sup>28</sup> *APS*, i, 483-484; *PSP* 1328/1; *Nat. Mss. Scot.*, ii, xxvii; Barrow, *Robert Bruce*, 300. Penman suggested that just as Robert was generous to the clergy in order to secure their support, he also protected and favoured certain burghs through confirmations of existing or extended trading rights, with similar aims. Penman, 'Kingship of David II', 3. *APS*, i, 478; *PSP* 1319/1; *RRS*, v, no. 158; G. Donaldson, *Scottish Historical Documents* (Edinburgh, 1970), 63.

evidence of the actual events from within this parliament and no witness list, seals or tags, it is impossible to know who Robert specifically called upon for this grant, how many of these men were Bruce loyalists, and whether there was any real, meaningful discussion of the extent of this grant and the temporary limitations placed upon the king. Finally, this record does not show whether there was ever the chance that Robert could have been refused the taxation, or how far the community actually tried or were able to limit the grant and the means for which their money was to be used. Yet what does survive still marks a major change in the uses of parliaments within Scotland, and the influence of the expanding political community over the demands and desires of their monarch.

#### Holyrood March 1327

The next parliament is thought to have been held at Holyrood on 8 March 1327, where an agreement was made between Thomas Randolph Earl of Moray and William Oliphant over the forfeited lands of William Mowat.<sup>29</sup> No other information was provided about the general business or attendance at this gathering, nor do surviving charters from around this point in the reign provide any further information. The king issued a charter to Coupar Angus Abbey on 5 March, and a confirmation of land transfer on 15 March, both given from Arbroath. A letter patent was then produced for St Andrews priory from Stirling on 23 March 1327.<sup>30</sup> Only the first of these two charters included a witness list of five names, including the chancellor, Gilbert de Hay and Robert Keith. Given that these few men were with the king so much, this provides very

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<sup>29</sup> *APS*, i, 483; *PSP* 1327/3/1; *RMS*, i, app.2, no. 700.

<sup>30</sup> *RRS*, v, no. 316-318.

little additional information as to the potential membership of this parliament. These records give no indication which can either confirm or deny that the king was in Edinburgh on 8 March for this gathering. However, once again the settlement of disputes over the redistribution of forfeited land appears within a meeting which was identified as a parliament at the time, further reinforcing the theory that this issue was of major importance throughout the latter years of Robert's reign.

### Edinburgh February-March 1328

The next parliament was held in Edinburgh on 28 February 1328, and the official records from this gathering feature the previously mentioned transcript of the taxation indenture which had been made at Cambuskenneth in 1326. Unfortunately this evidence only reaffirms the extent of the political community which had been involved in the original agreement, rather than listing those who attended the parliament in 1328.<sup>31</sup> No indication was given as to why Robert felt the need to reaffirm this grant, although his motives are clearer when the events of March 1328 and the ratification of the peace settlement with England are taken into account, which will be discussed later. The second part of this parliamentary record noted that an agreement had been reached between Thomas Randolph Earl of Moray and Helen Siward, daughter of Richard Siward and spouse of Isaac Maxwell, over the lands of Kellie in Fife, made on 12 March.<sup>32</sup> Again, no witness list was provided for this settlement, only a general summons has survived which lists those called to the parliament as the "bishops, abbots, earls, barons, freeholders and six sufficient persons of the various burgh communities

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<sup>31</sup> *APS*, i, 483-484; *PSP* 1328/1; *RRS*, v, no. 335.

<sup>32</sup> *APS*, i, 484; *PSP* 1328/2; *RMS*, i, app.2, no. 701.

specially empowered for the purpose".<sup>33</sup> This suggests that, as in 1326, all aspects of the political community were required to attend this parliament.

An additional section of evidence which must be considered from this period is the ratification of the Treaty of Edinburgh-Northampton, given on 17 March 1328. This treaty created the settlement where the English resigned all claims to Scotland and promised to aid the Scots in Rome and elsewhere in order to gain recognition for Robert as king of an independent Scotland. This was conceded in return for a financial deal, a marriage alliance between Edward III's sister Joan and Robert I's son David, and the reassurance that the Scots would no longer renew their alliance with France against the English. While this ratification has frequently been portrayed as part of the business of this parliament, there is actually no reason to suggest that this was the case. The indenture which committed Robert I to pay the English in return for this lasting settlement stated that

the aforesaid king of Scotland, by the consent of the prelates, earls, barons and other nobles, and the community of his kingdom of Scotland in his parliament, for the avoidance of injuries, upheavals and hardships, acknowledged himself to be bound, and promised to pay, to the aforesaid lord the king of England for £100,000 sterling.

However, the opening clause of this document simply acknowledged the English ambassadors who had been sent to treat with Robert "or his deputies", and made no reference to the final negotiations for this treaty or whether the ratification had been given within parliament.<sup>34</sup> Indeed, Tanner has suggested, in the notes to *PSP*, that the reaffirmation of the 1326 taxation grant, in February 1328, was the point where

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<sup>33</sup> A.A.M. Duncan ed, *Formulary E: Scottish Letters and Brieves 1286-1424* (University of Glasgow, 1976), no. 77; Duncan, "Early Parliaments", 51-55; Barrow, *Robert Bruce*, 300.

