

Decline and Fall: The earls and earldom of Mar

c.1281-1513

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To Alasdair, for everything.

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Abstract

The subject of this study is the earls and earldom of Mar c.1281-1513. Chapter 1 provides a description and analysis of the internal structure and administration of Mar, detailing the lands contained within each of Mar's lordships and their respective *caputs*. This is supplemented by a breakdown of the Mar rental yields between 1435 and 1565, sourced from various accounts contained within the *Exchequer Rolls*.

Chapter 2 charts the political development of the early earls and earldom of Mar between c.1281 and 1388. It is argued that the earldom suffered from extended periods of absentee lordship, instigating a decline in the earldom's fortunes and importance, only interrupted by a brief revival between 1388 and 1435.

Chapter 3 is concerned with the fortunes of Mar under the control of Mar's only female countess to rule in her own right, Isabella Douglas, sister of James Douglas, 2nd earl of Douglas and Mar. The chapter draws particular attention to her attempts to consolidate her authority in the wake of debates surrounding the Douglas inheritance after 1388, and her response to Albany Stewart interference in her earldom between 1402 and 1404. In doing so, it presents an alternative interpretation of Countess Isabella's role in the coup of 1404 led by Alexander Stewart, son of Alexander Stewart lord of Badenoch. This chapter also explores the issue of female authority, and argues that the proactive policies of Countess Isabella have been largely ignored in the historiography of the period.

Chapter 4 provides an assessment of the earls and earldom of Mar from 1435-1513. Building on the examination of the career of Alexander Stewart, earl of Mar contained in chapter 3, this chapter explores the political ramifications of his death and the attempts by both the Erskines and the Lyles to secure their Mar inheritance. Their decision to court the Forbes family in a bid to secure local support for their claims highlights the hitherto underemphasized importance of this family as the font of local authority, and draws attention to the effect of Stewart's death on the exercise of local lordship in Mar. Taken together, these four chapters will challenge current perceptions of Mar's geographical development and political decline between c.1281 and 1513.

Abbreviations

Aberdeen-Banff Collections [A.B. Coll.]	<i>Collections for a History of the Shires of Aberdeen and Banff</i> (Spalding Club, 1843).
Aberdeen-Banff Illustrations [A.B. Ill.]	<i>Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff</i> (Spalding Club, 1847-69).
<i>Aberdeen Council Register</i> [Abdn. Counc.]	<i>Extracts from the Council Register of the Burgh of Aberdeen</i> (Spalding Club, 1844-48)
<i>Acts Parl. Scot.</i> [APS]	<i>The Acts of the Parliament of Scotland</i> , edd. T. Thomson and C. Innes (Edinburgh, 1814-1875).
<i>Anglo-Scottish Relations</i>	<i>Anglo-Scottish Relations, 1174-1328: Some Selected Documents</i> , ed. E.L.G. Stones (Oxford, 1970).
Bellenden, <i>Chronicles</i>	<i>The Chronicles of Scotland compiled by Hector Boece</i> , translated by John Bellenden 1531 (STS, 1938-41)
Boece, <i>Vitae</i>	<i>Hectoris Boetii Murthlacensium et Aberdonensium Episcoporum Vitae</i> (New Spalding Club, 1894).
<i>Cal. Docs. Scot.</i> [CDS]	<i>Calendar of Documents relating to Scotland</i> , ed. J. Bain, (Edinburgh 1881-8)
<i>Cal. Papal Letters</i> [CPL]	<i>Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters</i> , edd. W.H. Bliss and others (London, 1893-).
<i>Cal. Papal Petitions</i> [CPP]	<i>Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope</i> , ed. W.H. Bliss (London, 1896).
<i>Cal. Patent Rolls</i> [CPR]	<i>H.M.S.O., Calendar of Patent Rolls, 1272-1582, 68 vols</i> (London, 1893-2002)
<i>Chron. Bower</i> (Watt)	Walter Bower, <i>Scotichronicon</i> , gen. ed. D.E.R. Watt (Aberdeen, 1993-98).
<i>Chron. Fordun</i>	Johannis de Fordun, <i>Chronica Gentis Scotorum</i> , ed. W.F. Skene (Edinburgh, 1871-72).
<i>Chron. Melrose</i>	<i>The Chronicle of Melrose (Facsimile Edition)</i> , edd. A.O. Anderson and others (London, 1936).
<i>Chron. Pluscarden</i>	<i>Liber Pluscardensis</i> , ed. F.J.H. Skene (Edinburgh, 1877-80).
<i>Chron. Wyntoun</i>	<i>The Original Chronicle of Andrew of Wyntoun</i> (STS, 1903-14).
Dowden, <i>Bishops</i>	J. Dowden, <i>The Bishops of Scotland</i> (Glasgow, 1912)
<i>Exch. Rolls</i> [ER]	<i>The Exchequer Rolls of Scotland</i> , edd. J. Stuart and others (Edinburgh 1878-1908).

<i>Foedera</i>	<i>Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica</i> , ed. T. Rymer (Record Commission, 1816-1869).
Fraser, <i>Douglas</i>	W. Fraser, <i>The Douglas Book</i> (Edinburgh, 1885)
Fraser, <i>Elphinstone</i>	W. Fraser, <i>The Elphinstone Family Book</i> (Edinburgh, 1897)
Fraser, Lennox	W. Fraser, <i>The Lennox</i> (Edinburgh, 1874)
Fraser, <i>Menteith</i>	W. Fraser, <i>The Red Book of Menteith</i> (Edinburgh, 1880)
<i>Glasgow Registrum</i> [<i>Glas. Reg.</i>]	<i>Registrum Episcopatus Glasguensis</i> (Bannatyne and Maitland Clubs, 1843)
<i>Holyrood Liber</i> [<i>Holy. Lib.</i>]	<i>Liber Cartarum Sancte Crucis</i> (Bannatyne Club, 1840)
<i>Innes Review</i> [IR]	<i>The Innes Review</i> (1950-)
<i>Instrumenta Publica</i>	<i>Instrumenta Publica, Sive Processus Super Fidelitatibus et Homagiis Scotorum Domino Regi Angliæ Factis, 1291-1296</i> (Bannatyne Club, 1834)
<i>Lindores Chartulary</i> [<i>Lind. Cart.</i>]	<i>Chartulary of the Abbey of Lindores</i> (SHS, 1903)
<i>Lindores Liber</i> [<i>Lind. Lib.</i>]	<i>Liber Sancte Marie de Lundoris</i> (Abbotsford Club, 1841)
<i>Melrose Liber</i> [<i>Melr. Lib.</i>]	<i>Liber Sancte Marie de Melros</i> (Bannatyne Club, 1837)
<i>Moray Registrum</i> [<i>Moray Reg.</i>]	<i>Registrum Episcopatus Moraviensis</i> (Bannatyne Club, 1837).
NRS	National Records of Scotland, Edinburgh
<i>Paisley Registrum</i> [<i>Pais. Reg.</i>]	<i>Registrum Monasterii de Passelet</i> (Maitland Club, 1832: New Club, 1877)
Palgrave, <i>Docs. Hist. Scot.</i>	<i>Documents and Records Illustrating the History of Scotland</i> , ed. Francis Palgrave (London 1837).
<i>Proc. Soc. Antiq. Scot.</i> [PSAS]	<i>Proceedings of the Society of Antiquaries of Scotland</i> (1851-).
<i>Reg. Mag. Sig.</i> [RMS]	<i>Registrum Magni Sigilli Regum Scotorum in Archivis Publicis Asservatum</i> , edd. J. M. Thomson and others (London, 1882-1914).
<i>Regesta Regum Scottorum</i> [RRS]	<i>Regesta Regum Scottorum</i> , ed. G. W. S. Barrow and others (Edinburgh, 1960-).
<i>Rotuli Scotiae</i> [<i>Rot. Scot.</i>]	<i>Rotuli Scotiae in Turri Londinensi et in Domo Capitulari Westmonasteriensi Asservati</i> , edd. D. Macpherson and others (1814-19).
RPS	K.M. Brown et al (eds.), <i>The Records of the Parliaments of Scotland to 1707</i> (St Andrews, 2007-2016)

<i>Scalacronica</i> (King)	<i>Sir Thomas Gray: Scalacronica (1272-1363)</i> , edd. And trans. A. King (Suffolk, 2005)
<i>Scot. Antiq.</i>	<i>Scottish Antiquary</i> (1886-1903)
<i>Scot. Hist. Rev.</i> [SHR]	<i>The Scottish Historical Review</i> (1903-28, 1947-).
<i>Scots Peerage</i> [SP]	<i>The Scots Peerage</i> , ed. Sir J. Balfour-Paul (Edinburgh, 1904-14).
<i>St Andrews Liber</i> [St A. Lib.]	<i>Liber Cartarum Prioratus Sancti Andree in Scotia</i> (Bannatyne Club, 1841)
Theiner, <i>Monumenta</i> [Vet. Mon.]	<i>Vetera Monumenta Hibernorum et Scotorum Historiam Illustrantia</i> , ed. A. Theiner (Rome, 1864).
<i>Trans. Roy. Hist. Soc.</i> [TRHS]	<i>Transactions of the Royal Historical Society</i> (1872-).

I have wherever possible followed the guidelines as supplied for Scottish sources in the "List of Abbreviated Titles of the Printed Sources of Scottish History to 1560", supplement to the *Scottish Historical Review*, October 1963.

Throughout Chapters Three and Four, where applicable, Alexander Stewart, lord of Badenoch and sometime earl of Buchan will be referred to as Alexander (I). His son, Alexander Stewart earl of Mar, will be referred to as Alexander (II).

Introduction

R.R. Davies, in his exploration of lords and lordship in the British Isles, stated that '[a]ll those who exercised a measure of control over others practised lordship.'¹ This definition – if succinct – is too basic. The institution of medieval lordship was intensely variable, influenced by geography and social context, and a distinction must be made – argues Davies – between those who exercised lordship '*tout court*' and those who exercised aristocratic lordship.² Those who exercised aristocratic lordship could, and did, influence the development of medieval society through the exercise of power.³ However, the administration of their localities was undoubtedly linked to their ability to exercise effective personal lordship, the success of which was tied to both the ebb and flow of national politics, and their relationship with the crown. This thesis offers new insights into the earls and earldom of Mar, exploring how competing loyalties, failures in the male line, and crown intervention in this significant Scottish lordship contributed to perceptions of its decline and fall between c.1281 and 1513.

The subject of three independent studies concerning its historical and geographical development, the earldom of Mar has received a fair amount of attention in contrast to other Scottish earldoms or lordships. William Douglas Simpson was the first to undertake a detailed study of what he termed the Celtic province of Mar and the later 'feudalised' earldom, publishing his work in two separate volumes in 1943 and 1949 respectively.⁴ Simpson's first volume sought to provide a dedicated analysis of the province of Mar from its prehistoric development to its subsequent infeudation in the thirteenth century, drawn from his various excavations and examinations of Mar's early castles.⁵ Included in his analysis is a description of Mar's historical boundaries, the population of Mar in the Iron Age, the evolution of Christianity in the province, the 'Norman

¹ R.R. Davies, *Lords and Lordship in the British Isles in the Late Middle Ages* (Oxford, 2009), 158.

² *Ibid.*

³ *Ibid.*

⁴ W.D. Simpson, *The Province of Mar* (Aberdeen, 1943); W.D. Simpson, *The Earldom of Mar: Being a Sequel to 'The Province of Mar', 1943* (Aberdeen, 1949).

⁵ Simpson, *Province of Mar*, *passim*.

penetration', and the construction of the castle of Kildrummy in the reign of Alexander II. Courageous in its scope, Simpson's study provides a welcome introduction to Mar's natural environment, while his discussion of the 'Normanisation' of Mar portrays an appreciation of the endurance of the earldom's Gaelic traditions, a precursor to a similar interpretation put forward by Richard Oram in 2003.⁶ However, Simpson's progressive views are undermined by his untenable assessment of the internal organization of the province. Several of the assumptions put forward by the author concerning Mar's administration and the location of Mar's capital messuages are contested in the following chapters, necessitating that the reader approach Simpson's study with caution. Unfortunately, much of Simpson's first volume incorporates (almost verbatim) previous work undertaken by the author on Mar's early castles, rendering much of his additional discourse as refutable as his discussion of the province of Mar.⁷

Simpson's second volume, a sequel to his 1943 publication, shifted its focus to Mar in its capacity as a medieval Scottish earldom, providing an examination of Mar's political development from the thirteenth to seventeenth centuries. Due to Simpson's desire to provide such an expansive history, however, there is little in-depth discussion of the earldom within the period under investigation in this thesis, or even the failure of the native comital line in 1435, with which the latter half of this thesis is concerned. Although Simpson discusses what he terms the 'break-up of the earldom', he dedicates only three pages to a discussion of the decline and fall of the earls and earldom of Mar.⁸ Indeed, he seems more interested in the rise of the family of Forbes and their feud with the Gordon family (to which he dedicates the rest of the chapter), exclaiming that

'. . . by the dawn of the sixteenth century, the stage was set mid
the hills and glens of Mar for a bitter struggle for supremacy

⁶ R. Oram, 'Continuity, adaptation and integration: the earls and earldom of Mar, c.1150-c.1300', in S. Boardman and A. Ross (eds.), *The exercise of power in Medieval Scotland, c.1200-1500* (Dublin, 2003), pp. 54-66, *passim*.

⁷ Cf. Simpson, 'Note on recent excavations at Kildrummy Castle', *PSAS*, 54 (1919-20), pp. 134-45; 'The Royal Castle of Kindrochit in Mar', *PSAS*, 57 (1922-23), pp. 75-97; 'The Excavation of Coull Castle, Aberdeenshire', *PSAS*, 58 (1923-24), pp. 45-102; 'A new survey of Kildrummy Castle', *PSAS*, 62 (1927-8), pp. 36-80; 'The Early Castles of Mar', *PSAS*, 63 (1928-29), pp. 102-138; 'Excavations at the Doune of Invernochty', *PSAS*, 70 (1935-36), pp. 170-181.

⁸ Simpson, *Earldom of Mar*, 62-5.

between the two kindreds. By this struggle the whole history of our Province, throughout the politico-religious upheavals of the next two hundred years, would be determined.’⁹

Fifty-three years after the publication of Simpson’s second volume, Oram’s study of the earls and earldom of Mar c.1150–c.1300 was published in an edited book exploring the exercise of power in medieval Scotland.¹⁰ Oram’s decision to examine the extent to which the earls of Mar reconciled themselves with what has been dubbed the ‘Anglo-Norman era’, although focussing on a period in the earldom’s history much earlier than that explored in this thesis, has provided a firm basis on which to build a study of the decline and fall of the earls and the earldom of Mar.¹¹ Additionally, Oram’s examination of the succession crisis in the thirteenth century highlights the drastically different approaches to the ‘hiatus in succession’ of the 1220s and the extinction of the native comital line in 1435, employed by Alexander II and James I respectively.¹²

Michael Brown’s article on lordship and politics in north-east Scotland from 1435 to 1452 provides the most recent account of the crisis of 1435, seeking to place the failure of the magnate dynasty against a backdrop of local and national politics.¹³ For Brown, Stewart’s death, and the consequent failure of the comital line, influenced not only the development and exercise of Scottish lordship in the north-east, but shaped the behaviour and the policies of the crown and the nobility throughout the entire kingdom of Scotland. The opportunity to secure possession of Stewart’s vast estates, his noble affinity, and the now-vacant position as crown agent in the north, was enough to influence the actions of both parties between 1435 and the 1450s.¹⁴ Brown’s article, however, uses the death of Alexander Stewart as a means of exploring the political movements of prominent northern magnates in their attempts to gain and exercise the level of authority enjoyed by the deceased earl of Mar, as opposed to an in-depth exploration of the succession crisis of 1435. As a result, Brown’s treatment of the consequences of the extinction of the native comital line only briefly touches upon the complex relationships between the various

⁹ *Ibid.*, 68.

¹⁰ Oram, ‘Continuity, adaptation and integration’, *passim*.

¹¹ G.W.S. Barrow, *The Anglo-Norman era in Scottish history* (Oxford, 1980), *passim*.

¹² Oram, ‘Continuity, adaptation and integration’, 53.

¹³ Michael Brown, ‘The Great Rupture: Lordship and Politics in North-East Scotland (1435 – 1452)’, *Northern Scotland*, 5 (2014), pp. 1 – 25.

¹⁴ *Ibid.*, 3.

claimants to the earldom and their connection to significant lords both north and south of the earldom. The article should perhaps be seen not as a focussed assessment of Mar, but a case study which has contributed to the ongoing discourse concerning crown-magnate relations in the fifteenth century.

The traditional perception of fifteenth century Scotland as a ‘blighted land . . . characterised by the decline or stagnation of the kingdom’s government, economy, Church, legal system and cultural life’ has undergone a significant revision in recent years, spearheaded by the works of Alexander Grant and Jenny Wormald.¹⁵ The purpose of their work has been to highlight the ‘success and continuity’ in those areas, listed above, which are seen to have deteriorated.¹⁶ At the forefront of this re-evaluation is an analysis of Scotland’s internal political structure, focussing specifically on the relationship between the crown, and the magnates who were closest to it in terms of power and authority.¹⁷ The overall consensus in these works has been one of constant conflict between crown and nobility. In England, the comparable view of ‘a century dominated by the Wars of the Roses and characterised by unmatched brutality and conflict between factions of rival kings and ‘overmighty’ magnates’ was challenged by K.B. MacFarlane in 1973, prompting a similar reassessment in Scotland.¹⁸ This subsequent ‘new orthodoxy’ has presented the view that the king maintained a co-operative relationship with his nobility in order to protect the kingdom and maintain law and order in the localities.¹⁹

Wormald, in her assessment of this relationship, attempts to understand why the fifteenth century should see the nobility come into conflict with the Scottish crown when their predecessors seem to have enjoyed a relatively peaceful relationship with the monarchy. Her conclusion is that there was no conflict; rather, the fifteenth century nobility were reacting to the actions of James I, II and III, ‘two ruthless, tough and unscrupulous kings [...] and a third king who, after twenty years or arbitrary and ill-judged rule, provoked an

¹⁵ S. Boardman and M. Lynch, ‘The State of Late Medieval and Early Modern Scottish History’ in T. Brotherstone and D. Ditchburn (eds.), *Freedom and Authority: Historical and Historiographical Essays Presented to Grant G. Simpson* (Edinburgh, 2000), pp. 44-59, 44.

¹⁶ M. Brown, ‘Scotland Tamed? Kings and Magnates in Late Medieval Scotland: A review of recent work’, *IR*, 45 (1994), pp. 120-46, 121.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, 121-2.

¹⁹ Boardman and Lynch, ‘The State of Late Medieval and Early Modern Scottish History’, 45.

unexpected and short-lived rebellion' which succeeded.²⁰ Despite the fact that James I and III suffered violent deaths at the hands of their subjects, the line of succession was never broken, as the crown passed to their eldest sons, making the Scottish dynastic situation seem relatively tame in comparison to that of England.²¹ Both Grant and Wormald argue that in the same period in England, four kings were killed, and the crown changed hands six times through force; 'indeed in these years every English reign except Henry V's either began or ended with royal deposition.'²² Yet this fondness for comparison between the violent rivalry between the houses of York and Lancaster and Scotland's relatively stable monarchy can '[bend] the stick too far'.²³ This is evident in Grant's assertion that the differences between the two kingdoms have 'more to do with attitudes at the top level of Scottish society' than statistics, and that violence in Scotland generally had little aftermath.²⁴ The example provided is the treatment of the duke of Albany after his seizure of David duke of Rothesay, eldest son of Robert III. Though Rothesay died in captivity in Albany's castle at Falkland, the repercussions amounted to nothing more than a parliamentary enquiry justifying Albany's behaviour and exonerating him from all blame for Rothesay's death.²⁵ Such an assessment exposes a narrowness of vision. It could surely be argued that the death of Rothesay at the hands of the duke of Albany dramatically influenced James I's policies upon his return from captivity in 1424. James' return heralded an increase in legislation pertaining to the governance of the kingdom and highlighted a desire to confront lawlessness and strengthen the central government that had – in 1402 – allowed his brother's murderer to escape punishment. Further, the wholesale destruction of the Albany Stewarts in 1425 provides a perfect example of how the consequences of 1402, far from being swept aside by parliamentary justification, were now (albeit belatedly) being realized.²⁶ While his policy of destruction has obviously been viewed with distaste ('difficult to explain in any terms other than those of

²⁰ J. Wormald, 'Taming the Magnates?' in K. Stringer (ed.), *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), pp. 270-80, 270.

²¹ *Ibid.*, 271; A. Grant, 'Crown and Nobility in Late Medieval Britain' in R.A. Mason (ed.), *Scotland and England, 1286-1815* (Edinburgh, 1987), pp. 34-59, 34.

²² *Ibid.*

²³ Boardman and Lynch, 'The State of Medieval and Early Modern Scottish History', 45.

²⁴ Grant, 'Crown and Nobility', 34.

²⁵ *Ibid.*, 34-5.

²⁶ R. Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, 1978), 282.

personal and unrelenting animosity reinforced by greed'), his movements reflect the behaviour of a man who had been held in captivity for eighteen years, where the knowledge that his brother's murderer had been exonerated had been allowed to fester, and where James first began to form a plan as to how to exercise his kingship over a kingdom that was under the authority of that same murderer's son.²⁷

With this in mind, it is hardly surprising that the earldom of Mar, and the situation which arose after the death of Alexander Stewart, has received so little scholarly attention, when the dominant view of the Stewart monarchy in the fifteenth century is one of distaste for the policies of James I, II and III. This fondness for portraying the kings as tyrants – blinded by greed – has overshadowed the importance of events taking place on a local level in 1435 and has obscured subtle patterns of change and continuity in the years prior to this. These patterns, in fact, invite the possibility of an alternative interpretation: that James I's involvement in Mar was not simply the continuation of a policy of expansion inspired by the acquisitive nature of a ruthless king, but the final realization of a policy of territorial aggrandizement that had been in force for over 100 years.

The victory of Robert Bruce over Edward II at Bannockburn in 1314 was a pivotal moment in the quest for independence from England, swiftly followed by legislation condemning those who had died outside of Bruce's faith, stating that the men were to be 'disinherited perpetually of lands and tenements and all other title within the kingdom', depriving them and their heirs 'of any further claim of right'.²⁸ Just over six months later, legislation which outlined the requirement of all Scottish landholders to pledge their allegiance to Robert I and any future heirs highlighted Bruce's desire to clearly define where the allegiance of his subjects should lie, an unsurprising legislative pursuit considering the divisive nature of Scottish politics at the time. Neville argues that this legislation ended a period of amicable communication between the two countries, and terminated the possibility of cross-border landholding for Bruce's subjects. It is surprising, therefore, that the 1314-15 legislation, and the impact it may have had on the competitive pursuit of land in Scotland, has not received

²⁷ Wormald, 'Taming the Magnates?', 273.

²⁸ *RPS*, 1314/1. Date accessed: 6 December 2016.

more scholarly attention. Barrow for example, in his seminal work on Robert Bruce, does not discuss the statute of Cambuskenneth in any great depth. This is perhaps to be expected; it has been argued that Barrow's interest in events after the battle of Bannockburn diminishes somewhat, and his treatment of the 1314 forfeitures would suggest this.²⁹ Regardless, Barrow opines that Bruce – throughout his reign – believed that men and women should not lose lands to which they had a hereditary right, provided they support their king without reserve. 'From 1314', Barrow states, 'this meant that they could no longer be English landowners as well.'³⁰ Far from being a revolutionary piece of legislation, then, Barrow believes Bruce's statute of Cambuskenneth to represent a natural progression from requiring unreserved fealty from his subjects, to making them choose between England and Scotland.

But what were the ramifications of the legislation? Although the statute was primarily concerned with forcing nobles on both sides of the border to choose their champion, (an attempt to 'counteract the conflicting loyalties' that had plagued members of the Scottish nobility during the wars), it ended a system of cross-border landholding that had been in place since the eleventh century.³¹ While Bruce may have seen the legislation as a means of re-establishing internal security to a realm 'bitterly divided between noble factions', Bruce's swift (and bloody) ascent to the Scottish throne had itself heavily contributed to the already fractious nature of Scottish government, suggesting that the post-1314 legislative process was not a decision inspired by Bruce's victory, but was instead the realization of a bold but pre-existing restorative policy that Bruce could not promote without having proved his worth on the battlefield.³² Indeed, Michael Penman's recent discussion of Bruce's reign bolsters this hypothesis in his assessment of the parliament summoned by the king at Dundee in 1313. Scotland was, by this point, undergoing 'a substantial realignment of aristocratic power by royal charter',

²⁹ A.A.M. Duncan, 'The Community of the Realm of Scotland and Robert Bruce: A Review', *SHR*, 45 (October, 1966), pp. 184-201, 200.

³⁰ Barrow, *Robert Bruce and the Community of the Realm of Scotland* (Edinburgh, 2005), 352.

³¹ S. Cameron and A. Ross, 'The Treaty of Edinburgh and the Disinherited (1328-1332)', *History*, 84 (1999), pp. 237-256, 238.

³² C.J. Neville, *Land, Law and People in Medieval Scotland* (Edinburgh, 2010), 113.

and Penman argues that the estates were perhaps reviving the request for crown forfeiture of enemies' lands and an appraisal of the settlement of key titles.³³

While Bruce's legislation spoke of a need to address the internal conflict of the kingdom and a desire to cut ties with England, it is also possible that the imposition of a clear divide between the two kingdoms was designed to ensure that another family could not balance themselves so precariously upon the changeable Anglo-Scottish border line, which was 'fluid, elastic, and eminently amenable to interpretation and manipulation'.³⁴ It seems likely that in addition to severing ties with England and attempting to secure the support of his lords in order to maintain his still shaky hold on the Scottish crown, Bruce was attempting to destroy an environment where a similar situation to that of 1286 may present an opportunity for a family with a similar background to that of the Bruce family to ascend to the throne in his place. Knowing his acquisition of the throne was brought about by the utilization of familial ties and the strength of his territorial portfolio on both sides of the border, what could stop another Anglo-Scottish family from emulating his example, using their own political skill to pursue the same ultimate goal? For example, the earls of Dunbar or March have often been portrayed negatively in historiographies from both sides of the border due to their lack of 'convincingly committed 'nationalist' behaviour' and tendency to switch allegiance to the realm offering the brightest future.³⁵

In short, Bruce's legislation was not only designed to gain support, but also assurance that no lord could manipulate their position as a cross-border landholder to usurp his position as king of Scotland. By ending the practice of cross-border landholding, Bruce was making sure that he could maintain a watchful eye over his subjects. As an Anglo-Scottish lord who had fought his way to the throne, the decision to alienate some of his own subjects by terminating their ability to hold land in England was simply a way to ensure that others could not do the same. Yet the consequences, far from being restricted to the Scots, also affected the English nobility – the 'disinherited' Anglo-Scottish

³³ M. Penman, *Robert the Bruce: King of the Scots* (New Haven, 2014), 133.

³⁴ Neville, *Land, Law and People*, 115; It should be noted that this recognition of the fluidity of the Anglo-Scottish border contradicts K.J. Stringer's assessment that 'the view that [...] the Border was a sharp dividing-line between two territorial aristocracies has not been seriously contested.' (K.J. Stringer, *Earl David of Huntingdon, 1152-1219: A Study in Anglo-Scottish History* (Edinburgh, 1986), 178)

³⁵ A.J. Macdonald, 'Kings of the wild frontier? The earls of Dunbar or March, c.1070-1435' in S. Boardman and A. Ross (eds.), *The exercise of power in Medieval Scotland, c.1200-1500* (Dublin, 2003), pp. 139-158, 139.

magnates who had lost their lands in Scotland due to their loyalty to the English king were still contesting their rights to their lands across the border in 1328, when the treaty of Edinburgh was concluded between Robert I and the English regents Isabella and Mortimer. The peace was short-lived, and it is widely accepted that the 'disinherited' lords 'were the key to the resumption of hostilities between Scotland and England in 1332'.³⁶ The statute of Cambuskenneth, then, represented the turning point that underpinned the decline of the 'traditional' great lords and the established pattern of landholding, and could account for the unprecedented interest in Mar in the aftermath of James I's acquisition of the earldom in 1435.

The fallout from Bruce's legislation was clearly still affecting the Scottish nobility more than 100 years later, and perhaps beyond. If we adhere to R.R. Davies' argument that the annual income of both the English and Scottish nobility was predominantly comprised of rental revenue, then it would be fair to assume that the forfeiture of a sizeable portion of a noble's lands across the border could lead to substantial financial crisis, depending on the value of the land lost.³⁷ Furthermore, if the sudden decrease in annual income arising from the 1314-15 legislation led to a potential increase in noble debt, it could have placed a significant amount of pressure on the availability of land in Scotland, as well as a potential intensification of the already competitive nature of territorial aggrandizement as nobles sought to assuage their financial woes by pursuing profit through the acquisition of lucrative landholdings. It should also be noted that Bruce's legislation was issued during a period of intense economic crisis. As argued elsewhere, the success or failure of Europe's 'organic economy', and its levels of production, were dependent upon both land fertility and the health of animals '(both humans and domesticates)'.³⁸ Thus, the catastrophic outbreaks of famine, bovine and ovine epizootics, and plague which marked the seventy-one year period between 1279 and 1350 had severely damaged Europe's economic development.³⁹ In England, repeated outbreaks of sheep scab between

³⁶ Cameron and Ross, 'The Treaty of Edinburgh', 238.

³⁷ Davies, *Lords and Lordship*, pp. 165-6.

³⁸ P. Slavin, 'The Great Bovine Pestilence and its Economic and Environmental Consequences in England and Wales, 1318-50', *Economic History Review*, 65 (2012), pp. 1239-1266, 1239.

³⁹ P. Slavin, 'Flogging a Dead Cow: Coping with Animal Panzootics on the Eve of the Black Death' in T.A. Brown, A. Burn & R. Doherty (eds.), *Crises in Economic and Social History: A Comparative Perspective. People, Markets, Goods: Economies and Societies in History* (Woodbridge, 2015), pp. 111-135, *passim*.

1279 and 1317 saw sheep mortality rates soar to forty-eight per cent. Likewise, the cattle pestilence of 1319-20 decimated England's bovine stocks, reducing the number of cattle by sixty-two per cent in less than a year. Attempts to replenish their numbers were hindered by further outbreaks in 1324-7 and 1333-4. The Great European Famine of 1314/15-22, a result of flooding caused by frequent and torrential rainfall which destroyed crops, worked to bind these events together.⁴⁰ Though much of our understanding of the economic downturn in the British Isles is drawn from scholarly explorations of the English experience, it is not unlikely that Scotland's livestock and agrarian economy – as well as its population – was similarly affected.⁴¹

Admittedly, the bovine pestilence was yet to strike and the Great European Famine was in its infancy when Bruce issued his Cambuskenneth ultimatum.⁴² It has been argued, however, that the calamities of the opening decades of the fourteenth century were part of a wider trend of economic decline and social dislocation.⁴³ If England's declining fortunes were indeed echoed in Scotland, then the drastic reduction of annual income brought about by the legislation of 1314-15 would have been cause for alarm. Indeed, the only way to mitigate the impending reduction in annual rental yields was to pursue the opportunity of territorial aggrandizement. However, both Barrow and Penman argue that large grants of land and power were few and far between, and those lucky enough to receive them were close family relatives or established loyalists. Importantly, Barrow states that it was the Stewarts who were 'the most favoured of the king's kinsmen', arguing that '[t]he royal house of Stewart was [...] in a very real sense the creation, or at least the legacy, of Robert Bruce.'⁴⁴ The Stewarts of Bonkle held the earldom of Angus, whilst other branches received

⁴⁰ I. Kershaw, 'The Great Famine and Agrarian Crisis in England 1315-1322', *Past and Present*, 59 (1973), pp. 3-50, 7.

⁴¹ Certainly, John of Fordun (in his *Chronica Gentis Scotorum*) stated that *cuncta fere animalia extinxit* (nearly all the animals were extinguished) in 1321. (T. Newfield, 'A cattle panzootic in early fourteenth century Europe' *Agricultural History Review*, 57 (2009), pp. 155-190, 169 and 169n67; *Chron. Fordun*, ii, 349)

⁴² Though recurrent bouts of sheep scab had been reported in England as early as 1279, there is no textual evidence to suggest that ovine stocks in Scotland had been depleted. Indeed, Slavin suggests the possibility that 'the relative isolation of the Gaelic Highlands, where sheep farming has always played an enormously important role, accounted for this silence.' (Slavin, 'Flogging a Dead Cow', 116)

⁴³ Kershaw, 'The Great Famine', 48.

⁴⁴ Barrow, *Robert Bruce*, 367.

forfeited lands in Ayrshire, Dumfriesshire and – importantly – Aberdeenshire.⁴⁵ These grants, Barrow argues, set the Stewarts up to dominate landownership in the fourteenth century, eclipsing the Comyn family's thirteenth century territorial monopolisation. However, there is – as yet – no evidence to suggest that the Stewarts gained a territorial foothold in Aberdeenshire during the reign of Robert I. Indeed, it seems more likely that Stewart interest in Mar was a direct result of the marriage of Walter Stewart to Marjorie Bruce in 1315. The presence of potential Stewart adherents in the area from the mid-fourteenth century onwards, the acquisition of the earldom in 1404 by Alexander Stewart, illegitimate grandson of Robert II, and the escheatment of the earldom to James I upon Alexander's death, indicate the potential realization of a policy to consolidate Stewart authority in the area that was rooted in the marriage of 1315, and actively pursued by Robert II, son of Walter and Marjorie, great-grandson of Donald (I), earl of Mar.⁴⁶

Even if this were not the case, James had spent eighteen years of his life '[existing] on pittances doled out by the English king . . . [possessing] a royal title but not royal power'; it would have been imperative that James create a perception of strong kingship, as only in establishing his personal authority could he have turned to the question of his authority over others.⁴⁷ His next step, to that effect, was to regain the territories that had, over time, been accumulated by 'the extensive family of Robert II'.⁴⁸ The success of his pursuit of territorial aggrandizement was such that by 1437, seven of Scotland's fifteen earldoms were in crown hands.⁴⁹ Of the remaining eight, 'only four . . . remained with those families who had held them in 1424.'⁵⁰ When presented with such a striking statistical analysis, James I's retention of the earldom of Mar after 1435 seems an almost predictable response to the failure of a native comital family.⁵¹

Although the work of Wormald and Grant has been accused of 'replacing a simplistic model of chronic political instability with a pattern of stable local

⁴⁵ *Ibid.*

⁴⁶ See Chapter Four: 'A king inspired? Reassessing James I's involvement in Mar', *passim*.

⁴⁷ Nicholson, *Later Middle Ages*, 281.

⁴⁸ Wormald, 'Taming the Magnates?', 273.

⁴⁹ The figure of fifteen excludes the earldom of Orkney.

⁵⁰ Wormald, 'Taming the Magnates?', 272.

⁵¹ This view has been challenged below: See pp. 211-25.

lordship and crown-magnate co-operation which imposes its own distortions’, they have significantly influenced the growing interest in the fifteenth century through their refusal to accept the historiographic traditions which emphasize conflict between the fifteenth century monarchy and its nobility.⁵² It is worth noting, however, that the majority of published work on the later Middle Ages is still preoccupied with the ‘traditional’ areas of government, crown-magnate relations and baronial politics; ‘the study of interaction between central authority and local powerbases requires greater nuance.’⁵³

But how should we approach our study of Mar? The existence of a substantial body of regional analyses has provided a generous pool of frameworks with which to undertake a study of Mar, though none provide a template for a discussion of the impact of the failure of a native kindred on the future of an earldom and most importantly, its inhabitants. Brown contributed to an attempt to rectify this concern with his discussion of the ‘grete rupture’ caused by the death of Alexander Stewart earl of Mar in 1435, and how it may have influenced not only the development and exercise of Scottish lordship in the north-east, but crown policy in Scotland.⁵⁴ The drawbacks of this assessment centre around his focus of the impact of the failure of the earls of Mar on Scottish politics on a national level, rather than the exercise of lordship in the localities. Such an assessment is reserved for his broader study of lordship in the British Isles. Furthermore, although a number of authors have conducted studies of specific Scottish earldoms or lordships, many of them base their examinations on a period in that region’s history in which a noble family are in control of the area.

For example, Neville – in her doctoral work on the earls of Strathearn from the twelfth to the mid-fourteenth century – argues that the importance of her thesis is based on its provision of ‘a detailed insight into a particular locality’, whilst undertaking an examination of ‘the impact of Anglo-Norman ideas and practices in a native and, for many years, a non-feudal part of the country.’⁵⁵ Whilst promoting her thesis as a useful study of a particular locality,

⁵² Boardman and Lynch, ‘The State of Late Medieval and Early Modern Scottish History’, 46.

⁵³ *Ibid.*, 45 and 58.

⁵⁴ Brown, ‘The Great Rupture’, *passim*.

⁵⁵ C.J. Neville, ‘The earls of Strathearn from the twelfth to the mid-fourteenth century, with an edition of their written acts’, 2 vols. (unpublished doctoral thesis, University of Aberdeen, 1983), xxxvi.

Neville's aim seems to be to provide a direct contrast between the approach to the exercise of power and lordship in Strathearn exhibited by the earls whose rule spanned the years 1128 to 1244, and those who held power between 1245 and c.1350. This approach is not unusual, having been employed by G.G. Simpson, K.J. Stringer, Alan Young and Barbara Crawford in their respective discussions of Roger de Quincy, David earl of Huntingdon, the Comyn family in Scotland and the earls of Orkney-Caithness. However, Neville's focus on the earls of Strathearn and their relationship with the Scottish crown, as well as their involvement in national politics between 1128 and 1350, has drawn attention away from a detailed discussion of the earldom and the practicalities of its management. As such, the approach used by Neville in her discussion of Strathearn is only partly transferrable to our study of the decline and fall of the earls of Mar, namely because the focus of this thesis is on the political and local consequences which followed the extinction of a native kindred. This study of the decline and fall of the earls and earldom of Mar, then, represents a departure from the dominant historiographical focus on 'living' earldoms or lordships in medieval Scotland and Ireland (that is, a focus on an earldom or lordship under the influence of a ruling kindred).

