

TRANSACTIONS OF THE ROYAL HISTORICAL SOCIETY

THE MINORITY OF ALEXANDER III OF SCOTLAND

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KING ALEXANDER II died at the age of fifty-one on 8 July 1249 leaving as his heir his only son, Alexander III, then aged just seven years and ten months. Whatever the comparative maturity of the new boy-king, there clearly followed a period of minority government, which must have raised more serious constitutional and political problems than Scotland had so far had to solve in her known history in connection with the disadvantages of an hereditary monarchy. Malcolm IV had been aged twelve when he succeeded in 1153 and Alexander II aged sixteen in 1214, and there is no evidence that either was regarded as anything but fully adult. Alexander III on the other hand is usually thought to have been under some restraint as a minor for some thirteen years until he was as old as twenty-one in September 1262.¹ These thirteen years were certainly an unsettled period in Scotland worthy of study in detail, and then perhaps it may be more possible than at present to compare the Scottish experience with that of other countries which also survived the strain of minority government in the thirteenth century, such as Sicily, England, Castille, France and Jerusalem. It was indeed a striking feature of the age that monarchy did not require the presence of an adult king; and in Scotland as elsewhere this must have been so because there was general support for the continuing crown authority rather than for the individual monarch. This argument is all the stronger when it is realized that in the case of Scotland little evidence survives of formal arrangements being made at either the beginning or the end of the period of minority.

Indeed, it may be suggested that the years of minority were not so significant a period in Scottish politics as an alternative schematization which puts more emphasis on the years 1242–61. Such a period may

¹ E.g. Sir Maurice Powicke, *The Thirteenth Century* (Oxford, 1953), p. 592.

be entitled 'The Challenge of the House of Comyn', when the famous Anglo-Scottish baronial family which earlier and later both provided support for, and received favour from, the two Kings Alexander performed the more fearful role of overmighty subjects. We shall see how the curbing of John Comyn in 1261 was to mark the assertion of effective control by Alexander III at the end of his minority; and a similar key to understanding what happened at the beginning of his minority is to be found in the events of 1242 and thereafter.

Walter Comyn had been prominent in Scottish affairs since before the beginning of Alexander II's reign in 1214, and by favour of that king had become lord of Badenoch and earl of Menteith.² Since his father's death in 1233 he had been the dominant figure in his family and so prominent among the Scottish barons that it was he alone who took the formal diplomatic oath on the king's soul at the time of the settlement with England in 1237.³ By then or a little later members of his family controlled no less than three other Scottish earldoms—Buchan, Atholl and Angus—besides his own of Menteith.⁴ They did not hold any public offices at this stage, but must have been exceedingly pressing on the king to have been allowed to assemble so much in the hands of one tightly knit family. The king began to suffer more openly from Comyn pressure in 1242, following two setbacks to their family ambitions—the deaths in that year of John earl of Angus and Patrick earl of Atholl, which probably in each case implied the escape of these earldoms from Comyn control.⁵ The story got around that Patrick of Atholl had been foully done to death as a result of a conspiracy conjured up by members of an important baronial family, the Bissets, and King Alexander was forced by his magnates to outlaw John Bisset and his uncle Walter Bisset at the end of 1242.⁶ Their guilt is improbable, and both the king and queen did their best to stand by them; King Henry III of England too believed in their innocence, and gave employment and support to the two men until they could return to Scotland.⁷ But the Scottish magnates would not

² *The Scots Peerage*, ed. Sir J. Balfour Paul (Edinburgh, 1904-14), vi, pp. 127-28.

³ *Anglo-Scottish Relations 1174-1328*, ed. E. L. G. Stones (London and Edinburgh, 1965, hereafter Stones, *Relations*), pp. 24-25.

⁴ *Scots Peerage*, ii, pp. 253-54, p. 419, n. 1; i, p. 167.

⁵ *The Chronicle of Melrose*, ed. A. O. Anderson, M. O. Anderson and W. C. Dickinson (London, 1936), p. 90.

⁶ *Ibid.*; Matthew Paris, *Chronica Majora*, ed. H. R. Luard (Rolls Series, 1872-84), iv, pp. 200-02; *Joannis de Fordun Scotichronicon cum Supplementis et Continuacione Walteri Boweri*, ed. W. Goodall (Edinburgh, 1759, hereafter *Chron. Bower*), ii, pp. 72-74; *The Original Chronicle of Andrew of Wyntoun*, ed. F. J. Amours (Scottish Text Society, 1903-14), v, pp. 98-107.

⁷ *E.g. Calendar of Documents relating to Scotland*, ed. J. Bain (Edinburgh, 1881-88, hereafter *CDS*), i, nos 1621, 1624, 1630, 1666, 1672-74, 1703. Walter

listen to reason, some following the king's cousin Patrick earl of Dunbar in his immediate pursuit of the Bissets,⁸ and others joining the lead of Walter earl of Menteith in a Comyn vendetta seeking vengeance for their murdered kinsman. The more violent Comyn attitude is clear from the actions of two younger members of the family (Alexander heir to the earldom of Buchan and John son of Richard Comyn) in harrying the lands of Walter Bisset at Aboyne in Aberdeenshire, so that the king had great difficulty in securing the safety of the accused.⁹ Both baronial groups put unwelcome pressure on King Alexander and came to be suspect to King Henry as they resentfully began in 1243 to fortify two castles on the English border against the day when Henry might march north to help Alexander out of his difficulties;¹⁰ but it was the Comyns who flaunted their resentment against Henry's support for the Bissets the more belligerently. It was probably at their suggestion that a French force under a member of the Coucy family came to Scotland late in 1243 or early in 1244, following Henry's humiliation in the face of the French at Taillebourg and Saintes.¹¹ They were clearly now overmighty subjects whom it was the interest of Henry as well as Alexander to curb.

Henry emerged from the ensuing armed confrontation in August 1244 at Newcastle as the protector and overseer of affairs in Scotland. He was able to extract a treaty of friendship from Alexander and his magnates, secured by the betrothal of Alexander's baby son and Henry's baby daughter;¹² and his authority was sufficiently recognized for him also to obtain separate bonds of good behaviour from members of both the Dunbar and Menteith factions.¹³ Such an exercise

returned by January 1249 (*Registrum de Dunfermelyn* [Bannatyne Club, 1842, hereafter *Dunfermline Registrum*], no. 77) and John by 1258 (*Registrum Episcopatus Moraviensis* [Bannatyne Club, 1837, hereafter *Moray Registrum*], no. 122).

⁸ Paris, *Chron. Maj.*, iv, pp. 200–1.

⁹ *Chron. Bower*, ii, p. 73.

¹⁰ *Calendar of Patent Rolls, 1232–47* (London, 1906), p. 447; Paris, *Chron. Maj.*, iv, p. 380; *Johannis de Fordun, Chronica Gentis Scotorum*, ed. W. F. Skene (Edinburgh, 1871–72, hereafter *Chron. Fordun*), i, p. 291; *Chron. Bower*, ii, p. 74; see also *History of the Berwickshire Naturalists' Club*, xxvii (1929–31), pp. 356–57.

¹¹ Paris, *Chron. Maj.*, iv, pp. 360–61. The member of the Coucy family in question was probably John de Coucy lord of Pinon, a first cousin of Queen Mary de Coucy, wife of Alexander II (J. Tardif, 'Le procès d'Enguerran de Coucy', *Bibliothèque de l'École des Chartes*, lxxix [1918], pp. 445, n. 3, 449).