<sup>34</sup> *APS*, i, 484-487; *PSP* 1328/3. The entire treaty is printed in four parts, see *RRS*, v, no. 342-345; E.L.G. Stones, "An Addition to the 'Rotuli Scotiae'", *SHR*, 29 (1950), 23-51; *Nat Mss Scot*, ii, xxvi; *Foedera*, ii, 741-745. For the earlier negotiations, see E.L.G. Stones, "The Anglo-Scottish Negotiations of 1327", *SHR*, 30 (1951), 49-54.

parliament

had by implication given its consent for the payment ... There is no reason to believe that the treaty of Edinburgh was negotiated as part of the February or March 1328 parliament's business, as was implied by the inclusion of the treaty without comment in *APS*, i.<sup>35</sup>

This could explain why Robert felt the need to reconfirm the 1326 taxation grant, given that the purposes for this money had changed. While the ratification of the settlement between the two kingdoms was very important, there is nothing to suggest that this was part of the parliament which had issued the Kellie land settlement five days earlier. Instead, all of the internal evidence suggests that any communal consent had been provided previously, rather than in a specific discussion held at this point. This is not to suggest that the terms of this agreement had not been discussed within other parliaments held before 17 March. The provisions for this peace settlement had originally been established during the previous year, and the Scots could have known the general terms of this peace treaty from around October 1327, well before the taxation grant was reconfirmed in February 1328. Nor is this to say that negotiations with the English were not concluded at Edinburgh. Stones suggested that a "final meeting took place in Bruce's chamber, within the walls of Holyrood". As Colm McNamee noted, there was still likely to have been considerable ongoing debate around issues such as the restoration of the disinherited, or the question of the Scottish Coronation Stone and the Black Rood of Scotland, both of which were still held by the English and were not covered in this treaty. However, there is nothing to suggest that this ratification took place within the parliament which was held.<sup>36</sup>

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<sup>35</sup> *PSP* 1328/3, n. 75.

<sup>36</sup> McNamee, *Wars of the Bruces*, 245-246. It is possible that such points had been discussed in the Newcastle-upon-Tyne negotiations, known through the letters exchanged between the kings of England and Scotland during October 1327, rather than at this late stage in the negotiations. Stones, *Anglo-Scottish Relations*, 158; *RRS*, v, no. 326; Stones, "Anglo-Scottish Negotiations of 1327".

Certain information can be determined from unofficial sources as to who was with the king when he issued this ratification. On behalf of the English, Henry Percy the English king's cousin and William la Zouche of Ashby had been sent to the Scottish parliament, and were joined by Henry Bishop of Lincoln and treasurer of England, William Bishop of Norwich, and Geoffrey le Scrope. Three men, two Scots; Hugh Earl of Ross and Robert of Lauder justiciar of Lothian, and one Englishman; Henry Percy, were to act as assurers for the proposed marriage alliance.<sup>37</sup> The *Rotuli Scotiae* provided a substantial list of the Scots who were with the king for these final talks, including the bishops of St Andrews, Glasgow, Dunkeld, Moray, Dunblane, Ross and Galloway as well as the earls of Moray, Fife, March, Menteith, Ross and Mar, James Lord of Douglas and various notaries.<sup>38</sup> While this was never acknowledged as a parliament, this was still a significant gathering of some of the most influential men in Scotland, and some of Robert's most loyal followers.

The surrounding charters issued from Edinburgh during this period provide some additional information to augment the potential membership of these meetings. These charters provide a list of twenty men who were with the king in Edinburgh throughout March (unfortunately no witness lists remain from February). In addition to those names already established, these charters highlight the attendance of the chancellor Bernard Abbot of Arbroath and various barons including Gilbert de Hay, Robert de Keith and Alexander Seton.<sup>39</sup> Overall, the parliament which began in February 1328 appears to have given essential support to provisions for peace with

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<sup>37</sup> Stones, *Anglo-Scottish Relations*, 161-170; *APS*, i, 484-487; *PSP* 1328/3; *RRS*, v, no. 342-345; Stones, "Addition to the 'Rotuli Scotiae'", 43-50; *Foedera*, ii, 741-745; *Nat. Mss. Scot*, ii, xxvi.

<sup>38</sup> Stones, "English Mission to Edinburgh", 125-126; Stones, "Addition to the 'Rotuli Scotiae'", 47-48; Barrow, *Robert Bruce*, 257-258.

<sup>39</sup> *RRS*, v, no. 336-348.

England from a large number of the political community. That they did not specifically ratify the treaty within this parliament is somewhat odd, given that this procedure had been used in Scotland in the past. Similar to the establishment of the French Alliance in 1295 or the Treaty of Birgham in 1290, this was a much more important document than the general treaties or foreign policy documents which had been issued across Robert's reign. However, despite the terminology of the gathering associated with Robert's ratification, he was still surrounded by a substantial number of his most loyal subjects and the important men of the kingdom. With acceptance from the wider political community likely provided within earlier meetings, this could have been sufficient for the ratification, even though it was unusual.

#### July 1328

One final meeting was noted within the list given at the start of *APS* i. This stated that a parliament was held on 3 July 1328, but provided no details regarding the business discussed or even where this gathering was held. Three charters remain from this period, one issued on 3 July and two on 4 July 1328, which place the king in Glasgow.<sup>40</sup> None of these documents indicate that they were issued from a parliament, while only two include witness lists of six and seven names respectively. Nor do these decisions concern particularly noteworthy or unusual business. The first document provides a summary of a land charter issued to David de Wemyss and his wife, while the second was a letter to Scone Abbey which asked for stone to build a kirk and certain bridges in Perthshire. Finally, the third charter granted lands to Hugh de Cunningham in return for the service of an archer. Four men witnessed both the first and the last of these

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<sup>40</sup> *Ibid*, no. 349-351.

charters; Thomas Randolph, James Lord of Douglas, Gilbert de Hay and Robert de Keith. They were joined on 3 July by the chancellor, Walter de Twynholm, and Adam More a knight, and by Alexander de Seton and the bishops of Dunblane and Moray for the land grant on 4 July. Aside from Adam More, the king was once again surrounded by some of his most prominent supporters and the influential men of his kingdom. While this evidence highlights that the king held some form of gathering on 3 and 4 July 1328 at Glasgow, there is nothing to suggest that this was an expanded meeting or parliament which considered important or unusual business.