Though the extant literature concerning Mar forms a crucial foundation upon which to base this present study, the dominant focus on the earls and their earldom in the twelfth, thirteenth and fifteenth centuries has meant that the earldom's fluctuating fortunes in the fourteenth century, and the impact (or lack thereof?) of recurrent bouts of absentee lordship on the local community, has been largely ignored. Indeed, considering the uncharacteristically healthy survival of charter evidence for the period, this is surprising but reflective of the dominant historiographical focus on crown-magnate relations evidenced above and in more recent studies.⁵⁶

Between c.1281 and 1388, the earldom of Mar fell victim to the wandering interests of its earls and – in the case of Earl Thomas (*d.*1377) – their relationship with the crown. Yet it is during this period that we have the clearest sense of the existence of a stable community in Mar, comprised of men with a vested interest in the continued prosperity of this lucrative earldom and their

⁵⁶ See, for example, S. Boardman and J. Goodare (eds.), *Kings, Lords and Men in Scotland and Britain, 1300-1625: Essays in Honour of Jenny Wormald* (Edinburgh, 2014).

lands both within and surrounding it.⁵⁷ The difficulty lies in firmly establishing the allegiance of these men, and how their loyalties may have influenced the exercise of lordship in Mar during the fourteenth century. This difficulty is exacerbated by an inability to assess the development – or indeed, the structure – of the community of Mar prior to Earl Thomas’ return to Scotland in 1349. Donald (II) (*d.*1332), father of Earl Thomas, had spent the majority of his career in the household of the English king, Edward II, and there is very little surviving evidence to suggest how Robert I and David II may have administered these lands in the absence of an earl. That David II maintained an interest in Mar during Thomas’ absence is suggested by his presence at Kildrummy on a number of occasions between 20 June 1341 (shortly after his return from exile in France) and 28 November 1342.⁵⁸ Though these charters offer little insight into David’s interaction with the families in and around Mar, the apparent absence of an active lord in the area from at least 1342 until Earl Thomas’ return in 1349 raises separate issues regarding the autonomous nature of the Mar ‘community’. That Donald (II) seems to have avoided formal forfeiture for his adherence to Edward II after Robert I’s victory at Bannockburn, and considering David II’s seemingly sporadic presence in – and administration of – the Mar patrimony in Thomas’ absence, it seems plausible to suggest that the men of Mar were capable of maintaining stability in the region during extended periods of absentee lordship.⁵⁹ Whether this was a result of David’s cultivation of a relationship with landowners in the area during his visits to Kildrummy, expected to administer the estates in the absence of a ruling magnate, or whether these men took this role upon themselves, is unclear.⁶⁰

What is clear is that the maintenance of stable lordship in a vast geographic area without the guidance of an earl was not unprecedented. In

⁵⁷ See Appendix C: Mar Charters and Witness Lists for a breakdown of prominent members of Mar’s affinity.

⁵⁸ See *RRS*, vi, 78, 93, 99-100. It should be noted that only one of these charters contains a witness list, and those men listed (Alexander, John and Roger, bishops of Aberdeen, Moray and Ross, William de Ross, Philip de Meldrum, and Thomas de Carnotto, Chancellor of Scotland) seem to have had no involvement with Earl Thomas upon his return.

⁵⁹ Classifying David’s involvement in Mar as ‘sporadic’ is solely based on the sparsity of charters issued from Kildrummy prior to Thomas’ return to Scotland. It is entirely possible that David’s intermittent presence in Aberdeen between 14 February 1342 and 28 March 1345 was an attempt to administer the region via the burgh of Aberdeen. (See *RRS*, vi, 89-92, 108-9, 124)

⁶⁰ Penman certainly suggests that David used Thomas’ absence prior to 1349 to recruit Mar men to his service. (M. Penman, *David II (East Linton, 2004)*, 275-7)

Ireland, the exercise of effective lordship over the Irish kindreds of Ulster and Connacht was challenged by successive minorities and the militarised approach to administration exercised by the Burgh earls. The absence of personal lordship in these significant provinces following the assassination of William de Burgh, 3rd earl of Ulster, and the retreat of his wife – Maud of Lancaster – to England, led to a shift in control to ‘locally-based leaders, both English and Irish’.⁶¹ Closer to home, and in the wake of crises of comital succession or the disinheritance of families such as the Comyns, Randolphins ‘and the families who held the earldoms of Fife, Atholl and Strathearn’, structures of lordship in these areas were fundamentally altered.⁶² These alterations were exemplified by a comparable rise in local leadership as exercised by lesser landowners, ‘[holding] land not as feudal tenants but as heads of kindreds’.⁶³ The persistence of such a response is illustrated in Brown’s discussion of the consumption of Barbour’s *Bruce* in Fife in the 1480s. Here, Brown highlights the autonomous nature of the locality during periods lacking major magnatial presence. He stresses that this notably shaped the characteristics of the sheriffdom of Fife in the decades following the earldom’s annexation to the crown in 1425, when ecclesiastical institutions and lesser nobles in royal offices dominated the ‘community of Fife’.⁶⁴ Indeed, the frequency with which prominent churchmen appear on the Mar witness lists for both Earl Thomas and his niece, Isabella Douglas (*d.*1408) – attempting to control her earldom in the face of external governmental threats to her authority between 1402-1404 – suggests that ecclesiastical institutions, and their representatives, were crucial to both the maintenance and perception of stability and authority within the earldom.⁶⁵

⁶¹ M. Brown, *Disunited Kingdoms: Peoples and Politics in the British Isles 1280-1460* (Harlow, 2013), pp. 170-1

⁶² *Ibid.*, 169.

⁶³ *Ibid.*

⁶⁴ M. Brown, ‘Barbour’s *Bruce* in the 1480s: Literature and Locality’, in S. Boardman and S. Foran (eds.), *Barbour’s Bruce and its Cultural Contexts: Politics, Chivalry and Literature in Late Medieval Scotland* (Cambridge, 2015), pp. 213-31, 220, 222.

⁶⁵ It is possible that Mar’s geographical location further influenced its administration, or the structure and survival of its community. Steve Boardman, in his discussion of the relationship between Aberdeen and the Scottish crown in the medieval period, draws attention to Froissart’s description of the royal burgh as ‘laying on the frontier of ‘le sauvage ecosse’; ‘a city which lies on the sea and is at the entrance to wild Scotland’’. (S. Boardman, ‘The Burgh and the Realm: Medieval Politics, c.1100-1500’, in E.P. Dennison, D. Ditchburn and M. Lynch (eds.), *Aberdeen Before 1800: A New History* (East Lothian, 2002), pp. 203-23, 205) Following the resultant analysis of Aberdeen’s importance as a ‘frontier’ burgh, it seems plausible to suggest that Mar was, or could be viewed as, a ‘frontier’ lordship. If so, then lordships such as those contained within the march of Wales may share a comparable context with Mar.

Unfortunately, extended periods of absentee lordship frustrate attempts to chart the development of a local Mar community. The notable difference between the witness lists contained within charters issued by Earl Thomas between 1350 and 1377, and those issued by Countess Isabella between 1402 and 1408, suggests that the structure of the local community may have altered between Thomas' death in 1377 and Isabella's succession in 1391. That the earldom had passed to William, 1st earl of Douglas, and then his son James, whose principal interests lay south of the Forth, could suggest that the community dispersed in response to this shift in focus. However, without dedicated analysis of the careers of those men listed as witnesses during the reign of Earl Thomas, this is difficult to assess, and merits more attention than this thesis can provide.

The importance of the earldom of Mar to the Scottish crown from c.1281 to 1513 has dictated both the structure and interests of this study, and as a result, this thesis will undoubtedly contribute to the discourse on crown-magnate relations in the fourteenth and fifteenth centuries. However, it will also lay significant ground work for further investigations into the community of Mar. In a response to the lack of research done in this area, it will provide a better understanding of the earldom of Mar and its relationship with central government, particularly in the aftermath of the extinction of its native kindreds. It also hopes to raise questions concerning the formation or development of local communities in areas deprived of sustained personal lordship. If – as suggested by the work of Wormald and Grant – ‘the magnates were the bond between king and local community’, then this would suggest that in the absence of a magnate, local communities were ‘lost’ to the crown until the resumption of active lordship or the intervention of the crown.⁶⁶ However, Mar's ability to survive extended periods of absentee lordship, with limited crown intervention, suggests the opposite. If stability could be maintained in the absence of an earl, then the portrayal of these men as integral connections between the localities and the crown may be open to question. Further, the

Indeed, Brown's observation that the forfeiture of significant marcher lords did not overtly alter the personnel within these territories could suggest that their structures of lordship were capable of withstanding significant political change without collapsing. (Brown, *Disunited Kingdoms*, 154)

⁶⁶ Brown, ‘Scotland Tamed? Kings and Magnates in Late Medieval Scotland: a review of recent work’, *Innes Review*, 45 (Autumn, 1994), pp. 120-46, 124.

obvious involvement of the community in the political fortunes and development of their localities – shown clearly in 1404 when Alexander Stewart, son of the lord of Badenoch, was welcomed by Mar's local lords as the only viable barrier to continued Albany involvement in their earldom – highlights the autonomous nature of this group, while emphasising the importance of their support to the comital kindred in times of crisis.

Though Simpson, Oram and Brown have provided a solid platform on which to base a study of the decline and fall of the earls and earldom of Mar, the narrow focus of their aforementioned publications – with the exception of W.D. Simpson's discourse on the province and earldom – has necessitated an alteration in the approach employed by this thesis. While initially designed to assess the decline and fall of the earls and earldom in the fifteenth century following crown acquisition of Mar in 1435, there has been no focussed study of the earldom between where Oram's study ends (c.1300) and Brown's begins (1435). This thesis will attempt to bridge this historiographic gap by beginning in c.1281 – upon the death of Earl William – and ending upon the death of John Stewart, son of James IV and the final earl of Mar to be formally recognized by the Scottish crown until 1565. Such an expansive approach – as proven by Simpson – does have its limitations, but the history of the earldom during this period offers an exciting opportunity to chart the development of both a ruling kindred and the earldom which enabled them to command such a prominent position in medieval Scottish politics. This opportunity is further enhanced by Mar's dual identity as a noble holding prior to 1435, and a royal appanage thereafter. The strength of the earls' relationship with the Scottish crown prior to 1435 provides a stark contrast to the bitterly disputed succession crisis of 1437-1457 and the behaviour of the crown toward its rightful claimants, while the role of the crown in Mar's development after 1435 is argued, in this thesis, to have had a detrimental effect on the survival of this ancient earldom.

This study has benefited from the impressive survival of charter evidence concerning the medieval earldom of Mar. Covering a period of almost 800 years, the papers of the Erskine family, earls of Mar and Kellie, contain just under 100 documents pertaining to the earldom between 1306x1329 and 1514.⁶⁷ When used in conjunction with the Exchequer Rolls, these documents provide a

⁶⁷ NRS GD124, Papers of the Erskine Family, Earls of Mar and Kellie.

vital contribution to attempts to recreate the earldom of Mar. As will be discussed below, however, it is the Exchequer Rolls which have proved the most beneficial to this study. The various accounts contained within these volumes have enabled us to assess not only which lands were contained within each of the Mar lordships, but how much these lands were worth. This proved crucial in understanding why the crown sought to acquire Mar upon the death of Earl Alexander, whilst also providing an indication of the stability of Mar's rental yield in the period under assessment in this thesis. Consequently, the *Exchequer Rolls* provide the basis for much of the conclusions regarding the geographical extent of this medieval earldom, as well as the means by which it was administered by the crown after 1435.⁶⁸

Chapter One seeks to provide a clear understanding of the internal administration of the earldom of Mar, detailing the lands contained within each of its lordships and their respective *caputs*. Accompanying this chapter are various maps designed to provide a visual recreation of Mar, adhering (where possible) to the medieval boundaries of Mar. Further, the detailed land list appended to this thesis records all lands recorded as having been in the earldom of Mar between 1300 and 1565. It is hoped that this land list will enable further studies of Mar through an identification of key landholdings. The description of the sources in which they were found (and the dates they were recorded) will hopefully provide a clear indication as to how the earldom has developed. This is further supplemented by a breakdown of the Mar rental yields between 1435 and 1565.

The second chapter seeks to chart the political development of the early earls and earldom of Mar between c.1281-1388. Throughout this period, evidence pertaining to the direct administration of the earldom by the earls is lacking. Thus, the chapter focuses on their exploits in both Scotland and England, assessing how their relationship with the kings of both countries affected their careers.

The third chapter seeks to discuss the fortunes of Mar under the control of Mar's only female countess to rule in her own right, Isabella Douglas, sister of James Douglas, 2nd earl of Douglas and Mar. The decision to isolate her career from those of her male counterparts was an intentional attempt to highlight the

⁶⁸ J. Stuart *et al* (eds.), *Exchequer Rolls of Scotland*, 23 vols. [hereafter: *ER*] (Edinburgh, 1878-1908)

different approach to lordship exercised by Countess Isabella in contrast to both her predecessors and successors. The chapter draws particular attention to Countess Isabella's attempts to consolidate her authority in the wake of debates surrounding the Douglas inheritance after 1388, and her response to Albany Stewart interference in her earldom between 1402 and 1404. The chapter further explores the issue of female authority, and seeks to address whether the proactive policies of Countess Isabella have been overlooked as a consequence of the prevalent historiographic dismissal of a woman's ability to rule without the advice or direction of a male relative or spouse. This chapter also includes an assessment of the circumstances surrounding her marriage to Alexander Stewart, illegitimate son of Alexander Stewart, lord of Badenoch, sometimes earl of Buchan.

The fourth and final chapter seeks to discuss the decline and fall of the earldom in the fifteenth century. Beginning with an assessment of the career of Alexander Stewart, earl of Mar, the chapter examines the political ramifications of his death and the attempts by both the Erskines and the Lyles to secure their Mar inheritance. Their decision to court the Forbes family in a bid to secure local support for their claims highlights the hitherto underemphasized importance of this family as the font of local authority, and draws attention to the effect of Stewart's death on the exercise of local lordship in Mar. The chapter also includes a chronological account of the various royal earls of Mar, hopefully highlighting the detrimental impact of crown involvement in Mar on this once significant Scottish earldom.

Chapter One

Landscape

Current perceptions

In recent years, there has been an increasing amount of attention paid to the history and development of the great earldoms and lordships which formed the geographic foundations of the medieval kingdom of Scotland. Consequently, the earldoms of Orkney, Caithness, Strathearn, Moray, Ross, and the lordship of Galloway have benefited from doctoral study,⁶⁹ while the remaining earldoms and lordships have been the subject of much narrower focus, taking the form of chapters in edited collections and journal articles.⁷⁰

It is to the latter category that we must turn in our search for studies of the earldom of Mar. We are fortunate that academic studies relating to the earldom include a two-volume monograph exploring the province and the earldom; a chapter in an edited volume focussing on the earls and the earldom c.1150-c.1300; and a journal article assessing the political stability of north-east Scotland after the death of Alexander Stewart, earl of Mar.⁷¹ Though a comprehensive understanding of the geographical extent of this earldom remains elusive, two of our three authors have undertaken an exploration of the size, historical development and internal administration of our earldom; the first volume of W. D. Simpson's two-volume monograph attempts to reconstruct Mar's geographical and administrative structure, while Richard Oram's more

⁶⁹ For Moray, see: A. Ross, *The Province of Moray, c.1000-1230*, 2 vols. (unpublished doctoral thesis, University of Aberdeen, 2003); For Strathearn, see: Neville, 'The earls of Strathearn' (Cf. C.J. Neville, *Native Lordship in Medieval Scotland: The Earldoms of Strathearn and Lennox, c.1140-1365* (Dublin, 2005)); For Galloway, see: Oram, 'The Lordship of Galloway, c.1000 to c.1250', (unpublished doctoral thesis, University of St Andrews, 1989) (Cf. Oram, *The Lordship of Galloway* (Edinburgh, 2000)); For Ross, see D. Cochran-Yu, 'A keystone of contention: the Earldom of Ross, 1215-1517', (unpublished doctoral thesis, University of Glasgow, 2015); For Orkney and Caithness, see: B. Crawford, 'The earls of Orkney-Caithness and their relations with Norway and Scotland, 1158-1470' (unpublished doctoral thesis, University of St Andrews, 1971) (Cf. Crawford, *The Northern Earldoms: Orkney and Caithness from AD 870 to 1470* (Edinburgh, 2013)).

⁷⁰ See, for example: A. Young, 'The Earls and Earldom of Buchan in the Thirteenth Century' in A. Grant and K.J. Stringer (eds.), *Medieval Scotland: crown, lordship and community: essays presented to G.W.S. Barrow* (Edinburgh, 1993), pp. 174-202; G.W.S. Barrow, 'Badenoch and Strathspey, 1130-1312, vol. 1: Secular and Political', *Northern Scotland*, 8 (1988), pp. 1-15; 'Badenoch and Strathspey, 1130-1312, vol. 2: The Church', *Northern Scotland*, 9 (1989), pp. 1-16; For Lennox, see: M. Brown, 'Earldom and kindred: the Lennox and its earls, 1200-1458' in S. Boardman and A. Ross (eds.), *The exercise of power in Medieval Scotland, c.1200-1500*, (Dublin, 2003), pp. 201-224.

⁷¹ Simpson, *Province of Mar*; Simpson, *Earldom of Mar*; Oram, 'Continuity, adaptation and integration'; Brown, 'The Great Rupture'.

recent discussion of the earldom in the twelfth- and thirteenth-centuries highlights the consequences of the 1220s succession crisis on its composition.⁷²

Simpson's fundamental analysis of Mar's geographical development and its ultimate decline after a 'series of calamities unparalleled in the history of any other Scottish earldom' has informed much of our current understanding of Mar.⁷³ We are introduced to Simpson's earldom in his somewhat romantic account of the dynastic struggle between the House of Canmore and MacBethad mac Findláich.⁷⁴ According to Simpson, King Donnchad mac Crínáin's death at the hands of MacBethad, mormaer of Moray by 1040, enabled MacBethad's succession to the high-kingship of Alba.⁷⁵ His alliance in this plot with Earl Thorfinn of Caithness and Orkney consequently led to the alleged division of the kingdom of Alba between the two men.⁷⁶ Although Simpson does not explore Earl Thorfinn's exalted status as a result of this territorial divide, he does attempt to recreate his share of Alba, which contained – he argues – the province of Mar.⁷⁷ Simpson's concern is not with Earl Thorfinn's Norse influence on Mar, but with King MacBethad's murder, the first event in our province supported by surviving documentary evidence.⁷⁸ Máel Coluim mac Donnchada (son of the slain king, Donnchad mac Crínáin), aware that his quest to rule relied upon the death of King MacBethad, 'pursu[ed] his antagonist across the Mounth by the Cairnamounth Pass' and – according to the Chronicle of Melrose – 'cut him off by a cruel death in Lumphanan.'⁷⁹ Lulach mac Giolla Chomhgáin, stepson of the slain King MacBethad, subsequently succeeded his stepfather as *ardrí Alban*.⁸⁰ King Lulach's reign was short lived, however, and

⁷² Simpson, *Province of Mar*, *passim*; Oram, 'Continuity, adaptation and integration', *passim*.

⁷³ Simpson, *Province of Mar*, 142.

⁷⁴ *Ibid.*, 107-8.

⁷⁵ *Ibid.*; A. Ross, *The Kings of Alba: c.1000-c.1130* (Edinburgh, 2011), 111, 124.

⁷⁶ W.F. Skene, *Celtic Scotland: a History of Ancient Alban* (Edinburgh, 1886), 404-5.

⁷⁷ There has been some debate concerning the settlement of Alba between the two men. For example, although Simpson states that Earl Thorfinn 'ruled over no fewer than eleven earldoms in Scotland, over all the Hebrides, and a large kingdom in Ireland', Skene recounts the details of the split contained within the *Orkneyinga Saga*, which states that Earl Thorfinn possessed nine earldoms, not eleven. (Skene, *Celtic Scotland*, 405; Simpson, *Province of Mar*, 107)

⁷⁸ Simpson, *Province of Mar*, 108.

⁷⁹ *Ibid.*; *Chron. Melrose*, 22. Lumphanan's association with the earldom of Mar ended in the 1220s, having been granted to the Durwards as part of a settlement designed to appease the competing claimants to the earldom. It thus formed part of the newly erected Durward lordship, which later became known as the barony of Onele. See below, 36-40, for a discussion of this settlement.

⁸⁰ Alasdair Ross has argued that although Máel Coluim mac Donnchada had killed King MacBethad, King Lulach's designation as *ardrí* – a designation which would have only been formally recognized through

he was 'slain by the sword of the same Malcolm' on the same road as his stepfather, though further north at Essie, near Rhynie.⁸¹ 'Thus', Simpson proudly remarks, 'Mar formed the theatre of war in this decisive struggle, so pregnant with results for the whole future development of Scotland.'⁸²

Mar's subsequent infeudation by the Canmore kings is argued by Simpson as having been a consequence of the struggles between central government and the kingdom of Moray, the autonomous nature of which continued to frustrate the Canmore kings.⁸³ Mar's subjection to the policies of the Canmore kings is argued to have taken place in four distinct phases; the introduction of a parish system, the foundation of monastic houses,⁸⁴ the introduction of stone castles into the earldom and their close association with the parish churches, and the creation of the royal burghs of Aberdeen, Kintore and Inverurie.⁸⁵ Although Simpson states with certainty that the mormaers of Mar 'had been won over to the interests of the new Anglo-Norman polity and civilisation', there has been increasing debate in recent years surrounding the extent to which Scotland's Gaelic earls, 'as the heads of native society', reconciled themselves with this Canmore programme of 'feudalisation'. It is to Oram's discussion of our earldom that we must turn to understand the nuances of Mar's transition from Gaelic province to feudalized earldom.

'Mar', argues Oram, 'presents a series of problems for those who would seek to view it either as a bastion of Gaelic conservatism or as an outpost of 'feudal' innovation in twelfth- and thirteenth-century Scotland.'⁸⁶ Mar's ruling kindred was the second oldest of the native comital lineages after the earls of Lennox, and the antiquity of their line runs parallel to their representation in the historiography concerning crown-noble relations in the twelfth and

inauguration at Scone – suggests that Máel Coluim mac Donnchada was ultimately defeated at Lumphanan in 1057. (Ross, *Alba*, 127-8)

⁸¹ *Chron. Melrose*, 24. Ross has also questioned whether it is still viable to assume that Máel Coluim mac Donnchada approached the area from the south, or whether Máel Coluim mac Donnchada used the invasion of 1058 recorded in the *Annals of Tigernach* to invade Alba from the north and kill the two kings. (Ross, *Alba*, 130-1)

⁸² Simpson, *Province of Mar*, 108.

⁸³ *Ibid.*; Canmore interest in Mar's potential as a location from which to make a stand against Moray is reminiscent of James I's similarly pragmatic view of the earldom as a barrier between the power of the Lords of the Isles and Scotland's central government.

⁸⁴ There is only one known instance of a monastic house having been established in Mar – that of the Priory of Monymusk.

⁸⁵ Simpson, *Province of Mar*, 109.

⁸⁶ Oram, 'Continuity, adaptation and integration', 47.

thirteenth centuries as having resented crown policy, opposed to the attempted introduction of Continental culture into their territories.⁸⁷ Accompanying these Continental innovations, however, was an opportunity for Scotland's great lords to fundamentally transform the methods by which they expressed their authority. Mar's ruling kindred took an active interest in undertaking a programme of castle-building, one of the 'accoutrements of the new European culture', structures which represented the physical manifestation of their status as one of the foremost comital lineages.⁸⁸ Fiona Watson, for example, argues that many Scottish castles were constructed in order to 'impress or overawe in the face of insecurity or even a perceived threat', and refers to Kildrummy as an example of the use of the castle to emphasize 'the perception of wealth, status and power on behalf of the 'Celtic' earl of Mar, a royal supporter, in the face of continuing hostility to central government in neighbouring Moray.'⁸⁹ The adoption of the stone castle as a representation of the antiquity and authority of the Mar kindred highlights the dual benefit of the new Continental culture in both advancing the image of the earls' aristocratic prowess while observing the primacy of their Gaelic past.⁹⁰

This harmony between Mar's Gaelic past and Continental present, however, was threatened in the 1220s by the issue of succession to Mar. The right to succeed had previously been settled through a course of alternating succession between the heads of two kindreds, known as tanistry. For example, in the wake of Earl Morgrund's death in the later twelfth-century, the succession of the earldom was not settled on a son of the earl but rather fell to Gilchrist, whose succession has been recognized by both Simpson and Oram as symptomatic of this practice.⁹¹ Upon Gilchrist's death, the question of who should succeed highlighted the dissonance between this ancient practice and the increased adherence in Scotland to inheritance by primogeniture. The

⁸⁷ *Ibid.*

⁸⁸ M. Hammond, 'Hostiarii Regis Scotie: the Durward family in the thirteenth century', in Boardman and Ross (eds.), *The exercise of power in medieval Scotland, c.1200-1500*, pp. 118-138.

⁸⁹ F. Watson, 'The expression of power in a medieval kingdom: thirteenth-century Scottish castles' in S. Foster, A. MacInnes & R. MacInnes (eds.), *Scottish Power Centres: From the Early Middle Ages to the Twentieth Century* (Glasgow, 1998), pp. 59-78, 62.

⁹⁰ *Ibid.*

⁹¹ Simpson, *Province of Mar*, 115; Oram, 'Continuity, adaptation and integration', 52-3. Gilchrist's relationship to the Mar kindred is obscure, but he is portrayed in Balfour's *Scots Peerage* as an agent of the crown, enabling the establishment of a royal presence in Mar. (*SP*, v, 570-1)

competing claims of Duncan, son of Earl Morgrund and Thomas Durward, grandson of Earl Gilchrist, led to the separation of the earldom by Alexander II in an attempt to appease both parties.⁹² This solution to the crisis of the 1220s was not unusual. In 1160 – in the wake of Malcolm IV’s invasion of Galloway – the lordship was split into two distinct territorial blocks, given to the two sons of the previous lord, the rightful – if rival – heirs to the lordship.⁹³ Further instances of significant alterations to the integrity of an earldom can be seen in the division of the earldom of Caithness between various co-inheritors during the thirteenth century. According to Barbara Crawford, ‘the lands of the earldom were much reduced through partition’, the most important of which was the acquisition (after 1239) of half of the lands of the earldom of Caithness by Lady Joanna, ‘an heiress of the Caithness earldom dynasty’.⁹⁴ However, it is difficult to gauge the extent to which the crown may have influenced these territorial arrangements, and thus to ascertain whether Alexander may have used his division of Mar as a template for such a procedure.⁹⁵ While Alexander’s direct involvement in the settlement of Lady Joanna’s inheritance is unclear, it is evident that the king was responsible for Sutherland’s separation from Caithness in the 1230s, enabling the king to create a ‘unitary lordship and earldom . . . especially for the de Moravia family’.⁹⁶ While Crawford argues that this arrangement was part of a new strategy employed by the Scots king to extend its northern influence by employing the de Moravia’s as ‘loyal vassals and frontiersman’ in the area, this question of royal authority does not seem to have been at the heart of the Mar settlement.⁹⁷

Although documentation outlining the exact Mar settlement has been lost, Oram posits a potential reconstruction of the 1220s agreement which echoes Malcolm’s involvement in the lordship of Galloway, as the earldom of

⁹² See Appendix A: House of Mar.

⁹³ Oram, *The Lordship of Galloway*, 87-92.

⁹⁴ Crawford, ‘The earls of Orkney-Caithness’, 80; A. Ross, *Land Assessment and Lordship in Medieval Northern Scotland* (Turnhout, 2015), 112-3.

⁹⁵ As argued by Crawford and Ross, the division of Caithness which saw half of the earldom fall to Lady Joanna took place c.1239, which could suggest that King Alexander – if involved – would have had experience of how to proceed with the arrangements. Indeed, Hammond argues that ‘[l]ater cases of earldom-splitting seem to have used Mar as their template, as when Caithness was divided around 1239 and when Menteith was split in 1285. Always the incumbent kept the title, and the challenger received half the lands.’ (Hammond, *Hostiarii Regis Scotie*, 126n56)

⁹⁶ Crawford, *Northern Earldoms*, 265.

⁹⁷ *Ibid.*, 265-6.

Mar was also divided between the claimants in an attempt to appease both parties. Much of the territory which lay in the south and east of Mar comprised the newly-erected Durward lordship, the barony of Onele. The caput of this lordship – a ‘wide domain’ stretching to Skene in the east, Alford in the north, Coull to the west and the Dee to the south – was the Peel of Lumphanan.⁹⁸ Oram states that not all landholdings within this Durward lordship were previously associated with the earldom of Mar, but we can attribute the lands ‘in the former parishes of Alford, Banchory-Ternan, Echt, Kincardine O’Neil, Kinnernie, Lumphanan [...] Skene, with Banchory-Devenick’ to the Durwards.⁹⁹ Thus, their lordship comprised a large share of Mar’s available arable cultivation zones.¹⁰⁰ By subtracting this from what was left, we see that Earl Duncan retained the upland districts of Mar, ‘embracing the upper straths of the Dee and the Don.’¹⁰¹ This new earldom stretched from the parishes of Kindrochit and Invernochty in the west, to ‘Leochel, Logie Coldstone, Migvie and Tarland on the upland fringe of Cromar, Kildrummy and Auchindoir’ in the east.’¹⁰²

Oram’s discussion of this division of the earldom between Duncan, son of Morgrund and Thomas Durward highlights that the split was based upon the value of the land rather than the extent of it. Whilst the Durward family had received much of the available lowland arable, Earl Duncan’s earldom contained a large proportion of the upland districts of western Mar, not only desirable for their proximity to Duncan’s existing power base, but deemed more valuable than the Durward’s lowland acquisitions. Alasdair Ross similarly draws attention to this theory in his assessment of Moray after 1130, stating that ‘the

⁹⁸ Oram, ‘Continuity, adaptation and integration’, 55. Prior to Oram’s suggestion that the Peel of Lumphanan formed the caput of this new lordship, Simpson argued that the caput was in fact the castle of Coull. See Simpson, ‘excavation of Coull Castle’, 48.

⁹⁹ Oram, ‘Continuity, adaptation and integration’, 55.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.* It is possible that the 1220s settlement necessitated a realignment of the established power structure within the earldom, leading to the relocation of the earldom’s caput from the traditional site at the Doune of Invernochty to Kildrummy. (See below, 69-76)

¹⁰² Oram, ‘Continuity, adaptation and integration’, 56. It is unclear if Earl Duncan’s settlement included the lordship of Abernethy in Strathspey, acquired by his brother James c.1226, whose ability to succeed to the title of earl may have been impeded by a question of legitimacy. Though the *Exchequer Rolls* discusses the thirteenth century lordship of Abernethy in relation to its possession by the earls of Buchan, the parish of Abernethy contained thirteen *dabhaichean* divided into ‘two blocks of demesne land belonging to the lordships of Abernethy and Badenoch’. The Comyn share of Abernethy was that which belonged to the lordship of Badenoch, with its caput at the Mains of Garten. The Mar portion of Abernethy constituted the lordship of the same name, with its caput located at Castle Roy. Thus, it is possible that the lordship of Abernethy remained in possession of the Mar kindred. (*ER*, vi, cxxx; Ross, *Land Assessment*, 94)

block of lands which have been identified as the core of the old mormaerdom are located in a virtually identical geographic environment to lands retained by the *comites* of Mar; namely, hill country above c.250 metres.¹⁰³

By using Oram's description of the 1220s split of the earldom of Mar and comparing it to charter evidence of land grants made between 1300 and 1565 (in addition to rental accounts of the Exchequer) we can see that while Alexander II's decision to split the earldom may have dealt a substantial blow to the claimants and their desire to own the earldom in its entirety, neither party succeeded in contesting it.¹⁰⁴ The geographical layout of Earl Duncan's earldom outlined by Oram correlates with the picture painted of the earldom by the surviving evidence, and it is clear that the lands granted to the Durwards in the 1220s were never returned to the Mar earls.¹⁰⁵

Following the money: Finding an earldom in the *Exchequer Rolls*

While the escheatment of Mar to the Scottish crown in 1435 heralded the beginning of a tumultuous period in the earldom's history, crown control of this ancient earldom ensured that Mar retained a stable presence in royal records, most notably those of the Exchequer. Consistent accounts of the rental values of the lordships of Mar survive for the years between 1438 and 1565. The importance of these accounts to the reimagining of the geographical extent of Mar cannot be underestimated; there are – contained within the various volumes – seven instances of accounts containing a list of the lands known to have been in each of the Mar lordships (and their value), which proved invaluable to a reconstruction of the earldom.¹⁰⁶

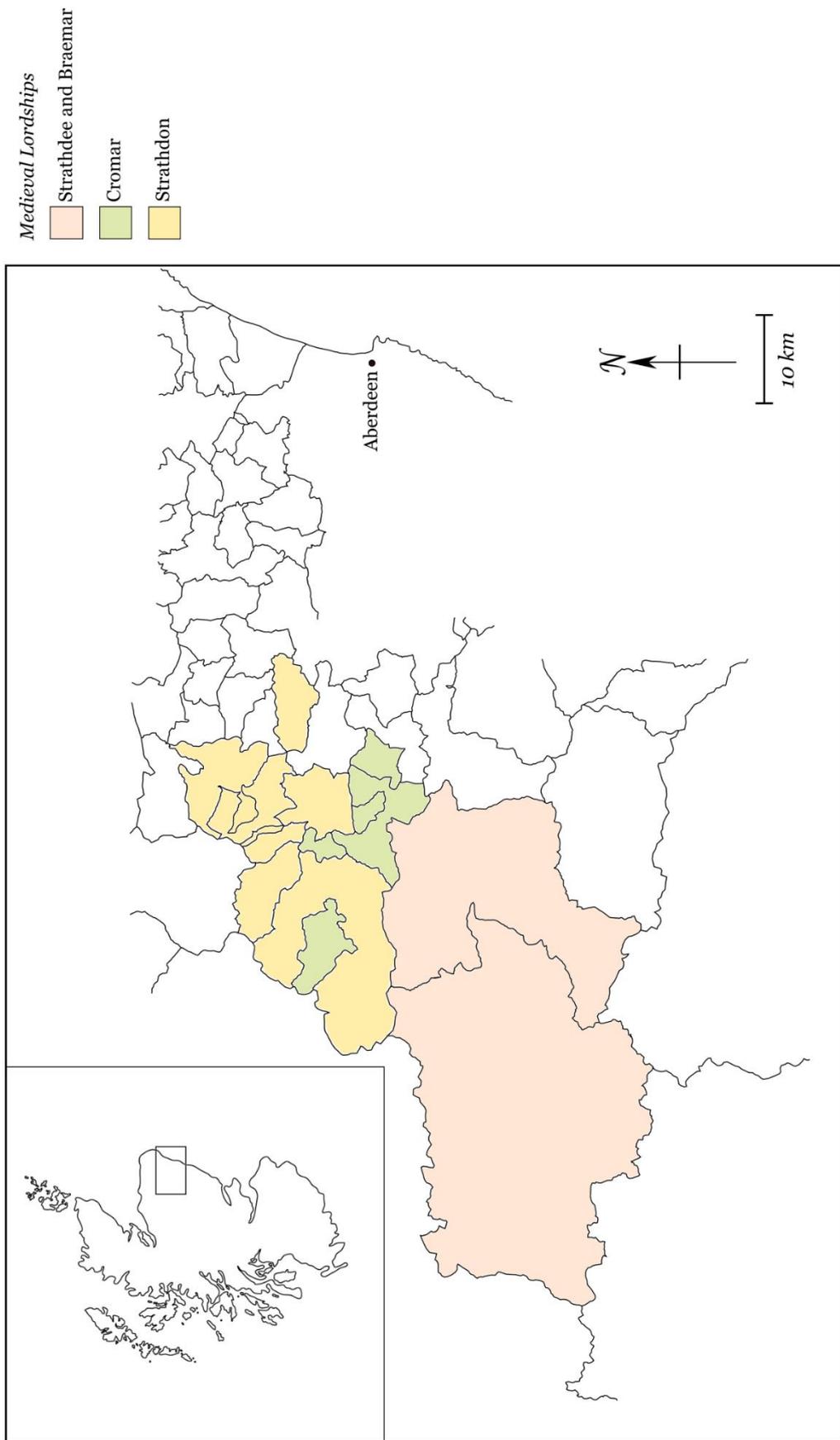
As the appended land list highlights, the consistency with which these

¹⁰³ Ross, 'Province of Moray', i, 208.

¹⁰⁴ Hammond, however, suggests that neither party 'was wholly satisfied with the result', arguing that 'the split helped cause a spirit of animosity and rivalry that would last the rest of the century and help shape many of the actions taken by both families.' (Hammond, '*Hostiarii Regis Scotie*', 126)

¹⁰⁵ The lordship of the Garioch was not a recognized portion of the earldom of Mar in the 1220s. Indeed, the lordship was still in its infancy in the 1220s (having been created for Earl David of Huntingdon c.1179). (Stringer, *Earl David of Huntingdon*, 31-4) Its association with the earldom of Mar was instigated by Earl Thomas of Mar's receipt of the lordship from David II in 1357, upon the death of Thomas' grandmother Christian Bruce.