¹² Paris, *Chron. Maj.*, iv, pp. 381–83. It should be noted that the letter to the pope which Paris gives as part of the transactions of 1244 must rather be dated 1237 (from the contents and from the list of magnates) as part of the settlement then (*cf.* above, p. 2, n. 3); *Foedera*, ed. T. Rymer (Record Commission, 1816–69), i, p. 257; *cf. ibid.*, pp. 233–34.

¹³ *CDS*, i, nos 2671–72.

of authority by Henry over two now clearly identifiable magnate groups (there were forty names in the Dunbar following and forty-one in the Menteith following) is of cardinal importance as a recent precedent in men's minds when the minority began five years later, for both factions had recognized the utility of Henry's intervention when the government in Scotland was not commanding respect. And Henry must have been forming his view of the relative reliability of the two magnate groups in Scotland, who had emerged in response to the Bisset witch-hunt and who were to remain a dominant feature of the Scottish political scene until the end of the minority.

For his part Alexander was probably grateful for Henry's help against his factious magnates in 1244, and he would have had no difficulty in agreeing not to enter into any formal treaty arrangements with Henry's enemies.¹⁴ He had made his own contribution towards freedom of action by appointing as his justiciars for Scotland and Lothian two men who were not then attached to either faction—Alan Durward and David de Lindsay¹⁵—and the former was to be remembered specifically as a strong man who could keep order in the way that his predecessors in 1242 had lamentably failed to do when the Comyns were harrying the Bissets.¹⁶ It was these two men (with two other barons, one each from both factions), and not the earl of Menteith as in 1237, who swore on the king's soul for the 1244 treaty. Earl Walter Comyn, indeed, was comparatively eclipsed and it was Earl Patrick of Dunbar who in the late 1240's was reckoned the most powerful of the Scottish magnates.¹⁷ But he was of such inclination as to leave in 1248 to join St Louis' crusade (on which he duly died),¹⁸ and does not appear to have wished to dominate affairs at home though he probably led his following in the king's support. Alexander therefore found that he had freedom of action in his last years to choose further new servants, certainly his chamberlain and very possibly his chancellor.¹⁹ All the great barons frequented the

¹⁴ This was part of the Newcastle agreement. The 'enemies' are not specified, but King Louis of France is probably meant.

¹⁵ Durward took office between 18 September 1242 and 14 March 1244 (*Registrum Episcopatus Aberdonensis* [Spalding Club, 1845, hereafter *Aberdeen Registrum*], i, p. 16; *Rental Book of the Cistercian Abbey of Cupar Angus* [Grampian Club, 1879–80], i, p. 327); Lindsay took office between 1242 and 10 November 1243 (*Chron. Melrose*, p. 90; *Registrum Magni Sigilli Regum Scotorum*, ii [Edinburgh, 1882], no. 3136).

¹⁶ *Chron. Bower*, ii, p. 75.

¹⁷ Paris, *Chron. Maj.*, v, p. 41.

¹⁸ *Scots Peerage*, iii, pp. 255–56.

¹⁹ Henry de Balliol was chamberlain 16 February 1246 (*Liber Cartarum Sancte Crucis* [Bannatyne Club, 1840], no. 74) and dead by 15 October 1246 (*CDS*, i, no. 1697); Richard de Inverkeithing appears as next known chamberlain 8 April 1249 (J. Raine, *The History and Antiquities of North Durham* [London, 1852], appendix, no. 75). William de Bondington bishop of Glasgow

royal court from time to time, but it is clear from what was to follow in 1249 that the main source of advice to Alexander in his independent course of action from 1244 onwards was Alan Durward. This man's family had held the honorific post of doorward or usher to the king since early in the reign of William the Lion, and Alan's father had been allowed by that king to succeed to a large proportion of the inheritance of the earldom of Mar (though without the title).²⁰ Alan had had a brush with the Comyns in the early 1230's when royal support had not been enough for him to wrest the earldom of Atholl out of the Comyn family circle;²¹ but he is not known to have had any political influence until brought in after 1242 as a justiciar likely to keep the Comyns in order. It was about the same time that he was married to the king's one illegitimate daughter Marjorie.²² With him so firmly installed in the royal circle, and with the king apparently in failing health,²³ it must have been he who defied Comyn susceptibilities even to the extent of arranging for the return of Walter Bisset to the Scottish court by January 1249.²⁴ There are said to have been four earls with Alexander on his last expedition soon afterwards to the Western Isles,²⁵ but it is unlikely that any Comyns were with the king

is not certainly found as chancellor after 8 February 1247 (*Liber Sancte Marie de Melros* [Bannatyne club, 1837, hereafter *Melrose Liber*], i, no. 266)—the only time he appears as witness of an act of Alexander II thereafter was on 19 May 1248 when a statute was issued at Stirling (*The Acts of the Parliaments of Scotland*, i [Edinburgh, 1844, hereafter *Acts Parl. Scot.*], p. 404, where he is styled chancellor only in one version); Robert de Keldeth abbot of Dunfermline may possibly have succeeded him as chancellor before Alexander's death, though he is not specifically so styled when witness to royal acts on 1 February and 16 April 1249 (*The Moncreiffs and the Moncreiffes*, edd. F. Moncreiff and W. Moncreiffe [Edinburgh, 1929], ii, p. 635; British Museum, MS Add. Chr. 66570) and is known certainly to have been in office only during the first years of the minority.

²⁰ *Regesta Regum Scottorum*, i (Edinburgh, 1960), p. 31; *Scots Peerage*, v, pp. 572–74; but note that Alan's father was in a position to dispose of property in Mar from as early as before King William's death in 1214 (e.g. *Liber S. Thome de Aberbrothoc* [Bannatyne Club, 1848–56, hereafter *Arbroath Liber*], i, nos 59–60, 65–66).

²¹ Durward is found as earl of Atholl between 11 September and 12 October 1233 (*ibid.*, i, no. 128; but see no. 129), 25 December 1234 (*ibid.*, no. 102) and 23 February 1235 (*Moray Registrum*, no. 114). His right was perhaps based on wardship of the heir rather than marriage with the heiress (A. A. M. Duncan, 'The Earldom of Atholl in the Thirteenth Century', *The Scottish Genealogist*, vii [1960], p. 2).

²² Their probable grandson (Duncan, later earl of Fife) was born in 1262 (*Scots Peerage*, iv, p. 11).

²³ *Early Sources of Scottish History 500 to 1286*, ed. A. O. Anderson (Edinburgh, 1922), ii, p. 558, n. 4.

²⁴ See above, n. 7.

²⁵ Anderson, *Early Sources*, ii, p. 555; cf. *Proceedings of the Society of Antiquaries of Scotland*, xc (1956–57), p. 218, no. 2, for the king's last known act on the day of his death.

when Bisset was there too. Alexander II may have built up an administration in association with Durward which gave him freedom of action from Comyn interference; but he certainly did not leave a united country.

This makes it all the more suspicious that no shred of evidence survives regarding Alexander's last intentions for the conduct of affairs during his son's minority. Perhaps the precedent which would be most in men's minds in 1249 would be the arrangements made in France in 1226 for the minority of Louis IX then aged twelve.²⁶ His father had been struck down suddenly, but had time to get agreement from such magnates as were at hand that Blanche the queen mother should have care (*bail*) and tutelage of the young king and the kingdom until his majority. Her famous success in this task must have been well-known in Scotland, especially since in 1249 she was in office as regent again while her son was away on crusade. She had originally had to fight for her son's rights with the help of her husband's old civil servants and of some loyal magnates who held traditional grand offices such as butler, constable and marshal; but throughout her troubles her title to rule (based on nomination by the late king) appears never to have been questioned. Alexander II's widow, Queen Mary of Coucy, must have known all about this French precedent, but there is no evidence to suggest that she was ever given (or tried to assume) power as regent in Scotland for her young son.