### Conclusion

Overall, it is difficult to accept Dr Reid's theories that the political community had developed such an extensive identity and influence through parliaments across the two previous periods of guardianship that Robert I was forced to remain a mere servant of the community, severely limited in his actions.<sup>41</sup> Nor does parliament appear to have been a mere rubber stamp on royal authority throughout the whole of this reign. While Robert frequently used this body as a means to create and publish legitimising propaganda for his kingship, to the extent of falsifying witness lists in order to denote greater levels of support for his rule than actually existed, his overall use of parliaments was not radically different to that of his predecessors. Previous kings had also used these meetings to seek public legitimacy, albeit to a lesser extent. For example, John Balliol sought public homage from certain subjects within his initial parliaments in 1293. Similarly, the settlement of disputes over land redistribution and the provision of justice within parliaments were not new to this reign. As Robert became more secure

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<sup>41</sup> Reid, "Crown and Community", 207-209.

in his position he needed to take further support from his political community for his specific policies. The king used parliaments more frequently and consistency, while their timing reverted back to those sessions held during John Balliol's reign, in the spring or summer, although only 1321 seems to have seen more than one parliament held within a single year. The business discussed within these gatherings also developed across this reign. Robert initially used parliaments to seek justification for his assumption of the throne, then to force public declarations of support from his less loyal subjects, and finally to gain authorisation for important policies, such as the succession tailzies or his need for taxation. While certain practices, such as the falsification of witness lists, were extreme and new to this reign, other uses for parliaments were much more conservative and traditional, marking Robert's desire to continue and maintain his kingship along similar lines to those of his predecessors. While the use of parliaments increased across this reign, there remain many issues which can be viewed as important enough to have warranted an expanded gathering, in order to take widespread support and approval from all concerned, yet were dealt with in meetings which were not referred to as parliaments at the time, namely the Newbattle Council which led to the formulation of the Declaration of Arbroath, or the initial succession tailzie given at Ayr in 1315. As with the previous reigns, any analysis of the role of parliaments within Scottish government is constrained by the limitations in the extent of the surviving evidence. The key word to describe the reign of Robert I seems to be flexibility. As a man who learnt from his mistakes, whether military or political, the king may well have wanted to emulate the past or return to the form of rule used by Alexander III. Yet Robert does not appear to have been particularly bound by what had gone before. There appears to have been considerable flexibility between the various issues and the

governmental bodies which they were considered within, or who Robert called to attend each meeting. Overall, while parliament held a more formal, established and increasingly regular role within government by the end of this reign, these meetings still lacked a definitive role over the topics which they alone could consider.

## Conclusion

At the beginning of the twelfth century the term parliament, or *colloquium*, did not exist in Scotland. The term was not used frequently until the end of the thirteenth century. Yet the limited picture portrayed by historians including Professor Rait, who suggested that there is no evidence of parliaments at all within Scotland until 1293, and no significant level of evidence for the institution until the end of the fourteenth century, is clearly inaccurate. When the sources are examined it appears that the body which later became known as 'parliament' existed considerably before the term was established within Scotland, both in the business and membership of earlier councils and occasional *colloquia*, and in the manner in which certain Scottish meetings were identified in English records. Once assemblies were perceived as parliaments in Scotland, during the latter years of the thirteenth and into the fourteenth century, it is clear that although the evidence remains limited, it is possible to provide some analysis of these early meetings to determine the role and influence of parliaments within Scottish government.

Within Scotland, parliamentary development seems to have been stimulated by periods which disrupted normal government. Rather than developing parliaments in order to limit the demands of their kings, the Scots adapted their consultative institution as a response to the gaps in active royal leadership. The first absence which they faced during the thirteenth century was the minority of Alexander III. English sources claim that in 1258, the Scots held or at least planned a number of parliaments to discuss and settle their governmental system until Alexander turned twenty-one. There is no evidence within Scottish sources to support the use of such terminology, although

several very important meetings were held across this period. Some of these involved many of the Scottish political community, often with representatives from Henry III, while the gathering in 1255 featured the English king himself. Most importantly, these large councils dealt with the crucial business of not merely maintaining authority and control during the minority, but also altering the membership of government at least three times. Such concerns would have justified the use of the term 'parliament' to identify these gatherings as the legitimate meetings within which the Scots governed collectively in the name of their king. However, there is no evidence to suggest that this was how the Scots thought of or referred to their meetings held across this minority. The use of expanded councils to allow the political community to rule collectively before 1252, or by the political factions after that point, would have been expected from such a period, yet there is no suggestion that the Scots felt the need to alter their terminology to reflect the political circumstances. The fact that the English, themselves so concerned with parliaments across the 1250s and 1260s, recognised the Scottish meetings of 1258 as both *colloquia* and parliaments highlights that, regardless of how the Scots described their own meetings, they were considered to have been parliaments in England. The English had begun to use the word 'parliament' to replace the old fashioned term '*colloquium*' during the 1240s. The fact that their letters in 1258 used both terms might suggest that Henry employed the English term for these meetings, parliament, and the Scottish term of *colloquium*, so that all parties who received these royal letters would know what was being referred to. As the only remaining sources for these meetings come from England, in replies to Scottish letters which have not survived, it cannot be certain whether one of the terms used by Henry III was also used by the Scots at the

time.<sup>1</sup> The only Scottish source for any of these meetings was the contemporary *Chronicle of Melrose*, which noted the final meeting of 1258 held between English delegates and the Scots at Jedburgh in September. This did not refer to the gathering as parliamentary, mentioning only that a “meeting” was organised and a “lengthened conference” held, without assigning any specific titles.<sup>2</sup> Clearly the absence of an adult king was not sufficient to stimulate the development of specific, defined parliaments, although this was also affected by the political disunity which dominated Alexander’s minority.