¹⁰⁶ See Appendix B and D. Strathdon is accounted for separately from Strathdee and Cromar in the later years of the fifteenth century.



Map 1. Medieval Lordships in Mar.

place-names appear suggest that the composition of these lordships very rarely changed. It was only in response to a significant shift in landholding that we see any variation in the structure of a Mar lordship.¹⁰⁷ For example, in the aftermath of James IV's creation of the barony of Invernochty for the Elphinstone family between 1507 and 1513, the lordship of Strathdon underwent a major transformation. By 1513 over half of the Strathdon landholdings had been granted to this prominent noble family, prompting a decline in significance for what we know to have been the largest and most lucrative of the three main lordships in the fifteenth century.¹⁰⁸ In turn, the slow decline of this central lordship led to the emergence of the new lordship of Braemar, perhaps designed to replace the lordship of Strathdon which – after the final augmentation to the barony of Invernochty in 1513 – appears only once in the *Libri Responsionum* of volume seventeen of the *Exchequer Rolls*.

The consistency of place-name survival in the Exchequer accounts, and their attribution to specific lordships and divisions within Mar, has enabled the provision of a parish-based representation of the medieval earldom between 1300 and 1567. The use of a parish-based system of boundary formation is not without its limitations. Although the parishes highlighted on the maps provided contain Mar lands, there remain a number of lands within them that have never been identified in the documentary evidence as belonging to the earldom. Further, the simplification of the parish boundaries pursued by the Boundary Commissioners of Scotland in the nineteenth century ensured that any modern parochial representation of the earldom of Mar may prove far removed from its original state unless the previously detached portions of these north-eastern parishes were reintroduced during the mapping process. Thus, the representation of Mar contained in the appendix to this thesis adheres to the pre-1880s parish boundaries in order to remain as true to the fifteenth-century view of Mar as possible.

Lordships

W. D. Simpson suggests that Mar, upon its emergence as a 'feudal earldom' in the thirteenth and fourteenth centuries, was comprised of five separate

¹⁰⁷ See Appendix D: Lordship of Strathdon, Barony of Invernochty (various), Barony of Kildrummy (various).

¹⁰⁸ See below, 52-64, for a full examination of this.

lordships; Strathdee, Strathdon, Cromar, Midmar and Braemar.¹⁰⁹ This view is likely untenable. Evidence pertaining to the earldom's internal divisions highlights a more nuanced approach to Mar's administration. Examination of the personal and royal charters relating to the earls and earldom of Mar and the accounts contained within the *Exchequer Rolls* reveal that, prior to 1527, there were only three recognized lordships within the earldom of Mar – those of Strathdee, Strathdon and Cromar. This was supplemented on two occasions by reference to a lordship of Mukwale (now Castle Fraser).¹¹⁰ In 1527-1528, we see the first instance of Braemar having been recognized as a fourth division,¹¹¹ though not explicitly listed as a 'lordship' until 1529-1530. This was followed by the curious case of the lordship of Mar, discussed below, which may have existed as early as 1488 but was certainly a recognized territorial division within Mar by 1556-1557.¹¹²

1436 to 1466: Testing the waters

The thirty year interval between 1436 and 1466, particularly between the years 1438 and 1454, represents a period of uncertainty in the financial history of Mar. Though the values recorded in the Exchequer accounts after 1454 suggest a recovery from the fluctuating values documented in the earlier accounts, it was not until 1466 – and later 1484 – that the crown began to extract a much more consistent yield from this prominent medieval earldom. Anomalous figures remain, of course, likely resulting from difficulty in uplifting the rents from the area, but these are infrequent and the accounts were quickly rectified with very little change in the rental yield.¹¹³

The earliest appearance of our three main lordships is in the 1438 Exchequer account rendered by Adam Falconer, Chamberlain of Mar. Covering a period of four terms from Whitsunday 1436 to 18 July 1438, the account

¹⁰⁹ Simpson, 'Doune of Invernochty', 170.

¹¹⁰ Although there are a total of six references to Mukwale in the *Exchequer Rolls*, (1451, 1452, 1454, 1455, 1459 and 1460), it is only explicitly referred to as a lordship in 1454 and 1455. (*ER*, v, 461, 515, 653; *ER*, vi, 67, 512, 647) However, the lordships in Mar (even those lordships which are consistently recognized as having been a main territorial division, such as Strathdee, Strathdon and Cromar) were not always explicitly recognized in the rental documentation by the prefix '*dominiorum*'. For example, in the 1451 Exchequer account, Strathdee is not designated as a 'lordship'; instead, the detailed list of lands are simply attributed as having been 'in Strathdee'. (*ER*, v, 460) Thus, Mukwale's distinction as a 'lordship' on only two occasions is not necessarily indicative of an inferior or changing status.

¹¹¹ NRS GD124/1/195.

¹¹² *RMS*, iii, no.923.

¹¹³ See Appendix B.

contains the rentals of Strathdee, Strathdon and Cromar, and is further supplemented with an account of the rental value of the lands of Mukwale, ‘Estir’ Echt, and Finlarg. The account is split into two sections, providing in the first section the rental value of the lands and lordships for a period of three terms. As this is our first introduction to the value of these lands and lordships, the collection of three terms worth of income makes it difficult to ascertain the base value of the lands discussed as we have no prior knowledge of their one-term value.¹¹⁴ Often within the *Exchequer Rolls*, the income of a province is collected after two terms, meaning that the base value of a specific landholding or lordship can be ascertained by halving the total value listed within the rental.¹¹⁵ Certainly, by 1454 the values of the lordships become stable enough that calculating the base value becomes relatively straightforward. It was hoped that the second section – which includes the last term of this account – would assuage the difficulties in ascertaining the base value of these lands by providing a one-term value. The value of the lordship of Strathdee for one term, as outlined in this account, is £74 15s. Thus, the total value of the lordship of Strathdee for three terms should equate to £224 5s. However, the three-term total in the account is listed as £165 10s. To understand the discrepancy we must look to the Exchequer account of 1454. Sir Alexander Young, chamberlain north of the Dee, stipulated that the two-term value of the lordship of Strathdee from 6 August 1453 to 15 July 1454 was £110 6s. 8d. When halved, the base value of the lordship of Strathdee, or its one-term value, becomes £55 3s. 4d. When this figure is multiplied by three, the three-term value of Strathdee totals £165 10s., which matches the value outlined in the 1438 rental. While this calculation showcases the continuity of Strathdee’s rental value from as early as 1436, it does not explain why the figure recorded for Strathdee in Falconer’s last account in 1438 is £74 15s. It is the only instance in the extant Mar accounts where this figure appears, and it is unclear how Falconer reached this total. When attempts were made to divide the three-term value of the listed lordships by three in order to ascertain the base value, none of the totals corresponded to the one-term values outlined in Falconer’s second section.

Similarly, the figure recorded by Falconer for Strathdon is the only

¹¹⁴ Base value: the total value of the land for the period of one term.

¹¹⁵ This formula is perhaps best applied to rental values after 1484, when the incomes recorded for these lordships begin to settle.

instance of the crown receiving a rental of £235 10s. for this lordship. Commanding the largest rental value of the three main lordships – which we might expect given the location of Invernochty and Kildrummy – Strathdon's status in 1438 as the most lucrative Mar lordship represents a trend which would continue until its final appearance in 1513. Like Strathdee, when Falconer's one-term value of £87 8s. 4d. for Strathdon is multiplied by three to ascertain the three-term value, the total – £262 5s. – is markedly different from the total provided in Falconer's opening section. Unlike Strathdee, however, Falconer's total falls significantly short of later figures recorded for the lordship of Strathdon. Again, there is no indication of how Falconer accounts for this one-term value, and it is the only instance in Strathdon's financial record (the complexity of which will be discussed below) where this figure appears.

Falconer's account of the lordship of Cromar, jointly collected with the lands of Finlarg (Findrack, Lumphanan), highlights Finlarg's unusual relationship with this medieval lordship. In a subsequent account of 1451, Finlarg is represented as independent of Cromar, ascribed a separate rental value and its own rental breakdown, highlighting Finlarg's autonomous nature.¹¹⁶ By 1484, however, Finlarg (along with Camquhale, listed alongside it in 1451) had been incorporated into the lordship of Cromar, and contributed to the total value of Mar's third lordship. In Falconer's assessment, the combined one-term value of Cromar and Finlarg is listed as £47 16s. 1d. When multiplied the total again falls short of the three-term value recorded by Falconer as being £129 10s. As this is the only instance whereby the rental of Cromar and Finlarg is collected together, it is not possible to ascertain what portion of this total belongs to Cromar alone. Certainly, the one-term value seems to settle at £46 8s. 4d. after 1451, which when multiplied by three provides a sum of £139 15s., well above the figure for both Finlarg and Cromar recorded by Falconer in 1438.

Finally, the separate rental values of the lands of Mukwale and 'Estir' Echt, like that of Cromar and Finlarg, cannot be ascertained due to the fusion of their separate rental values. This is the only instance in any of the Mar rentals of 'Estir' Echt, and as such it is difficult to determine how much this landholding was worth. Mukwale, conversely, retains a stable presence in the *Exchequer*

¹¹⁶ The use of margin titles in the 1451 account for Cromar, Strathdee and Strathdon – and later Finlarg [Findrack] – suggests this.

Rolls between 1451 and 1460. Falconer lists the one-term value of Mukwale and Estir Echt as having been £13 10s. When multiplied, the sum of £41 6s. represents the closest to any of the three-term figures outlined above, that of £40.

It is difficult to explain the variation in figures provided in Falconer's account. The sum of £35 13s. 7*d.* said to be outstanding from a previous account was initially thought to have provided an explanation for the slightly increased single values for Strathdee, Strathdon and Cromar. However, the sum total of both sections of the account (the combined total of the three lordships and the lands of Mukwale, Estir Echt and Finlarg) amounts to £793 19s. 5*d.* It is only after recording this figure that Falconer provides a further account of revenue collected from other sources, such as the sale of five chalders of oats from the granges of Fichly and Drummelochy (both later known to have been associated with a lordship of Mar, discussed below). The sum total for this additional revenue is £22, which – when added to the sum total of the two sections provided above totals £815 19s. 5*d.* Falconer then adds the £35 13s. 7*d.* in arrears to create the final total of £851 13s. Thus, the £35 13s. 7*d.* should – and is, by Falconer – treated as a figure that is separate from the value of the lands and lordships discussed in this document.¹¹⁷ Although this means that we cannot ascertain where the arrears may have originated from or whether any of our lordships in particular were in debt, we can conclude that the unusual one-term figures listed by Falconer in his last account of the lands and lordships has not been altered to include a portion of the arrears listed in the account. Instead, we must accept that the anomalous figures could represent the potential confusion inherent in the first instance of crown rental collection from an earldom that was previously under aristocratic control.

Unfortunately, dedicated Mar rentals cease after Falconer's account of 1438 until 1451. The sporadic appearance of specific Mar landholdings in the various accounts of John of Fife – 'receiver of King's rents in the sheriffdoms of Aberdeen and Banff' – suggests that the complex nature of the minority government, formed upon the murder of James I, may have necessitated combining the previously separate accounts of specific territories in the area

¹¹⁷ Indeed, considering that this is the first account of Mar since its acquisition by the crown in 1435, it would be surprising if the figure recorded pertained to the earldom of Mar.

with the accounts of the sheriffdoms. This would explain why in 1451, two years after James II had resumed active kingship, the lands of Strathdee, Strathdon and Cromar are listed at length. With such a significant gap in the financial records, a formal assessment of what lands were constituted as having belonged to the earldom of Mar, and their monetary value, would be crucial.¹¹⁸

The rental accounts of 1451 and 1452, provided by Master Richard Forbes, Chamberlain of Mar, suggest a continuation of the uncertainty concerning rents due from this lucrative medieval earldom. Certainly, the inclusion of the lordship of Mukwale until 1461 suggests that the extent of Mar was greater, or at least perceived to be greater, than that of 1471 onwards, and the abandonment of Mukwale as a source of income seems to have enabled the crown to pursue a much more stable collection of rent from Mar.¹¹⁹ Unlike the period 1438 to 1451, however, the years immediately following the death of James II did not result in a pause in the collection of royal rents in the earldom of Mar, though the rents collected are somewhat fragmented and do portray difficulty in collecting from the crown's northern estates. For example, in his account of 1464, Thomas Carmichael provides the sum of £51 11s. 2d. to be collected from Mar, withheld from his account of 1462, perhaps as a result of the growing tensions between Mary of Gueldres (widow of James II) and James Kennedy, bishop of St. Andrews concerning possession of the young James III.¹²⁰

The final account before 1466, that of David Skrimgeoure, Chamberlain beyond the Mounth, brings us within reach of the stability of the post-1466 rental accounts for Mar. The values contained within Skrimgeoure's account of

¹¹⁸ See *ER*, v, 459-61.

¹¹⁹ The abandonment of the lordship of Mukwale as a source of income was tied to crown occupancy of the lands of Cornton in Stirling. In a charter dated sometime between 1366 and 1407, William Keith the Marischal granted Thomas Fraser of Cornton the lands of *Kynenmundy* (Nether Kinmundy) in the barony of Aden, Aberdeenshire. (*A. B. Coll.*, 404) The lands were granted in exchange for the lands of Pittendreich, near Cornton. By 1428, and continuing until 1435, the second husband of Fraser's widow, James Skene of Skene, was receiving a yearly sum of 6l. 13s. 4d. from the crown in exchange for her terce interests in Cornton. (*ER*, iv, 444, 483, 511, 538, 567, 616) Between 1435 and 1450, Thomas Fraser's grandson, Thomas Fraser, is said to have received an annual sum of 20l. 'in compensation for the King's occupancy of Cornton'. (*ER*, v, 55, 96, 134, 155, 188, 234, 270, 306, 342, 389; *SP*, iv, 108) Between 1451 and 1454, this annual fee was exchanged for the rents of Mukwale (Muchall, now Castle Fraser). (*ER*, v, 463, 516, 600, 656) On 29 October 1454, the lands of Muchall and Stoneywood were erected into a barony, and granted to Thomas in exchange for Cornton (resigned by Fraser three days earlier, on 26 October). (*SP*, iv, 108n9-10) By 1460, the crown had ceased to collect an annual income from Muchall.

¹²⁰ See N. Macdougall, *James III* (Edinburgh, 2009), chapter 3, *passim*.

1466 signal the beginning of an increasingly stable period in Mar's financial history, allowing us to gain a much clearer picture of the various lordships contained within this medieval earldom, and their fiscal importance to the Scottish crown.

Strathdee and Braemar

Covering the five medieval parishes of Crathie, Braemar, Glenmuick, Tullich, and Glengairn, the lordship of Strathdee owes its name to the geographical layout of the lands within it. Following the course of the River Dee, the lands are significantly less geographically diverse than those of Strathdon and Cromar, commanding a predominantly stable base value of £55 3s. 4d., yielding an annual revenue of £110 6s. 8d.¹²¹

The 1451 account by Master Richard Forbes lists Strathdee as containing the lands of Inverroy (*Inverey*), Dalmore (*Mar Lodge*), Alanquhoch (*Allanaquoich*), Estir Alanquhoch (*Allanaquoich*), Inverquhonoly (*Inverchandlick*), Auchindryne (*Auchindryne*), Clone (*Cluny*), Inveryhadill (*Invercauld*), Kelaugh (*Keiloch*), Cormoilye (*Corriemulzie*), Mains of Kyndrocht (*Castleton of Braemar*), Abirardoure (*Aberarder*), Monaltre (*Monaltrie*), Bouchmorale (*Balmoral*), Crachenardy (*Crathienard*), Lawsy (*Lawsie*), Abiryheldy (*Abergeldie*), 'church town' of Crathy (*Crathie*), Westir Mekra (*Micras*), Dalbad (*Dalbagie*), Estir Mekra (*Micras*), Inverrenye (*Inverenzie*), Cultis (*Culsh*) and Rotharquhory (*Richarkarie*).¹²²

The stability and geographic cohesion of the lordship of Strathdee was weakened by the creation and development of the barony of Kildrummy (née Invernochty) between 1507 and 1513, which saw the Elphinstone family amass over fifty of the eighty-two landholdings which had previously belonged to the lordship of Strathdon.¹²³ The resultant decline of this significant lordship after 1507 paved the way forward for the emergence of a new division to redress the administrative imbalance, the lordship of Braemar. Curiously, this new Mar lordship was not formed of the lands which were excluded from Elphinstone's barony. Instead, it was the lands which lay on the northern bank of the River Dee which would form the basis of the lordship of Braemar. As yet, it is unclear

¹²¹ See Appendix B.

¹²² *Ibid.*

¹²³ This total does not include those listed in Appendix D: Lordship of Strathdon as resources of Strathdon.

why this should have occurred. If the new lordship of Braemar was created to assuage the administrative imbalance created by Elphinstone's receipt of over half of the lordship of Strathdon, it is curious that Strathdee should have been divided, a lordship that was unaffected by Strathdon's decline.

Strathdon

Encompassing the medieval parishes of Strathdon, Glenbuchat, Towie, Kildrummy, Auchindoir, Kearn and Alford, Strathdon is both the largest and most lucrative of the Mar lordships. As before, the difficulty in ascertaining Strathdon's base value is hindered by the absence of a one-term value prior to Falconer's account of 1438. This difficulty is further compounded by the inability to apply the same method used to calculate the one-term rental used to ascertain the base value of Strathdee. For example, from 1454 onwards, Strathdon's two-term rental value is (on average) £168 and when halved, £84. When the suggested one-term value of £84 is multiplied by three to ascertain the three-term value, the total comes to 252*l.*, a far cry from that recorded in Falconer's assessment of 1438, 235*l.* 10*s.* Additionally, although Strathdon's one-term value outlined in the second half of Falconer's account represents a much closer figure to the suggested one-term value of 1454 (87*l.* 8*s.* 4*d.*), when multiplied by three this figure totals £262 5*s.*

Strathdon's unsettled representation in the rental accounts renders the lordship as somewhat of a maverick. No doubt a consequence of its status as the largest and most lucrative of the Mar lordships, Strathdon highlights, like no other lordship within the earldom can, the effects that the quest for territorial dominance (and the financial security that that provides) had on a lordship's development.

In 1484, we see Strathdon become more autonomous. As shown below, Strathdon is (after 1484) listed separately from Strathdee and Cromar until its penultimate appearance in 1509. Although the following chapter will discuss this in greater detail, Strathdon's separation from the Mar triumvirate seems to be linked to the appearance in 1484 of the earl of Huntly as lessee of Strathdon, and his second son Alexander Gordon of Midmar as lessee of Strathdee and Cromar, most likely a consequence of their support of James III. Though Gordon lessees of the lordships continue until the early sixteenth century, the Gordon family had found it difficult – prior to 1484 – to establish a presence in

Mar. Though the Gordon family are often portrayed as the superior northern family in discussions of their bitter (and continuous) dispute with the Forbes family in the fifteenth and sixteenth century, it was the Forbes family (established in the area from at least 1272) who were territorially superior to the Gordons in Mar, and retained a prominent role in local politics there well into the sixteenth century.

Forbes' account of 1451 lists Strathdon as having been comprised of the lands of Morgundo (?),¹²⁴ Contlauch (*Contlach*), Estirclova (*Mid Clova?*), Drumnahove (*Drumnahive*), Ordquhonquhory (*Ardhuncart*), Auchmull (*Auchmullan*), Westirclova (*Wester Clova*), Burgh of Kyndrummy (*Burgh of Kildrummy*), Glenquy (*Glencuie*), Kynclune (*Kinclune*), Pettynnoly (*Obsolete*), Bannaboth (*Belnaboth – one of two*), Mill of Ripaquhy (*Rippachie, Mill of*), Kynbethoch (*Kinbattoch*), Culquhoich (*Culquoich*), Seymyll (*Semiel*), Descory (*Deskry/Deskry Water?*), Ardgith (*Ardgeith*), Tuleschanquhy (*Tilliesuck*), Balnaglak (*Belnaglack*), Balnacrag (*Belnacraig*), Thomsamuel (*Obsolete?*), Haltoun (*Hatton*), Miltoun with mill (*Milton*), Tulyhespite (*Tolahaspeck/Meikle Tolly*)¹²⁵, Estir Innerbuquhate (*Easter Inverbuchat*), Westir Innerbuquhate (*Wester Inverbuchat*), Fynlosk (*Finnyllost*), Boquham (*Buchaam*), New (*Newe*), Culquhare (*Culquharry*), Mains of Innernouchty (*Invernochty, Mains of*), Culquhony (*Culquhonnie*), Ladmackay (*Ledmacay*), Innernate (*Invernettie*), Balnaboth (*Belnaboth – one of two*), Kelaugh (*Keiloch*), Skalatry (*Skellater*), Auld Auchindore (*Auld Auchindoir*), Mains of Kildrummy (*Kildrummy, Mains of*) and Soynaharde (*Sinnahard*).

Cromar

Covering the medieval parishes of Logie-Coldstone, Tarland (with its detached portion), and Migvie (with its detached portion), the lordship of Cromar is the smallest of the three main lordships. Until the formal recognition of the lordship

¹²⁴ The name 'Morgundo' could indicate that this landholding was personally associated with Morgrund, earl of Mar (*d. b.* 1183).

¹²⁵ Although J. Macdonald and W.M. Alexander have provided Tolahaspeck as a more modern spelling, it is now listed on modern Ordnance Survey maps as Tolly (Muckle and Little). Furthermore, contrary to the assertions of these same scholars, the place-name listed as Culispik in later rentals of Strathdon is simply a spelling variation of Tolahaspeck and is not, therefore, obsolete. The 'T' in the documentation has often been confused with 'c' and vice versa, leading to the suggestion that there were in fact two separate place-names, Culispik and Tulispik (Tolahaspeck). This is not the case. (See 'Tolahaspeck' in J. Macdonald, *Place Names of West Aberdeenshire* (Aberdeen, 1899); W.M. Alexander, *The place-names of Aberdeenshire* (Aberdeen, 1952).

of Braemar as an internal division in 1529/1530, Cromar commanded the lowest income of all three lordships. As the lordship was not geographically cohesive, with detached parish portions located within the lordship of Strathdon, it is possible that Cromar's rental yield was a reflection of its distribution. Its importance, however, lay in its status as the traditional legal centre of the earldom of Mar, while a number of lands from the lordship are mentioned in the expenses of the *Exchequer Rolls* in relation to both religious institutions in Aberdeenshire and individual landholders. Outwith these references, very little can be said on the lordship itself, though its continued prominence in the fourteenth century charters of Thomas earl of Mar (discussed below) demonstrates that the lordship was – and remained – a key administrative centre.

Listed in 1451 as having contained the lands of Kincragy (*Kincraigie*), Estoune (*Easttown*), Westoune (*Obsolete?*), Tarlane (*Tarland*), Corcreich (*Corrachree*), Davagh (*Davoch*)¹²⁶, Logy (*Logie/Logie Mar?*), Estir Migve (*Migvie?*), Tulpurny (*Tillypronie*), Blalak (*Blelack*), Coddilstane (*Coldstone*) and Westir Migve (*Migvie?*), the lordship commanded a steady income of at least £90 16s. 8d., the most common rental value on average between the years 1451 and 1471 being £92 16s. 8d.¹²⁷

Auchindoir

Our first introduction to the lordship of Auchindoir is in an indenture between Robert Erskine, claimant to the earldom of Mar, and Alexander Lord Forbes, dated November 1435, in which Forbes promised to support Erskine in his quest for the right to succeed to Mar. The speed with which this document was issued following the death of Alexander Stewart, earl of Mar, and the readiness of Forbes' support, suggests that the Erskine family had been courting local landlords prior to the death of Alexander Stewart in anticipation of James' acquisition of the earldom.

There is, as yet, no evidence of the precise extent of this lordship, as it is only mentioned in the copies of the indenture retained by the Forbes and the

¹²⁶ There is confusion over the existence of Daw/Davagh and Logy as separate place-names, as in some instances they are joined together as Dallogy. See Appendix D: Lordship of Cromar.

¹²⁷ See Appendix D.

Erskine families.¹²⁸ It is possible that Forbes was to receive Auchindoir alone, upon which a lordship would be created, but it is impossible to say without further reference to the lordship. If the lordship was indeed based on the lands of the same name, then its possession would have enabled the Forbeses to construct a concentrated block of territorial power encompassing their existing landholdings in the valuable upland districts of Mar, whilst placing them in a commanding position in the shadow of Kildrummy, the main caput of the earldom.

Mukwale

Very little is known of the lordship of Mukwale. The *Exchequer Rolls* indicate that the existence of the lands and lordship of Mukwale were directly linked to the family of Fraser; Thomas Fraser was encouraged by the crown to exchange his lands of Cornton for the lands of Mukwale, the latter evolving into what is now known as Castle Fraser.¹²⁹

Baronies

Alexander Grant provides an image of the judicial process in medieval Scottish localities as having been led by the people, stating that more often than not they were personally responsible for the dispensation of justice.¹³⁰ Reasons for this could include the cost of bringing a dispute before a formal court of law, the delays of litigation, and the knowledge that the accusing party could risk a fine if the case were to prove unsuccessful.¹³¹ Nevertheless, this vision of 'by the people for the people' distorts the significant seigniorial authority still exercised by lords over their men, examples of which can be found in the offices of justiciar and sheriff, and the Scottish baronial courts.

From the eleventh to the fourteenth century, thanages played a crucial role in the consolidation of royal authority. Administered by a thane on behalf of his overlord, these thanages provided bases for royal lordship from the Forth to beyond the Mounth, playing host to the crown as it moved between the localities.¹³² One of the benefits of a physical royal presence in the thanages was

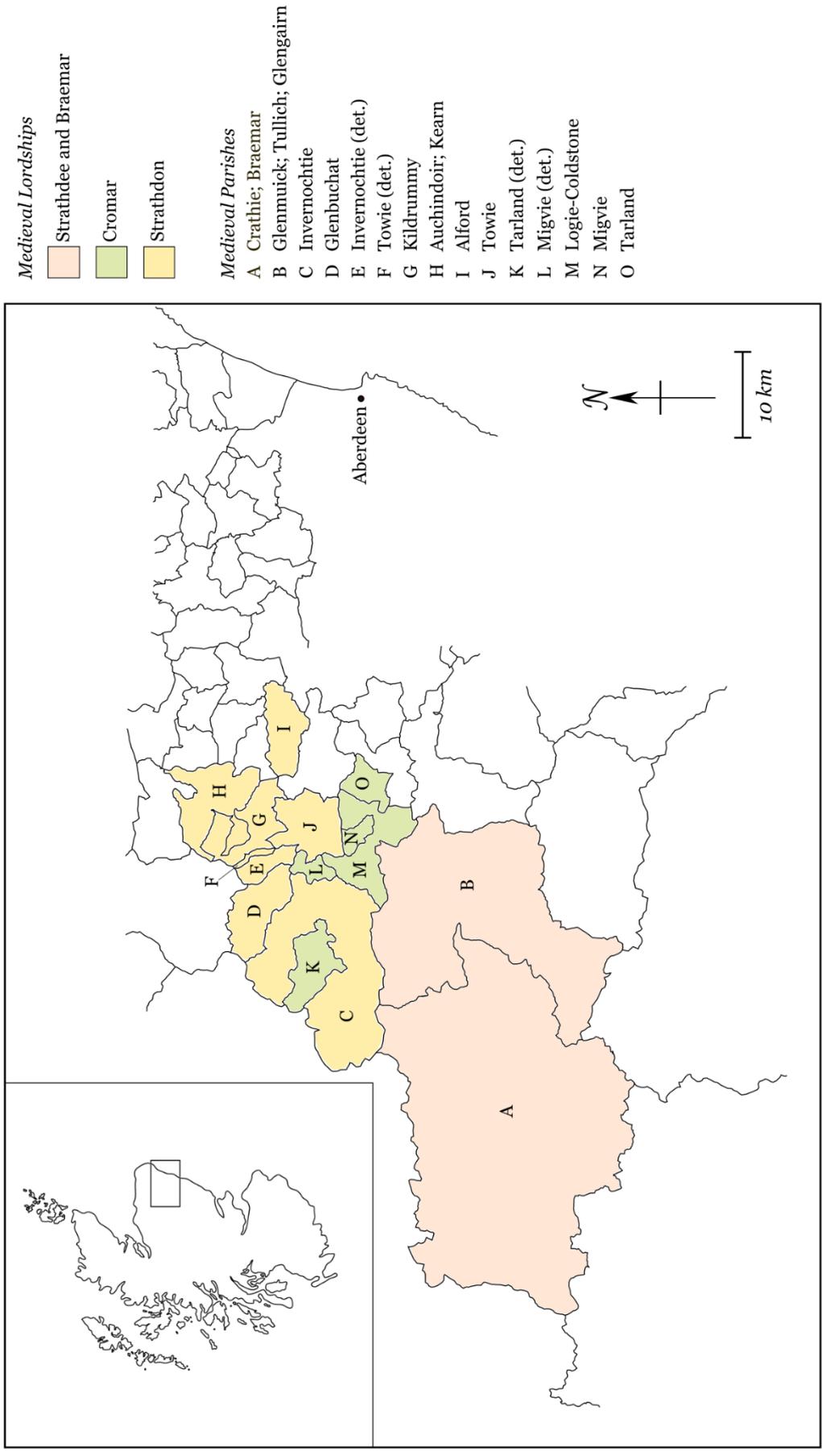
¹²⁸ Indeed, the lordship itself may have only been one davoch.

¹²⁹ See above, 47n119, for a brief summary.

¹³⁰ A. Grant, *Independence and Nationhood: Scotland, 1306-1469* (Edinburgh, 1984), 156.

¹³¹ *Ibid.*, 157.

¹³² A. Grant, 'Thanes and Thanages, from the Eleventh to the Fourteenth Centuries' in A. Grant and K.J. Stringer (eds.), *Medieval Scotland: Crown, Lordship and Community* (Edinburgh, 1998), pp. 39-81, 49.



Map 2. Medieval Lordships and Parishes in Mar.

the opportunity for the crown to personally deal with judicial matters, supervise their agents, and exercise their authority, enabling the exercise of personal kingship.¹³³ The ‘Europeanisation’ of northern Scotland is said to have significantly reduced the importance of the thanages, with some being converted into sheriffdoms, although the sheriff’s role as royal agent raises the question of whether there were any real differences between the two roles of sheriff and thane. The office of sheriff became superior, but their foundation on an earlier agent of the crown led Grant to question whether they should be classed as a new development in the ‘Europeanisation’ of northern Scotland, or if they were in fact simply ‘super-thanes’.¹³⁴ Isabel Milne, in her assessment of the sheriff court prior to the sixteenth century, states that ‘the manner of the establishment of the early sheriffdom is unrecorded’, and any similarity to previous administrative structures are unclear.¹³⁵ Though discerning the evolution of the thanages has proved difficult, Grant’s assessment of the geographical location of the numerous thanages north of the Forth shows that over half of the sheriffdoms in the twelfth and thirteenth centuries were based on existing thanages.¹³⁶ This parallel is further highlighted by the sheriff’s role as a royal official who was answerable directly to the crown, much like the thane had been. Such an association has been challenged by Milne, who argues that recognition of the sheriff’s position as an ‘instrument of central government was easily lost sight of’, and often the office of sheriff ‘became an addition to the powers of an already independent magnate.’¹³⁷ Considering the powers that were already made available to these men within their localities – local administration, peace-keeping, responsibility for the execution of royal writs and the collection of royal revenues – the ambiguity of such an office is unsurprising.¹³⁸ The increasing number of regalities created in the fourteenth and fifteenth centuries, however, soon imposed a limitation on the exercise and enjoyment of these powers, powers which were not recognized within them.¹³⁹ Nonetheless, even though grants *in liberam regalitatem* offered the ‘widest

¹³³ *Ibid.*

¹³⁴ *Ibid.*, 51.

¹³⁵ I.A. Milne, ‘The Sheriff Court Before the Sixteenth Century’ in G.C.H. Paton (ed.) *Introduction to Scottish Legal History* (Edinburgh, 1958), pp. 350-355, 350.

¹³⁶ Grant, ‘Thanes and Thanages’, 51.

¹³⁷ Milne, ‘The Sheriff Court’, 351.

¹³⁸ *Ibid.*, 352.

¹³⁹ *Ibid.*

jurisdiction of all', it has been argued that there remained a significant overlap between the jurisdictional privileges entrenched in a grant of regality, and the franchisal jurisdictions 'epitomised in a grant *in liberam baroniam*'.¹⁴⁰

The baronial courts, argues Hector MacQueen, 'survived as an integral part of the Scottish legal landscape of the fourteenth and fifteenth centuries, enjoying and exercising wide jurisdictions.'¹⁴¹ Though as the king maintained possession of all rights of jurisdiction within the kingdom, a lord was only eligible to exercise authority through a court if they had been given the right to do so: 'In Scotland' argues Peter McIntyre, 'the jurisdiction was regarded as something different from the land'; control of the territory did not imply control of the jurisdictional rights pertaining to it.¹⁴² Thus, a lord could receive land, but not the jurisdiction, which may be granted to another. Conversely, a lord could sell his land or grant it to someone else, but retain the jurisdictional rights because 'jurisdiction, like the dignity, was indivisible.'¹⁴³ The inherent complexity of the medieval Scottish barony, then, necessitated that a lord possess royal recognition of his rights to control jurisdiction within his territory – a grant *in liberam baroniam*.

Of the sixty personal charters consulted for the purposes of this chapter, only seven contain specific reference to the creation of a barony within the boundaries of the earldom of Mar between 1300 and 1567. To this we may add thirteen possible instances in the various volumes of the Register of the Great Seal – in the same period – whereby the king created or augmented a barony within the earldom. Finally, the *Exchequer Rolls of Scotland* make a further five references to baronies contained within the earldom.¹⁴⁴ In total, there seem to have been eleven baronies actively created within the earldom of Mar (including Drumblate and Drum)¹⁴⁵ between 1300 and 1567. While it is tempting to rely on the comfortable notion that the meagre survival of charter evidence in Scotland

¹⁴⁰ H.L. MacQueen, *Common Law & Feudal Society in Medieval Scotland* (Edinburgh, 1993), 51

¹⁴¹ *Ibid.*, 50.

¹⁴² P. McIntyre, 'The Franchise Courts' in G.C.H. Paton (ed.), *Introduction to Scottish Legal History*, pp. 374-383, 374.

¹⁴³ *Ibid.*

¹⁴⁴ See Appendix D, *passim*.

¹⁴⁵ Although no explicit reference is made to their having been located within the earldom of Mar, they both contain lands known to have been located within the earldom between 1300-1565. However, due to the complex nature of baronial structure, it is quite possible that these lands were simply distant portions of a barony that was centred in another lordship or region.

means that we may never know if this is truly indicative of the baronial presence within the earldom of Mar, the number of printed and MS references pertaining to all other landholdings within the earldom is, across the board, consistently strong. Instead, it seems likely that there was not, in the period whereby the earldom was under crown control, a heavy focus on the creation of new baronies.

For the purposes of this chapter, only the baronies of Forbes, Kinaldie, Brux and Invernochty/Kildrummy have been assessed. These baronies, either created or augmented during the reigns of James I, III and IV, present an opportunity to assess how successive Stewart kings may have used the barony to administer this medieval earldom. The remaining baronies, due to the small amount of land contained within them and their scant presence in the material consulted, do not provide enough evidence of baronial development to constitute intense analysis.

Forbes

The Forbes family – active in the area since at least 1272 – maintained a prominent position in the earldom of Mar throughout the period under discussion in this thesis, and their status within the earldom was reflected in their continued involvement in the Mar succession crisis of the fifteenth and sixteenth centuries. While the Forbes family have suffered from a poor representation in the historiography of the period, this pragmatic family held strong political and familial ties with some of the most prominent Scottish landholders and noblemen of the period who had an active interest in Mar, for example the earls of Crawford, the Gordons of Huntly (their feud with whom has dictated their scant depictions in both historical and academic accounts of the period) and the Lyles of Duchal. It should come as no surprise, then, that the earliest reference to a barony within the earldom of Mar should be one granted to the then head of the Forbes kindred, Alexander.¹⁴⁶ The barony of Forbes, so named, is further distinctive in that it is one of only two baronies in the earldom with which James I had any direct involvement prior to his acquisition of Mar in

¹⁴⁶ *A.B. III.*, iv, 386.

1435, confirming Alexander Forbes' possession of his barony in October 1429.¹⁴⁷ This is important for two reasons. Firstly, as discussed, these grants show that James I *did* have involvement in the earldom prior to his death in 1437. The dearth of study concerning James I's involvement in the earldom of Mar upon its escheatment to the crown stems from the fact that historians may have questioned how much James could have influenced the earldom's development having died only two years after gaining it. This is further augmented by the dominant historiographical view of James I's attitude to the earldom prior to 1435 as reflecting his 'vindictive' and 'acquisitive' nature. Mar's development, and its subsequent portrayal in the historiography, has fallen victim to a predisposed reluctance to view James' quest for possession of Mar as nothing more than proof of his rapacious pursuit of money.¹⁴⁸ Secondly, James I's gift of the barony of Kinaldie and confirmation of the barony of Forbes in 1429 could represent his acknowledgement of the existing power structure within Mar under his cousin, Earl Alexander. As discussed above, the Forbes family were known to have maintained an active involvement in the area from at least 1272, and James' willingness to recognize this suggests a less sinister (and therefore less exciting) alternative to the dominant historical view: that James was perhaps trying to preserve the internal power structure of this ancient medieval earldom in order to ensure a smooth transition should he come to possess it.¹⁴⁹

On 6 October 1423, the lands and barony of Forbes were granted to Sir Alexander Forbes and his wife Elizabeth Douglas. Unfortunately, the charter is incomplete, and states only that the lands contained within the barony were resigned by Forbes, to be regranted to him by Murdoch, duke of Albany. Whether the barony of Forbes was in existence prior to Murdoch's grant in 1423 is unclear. The absence of the formula '*incorporavit in unam baroniam* (incorporated into one barony)' of Forbes, which often precedes documents outlining the erection of a new barony, would suggest that it had been, though considering the incomplete nature of the document, the omission of such a

¹⁴⁷ Just two months earlier, James had incorporated the lands of 'Kinnaldy', 'Gordy', 'Davachemanache', 'Petnamone' and 'Knoksoul' (this charter is incomplete, and may have contained other lands), incorporating these lands into the free barony of Kinaldie. (*RMS*, ii, no.127; *A. B. III.*, iv, 390-1)

¹⁴⁸ Wormald, 'Taming the magnates?', *passim*.