The precedent from England of the arrangements made by King John in 1216 must also have been well-known in Scotland, not least to Earl Walter Comyn.²⁷ John had left a brief will nominating thirteen baronial executors (but *not* Queen Isabella) to look after Henry III's affairs, the heir being then aged nine. These executors worked out procedures for the ceremonial acknowledgement of Henry's position as king, and for three of their number to exercise special authority as the core of a quasi-executive, quasi-advisory great council of magnates. The principal officers of John's administration continued at their posts without any formality of re-appointment. This informal organization held the country together and provided adequate and eventually changing leadership with notable success; and there does not seem to have been any doubt over who was in charge and responsible. Silence from Henry III in 1249 over the arrangements made in Scotland for the minority there must surely imply approval for his part. He would not regret the exclusion of a queen mother from France from power; he may well have thought it correct for a group

²⁶ For what follows see E. Berger, *Histoire de Blanche de Castille reine de France* (Paris, 1895), especially pp. 39-42, 55-57, 60-61.

²⁷ See F. M. Powicke, *King Henry III and the Lord Edward* (Oxford, 1947), pp. 1-5, 38, 42-45; Powicke, *Thirteenth Century*, pp. 1-3.

of leading magnates to distribute regency responsibility among themselves; but he must surely have had to be satisfied that the particular group of magnates and officials who conducted the young king's affairs had been properly nominated by Alexander II.

At least some and probably most of the late king's officials remained in their posts after his death for a period of two and a half years until a change of government became necessary in December 1251. They prepared royal acts which were issued under both a new great seal and a special seal for the king's minority.²⁸ Though Durward was not the senior in rank (for the occasional earl coming to court took precedence over him in witness-lists to crown acts), he was both justiciar of Scotland²⁹ and husband of the young king's only half-sister; and it may well have been intended by Alexander II that he should at least lead a group regency if not be sole regent. He must have been behind the plan to have the young king inaugurated at Scone just five days after his father's death;³⁰ and the significance of his famous bid then to knight the boy before he was enthroned probably lies in the fact that Henry III in similar circumstances in 1216 had been knighted by William Marshal, who had subsequently been invited by the English magnates to assume office as *rector regis et regni*. The reported grounds of Earl Walter Comyn's successful objection to this procedure are somewhat specious, but there can be no doubt about the effectiveness of his political comeback. Durward was not to have things his own way. It is true that Earl Walter could not himself claim any right to the regency (for the Comyns had not yet married into the royal family); but it appears that he did make contact just sixteen days after the inauguration ceremony with Robert Bruce lord of Annandale, the man who may have had something of a legal claim to the regency as the adult male next in succession to the throne.³¹ Bruce preferred in the years to come to co-operate with

²⁸ The surviving acts are listed in G. G. Simpson, *Handlist of the Acts of Alexander III, the Guardians and John 1249-1296* (Edinburgh, 1960), nos 1-13. The two seals are described in J. H. Stevenson and M. Wood, *Scottish Heraldic Seals* (Glasgow, 1940), i, pp. 5, 25 (where the seal for the minority is wrongly described as a privy seal). I am grateful to Professor A. A. M. Duncan for guidance on the interpretation of these seals.

²⁹ It is usually assumed that 'Scotland' in the title of this office implies just the area north of the Forth, where this officer's authority was parallel to that of the justiciar of Lothian south of the Forth. But Fordun incorporates the tradition that Durward had a wider and presumably superior authority—*totius tunc Scociae justiciarius* (*Chron. Fordun*, i, p. 293); and it is noteworthy that Alexander Comyn as justiciar of Scotland in 1260 was to have bailies in Carrick (*CDS*, i, no. 2193). The matter requires further study.

³⁰ *Chron. Fordun*, i, p. 293.

³¹ *CDS*, i, no. 1763; cf. P. G. B. McNeill, 'The Scottish Regency', *Juridical Review*, new series, xii (1967), pp. 127-48, especially pp. 129-30.

Durward, but this disappointment for the Comyns did not alter the political fact that the administration of Durward and others who had been recent advisers of the late king continued in power for just as long as the Comyns chose to allow it to do so.

Technically authority lay with what is called a *concilium* of king and magnates in one document or a *curia dominorum* in another.³² There survive some thirteen miscellaneous acts done in the young king's name between July 1249 and December 1251 which are witnessed by as many as twenty-four different magnates, who may presumably be regarded as sharing in responsibility for what was done by the government. Members of the Comyn family and their supporters do not happen to have shared in many of these acts; but the fact that they did take some part occasionally is surely proof that they always had to be taken into account. A sense of national cohesion was no doubt developed by the ceremonies at Dunfermline on 19 June 1250 for the translation of the relics of the newly canonized St Margaret, for besides the king and his mother some seven bishops and seven earls were present.³³ But the queen mother departed almost at once for her homeland of France, where the Coucy family were in particular difficulties following the death of her brother Ralph on crusade earlier in the same year.³⁴ She may have been brought to Scotland in the first place in 1239 at a time of Comyn influence, but by now she appears to have been more attached to Durward than to Earl Walter Comyn, and it may well have been the Comyns who had denied to her any place in the regency. And already by the time of the Dunfermline ceremonies most of the bishops were complaining that despite the government's promises of protection to the church certain laymen were being allowed to despoil the priory of St Andrews.³⁵ This was a community which was currently in close association with some supporters of Durward in their litigation with their neighbours in St Andrews, the provost and canons of the church of St Mary on the Rock, who on their side regularly looked to the Comyn faction for support.³⁶ It appears that the government could

³² *Concilia Scotiae*, ed. J. Robertson (Bannatyne Club, 1866), ii, p. 241; *Calendar of Writs preserved at Yester House 1166-1503* (Scottish Record Society, 1930), no. 15.

³³ *Chron. Fordun*, i, p. 295; *Dunfermline Registrum*, no. 348.

³⁴ *CDS*, i, nos. 1785-86, 1791, 1795. For some details on the Coucy family see Tardif, *art. cit.* (see above, n. 11), pp. 5-44, 414-54, especially pp. 443 ff.; and E. Faral, 'Le procès d'Enguerran IV de Couci', *Revue historique de droit français et étranger*, 4th series, xxvi (1948), pp. 213-58.

³⁵ Robertson, *Concilia*, ii, pp. 241-42.