By the end of Alexander III’s majority, the Scots had become used to ruling with their king on important matters. They also had experience from within living memory of a minority when they had been forced to find an alternative manner in which to govern. The factionalism which had developed across the minority period ensured that provisions were made as early as 1260-1261 to provide an alternative system for governing in case anything happened to the king before his heir returned from England. As such, by 1286 and the untimely death of Alexander III, leaving an infant heir, Lady Margaret, Maid of Norway, the Scots were more prepared and able to work together than they had been during the 1250s, to find an alternative method of ruling and to preserve their political, economic and social unity which had developed under the later Canmore kings.

The first phase of guardianship saw a very different form of rule within Scotland from that used after 1249. While the entire political community did not unite behind the minority government for Lady Margaret, disruption and dissent was on a far smaller

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<sup>1</sup> Treharne, “Nature of Parliament”, 590-591; *CDS*, i, no. 2064, 2083, 2114, 2126, 2127, 2131, 2133, 2140; *CCR 1256-1259*, 300, 310-311, 329; *CPR 1247-1258*, 499, 645; Paris, *Chronica Majora*, v, 739-740; Anderson, *Scottish Annals*, 377-378; Stones, *Anglo-Scottish Relations*, 35-37.

<sup>2</sup> *Chron. Melrose*, 92.

scale than had been seen previously. Nor were there any changes in government personnel during this period, as was seen in both the minority of Alexander III and during the second guardianship which maintained government after 1296 in the name of the deposed King John. When two of the original six guardians died in 1289, the remaining four continued to rule as before. Yet this period did not see a sudden expansion of recognised parliaments within the surviving sources. Instead, the Scots continued to use unspecified larger gatherings within which they discussed and decided on the most influential and important matters which affected the entire kingdom, from the selection of the guardians in April 1286, to discussions concerning the proposed marriage alliance with England. While the Scottish sources provide no information as to the form of these meetings, these were still called parliaments in later Scottish chronicles and also by the English at the time, in the official records of Edward I and in the English chronicles, although the contemporary *Chronicle of Lanercost* was actually written by Friar Richard of Durham while he was in Scotland between 1280 and 1297, at Haddington and then either in Berwick or Roxburgh.<sup>3</sup> This suggests that the evidence which this source provides for this period might be considerably more reliable than would be thought of an English chronicle narrating events within Scotland. One meeting was even called a parliament by certain Scots at the time.<sup>4</sup> However the most important factor as far as the internal development of parliaments is concerned came from the negotiations which were held to unite Scotland and England through the marriage of Lady Margaret to the English heir, Edward. In determining those policies

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<sup>3</sup> Little, "Authorship of Lanercost", 274; Duncan, "Chronicle of Melrose", 174-175.

<sup>4</sup> Richardson and Sayles, "Scottish Parliaments", 302 n. 5; *Chron.Fordun*, ii, 313; *Scotichronicon*, vi, 9; *Chron.Lanercost*, 43, 59; *Scalacronica*, 5; Stevenson, *Documents*, i, 174-175. The mayor and commonality of Berwick wrote to Edward I seeking redress for injury after the July meeting at Birgham, which they referred to as a parliament.

and institutions which would be maintained to preserve the status and independence of the two countries, the Scots were forced to define their existing political structures, laws and institutions in order to prevent them being submerged into the more developed and centralised political system of their southern neighbour. The Treaty of Birgham ensured that Scottish laws would be upheld and that their parliament could not be called outwith their own borders to determine policies or provide justice for any Scots.<sup>5</sup> Rather than inventing a new institution or adopting English methods of rule in order to maintain a separate government once their heir lived in England, the Scots seem to have defined their existing institution in order to prevent any confusion which could have been exploited by Edward I after the marriage. While this internal clarification of Scottish politics would have been more influential if the Scots had immediately gone on to hold recognised parliaments, the death of Lady Margaret in Orkney ensured that this was not possible. Unlike during the minority of Alexander III, this guardianship marks a clear turning point in the definition of Scottish parliaments. While recognised parliaments were held infrequently under Alexander III and across the four years of the guardianship in the name of Lady Margaret, parliaments became a frequent and important aspect of government under King John from February 1293. Given that acknowledged parliaments were not held immediately after the death of Alexander III, it is clear that the major encouragement for the definition of Scottish political gatherings came from a different factor than the need to rule during a minority. Additional stimuli from this period, aside from the Treaty of Birgham, can be found under Edward I, as he used parliaments to determine the Great Cause across 1291-1292. The inability of the Scots to hold their own, recognised parliaments after Birgham due to the circumstances

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<sup>5</sup> Stevenson, *Documents*, i, 162-173; Barrow, "Kingdom in Crisis", 137-141.

following the death of Lady Margaret means that it is impossible to determine whether the major impetus for the development and definition of Scottish parliaments came from the provisions within the Treaty of Birgham, or the external influence of the lordship of Edward I.