¹⁴⁹ See Chapter Four: 'Going it alone: The widower and his earldom 1408-1435', *passim*.

phrase does not preclude the possibility that it did not exist prior to 1423.¹⁵⁰

Exactly six years later, on 6 October 1429, Alexander Forbes received a royal confirmation of Murdoch's grant of the barony of Forbes, with the additional lands of Kery, Alford, Logy and Edinbanchory, and an annual rent of 10 merks of the lands of Mukwale.¹⁵¹ According to the charter, the lands of the barony of Forbes and the lands of Kery had been resigned to the king by Alexander Forbes himself, while the lands of Alford, Logy and Edinbanchory – with the annual rent from Mukwale – were personally resigned by the earl of Mar, Alexander Stewart. These lands were to be held by Forbes and his wife Elizabeth *in unam liberam baroniam de Forbes* (in one free barony of Forbes), for which Forbes would pay three suits of court at the three chief assemblies held annually at Aberdeen. The grant was confirmed by James III on 9 July 1477.¹⁵²

Kinaldie

On 27 July 1429, James I conceded to Sir William Forbes, 'for his service', the lands of Kynnaldy, Gordy, Davach Manach, Petnamone, and Knocksoul.¹⁵³ The document states that the lands had been personally resigned by Alexander earl of Mar, to be held by Sir William and his heirs-male, whom failing, by his elder brother Sir Alexander and his heirs, '*baronibus de Forbas*, barons of Forbes'. That Stewart had resigned these lands highlights not only the strength of the relationship that Stewart maintained with the Forbes family, but also James' willingness to honour it by incorporating the lands into the free barony of Kinaldie in return for an annual rent of 1 penny, to be paid at Kinaldie.

Brux

The barony of Brux was the first of two baronies created while the earldom was in the hands of the crown.¹⁵⁴ Formed in 1504/1505, the barony was comprised of the lands of Burchis [Brux] (with the woods and bogs of Brux), Wester Drummellochie, Newtoun, Macharishalch, Glenkervy, Glenconry and 'the Orde'

¹⁵⁰ NRS GD52/401. Reproduced in *A.B. III.*, iv, 386-7. Murdoch's grant seems to have been part of a much larger trend of land acquisition for the Forbeses at this time. See *A. B. III.*, iv, 113, 382-5, 388.

¹⁵¹ *RMS*, ii, no.134.

¹⁵² *Ibid.*, no.1298.

¹⁵³ *Ibid.*, no.127.

¹⁵⁴ As discussed above, the barony of Kinaldie was created prior to James I's official acquisition of Mar in 1435.

with woods of the same, together with the tenants ‘&c.’ and mills of the same. Granted to William Forbes of Towie, the lands were to be incorporated into the free barony of Brux, while the aforementioned woods and bogs were to be incorporated into the free forest of Glenkervy and Glenconrie. The grant was made for Forbes’ singular favour and good service to the king, and Forbes was expected to pay three suits of court at the three chief assemblies of the sheriffdom of Aberdeen, held at the Tolbooth.

Invernochty and Kildrummy

The barony of Kildrummy (née Invernochty) was the largest barony to have been created within the medieval earldom of Mar. Granted to Alexander Elphinstone and his wife Elizabeth, the barony underwent several significant transformations between 1507 and 1513. Containing over half of the lands once attributed to the lordship of Strathdon, the final incarnation of the barony of Invernochty as the free barony of Kildrummy offset the declining significance of this lucrative Mar lordship in the face of Elphinstone’s increasing territorial dominance.

On August 8 1507, Alexander Elphinstone and his wife, Elizabeth Barlow received the first of a series of substantial territorial grants from James IV. Granted in recognition of good service and ‘*singularibus favoribus* (singular favour)’,¹⁵⁵ the lands listed were Invernochty, Bellabeg (with mill, meadow, woods and ‘The Glens’ of Glennochty), Invernettie, Ledmacay, Culquhony and Culquhary in Strathdon; Mekill-Mygve, Estir Mygve, Tulliprony, Blalok, and Correcrief in Cromar; and Duncanstoun, Glandirstoun (with mill), Rochmureall, and Tullefour in the lordship of Garioch. These geographically diverse landholdings were to be incorporated into the free barony (*‘unam liberam baroniam’*) of Invernochty, to be held by Alexander and Elizabeth and the longer liver of them in joint fee and heritage, and by their heirs.¹⁵⁶ If no heirs were produced, the lands would revert to the king. It was also stipulated that Alexander and Elizabeth should render three suits at the three chief assemblies of the sheriffdom of Aberdeen (presumably held at the Tolbooth).¹⁵⁷

¹⁵⁵ RMS, ii, no.3115; NRS GD124/1/170.

¹⁵⁶ *Ibid.*; Fraser, *Elphinstone*, i, 39.

¹⁵⁷ Translation based on that provided in RPS, A1526/11/1. Date accessed: 11 November 2015. The chief assemblies of Aberdeen were noted to have been held at the Tolbooth in a charter of the barony of Brux in 1504/1505, discussed above.

Although this first incarnation of the barony of Invernochty reinforces the view of the medieval barony as having been geographically disparate, there were, at the head of these baronies, castellated centres of authority from which the local barons exercised control. Though the document's *reddendo* clause makes reference to sasine to be made *apud capitale et principale messuagium dicti terarum et baronie de Innernocty* (at the chief and principal messuage of the said lands and barony of Invernochty), the caput is never formally identified. An identification of the caput of this barony may be possible through an assessment of the parochial foundations of this territorial unit.

It has been suggested in previous analyses of the medieval barony that there is a strong correlation between the extent of the barony and the existing parishes of medieval Scotland. For example, Alexander Grant in his work on franchises north of the border conducted a parish-by-parish survey (encompassing 925 parishes known to have existed in the fourteenth and fifteenth century). The aim was to ascertain the extent to which these medieval parishes may have been held with franchisal privileges.¹⁵⁸ The results indicated that the territories of 38 percent of the total 925 parishes 'lay completely or mostly within the jurisdiction of around three hundred and seventy ordinary local baronies.'¹⁵⁹ Furthermore, at least 64 percent of these baronies retained the same name as the parish which contained their centres.¹⁶⁰ Following this example, the barony of Invernochty may have been based on the medieval parish of Invernochty (now Strathdon). If this is the case, then the ancient caput of the Doune of Invernochty would likely have been recognized as the caput of the barony; this assumption would correspond with the geographical layout of the lands granted in this first charter, which seem to centre around the site of the ancient caput of the earls of Mar.

Just over three months after the initial August grant, the structure of the barony underwent its first significant transformation. On December 10, 1507 resignation was made of the lands and barony outlined in the August charter, stipulating that the lands within the lordships of Cromar and Garioch should be exchanged for the lands of Skalater (with the forest of Corgarff), Fennelost,

¹⁵⁸ Grant, 'Franchises north of the Border: Baronies and regalities in medieval Scotland' in M. Prestwich (ed.), *Liberties and Identities in Medieval Britain and Ireland* (Woodbridge, 2008), pp. 155-99, 162.

¹⁵⁹ *Ibid.*, 163.

¹⁶⁰ *Ibid.*

Bolquhame, Balnaboith in Glenbucket, Balnaboith in Kinbattoch, Ballintamore, Tuleskeuch, Summeil, Culbalauche (with the forests of Baddynyoun and Kilvalauche), Estir Clova (with Corrykeynzane), Contelauche (with Braidschaw), Auchmyllane (with eastern half of Glenlos), Kinclune, and new mill (with the glens, woods, bushes [?], called *the schawis*) in the lordship of Strathdon. This significant exchange, coupled with the previous Strathdon landholdings, centred the lands of the barony of Invernochty into one lordship, the most lucrative lordship in Mar. The Elphinstones received a new grant of the barony recognizing the exchange outlined in the instrument of resignation, uniting the newest Strathdon acquisitions into the barony of Invernochty. Retaining much of the formula of its August predecessor, the *tenendas* clause stated that the barony was to be held by Alexander and Elizabeth, and the longer liver of them, in conjunct fee, and by the heirs of their bodies. Should their line fail, the barony was once again to revert to the king. The consolidation of the barony lands into the single lordship of Strathdon altered the aforementioned requirement that the service of three suits of court be rendered at the three chief assemblies of the sheriffdom of Aberdeen, reducing this to one suit at the head court of the sheriffdom of Aberdeen after the feast of St. Michael.¹⁶¹

On 19 July, 1508 Elphinstone influence in the lordship of Strathdon was further strengthened through a royal grant to Alexander and his wife Elizabeth, whereby Elphinstone (significantly designated ‘of Invernochty’) was to receive the dominical lands of Kildrummy, the New, Wester Clova, Auld Auchindore, Drumnahufe, Dosky, Cukishill, mill of Kildrummy, Auchinvane, Coryhill, Quiltis, Ardquhonquhare, Tulispik, Innerburquhar Wester, Innerburquhar Eister, Argeith, Culqohath, Distorie, Mill of Discory, Pentinlauch, Glencoy and ‘lie Newtown’. The lands were to be held for the value outlined in the king’s rental, that is £82 18s. 6 merks, allowing 5s. for every merk, 12 bolls and 2 firlots of oats, and an augmentation of 40 merks. The grant – already significant in its extension of Elphinstone’s sizeable territorial presence in the area – is highlighted by Fraser as retaining a particular importance due to Elphinstone’s receipt of custody of the castle of Kildrummy, with towers, fortalices and gardens of the same, together with the avocation and donation of the chapel of

¹⁶¹ NRS GD124/1/174.

Den, in the earldom of Mar and sheriffdom of Aberdeen.¹⁶² James IV's decision to award custody of the caput of the earldom to Alexander Elphinstone and his wife Elizabeth could represent the first indication of James' attempts to align his desire to bestow patronage on a royal favourite with his need to ensure that this prominent earldom – and its castle overlooking the main trade routes – was under the sway of a man loyal to the Scottish crown. The following grant, discussed below, which outlines the number of lances due to James in return for the lands granted supports this. Again, the lands outlined in the charter were to be held by the said Alexander and Elizabeth, and the longer liver of them, in conjunct fee, and by the heirs of their bodies, whom failing, reverting to the king. In addition to the annual fee outlined above, one red rose was to be donated to the chapel of Den at the said castle of Kildrummy on the feast of the Nativity of St John the Baptist, called Midsummer.

On 11 September 1509, Alexander and his wife Elizabeth received a grant of the town and burgh in the barony of Kildrummy, for an annual payment of 43s. 4d. Scots. This is the first and only instance prior to the charter of 12 August 1513 (discussed below) in which the barony hitherto known as the barony of Invernochty was identified as the barony of Kildrummy. Unusually, the charter of 1513 stipulates that the lands of the former barony of Invernochty were to be incorporated into a free barony to be called Kildrummy. The explicit stipulation that the barony was to be called Kildrummy suggests that the title was not previously associated with it, making the 1509 reference to it somewhat curious.

On 14 January 1509/1510, in celebration of the birth of Prince Arthur in October 1509 and his subsequent baptism, Alexander Elphinstone was created lord of Parliament in honour of the occasion and as further recognition of the services provided by Elphinstone and his wife to James and his queen.¹⁶³ In addition to the elevation to the peerage, Lord Elphinstone received a renewal of the charter of 19 July, 1508. However, the lands were to be held with one significant difference: Lord Alexander and his wife Elizabeth were to hold the said lands in fee and heritage for ever, 'freely, without any feu-farm, sums of money or victuals, being paid by Alexander or Elizabeth or their heirs-male for

¹⁶² Fraser, *Elphinstone*, i, 42; NRS GD124/1/178.

¹⁶³ Elphinstone is said to have been present at court at the time of the baptism. (Fraser, *Elphinstone*, i, 45)

them'.¹⁶⁴ As previously discussed, the lordship of Strathdon is absent from the Mar rental accounts contained in the *Exchequer Rolls* from 1509 onwards, suggesting that this grant – together with the growing Elphinstone influence in Strathdon since 1507 – signalled the final decline of this significant Mar lordship.

It is significant that Elphinstone, by 1508, was designated 'of Invernochty'. Such a designation may have been adopted in order to provide a strong link between this newly established north-eastern lord and the early *caput* of the earldom of Mar. Why then, considering this early nod to the previous *caput*, did the king decide to rename the barony 'Kildrummy'? Kildrummy had been the established *caput* of the earldom since the mid-thirteenth century, thus it cannot be argued that the change in nomenclature followed a recent move from Invernochty to Kildrummy. Though Simpson has argued that Elphinstone could not have gained possession of Kildrummy as it was, at the time of the first grant, in the hands of the crown, this was still true in 1508. There is no justification for the king's sudden decision to relinquish his hold on the traditional *caput* of the earldom of Mar, nor why he should have waited a year before granting the castle to Elphinstone.

Linked very closely with our discussion of the lordship of Strathdon above, the final incarnation of the barony of Kildrummy saw Elphinstone receive just over half of the landholdings known to have been in Strathdon. It is unsurprising, therefore, that the lordship began to decline post-1513. The remaining Strathdon landholdings which were not explicitly granted to Elphinstone disappear from the record after 1513. They were not absorbed into the other Mar lordships, and although it is argued here that the lordship of Braemar was created to alleviate the disappearance of the most important Mar lordship, it was not formed from the remaining Strathdon landholdings. What became of these lands is unclear. They do not appear in later accounts of the *Exchequer Rolls*, suggesting that the crown were not receiving money from them, but there is no evidence to suggest that the remaining lands were understood to have transferred to Elphinstone along with James IV's other gifts of Strathdon territory. Yet, had they remained with the king, James IV could have incorporated them into a new lordship instead of dividing Strathdee, a

¹⁶⁴ Fraser, *Elphinstone*, i, 46.

lordship which at its height contained only 43 landholdings. As a result of the split, Braemar provided the lowest income of all the lordships, containing only 14 landholdings from which to lift rent.

Power Centres

As discussed, Simpson argues that the earldom of Mar was comprised of five lordships – Braemar, Cromar, Midmar, Strathdon and Strathdee – each of which had an associated *caput* or capital messuage.¹⁶⁵ He lists them thus: Braemar was associated with the castle of Kindrochit, Cromar with the castle of Migvie, Midmar with the castle of the same name, Strathdon with the Doune of Invernochty, and Strathdee with the castle of Aboyne.¹⁶⁶ The castle of Kildrummy, then, was the main *caput* of the earldom. Though Simpson argues that all five of the castles described were ‘known to have been in existence in the thirteenth and fourteenth centuries’, his analysis of the relationship between these lordships and their respective *caputs* is problematic.¹⁶⁷ Though Simpson provides a brief history of the evolution of these castles from the eleventh to the fifteenth centuries, his description of these castles as having been recognized as the *caputs* of the areas in which they are located has provided a neat representation of the administrative structure in Mar which is at odds with the medieval evidence. What follows is an attempt to understand and – in some cases – challenge Simpson’s perceptions.

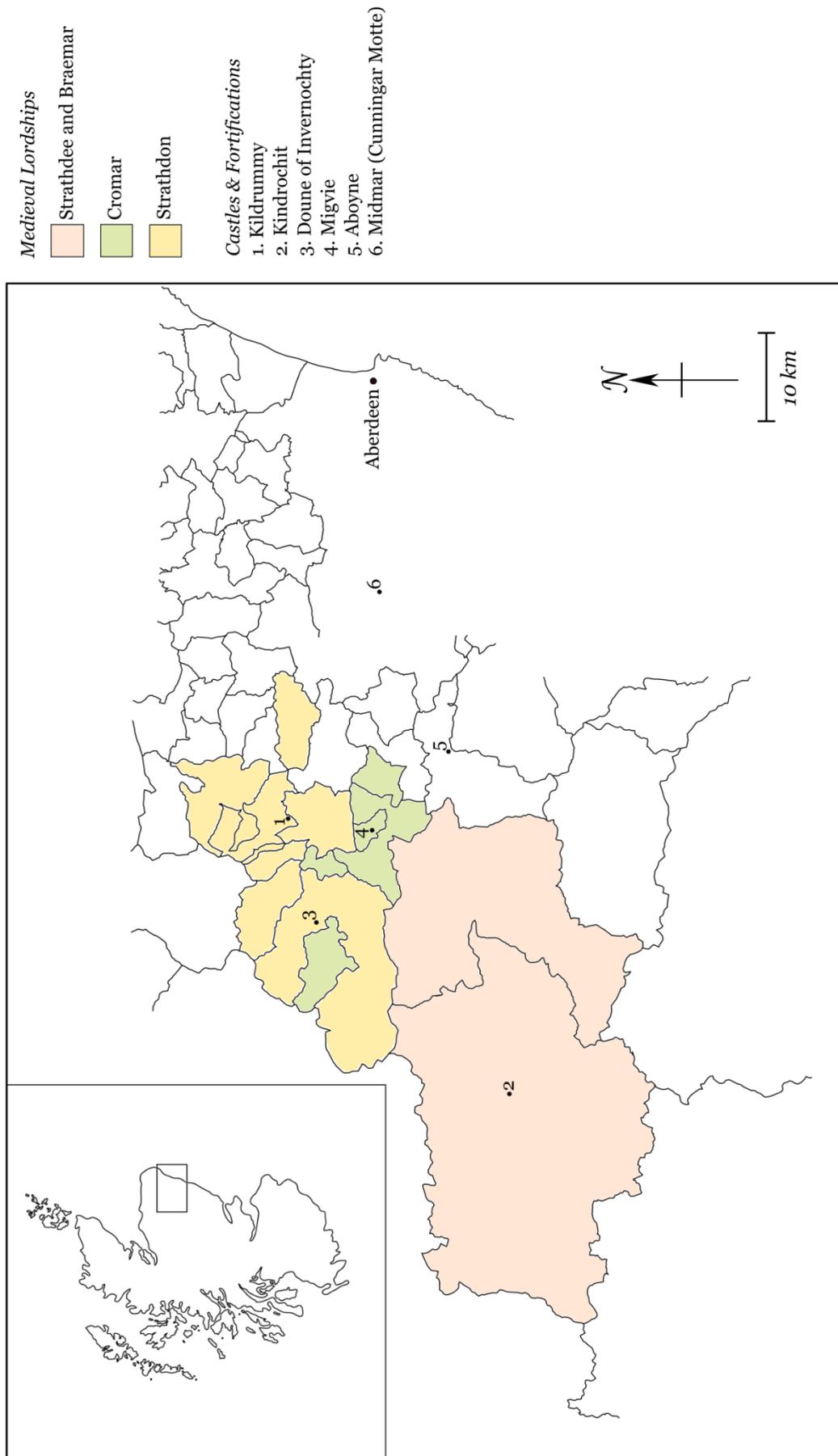
Kindrochit and Aboyne

Simpson’s identification of Kindrochit as the *caput* of the lordship of Braemar, and Aboyne as the *caput* of Strathdee, would suggest that the lordships were coterminous. However, as shown above, the lordship of Braemar was an offshoot of the lordship of Strathdee, and does not make an appearance on documentary record until 1527/1528. Furthermore, Aboyne does not seem to have been a recognized portion of the Mar patrimony in the thirteenth century, but a royal thanage. Even Grant, in his discussion of the thanage, only tentatively suggests that its location north of the Dee might indicate that it had once belonged to Mar. Certainly, there is no evidence to suggest that Aboyne

¹⁶⁵ Simpson, *Province of Mar*, 4-5.

¹⁶⁶ *Ibid.*, 5.; This assessment is reiterated in Simpson’s other works on Mar’s early castles. (Cf. Simpson, ‘Early Castles of Mar’; ‘Castle of Kindrochit’; ‘New Survey of Kildrummy’; ‘Doune of Invernochty’)

¹⁶⁷ Simpson, *Province of Mar*, 5.



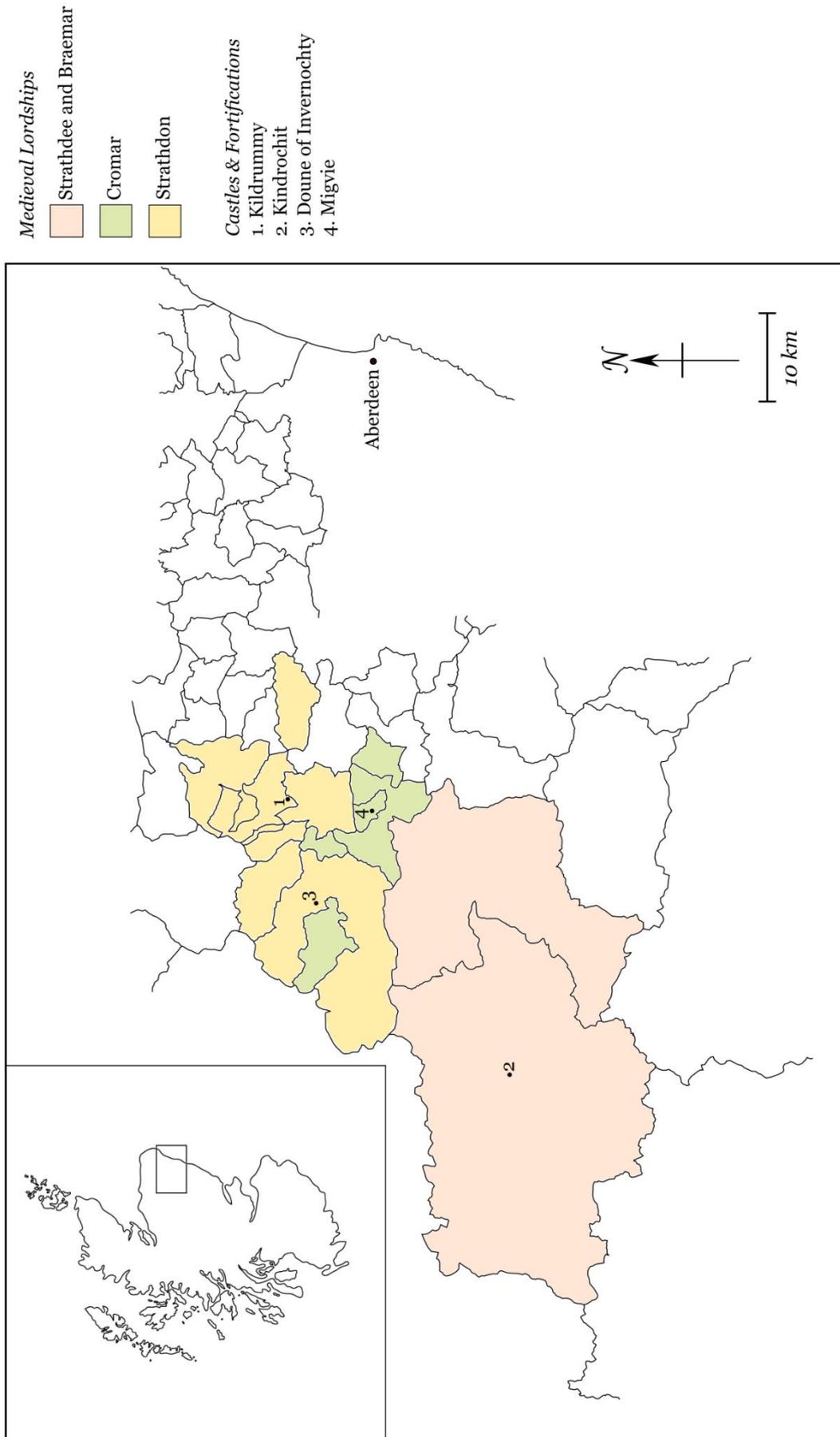
Map 3. Original interpretation of medieval caputs in Mar (Simpson).

retained any links with the earldom after Walter Bisset's receipt of the thanage during the reign of Alexander II, and its proximity to the new Durward territories would suggest that – had it held any historical links to the earldom – its geographical relationship to Mar had changed upon the division of the earldom in the 1220s, rendering Simpson's description of Mar somewhat outdated.

According to Simpson, the castle of Aboyne was likely destroyed in the opening decades of the fourteenth century following the increasing deterioration of Anglo-Scottish relations during the reign of Robert I, suggesting to the reader that the castle of Aboyne had been the *caput* of Strathdee prior to the fourteenth century. This would seem to support the identification of Kindrochit as the *caput* of Braemar. While Kindrochit seems to have become the *caput* of this new Mar lordship after this date, it is far more likely that the castle – the construction of which has been ascribed to the reign of Malcolm III, with further building work taking place in 1390 at the behest of Malcolm Drummond, lord of Mar – was the recognized *caput* of Strathdee until the lordship's division upon the decline of the lordship of Strathdon after 1503, particularly if the castle of Aboyne had fallen victim to the ravages of war in the opening decades of the fourteenth century. Furthermore, the remains of the castle of Aboyne lie to the far east of the lordship of Strathdee (as portrayed here in this thesis). The location of the castle, so close to the lands suggested to pertain to the Durward share of the Mar earldom, would suggest that the castle – had it ever been part of Mar – would have been linked to the lordship of Cromar rather than Strathdee.¹⁶⁸ It is possible, of course, that the lordship of Strathdee was much more extensive prior to the 1220s split, incorporating the parish of Aboyne and Glentanner, but there is no evidence to suggest that this was so.

The castle of Kindrochit, then, is suggested here to have been the *caput* of both the lordship of Strathdee and, after 1527/1528, the lordship of Braemar. Believed to have been constructed by Malcolm III, its foundation was apparently linked to the erection of a bridge across Glen Clunie, dubbed '*Ceann-drochit*', the name having afterwards been inherited by the castle upon its

¹⁶⁸ See no.6 on Map 3 above.



construction.¹⁶⁹ The impetus for the construction of both a bridge and a castle, nestled at the head of two significant routes across the Mounth, has been argued as having been a response to royal operations against Moray, an attempt to improve and secure communications ‘with the more settled districts of the south.’¹⁷⁰ However, the decision to construct the castle may also represent royal recognition of the ecclesiastical significance of the area as the location where Hungus, king of the Picts, was shown the relics of the holy Apostle Andrew.¹⁷¹

Little else is known of this significant Scottish castle until the reign of Robert II (1371-1390), when Kindrochit evidently became a favoured residence of the king. Seven charters contained within the Register of the Great Seal attest to the presence of the king at this favoured royal residence between 1373 and 1382, while accounts contained within the *Exchequer Rolls* highlight the expenses of the king incurred during his stays at the castle.¹⁷² It is perhaps unsurprising, considering the king’s fondness for both the castle and the area, that Malcolm Drummond should have received permission to erect a tower or a fortalice on the lands of Kindrochit.¹⁷³ It is to these ruins that Simpson ascribes the castle’s architectural importance. According to the historian,

[t]here can be no doubt that it was subsequent to this licence that the powerful oblong tower was erected; and having regard to the exact similarity in masonry and general characteristics of the structure, I am strongly disposed to assign the rest of the existing ruins to about the same date. Undoubted castles of the fourteenth century are somewhat rare in Scotland, and the known date of this one, despite its destroyed condition, makes it of special value as a standard for comparative purposes.¹⁷⁴

Though favoured by Robert II, there are – as yet – no known surviving instances of a charter having been granted from this significant Mar stronghold between 1300 and 1565. Direct reference to the castle of Kindrochit in the charter evidence pertaining to the period under scrutiny is limited to two documents,

¹⁶⁹ Simpson, ‘Castle of Kindrochit’, 83.

¹⁷⁰ *Ibid.*, 86.

¹⁷¹ S. Taylor and G. Márkus, ‘*The Place-names of Fife, Volume Three: St Andrews and the East Neuk*’ (Donington, 2009), 578; S. Taylor, ‘The coming of the Augustinians to St Andrews and version B of the St Andrews foundation legend’ 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), pp. 115-123, *passim*.

¹⁷² *RMS*, i, nos. [in chronological order] 442, 639, 659, 658, 758, 734, 738; *ER*, ii, 364, 543; *ER*, iii, 25, 45, 51, 68, 90, 113, 147, 177.

¹⁷³ NRS GD160/115 (2).

¹⁷⁴ Simpson, ‘Castle of Kindrochit’, 91.

dated 26 March 1444 and 19 February 1444/1445, concerning Sir Robert Lyle of Duchal's grant of the lands of Strathdee and Kindrochit 'et partam mea[m] castri eiusd[em] (and my part of the castle of the same)' to Sir Alexander Forbes.¹⁷⁵ Granted in recognition of Forbes' support in his quest for half of Mar, Lyle's reference to possession of *part* of the castle of Kindrochit indicates that the castle's relative obscurity may have been related to the division of the property between multiple owners (or, indeed, female co-heiresses; such an arrangement supports the suggestion that Lyle's claim to Mar was derived from a thirteenth or fourteenth century co-heiress to Mar).¹⁷⁶ There is, of course, no explicit reference to such an arrangement, though the fight for the Mar inheritance after the death of James I, headed by Sir Robert Erskine and Sir Robert Lyle (both described as having a right to possess half of Mar) might suggest that each lord held a share of the castle. Such an arrangement may have led to Kindrochit's continued absence from the comital records as having been a valued location at which to conduct business. Such an arrangement would also, however, have been a distinct deviation from accepted practice. As discussed in the works of the land surveyor William Leybourne, and the Scottish advocate David Dalrymple, Lord Hailes, if the capital message in question was the *caput* of either a barony or an earldom, 'it may not by any means be parcelled.'¹⁷⁷ Though Strathdee was neither a barony nor an earldom, it was a lordship – a significant geographical unit within an earldom. Thus, we may assume that the same restrictions which applied to larger units such as earldoms or baronies would similarly apply to the lordship of Strathdee. It is possible, then, that the 'part' of Kindrochit that Lyle was referring to was the demesne lands of the castle, rather than the castle proper.¹⁷⁸ If this is so, then such an arrangement lends credence to the theory that the claims of both the Erskine and Lyle families were derived from co-heiress to the Mar patrimony, while the focus of their claims to the demesne lands of Kindrochit, a favoured residence of the early Stewart kings, could

¹⁷⁵ NRS GD52/405; NRS GD124/1/157.

¹⁷⁶ See below, pp. 216-20.

¹⁷⁷ W. Leybourn, *The Compleat Surveyor: Or The Whole Art of Surveying of Land*, 5th edition (London, 1722), Book IX, 103. See also D. Dalrymple, Lord Hailes, *The Additional Case of Elisabeth, Claiming the Title of Countess of Sutherland, by her Guardians* (House of Lords, 1771), 81.

¹⁷⁸ I am very grateful to Professor Richard Oram for bringing both these texts and this possibility to my attention.

indicate the involvement of both Robert II and Robert III in the placement of these Renfrewshire lords in Mar.

Migvie

Alongside the Doune of Invernochty in Strathdon (discussed below), Migvie has been described as one of the ‘earliest recognizable administrative centres in the medieval earldom.’¹⁷⁹ Both sites, prior to their establishment as the ‘administrative foci’ of the lordships of Strathdon and Cromar respectively, seem to have drawn their status from their associated parish churches, the importance of which manifests itself in the charters of Mar’s twelfth-century earls, Morgrund and Gilchrist.

‘All surviving charters of these earls are to ecclesiastical beneficiaries, most granting the patronage of parish churches and the associated glebe . . . Morgrund’s gifts to St. Andrews priory included the churches of Migvie and Tarland, both in Cromar . . . Gilchrist’s *acta* place a similar emphasis on Cromar, involving the grants to his priory foundation at Monymusk of the churches of Leochel and Logie Ruthven, but also in Strathdon, with Invernochty and Alford being granted to the same community.’¹⁸⁰

Furthermore, that the 1220s division of the earldom of Mar recognized Earl Duncan’s continued possession of these administrative centres has been argued to suggest that both sites were viewed as the ‘capiti’ of the ancient earldom of Mar ‘and its ‘feudalized’ successor.’¹⁸¹

The perceived importance of the church of Migvie, ‘an early medieval foundation dedicated to St Fillan’, could account for the proximity of its namesake, the castle of Migvie. Situated atop a hillock 250m. south of the parish church, the castle was erected sometime before February 1267/1268, when reference to the castle is made in a charter to the priory of St Andrews of the churches of Migvie and Tarland by William earl of Mar.¹⁸² Though little evidence survives documenting the castle’s use by successive earls of Mar, Migvie’s significance as an administrative centre continued, at least until the mid- to late-

¹⁷⁹ Oram, ‘Continuity, adaptation and integration’, 57.

¹⁸⁰ *Ibid.*; *St A. Lib.*, 246-7, 248, 300-1 [Morgrund]; 373-5 [Gilchrist].

¹⁸¹ Oram, ‘Continuity, adaptation and integration’, 57-58.

¹⁸² *St A. Lib.*, 311-12; The Ancient Monuments and Archaeological Monuments Act 1979: Entry in the Schedule of Monuments (2007), <<http://portal.historicenvironment.scot/document/600013978>>, Accessed: 5 December 2016.

fourteenth century. In a royal confirmation of Earl Thomas' charter to William Chalmers on 6 May 1363, the document stipulated that the grantee was to make three suits of court at the three chief assemblies of the said earl, held at Migvie.¹⁸³ It is not made clear whether the assemblies were held at the castle, though reference to a '*lapidem de Mygveth*' (stone of Migvie) in a charter dated 1358-1359 suggests that there may have been an alternative site used for formal judicial assemblies.¹⁸⁴ Oliver O'Grady has posited that a Class II Pictish symbol stone found buried in the churchyard of Migvie parish church may 'conceivably have been the focal point for a judicial assembly to convene around'. The location of the stone (close to both the church and the castle), and its potential role in the 'open-air regional courts of Cromar' could represent the physical manifestation of the aforementioned relationship between Migvie as both an administrative centre and a significant early church foundation, 'a powerful symbol of lordship in Cromar and the Earldom of Mar.'¹⁸⁵ However, its discovery within the grounds of the churchyard – though 'not preclud[ing] the monument having been appropriated within secular assembly practices . . . means this interpretation is by no means definitive.'¹⁸⁶ Consequently, O'Grady provides a second alternative to the Class II Pictish stone, discussing the discovery of a Class I Pictish stone on rising ground called *Tom a'Char* in the parish of Logie-Coldstone. The said ground, the name of which O'Grady translates as 'hill of the chair or throne', may (it is suggested) indicate the location of an 'early court site, perhaps in reference to traditional associations with the seating of a medieval judge, Gaelic *breithem*, or the association of the site with the judicial practices of lordship.' Considering his discussion of *Tom a'Char*'s proximity to the site of the old parish church of Coldstone (dedicated to St Neachtan of Mortlach), it is interesting that O'Grady does not draw attention to a similar discovery of a

¹⁸³ RMS, i, no.133: '*Faciendo tres sectas ad tria placita capitalia dicti comitis apud Mygvethe tenenda, pro omni alio servicio etc.*'

¹⁸⁴ A. B. III., iv, 715-6. A similar instance of such an arrangement can be found at the standing stones of Easter Kingussie, recognised as the chief court in Badenoch during the lordship of Alexander Stewart, lord of Badenoch, sometime earl of Ross. See A. Grant., 'The Wolf of Badenoch' in W.D.H. Sellar (ed.), *Moray: Province and People* (Edinburgh, 1993), pp. 143-161, 145; O.C. Lelong, 'Writing People into the Landscape: Approaches to the Archaeology of Badenoch and Strathnaver', 2 vols. (unpublished doctoral thesis, University of Glasgow, 2002), i, 80-1.

¹⁸⁵ O. O'Grady, 'The setting and practice of open-air judicial assemblies in medieval Scotland: a multidisciplinary study' (unpublished doctoral thesis, University of Glasgow, 2008), 296; Lelong, 'Writing People into the Landscape', 81.

¹⁸⁶ O'Grady, 'open-air judicial assemblies', 296. It should also be noted that the parish of Migvie was not strictly cohesive, with detached portions situated in Strathdon. (See Map 2)

fragment of a Class I Pictish stone to the east of Coynach Hill, less than a mile from the same church. Though the archaeological report acknowledges the discovery of Pictish stones at both sites discussed by O'Grady, it argues that the context in which the third fragment was found ('discovered whilst repairing a dyke c.200m E of Coynach Hill') suggests that the fragment had not travelled far from its original location (possibly Coynach Hill?).¹⁸⁷ The existence of a third stone (albeit the remnants of one) could suggest a third potential assembly site within Cromar.

Whether these remains indicate the location of three possible judicial assembly sites within the lordship of Cromar, the existence of a fortified structure which had benefitted from 'significant thirteenth-century development' ensured the continued importance of this lordship as the setting for one of Mar's head courts.¹⁸⁸

Midmar

Simpson's inclusion of Midmar in the analysis of Mar's lordships is curious. As yet, there remains no reference to such a lordship in the documentary evidence pertaining to the earldom between 1300 and 1565. Though a timbered motte was erected south of the parish's stone circle during the Norman penetration of the twelfth- and thirteenth-centuries, it is unclear if either the parish or the motte was ever associated with the medieval earldom of Mar. Like the castle of Aboyne, the castle of Midmar seems closely linked to the lands which are thought to have formed the core of the Durward share of the 1220s division of Mar, suggesting that although it may have formed part of the earldom prior to the thirteenth century, no evidence survives supporting Simpson's identification of a lordship of Midmar during the period under investigation in this thesis. Furthermore, Alexander Gordon, son of Alexander 1st earl of Huntly, was styled 'of Midmar'. Considering his promotion to lessee of the lordships of Strathdee and Cromar in 1484, it would seem to have been a missed opportunity for Gordon to have secured possession of the lordship of Midmar which would have presumably incorporated the lands from which he derived his title. That he did not suggests that it was not a recognized Mar lordship. It is tempting to suggest,

¹⁸⁷ Canmore, 'Coynach Hill', <<https://canmore.org.uk/site/139913/coynach-hill>>, accessed: 7 December 2016.