³⁶ The friends of the two communities are to be identified in the respective lists of mandatories for papal letters which they secured in the course of litigation, e.g. W. Reeves, *The Culdees of the British Islands* (Dublin, 1864),

not protect its friends and that the Comyns were free to engage in their characteristic strong-arm methods. It is no wonder that by 1251 the clergy of Scotland were complaining to the pope of their dissatisfaction both with the 'ministers of the kingdom' and with some 'landed magnates' (*ministri regni et locorum domini*);³⁷ and by the middle of the year it was the clergy who were urging the magnates of Scotland to send envoys to Henry III inviting him to intervene and establish a government with a better grip on affairs.³⁸

Henry was himself beginning to find the Durward government less satisfactory. It had begun by being sensitive to Henry's interests on minor matters, such as helping a merchant of Bordeaux to recover debts in Scotland in January 1250;³⁹ but by early in 1251 agents of the Scottish government at the papal court were raising awkward matters of a more general kind which did not commend themselves to the English king—that Alexander III should have the privilege of being anointed at a coronation ceremony, for example, or that taxes raised by papal authority in Scotland should be used for the benefit of Scottish crusaders and not to support the more grandiose plans of Henry III.⁴⁰ Such 'disloyalty' in Henry's eyes made him realize that something must be done to establish a regime in Scotland that would be not only more effective but also more responsive to English interests. His opportunity came in the summer of 1251 when a presumably Comyn-inspired embassy arrived from the Scottish magnates asking him to intervene and to confirm his involvement in Scottish affairs by arranging for the marriage forthwith of King Alexander (now aged ten) with Princess Margaret of England (now aged eleven).⁴¹ Henry responded with enthusiasm, and after suitably elaborate arrangements had been made, the marriage was performed at York at Christmas 1251 at the time of a large assembly of both English and Scottish magnates.⁴²

This ceremony had the practical effect of giving Henry a new status in Scottish affairs. He was now the young king's father-in-law, and was so successful in this guise that Alexander is said by Matthew Paris

pp. 113–15; *Vetera Monumenta Hibernorum et Scotorum Historiam Illustrantia*, ed. A. Theiner (Rome, 1864), pp. 53–55; *Charters, Bulls and Other Documents relating to the Abbey of Inchaffray* (Scottish History Society, 1908), pp. 154–55.

³⁷ Robertson, *Concilia*, ii, p. 243.

³⁸ *Chron. Fordun*, i, p. 295.

³⁹ CDS, i, no. 1768.

⁴⁰ Stones, *Relations*, no. 9; Theiner, *Monumenta*, no. 142.

⁴¹ *Chron. Fordun*, i, p. 295. The Comyns were at this time taking a share in affairs as witnesses of royal charters in Scotland again after perhaps as much as a year's absence (Simpson, *Handlist*, nos 11–12; cf. nos 2–10).

⁴² CDS, i, nos 1812, 1815 ff.; *Chron. Melrose*, p. 109; *Chron. Fordun*, i, pp. 295–96.

to have looked on him as an adopted father.⁴³ On the domestic side the Scottish royal household became for the next few years a kind of outlying section of the English royal household. Henry took much interest in its staffing and in the personal welfare of his daughter and son-in-law, and there was to be much coming and going between the two households. He also appointed two experienced Anglo-Scottish barons (Robert de Ros apparently quite soon and John de Balliol some time later) among the guardians of his daughter and her husband,⁴⁴ probably bearing in mind how he himself had been provided with two such magnate tutors in his youth until he was nearly fourteen.⁴⁵ But Henry was also concerned with the welfare of Alexander's kingdom. At York in December 1251 he made it his business to enquire into various accusations which the Comyn lords were raising against Durward and his friends, and then to make a clean sweep of the main officials of the Scottish government.⁴⁶ There was a certain pretence that Alexander made the changes himself;⁴⁷ but clearly the Scottish magnates as a whole accepted the guidance offered by Henry and preferred to have justiciars, a chamberlain and a chancellor who were all adherents of the Comyn following.⁴⁸ Durward and his friends had lost so much support that they had to acquiesce, though some force had to be used against Robert abbot of Dunfermline the chancellor.⁴⁹ Perhaps it was recognized at the time that poachers were being made into gamekeepers; but Henry no doubt had faith in the ability of his nominees among the guardians to moderate events; and had not the Comyns come to make friends with him in the first place?

It may be deduced from the date of Henry's next intervention to make new arrangements for the government of Scotland (which took effect from 4 September 1255, the precise date of Alexander's fourteenth birthday) that he had not intended the arrangements of 1251 to

⁴³ Paris, *Chron. Maj.*, v, p. 271; cf. p. 573.

⁴⁴ *Ibid.*, v, p. 272; see also Matthew Paris, *Historia Anglorum*, ed. F. Madden (Rolls Series, 1866-69), iii, p. 322; cf. p. 118. Another guardian without Scottish connections (Geoffrey de Langley) was sent in November 1252, but proved unacceptable to the Scottish magnates (Paris, *Chron. Maj.*, v, p. 340; CDS, i, nos 1899-1900; cf. no. 1935).

⁴⁵ Powicke, *King Henry III*, i, p. 43.

⁴⁶ *Chron. Melrose*, pp. 109-10; Anderson, *Early Sources*, ii, p. 562; *Chron. Fordun*, i, p. 296.

⁴⁷ CDS, i, no. 1848.

⁴⁸ Alexander Comyn earl of Buchan is found as justiciar of Scotland by 17 December 1253 (*Dunfermline Registrum*, no. 82); Thomas de Normanville as justiciar of Lothian between 1252 and 1255 (*Melrose Liber*, i, no. 322); William earl of Mar as chamberlain by 21 April 1252 (*Fragmenta Scoto-Monastica* [ed. W. B. D. D. Turnbull, Edinburgh, 1842], appendix, p. xlii); Master Gamelin took over the office, but not at once the title, of chancellor c. February 1252 (*Chron. Bower*, ii, 85; cf. below, p. 11 and n. 54).

⁴⁹ *Chron. Fordun*, i, p. 296.

last beyond 1255 anyway. And certainly in 1255 there was to be an element of careful planning which was skilfully brought to fruition when Henry made a short visit to Scotland (the only time in his life he was ever so far north) in September of that year. But there was also to be a pressing need by 1255 to make changes in the system laid down in 1251. For one thing the young queen was by then adolescent and hysterically critical of the strict way in which the guardians appointed by her father were continuing to supervise the day-to-day lives of her husband and herself.⁵⁰ Henry may well have been unfair in listening to his daughter and forgetting that the guardians had been acting in accordance with his instructions in such matters as preventing conjugal relations between the young king and queen.⁵¹ But in 1255 he was to turn against Ros and Balliol with a viciousness wholly out of proportion to a mere parental blindspot, and with accusations of failure of duty which in the case of Ros at any rate were later to be regarded by the baronial council of 1259 as wholly unfounded.⁵² Henry's better known vindictiveness towards Simon de Montfort in 1252 over the government of Gascony is a parallel which suggests that by 1255 in Scottish affairs Henry was over-reacting in his characteristic way to the complaints of people who did not like the regency arrangements he had made in 1251 nor the particular magnates in whom he had put his trust. It may well be that in December 1251 Henry had not been altogether wise in his policy and not wholly clear in the allocation of responsibility.

There is some evidence, however, that more formal recognition of the constitutional limitations of minority government had then been the plan. The matrix of the great seal previously used in the name of Alexander III was broken,⁵³ and the acts of the new government were authenticated only by the smaller seal for the king's minority, whose matrix was kept by an official who was denied the traditional name of chancellor.⁵⁴ The place of Ros and Balliol among the guardians, however, was not then precisely defined. It was to be implied in 1255 that they had been given responsibility for the Scottish kingdom along with their tutelage of the king and queen;⁵⁵ but it is by no means clear that they were in fact given such a trust in 1251 (or whenever it was

⁵⁰ Paris, *Chron. Maj.*, v, pp. 501-2, 504-6.

⁵¹ Paris, *Hist. Angl.*, iii, p. 118.

⁵² CDS, i, no. 2168.

⁵³ *Chron. Fordun*, i, p. 296.

⁵⁴ *E.g. Melrose Liber*, i, p. 284. But see *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland, Papal Letters* (London, 1893-), i, pp. 295, 303.