Under John, parliaments were used regularly and frequently. While official evidence only remains from the two meetings of February and August 1293, additional sources show that there were actually at least seven parliaments held between February 1293 and October 1295 alone. These meetings, held around twice yearly, formed a major part of John's government. While the need to call numerous, periodic parliaments could allude to the weakness of this reign, as no king held parliaments or sought widespread consent more than was absolutely necessary, it also marks a substantial advancement of the place of parliaments within Scottish government. This was the body which John used in his attempts to reassert monarchical control over Scotland, through policies such as the creation of new sheriffdoms to expand control throughout the Western Isles. While the records were dominated by judicial business, they were inherently political in nature. By dealing with judicial matters of varying importance within parliaments, and in delaying matters across meetings, the king highlighted his own authority over the kingdom and his subjects. Parliaments continued to be affected by the English as John had to respond to Edward I as his overlord. Within a year of being elected, John was called to Westminster to answer for his judicial decision over the MacDuff case. As his reign progressed and John was less able to withstand the increasing interference of Edward I, parliament developed as the place where the Scots united to defend their independence and their government against the English. The Scots gathered at parliaments to discuss the demands placed upon their king by Edward,

and then to formulate and issue their response collectively for added power and legitimacy. The best known parliament from this reign was held at Stirling in July 1295 and is believed to have seen the Scots remove direct power from the hands of their king for an elected council of twelve, who then initiated negotiations for a French alliance against England. While the evidence regarding these events is unclear, it appears unlikely that John was completely removed from power and replaced by a council of magnates. It seems improbable that the French king would have been willing to negotiate a marriage alliance between his niece and Edward Balliol, heir of the supposedly deposed King John. Philip would hardly have promised his niece to such a marriage if there was any doubt that John remained king or that Edward would inherit the throne in due course. A more probable theory would be that the Scots used parliament to define a council which was to stay with their king at all times, in order to provide 'good counsel' and ensure that John did not give any further concessions to Edward. The establishment of such a council could also have acted as security for John. If he was forced to consult with this council over all major decisions then Edward I would no longer be able to demand instant decisions from the Scottish king. Just as parliaments were used to assert royal authority at the outset of this reign, they were later used to unite the political community behind their king and defend themselves against English interference. The fact that parliament appears to have been the institution within which such discussions were held and from which collective decisions were issued, highlights its increasingly important role within Scottish politics.

The second guardianship which ruled during the warfare which followed John's deposition in 1296 saw the continued use of this institution despite the difficult circumstances, the lack of unity amongst the political community and the various

changes to the make-up of the guardians. Despite the circumstances, fragmentary evidence remains to show that a variety of important meetings were held by the Scots to maintain their own administration against the English alternative which had been set up in 1296. The surviving sources do not include any set terminology from the Scots themselves. Gatherings were called meetings or assemblies, rather than parliaments, even though they discussed such important matters as the knighthood of William Wallace or the alteration of the composition of the guardianship.<sup>6</sup> That these meetings were effective parliaments can be seen in that English sources again referred to several of these gatherings as parliaments, held at Rutherglen in 1300 and at Aberdeen in 1302.<sup>7</sup> These important and expansive meetings, held whenever necessary or possible during the fighting, were used to maintain the Scottish administration and retain a focus for Scottish government, as well as to discuss important policies or courses of action during the wars.

With the resumption of monarchical rule in 1306 when Robert Bruce seized the throne, Scotland experienced a revival and a strengthening of the use and importance of parliaments. By 1309 Robert's military position was secure enough for him to begin to establish his administration properly, and he held the first of several parliaments to emphasise the legitimacy of his position as king. While these meetings were initially held only sporadically, as Robert became more secure and as the internal situation within Scotland became more peaceful, he increased the frequency of these meetings across the last decade of his reign. Under Robert, not only did parliaments resume a regular role within government, they also expanded their membership, importance and

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<sup>6</sup> *APS*, i, 453-454; *Wallace Documents*, 161-162; Barrow, *Robert Bruce*, 96, 344-345 n38; *Chron.Rishanger*, 384; Fisher, *Wallace*, 66-68; Sayles, "Parliament at Rutherglen in 1300", 325.

<sup>7</sup> Sayles, "Parliament at Rutherglen in 1300", 245-250; Sayles, "Notes and Communications", 325-326.

the types of business which were discussed. Most famously, Robert used parliaments for propaganda purposes across the reign, such as the Declarations of the Nobles and the Clergy issued in 1309.<sup>8</sup> However, his parliaments covered considerably more business, from establishing provisions to finance his warfare at Inchtute in April 1312, to settling the succession crisis three times with the intention of preventing a female accession to the throne. While parliaments retained their traditional judicial authority, this reign also provides the earliest surviving evidence of legislation which was issued from parliaments held at Cambuskenneth in November 1314 and at Scone in December 1318, as well as the first extensive grant of taxation, a unique endowment for the lifetime of the king in return for his efforts in resurrecting Scottish independence. This was given in a parliament at Cambuskenneth in 1326, which also saw the expansion of the membership to include the knights and burgesses who later went on to form the third estate. These men had previously attended parliaments on an ad hoc basis, such as to ratify the alliance with France in February 1296. Called to agree to their share of the taxation, as they had in most other countries across the thirteenth and fourteenth centuries, unusually in Scotland there is no evidence of major bargaining with the king in order to gain extensive concessions in return for the money. This is the only example of such a free financial gift within medieval Scotland.<sup>9</sup> By the end of Robert's reign, parliaments had undergone considerable changes in terms of their business and membership, as well as their overall place within Scottish government. What was still to develop was their specific role within political society. As yet there was still no definite business which could only be dealt with in parliament, nor was there any

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<sup>8</sup> *APS*, i, 459-461; *PSP* 1309/1, 1309/2.

<sup>9</sup> *APS*, i, 461-478, 483-484; *PSP* 1315/1, 1318/1-30, 1326/1, 1326/2, 1328/1; *Nat. Mss. Scot.*, ii, xxvii.

defined membership which had to be called in order for a full parliament to sit.