¹⁸⁸ Oram, 'Continuity, adaptation and integration', 58.



Figure 1. Doune of Invernochty, original caput of Mar. Image taken by the author.

considering Midmar's proximity to Castle Fraser (previously Muchall, which may have formed the base for a 'lordship of Mukwale' in the fifteenth-century) that Simpson's lordship of Midmar may, in fact, have been the lordship of Mukwale.

Invernochty and Kildrummy

Like Migvie, Invernochty's status as one of two core administrative centres in the earldom of Mar may be related to its significance as an ancient religious site. According to Simpson, the parish church of Invernochty was originally situated atop the summit of the Doune, the location of which – 'between the Nocht and the Don' – is marked on the first draft of Gordon of Straloch's map of Strathdon.¹⁸⁹ The origins of this church are somewhat obscure, though Simpson posits that the construction of an earthwork castle on the site in the late twelfth- and early thirteenth-century would have incorporated a castle chapel which

¹⁸⁹ Simpson, 'Doune of Invernochty', 171; It is also noted by Simpson that the location of the church was transferred to the opposite bank of the Don prior to the publication of Gordon's map in *Bleau's Atlas* in 1654.

would later serve as the church of Invernochty. The report compiled by the NMRS describes the discovery of a stone curtain wall which surrounded the summit of the motte, 'with an original entrance in the [south]', while one of the stone buildings exposed within this stone wall – 'extending across the summit of the motte' – is 'almost certainly a large Norman chapel, identified by the discovery of a Norman stoup immediately to the [north] of it.'¹⁹⁰ The existence of such a chapel would support the notion of its evolution into the later medieval parish church, while the identification of an original entrance in the south of the motte's stone curtain wall may correlate with the south entrance to the later church of Invernochty, referred to in a charter of 1409.¹⁹¹ Though the church may have formed the core of the caput, its true significance may have been rooted in its potential as a source of patronage. In a charter said to date between 1199 and 1207, the church of Invernochty was granted by Earl Gilchrist to his priory foundation at Monymusk. The decision to do so was symptomatic of a desire to protect the earldom's secular lands in order to maintain the earls' finances.

That Invernochty may have been prized as a key religious site should not undermine its role as the capital message of the lordship of Strathdon. Described as 'one of the finest examples of Norman earthwork castles in Scotland', the Doune measures an impressive 60ft in height, surrounded at the base by a 22-32ft wide ditch, 'averaging 20ft deep'. The supply of water to this defensive ditch was drawn from the marshy ground to the north and west of the castle, channelled by a 'rare system of dams and sluices' which allowed the ditch to be filled or drained as necessary.¹⁹²

While Simpson argues that the 1409 reference to the church of Invernochty represents 'a circumstance quite in keeping with the idea that the church stood within the capital message of the lordship', it is unclear whether

¹⁹⁰ Canmore, 'Doune of Invernochty', <https://canmore.org.uk/site/16762/doune-of-invernochty>, accessed: 7 November 2016; A stoup is a vessel containing holy water, often located near the entrance to a church.

¹⁹¹ *RMS*, ii, no.56; *A.B. III.*, iv, 177-8. In the original document (contained within the confirmation of 1426), Sir Alexander Forbes is to receive the lands of 'Glencarwe', 'Glenconre' and the Ord, in Strathdon, payment for which was to be made *ad ostium australe ecclesie de Invernochty* (at the south door of the church of Invernochty).

¹⁹² A much fuller description of the canalisation of the surrounding land is provided in Simpson's archaeological report on the excavations of the Doune of Invernochty. (Simpson, 'Doune of Invernochty', 173-5)

Alexander Stewart earl of Mar would have recognized Invernochty as the caput of Strathdon considering its proximity to the castle of Kildrummy, situated little over ten miles to the north-east of the Doune, or whether Invernochty would have been superseded in this role by Strathdon's newest structure. There is no evidence to suggest that the earls of Mar conducted business at the Doune in the period under investigation in this thesis (favouring instead the impressive castle of Kildrummy), nor that Invernochty was regarded as anything more than a parish church after Kildrummy's construction; nearly all reference to Invernochty in the documentary record between 1300 and 1565 is in its capacity as a religious site.¹⁹³ Even Simpson, in his report on its excavation, laments Invernochty's relative obscurity after the thirteenth-century, stating that Kildrummy's construction 'would deprive the Doune of much of its importance and doubtless accounts for the scantiness of its recorded history.' This suggests that the castle of Kildrummy may have replaced the Doune as the capital messuage of the lordship of Strathdon. However, did Kildrummy's importance lie solely in its role as the new caput of Mar's most lucrative lordship, or did the earls of Mar view the site as a central administrative base from which to control their earldom after the division of Mar c.1228?¹⁹⁴ If the latter, then the Doune of Invernochty may have been its predecessor, the central power base of the earls of Mar prior to the construction of Kildrummy castle. Such a suggestion, however, relies on the adherence of these early earls to a concept of centralised administration, a concept which may or may not have existed in the thirteenth century. For example, Neville's discussion of the Strathearn earls' aversion to the policy of central administration employed by Norman incomers, designed to ease the process of revenue collection, argues that this policy was incompatible with Scotland's social and tenurial landscape. The existence of numerous

¹⁹³ Only once, in 1507, is the Doune recognized as a principal administrative site, referred to as the caput of the newly erected barony of Invernochty by James IV. Simpson states that the justification for this choice was the king's retention of the castle of Kildrummy. Indeed, that the charter outlining the choice of Invernochty as the principal messuage of this new caput was granted fifteen days after the original charter erecting the barony of Invernochty suggests that there may have been some deliberation concerning the site at which sasine should be given. The arrangement was short-lived, however, and by 19 July 1508 the king had granted Elphinstone custody of the castle of Kildrummy (as well as the demesne lands). For reference to the Doune as the caput, see NRS GD124/1/170; *A. B. III.*, iv, 739-40.

¹⁹⁴ Simpson, 'Doune of Invernochty', 170.



Figure 2. Kildrummy castle, with gatehouse in foreground. Image taken by the author.

residences was considered to be preferable to a solitary caput, and the earls of Strathearn were consequently able to scatter their family over their earldom, meaning that the family would be sufficiently represented in all areas of their domain. Furthermore, should the caput of the earldom be overrun, the power of the ruling kindred would still be represented elsewhere, providing a chance to regroup and retain a solid defensive stance within the earldom. With this in mind, it is perhaps no surprise that possession of Kildrummy – the central power base of the earldom of Mar – was so desirable, and yet so difficult to retain.¹⁹⁵ Regardless of the experience in Strathearn, the scale of the site at Invernochty and its complex defensive properties are argued here to indicate that it may have been viewed as the principal caput of the earldom of Mar prior to Kildrummy.

Why the earls should have undertaken such an expensive building project just ten miles north-east of an already well-established administrative and

¹⁹⁵ See, for example, Prince Edward's seizure of the castle in 1306, David II's in 1362, Albany presence there in 1402-4, and Erskine's seizure of it in 1442. (See below, chs. 2-4, *passim*.)



Figure 3. Kildrummy Castle - E. curtain with chapel and Warden's Tower. Ditch in foreground. Image reproduced with the kind permission of Richard Oram.

ecclesiastic centre is unclear.¹⁹⁶ As argued elsewhere, the division of the earldom in the 1220s would have had a significant impact on the availability of resources, diminishing the financial yield which the earls had previously enjoyed. Oram, however, suggests that the changing status of the earls of Mar in the mid to late thirteenth-century necessitated an outward demonstration of the new national authority enjoyed by this ancient comital family.¹⁹⁷ At first glance, the site at Invernochty seems ideally suited to such a purpose. An established seat of power in the region since at least 1199, the site commanded a prominent geographical location on the landscape, enjoying access to a variety of natural resources which contributed to its defence. Furthermore, the scale of Invernochty – unparalleled in Mar's remaining lordships – would have provided ample space on which to expand or rebuild, while the utilization of a pre-existing site would have echoed similar inclinations to preserve associations with an ancient seat of lordship identified elsewhere in Scotland.¹⁹⁸ What the

¹⁹⁶ Oram, 'Continuity, adaptation and integration', 59.

¹⁹⁷ *Ibid.*, 61.

¹⁹⁸ For example, both Richard Oram and Geoffrey Stell draw attention to the continued use of ancient seats of lordship in Galloway from the twelfth-century onwards, such as Burned Island in Loch Ken, and

site *did* lack was control of a significant Mounth pass. If, as Oram has argued, the construction of the castle should be credited to William, earl of Mar, then the castle represented a bastion of noble authority in a region which was under the watchful eye of ‘the crown’s principal agent north of the Forth’, Earl William.¹⁹⁹ Viewed in this context, Kildrummy’s location at the head of two significant passes through the Mounth and the Cairngorms would suggest that the caput symbolized not only the outward expression of the might of the earls of Mar, but the authority of the Scottish crown as exercised by its representative.

Excavations undertaken at this prominent site promote the castle’s description as a ‘state-of-the-art example of military engineering’.²⁰⁰ According to Apted’s discussion of the castle’s external defences, Kildrummy was advantageously situated on an inclined platform, the defence of which depended ‘as much on skilful military engineering as on its natural advantages.’²⁰¹ Like the Doune of Invernochty, the castle was enclosed by a ditch or moat which – at its widest – measures c.95ft across ‘from crest to crest’, and 25ft. across at the bottom.²⁰² At its deepest, the ditch was shown to be 16ft. deep, though it was only required to protect the east, south and west of the castle. To the north, the castle was protected by a sharp natural decline into a quarry. That this geographical layout was not limited to recent changes in the landscape is suggested by the shape of the castle itself. Described as ‘shield-shaped’, the straight northern edge of the castle wall reflects the thirteenth-century existence of the ‘steep natural den’ to which it faces, while the NMRS reports that the stone used to construct the castle was drawn from this same quarry. Finally, though the Doune of Invernochty retained its prominence in the documentary

the castles of Buittle and Threave. (Oram, *The Lordship of Galloway*, chapter 8, *passim*; G. Stell, ‘Medieval Buildings and Secular Lordship’, in Oram and Stell (eds.), *Galloway: Land and Lordship*, 145-159, 146-50)

¹⁹⁹ Oram, ‘Continuity, adaptation and integration’, 60-61. Simpson does not ascribe the construction of the castle to the earls of Mar. Credit is instead assigned to Gilbert de Moravia, bishop of Caithness (1223-1245), who – ‘in accordance with normal mediæval procedure’ – transferred custody of Kildrummy to the earls of Mar upon completion of his work on the castle. (Simpson, ‘New survey of Kildrummy’, 37-39) The view has been contested by Oram, who argues that Kildrummy’s architectural style does not lend itself to such an early date of construction, stating that many of the castle’s features are attributable to the mid to late thirteenth century.

²⁰⁰ Simpson, ‘New survey of Kildrummy’, *passim*.; M.R. Apted, ‘Excavation at Kildrummy Castle, Aberdeenshire, 1952-62’, *PSAS*, 96 (1962-63), pp. 208-236, *passim*.; Oram, ‘Continuity, adaptation and integration’, 59.

²⁰¹ Apted, ‘Excavation at Kildrummy’, 211.

²⁰² *Ibid.*

record as an ecclesiastical centre, the erection of a chapel at the earldom's new caput suggests that the focus of the earls was well and truly shifting to Mar's newest seat of power, and would remain there until the death of Alexander Stewart in 1435.

Conclusion

Simpson's assessment of the internal administration of Mar has informed much of our current understanding of this medieval Scottish earldom. However, it is not without its limitations. Simpson's conclusions suggest that Mar contained five chronologically coterminous lordships from the thirteenth century onwards, a suggestion which is untenable. Surviving evidence would suggest a more nuanced approach to Mar's administration, with only three (and on two occasions, four) lordships in existence at any one time throughout the thirteenth to fifteenth centuries. Furthermore, his attempts to portray Mar as a cohesive geographical unit throughout this period have obscured the complexities of Mar's development following the division of the earldom in the early thirteenth century. The division, which saw much of Mar's arable territory fall to the Durward family, necessitated a significant realignment of the power structure within the remaining comital territories, perhaps inspiring the construction of Kildrummy castle, advantageously located at the head of two significant passes, which superseded the Doune of Invernochty as the main administrative centre of the earldom of Mar.

Though we are unable to ascertain the annual revenue of Mar prior to 1435, the acquisition of the earldom by the Scottish crown upon the death of Earl Alexander provides a unique opportunity to measure calculate its changing value between 1436 and 1565. An examination of numerous baillie's accounts contained within the *Exchequer Rolls of Scotland* indicate that the earldom was incredibly lucrative – particularly with regards to the lordship of Strathdon – and could explain both the reluctance of the crown to relinquish its hold of this significant Scottish earldom, and the competitive nature of the Mar succession crisis in the fifteenth century.

Chapter Two

Politics (I): The early earls of Mar c.1281-1388

Richard Oram remains the only historian to have offered a recent and specific analysis of the early earls of Mar from c.1150 to 1300.²⁰³ Though primarily focusing on the extent to which the earls of Mar reconciled themselves with what has been dubbed the ‘Anglo-Norman era’, Oram’s analysis of the Mar earls provides a broad overview of the careers of the twelfth- and thirteenth-century earls and the crises they faced, ending with Earl William’s death c.1281.²⁰⁴ In light of Oram’s work on the early earls and earldom, the following three chapters attempt to provide a similar analysis of Mar’s political significance from c.1281 until the death of John Stewart earl of Mar in 1503. John, youngest son of James III and his queen Margaret of Denmark, was the last recognized earl to possess the earldom until the formal acknowledgement of the Erskine claim in 1565 by Mary Queen of Scots.²⁰⁵ Although much has been written on Mar’s various keepers, very little has been done on how these men and women specifically interacted with, and how their time in office affected the development of, this medieval earldom. These chapters seek to bridge this historiographic gap.

Oram’s decision to end his study with the death of Earl William is explained by his portrayal of William’s climactic career as epitomizing the ‘continuity, adaptation and integration’ of a native lineage, seen to be securing its place ‘in the emerging aristocratic society of the new Scotland.’²⁰⁶ The almost certain construction of Kildrummy castle by Earl William (having potentially secured the necessary finances by acquiring the royal office of chamberlain in c.1251) has been argued as completing Mar’s transition from ‘Celtic province’ to ‘feudal earldom’.²⁰⁷ Kildrummy is described by Mar’s historians as both ‘conceived in accordance with the highest design’²⁰⁸, and ‘without doubt, the

²⁰³ Oram, ‘Continuity, adaptation and integration’, *passim*. Matthew Hammond, conversely, discusses the earldom as it pertained to the Durward claimants in the thirteenth century. (Cf. Hammond, ‘*Hostiarii Regis Scotie*’, *passim*.)

²⁰⁴ G.W.S. Barrow, *The Anglo-Norman era in Scottish history* (Oxford, 1980), *passim*.

²⁰⁵ *A. B. Ill.*, iv, 234-7.

²⁰⁶ Oram, ‘Continuity, adaptation and integration’, 66.

²⁰⁷ *Ibid.*, 59.

²⁰⁸ Simpson, *Province of Mar*, 140-1.

finest thirteenth-century castle in northern Scotland, the quality of its construction speaking of massive and long-term capital investment.’²⁰⁹ Recognized by Matthew Hammond as a significant feature of the new European culture in the thirteenth-century, the adoption of the stone castle by the Mar earls represented the physical manifestation of their status as one of the foremost comital lineages.²¹⁰ The construction of Kildrummy and various other stone structures within this medieval earldom highlights what Fiona Watson identifies as the ‘perception of wealth, status and power on behalf of the ‘Celtic’ earl of Mar’, representing both the antiquity and authority of the Mar kindred. The adoption of the stone castle emphasised the dual benefit of the new Continental culture in both observing the primacy of their Gaelic past, whilst advancing the image of the earls’ aristocratic prowess and adaptability to the exciting cultural developments taking place in Scotland in the thirteenth century.²¹¹

That Kildrummy embodied the coveted dominion of the earls of Mar is suggested by its role in the fifteenth century succession crisis.²¹² The duke of Albany’s presence at Kildrummy between 1402 and 1404, and Sir Robert Erskine’s attempts to wrest control of Kildrummy from Alexander 1st earl of Huntly between 1438 and his eventual seizure of the castle in 1442, suggests that possession of Kildrummy was seen to equate to control of Mar. The castle was both a visual promotion of Albany’s authority in Mar, and Erskine’s right to his inheritance.²¹³ The construction of Kildrummy by Earl William in the thirteenth-century symbolized his desire to portray the family’s ability to both adapt to (and utilize) the cultural enhancements of the previous decades to express their authority, and the intention to retain a prominent role in national politics. Earl William’s career and his prominence on the national stage is noted by Oram as providing evidence of the changing status of earls as a social group, particularly ‘the accelerating growth of the landed or jurisdictional interests of the earls [...] outwith their traditional provincial bases.’²¹⁴ William’s

²⁰⁹ Oram, ‘Continuity, adaptation and integration’, 59.

²¹⁰ Hammond, ‘*Hostiarii Regis*’, 118.

²¹¹ Watson, ‘The expression of power’, 62.

²¹² For a full discussion of Kildrummy’s strategic importance, see Chapter One: Invernochty and Kildrummy, *passim*.

²¹³ Brown, ‘The Great Rupture’, 6.

²¹⁴ Oram, ‘Continuity, adaptation and integration’, 63.

involvement in furthering royal interests in the Isles in the 1260s, and Oram's recognition of the earldom as a 'frontier zone', provides clear evidence of the emergence of the earl and his earldom as significant assets to the community of the realm of Scotland, a significance that would continue to escalate in the politically tumultuous years following his death.²¹⁵

The Quiet Years: The three earls of Mar and the development of Scottish lordship

It is unfortunate that the career of William's successors, Donald (I) (*b.* before 1270, *d.* in or after 1297), Gartnait (*d.* before 1305) and Donald (II) (1293-1332) have left little trace on the charter evidence relating to Mar. Consequently, we are able to identify very little of their character as earls or landowners. This is not to suggest that the early earls of Mar were inactive. The crisis of succession ushered in by the death of Alexander III led to a prolonged period of civil unrest in Scotland, while the turmoil caused by both the Great Cause and Robert I's seizure of the Scottish crown in 1306 ensured that these great provincial lords were preoccupied with affairs on a national scale, rather than with the administration of their localities.²¹⁶ Though absent from the documentary record, the relationships formed by these key political players – and the desire of the crown to court their ambitions – provides an important foundation on which to base a study of the decline and fall of their kindred after 1435. For example, references to the movements of Earls Donald (I), Gartnait and Donald (II) in England between 1281 and 1332 offer a unique opportunity to explore the value of these men to the Scottish crown during a period of intermittent animosity between the kingdom of Scotland and her southern neighbour. That these men should have avoided formal forfeiture following the drastic Cambuskenneth legislation of 1314-15 suggests that the earls (and their earldom) maintained a particular importance not only to Robert I but to his son, David II.

Studies of the wars of independence are understandably prolific, and the parts played by these earls at various stages throughout this period have been discussed at length.²¹⁷ Though it is not the intention of this chapter to reiterate

²¹⁵ *Ibid.*, 64.

²¹⁶ Brown, *The Wars of Scotland, 1214-1371* (Edinburgh, 2004), 175-6.

²¹⁷ Cf. *Ibid.*; M. Brown, 'Aristocratic politics and the Crisis of Scottish Kingship' *SHR*, 90 (2011), pp. 1-26.

these discussions, their conclusions are crucial to a consideration of the importance of the earls and earldom to the crown during this period, and how a recognition of this importance affected the future of the earldom under successive Scottish kings. The close relationship (both political and familial) forged between the Mar earls and the crown offers a unique opportunity to assess how the changing face of not only Scottish lordship, but that of cross-border landholding, affected the earls of Mar and their ability to exercise effective lordship in north-east Scotland.

Donald (I), earl of Mar (c.1270 – c.1297)

Prior to his succession to the earldom, Donald (I)'s fortunes had been tied to his father's movements in Fife in the 1260s. Donald's marriage to Elen, widow of Malcolm earl of Fife (*d.*1266), not only enabled Earl William to retain his links to the local community, but had potentially provided him with a second advantageous marriage for one of his sons.²¹⁸ William's involvement in the 'murky world of Hebridean politics' is argued by Oram to have laid the foundations for the marriage of his son, Duncan of Mar, to Christina MacRuaridh, heiress of Alan MacRuaridh.²¹⁹ Donald's first appearance on record in his official capacity as earl of Mar was in agreement of the marriage between Eric II of Norway and Princess Margaret, daughter of Alexander III, on 25 July 1281, though it was not until 1286 that the earl would play a significant role in Scottish national politics.²²⁰

The tragedies which had befallen the family of Alexander III between 1275 and 1284 had prompted the king to address the Scottish succession prior to his death – without a male heir – in 1286. In just nine years, Alexander had witnessed not only the death of his wife of twenty-four years, Margaret –

²¹⁸ Brown, *Wars of Scotland*, 62.

²¹⁹ Oram, 'Continuity, adaptation and integration', 64. Although described by Oram as the son of Earl William, Duncan has also been variously described by Boardman as son of Donald (I) earl of Mar, and by Penman as earl of Mar in his own right, father of Isabella of Mar who was to become the first wife of Robert (VII) Bruce (later Robert I king of Scots). (S. Boardman, *The Campbells: 1250-1513*, (Edinburgh, 2006), 46; M. Penman, 'The MacDonald Lordship and the Bruce Dynasty', in R. Oram (ed.), *The Lordship of the Isles* (Leiden, 2014), pp. 62-87, 64) However, this thesis adheres to Oram's understanding of Duncan's relationship with Earl William. The reason for this is the description, in the *Ragman Roll*, of Christina MacRuaridh as 'widow of Duncan of Mar'. Below this entry, and on the same day, Duncan, son of Donald (I) of Mar is described as having performed homage for land in Perthshire. Thus, it is likely that Christina's husband was Donald (I)'s brother. (See Oram, 'Continuity, adaptation and integration', 64n84; *CDS*, ii, no.823, p. 200)

²²⁰ *APS*, i, 423; *SP* v, 577; *RRS*, iv, no.132. Cf. Brown, *Wars of Scotland*, *passim*.

daughter of Henry III, sister of Edward I – but the deaths of all three children borne by her: David (d.1281), Margaret (d.1283) and Alexander (d.1284). The death of his last remaining son in January 1284 was followed soon after by the proposed return of the prince's widow to Flanders, her escorts having secured letters of safe conduct from the English king permitting the young Marguerite to traverse through his realm.²²¹ The petition for letters of conduct may have provided Edward I with an opportunity to pass his condolences to Alexander, for which the Scots king thanked him in a letter of 20 April, acknowledging Edward's regard 'for their kinship and friendship'.²²² This seemingly amicable relationship between the two kings would play a crucial part in the response of the Scots to the succession crisis of 1286.

Before the chaos of the Great Cause, Alexander had cause to be optimistic. As stated in his letter to Edward I, although childless, there was still hope to be found in the person of his granddaughter, Margaret, identified upon the death of her mother as the Scottish king's heir apparent.²²³ It may have been Alexander's intention to use this reference to his granddaughter as a means of preventing Edward I from reasserting his claim to overlordship of Scotland. Alexander's most recent refusal of English overlordship in 1278 had doubtless held greater weight considering the strength of his dynasty at the time.²²⁴ Now, six years later, circumstances were altogether bleaker. The childless king's only hope was to remind King Edward of Margaret's right to succeed to the throne of Scotland according to the rights outlined in the agreement of 25 July 1281 regarding Princess Margaret's marriage to Eric of Norway.²²⁵

On 14 October 1285 Alexander III married his second wife, Yolande de Dreux, in an attempt to stave off the looming succession crisis by producing another heir with a second queen. Two years later, the king was dead, and the Scottish realm was faced with the prospect of trying to govern a kingless kingdom. The possibility that Queen Yolande was with child upon the king's death led to a delay in proceedings concerning the succession to the Scottish throne, as the strategy employed by the Scots would ultimately depend on the

²²¹ *CDS*, ii, no.247.

²²² *RRS*, iv, no.146.

²²³ *Ibid.*

²²⁴ *Anglo-Scottish Relations*, no.12.

²²⁵ *RRS*, iv, no.132.

existence of an heir closer to home both dynastically and geographically.²²⁶ In the interim, the quest for a temporary solution to the absence of a reigning monarch saw the election of six 'guardians of the peace', charged with administering royal government.²²⁷ That the guardians were drawn from the Scottish nobility was an expected response to such a crisis. Their centrality to the continued stability of the realm (and the attempts made on the part of previous Scottish monarchs to cooperate with this group in order to maintain it) meant that their decision to fill the void was neither unexpected nor unwelcome.²²⁸ Two men were chosen from each of the three societal strata: Bishops Fraser and Wishart represented the church; Alexander Comyn, earl of Buchan and Duncan, earl of Fife represented the earls; and John Comyn of Badenoch and James Stewart were to represent the barons.²²⁹ As affairs in Scotland began to escalate, however, the political implications of these choices became increasingly apparent.²³⁰

It was evident by late 1286 that Yolande would not provide an heir to the Scottish throne. Instead, the guardians began to prepare for the succession of Margaret, Maid of Norway, granddaughter of the deceased king of Scots, involving their southern neighbour as they did so. The resignation of the guardians to the necessity of Edward's support was probably influenced by the amicable relationship enjoyed between the two realms under the reign of Alexander III, underpinned by the vested interests of numerous Scottish lords in their landed interests across the border and the recognition that continued possession relied upon the performance of military service to the English crown.²³¹ The proposed marriage alliance between Margaret Maid of Norway, Alexander's sole surviving heir, and Prince Edward of England was a manifestation of the Scots' request for aid. The solution would enable the Scottish lords to retain their lands in England, whilst avoiding the internal conflict which would have followed a decision to draw her husband from the Scottish nobility.²³²

²²⁶ Brown, *Wars of Scotland*, 158.

²²⁷ *Ibid.*

²²⁸ Brown, 'Aristocratic Politics', 2.

²²⁹ *Ibid.*, 5.

²³⁰ *Ibid.*

²³¹ A.D.M. Barrell, *Medieval Scotland* (Cambridge, 2000), 96.

²³² *Ibid.*, 93.

These carefully laid plans were derailed, in 1290, by Margaret's untimely death en-route to Scotland. With the direct line of Scottish kings now extinct, Edward I used the situation to extract recognition of his overlordship of the Scottish kingdom. In return, Edward would assist the guardians in navigating the various claims to the Scottish throne now coming to the fore, the most important of which were the competing claims of the Bruces and the Balliols.

The legitimacy of these claims has been discussed elsewhere, and need not be reiterated here. Instead, it is the allegiance of the earls of Mar with the Bruces of Annandale which demands our attention. As argued by Michael Penman in his analysis of Robert I, the foundations of Earl Donald (I)'s support for the Bruces stemmed from a concern for his territories north of the Forth after the murder of Duncan, earl of Fife, one of the guardians of the realm appointed in the wake of Alexander III's death in 1286. The resultant hegemony of the Comyns of Buchan and Badenoch alerted Donald (I) to the possibility that his position in the north-east '[was] at grave risk of encroachment', and the threat posed by these men and their allies inspired Mar to seek an alliance with the Bruces in order to protect his landed interests. To this end, Donald (I) arranged for the marriage of his son and heir Gartnait to an unnamed daughter of Robert VI, the son of the claimant to the Scottish throne.²³³ That Donald (I) should have viewed the Comyn ascendancy as a threat to his territorial position in the north-east is surprising, however, and necessitates further analysis.

Staking their claims: The Comyns, the Durwards and the earls of Mar in the thirteenth century

The earls of Mar had held ties to the Comyn family since c.1242-44, when Donald (I)'s father (Earl William) had married Elizabeth Comyn, a daughter of William Comyn earl of Buchan (d.1233) by his second wife Countess Marjory.²³⁴ The marriage is often portrayed as the logical response to Durward and Bisset opposition to the dominance of both the Comyn and Mar kindreds north of the Mounth.²³⁵ The Durward family had already established themselves as prominent northern magnates by the opening decades of the thirteenth-century,

²³³ Penman, *Robert the Bruce*, 27.

²³⁴ Elizabeth's brother was Alexander earl of Buchan, one of the two Comyn guardians appointed in 1286 alongside John (II) lord of Badenoch, Elizabeth's half-cousin once removed, the great-grandson of William Comyn from his first marriage. Thus, Donald (I) was Alexander's nephew and John (II)'s half-uncle. See Appendix A: House of Comyn.

²³⁵ See, for example, A. Young, *Robert the Bruce's Rivals: The Comyns, 1212-1314* (East Linton, 1998), 39.

a direct result – it has been argued – of the redistribution of large swathes of Moray after the successful suppression of the MacWilliam revolt in the late summer of 1211.²³⁶ This traditional interpretation is questionable. Alasdair Ross has convincingly argued against the notion of a Moray-based resistance to an intensive programme of Canmore feudalisation, suggesting instead that the royal campaigns of King William I were militarised responses to the actions of Domhnall Bán Mac Uilliam and his son, Guðrøðr.²³⁷ According to chronicle accounts, the king assembled an army in 1211 – led by his nobles – and sent them into Ross (not Moray) to pacify the rebels. In the process, the king is said to have laid waste to much of Ross, decimating Guðrøðr’s forces. The *Scotichronicon* states that Guðrøðr repeatedly avoided capture, instead laying traps for the king and his men.

‘Tandem dominus | rex electorum quatuor milia hominum de exercitu misit ut ipsum Gothredum quererent ubi eum latere putabant. Quibus in campidoctores prefecit quatuor militares comites videlicet Adolie et de Buchan, Malcolmum Morigrond et Thomam de Londi hostiarium suum.

At last the lord king sent 4000 men picked from his army to seek out Guðrøðr in the area where they thought he was hiding. He put in command of them four military men: the earls of Atholl and of Buchan, Malcolm Morgrund and his [William’s] doorward Thomas de Lundie.’²³⁸

This description certainly matches similar, more recent, descriptions of the royal force.

Fighting alongside Thomas of Galloway earl of Atholl, William Comyn earl of Buchan, and Malcolm son of Earl Morgrund of Mar, Thomas of Durward had secured a share of territory in Moray for both himself and his kindred.²³⁹ These lands, however, rather than being royal spoils resulting from crown pacification of Moray, should be viewed as the only alternative source of patronage considering King William’s hereditary rights of the lands in Ross.

Thomas himself received the office of sheriff of Inverness, appearing on record in the role in June 1226. Gilbert Durward was identified as having

²³⁶ Barrow, ‘Badenoch and Strathspey . . . vol. 1’, 4; Young, *The Comyns*, chapter 3.

²³⁷ A. Ross, ‘Moray, Ulster, and the MacWilliams’ in S. Duffy (ed.), *The World of the Galloglass: Kings, warlords and warriors in Ireland and Scotland, 1200-1600* (Dublin, 2007), pp. 24-44, 28.

²³⁸ *Chron. Bower* (Watt), iv, 464-7. Translation taken from A. Ross, ‘Moray, Ulster, and the MacWilliams’, 32-3.

²³⁹ Barrow, ‘Badenoch and Strathspey . . . vol. 1’, 4; Young, *The Comyns*, 38.

received the half davach of Boleskine on the eastern shore of Loch Ness between September and November of that same year, while Thomas's son Alan was recognized as having been lord of Urquhart on the western shore of the loch in March 1233, having also received a half davach of land.²⁴⁰ Thomas' position in the royal force sent to suppress the revolt is especially significant as he was the representative of one of two rival segments within the Mar kindred looking to succeed to the now vacant earldom, a vacancy resulting from the death of Earl Gilchrist – Thomas' grandfather – and the subsequent confusion concerning the line of succession. That Malcolm son of Morgrund was also present in the king's force has been argued as indicating Thomas and Malcolm's obligation to '[fulfil] jointly the military function of earl of Mar', and it is possible that Thomas Durward may have hoped to inspire a resolution of the succession crisis in his favour through service to the crown in 1211-12.²⁴¹ Certainly, as a descendent of Gilchrist, Thomas might have hoped he could rely on the increasing regularity of succession by primogeniture over that of tanistry to edge out his rival. Malcolm, son of Morgrund, disappears from documentary record after his identification as one of the king's men, and Oram states that Malcolm's brother James presumably assumed the headship of the kin.²⁴² Interestingly, the succession of the earldom did not pass to James, who – by 1226 – was instead in possession of the lordship of Abernethy in Moray, with its caput at Castle Roy.²⁴³ Rather, it was Duncan – James' younger brother – who was to secure succession to the earldom from Alexander II. Questions concerning James' legitimacy may have led to his exclusion from the Mar succession, favour instead falling to 'the unquestionably legitimate son of Morgrund and Agnes and, moreover, a distant kinsman of the king', Duncan. Though James had been passed over in favour of Duncan, possession of the Moray lordship was by no means insignificant. Mar control of Abernethy, it has been argued, 'meant that the Mar kindred . . . controlled both ends of one of the major land routes across the Cairngorm mountains', the Lairig an Laoich.²⁴⁴ That James, who was barred from succeeding to the earldom, should receive (or retain?) such a crucial territorial

²⁴⁰ *Moray Reg.*, nos.71, 72 (for *vicario* read *vicecomite*) [Thomas]; 73, 74 [Gilbert]; 83 [Alan].

²⁴¹ Oram, 'Continuity, adaptation and integration', 54.

²⁴² *Ibid.*

²⁴³ See Ross, *Land Assessment*, 93-4.

²⁴⁴ Ross, 'Province of Moray', i, 212; Ross argues that Abernethy may have belonged to the Mar kindred prior to the first quarter of the thirteenth century, based on his brother's distant relation to William I.

presence in the region may have provided Thomas Durward with the first indication that succession to his grandfather's earldom was becoming increasingly unlikely.

The second indication that Durward advancement was in jeopardy was the swift elevation of the Comyn family in the wake of the revolt in Ross. The Comyns may have received the earldom of Buchan c.1212 in return for their services through the arrangement of William Comyn's marriage to Marjory, the sole heiress to the earldom of Buchan as the only child of Fergus earl of Buchan. The marriage apparently coincided with his appointment to the wardenship of Moray, replacing Earl Malcolm I of Fife after his resignation or removal in 1212.²⁴⁵ Whatever lands and offices the Durwards may have received in Inverness, they could not compete with Comyn's receipt of an earldom, the possession of which was crucial to Durward plans to bolster their status and 'break into the forefront of the Scottish aristocracy.'²⁴⁶

Thomas Durward's failure to succeed to Mar proper was initially mitigated by Alexander II's decision to divide the earldom between Durward and his rival Duncan (now earl of Mar, having secured possession of the earldom c.1222x1228), resulting in the creation of a separate Durward lordship later known as the barony of Onele.²⁴⁷ The title of earl, however, eluded them. The settlement has already been discussed elsewhere, but the Comyn response to this shift in Durward dominance requires further analysis. As mentioned previously, the Comyns had received the earldom of Buchan in c.1212, followed by their promotion to the hereditary lordships of Badenoch and Lochaber in 1229.²⁴⁸ Furthermore, the Comyns already held lands in the parish of Coull, now contained within the newly-erected Durward lordship, and their eventual acquisition (through marriage) of the earldom of Atholl between 1237 and 1242 – held by Thomas' son Alan Durward between 1233 and 1237 – must have convinced the Durward kindred that their hard-won territorial dominance was under attack.²⁴⁹ Their fears were no doubt exacerbated by the marriage of

²⁴⁵ *Chron. Bower* (Watt), i, 532.

²⁴⁶ Young, *The Comyns*, 38.

²⁴⁷ Oram, 'Continuity, adaptation and integration', 55.

²⁴⁸ Young, *The Comyns*, 41.

²⁴⁹ Oram, 'Continuity, adaptation and integration', 55; Young, *The Comyns*, 39. It is not clear how Durward came into possession of the earldom of Atholl, though Young posits that his receipt of the title may have resulted from either 'wardship of the heir, or marriage to the heiress, Forueleth.'

Elizabeth Comyn, Earl William Comyn's daughter, to William earl of Mar (son of Earl Duncan) c.1242x1244. Considering the rapid acquisition of lands surrounding Durward's territorial powerbase, the Mar marriage was almost certainly arranged as a means of securing Earl William of Mar's position in his father's earldom, while allying the Mar kindred with one of the most powerful families both in the north-east and at the Scottish court. Indeed, as argued by Oram, 'William's association with the Comyn regime propelled him to the forefront of the political community in Scotland in the 1250s, gaining for him a prominence enjoyed by none of his predecessors as earl.'²⁵⁰

The durability of this alliance was put to the test in 1257. Alan Durward (bolstered, no doubt, by a second promotion to the justiciarship of Scotia) had evidently chosen to ignore the resolution which had seen his father Thomas Durward obtain a sizeable share of the old earldom of Mar.²⁵¹ Two entries in the *Calendar of Papal Letters*, dated April and October 1257, highlight Durward's attempts to cast doubt on Earl William's legitimacy and his right to hold the earldom of Mar. The first of these entries alludes to Durward's apparent possession of two letters, addressed to Albin bishop of Brechin and Robert de Stuteville dean of Dunkeld, requesting that they examine Alan Durward's right to succeed:

[April, 1257] Mandate to the abbot of Jeddweth and to the archdeacons of Thevidale, and Dumblane, to cause to be exhibited to them certain letters, and to compel those who detain them to produce them; punishing the forger of the same. The letters are dated Ides Dec. in the first year, and are said to have been procured by Alan called 'Hostiarius,' of the diocese of Aberdeen, and are addressed to the bishop of Brechin and dean of Dunkeld, ordering them to examine the statement made by Alan, who asserts that William de Marr detains the earldom of Marr, which belongs to Alan, inasmuch as Morgund and Duncan, whom William succeeded, were illegitimate. The pope has seen the transcript of these letters, and if it agrees with those produced they are undoubtedly false.'²⁵²

The second, though rather convoluted, agrees that Durward's inability to produce the letters in question undermined his cause and, with a request that the parties in question obtain new letters from the pope addressing the issue, the proceedings were brought to an end:

²⁵⁰ Oram, 'Continuity, adaptation and integration', 62.