⁵⁵ Paris, *Chron. Maj.*, v, p. 501. The passages in other works of Matthew Paris referred to in n. 44 above which echo this theme may well have been written in the light of what was to happen in 1255 (*cf.* R. Vaughan, *Matthew Paris* [Cambridge, 1958], p. 113).

they took up office). Indeed the evidence points the other way. These two barons certainly had no seal of office such as the guardians at the time of the next minority in 1286 were to have.⁵⁶ Furthermore the name of Balliol nowhere appears on any surviving piece of documentary evidence of the government's activities, even though it is clear that the normal processes of administration and justice were maintained;⁵⁷ and when Ros's name does appear in official witness-lists it is with no special precedence. Instead it is the name of Walter Comyn earl of Menteith, who held no specific office, which is prominent. This was a development that probably took Henry III by surprise—hence his extreme displeasure in 1255 with the hapless Balliol and Ros. Balliol even found himself defeated by the Comyns over the appointment of a new bishop of Galloway when they successfully pressed a crown candidate before the court of the archbishop of York early in 1255, while he was pleading a private right of patronage derived from his wife's interests in Galloway.⁵⁸ The Comyn government clearly was assertive too in its faction interest, in hounding the ex-chancellor out of his abbacy at Dunfermline, for example,⁵⁹ and in pushing the claims of two of their supporters successively in 1254 and 1255 to the see of St Andrews, so curbing in the process the cathedral chapter which had been pro-Durward in outlook.⁶⁰ But Henry did not have reason to complain about this, since the new pope was no longer supporting Scottish rights as had been the case in 1251—indeed, the Comyn government had to accept the allocation of crusading taxes raised in Scotland to the pseudo-crusading enterprises of Henry III in Sicily.⁶¹ So much for a traditional assumption among many historians that the Comyns were some kind of national party opposed to a Durward party that was in the pockets of the English king: if there was any contrast of this kind between the two factions it was to the opposite effect.

It was to be asserted in 1255 that the Comyn government were guilty of excesses for which they had to atone to both Alexander and Henry.⁶² As far as Henry was concerned their main fault probably was to have injured his pride; but also they had not succeeded in holding the country together any better than Durward had done. This is clear from the way Durward was able to master-mind his political comeback. As early as the summer of 1252 he had made his peace

⁵⁶ G. W. S. Barrow, *Robert Bruce* (London, 1965), p. 24.

⁵⁷ For surviving acts see Simpson, *Handlist*, nos 14–20; *CDS*, i, no. 2673; *Dunfermline Registrum*, no. 85; *Arbroath Liber*, i, nos 294, 366.

⁵⁸ *Fasti Ecclesiae Scoticanæ Medii Aevi ad annum 1638*, second draft, ed.

D. E. R. Watt (Scottish Record Society, 1969), p. 129.

⁵⁹ *Chron. Bower*, ii, p. 85.

⁶⁰ Watt, *Fasti*, pp. 292–93.

⁶¹ *Foedera*, i, pp. 303, 322; cf. Anderson, *Early Sources*, ii, p. 575, n. 2.

⁶² Stones, *Relations*, p. 31.

with Henry whilst also co-operating with the Comyn government.⁶³ By the summer of 1254 he was ostentatiously serving Henry in Gascony, whither most English magnates were refusing to go; and he accompanied Prince Edward to his marriage at Burgos in Castille that autumn.⁶⁴ He had his chance at Henry's court to counter-accuse the Comyns who had ousted him in 1251, and more positively to mention the names of various magnates who were discontented with Comyn rule and looking to Henry to arrange something better. Simon de Montfort was sent from Gascony to Scotland in September 1254 as one of an embassy that may well have been entrusted with sounding out just how far Durward's reports were true.⁶⁵ By May 1255 Durward was back at the English court (now at Clarendon in Wiltshire) along with his old fellow-justiciar David de Lindsay,⁶⁶ and a list of names of magnates in Scotland who would support the ousting of the Comyns was being put into final form in the next month or two before being given to Richard earl of Gloucester and John Maunsel provost of Beverley on 10 August when they went to Scotland as an advance party ahead of Henry himself.⁶⁷ They attracted support from the earl of Dunbar, whose name headed the list of three earls and twelve lay barons who were expected to help in the change of government, and who emerged as the formal head of the new council in Scotland. On or just before 4 September the persons of King Alexander and Queen Margaret were secured at Edinburgh and brought to Roxburgh where in the course of the next fortnight they were to be in frequent contact with King Henry and Queen Eleanor who were established just nine miles away across the Tweed at Wark.⁶⁸ Since the Comyn government had assembled a council of magnates in the neighbourhood of Edinburgh at the time of this *coup d'état* but were unable to prevent it,⁶⁹ it seems that they were caught by surprise and not sufficiently aware of the extent to which they had lost support. Apparently the Comyn leaders did come—under Henry's protection—to join in the discussions at Kelso which led to Henry's entrusting the king and realm (*regio*) of Scotland to Dunbar and his following. But the kind of general agreement to a change of government which had been achieved in 1251 was not obtained on this occasion, for the Comyn leaders refused to agree to a document prepared by the Dunbar faction, apparently because it allowed Henry too much

⁶³ *CDS*, i, nos 1888, 1895; *cf.* no. 1894.

⁶⁴ *Ibid.*, nos 1956, 1985; *Calendar of Liberate Rolls 1251-60* (London, 1960), p. 319.

⁶⁵ *Foedera*, i, p. 306; *Rôles Gascons*, i, ed. Francisque-Michel (Paris, 1885), nos 3444, 3955.

⁶⁶ *CDS*, i, nos 1984-85, 1981-82. ⁶⁷ *Ibid.*, nos 1986-87; *cf.* no. 1990.

⁶⁸ *Ibid.*, no. 2002; *Chron. Melrose*, p. 112. ⁶⁹ *Ibid.*, pp. 111-12.

influence in Scotland.⁷⁰ Yet the Comyns could not prevent the assembling of seventeen lay and eight ecclesiastical magnates (including two of their supporters, the bishop of Glasgow and the bishop-elect of St Andrews) who approved forthwith the appointment of a new council of fifteen Durward supporters which was to rule on behalf of the young king for the next seven years until he should be aged twenty-one.⁷¹ At the same time a list of twenty-six Comyn supporters was drawn up who were specifically excluded from any share in the government until they should make their peace with both Alexander and Henry.⁷² The Comyns had certainly not kept the country behind them. On the other hand the *coup* was not accomplished exactly as planned: four lay magnates on the original list of fifteen whom Durward expected to help did not immediately come forward;⁷³ but to match this disappointment some six other magnates (including the earl of Fife) whose names were not on the original list did come forward at once, and two of them even joined the new Durward council.⁷⁴ Nothing appears to have been expected in advance of the clergy who, after all, had helped to bring in the Comyn government in 1251; and while four abbots were in the event persuaded to support the nomination of the new council,⁷⁵ only two bishops could be found to accept membership of it and these two (Dunkeld and Aberdeen) were particularly beholden to Durward patronage.⁷⁶

When senior bishops like William de Bondington of Glasgow and Clement of Dunblane were so brusquely excluded from public affairs along with the earls of Menteith, Buchan and Mar and various other great barons until they should kow-tow to Henry III, it is clear that Henry was interfering in Scottish affairs in a much more considerable way than had been implied in his generally acceptable actions of 1244 and 1251. He was claiming to be motivated simply by paternal affection; but he also called himself Alexander's 'supreme adviser'.⁷⁷ No guardians were set up for the anticipated last seven years of the

⁷⁰ CDS, i, no. 2003; *Chron. Melrose*, pp. 112–13.

⁷¹ Stones, *Relations*, no. 10.

⁷² *Ibid.*, p. 31.

⁷³ The four were William Galbraith, John and Hugh de Crawford, and Walter Stewart.