With such changes still to be made, parliaments did not cease to develop with the death of Robert I in 1329. However, their place in government in terms of regularity of meetings, membership and the business discussed was once again damaged by the accession of the five year old David II. Yet, despite the many problems of his reign, parliaments were still held by a variety of men who claimed to rule the kingdom. In the autumn of 1333 and again in February 1334, Edward Balliol held parliaments at Scone and Holyrood to legitimise his conquest of Scotland, although few Scottish magnates attended.<sup>10</sup> The various guardians also held such meetings, both while David was in France until 1341 and while he was in captivity in England from 1346 to 1357. Parliaments were at their most frequent after 1357, once David had returned to Scotland, as he held regular meetings to try to settle the succession and secure ties with England. The wide variety of business heard before parliaments under Robert I continued during the reign of his son, covering rule during a minority, warfare and tactics, changing guardians and succession issues. Parliaments also granted further taxation, required to finish payments for the 1328 Treaty of Edinburgh-Northampton, for David's English ransom after 1357 and for the upkeep of the king, for which grants were made in 1340 and 1341. The issue of finances ensured that the expanded membership of parliaments also continued under David II, with burgesses called to approve their contributions. Justice continued to play a prominent role in parliaments, with David forced to establish a sub-committee in 1370 and to delegate judicial powers so that issues of common justice did not come before parliament. Along with these

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<sup>10</sup> R. Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, 1993), 129; R. Nicholson, *Edward III and the Scots: the formative years of a military career 1327-1335* (Oxford, 1965), 149, 151-153, 161. Dr Penman placed this parliament in 1335 and noted that an opposing meeting was held in the name of David II. Penman, 'Kingship of David II', 89.

familiar aspects of parliamentary business, there were also new developments. These included negotiations and discussions of terms for David's release from captivity in England between 1346 and 1357 and the first Act of Revocation passed at Scone in 1367, which was used by the king to force rebellious magnates into his peace.<sup>11</sup> It is clear that parliaments continued to be used and developed across this reign and that their place in government throughout the remainder of the fourteenth century needs to be examined in considerable detail in order to clarify parliaments developing role within Scotland. David II's reign would have made an interesting comparison with the earlier guardianships and majority reigns before 1329, as his reign features various periods of rule by the king, the guardians and the lieutenants. However, it is difficult to examine political developments under David II without also exploring the influence of his nephew and heir Robert Stewart, as guardian, lieutenant and finally as king after David's death in 1371, which would have made this study overly long for one thesis. As such, the death of Robert I seems a reasonable point to stop. The reign of the first Bruce king allows for a contrast of parliamentary history during the reigns of John Balliol and Robert I against the more fragmented and disrupted atmosphere of the guardianships. It also includes evidence of parliaments held reasonably regularly under two kings, without moving into the lengthy and complicated process of David II's rule and those of his successors, which deserve a parliamentary study of their own.

Another aspect of parliaments which is not covered within this thesis is how men were summoned to parliament. A lack of surviving detailed evidence makes any evaluation of this topic problematic. Professor Duncan has provided an excellent

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<sup>11</sup> For parliaments during the reign of David II, see Penman, 'Kingship of David II'; Nicholson, *Scotland: The Later Middle Ages*, 123-183; Nicholson, *Edward III and the Scots*, 73, 141, 149, 151-153, 161, 203.

summary of what remains within his article on the early Scottish parliaments. While personal summonses were issued to the February 1293 parliament, this practise was quickly replaced by the use of a public citation delivered by the king's sheriffs. Despite the many changes in control over Scotland across the period after John's deposition in 1296, the use of group citations continued until 1428. In 1304 and 1305 the English used public proclamations through royal officers to call Scots to various governmental meetings such as the Lent parliament at St Andrews in 1304. Duncan also noted the general summons issued in 1328 which was divided into social categories rather than into territorial positions. While this is clearly an important aspect of parliamentary history, the lack of specific names in the few surviving sources means that it is difficult to further ascertain who specifically attended these parliaments or to add to Duncan's evaluation of this area.<sup>12</sup>

In terms of how Scottish parliaments compared to the development of equivalent institutions elsewhere within Europe, there appears to have been a number of similarities. As Richardson noted, the cross-border landholding which took place throughout Europe and the British Isles, ensured a great deal of cross-parliamentary influences during the early developments of these institutions. For example, the forty day summons used in Scotland was also a feature of parliaments in England and Germany, while the latter shared fining absentees from parliament with meetings in Ireland, where the single chamber they used was similar to that of the Scottish parliament. The constant movement of people around Europe ensured that, until the warfare at the end of the thirteenth century which isolated many countries, information

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<sup>12</sup> Duncan, "Early Parliaments", 47-49, 53.

and methods of government were easily transferred across borders.<sup>13</sup> Despite this, parliaments still developed along broadly individual lines, as each political community reacted to their own country's internal problems. In this sense, Scotland's parliamentary development was reasonably distinctive, as the two greatest stimuli came from the repeated absence of an adult monarch and the need to defend their independent status against English aggression and attempts towards overlordship. In several other countries the greatest impetus for parliamentary development concerned taxation. For example, in Spain the various parliaments evolved from earlier *concilios* or councils through the widespread participation of townsmen and other representatives who were called to provide respite for the financial weakness of the monarchy. The Catalans underwent a major change to their institution in 1283, when the upper classes were joined by knights and townsmen in order to provide financial aid for their monarchy which was weakened by war against the Angevins. In return for the grant of taxation, the king promised that no general constitutions or statutes would be issued without consultation, and that he would hold annual parliaments unless prevented by any legitimate hindrance.<sup>14</sup> Similar developments can be seen within other Spanish assemblies, and in the development of the English parliament under Edward I, who needed financial contributions towards his various wars. Other institutions were less affected by financial concerns. In Ireland, while legislation had to be confirmed within a parliament, taxation could have been granted within a lesser council.<sup>15</sup> The judicial nature of the French body ensured that their parliament was a unique gathering, acting essentially as a supreme court with three

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<sup>13</sup> Richardson, "Origins of Parliament", 163-171.

<sup>14</sup> Marongiu, *Medieval Parliaments*, 67-70.