²⁵¹ Young, *The Comyns*, 56; Hammond, '*Hostiarii Regis Scotie*', 131.

²⁵² *CPL*, i, 349.

[October, 1257]. . . on the continued litigation of the parties, the cardinal, on Alan's proctor being unable to produce the original of the letters which he asserted on oath was in Scotland, with consent of both parties, cancelled the letters and processes on both sides, granting licence to the parties to obtain (papal) letters on the matter in question.'²⁵³

Though Alan Durward had been unable to secure his succession to the earldom via papal enquiry, the suggestion of Earl William's illegitimacy evidently haunted his son, Earl Donald (I), and may have influenced his decision to support the Bruces of Annandale in their bid to secure the Scottish throne.

The Parting of the Ways: Donald (I) and the alliance with Bruce

Though Donald's mother had been a daughter of William Comyn, lord of Badenoch and earl of Buchan, the marriage had evidently been intended to combat the competing claims of the Durward family in the thirteenth-century, and the Comyn-Mar alliance may have outlived its usefulness by 1289. Alan Durward had died in 1275, and with him his claims to the earldom of Mar. His death, without a legitimate male heir, may have signalled to Donald (I) that the time had come to reassert his authority in the wake of the Comyns' increasing territorial dominance in the north-east. The Bruce cause, and the need for Mar's support, may have provided the Mar earl with the perfect opportunity to pursue his own agenda in tandem with the claims of the Bruces. As landholders in Garioch, the Bruces – if successful in their bid for the Scottish throne – would provide the earls of Mar with a powerful (royal) neighbour in the north-east, a possible counterweight to Comyn influence in the region which had been building since 1212. Likewise, the Bruces – if successful – could count the powerful earl of Mar as one of their leading allies, and the marital ties which would come to bind the Bruces with the Mar kindred suggest that it was the intention of both groups to extend their influence in the north-east and beyond.

The decision to seek Bruce support in the face of Comyn dominance was not unique to the earl of Mar. John de Strathbogie, earl of Atholl, held the lordships of Strathbogie and Stratha'an, lordships which were precariously placed between Alexander Comyn's earldom of Buchan and John (II) Comyn's lordships of Badenoch and Lochaber, two of the realm's recently appointed

²⁵³ *Ibid.*, 351.

guardians.²⁵⁴ Though it has been argued that the families of Balliol and Comyn may have attempted to ‘bring [Atholl] into their political camp through marriage’, Atholl was prepared to look elsewhere for allies. Aware that Comyn control of the royal demesne that bordered his estates may prove problematic, Atholl sought an alliance with neighbouring lords in order to protect his landholdings.²⁵⁵ Successful in his quest, Donald (I) earl of Mar was brought into Atholl’s affinity through Atholl’s marriage to Mar’s daughter, Marjory, who would become sister-in-law to Robert VII Bruce (the future Robert I), grandson of Robert V (the competitor).²⁵⁶ Earl John’s marriage to Donald (I)’s daughter provided the earl of Atholl with a link not only to the powerful Mar kindred, but to the Bruces as well. Earl John’s brother-in-law, Gartnait, was married to a sister of Robert VII, while Earl John’s sister-in-law, Isabella, would herself marry Robert VII c.1292. The earls of Mar and Atholl were, through marriage, publicly declaring their support for the Bruces of Annandale and their claim to succeed to the throne.

As previously discussed, accurately tracking Donald (I)’s movements throughout his career has been hindered by a significant lack of documentary evidence, though it is evident that the earl intended to continue supporting the Bruce cause upon the death of the Maid of Norway by October 1290. In a letter sent that same month to Edward I by Bishop Fraser, we are told that Bruce V of Annandale had travelled to Perth ‘with a large retinue’ to discuss how the realm was to proceed in light of Margaret’s death. Though Fraser wrote that Bruce’s intentions were unclear, Mar and Atholl were ‘already collecting their army’, recruiting various nobles to join their cause.²⁵⁷ Donald (I)’s involvement was further highlighted by his identification in 1290/1291 as one of the seven Scottish earls called to formally lodge their complaint against Bishop Fraser and Sir John (II) Comyn in a document known as the ‘Appeal of the seven earls of

²⁵⁴ John’s earldom of Atholl also shared a boundary with the lordship of Badenoch.

²⁵⁵ Brown, ‘Aristocratic Politics’, 11.

²⁵⁶ *Ibid.*; This alliance formed between Atholl and Mar (and, by association, Bruce) as a result of the appropriation of landed wealth following Fife’s murder provides a perfect example of how the exercise of lordship was closely linked to national politics, and how the nobility – even during a crisis – took the opportunity for territorial aggrandizement and ensured that their augmented power would guarantee their continued prominence in the government of the Scottish kingdom. See also Appendix A: House of Bruce.

²⁵⁷ Penman, *Robert the Bruce*, 29-30; *Foedera*, i, 741; *CDS*, ii, no.459; E.L.G. Stones and G.G. Simpson (eds.), *Edward I and the Throne of Scotland: An edition of the record sources for the Great Cause* (Oxford, 1979), ii, 3.

the kingdom of Scotland'. The appeal, sent to Edward I, claimed that Fraser and Comyn intended to secure Balliol's succession by *coup*, 'aided and abetted by 'that small part (*particula*) of the community of the realm adhering to them'.²⁵⁸ Though the appeal purported to be representative of the 'seven earls of Scotland', the idea that this document was truly representative of a collective comital plea is questionable. According to both Barrow and Penman, it was issued 'in the name of a notional seven ancient earls', the evocation of whom was a 'semi-antiquarian revival of things Celtic' intended to showcase the rights and privileges enjoyed by the ancient earls of Scotland to choose the next king.²⁵⁹ Attempts to 'prejudge' the issue of Scotland's succession by favouring Balliol's claim to the throne were deemed to have 'gravely infringed these ancient privileges', and the appeal implored the English king to recognize the validity of Robert of Annandale's claim to the throne.²⁶⁰ Although the 'appeal' may have been issued under such a guise, however, the document has been described as 'highly tendentious' and is widely accepted as an early example of Brucean propaganda. The majority of the appeal is dedicated to a description of the sufferings of Donald (I), earl of Mar, as a result of attacks on Moray committed by men appointed by both Fraser and Comyn as 'subordinate guardians' expected to act in their stead.

[II] *Cum vos, domine Willelme, episcopo sancti Andree, et domine Johannes Cumyn, qui vos geritis et tenetis pro custodibus regni Scocie, ad manutenendum et defendendum jura et libertates et consuetudines regni ejus[dem] approbatas, [? quosd]am alios subcustodes vestros fecistis auctoritate [sic] vestra propria et substituistis, ad quos substituendos a nobilibus et magnatibus et comunitate regni Scocie nulla fuit vobis auctoritas vel potestas attributa ; qui quidem custodes substituti vestri ad terram Moravie, que est immediate in manu regis Scocie, auctoritate [sic] et potestate eis a vobis commissa accedentes, terras et villas liberorum hominum domini regis Scocie ibidem destruxerunt et depredaverunt, ac villas predictas et horrea plena de blado exarcerunt [sic] et bona omnia eorundem hominum Moravie secum asportaverunt [et ?] viros mulieres et pueros parvulos quot attingere potuerunt crudeliter interfecerunt, super quibus injuriis dampnis et gravaminibus aliq[ui]e emende per vos vel per substitutos viros aliquando non sunt facte, propter quod ob defectum vestrum et injuriam predictis hominibus Moravie per substitutos viros illatam, ego talis in*

²⁵⁸ G.W.S. Barrow, *Robert Bruce and the Community of the Realm of Scotland* (Edinburgh, 2013), 59.

²⁵⁹ Barrow, *Robert Bruce*, 60; Penman, *Robert the Bruce*, 30.

²⁶⁰ Barrow, *Robert Bruce*, 60.

presencia vestra constitutus, vice et nomine domini Dovenaldi, comitis de Marr' unius de septem comitibus Scocie et eciam nomine predictorum liberorum hominum Moravie consanguineorum, parentum, et affinium et aliorum amicorum suorum et predicti domini comitis de Marr' qui dictas injurias dampna et exarsiones passi sunt, pro remedio optinendo et emendis consequendis a vobis, domine Willelme episcopo sancti Andree, et domine Johannes Cumyn, et ab omnibus vobis aherentibus, ob defectum vestrum [...]

‘[II] Since you, William, bishop of St Andrews, and John Comyn, who are acting and holding yourselves as guardians of the realm of Scotland, to preserve and defend the established rights and liberties and customs of the realm have substituted others, by your own authority, as your subordinate guardians, for which substitution no authority or power was given by the nobles and magnates and community of the realm of Scotland ; and these your subordinate keepers, by the authority and power which you have given to them, have gone to the land of Moray, which is directly under the rule of the king of Scotland, and have there destroyed and robbed lands and villages belonging to freemen of the king of Scotland, and have burnt these villages, and barns full of grain, and have taken away with them all the goods of the men of Moray, and cruelly slain as many men, women, and little children as they could find, and for these grievous injuries no amends have ever been made by you or your subordinates : therefore, because of your default and the injury done to the men of Moray by your subordinates, I, *so and so*, appointed in your presence on behalf of, and in the name of Donald, earl of Mar, one of the seven earls of Scotland, and also in the name of the freemen of Moray, their relatives, families, and kindred and other friends, and of those of the earl of Mar who have suffered injuries, losses, and arsons, to secure a remedy and gain redress from you, William, bishop of St Andrews, and John Comyn, and from all your supporters, for your default [...]’²⁶¹

Unfortunately, the exact nature of Donald (I)’s interests in Moray prior to his having sustained such significant injuries and losses is unclear. He is not identified in the index of the Moray *registrum*, nor does he appear on record as having held lands in the area. However, it is tempting to speculate – considering the previously discussed connection between the Mar kindred and Moray in 1226 – that the earls of Mar had retained possession of the Moray lordship of Abernethy after the death of James, brother of Earl Duncan, c.1232. Certainly, this might explain the explicit reference to the losses suffered by the earl of Mar ‘and his relatives and kindred and friends supporting him in Moray’.²⁶² The identification of the earl’s relatives in the region suggests that he held significant

²⁶¹ *Anglo-Scottish relations*, no.14

²⁶² *Ibid.*

ties to the area, ties which may be rooted in James' identification as lord of Abernethy in 1226.

That Mar's pleas should dominate a document designed to bolster the Bruce cause is significant. A focused account of Mar's suffering would have provided an obvious means of undermining the guardianship of Fraser and Comyn by highlighting their contribution to Mar's woes through a careless approach to government and their appointment of untrustworthy subordinates free to loot, pillage and murder without repercussion. Further, the juxtaposition of Mar's complaint immediately prior to the discussion of the rights of Robert of Annandale provides an effective contrast between the damage inflicted by men who supported Balliol (a claimant who may, by association, have proved to be as aggressive and careless in his administration as his allies), and the defenders of the rights of the seven ancient earls of Scotland, the Bruces.

Though the plight of Donald (I) was used as the focal point of Bruce's appeal to Edward I, it is the closing memorandum of the document which indicates that Mar's support of the Bruce cause was conditional. According to the abstract of the appeal contained within the *CDS*, the spectre of Earl Morgrund's alleged illegitimacy was evidently still an issue for his great-grandson Donald (I). Though not contained within Stones' reproduction and translation of the appeal, the version contained within the *CDS* makes reference to a closing statement concerning the restoration of the earldom of Mar to Earl Morgrund made by King William I, and – crucially, considering the labouring of Mar's sufferings in Moray – of Donald (I)'s right to claim 'three hundred pound land, partly in domain and partly in holdings and more, for which he claims that right should be done by him', possibly to be taken from the earldom of Moray (?).²⁶³ Certainly, the document which Donald (I) is said to have possessed outlining Morgrund's right to Mar also claimed that King William had promised to recognize Morgrund as the true and lawful heir to the earldom of Moray once the king had brought the recalcitrant inhabitants of Moray to heel.²⁶⁴ According to Skene, the document which outlined the king's restoration was issued in the form of letters patent, as opposed to that of a charter, and addressed all *Episcopis Comitibus Abbatibus Prioribus Baronibus Militibus Thanis et*

²⁶³ *CDS*, ii, no.465; Palgrave, *Doc. Hist. Scot.*, 21.

²⁶⁴ Skene, *Celtic Scotland*, iii, 442.

Prepositis et omnibus aliis probis hominibus totius terrae suae tam clericis quam laicis (bishops, earls, abbots, priors, barons, knights, thanes, and provosts, and all other good men of the whole land, as well cleric as laic).²⁶⁵ The document, acknowledging Morgrund's possession of both the 'whole earldom of Marr, in which his father Gillocher had died vest and seized', and the earl's rights to the earldom of Moray, was purported to have been issued by the king in 1171. However, the authenticity of this document has often been questioned, with scrutiny surrounding the language used and the chronological anomalies regarding historical events referred to within it.²⁶⁶ Furthermore, that its first appearance was in response to Alan Durward's challenge in 1257 has convincingly portrayed the document as a forgery produced by Earl William in order to combat Durward's accusations of illegitimacy.²⁶⁷

Regardless of the authenticity of this document, its inclusion in the appeal shows how far the Bruces were willing to go in order to secure Mar's support. Further, had Donald (I) secured recognition of his right to three hundred pound lands in Moray, the Bruce and Mar kindreds would have amassed a significant territorial block comprising the earldom of Mar, Garioch and a significant portion of Moray.

Donald (I)'s next appearance on record was on 13 June 1291, when he is said to have sworn fealty to Edward I, as Overlord of Scotland, at Upsettlington on the Tweed. Little over a month later, on 24 July, the earl was said to have been present at the monastery of the Friars Preachers at Perth, where the English king received the fealty of Queen Mary of Man, Countess of Strathearn, before joining the English king at Berwick-upon-Tweed on 3 August.²⁶⁸ Donald's oath of fealty and his presence in Perth were the prelude to his inclusion, alongside Walter earl of Menteith, John earl of Atholl, Malcolm earl of Lennox, James Stewart and his brother John, and Alexander Stewart of Bonkle as one of the auditors for the Bruces at the Berwick succession hearings held from August 1291.²⁶⁹ According to Penman, although the proceedings at

²⁶⁵ Skene, *Celtic Scotland*, iii, 441.

²⁶⁶ A full account of the debate concerning the authenticity of this document can be found in Skene, *Celtic Scotland*, iii, 441-7.

²⁶⁷ See above, 'Staking their claims: The Comyns, the Durwards and the earls of Mar in the thirteenth century', for a fuller discussion of Alan Durward's challenge to Earl William of Mar.

²⁶⁸ A. B. III., iv, 701n2; *Instrumenta Publica*, 9, 18, 22.

²⁶⁹ Penman, *Robert the Bruce*, 31-2.

Berwick were adjourned for ten months to June 1292, the majority of those present were seemingly leaning toward a Balliol succession as the more practical choice. Earl Donald (I) may have sensed the changing tide. Bruce's supporters (Mar among them) were denied the opportunity to gain office under a guardianship still subject to Comyn dominance and bolstered by English control of Scottish resources and castles.²⁷⁰ When proceedings resumed at Norham in October 1292, the Bruces suffered a significant setback as Balliol was officially recognized as the legal successor to the Scottish throne on 6 November 1292.²⁷¹

As has been argued elsewhere, Balliol's victory inspired a significant alteration in the strategy employed by the Bruce kindred. Robert VII (later Robert I, King of Scots) withdrew from English service in the wake of Balliol's success, while on 7 November Robert V transferred the claim to the kingdom of Scotland to his son Robert VI 'after a short-lived, last-gasp attempt to argue in law in partnership with [John] Hastings [an alternative claimant to the throne] that the Scottish kingdom was indeed partible into three like a noble fief'.²⁷² Robert VI, conversely, initiated the resignation of the earldom of Carrick 'and also all other lands which we have held or ought to have held at any time in Scotland' to his son, Robert VII, 'so as to protect the Bruces' kingship claim while their middle lord held only English lands.'²⁷³ In order to secure recognition of Robert VI's transferral of Carrick to his son, Robert VII attended the Stirling parliament of 2 August 1293 to request that the king accept both Carrick's resignation and Robert VII's performance of homage in his father's stead as the new earl of Carrick.²⁷⁴ That Donald (I)'s exclusion from office in 1292 and Balliol's succession had not deterred the earl from supporting the Bruce claim is evident in his identification as one of two guarantors for the relief owed by Robert VII to the Scottish crown upon entry into his earldom.²⁷⁵ The continuation of Mar's support was further strengthened by the marriage, about this time, of Donald (I)'s daughter Isabella to the new earl of Carrick.²⁷⁶ The union represented the second of the Mar-Bruce marriages, Donald's son

²⁷⁰ *Ibid.*, 35.

²⁷¹ A further three-month adjournment had been called in June due to Edward I's decision to seek legal advice from various academic institutions. (Penman, *Robert the Bruce*, 35-6)

²⁷² *Ibid.*, 36.

²⁷³ *Ibid.*, 37 and 37n139; *RPS*, 1293/8/8. Date accessed: 10 August 2016.

²⁷⁴ Penman, *Robert the Bruce*, 39.

²⁷⁵ *RPS*, 1293/8/8. Date accessed: 10 August 2016.; Penman, *Robert the Bruce*, 39.

²⁷⁶ *Ibid.*

Gartnait having married an unnamed sister of Robert VII before 1292.²⁷⁷

Between Balliol's victory on 6 November 1292 and Mar's identification as guarantor for Robert VII in August 1293, the whereabouts of Earl Donald (I) are difficult to discern. Two curious letters concerning Donald's collection of arrears from his bailiaries of Aboyne and Kinmuck, issued by Edward I in December and January of 1292/1293, suggest that the earl may have returned to his earldom, and merit some attention. Dated 8 December 1292, the first of the two letters was sent to John Balliol 'king of Scotland', informing the Scots king that Earl Donald should have leave to collect the arrears due from his bailiaries. Unfortunately, the amount to be collected by the earl is not stated within the document, and the Exchequer accounts for the years 1291-1326 are missing. We can assume (given the nature of the following document) that the arrears constituted a significant amount of money; in the second letter (sent to the earl of Mar himself) – dated 7 January 1292/1293 – Edward I ordered Earl Donald 'lately farmer of Obeyn [Aboyne]' to pay 100*l.* from the arrears due on his accounts to a Lucchese merchant, Nicholas of Colle.²⁷⁸ Though nothing is known of Nicholas of Colle, a request for payment to a merchant of Lucca could indicate that Edward was exploiting his role as overlord of Scotland to exact payment from her noblemen; the extension of English authority north of the border had provided Edward with a brand new source of income which could be used to repay his substantial debts to his Italian-merchant bankers.²⁷⁹

As discussed previously, by August 1293 Mar was in Stirling acting as guarantor for Robert VII, arranging – around this time – the marriage between his daughter Isabella and the new earl of Carrick. Just under a year later, on 19 June 1294, Donald (I) was requested to serve Edward I in his war against the French in Gascony.²⁸⁰ According to the *Illustrations*, the summons did not rest solely on Mar's responsibility to Edward as a result of his fealty to the English king, but in respect of lands held by him in England. It is not yet clear whether Donald (I) held lands in England, but evidently Mar's time in Gascony – if

²⁷⁷ *Ibid.*

²⁷⁸ Unfortunately, it is unclear whether Donald (I) had received the thanage of Aboyne from Edward I, or if Donald had been the thane of Aboyne under Alexander III. Indeed, the only surviving reference (as yet) to an earl of Mar as a Scottish thane is Donald (II) of Mar in the thanage of Clova in 1328. (Grant, 'Thanes and Thanages', 76; *RMS*, v, no.341)

²⁷⁹ For a discussion of Edward's finances, see M. Prestwich, *Edward I* (London, 1997), 98-100, 237-49, 342-5, 401-6, 521-2, 529-37.

²⁸⁰ *A. B. Ill.*, iv, 702.

indeed he answered these summons – was brief, and the earl had returned to Scotland in time to append his seal to a Scots treaty with France agreed at a parliament at Dunfermline on 23 February 1296. Just two months later, Donald (I) was once more called to battle. Unlike Gascony in 1294, however, Donald (I) was to fight for Balliol against the English king at the battle of Dunbar, an expedition which ultimately saw a Scottish defeat and the capture, alongside many others, of the earl of Mar. Conversely, the Bruces of Annandale had ignored the request to join the Scottish host in the month before the battle, and were forfeited in absentia for their refusal to comply to the king's demands. The allegiance of Bruce VI to the English king, pitting the former earl of Carrick against a steadfast ally to (and relative of) the Bruces, the earl of Mar, was an insurmountable interruption to the once formidable Bruce-Mar alliance.

English victory at Dunbar led to John Balliol's formal renunciation as king of Scotland, followed by the extraction of a renewed oath of fealty from those who had been involved in the rebellion against Edward I. The defeat was further compounded by the capture of a number of leading nobles, Mar included, who were to serve 'periods of imprisonment or exile-in-service' with Edward in France in 1296-97.²⁸¹ By May 1297, Mar had once again been summoned to serve the English king in the war with France, writing a letter to Edward on 25 July seeking credence for Andrew de Rate. According to the *Scots Peerage*, Mar died shortly after sending this letter, and was succeeded by his son Gartnait.

Little evidence survives which demonstrates the extent to which Donald (I) interacted with his earldom: only one charter seems to exist in which Donald was actively involved in the management of his estates. Unfortunately, the charter (dated between 1275 and 1297) was of lands held by the earl in Angus, not Mar, suggesting only that the earls of Mar had successfully extended their influence outwith their earldom.

Gartnait, earl of Mar (d. b. 1305x1307)

Upon the death of Donald (I), the earldom of Mar fell to his son and heir Gartnait. Frustratingly, no evidence exists pertaining to his administration of the earldom. Indeed, the only references to Gartnait in the primary evidence

²⁸¹ Penman, *Robert the Bruce*, 48.

relate to his involvement (as son of the earl, rather than earl in his own right) in the English response to the open revolt which had erupted in the north-east of Scotland in April-May 1297. After the English victory at Dunbar in 1296, Edward I returned to his kingdom 'confident that Scotland had been brought under his direct lordship.'²⁸² As shown by Mar's service to the English king, the consequences of Scottish defeat were such that those who had resisted Edward's demands for military service now saw no alternative but to acquiesce to his requests. The forcible removal of the Scots king – John Balliol – and the resultant absence of 'many of their natural leaders, earls and barons', meant that those who remained in the Scottish kingdom were left to face the intrusion of English officials into significant Scottish territories without the support of their leading magnates.²⁸³ The Scottish response to the invasive nature of English rule was swift, however. By May 1297, the Scots had begun to expel English officials from their localities, removing English clergymen from their churches as they progressed. While the actions of William Douglas and William Wallace in Clydesdale stimulated a martial response from their antagonists south of the border, it was the rising in Moray which was to pose the greatest threat to the future of English rule in Scotland. Rather than sending in an English force to combat the crisis in Moray as Edward had so recently done in response to trouble in Clydesdale, however, the English king utilized a different approach in his plans to subdue the Moray rebels. Instead of a force of English soldiers, it was to a select group of Scottish magnates that Edward turned in his attempts to halt the rebellion, amongst whom was the son of the earl of Mar, Gartnait.

In a letter dated 11 June 1297, Edward I expressed his gratitude to Henry, bishop of Aberdeen, and Gartnait 'son of the earl of Mar', for their care and diligence in the charge of the sheriffdom of Aberdeen. This was followed by a request that the men hasten to the aid of William FitzWarin – constable of the king's castle of Urquhart – 'with all their power and all the power of the sheriffdom of Aberdeen'.²⁸⁴ FitzWarin had evidently been in contact with his king with grave news concerning the insurrection of Sir Andrew Murray, son of the lord of Avoch, who – according to the constable – had amassed a group of

²⁸² Brown, *Wars of Scotland*, 180.

²⁸³ *Ibid.*

²⁸⁴ *Rot. Scot.*, i, 41; *A. B. Ill.*, iv, 703.

men loyal to the Scottish rebel at the castle of Avoch in Ross.²⁸⁵ Edward issued a second letter that same day thanking Gartnait for his correspondence with Gilbert d'Umfraville, earl of Angus, the contents of which had been relayed to the English king by Andrew of Rate. As discussed elsewhere, though Gartnait and his allies informed Edward that their failure to engage the rebels was a result of 'rough ground', their decision to hold off on the attack was due in no small part to their allegiance to Murray and the cause which would see the termination of English rule in Scotland.

This event defined the brief career of Gartnait, earl of Mar. Nothing more is heard of the earl until his probable death c.1305, when the wardship of his twelve-year old son and heir, Donald (II) was granted to Robert VII, earl of Carrick.

Donald (II), earl of Mar (1293-1332)

The career of Donald (II), like his predecessors, has made no discernible impact upon the documentary record relating to Mar. Though Donald (I) and Gartnait had been diverted by matters of national importance, much of Donald (II)'s absence from his earldom was a result of a personal desire to remain in the household of Edward II until 1327. Upon the death of his father, the wardship of the young Earl Donald (II) was granted to Robert VII, earl of Carrick. This is suggested by requests issued from a committee at Westminster (in response to 'lobbying in Scotland for the settlement of local disputes') that the future king of Scots place the castle of Kildrummy 'in the keeping of one for whom [Bruce] shall answer'.²⁸⁶ Penman has argued that Carrick's possession of Donald (II)'s wardship was not a particularly welcome arrangement, and the opposition to Carrick's position may explain Edward I's instruction in 1306 that the heir of the earl of Mar be delivered to the bishop of Chester 'to be kept in safe and sure custody in the castle of Bristol'.²⁸⁷ The order was quickly amended, however, and Donald (II) was instead sent to stay within the king's own household.²⁸⁸ The impetus for the alteration is unclear, though the change in situation for the young heir of Mar would have significant ramifications. It is evident that Donald

²⁸⁵ The suggestion of prior correspondence is taken from FitzWarin's reference to diverse letters that the king had received from him concerning wool and hides in Scotland. (*CDS*, ii, no.922)

²⁸⁶ Penman, *Robert the Bruce*, 75, 84-5, 85n128; *CDS*, ii, no.1691, p.459; *A. B. III.*, iv, 151.

²⁸⁷ *Ibid.*, 85; *A. B. III.* iv, 709.

²⁸⁸ *Ibid.*

(II) formed a close relationship with both the king and his son, and in the aftermath of Robert Bruce's victory over Edward II at Bannockburn in 1314, when the earl of Mar was expected to return to Scotland to take his rightful place in the north-east, the earl turned back upon reaching Newcastle-on-Tyne, determined to remain in England.²⁸⁹ Perhaps indicative of Mar's status as the head of one of the foremost comital lineages in the Scottish kingdom, the nephew of the king, and possible heir to the Scottish throne should Robert die without a legitimate male heir, Mar's decision to remain in England after 1314 did not result in the young earl's forfeiture. Considering the threats outlined in both the Statute of Cambuskenneth and legislation concerning loyalty to the Scottish king issued in April-May of 1315, this is surprising, though it should be noted that Mar had not fought against Bruce in 1314. Rather, the earl had chosen to remain in the household of the English king in spite of Bruce having secured his release. What is perhaps more surprising is that Donald (II) should have avoided formal forfeiture after he *did* fight against the Scots under the English banner at the battle of Byland in 1322. Although there seems to be no record of Donald (II) having been formally forfeited, Penman's description of his relationship with the Scottish king after his return to Scotland in 1327 would suggest that the crown had taken possession of his lands during his absence, possibly a response to his behaviour in 1314, but more likely as a result of his role in the battle of Byland. In his discussion, Penman states that Robert I 'restored his nephew to his earldom, thus depriving the crown of further valuable income (and most likely Sir Andrew Murray of Garioch of the keeping of Kildrummy castle in Mar).'²⁹⁰ That Robert should have 'restored' Mar to his earldom suggests that the earl had informally been deprived of it, or had in fact never taken sasine for his extensive lands in the north-east.²⁹¹ That the crown had lost a source of income suggests that as long as Donald (II) had been

²⁸⁹ Penman, *Robert the Bruce*, 151. Donald's loyalty to Edward II was well rewarded. *CPR* entries indicate that Donald was both involving himself in overseas trade, and in receipt of substantial assets from the English crown. Between 1317 and 1322, Donald received custody of the lands and tenements of the late James de Perers 'by reason of the heir being a minor', the manor of Oveston in the county of Northampton 'quit of any payment', the manor of Long Bynyngton, county of Lincoln 'to enable him the better to remain in the king's service . . . to hold to the value of 160*l.* a year', and the constableness of Newark, county of Nottingham. (*CPR: Ed. II*, ii, 435; *CPR: Ed. II*, iii, 24, 80, 398; *CPR: Ed. II*, iv, 53)

²⁹⁰ Penman, *Robert the Bruce*, 277.

²⁹¹ The act of taking sasine refers to the legal procedure through which a person received formal possession of lands or property. <<http://www.dsl.ac.uk/entry/dost/sesine>> Date accessed: 5 November 2016.

resident in England, he had not had access to revenues from his earldom. The portrayal of Mar as having abandoned his rights to his lands in Scotland is further suggested by his identification in a list of ‘former enemies and post-Bannockburn defectors’ compiled by Penman in the closing statements of his work on Bruce.

Regardless of how Donald has been portrayed by contemporary historians, his return to Scotland was welcomed by his royal uncle, though Robert’s apparent commitment to Donald (II)’s restoration was not shared by his subjects. The return of a Scottish earl who had a record of service in the employ of the English king was not a cause for celebration, but concern. As argued elsewhere, the territorial dominance in the north-east of lords like Andrew Murray, Malcolm of Lennox, Adam Gordon, Alexander Fraser and the Randolph earls of Moray meant that the return of the earl of Mar might upset the balance of power in the region which had developed in his twenty-one year absence. Furthermore, the families of Stewart, Menteith and Campbell – the dominant kindreds in the west of Scotland – might have harboured concerns regarding the ‘restoration of patrimony tied to a pre-1296 Mar-MacRuaridh marriage’.²⁹² A flurry of marital activity in the wake of Donald’s return is suggested to represent either royal or magnatial determination to counteract the threat of blossoming rivalries inspired by such a prospect.²⁹³ Mar himself was married to Isabel, sister of John Stewart of Bonkle, ‘by now surely earl of Angus (and already brother-in-law to Thomas Randolph).’²⁹⁴ If the king was hoping to assuage the fears of his nobles, the marriage between the earl of Mar and the sister of Stewart of Bonkle was a curious way to do so. Though marriage to a family with a record of crown loyalty might have represented an attempt to secure Mar’s allegiance and bolster noble support for his return, the arrangement of such a beneficial marriage for an earl who had so far escaped official reprisal for his open allegiance to the English king must have come as a bitter blow to those who had been loyal to Bruce since 1314. If anything, the marriage seems to represent the strengthening of Mar’s position in the north-east through ties to a family that could provide the earl of Mar with an opportunity to extend his influence into Angus (if the Mar kindred had not done

²⁹² Penman, *Robert the Bruce*, 278.

²⁹³ *Ibid.*

²⁹⁴ *Ibid.*

so already).²⁹⁵ This bitterness was no doubt compounded by Mar's appointment, in 1332, as Guardian for David II after the death of Thomas Randolph, earl of Moray. Admittedly, Penman has already shown that support for Mar's promotion was tenuous, and had only been secured after what the chronicler Fordun describes as 'a great deal of wrangling, and sundry disputes'.²⁹⁶ Indeed, it is plausible that Mar's relationship with the Stewarts of Bonkyll may have led to his nomination as guardian – Thomas Randolph was the uncle of Mar's wife, Isabel. That Mar was forced to march into battle at Dupplin surrounded by men who had resented his restoration and his subsequent promotion as guardian must have surely given the earl some cause for concern.

Mar's career as guardian, however, was short-lived. Just one week after his appointment, the earl was killed at the battle of Dupplin alongside Thomas Randolph (the younger), second earl of Moray, Murdoch earl of Menteith, Robert Bruce of Liddesdale (half brother to David II), the chamberlain Alexander Fraser, 'and other valiant nobles, barons, knights, and squires, and men of lower condition and rank without number'. According to Fordun, the Scottish defeat represented no less than an 'unhappy massacre'; the men, he states, were 'struck down, not by the strength of man, but by the vengeance of God. For, from the bruising of their bodies squeezing against one another, more fell, though unwounded, than were slain by shaft or sword.'²⁹⁷ Though untimely, Mar's death in defence of the infant David II, son of Robert Bruce, may have been crucial in ensuring the continued prominence of the Mar kindred.

'energetic and impressive': Thomas, earl of Mar²⁹⁸

Succeeding to his title upon the death of his father at Dupplin in 1332, Thomas was presented to Edward III at Newcastle in 1334 and seems to have remained in England in ward until his return to Scotland in 1349. Like his father, Thomas' future political attitudes were to be shaped by his time in England, and the young earl maintained a cordial relationship with the English king upon his return to Scotland. Such an affinity undoubtedly found its roots in the strong sense of kinship with the English crown that had been cultivated by his father,

²⁹⁵ For example, see *A. B. III.*, iv, 696, which might suggest that the earls of Mar held lands in Angus prior to Donald (II)'s succession.

²⁹⁶ *Chron. Fordun*, 346.

²⁹⁷ *Ibid.*, 347.

²⁹⁸ Penman, *David II*, 159.

Donald (II), during his lengthy sojourn in England between 1306 and 1327. That Donald had been deeply influenced by his time in the household of Edward II is suggested by his decision to name his son and heir ‘Thomas’, a distinct deviation from the traditional Gaelic monikers employed by the early earls of Mar.

Donald (II) had refused to return to Scotland in 1314 upon his release from English captivity (‘a consequence of Bannockburn’), remaining a valued member of Edward II’s household until the king’s deposition in 1327. After this date, Donald remained an active participant in militarised attempts to restore Edward II to the throne of England.²⁹⁹ Outwith these public displays of support, very little is known of their relationship, but the decision to name his son ‘Thomas’ could provide a means of quantifying Donald’s personal perception of the English king.

Seymour Phillips has argued that Edward II inherited from his father a ‘particular devotion’ to the cult of St Thomas of Becket.³⁰⁰ In 1301 (as Prince of Wales), Edward had commissioned a painting depicting the martyrdom of St Thomas as part of a programme of refurbishment undertaken at Chester castle.³⁰¹ Between 1307 and 1323, the king visited Canterbury on sixteen occasions, and is reported to have borrowed the ‘Life of St Thomas Becket’, housed in the Cathedral library, which was never returned.³⁰² Though Penman has explored the significance of the saint in Scotland, highlighting Becket’s continued importance not only to the crown but to leading nobles throughout this period, Donald (II) was only thirteen when he was taken to England in 1306.³⁰³ Thus, it is difficult to assess Donald’s exposure to the cult of St Thomas in anything other than an English context.³⁰⁴

²⁹⁹ S. Phillips, *Edward II* (London, 2011), 546, 565-7.

³⁰⁰ *Ibid.*, 70.

³⁰¹ H. Johnstone, *Edward of Carnarvon, 1284-1307* (Manchester, 1946), 61 and 61n5; Phillips, *Edward II*, 70. According to C.T. Borenius, this is (so far) the only instance of an actual medieval commission to paint the saint. (Discussed in Phillips, *Edward II*, 70 and 70n217) The presence of the young Prince at Canterbury in July 1293 for the feast of the Translation of St Thomas, and in September 1299 for the second marriage of Edward I and Margaret of France, had clearly had an impact.

³⁰² Phillips, *Edward II*, 70 and 70n215. Although there is no evidence to suggest that he visited the shrine of St Thomas on each of these sixteen visits, Phillips argues that it is likely that he did so.

³⁰³ Fiona Watson states in her biography of the earl that he may have been captured in 1306 at Kildrummy castle, besieged by Prince Edward. See Fiona Watson, ‘Donald, eighth earl of Mar (1293–1332)’, *Oxford Dictionary of National Biography* (2004), <<http://www.oxforddnb.com/view/article/18021>> Date accessed: 5 November 2016.