⁷⁴ The two councillors were Malcolm earl of Fife and Gilbert de Hay; the four others were Roger de Mowbray, John de Vaux, William de Ramsay and William de Douglas.

⁷⁵ Abbots of Dunfermline, Kelso, Jedburgh and Newbattle.

⁷⁶ Richard de Inverkeithing had been presented to Dunkeld in 1250 when chamberlain along with Durward (Watt, *Fasti*, p. 95) and was now to become chancellor. Peter de Ramsay had been appointed to Aberdeen in 1247 during Durward's ascendancy (*ibid.*, p. 1) and was an associate of Durward in the north-east (*Aberdeen Registrum*, i, p. 17; ii, pp. 273–75; *Chartulary of the Abbey of Lindores* [Scottish History Society, 1903], pp. 85–86).

⁷⁷ CDS, i, nos 1995, 2017.

minority: instead a constitutional strait-jacket was imposed for an extraordinarily long period, which implied in effect that Henry was himself to control the government of Scotland for as long as he possibly could; and it is no wonder that he had to promise to hand back in seven years' time the formal document whereby he had secured agreement to such arrangements.⁷⁸ This time, however, he had not secured general support among the Scottish magnates for his plans. The Durward government therefore must have known that it would have to face the hostility of a large section of the baronage, and it was obviously dependent on Henry's protection to be able to govern at all. The future of the minority was left open rather than settled as Henry hurried south in late September 1255 to attend the investiture in London of his son Edmund as King of Sicily.

A feature of the administration which lasted for the next two years is that for the first time during the minority we know the names of the councillors responsible, and the rules laid down for the council's conduct of business emphasize its corporate character.⁷⁹ The earl of Dunbar probably presided and certainly conducted diplomatic correspondence,⁸⁰ while Durward returned to his old office of justiciar of Scotland, with other magnates of the council taking the other major offices of state.⁸¹ The royal castles were all placed in friendly hands.⁸² This new council needed to hang together, for turbulence was threatened during their whole term of office. They were directly responsible for this themselves inasmuch as they chose to try to bring their Comyn predecessors to account for their handling of crown property between 1251 and 1255.⁸³ In particular they made charges of this kind the basis of a case at the papal court to have Gamelin (the ex-keeper of the royal seal) deprived of the see of St Andrews to which he had been elected;⁸⁴ but this man's consecration in December 1255 was itself a mark of the lack of grip of the Dunbar-Durward government,⁸⁵ and though they drove him out of the country they could not make their charges stick and found themselves excommunicated on papal authority by clergy still favouring the Comyns.⁸⁶ Durward himself

⁷⁸ Stones, *Relations*, p. 33.

⁷⁹ *Ibid.*, pp. 31-33.

⁸⁰ *E.g. Foedera*, i, p. 353.

⁸¹ Richard bishop of Dunkeld was chancellor, David de Lindsay was chamberlain and Walter de Moravia justiciar of Lothian (*Chron. Fordun*, i, p. 297; J. Hodgson, *History of Northumberland* [Newcastle-upon-Tyne, 1820-40], III, i, pp. 12-13).

⁸² Stones, *Relations*, p. 32.

⁸³ *Chron. Fordun*, i, p. 297.

⁸⁴ Theiner, *Monumenta*, no. 201.

⁸⁵ Watt, *Fasti*, p. 293.

⁸⁶ *Chron. Melrose*, p. 114. One of the papal mandatories was the abbot of Melrose. This passage therefore provides the key to the Melrose chronicler's consistent hostility to the Durward party throughout the minority, and to his approval of the Comyn counter *coup* of 29 October 1257 (see below, p. 17).

took the occasion to conduct a more personal vendetta against a prominent Comyn supporter, the earl of Mar; and it appears that there were clergy in Scotland willing to act under papal authority on either side of this complicated case, where Durward was challenging the legitimacy of the earl's father and grandfather so as to obtain the earldom for himself.⁸⁷ It is noteworthy (in continuation of his earlier interest in the maintenance of Scottish royal rights with papal help) that it seems to have been Durward's proctor at the curia in October 1257 in connection with this personal matter who obtained at the same time a general papal confirmation of royal rights in Scotland.⁸⁸ But on the other hand we should notice that this was a period when an exceptional quantity of business was transacted at the curia on behalf of Scottish clients compared with the years before and after, which seems to point to a sense of insecurity at home which made the expense of papal bulls of confirmation worth while. The government was being carried on in Scotland, however, and there was even sufficient peace for it to be possible to arrange a royal visit to Woodstock and London in August and September 1256, when Durward took the opportunity to see to the payment of arrears of the annual fee which he enjoyed from Henry III.⁸⁹

But Henry must then have been given news that all was not well in Scotland, for in September 1256 John Maunsel was sent north to try to sort out certain troubles which the Dunbar–Durward government were having with 'rebels'.⁹⁰ The uncompromising attitude of the council was reaping its reward of a hardening of Comyn camaraderie. By February 1257 the council was being forced by Earl Walter Comyn and others to pass on to Henry III a certain draft document, which presumably contained plans for the readmission of the Comyn faction to power.⁹¹ Henry sent the wealthy but ineffectual Anglo-Scottish magnate Roger de Quincy earl of Winchester (who was the Comyn earl of Buchan's father-in-law and also constable of Scotland) to try to mediate.⁹² His instructions were probably to stall off a crisis as best he could; and Henry repeated this approach in July 1257 when he heard that the Dunbar–Durward council had agreed to hold discussions with the Comyn faction.⁹³ As far as we can tell, he still stood by the letter of the 1255 seven-year plan.

But if Henry was too inflexible or too busy with other cares to listen to them, the Comyns were not incapable of self-help. Earl Walter of Menteith, Earl Alexander of Buchan, their brother-in-law

⁸⁷ Theiner, *Monumenta*, nos 196, 203.

⁸⁸ *Ibid.*, no. 204.

⁸⁹ *CDS*, i, nos 2053, 2055–56, 2071–72; no. 2057; cf. nos 2043–44.

⁹⁰ *Ibid.*, nos 2063, 2058, 2062.

⁹¹ *Foedera*, i, p. 353.

⁹² *CDS*, i, no. 2080.

⁹³ *Foedera*, i, p. 362.

William earl of Mar, and their nephew John Comyn took the chance when the young king and queen were at Kinross at the end of October 1257 to collect a small band of allies from the neighbourhood to seize them and to usurp the offices of government forthwith.⁹⁴ For the first time since 1249 Scotland was now ruled by a group hostile to Henry III, and the three members of the recent council who had most to fear (Alan Durward, Walter de Moravia and David de Lindsay, who had been justiciars and chamberlain) withdrew to England.⁹⁵ But Matthew Paris cannot have been right when he described this new situation in terms of a seizure of power by 'native subjects' opposed to the 'foreigners' who had recently been exalted in Scotland:⁹⁶ it was seizure of power by a small, resentful, fearful and vengeful group whose prospects of winning general acceptance as the minority government can never have been strong. It was not even the same faction as had been proscribed in 1255, for only seven of the old Comyn government were still associated with each other, and they won very little significant support from magnates outside the Comyn family. Their party was listed at its most grandiose (and padded out with the names of several younger brothers) in March 1258 when they agreed to an approach from the Welsh princes under the leadership of Llywelyn prince of Wales for a treaty of support against King Henry.⁹⁷ This famous treaty was a dead letter, since within three months the Welsh were agreeing to a truce with Henry,⁹⁸ and in any case the very form of the treaty is witness to the weakness of the Comyn position, for it is clear that they were allying with the Welsh merely as a group of Scottish magnates unable to commit their king. They may well have already lost control of the royal seal, for in the same month of March 1258 Alexander (now aged sixteen and a half) was beginning to conduct a correspondence with England by means of envoys who were not men of either the Comyn or the Durward factions;⁹⁹ and by May the queen at least was free from Comyn 'protective custody' and being looked after to her father's satisfaction by Durward's friend the earl of Strathearn.¹⁰⁰ Comyn strong-arm methods had not given them control for long.