<sup>15</sup> Marongiu, *Medieval Parliaments*, 87-88; H.G. Richardson and G.O. Sayles, "Parliament in Medieval Ireland", *Medieval Irish History Series I*, pamphlet (Dublin, 1964), 4-14, 25.

chambers. It did not develop a political nature until the end of the thirteenth century, remaining more concerned with the publication and enforcement of laws made elsewhere.<sup>16</sup> The financial solvency of the German emperor ensured that their parliament developed later.<sup>17</sup> Only England appears to have utilised early parliaments to any great extent as a focus for resistance to arbitrary acts or the illegal actions of their kings. This was done most noticeably with the provisions of Oxford in 1258, when the barons sought to restrain Henry III through the provision of 'good counsel' and the use of frequent parliaments, which were to be held three times each year.<sup>18</sup> Nowhere in Europe was parliament called with the frequency of those meetings held by John Balliol between 1293 and 1295. Nor was there another parliament which grew from a political community forced to rule in the absence of a king. Scotland did not become involved in cross-border warfare until 1296, while internal conflicts over control in the extremities of their kingdom were reasonably short affairs. Without the financial constraints of major warfare, the Scottish kings were not forced to seek additional money from their subjects or to grant concessions in return. The Scots were also unusual in that they used parliament to define their political independence, both for maintaining control over the country during monarchical absences and to preserve their government and status as a kingdom against the threat of being absorbed into the neighbouring system.<sup>19</sup>

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<sup>16</sup> T.N. Bisson, "Consultative Functions in the King's Parlements (1250-1314)", *SPECULUM: A Journal of Medieval Studies*, 44 (July 1969), 353-373, 354-356, 363-366; Marongiu, *Medieval Parliaments*, 97; R. Fawtier, *Capetian Kings of France: Monarchy and Nation 987-1328*, translated into English by L. Butler and H.J. Adam (London, 1960), 176-178; J.R. Strayer, *The Reign of Philip the Fair* (Princeton, 1980), 210, 212-214, 234-236.

<sup>17</sup> Marongiu, *Medieval Parliaments*, 106-109.

<sup>18</sup> Treharne, "Nature of parliament", 603-604.

<sup>19</sup> It is interesting that, despite the different methods of development and influences on the early parliaments of these countries, most seem to have begun their growth across 1250 to 1300. This, and the possible comparisons between the different institutions requires considerably more research in the future.

Scotland was one of the few countries which took so many direct influences from a neighbouring political system. While Scotland was conquered by Edward I for a time and had an English parliamentary system imposed upon her, unlike in Ireland, this did not bring parliaments to the country for the first time. Nor were English influences over the development of Scottish parliaments limited to this period of direct English control under Edward I. It has been shown that through cross-border landholding and repeated inter-marriage between their royal families, Scotland and England had a close relationship which allowed their political systems to influence each other. While this was not unique in Europe, the fact that Scottish definitions of their parliaments came from attempts to resist English overlordship does highlight their different development. Also, while Scottish parliaments expanded considerably under Edward I's overlordship, particularly in terms of judicial functions and record keeping, one of the major stimuli for Scottish parliaments under Robert I was the search to justify Scottish independence from English domination. Scottish parliaments did not develop in an international vacuum. Yet their growth remained highly distinctive, despite of or possibly because of English attempts to impose their parliamentary system onto Scotland.

Parliament was not the only consultative body which developed within Scotland during this period. The growth of such a secular institution must be compared with the concurrent expansion of the ecclesiastical assembly of the Scottish church, which developed from the 1220s as a constituted and representative gathering. The special nature of the Scottish church settlement is generally well known. The Papacy had both refused to acknowledge English jurisdiction over the Scottish bishops or to allocate the Scots their own metropolitan. Instead, the Scottish church was given a *Cum Universi*

in 1192, which made their bishops answerable only to the Papal see. This arrangement initially excluded the bishoprics of Galloway, which still looked to York, and the Isles, which did not officially belong to Scotland until 1266 and only gradually began to accept Scottish authority towards the end of the thirteenth century. The only other geographical area where so many dioceses came under the direct influence of the Pope was within Italy itself, where there was easy access to papal justice and supervision. Elsewhere, archbishops were entitled to hold annual provisional councils in order to maintain justice throughout the church. In Scotland, a special administration had to be established to allow the bishops similar control as they were so far from the papal curia. On 19 May 1225 Pope Honorius III allowed the Scottish bishops to hold their own provincial council each year, in order to provide another layer of authority between their diocese and the Roman see.<sup>20</sup> It was not originally thought necessary to define the composition of these meetings specifically. While they initially included only the bishops, their membership and responsibilities grew and adapted to the disruptive influences of the late thirteenth and early fourteenth centuries in a similar manner to parliaments. By 1238 one meeting was attended by four bishops, two abbots, an archdeacon, the dean of Glasgow and a doctor of theology, who were all called to a council held at Perth on 1 July.<sup>21</sup> By the end of Robert I's reign, the membership included bishops, abbots, priors, deans, archdeacons and expert clerks, where the first two groups were allowed to send a proctor in their place if they had a legitimate reason for their absence.<sup>22</sup> While this council did not yet contain any representative element of the lesser clergy, these provincial councils had developed considerably from the

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<sup>20</sup> D.E.R. Watt, *Medieval Church Councils in Scotland* (Edinburgh, 2000), 43-46.

<sup>21</sup> *Ibid*, 48.