³⁰⁴ It should be noted that Penman has drawn particular attention to the personal piety of the early Bruces of Annandale and this favoured saint, a tradition which may have been continued by Donald (I)’s son Gartnait (husband to an unnamed sister of Robert Bruce, king of Scots), his daughter Isabella (wife

Thomas' appearances prior to 1357 are sporadic. Though custody of Thomas was granted to William Carswell (third husband of his mother, Isabella) in January 1347-48, his time with Carswell was brief; Penman suggests that David II may have encouraged Thomas' pre-emptive return to Scotland little over a year later in anticipation of territorial vulnerability in the north-east following the death of the 'aged and weakened' Christian Bruce, David's aunt and Thomas' grandmother.³⁰⁵ However, this may have had less to do with ensuring Thomas' retention of the Mar patrimony, and more to do with David's concerns that Christian's sons, John and Thomas Murray, 'now adherents of the Steward', might establish themselves in the area after her death.³⁰⁶ Indeed, though Christian was to live on until 1357, Thomas may have been instrumental in the removal of Steward authority alongside William earl of Ross, and William, Lord Douglas, as all three men are listed as guardians of Scotland in a petition to the Papacy in 1350.³⁰⁷ This early collaboration between Earl Thomas and William lord of Douglas is particularly important; David II may have secured William's support with the promise of an influential marriage to Margaret of Mar, sister to Thomas and second cousin of the king. Though William could not have known then that Thomas would die childless in 1377, allowing for his promotion to earl of Mar, the marriage to a sister of one of the premier earls of Scotland with a close familial link to the crown was a striking display of David's intention to surround himself with men who would owe him their loyalty as he reached his majority.³⁰⁸ Although a significant amount of charter evidence survives for Earl Thomas after 1357, his career as guardian is difficult to assess and though his colleagues may have 'continued to use royal powers and resources in their own localities' to stave off Steward dominance in central and western Scotland, the lack of charter evidence for 1350-57 means that we cannot determine how Thomas was interacting with his earldom during his time in office.³⁰⁹

of Robert Bruce, king of Scots), or her daughter Marjory. Without clearer evidence of their patronage to establishments with a link to St Thomas, however, it is difficult to ascertain the strength of their ties to the saint prior to Donald (II)'s capture in 1306. See Penman, 'The Bruce Dynasty, Becket and Scottish Pilgrimage to Canterbury, c.1178-c.1404', *Journal of Medieval History*, 32 (2006), pp. 346-370, *passim*.

³⁰⁵ Penman, *David II*, 159; *SP*, v, 583; *Rot. Scot.*, i, 708.

³⁰⁶ Penman, *David II*, 159-60.

³⁰⁷ *Ibid.*, 157, 157n49.

³⁰⁸ *Ibid.*, 159.

³⁰⁹ *Ibid.*, 160.

Thomas' disappearance from personal charter evidence is initially mitigated by his identification as a witness to talks concerning David's return to Scotland. However, Thomas' increased absence from central politics after 1351 may have been influenced both by the changing political landscape in Scotland after the resurgence of a Steward lieutenancy in the summer of 1351, and the unpopularity of the terms of David's return to Scotland. The combination of these circumstances created an ideal opportunity for Earl Thomas to pursue his own agenda, and by September 1352 he had secured a dispensation permitting his marriage to Margaret, daughter of John earl of Menteith, the sole heiress to the substantial earldom of Menteith by right of her mother Countess Mary.³¹⁰ Margaret's first marriage to John Murray of Bothwell had secured her protection from the schemes of acquisitive Scottish nobles upon the death of her father, 'her natural protector'.³¹¹ However, Bothwell's death between late 1351 and early 1352 so soon after their marriage c.1348 meant that Margaret's new found security was short-lived;³¹² by the end of 1352 Thomas earl of Mar was to become Margaret's second husband.³¹³ Sometime before 1359, however, Thomas had divorced his young wife, and Margaret had married (as her third husband) John Drummond of Concraig, with whom she had a child before 1360.³¹⁴ Though chronicle evidence portrayed Thomas' decision to divorce Margaret as having been '*instigante diabolo* (at the instigation of the Devil)', Thomas' failure to produce an heir with his young wife may have led him to seek a new bride who might provide for the succession to his earldom.³¹⁵ That this should have been Thomas' primary concern is unsurprising; the fact that his father-in-law had died without a son, leaving Margaret to inherit Menteith, would have reinforced the earl's own concerns about succession to Mar. Even the potential motives for his return in 1349 (to circumvent the fallout from the eventual death of Christian Bruce) would have impressed upon him the need to

³¹⁰ It is unclear if David II had any involvement in arranging this match. Penman suggests that David may have drawn Mar into his service with the assurance of a good marriage, having used a similar tactic with William, lord of Douglas. (Penman, *David II*, 159-60)

³¹¹ Fraser, *Menteith*, i, 117.

³¹² Based on the receipt of a papal dispensation for the marriage granted in November of that year. (Fraser, *Menteith*, i, 118; *Vet. Mon.*, no.DLXXIX, p.290)

³¹³ Penman, *David II*, 168-169; Fraser, *Menteith*, i, 117.

³¹⁴ The dispensation for their marriage is dated April 1360, by which time their child had been born. Fraser states that their union was deemed unlawful due to the nearness of their blood, but as the marriage had already borne a child, a dispensation was issued. (Fraser, *Menteith*, i, 125)

³¹⁵ *Chron. Fordun*, 311; Fraser, *Menteith*, i, 125n1.

safeguard his own inheritance. Considering the swiftness with which Margaret and her third husband produced a child, it is plausible to suggest that Thomas may have been infertile. Assuming that he had reached his majority by 1350, he should have been in his early 20s when he secured his marriage with Margaret. Margaret, similarly, was young when she married Thomas; Fraser states that in 1348 Margaret was fourteen years of age. Thus, when she married Thomas in 1352 she would have been eighteen years old. Their combined youth may have led Thomas to hope for a quick pregnancy, but their failure to produce an heir after at least seven years of marriage would have been a clear sign that Thomas would have to look elsewhere for an heir to Mar.

However, Earl Thomas' decision to divorce Margaret may also have been a reaction to David II's controversial decision to grant the earldom of Moray to Henry, duke of Lancaster, in April 1359; the timing of David's remarkable decision to deny the right of Patrick, earl of March to Moray through his Randolph wife coincides with Thomas' divorce that same year.³¹⁶ The earldom was to be held by Duke Henry (and his heirs male, whom failing his daughters Matilda and Blanche) 'as freely as Thomas Randulphi [Randolph], umquhile earl of Moray, held the same.'³¹⁷ According to Duncan, David's capture at Neville's Cross had prevented royal enforcement of the male tailzie, under which Sir Thomas Randolph had received Moray in 1312.³¹⁸ Consequently, Randolph's lands had fallen to his daughters and their husbands. While David may have been making a point by 're-establish[ing] the force of a male tailzie' and providing the means through which the Stewart succession might be abandoned, he was in danger of alienating a number of his loyal supporters by interfering with the succession to a prominent northern earldom in order to gain the support of a major English lord.³¹⁹ This would have alarmed the remaining territorial magnates, who may have worried that David might use similar precedents to reclaim their lands and use them as bargaining chips in

³¹⁶ Though the exact date of Thomas' divorce from Margaret Graham cannot be ascertained, it is unlikely – considering the swiftness with which Margaret's first marriage had been arranged upon the death of her father, and her second marriage to Thomas upon the death of her husband in captivity – that she would have been unmarried for long. A third marriage to protect her inheritance would have been a priority.

³¹⁷ *CDS*, iv, no.9.

³¹⁸ A.A.M. Duncan, 'Honi soit qui mal y pense: David II and Edward III, 1346-52', *SHR*, 67 (1988), pp. 113-141, 135.

³¹⁹ *Ibid.*

his continued negotiations with England. Further, by explicitly providing for the inheritance of Duke Henry's daughters, David was providing for English succession to the Scottish throne, a scheme that had already proved deeply unpopular with the Scottish political community. Blanche, younger daughter of Duke Henry, was set to marry John of Gaunt, the younger son of Edward III, a candidate that David had unsuccessfully presented in 1352 as a viable heir-presumptive should he die without a son.³²⁰ That Earl Thomas may have felt it necessary to annul his marriage in anticipation of David's motives regarding female succession may provide a strong indication of the fragility of his relationship with, and his support for, the Scottish king.³²¹ That Thomas' second wife should have been a daughter of Thomas Stewart, earl of Angus, murderer of David's mistress, may have provided a stronger one.³²²

As previously discussed, in contrast to the charter silence of his predecessors, the career of Earl Thomas has left a significant amount of charter evidence from which we can draw conclusions concerning his impact on the development of Mar. These charters date from 1351x1355 onwards, and provide – through their witness lists – the clearest indication of the existence of a 'community' in Mar.³²³ However, they also indicate that Earl Thomas was suffering financially. Thomas' financial security (or lack thereof) may have been symptomatic of both the wider economic instability of the fourteenth century, and the burden of contributing toward David II's considerable ransom.³²⁴ Furthermore, Thomas' financial woes were exacerbated by his tense relationship with David II throughout his career as earl of Mar, resulting in crown seizure of Kildrummy in 1362, which Thomas was to recover upon payment of £1000 over a period of five years.

Like his predecessors, Thomas' apparent absence from his earldom before 1357 may have been a direct result of the instability of Scottish politics after the failure to secure David's release in 1352. However, French defeat at the battle of Poitiers on 19 September 1356 provided the necessary impetus to

³²⁰ Penman, *David II*, 223.

³²¹ It has also been suggested by Penman that the annulment of the marriage was instigated by Mar in collusion with John Drummond and the king; Drummond's marriage to the Menteith heiress was a blow to the Stewarts, who had been engaged in a feud with the Drummonds over the earldom since at least the 1340s. (Penman, *David II*, 248)

³²² See below, 115-6, for a further discussion of this marriage.

³²³ See Appendix C: Mar Charters and Witness Lists.

³²⁴ See above, 23-4, for a discussion of the causes of economic instability.

continue negotiations for David's return to Scotland, previous attempts having stuttered and failed over the past four years. Edward III was understandably keen to exploit his victory to pursue his territorial agenda in France, using his capture and imprisonment of the French king to do so. Further, Edward would be able to exact a high ransom in return for King John II's release; the French king's value would have outstripped David's, and John's capture may well have inspired Edward to return the Scots king to his kingdom in order to secure an additional financial settlement.³²⁵ Further, as Penman argues, the necessity of renewed negotiations with England was intensified by the capture of a number of Scots at Poitiers. It may have upset David to realize that the vigour with which the Scots pursued negotiations in 1356 was inspired not by a desire to see their king returned, but a desire to restore the political community in the face of military defeat.

Earl Thomas's role in these negotiations is unclear, though his presence in Bruges in August 1357, where David's first ransom instalment was to be received over a year later, indicates that Thomas and David may have been in contact concerning arrangements for its payment beforehand.³²⁶ More importantly, however, Thomas' presence in the financial centre of Bruges, and the nature of his business, provides the first clear indication that Thomas' personal finances were in trouble. While in Bruges, Thomas issued a bond renouncing his right to the barony of Foveran in Buchan (previously sold to him by its lord, William of Strathbrock), in right of William's niece, Mary of Scone. However, Thomas' renunciation of his rights to Foveran came at a heavy price. Mary's husband, William of Torrie, burgess of Aberdeen, was to pay Thomas the hefty sum of 1000 écus in return for Foveran. Certainly, Thomas had received the money before issuing the bond, as receipt of the payment is acknowledged within the document. It is unclear whether the sum was a reflection of what Thomas had paid for the barony previously, as no documentation survives recording the sale of the barony to the earl prior to 1357. Further, it is unclear whether David II approved the sale – Thomas had stipulated that upon the removal of his esquire from Foveran, he would procure royal approval of its alienation and, if necessary, grant further letters patent securing the sale within

³²⁵ Penman, *David II*, 185-7.

³²⁶ *Ibid.*, 187.

one year.³²⁷ Unfortunately, no further references to this sale occur either in private or royal charters, and it is unclear whether the king saw fit to approve of Mar's arrangement upon his return. It seems unlikely that the recently released Scottish king would concern himself with such matters when faced with the difficulties of reasserting royal authority after ten years in captivity.

Parallels have been drawn between the execution of royal policy following David II's return in 1357 and that of James I in 1424. The common perception of James I as a 'king unleashed' has been scrutinized, and it has been argued that rather than unleashing eighteen years worth of pent up anger upon setting foot in Scotland, the king proceeded with caution as he assessed the state of politics in his realm before violently asserting himself in 1425 through the destruction of the Albany Stewarts.³²⁸ The justification for his actions was based on Albany Stewart reluctance to hasten his return from English captivity (no doubt an attempt to maintain the political authority that they had seized in his absence).³²⁹ Similarly, David II had returned in 1357 to a strong Stewart presence in central government, led by men who had 'undermined and sidelined' David's authority while he languished in English captivity for a decade.³³⁰ Yet, like James, David exercised restraint, and in the years immediately following his return to Scotland, the king attempted to rule with caution, 'and a wide measure of consent'.³³¹ To achieve this, prominent lords within the administration were granted significant territories as a means of securing their support. 'In 1357 the Steward was granted the earldom of Strathearn [...] in 1358 William, Lord of Douglas already supreme on the Borders, was given added prestige by promotion to a newly-created earldom of Douglas.'³³² However, while Nicholson argues that David's inclusion had a limited reach, Earl Thomas was able to benefit from David's cautious approach to governance, and was granted the lordship of Garioch in 1357 upon the death of his grandmother Christian Bruce.³³³ This gift represented a significant acquisition for Thomas, but was not to be the start of a fruitful career as one of

³²⁷ NRS GD124/1/107.

³²⁸ Brown, *James I*, xii-iii, 40-71, 194-211.

³²⁹ See Chapter Four: 'A king inspired? Reassessing James I's involvement in Mar', *passim*.

³³⁰ Penman, *David II*, 194.

³³¹ B. Webster, 'David II and the government of fourteenth-century Scotland', *TRHS*, xvi (1966), pp. 115-30, 126.

³³² Nicholson, *Later Middle Ages*, 168.

³³³ *SP*, v, 583.

David's loyal men. Thomas' self-serving nature and repeated attempts to procure further sources of personal income were to cause a rift between Earl Thomas and the Scottish king for the remainder of his career.

Thomas' receipt of Garioch represented just one (albeit significant) component of a much wider programme of patronage undertaken in the opening months of 1358 designed to 'rebuild a royalist following' in preparation for David's upcoming attempts to restore royal authority in Scotland.³³⁴ That Earl Thomas was to hold Garioch 'as freely as the deceased David of Hundyngtoun [Huntingdon]', Garioch's previous (and celebrated) lord, may have been a deliberate attempt to reveal to Mar the role that David intended him to play in his revived administration.³³⁵ William I's gift of Garioch to Huntingdon had been an attempt on the part of the crown to mitigate the 'tenuous and intermittent' nature of royal authority north of the Forth.³³⁶ Considering the length of King David's absence, one would expect him to have similar concerns, faced with re-establishing his presence in areas that had historically been difficult to control and which were going to be the first to regress upon the removal of a strong central government.³³⁷ That the recipient of Mar's first grant as lord of Garioch should have been a fellow royalist – Robert Erskine – is unsurprising.³³⁸ The layering of men loyal to David in such a strategically important region would be crucial to the reassertion of royal authority in the area, while also providing David with a means through which he could successfully collect contributions toward his next ransom instalment.³³⁹ As argued by Penman, David and his government may have been fully aware of the crown's bleak financial position early in 1358, and recognized that in areas

³³⁴ Penman, *David II*, 201.

³³⁵ NRS GD124/1/108.

³³⁶ Stringer, *Earl David of Huntingdon*, 31.

³³⁷ *Ibid.*, 31-4

³³⁸ NRS GD124/1/110; The grant, issued to Robert Erskine and his spouse, Lady Christian of Keith (Thomas' 'kinswoman'), details Erskine's receipt of the lands of Balehagirdy, Bundys, Kockynglas, Inneralmusy, with mill thereof, half of the lands of Dromdornach, the lands of Petskurry, Petbey, Pettochery, and Newlands. These were to be held by them, and the longer liver of them and their heirs (whom failing, by Robert's heirs), in fee and heritage, in free barony, and with common pasture in the forst of Bennachie and woods of Aldeclochy.

³³⁹ The Erskine family would, after the death of James 2nd earl of Douglas and Mar, seek to claim half of the earldom of Mar and lordship of Garioch (notice the allusion to the familial relationship shared between Erskine's wife Christian and Thomas, earl of Mar, in the above charter of the lands in the Garioch). However, though this charter indicates the instigation of their extension into the area surrounding Mar, they failed to exploit their position, and would face opposition to their attempts to inherit from 1402 onwards. See chs. 3 and 4 below.

‘of great magnate influence’, David’s administration would struggle to raise the necessary funds.³⁴⁰ David may have hoped that the placement of loyal men in these core north-eastern territories would alleviate the difficulties associated with the acquisition of necessary contributions to his ransom, by making sure that the lords in these areas of great magnate influence were loyal to the king, while the royal Revocation approved in 1357 was designed to assuage the crown’s financial insecurity by encouraging David to support himself using revenue from crown lands and other associated sources of income. However, the efficacy of David’s Revocation – while providing the crown with a ‘legitimate means of strengthening its hand over the localities’ – was undermined by a desire to do just that. David, about to embark on his second reign, knew that in order to establish crown authority in those localities which were proving difficult to control, significant territorial grants would have to be made to secure men that David hoped would remain loyal to the crown whilst championing crown interests in their respective localities.³⁴¹ Thus, crown finances were unlikely to have improved by the time the next ransom instalment was due, when a significant amount of royal demesne was still in the hands of ‘obvious royalists’.³⁴² The necessity of balancing attempts to recover crown finances with a need to retain support was proving to be extremely detrimental to the settlement of David’s debt.

Thomas’ grant to Erskine so soon after gaining the lordship, however, requires comment. The explicit reference to the delivery of forinsec service in David’s common army suggests that David may have been hoping to use Mar’s new position in Garioch to bolster the Scottish defence in anticipation of the creation of an Anglo-Scottish military alliance to underpin David’s attempts to conclude a renegotiation of the Scottish succession with the English king in the winter of 1358-59. However, such a condition could also suggest that the charter was granted in response to Thomas’ promise to serve Edward III in his war with France. David’s inspection of the charter - transferring the obligation of general military service from Earl Thomas to Robert Erskine – could indicate that David was looking to ensure the provision of such a service should the Mar earl become head of a ‘Scottish contingent in English service once the deal was done’

³⁴⁰ Penman, *David II*, 215.

³⁴¹ *RPS*, 1357/11/9. Date accessed: 5 December 2016.

³⁴² Penman, *David II*, 216.

by encouraging Thomas to free himself from such an obligation.³⁴³ Conversely, however, Thomas' promise to provide military aid to Edward III may also have been a reflection of his cordiality with the English king and the monetary advantages of such an arrangement, rather than an overt show of support for David's schemes. Considering the nature of Mar's previous business in Bruges (which, as shown, indicated that Earl Thomas was struggling financially) Edward III's promise to pay 600 merks annually in return for Thomas' services must have been an especially welcome arrangement for him, and may have inspired the earl to free himself from the military service owed to David from his new lands in Garioch in order to pursue such a lucrative opportunity. Further, the indication that this may have been a personal arrangement between Thomas and Edward is suggested by reference to Thomas' future marriage prospects and the impact of the negotiations between Edward and David on Thomas' landed wealth. The sum of 600 merks was to be paid until Thomas was able to find a wife, while a further annual payment of £600 was to be made in the event that Thomas lost his lands in Scotland. This was surely a reference to the potential fallout of restoring the Disinherited and their descendants to their cross-border landholdings, an issue which had been raised in earlier Anglo-Scottish negotiations.³⁴⁴ Mar, like many of the prominent Scottish nobles, would have viewed the restoration of the Disinherited as a distinct threat to his territorial wealth.³⁴⁵ Edward's generous offer, then, could represent an attempt to

³⁴³ Penman, *David II*, 225. Named witnesses to the charter include Alexander Kinnimound, bishop of Aberdeen, John [...] and William [...], abbots of Arbroath and Lindores, William, earl of Douglas, William de Keith, Marischal of Scotland, Walter Moigne, John de Strachan, Lawrence Gilliebrand, Mr. John de Cromdale, canon of Ross, David de Mar, treasurer of Moray, John of Mar, canon of Aberdeen, Walter Bisset, lord of Lessendrum, John Pratt and John de Buttergask. It is tempting to speculate that the presence of known crown loyalists (such as Moigne and Gillebrand) supports the suggestion that the crown may have pressured Thomas into making such a grant. However, such a notion is challenged by their dual role as Mar men, who may have been present as prominent figures in the Mar community (evinced by their frequent appearance as charter witnesses), not king's men.

³⁴⁴ *Rot. Scot.*, i, 836. That Edward should have offered to involve himself in Thomas' quest for a bride is not altogether surprising. According to a formal dispensation for the marriage between Thomas earl of Mar and Margaret Graham, Thomas' petition had been adamant that there were no women of suitable rank worthy of marrying the earl: 'Forasmuch as your petition laid before us showed that you, son Earl, cannot readily find in all the kingdom of Scotland, whence you are sprung, any woman but thee, daughter Margaret, with whom you may marry as becomes your rank . . .' (Translation taken from Fraser, *Menteith*, i, 121; For original, see *Vet. Mon.*, no.DCI, 300) It is possible that Mar was looking to source an English bride in the absence of a fitting match in Scotland.

³⁴⁵ According to Nicholson, Richard Talbot had been granted possession of the castle of Kildrummy on 17 February 1334 and was subsequently styled 'lord of Mar'. (R. Nicholson, *Edward III and the Scots: the formative years of a military career, 1327-1335* (London, 1965), 158) However, as this grant was issued in 1334, it is unclear how the restoration of the disinherited lords would have affected Thomas'

reimburse the earl for his adherence to the schemes of David II and the English king.

David continued his 'tentative revival of royal power' by promoting Earl Thomas to the office of Chamberlain almost a year later, replacing Thomas Stewart earl of Angus - who had received the office from Robert Steward – between 16 March and 8 June 1358.³⁴⁶ This augmentation of Mar's authority provided immediate dividends for David, who was able to rely on Mar's position to procure a financial intromission which would bolster the paltry Aberdeenshire sheriff's account of April 1359, having supplied a return that was far below what was expected.³⁴⁷ Penman argues that Mar's ability to secure this intromission is evidence of his authority in the area, and indicates the formation of a 'royalist party' in the north-east.³⁴⁸ Witnesses to private charters issued by the earl at this time supports this assertion, as a number of the men in Mar's affinity were established crown men.³⁴⁹ For example, in a charter of November 1358 to John of Mar, canon of Aberdeen, the witnesses were listed as Alexander Kinnimound (II), bishop of Aberdeen, William Keith the Marischal, Walter Moigne, Lawrence Gilliebrand lord of Glencarnie in Strathspey, John Strathachin and Willian Liddale, sheriff of Aberdeen. Of these witnesses, three had a record of service to David prior to 1357 – William Keith, Walter Moigne and Lawrence Gilliebrand. David had used the absence of Earl Thomas – in ward in England until 1349 – to recruit these men to his service.³⁵⁰ Conversely, Bishop Alexander had only recently become involved with the Scots king through his granting of letters patent alongside the bishops of Glasgow, Dunkeld, Moray, Ross, Dunblane and Argyll, approving the appointment of the bishops of St Andrews, Caithness and Brechin as procurators for David's ransom on 26 September 1357. However, how much his involvement in the ransom negotiations may have influenced his career trajectory is unclear. It has been argued that David's intervention in northern affairs was mitigated by the fact that most of the royal offices north of Forth were in the hands of men who

possession of Kildrummy, unless its acquisition by Talbot was indicative of a previous – undocumented – right to it.

³⁴⁶ Penman, *David II*, 209-210; William earl of Ross was also removed as justiciar north of the Forth.

³⁴⁷ Penman, *David II*, 218; *ER*, i, 545-8, 551-3.

³⁴⁸ Penman, *David II*, 218.

³⁴⁹ See Appendix C: Mar Charters and Witnesses.

³⁵⁰ *Ibid.*, 96.

were loyal to the crown, of which Bishop Alexander was one.³⁵¹ However, Mar's erection of the vicarage of Invernochty into a prebend and canonry of the cathedral of Aberdeen in the summer of 1356 suggests that Alexander may have been a friend of the earl before he was a king's man. Indeed, Bishop Alexander may have repaid the earl by presenting him to the church of Coldstone sometime before 1374.³⁵² Bishop Alexander's institution of Thomas to Coldstone suggests that the clergyman may have been aiding Thomas in his attempts to locate additional sources of income to alleviate his financial insecurity. Furthermore, if Boece is to be believed, Alexander's elevation to the bishopric was a personal suggestion of the pope, not the king, who himself had hoped to appoint one of the men who had accompanied him to Scotland from France.³⁵³ Regardless of their relationship with the crown, these men were consistent members of Mar's affinity.³⁵⁴ Each of the men listed in the November 1358 charter witnessed Thomas' grant to Robert Erskine that same year of lands in Mar's newly acquired lordship of Garioch.³⁵⁵

Thomas had little time to fully assert himself in his new role as Chamberlain, replaced by Walter of Biggar that same year on account of his accompanying the king to England.³⁵⁶ However, prior to his departure, Thomas issued three charters from his seat at Kildrummy to William Leith, burgess of Aberdeen, John Cochylfelde (?) and William Fenton on 2, 4 and 15 September respectively. The issuance of these charters in such quick succession, and the more localized nature of both the grantees and the witness lists, could indicate Thomas' desire to oversee the administration of his earldom before journeying south.³⁵⁷ That the first charter was to William Leith, burgess (previously provost) of Aberdeen, would seem to support this, and may represent Thomas' desire to strengthen ties between Mar and the burgh of Aberdeen. The second, to John Cochylfelde, was granted in recognition of his homage and service (to

³⁵¹ *Ibid.*, 208.

³⁵² *CPL*, iv, 200.

³⁵³ Dowden, *Bishops*, 115. Boece, *Vitae*, 22.

³⁵⁴ See Appendix C: Mar Charters and Witnesses. Of the fifteen charters issued by the earl, William Keith and Walter Moigne witnessed nine, and Lawrence Gilliebrand witnessed four.

³⁵⁵ NRS GD124/1/110.

³⁵⁶ Penman, *David II*, 221. Why Thomas had to renounce his duties as chamberlain in order to travel south is unclear.

³⁵⁷ See Appendix C. The absence of men such as Gilliebrand, Moigne and Keith could suggest that Earl Thomas was attempting to distance himself from men that had been drawn into the king's affinity.

Mar?), and details his receipt of the lands of *Balenaboth* [Belnaboth] in the lordship of Strathdon.³⁵⁸ These lands were to be held by him and his son Alan, and Alan's heirs male, whom failing by Gilbert, another son of John, and Gilbert's heirs male.³⁵⁹ It is unclear what John's professional relationship may have been with the earl, or what services he had performed in order to receive the grant. John seems to have been a minor landholder in Mar, and there are no further references to John or his family in the private charters of the Mar earls, nor any reference to the family during David's reign. Based on rental values provided in 1451 for Belnaboth [Glenbuchat] and Belnaboth [Kinbethok], the land may have been valued somewhere between four and five pounds, and could have represented a substantial territorial gain for John.³⁶⁰ The second charter to William Fenton, lord of Fenton was more extensive, granting to William the lands of Towie (Over and Nether) and *Culgower* [Culfork] in the same lordship as John's territories, Strathdon. Unfortunately, there are no surviving rentals for these landholdings, nor do they appear often enough to assess their importance.³⁶¹ Again, little is known of William Fenton, though the family evidently became more active in the latter years of David's reign. Though the nature of these charters, as discussed, suggest an attempt by Thomas to administer his earldom, both charters are similar in their expectation of military service to King David, and their place-date of Kildrummy castle suggests that Thomas had visited his earldom in preparation for his journey south. Considering David II's movements upon his return in 1359, however, and the upset caused by his grant of the castle and barony of Urquhart to William earl of Sutherland, followed by the grant of Moray to Henry Duke of Lancaster, the expectation of military service may have been a pre-emptive move on Mar's part to prepare the region for a potential fallout by gathering men in the area whose service was due to the Scots king. Certainly, the witnesses to the second of the two charters were predominantly king's men (with the addition of the Steward), suggesting that Mar (now David's?) affinity may have been encouraging

³⁵⁸ NRS GD124/1/113; See pp. 44-5 for a discussion of the lands in Strathdon.

³⁵⁹ NRS GD124/1/113.

³⁶⁰ *ER*, v, 459-460. Belnaboth (Glenbuchat): 5l.; Belnaboth (Kinbethok): 4l.13s. 4d.

³⁶¹ See Appendix D: Lordship of Strathdon.

Thomas' defensive preparations.³⁶² The consequences of David's grant to Lancaster, and its potential implications for noble succession in Scotland, has already been discussed.³⁶³ While Mar may have been privy to David's plans concerning Urquhart, his actions following David's grant to Lancaster (whereby Thomas divorced his Menteith heiress) suggest that David's plans were beginning to alarm Mar and the wider Scottish political community. Certainly, as Penman argues, David's efforts to include men who had previously been excluded from his programme of patronage suggests that David was aware of the consequences of his plans concerning England, and was now attempting to buy the good favour of men who could not be expected to have looked upon David favourably after their treatment upon his return in 1357.³⁶⁴ Outwith Thomas' divorce, however, it is difficult to identify how the earl reacted to David's new direction, but his marriage to a daughter of the earl of Angus in 1360 may provide an indication of Thomas' increasing disenchantment with David's arbitrary policies.

Having returned from fighting for Edward III on the Continent by October 1360, Mar sought Angus' daughter as his next bride.³⁶⁵ Territorially, this was a sound match for Mar – the neighbouring lands of Angus would have provided a welcome extension to Thomas' earldom of Mar, and Margaret's youth may have led Thomas to hope that this marriage might finally provide him with an heir to his vast patrimony, the lack of which must have been weighing heavily on his mind, particularly considering his recent return from battle.³⁶⁶ Thomas may have felt that there would have been no guarantee that had he died overseas, Douglas, as his brother-in-law, would have inherited in right of his wife considering David's recent attempts to alter the rules of succession.³⁶⁷ What remains unclear is whether Mar's marriage to Angus'

³⁶² The witnesses to Thomas' second charter were William, bishop of St Andrews, Alexander, bishop of Aberdeen, Patrick, bishop of Brechin, Robert, Steward of Scotland and earl of Strathearn, William earl of Douglas, and William Keith the Marischal.

³⁶³ See above, 108-9.

³⁶⁴ Penman, *David II*, 227-8.

³⁶⁵ *Ibid.*, 255.

³⁶⁶ *Ibid.*

³⁶⁷ Mar's marriage to the young Angus heiress can be viewed in two ways. The first (and, argued here, more plausible) is that this second marriage to the daughter of the earl of Angus indicated the development of a rift between the crown and Mar through a marital alliance with a relative of the Steward. The second concerns Angus' recent forfeiture for his part in the murder of Katherine Mortimer (David's mistress), which had potentially provided the king with control over his young daughter's

daughter was concluded before or after Katherine Mortimer's murder in June 1360.³⁶⁸ Mar had received a safe-conduct to travel to France in October 1359, though no evidence exists outlining when he may have returned to Scotland. David's grant to prominent Mar men in May of 1360 and the formalization of the treaty of Brétigny that same month (bringing Mar's military service for Edward to an end) would suggest that Mar was still abroad or at least on his way back to Scotland when Mortimer was murdered.³⁶⁹ Furthermore, had Thomas managed to return prior to Mortimer's death, there would have been little time to seek Margaret out and formalize the arrangement. That Mar would risk marrying the Angus heiress is astonishing; however, perhaps more so is that David did not attempt to prevent the marriage, nor is there any indication of any immediate consequences of Mar's matrimonial alliance with the family of the man who had killed the king's mistress. Considering David's steady pilfering of Mar's affinity both during Mar's absences and upon his return, it is entirely possible that David was accumulating enough local support to ensure that if he did move against Mar, he would find support from within Mar's own lands.³⁷⁰ Certainly, it is argued that David's grievances with Mar were already in play from at least 1359, when Mar was rebuked for his attempts to obtain homage and fealty from the Tironensian monks of Lindores Abbey.³⁷¹ It is not implausible to suggest that Mar may have felt entitled to their homage considering his recent acquisition of Garioch, whose former lord had founded the abbey c.1178x1195.³⁷² However, David's own descent from Earl David of Huntingdon – making Lindores 'a focus of Bruce interest' – may have made the

marriage. If Mar had indeed colluded with the king in his annulment of his previous marriage to Margaret Graham, then his marriage to the Angus heiress may have been a reward for his services. (Penman, *David II*, 248) Above all else, however, Thomas viewed the marriage as an opportunity to provide an heir to his estates. However, the previous suggestion that Thomas may have been infertile is reinforced by his continued inability to produce a child with his new wife. (See above, 108-9)

³⁶⁸ The date of 24 June 1360 was recorded by the chronicler Sir Thomas Gray. (*Scalacronica* (King), 189-91)

³⁶⁹ Penman, *David II*, 274-5.

³⁷⁰ David's patronage of men like Keith, Moigne, Gilliebrand, David de Mar, and Cromdale (Mar's clerk) showcase the extent of David's reach. All of these men had featured prominently in Mar's personal charters. (Cf. NRS GD124/110, 113, 114; Appendix C)

³⁷¹ Penman, *David II*, 275.

³⁷² *Ibid.*; It is unclear exactly when the abbey was founded. A date of 1178 is posited by the *Lindores Liber*, which bases its assumption on an account of Earl David's foundation of the abbey upon his return from the Holy Land contained within Boece's *Chronicles of Scotland*. (Bellenden, *Chronicles*, ii, 211-2; *Lind. Lib.*, i-ii) The date of c.1191x1195, provided in the *Lindores Chartulary*, is based on the appointment of the first abbot – Guido – between 1191 and 1195. (*Lind. Cart.*, 301-2)

Scots king especially protective of Lindores' rights.³⁷³ Furthermore, though David may have tolerated Mar's cordiality with Edward III (it was undoubtedly beneficial to David, particularly during his repeated negotiations with the English, to have the support of the Anglophile earl, whose predecessors had also enjoyed a close relationship to the English crown), it cannot have escaped David's notice that Thomas was enjoying a significant financial return for his services in England.³⁷⁴ The earl's debts may have led David to question the motives behind Mar's royal support.

It was not until 1362 that Mar felt threatened enough by David's behaviour to move against him. The catalyst for his actions seems to have been David's resolution (or lack thereof) of a dispute between the Mar earl and his neighbour Sir William Keith, the Marischal. The dispute is said to have concerned lands and revenues in the north-east, possibly an offshoot of Mar's alleged extortion of 'the people of the district'.³⁷⁵ David's conciliatory approach (whereby the dispute was to be settled by trial of battle), far from resolving the dispute, is said to have portrayed David's preference for the Marischal.³⁷⁶ If, as argued by Penman, Mar initiated the dispute, then David's preferential treatment of Keith is understandable.³⁷⁷ Mar, who may have fallen out of favour with the crown after his dealings with Lindores and his marriage to an Angus heiress, could hardly have expected to stand in equal esteem to Marischal. According to Thomas Gray's *Scalacronica*, Mar's actions resulted in David's siege of Kildrummy castle, surrendered to him by 7 September when David issued a charter from there to a Nigel Cunningham.³⁷⁸ Extant charter evidence suggests that David intended to stay in the area (perhaps in an attempt to prove a point to the recalcitrant Mar earl) and by 12 September the king's council was in session in Aberdeen. The rate at which royal charters were issued over the next three months, and their localized subject matter, indicates that David met little resistance in establishing himself in the area and involving himself in local affairs (unsurprising considering his continued affiliation with a number of

³⁷³ Penman, *David II*, 275n95.

³⁷⁴ *CDS*, iv, 90.

³⁷⁵ *Scalacronica* (King), 203.

³⁷⁶ *Ibid.*, 173.

³⁷⁷ Penman, *David II*, 276.

³⁷⁸ *RMS*, i, no.102; *Scalacronica* (King), 203.

prominent Mar men).³⁷⁹ As discussed by Penman, however, the absence of Douglas from the Aberdeen witness lists is telling. Douglas would have likely taken umbrage with David's seizure of Mar and the near-forfeiture of his brother-in-law, perhaps worrying that Thomas' situation might endanger his own succession to the earldom by right of his Mar wife, Margaret.³⁸⁰ However, the siege was short-lived, and the earldom and castle – currently in possession of the crown – were to be restored to Mar upon his payment to the crown of a yearly stipend over a period of five years.³⁸¹ Mar was to receive a loan of 1,000 merks from the Scots king, to be paid back as £1000 – '33 per cent interest!' – and would recover his lands once the sum was repaid.³⁸² It is unsurprising that David should have used the situation to his advantage; the king may have felt that the imposition of a substantial fine may have finally brought the acquisitive earl to heel and provided an opportunity to cement crown authority in the area. That Mar felt he had been suitably chastised is suggested by the survival of a safe-conduct issued on 4 November 1362, in which Mar – alongside men such as the earls of March and Douglas – was to go on pilgrimage to Canterbury, followed by his prompt return to English service before February of the following year.³⁸³ It is unclear whether the pilgrimage had been planned prior to David's siege of Kildrummy, or whether the safe-conduct was requested 'as an act of contrition imposed in its wake.'³⁸⁴ As Gray suggests that Douglas rose against the king in the wake of Mar's near-forfeiture, it is tempting to suggest that the inclusion of the earl of Douglas meant that the safe-conduct was issued post-siege, and that William was seeking forgiveness for his actions against the king. However, though Gray's analysis suggests that Douglas' revolt had been swift, Penman dates Douglas' collusion with the Stewarts and the earl of March to the weeks following the 9-10 March 1363. Furthermore, Douglas had been absent from central government since May 1362, when he last appeared as a witness to David's inspection of a charter in Edinburgh that month.³⁸⁵ Thus,

³⁷⁹ *RRS*, vi, 309-13.

³⁸⁰ Penman, *David II*, 276.

³⁸¹ That the towers of Kildrummy had been 'entrusted by the king to two Mar men he knew well, Walter Moigne and Ingelram de Wyntoun' is clear evidence of David's steady programme of patronage to significant Mar men since 1357. (Penman, *David II*, 275-7)

³⁸² *Ibid.*, 277.

³⁸³ *Ibid.*, 277n101.

³⁸⁴ *Ibid.*

³⁸⁵ *RRS*, vi, 306-8.