Compromise was in the air over the summer of 1258. Henry had given up his plans of the winter and spring for a punitive expedition to Scotland on behalf of the Durward faction,¹⁰¹ for he was now

⁹⁴ *Chron. Fordun*, i, p. 297; *Chron. Melrose*, p. 114.

⁹⁵ *Ibid.*; *CDS*, i, nos 2099, 2120–21.

⁹⁶ Paris, *Chron. Maj.*, v, p. 656.

⁹⁷ *Littere Wallie*, ed. J. G. Edwards (Board of Celtic Studies, University of Wales, History and Law Series, no. 5, Cardiff, 1940), pp. 184–86.

⁹⁸ Powicke, *King Henry III*, i, pp. 382–83.

⁹⁹ *CDS*, i, no. 2114.

¹⁰⁰ *Ibid.*, no. 2125.

¹⁰¹ *Ibid.*, nos 2103, 2116–18; *cf.* no. 2114.

facing severe restrictions at home as the baronial reform movement got under way following the parliament of Oxford in June: he was in no position to insist on a return to the seven-year arrangements of 1255. And Alexander was taking the initiative more and more in connection with a series of assemblies in Scotland where the two factions could meet and learn to compromise.¹⁰² This is the time when the minority draws to a close in practical terms, while the young king led his magnates to an agreement based on reason rather than force (whether from outside or inside the country). By August he was sending unexpected and unwelcome suggestions to the baronial government in England as they were sending representatives from among their number along with John Maunsel once again to discuss on the Border the problem of Scottish government.¹⁰³ But at least the problem could now be treated in an atmosphere free from King Henry's feelings of family sentiment; and it was no longer suitable to treat Alexander as of no account. There were discussions for as long as nearly three weeks at Jedburgh in September 1258,¹⁰⁴ when Alexander and the English representatives may well have been at one in their desire to bring about a settlement which would be the basis of unity and peace in Scotland and also be acceptable at least to the barons of England. A formula was apparently found at last at the end of the month, whereby a council of ten assumed the care and rule (*cura* and *regimen*) of the kingdom of Scotland, including four each from the Comyn and Durward factions.

We know of this settlement, however, only from two versions of a document issued later on 6 November by the English baronial council in the name of Henry III,¹⁰⁵ in which the language probably represents their desire to offer Henry something of a face-saver at a time when they were finding it politic to take precautions in the light of his intrigues with King Louis against their interests;¹⁰⁶ this source is not therefore a straightforward guide to what had happened in Scotland in September and to what the Scots thought about it. The first oddity to be explained is the prominent place among the ten names of those entrusted with rule given to the Frenchman John of Acre and his wife the Dowager Queen Mary de Coucy. Queen Mary had remarried early in 1257,¹⁰⁷ almost certainly at the behest of King Louis, taking as her second husband the young John of Acre, whose

¹⁰² *CDS*, i, nos 2126–27.

¹⁰³ *Ibid.*, no. 2133; *Foedera*, i, p. 376.

¹⁰⁴ *Chron. Melrose*, p. 115.

¹⁰⁵ Stones, *Relations*, pp. 35–36; and *Foedera*, i, p. 378, where the name of Walter Comyn earl of Menteith is included.

¹⁰⁶ M. Gavrilovitch, *Étude sur le traité de Paris de 1259* (Paris, 1899), p. 27.

¹⁰⁷ She was apparently still a widow in September 1256 and had remarried by June 1257 (*CDS*, i, nos 2064, 2083).

father had once had a title to the kingship of Jerusalem, whose mother was a princess of Castille and a first cousin of King Louis, whose elder sister was currently empress of Constantinople, and who had been brought up as one of the family circle at the royal court of France.¹⁰⁸ King Louis made him butler of France about the time of his marriage,¹⁰⁹ and Queen Mary's dower (which amounted to one-third of the Scottish royal revenues¹¹⁰) was his main support. He had been allowed by Henry III to come to Scotland in the summer of 1257,¹¹¹ probably to obtain possession of his new wife's estates (in which he had some success at first, though later in life they were to live apart and he had to be content with a pension).¹¹² Henry had emphasized in 1257 that the couple must not become involved in the tangle of Scottish politics; and they are never mentioned in connection with the tangled events of the next year in Scotland until this plan of September 1258 for their share in the responsibilities of the new council of both Comyns and Durwards. John himself was seemingly at the court of Castille in that month and back at the court of Louis by February 1259 at latest.¹¹³ It was at these courts that he had a long and well-documented career, and he is not heard of in Scotland again. Presumably therefore the names of Alexander's mother and step-father were included in the compromise council as a sop to Henry III, who may have felt that the minority should at least theoretically continue, but who could hardly object to a formal share in Scottish affairs being given the king's mother and her husband. It was also relevant that John of Acre was so favoured a protégé of King Louis, for certainly both Henry and the English barons were eager just at that time to please the French king, and Alexander and the Scottish magnates may have thought that an empty gesture would do no harm.

But secondly it needs to be remembered that our knowledge of the compromise council of September 1258 comes only from an English source. The same source mentions a proposed oath which the new

¹⁰⁸ For details of this family see R. L. Wolff, 'Mortgage and Redemption of an Emperor's Son: Castille and the Latin Empire of Constantinople', *Speculum*, xxix (1954), pp. 46-47, and Berger, *Blanche de Castille*, pp. 326-27, 335-36, 421.

¹⁰⁹ This office was vacant in December 1255 (*Layettes du Trésor des Chartes*, iii [Paris, 1875], no. 4225); John held it by June 1257 (see below, n. 111).

¹¹⁰ Paris, *Chron. Maj.*, v, p. 266; cf. p. 265.

¹¹¹ CDS, i, nos 2083-84.

¹¹² *Acts Parl. Scot.*, i, p. 115; cf. CDS, i, no. 2676; *Chron. Bower*, ii, p. 109.

¹¹³ *Memorial Historico Español*, i (Madrid, 1851), nos 60, 63, 66 show him as certain witness at the court of Castille on 5 February and 10 April 1258, and probably also on 13 September 1258 (where the name of his brother Louis is associated with John's usual title); *Layettes du Trésor des Chartes*, iii, no. 4470.

Scottish councillors were to be asked to take, which could commit them to subordination to English control and to involvement in English interests.¹¹⁴ It has recently been pointed out that this oath was probably never obtained,¹¹⁵ so that it remains the wishful thinking of an English government that was being unrealistic about the degree of control which it could now exercise in Scotland. It is certainly possible that the text of the document of 6 November 1258 which gave recognition to a council of ten represents more what the English thought should happen in Scotland rather than what the Scots felt bound to put into effect—and this applies not only to the people mentioned, but also to the whole tone of the text in that it implies the perpetuation for some unspecified period of a system of minority government under English supervision. I suspect that the Scots did not think themselves formally bound along such lines by what had been agreed orally at Jedburgh in September 1258. It was just that peace had somehow been achieved then between the warring factions, and thenceforward they were willing to co-operate with their seventeen-year-old king in letting him run his own show. My contention is that for most practical purposes the minority of Alexander III ended in 1258.