<sup>22</sup> *Ibid*, 118, 79.

gathering of bishops proposed in 1225. In terms of business, these councils were originally established to provide a resolution for disputes either between ecclesiastical institutions or figures, or between laymen and the clergy. They were also able to issue statutes in order to correct problems or failings within the local church structure, and to take responsibility for the defence of church laws throughout Scotland. The business of this council also grew in response to the circumstances they faced. Most noticeably, as Papal demands for taxation increased across the thirteenth century, Scottish resistance was organised within this council. Interestingly, the Scottish clergy received considerable support for this from their king, as Alexander III aided his church in resisting Papal demands, particularly any requests to fund the crusades of Henry III's sons.<sup>23</sup> This monarchical assistance did not come without a price, as the king expected reciprocal support from his clergy. Kings sent knights and clerks to attend these councils to ensure that nothing was done which would hurt the royal dignity or the traditions of Scotland. This was not a council free from external, secular interference.<sup>24</sup>

This council was also affected by internal events within Scotland. There appear to have been no meetings held between June 1250 and 1268, as the unity of the clergy and their ability to hold councils was affected by the political divisions and upheavals during the minority of Alexander III. Further changes can be seen from the warfare and Robert I's reign. While few councils seem to have been held before the 1320s, the king took a much more positive stance once they resumed. Robert used more qualified staff to check on council business, with two doctors of civil law sent to each meeting to tell the council what the king thought they needed to know about the state of the kingdom

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<sup>23</sup> *Ibid*, 91-93, 116-117.

<sup>24</sup> *Ibid*, 99, 117.

and of the church itself. These men were also to protest and appeal if the council tried to act in any way to prejudice the royal dignity. Previously if the council had ever threatened to act against the monarch's wishes the king could threaten to take matters to the papal court, highlighting the limited jurisdiction of a bishops council. Given the fickle nature of papal support for the Scots during the wars and the Pope's continued refusal to recognise Robert as king, if the council became recalcitrant, the matter was now taken directly to the king himself for resolution.<sup>25</sup> Despite these attacks on their jurisdiction, provisional councils were still held to maintain independent control over the church. They were often called at similar times to parliaments and discussed corresponding problems. Interestingly, when the king held his parliaments in 1326 and 1328 to discuss taxation and provisions to pay the English for the Treaty of Edinburgh-Northampton, while secular grants were provided within parliament, the clergy discussed the matter, issued their decision and organised the collection of their share of the taxation from within their provincial council.<sup>26</sup> Professor Watt reviewed the progress of these meetings from their initiation in 1225 to the death of Robert I in 1329. He stated that

there is in this period no sign of a regular representative element, whether elected or selected. Basically the Scottish council remained an assembly of major and minor prelates, there by right of an office which implied jurisdiction; and it must have been because of its long freedom from royal demands for taxation that it held on to this custom for so long.<sup>27</sup>

While this is a very basic overview of the development of church councils across this period, similarities can still be established with the development of parliaments. Each

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<sup>25</sup> *Ibid*, 90, 100, 103-104, 117.

<sup>26</sup> Another example of church councils being held simultaneously with royal councils is suggested in 1242. *Scotichronicon*, v, 181.

<sup>27</sup> Watt, *Medieval Church Councils*, 114-115, 118.

saw an expansion of their original membership by the end of Robert I's reign, although neither had firmly or fully established a wider representative element. Both also saw a development of their business, position within society and relationship with the king, all of which were affected by internal events such as the minority of Alexander III or the problems facing John, by the wars and the re-establishment of a stronger kingship under Robert I. As such, while the development of Scottish parliaments held few similarities with similar institutions throughout Europe, a much closer parallel can be found considerably closer to home.

Across this period the Scots developed and expanded their parliaments from existing large councils and gatherings. With the latter held to involve the wider political community within government for important or unusual business, when such meetings are closely examined from the end of the Canmore dynasty, they appear to have been very similar to those meetings which became known as parliaments, varying from the later institution in little more than name. Unlike the growth of this institution elsewhere, it was not the financial constraints of the monarchy which encouraged parliamentary development, but the political uncertainty which followed the deaths of Alexander III and the Maid of Norway, and then the deposition of King John. While the Scots had been forced to rule without an adult monarch before 1286, the implications of a female succession, and then the outright failure of the Canmore line provided a different stimulant. Although the Scottish administration could have been maintained with reasonable success for the short term, the planned marriage of their Lady to the English heir ensured that further steps had to be taken to identify and protect the existing processes and institutions of Scottish government in order to safeguard Scottish independence, a matter which became even more pressing after the death of Lady

Margaret. The influence of the English king and the parliaments he held during the Great Cause should not be underestimated. However, it was under John that Scottish parliaments flourished. Held with unprecedented regularity, these meetings dealt with an impressive array of business, from the settlement of judicial disputes and uncertainties which remained from Alexander III's reign or the guardianship, to the expansion of royal control into the Western Isles. These parliaments took on an important political element, used to re-establish and enforce royal authority under John and then to provide an effective crown-noble alliance against increased English demands from their overlord. While the coherence of the institution dipped once again through the disruptive warfare after John's deposition in 1296, under Robert it was raised to new levels of importance. Used as a tool in the propaganda created to bolster support both internally and on an international level for Robert's regime, parliaments were expanded in terms of business discussed and the levels of support they involved. By the end of Robert's reign, parliaments were the only place where the king could legitimately deal with the highest level of justice, such as the trial in the Black Parliament of August 1320. This period also saw the first major grant of taxation issued within parliament, and while the scale and length of the contribution remained unusual, demands for finance and the reciprocal expansion of parliamentary attendances to include the burgesses resurfaced under David II. By 1329, parliaments were an established, frequent aspect of governmental life within Scotland. While they did not yet preside over business which was completely unique to such meetings, or require an established membership which was necessary for a legitimate meeting, parliaments were necessary for the government of the country, as the place where the king sought and gained consent for his policies, taxation was granted and concessions could be made.

Parliament still had considerable lengths to go before it became the institution which attempted to restrain the Stewart kings during the later fourteenth and fifteenth centuries. However, by 1329 parliament had taken important and significant steps from origins amidst the great councils and large gatherings of the twelfth and thirteenth centuries.

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