It may be that certain formal powers were not fully exercised by the king until 1262 when he was twenty-one. It is true, for example, that the first known major land grant by charter in the reign dates from that year,¹¹⁶ and that he obtained the matrix of a new great seal about the same time,¹¹⁷ though grants of royal favour affecting the crown revenues had not been unknown throughout the minority.¹¹⁸ But Alexander was a free agent long before 1262 in most things. He had a stroke of luck in the sudden death of Earl Walter Comyn of Menteith in late October or early November 1258; this put the Comyn faction off their guard to the extent that John Comyn at least was later to spread the false rumour that Walter had been poisoned by his wife,¹¹⁹ and it gave the king much more freedom of action, for he was no longer under any necessity to work with a council delicately balanced between Comyn and Durward interests such as may have seemed essential as recently as September. In fact he now chose to retain Comyn men in the main offices of central and local government for

¹¹⁴ Stones, *Relations*, pp. 36–37; see also Paris, *Chron. Maj.*, v, pp. 739–40.

¹¹⁵ Stones, *Relations*, p. 36, n. 3.

¹¹⁶ Charter to William earl of Mar (Simpson, *Handlist*, no. 41).

¹¹⁷ Stevenson & Wood, *Seals*, i, p. 5.

¹¹⁸ E.g. Simpson, *Handlist*, nos 9, 14, 15.

¹¹⁹ *Chron. Melrose*, p. 116; Theiner, *Monumenta*, p. 93; cf. *Chron. Fordun*, i, p. 298, and Paris, *Chron. Maj.*, v, p. 724 for other explanations of Walter's death.

many years to come; but from early 1259 at latest Alexander was successful in getting Durward himself and then his supporters (such as the earls of Dunbar, Fife and Strathearn and Alexander Steward) to come to his court and to take responsibility for political decisions. There was united resistance to an embassy from the English council demanding adherence to their plan of 6 November 1258 for a continuing regency: and Durward joined with Alexander Comyn earl of Buchan in an embassy to England in the spring of 1259 to explain the Scottish attitude and to demand the return of the document of September 1255 in which the Scots had agreed to the continuation of the minority until 1262.¹²⁰ The minority had ended *de facto* and it seemed useful to take the trouble to tie up loose ends.

This did not mean that Alexander wished to adopt some kind of anti-English policy—indeed he was willing to drop an idea which he had for holding a coronation ceremony when Henry's council argued that it would be inopportune.¹²¹ But he was glad to take advantage of Henry's weak political position at home in order to exact, for example, some payments of Queen Margaret's dowry at last from 1260 onwards.¹²² By the end of that year the Scots were confident enough to let their queen stay with her mother at Windsor for her confinement at the birth of the heiress to the Scottish throne in February 1261; and I see this as evidence of a certainty in Scotland that Henry was no longer in a position to arrange Scottish affairs to his liking as in 1244, 1251 and 1255. It is a significant commentary on the political lessons which had been learned since 1249 that arrangements were now made to cover the possibility that Alexander might die before his baby had been brought back to Scotland: a regency council of thirteen named bishops, earls and barons was to be in charge (suitably drawn from both the Comyn and Durward factions), so that there would be no doubt regarding who was to bear responsibility.¹²³ This regency council was happily not called upon to serve; but we have here the basis of the practice which was to be adopted when in 1286 a baby girl was to inherit the throne, for then the regency was to be placed in the hands of a committee of six bishops, earls and barons as joint guardians.¹²⁴ And Alexander Comyn earl of Buchan was still to be around in 1286 to speak of the lessons learned from the minority of 1249–1258.

But Alexander III was not at Windsor for the birth of his heir in February 1261 for an important reason. He had had to hurry home

¹²⁰ Paris, *Chron. Maj.*, v, p. 740; cf. *CDS*, i, no. 2157.

¹²¹ *Ibid.*; cf. Stones, *Relations*, no. 9.

¹²² *CDS*, i, no. 2192; see also nos 2209, 2219–20.

¹²³ *Ibid.*, no. 2229.

¹²⁴ Barrow, *Robert Bruce*, pp. 21–22.

from England late in 1260¹²⁵ to deal with trouble which was then brewing over the disposal of the earldom of Menteith. He had decided after the death of the great Earl Walter in 1258 that the widowed countess of Menteith (who was heiress to the lands and title) might marry John Russell, an English knight of modest status. This had been agreed by representatives of both the Comyn and the Durward factions as one of the political matters on which Alexander was getting them to work together.¹²⁶ It followed that Earl Walter's nephew John Comyn succeeded only to his uncle's lordship of Badenoch and not to the Menteith lands and title, and no doubt this was intentional. But John had been involved in the family's strong-arm activities since the attack on Walter Bisset in 1242, and he was not prepared to be 'cheated' in this way. He kidnapped the countess of Menteith and her second husband and forced them to make over the earldom to himself. He then confidently got King Alexander to assemble a court of magnates in the spring of 1261 which was intended to confirm this forcible act. Of the fourteen known members of this court eleven were of the Comyn following, with only Durward, Fife and Strathearn from outside that circle. But John Comyn did not get his way—even so large a preponderance of supporters of his family decided that he must be curbed and that such lawless selfish actions must stop. The decision was an unfair one as far as the countess and her husband were concerned, for it seems now to have been thought too risky to allow the Menteith inheritance to be in the hands of a man of such little political weight. Instead the unjust but politically sensible decision was made by the Comyn-dominated court to award the earldom to a younger brother of Durward's staunch supporter Alexander Stewart, who happened to be married to a lady with a dormant claim to the earldom.¹²⁷ Just before his death in 1286 Alexander was to make revised arrangements for this earldom which in effect admitted the injustice of this decision of 1261:¹²⁸ this highlights all the more the importance of the decision. It was vital for Alexander in 1261 to meet

¹²⁵ He was at Traquair, Peeblesshire by 12 December 1260 (*Charters of the Royal Burgh of Ayr* [Archaeological and Historical Collections relating to the Counties of Ayr and Wigton, 1883], no. 11).

¹²⁶ Theiner, *Monumenta*, no. 237.

¹²⁷ See *ibid.* for the whole story. The court must have met between 12 December 1260, when Walter Stewart was not yet earl of Menteith (*Ayr Burgh Chrs.*, no. 11) and 17 April 1261 when he is first found as such (*Registrum Monasterii de Passelet* [Maitland Club, 1832], p. 121). There is no proof that Walter's wife Mary was a sister of Countess Isabella (*cf. Scots Peerage*, vi, pp. 127, 130); and it is more likely that they were cousins, and daughters respectively of the two brothers both called Maurice, the younger of whom had succeeded the elder in the earldom of Menteith in 1213 (*CDS*, i, nos 2275-76).

¹²⁸ *Scots Peerage*, vi, p. 131.

the lawless challenge of John Comyn, and he succeeded in getting those of the Comyn family who were now co-operating responsibly in the government under his leadership to disown the remaining renegade overmighty subject. Thus 1261 sees the end of our sub-plot 'The Challenge of the House of Comyn'. The Comyns were still a family of great influence and substance for the rest of the century: but they were now prepared to work for the king and with other magnates. The threat of foreign invasion from Norway which was to become real in 1263 consolidated this new habit; ¹²⁹ but the pattern had been established in 1258 and that is the year which, I submit, should be regarded as the end of the Minority of Alexander III.

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¹²⁹ Durward and Buchan had joint-responsibilities in the defence against the Norwegians 1263–64 (*The Exchequer Rolls of Scotland*, i [Edinburgh, 1878], p. 20; *Chron. Fordun*, i, p. 301).