Douglas' issues with the king may have predated the siege of Kildrummy by up to three months, which might suggest that the safe-conduct had been issued prior to his exclusion from David's administration. However, David's treatment of Douglas' brother-in-law can hardly have commended the king to the Douglas earl, and Mar's treatment at the hands of the crown undoubtedly influenced Douglas' behaviour over the coming months.³⁸⁶

Thomas' movements in the years following his forfeiture are unclear. Certainly, as shown, he had returned to Edward's service by February 1363, but the threat that Mar might return to resume his feud with Keith, and the fractious nature of politics at this time, is suggested by the survival of an agreement between Sir William More of Abercorn and Sir Robert Erskine, whereby More was assured of Erskine's services in arbitrating any future disputes that may occur between More and the Steward, Mar, William Keith, Archibald Douglas, and even the kinsmen of Erskine himself ('within third or fourth degree').³⁸⁷ More was clearly preparing himself for an attack on all fronts; his political career and territorial accumulation had potentially put him at odds with the men listed in the document, so much so that King David may have felt inclined to intervene in More's affairs and offer him a more active role in royal politics.³⁸⁸ Certainly, More was to join David in London after November 1363 during the Scots king's renewed negotiations with England.³⁸⁹

That Mar may also have resurfaced during David's negotiations is suggested by his receipt of £66 13s. 4d. from Edward III 'as part of his fee for services in France' on 25 November.³⁹⁰ While Penman suggests that Mar's presence may have been a show of support for King David and his brother-in-law Douglas, there is no explicit reference to Mar as one of David's retainers. It is difficult to believe that Mar would have been readily supportive of David after his seizure of Mar's lands and castle just over a year earlier, and David's imposition of an exorbitant fine upon the earl, the repayment of which was a

³⁸⁶ Penman, *David II*, 283-95.

³⁸⁷ NRS GD124/1/516; Penman, *David II*, 299.

³⁸⁸ *Ibid.*, 299-300.

³⁸⁹ *Ibid.*, 300.

³⁹⁰ *Ibid.*, 302. The payment does not explicitly state that the sum was in return for his services in France, though its concurrence with Thomas' recent return from the Continent would suggest that this was the reason for Edward's payment. (*CDS*, iv, no.90)

condition of the recovery of his patrimony.³⁹¹ Instead, the Anglophile earl may have been preparing to establish his presence in England after his humiliation at the hands of the Bruce king, suggested by his receipt of a further payment of £66 13s. 4d. in February 1364 'by the hands of Thomas Balliol'.³⁹² Half-brother to Mar, Balliol had similarly been presented to Edward III at Newcastle in 1334 after the death of his father Donald (II) earl of Mar; his delivery of a payment to his half-brother Earl Thomas in 1364 indicates that the two men may have utilized Mar's presence in England as an opportunity to re-establish communication (perhaps with a shared interest in advancing their careers south of the border?).³⁹³ However, the fragility of their relationship is suggested by Balliol's receipt of a pardon on 30 October 1364 for the murder of one of Mar's servants, John of Mar, which may account for Penman's suggestion that Mar was 'reluctantly' continuing to serve the English king.³⁹⁴

Mar was to remain absent from Scotland until 26 July 1366, when he appears as a witness to King David's grant of the barony of Logie to his stepson, John Logie, in free barony and regality.³⁹⁵ The impetus for his sudden return to Scottish politics is unclear. As Mar's five year agreement concerning recovery of his patrimony was due to come to an end in 1367, it seems reasonable to suggest that Mar intended to return to Scotland to make sure that David followed through with his restitution. However, by 1368 Mar was to find himself at odds with the Scots king over David's management of his forfeited patrimony and the continued presence of David's men in the region, and his presence at Cavers (Roxburghshire) in May of that year alongside his brother-in-law Douglas, his

³⁹¹ See above, 121-3.

³⁹² *CDS*, iv, no.90.

³⁹³ See Appendix A: House of Mar. Both Penman and Amanda Beam have suggested that Donald (II) earl of Mar may have had an illegitimate child, Thomas, with a Balliol woman. Beam suggests that she may have been a cousin, 'through the Cavers Balliols', or an unidentified sister of Edward II. Her identity remains unknown. (Penman, *David II*, 47; A. Beam, *The Balliol Dynasty, 1210-1364* (Edinburgh, 2008), 214, 214n87) According to Beam, '[a] connection between the Cavers Balliols and the earls of Mar may be seen through the marriage of the widowed countess of Atholl, Isabella, to Alexander de Balliol of Cavers (d.c. 1311), the former chamberlain. Isabella's son from her previous marriage, John de Strathbogie (d. 1306), would later marry Marjory, daughter of Donald, earl of Mar (d. c. 1297)'. (See also A. Ross, 'Men for all seasons? The Strathbogie earls of Atholl and the Wars of Independence, c.1290-c.1335. Part 1: Earl John (1266x1270-1306) and Earl David III (c.1290-1326)', *Northern Scotland*, 20 (2000), pp. 1-30, 3-4) A 1368 charter by Thomas Balliol – with the consent of his brother, Thomas, earl of Mar – to William, earl of Douglas, of the lands and tenements of Yarlside and others in the barony of Cavers, would certainly support the Cavers connection. [*A. B. III.*, iv, 160]

³⁹⁴ *CDS*, iv, no.101; Penman, *David II*, 328.

³⁹⁵ *RPS*, 1366/7/19. Date accessed: 5 December 2016.

half-brother Balliol, and his knight John le Grant suggests that Mar was making a decisive break with David and his arbitrary approach to their relationship.³⁹⁶

Thomas' presence at Scone one month later represented a continuation of his tense relationship with David. The judicial proceedings of the June parliament indicate that David was faced with the unpleasant task of resolving numerous magnate disputes, while attempting to address the threat of violence from the north. That Thomas found himself involved in the resolution of the feud between the 'Angus men' John Brown of Midmar and Robert de Umfraville is unsurprising considering his marriage to the daughter of the previous earl of Angus. However, that William Keith the Marischal should be named guarantor to Umfraville, while Mar was named as guarantor to his opponent, portrays the pervasive nature of the feud between Mar and Keith.³⁹⁷ It is interesting to note here that one of the few surviving charters by Mar's wife, Margaret Countess of Mar and Angus, was granted c.1368, to John Sinclair of Herdmanston. That the only surviving charter of Countess Margaret's whilst married to Mar was to her Sinclair kin suggests that Margaret may have been preparing herself for a potential fallout between Mar and the king, and may have looked to her family in East Lothian for support for her and her husband.³⁹⁸ However, attempts to fully understand and recount the complex relationship between David and Mar are frustrated by the complexities of Scottish politics itself during this period. For example, though Mar's presence at Cavers suggested a break with David and his administration, his role as guarantor for Brown of Midmar does indicate that David still expected him to play a role in the governance of the kingdom, or at least the resolution of the disputes which were disrupting David's attempts to prepare for the eruption of violence in the north. Further, parliamentary recognition that peace with England was no longer viable, and the welcome suggestion of the resumption of war with their southern neighbour, led David to proclaim that the Steward, Mar, John Stewart lord of Kyle and Robert Stewart lord of Menteith were expected to retain order in their localities 'according to the fealty and allegiance which they owe him [the king]'.³⁹⁹ Thus, though Mar

³⁹⁶ Penman, *David II*, 365. See Appendix C, charter 1.13 and 1.14 for John le Grant's appearance on the Mar witness lists.

³⁹⁷ *RPS*, 1368/6/18. Date accessed: 5 December 2016; Penman, *David II*, 366-7.

³⁹⁸ NRS GD267/27/67/664.

³⁹⁹ *RPS*, 1368/6/11. Date accessed: 5 December 2016; Penman, *David II*, 367-8.

may have been at odds with David, the Scots king clearly felt that his grievances were secondary to the defence of the realm and expected Mar to resume his role as a king's man in the north-east in the face of trouble from the north and renewed war with England, and Penman suggests that by 1368 David was beginning to realize that in order to reassert his authority in the face of renewed war with England amid the collapse of any potential peace settlement, he would have to change his ways. David's preparation for an annulment of his marriage to the unpopular figure of Margaret Logie portrayed a man who might finally be willing to take the needs of the community into account. Mar was present to witness David's grant to John Stewart and his wife Annabella of the earldom of Carrick on 22 June 1368, an attempt by the Scots king to 'salvage something from the stagnation of the royal marriage and crown policy between 1364 and 1368' and his next appearance at the March parliament in 1369 as one of a large group of prominent lords chosen to 'discuss the general business' is argued by Penman to be 'a telling ranking of the realm's important men at this time.'⁴⁰⁰ That Mar was included in this important line up indicates that as before, Mar's fractious relationship with David was temporarily secure in the face of internal political instability. That this was a result of Mar's significance is suggested by reference to his lands and lordships in the parliamentary legislation concerning the pacification of the highlands. The estates had ordained that the Steward and his sons should 'answer . . . for the earldoms of Strathearn, Atholl and Menteith, and for all their other lands and lordships within the highland regions' and ensure that 'the peaceful and just men living within their said earldoms, lands and lordships [should] do full justice without delay and prevarication to transgressors.' Similarly 'the lords [Thomas], the earl of Mar, and [William, the earl of] Ross, John de Lorne, Gillespic Campbell and others, should bind themselves in a similar way to all and each of the foregoing for everybody existing or who could in the future come within their lordships, lands and bounds.'⁴⁰¹ The open-ended nature of this mandate portrays the perceived severity of the situation faced by the realm, in that the king and his estates were attempting to secure long-term assurances from these lords concerning the loyalty of these localities and their role in the defence of the kingdom and

⁴⁰⁰ *RPS*, 1368/6/18. Date accessed: 5 December 2016; Penman, *David II*, 369-70.

⁴⁰¹ *RPS*, 1369/3/5. Date accessed: 5 December 2016.

pacification of the Isles men.

Thomas was named as a witness to letters agreeing to a truce with England on 20 July 1369, and thus it is unsurprising that Thomas (described by Penman as the ‘out-of-favour’ earl of Mar) should have returned to English military service between October 1369 and April 1370.⁴⁰² Listed as having been ‘contumaciously absent’ from the parliament of January 1370, David had clearly felt that the time had come to make a decisive move against the recalcitrant earl, and by the summer Mar had been imprisoned by the king on the Bass Rock in the Firth of Forth.⁴⁰³ While the earl may have finally pushed David too far, the location of his imprisonment – so close to the caput of his brother-in-law and even the East Lothian affinity of his Sinclair wife – is argued to represent a forced compromise, whereby David’s administration may have advised the king to reach a settlement with Mar which would avoid the full forfeiture of this prominent magnate.⁴⁰⁴ Mar’s imprisonment was brief, and his appearance at Perth in October as a witness to a royal charter could also suggest that it had been David’s intention to use imprisonment as a means of finally bringing the earl to heel, and that he had never intended for Mar’s imprisonment to last longer than a few months, explaining Mar’s placement so close to his kin in East Lothian. As Penman argues, ‘the cold fact was that by then both the king’s determination to prevail and the earl’s anger may have been tempered, respectively, by the resignation of mortality and the expectancy of relief.’⁴⁰⁵ David’s failing health may have inspired the king to finally resolve the ‘Mar problem’, and Mar’s release could indicate David’s appreciation of the earl’s importance as both ‘heir to the kingship after the Stewarts’, and a figure who was capable of influencing the political choices of the new king.⁴⁰⁶ After all, at the heart of the king’s fractious relationship with the ageing earl of Mar was the memory of a young lord who had returned to Scotland in 1349 as a guardian in David’s absence, a committed king’s man and Anglophile until the personal ambitions of both men saw the deterioration of an otherwise promising political partnership.

⁴⁰² Penman, *David II*, 389.

⁴⁰³ *Ibid.*, 406.

⁴⁰⁴ *Ibid.*

⁴⁰⁵ *Ibid.*

⁴⁰⁶ *Ibid.*, 410.

Upon the death of David II in 1371 and the succession of Robert Stewart as Robert II, Mar seems to have withdrawn from the centre of Scottish politics. Though Thomas witnessed a number of Robert II's early charters, he seems to have retired to his lands in the north-east by 1 June 1372, where he would remain until his death in 1377.⁴⁰⁷

William 1st earl of Douglas and Mar

The death of Thomas earl of Mar in 1377⁴⁰⁸ signalled both the demise of the direct male line of the native earls of Mar, and the instigation of Douglas control over this significant Scottish earldom. Without a surviving heir from either of his marriages, possession of the earldom fell to Thomas' sister Margaret, now Countess of Mar, wife of Sir William Douglas, 1st Earl of Douglas and Mar. However, while William's investiture as the new earl of Mar by right of his wife may have provided a secure male leader for these northern estates, Thomas' death symbolized the beginning of a difficult period in Mar's history; from 1377 until 1435, failures in the male line saw the earldom narrowly avoid extinction through survival in the female line (namely Margaret, sister of Thomas, and later Isabella, sister of James Douglas 2nd Earl of Douglas and Mar) and their marriages to prominent local lords. However, the death of Alexander Stewart in 1435, as second husband to Countess Isabella, saw the final demise of the comital family, and the earldom passed to the crown in spite of the rights of the Erskine family to succeed to the title.⁴⁰⁹ Crown possession of Mar from 1435 saw the earldom become the traditional gift to the youngest royal male heir, and in a manner reminiscent of the childless marriages of the previous earls and countesses from the late fourteenth century onwards, 'it was bestowed in about

⁴⁰⁷ There has been debate concerning the dating of Thomas' death, discussed below in much greater detail, 119-20. It is argued in this thesis that Thomas died not in 1374, as is often suggested, but 1377.

⁴⁰⁸ As opposed to the date of 1374 proposed by Grant. (A. Grant, 'Extinction of direct male lines among Scottish noble families in the fourteenth and fifteenth centuries' in K.J. Stringer (ed.) *Essays on the Nobility of Medieval Scotland*, (Edinburgh, 1985), pp. 210-231, 212)

⁴⁰⁹ Though the Lyle family laid claim to half of the Mar inheritance, like the Erskines, it is unclear if they were also in pursuit of the dignity of 'earl'. As discussed below, it may be that the Erskine claim was senior to that of the Lyles. However, whether either family would have had a right to style themselves 'earl' upon possession of only *half* an earldom is debateable. It should also be noted that, unlike the Erskines, there is (as yet) no documentary evidence outlining the antiquity of the Lyle claim. Indeed, the first explicit reference to their claim is in 1444. (NRS GD124/1/155) However, the general sparsity of evidence concerning the Lyle family makes it likely that evidence of their claim may have existed, but is – at present – lost. (See chs. 3 and 4, *passim*.)

1458 on James II's youngest son, who died childless in 1480, and then in 1486 went to James III's youngest son, who also died childless in 1503.⁴¹⁰

While recent historiography acknowledges that William held the title in right of his wife Countess Margaret, this assumption has been scrutinized by William Fraser (*The Douglas Book*, 1885), a scrutiny that unsurprisingly finds its roots in the arguments presented in his publication concerning Lord Kellie's challenge to the Mar succession in 1867.⁴¹¹ Thomas' failure to produce an heir with either of his wives, and the lack of any surviving male relatives, meant that his inheritance would pass to his only surviving sibling Margaret of Mar, Countess of Douglas. This should not have been a cause for alarm. There would be no concerns surrounding Margaret's appeal in the marriage market as the heiress of the ancient dignity of Mar; sometime before 1357, Margaret had married William, Lord of Douglas, with whom Thomas maintained a cordial relationship. Furthermore, though Fraser argues that the earldom may not have fallen to Margaret without Thomas' direct intervention, there is no evidence to suggest that Margaret would not be recognized as the rightful heretrix.⁴¹² Female succession to significant territories in Scotland prior to the 1370s was not uncommon; see, for example, the succession of Isabella, Ferelith and Ada to the thirteenth century earldom of Atholl, or the succession of Margaret/Marjorie to the earldom of Carrick upon the death of Earl Neil in 1256. Even the apprehension caused by David II's treatment of the earldom of Moray in 1359 in an attempt to lay the foundations for the displacement of the Stewart succession had proved futile considering the succession of Robert II to the throne of Scotland.⁴¹³ Rather, Fraser's arguments echo the controversial rulings made by Lord Camden and Lord Hardwicke in the nineteenth century (in the cases of the earldom of Sutherland and Cassillis respectively) that 'no charter of a "comitatus," or comital fief, which does not specify the title of honour, shall be understood to convey it' and that 'when the limitation of a title of honour does not appear from charter or patent, the presumption shall be held

⁴¹⁰ Grant, 'Extinction of direct male lines', 212.

⁴¹¹ Fraser, *Douglas*, i, 270-1.; W. Fraser, *Memorial of the right of Walter Coningsby Erskine, Earl of Kellie . . . to the titles, honours and dignities of Earl of Mar and Lord Garioch in the peerage of Scotland* (Edinburgh, 1867), *passim.*; *SP*, v, 585-6. Fraser's support of Coningsby's claim to the Mar estates through the male line (and his formation of a defence) may have led him to apply his findings from 1867 to the instance of female succession to Mar in 1377.

⁴¹² Fraser, *Douglas*, i, 271.

⁴¹³ See above, 109-10, for a discussion of the implications of David II's treatment of Moray.

to be in favour of heirs-male of the body of the grantee'.⁴¹⁴ These proposals seem to have inspired Fraser to suggest that the absence of an instrument of creation which allowed for female succession would have led to the extinction of the earldom due to the failure in the male line and the absence of any heirs-male.

Questionable pronouncements aside, Fraser continues his analysis by suggesting that the probability of a female succession pushed the earl to pursue an alternative arrangement with William in the event of his death without a male heir. It is perhaps the perceived cordiality between Douglas and Mar which has led Fraser to suggest that although no evidence survives, 'the facts and circumstances show' (?) that Thomas must have settled the succession to his estates on his brother-in-law William in the event of his death without issue. In addition to securing Thomas' estates, William would receive a regrant of the title of Mar, making William the earl of Douglas and Mar, with 'the latter dignity dating from the new and not the original creation'.⁴¹⁵ Thus, William's investiture as earl of Mar was to represent a new creation of this ancient dignity, rather than a continuation. This arrangement 'was to be followed on the part of Thomas by a formal resignation of his earldom and dignity in the hands of King Robert the Second, and by a regrant in terms of the arrangement.'⁴¹⁶ Fraser argues that the placement of 'Mar' after that of 'Douglas' in Douglas' newly formed double title supports this. The dignity of Earl of Douglas 'was then the most modern dignity with the rank of Earl', with William Douglas being the first of his family to hold that rank, created on 26 January 1357-58.⁴¹⁷ Despite this, the title of Mar, which should have preceded the title of Douglas, is placed after it. This style is emulated by Thomas' sister upon the death of her husband William, and also by their son James, second earl of Douglas and Mar. Further, the surviving seals used by both William and James place the armorial bearings of Mar in the second and third quarter of the shield, while the Douglas bearings take pride of place in the first and fourth. This is argued by Fraser to denote the superiority of the Douglas arms, implying that 'the title of Mar, as possessed by

⁴¹⁴ A. Crawford, earl of Crawford and Balcarres, *The Earldom of Mar in Sunshine and in Shade During Five Hundred Years*, 2 vols (Edinburgh, 1882), i, 8-9.

⁴¹⁵ Notice here how Fraser makes explicit reference to the probable existence of a regrant of the title alone, something that does not seem to have been necessary in other contemporary events of succession.

⁴¹⁶ Fraser, *Douglas*, i, 270-2

⁴¹⁷ *Ibid.*, 274.

William earl of Douglas, was junior to his recently created dignity of Douglas'.⁴¹⁸ Furthermore, the only surviving son of William and Margaret, James, second earl of Douglas and Mar, retained the double title of Douglas and Mar while his mother was alive, indicating that James held the title directly from his father, whom he succeeded.⁴¹⁹ The final argument put forward by Fraser uses Margaret's second marriage to Sir John Swinton of Swinton, and his possession of the title of 'lord of Mar', rather than earl. This, argues Fraser, indicates that Swinton's rights over Margaret's estates were held *jus mariti*, rather than *de jure*. This situation is echoed during the reign of Isabella, Countess of Mar, whose husband Malcolm would retain the title of 'lord' of Mar, but not earl.⁴²⁰

While persuasive, these arguments are unfounded; no evidence survives to suggest that Earl Thomas ever entered into an agreement with William concerning the succession to the earldom of Mar. Further, although no parliamentary records for the reign of Robert II survive between 1373 and 1378, one would expect that an agreement of this magnitude would have made an appearance in the personal charters of either the Douglas or Mar kindred, while the lack of ratification from successive Scottish monarchs highlights the spurious nature of Fraser's claims. In fact, considering that Fraser believed that Margaret would have failed to inherit due to the absence of an instrument of creation, it seems both ridiculous and hypocritical that he should suggest that 'facts and circumstances' show that William received a regrant of Thomas' estates into a new earldom of Mar when there is no evidence that this occurred. Furthermore, one would expect such a theory to have made an appearance in the succession debate of 1875; if – as Fraser asserts – Thomas earl of Mar and Robert II acknowledged Douglas' receipt of a new creation of the earldom of Mar, then this would imply that the ancient earldom of Mar ceased to exist upon conclusion of the agreement. However, the report of 1875 states only that the ancient earldom ceased to exist as an ancient dignity in 1435, upon the escheatment of the earldom of Mar to King James I.

The date of William's succession to the earldom of Mar has been debated,

⁴¹⁸ *Ibid.*

⁴¹⁹ *Ibid.*, 270. This is disputed below, 139-40, based on charter evidence which would seem to suggest that the title reverted to James' mother Margaret upon his death in 1388, which would indicate that he held the title in right of Margaret, countess of Mar and Douglas.

⁴²⁰ See Chapter Three: The Last Countess and the 'lord of Mar' 1388-1402, *passim*.

as the date of Thomas earl of Mar's death has never been firmly ascertained. Fraser states that Douglas was styling himself earl of Douglas and Mar as early as 21 June 1374, in a letter outlining William's grant of the advowson of the church of Cavers to the Abbey of Melrose.⁴²¹ Though the original letter outlining William's intentions has been lost, a 1401/1402 transcription exists in the *Liber Melros*, which seems to indicate that Douglas styled himself 'Willelmus Comes de Dowglas et de marre ac d[omi]n[us] Baronie de Cauerys'.⁴²² However, if William had adopted the title in 1374, it does not account for the delay between his use of the title in 1374 and his first known involvement in the earldom, a charter granting the lands of Easter Fowlis to James Mowat on 22 July 1377.⁴²³ Only one month prior to this grant, William was listed as a witness to a crown charter to Thomas Hay, constable of Scotland, dated June 1377, bearing the title of 'earl of Douglas', not 'earl of Douglas and Mar'.⁴²⁴ This, combined with Margaret Dowager Countess of Mar's receipt of her terce settlement only eight days prior to William's first designation as 'earl of Douglas and Mar', would suggest that Thomas earl of Mar was alive in June and dead by July. Boardman supports this, stating that the presence of Robert II in Mar in July/August 1377 coincides with William's receipt of the earldom on or around 26 July 1377.⁴²⁵

While the survival of Thomas' sister Margaret facilitated William Douglas' succession to the title of earl of Mar, Thomas' widow Margaret retained an interest in her northern estates after the death of her husband, enabled by her receipt of her terce lands in Mar. Dated 14 July 1377, the letter outlining her terce settlement (encompassing lands drawn from the three main lordships of Mar and the lordship of Garioch) suggests an attempt to provide Margaret with a terce that was geographically diverse, spanning the length of her husband's estate.⁴²⁶ The value of these properties is difficult to determine; while many of the lands listed within the document can be identified with confidence as having

⁴²¹ Fraser, *Douglas*, i, 264.

⁴²² *Melr. Lib.*, ii, no.502

⁴²³ Fraser, *Douglas*, iii, 361-2.

⁴²⁴ NRS RH1/6/39a.

⁴²⁵ S. Boardman, *The Early Stewart Kings: Robert II and Robert III 1371-1406* (East Lothian, 1996), 81n58.

It should be noted, however, that a charter contained within the *RMS* dated in August 1377 lists Earl William as 'Willelmo de Douglas', not Douglas and Mar. As this was granted after William's charter to Mowat, and the suggested date upon which he received his earldom, we must remain cautious about placing an exact date upon his elevation to the earldom, or question the swiftness with which the settlement was concluded. (*RMS*, ii, no.658)

⁴²⁶ Fraser, *Douglas*, iii, 24.

belonged to the earldom of Mar (particularly from the early fourteenth century onwards), there remain fifteen landholdings which are not referred to in any of the charters examined for this thesis.⁴²⁷ Additionally, while the accounts contained within the *Exchequer Rolls* provided a distinctly uniform depiction of the lands contained within each Mar lordship, the settlement of 1377 does not explicitly identify any of the Mar lordships.⁴²⁸ Thus, the inclusion of landholdings such as ‘Gleneglys’, ‘Dromy’ and ‘Calaver’ – making their first and last appearances in this document – could suggest that the fourteenth century earldom of Mar was more extensive than its fifteenth century counterpart.

Less than four years after Margaret’s receipt of her terce lands, she had exchanged her territorial rights for an annuity of 200 merks. The recipient of these rights was her brother-in-law William, now earl of Douglas and Mar. Boardman suggests that the 1381 settlement represents the dowager Countess’ intention to retreat from Mar, as Margaret had granted not only her terce lands but her lifetime rights to the earldom. Further, Margaret’s decision to take up residence in William’s fortress of Tantallon five months after her gift to him seems symbolic of the close relationship that Margaret and William shared; by c.1380 Margaret and William had entered into an illicit affair which had produced a son, George (later 1st earl of Angus).⁴²⁹ Margaret’s relationship to William as sister-in-law to his wife (who was still alive at the time of their affair) rendered their union both adulterous ‘and, in canonical terms, incestuous’.⁴³⁰

The omission of certain landholdings contained within the 1377 description of Margaret’s terce lands in Mar from fifteenth and sixteenth century documents makes it difficult to assess the overall value of Margaret’s

⁴²⁷ Glengarachy, Newyth, Gleneglys, Ardach, Glenhey, Balcrosk, Forest of Glencaladore, Culclarachy, Auchorthy, Dromy, Calever, Ballydedyn, Tulyfowre, Hogtyrheyght, Cragachy.

⁴²⁸ While it is tempting to suggest that the omission of explicit reference to the Mar lordships indicates that the notion of ‘lordships’ within Mar was a purely fifteenth century construct, the existence of divisions within the earldom was evident as early as 1349 in the case of Strathdon (NAS GD124/1/113) and 1363 in the case of Cromar. (*RMS*, i, no.133)

⁴²⁹ Although we are unable to date George’s date of birth with any certainty, both Fraser and Balfour state that George was still in his minority on 10 April 1389, when he received the earldom of Angus from Robert II. (Fraser, *Douglas*, ii, 17; Fraser, *Douglas*, iii, no.296; *SP*, i, 172)

⁴³⁰ S. Boardman, ‘Lords and women, women as lords: The career of Margaret Stewart, Countess of Angus and Mar, c.1354-c.1418’ in S. Boardman and J. Goodare (eds.), *Kings, Lords and Men in Scotland and Britain, 1300-1625: Essays in Honour of Jenny Wormald* (Edinburgh, 2014), pp. 37-58, 46. Boardman draws attention to William’s reference to Margaret as ‘our systir’ in the obligation of 1381 outlining William’s receipt of Margaret’s terce lands in Mar in exchange for an annual sum of 200 merks. (See Fraser, *Douglas*, iii, no.36)

terce rights. However, the value of 200 merks outlined in the 1377 agreement, and Robert II's gift of an annuity of 200 merks sterling to William's son James (later second earl), to be taken from the customs of Haddington, just four days after Margaret and William's settlement of her terce rights could, as argued by Boardman, suggest that this was viewed to be the value of these northern lands.⁴³¹ However, when the 1377 terce landholdings which are known to have been in Mar in the fifteenth and sixteenth centuries are consulted against the rental values provided in the Exchequer account of 1451, the total value suggests that an annuity of 200 merks was an inaccurate appraisal of their worth. The lands listed in the 1377 settlement are as follows: In Mar – Glengarachy (*Glengarry?*), due Inueraty (*two Invers – unidentified*), Culgary (*Culquharry?*), Newyth (?), due Argethys (*Argeith?*), Balnaboth de Glenbuchet (*Balenaboth – one of two*), et Balnaboth de Kynbethok (*Balenaboth – one of two*), Kynclune (*Kinclune*), Westyrcloueth (*Wester Clova*), burgum de Kyndromy (*burgh of Kildrummy*), due partes de Contellach (*Contlach*), Gleneglys (?), Ardach cum pertinenciis (*Ardoch*), Glenhey (*Glen Ey*), Auchyndrayn (*Auchindryne*), Cambosnakyst (*Camusnakist – obsolete*), Iuerhanowyk (*Inverchandlick*), Ercodil (*Invercauld?*), Kelauch (Keiloch), Pethnamone (Petnamone), Dauauch (Daugh),⁴³² Menach (Daugh), Kyncragy (*Kincraigie*), Tulyprony (*Tillypronie*), Balcrosk (?), Grody (*Groddie*), Kynnaldy (*Kinaldie*), Estyrmygve (*Migvie*), Foresta de Glencaladore (*Glen Callater*), Glennochty more (*Glen Nochty*),⁴³³ and Glennochty beg (*Glen Nochty*). Lands in freehold – Burkys (Brux), Nethirtolly (*Nether Towie*), Abirzelly (*Abergeldie*), Culclarachy (?), Auchorthy (*Auchorthies*), et Dromy (*Drummie*), Calever (?), Ballyndedyn (?), due Fowles (Foulis), Tulyfowre (*Tilliefoure*), Hogtyrheyght (Ochtirecht), Dursale (*Dursale – obsolete?*), Auchlown (Achsloune?), and Esbachlach (Archballoch). Margaret was also awarded the annual rent of Cragachy (?), Balchane

⁴³¹ It should be noted that Boardman states that there is no indication that James' annuity was used as payment to Margaret for her rights, but the gift of a royal pension 'to be raised from a burgh conveniently near Tantallon' (Margaret's new residence) could suggest William's intention to use this royal pension as a means of 'fulfil[ling] their financial obligations to Countess Margaret.' (Boardman, 'Lords and women', 46)

⁴³² In those documents concerning the barony of Forbes in the fifteenth century, 'Davach' and 'Menach' are combined to form 'Davach Manach', which has been identified as 'Daugh' in publications concerning the place-names of West Aberdeenshire. (Cf. 'Daugh' in J. Macdonald, *Place Names of West Aberdeenshire*; A.W.M. Alexander, *The place-names of Aberdeenshire*) See Appendix D.

⁴³³ These are no longer separate landholdings. See Appendix D.

(*Buchaam/Balquhain?*) and Dromy (*Drummie*). Of these lands, seven are listed as having been located within the lordship of Strathdon by 1451; Culgary, Balnaboth de Glenbuchet, Balnaboth de Kynbethok, Kynclune, Westyrcloveth, burgum de Kyndromy, and due partes de Contellach. If we also assume that ‘due Argethys’ becomes the singular ‘Ardgith’ (Ardgeith) of 1451, then this total may be raised to eight. In the rental account of 1451 compiled by Master Richard Forbes, Chamberlain of the earldom of Mar, the values of the seven Strathdon landholdings are as follows: Culquhary £3; Balenaboth (of G.) £4 13s. 4d.; Balenaboth (of K.) £5; Kinclune £4; Wester Clova £5; burgh of Kildrummy 40s.; and (the now singular) Contlach £6. In total, the value of these Strathdon landholdings (without Ardgeith) is £29 13s. 4d. If we are to include the rental of Ardgeith, valued at £5 in 1451, then this total raises to £34 13s. 4d., Of the remaining landholdings three are listed as having belonged to the lordship of Strathdee in 1451;⁴³⁴ Auchyndrayn, Inverchanowyk and Kelauch. Their respective values are as follows: Auchindryne 50s.; Inverchandlick 26s. 8d.; and Keiloch £5. There exists, from 1455 onwards, reference to a Cambuskyst belonging to the lordship of Strathdee and later Braemar. However, in 1451 this landholding (listed as waste land, thus valueless – ‘*nichil*’) was ascribed to the lordship of Mukwale, which ceases to exist as a lordship in 1455.⁴³⁵ In total, the value of the Strathdee landholdings is £8 16s. 8d. Finally, three of the remaining terce lands can be identified as having belonged to the lordship of Cromar in 1451: Kinraigie, Tillypronie, and Estir Migvie. Their values in 1451 are as follows: Kinraigie £10; Tillypronie £6; and Estir Migvie £4. In total, the value of these Cromar landholdings is £20. When these values are combined, the fifteenth century value of those landholdings which can be identified in Margaret’s 1377 settlement is £63 10s.⁴³⁶ When converted, the total value of these lands is just over 95 merks. If we add to this the rent of ‘Balchane’ (similar to various spellings of the Strathdon landholding ‘Buchaam’⁴³⁷), valued in 1451 at £5 6s. 8d., this total rises to just over 103 merks. This total, drawn from the

⁴³⁴ These lands were later transferred to the newly recognized lordship of Braemar following the decline of the lordship of Strathdon in the early sixteenth century. See above p. 39-40 and Appendix D: Lordship of Braemar for further detail.

⁴³⁵ This may explain why Camusnakist is attributed to Strathdee/Braemar from 1455 onwards, portraying the fluidity of these lordships and their ability to adapt to abrupt territorial changes.

⁴³⁶ This total includes the 5*l.* value of Ardgeith.

⁴³⁷ See Appendix D: Lordship of Strathdon for various spellings of Buchaam.

identification⁴³⁸ of sixteen of the forty-five landholdings contained within the 1377 settlement, could indicate that the value of 200 merks exchanged for Margaret's terce rights in Mar may have fallen short of their real value, even allowing for inflation. However, this assumption rests on the belief that the remaining landholdings had a combined worth of just under 100 merks; without confident identification of these fourteenth century landholdings or their fifteenth century rental values, this cannot be determined.

Little is known of William's movements in Mar after 1377. Documentary evidence seems to suggest that Douglas retained a much more active interest in his southern estates, **demonstrated by** the absence of focussed attention paid to Douglas' northern territories by Brown in his work on the Black Douglases from the fourteenth to fifteenth centuries.⁴³⁹ However, Boardman's discussion of William's eagerness to reach a settlement with Margaret Dowager Countess of Mar in the wake of her terce settlement suggests that William recognized the importance of this significant acquisition in the north-east (much like his daughter Isabella would come to do in 1391). Margaret was certainly receptive to William's interest in her share of Mar, and Margaret is found in residence at Tantallon Castle, the seat of the Douglases, by January 1379. Just two years later, Margaret had exchanged her terce rights in Mar for 200 merks, marking an official cessation of involvement in her northern estates. The backdrop to (and motivation behind?) these significant settlements and exchanges was an illicit affair between Margaret and William; Margaret, a widow at a young age, displays in these arrangements an ability to use her position as a wealthy widow to forge political connections with Douglas, one of the most powerful lords in the kingdom. Douglas, a marcher lord and a key political player, the first earl of Douglas, whose political and familial connections south of the Mounth went on to significantly influence local politics in the north east after his death in 1384, could provide Margaret with direct access to her Sinclair affinity in East Lothian.

As discussed above, William's movements between 1377 and 1384 – and the dearth of charter evidence relating to Mar – suggest a greater focus on his southern estates, inspired by the fractious nature of Anglo-Scottish relations

⁴³⁸ Including Ardgeith and Buchaam ('due Argethys' and 'Balchane').

⁴³⁹ M. Brown, *The Black Douglases: War and Lordship in Late Medieval Scotland 1300-1455* (East Lothian, 1998).

throughout this period. According to Fraser, William became sick with fever whilst returning to Douglas after his recovery of Teviotdale from the English in 1384. Just three months after this final military foray, William died, buried at Melrose at the beginning of May.⁴⁴⁰

James Douglas, 2nd earl of Douglas and Mar

An assessment of James, 2nd earl of Douglas and Mar, is hindered by the dearth of evidence pertaining to his brief career. Having succeeded his father William upon his death in 1384, James would die just four years later at the battle of Otterburn in 1388, rendering an assessment of his character and his impact on the development of Mar almost impossible.⁴⁴¹ Though succeeding his father in 1384, the dignity of ‘earl of Mar’ was omitted from his official title in the first formal document concerning his newly acquired earldom. The charter, dated 3 April 1385, outlines the infeftment of John Bentley in a ten pound land in the earl’s barony of Strathalva.⁴⁴² However, that the charter was issued ‘[*q*]uia concessimus ad instantiam karissime matris nostre Domine Margarete comitisse de Douglas et de Marr (granted at the request of our dear mother Lady Margaret countess of Douglas and Mar)’, and the omission of the dignity of Mar from James’ title, suggests that the earl’s authority in the earldom was secondary to his mother’s.⁴⁴³ The second and final personal charter of James, earl of Douglas (now styled earl of Mar) was to the abbey and convent of Melrose. The charter granted the patronage or advowson of the church of Great Cavers, with the glebe and the chapel, ‘reserving to himself the right of one presentation to the rectory of the said church.’⁴⁴⁴ Granted on 27 July 1388, just nine days prior to his death at the battle of Otterburn, the charter was a confirmation of a similar grant made to the abbey by his father William in 1358. The nature of the gift, and its issuance from his manor of Etybredshiels, suggests that James may have been providing for his soul in the event that he

⁴⁴⁰ Fraser, *Douglas*, i, 286.

⁴⁴¹ Indeed, Fraser would have been better served providing a fuller account of his sister, Isabella.

⁴⁴² *A. B. Ill.*, iv, 728.

⁴⁴³ This is further suggested by the presence of Malcolm Drummond and John Swinton, rather than men associated with Mar during the career of Earl Thomas. Whether this is simply an indication of Margaret’s seniority in Mar in 1385 is unclear. While tempting to suggest that the ‘community’ had dispersed in the wake of a Douglas succession, the absence of known Mar men from the witness lists cannot be accounted for without further investigation into their movements during this period.

⁴⁴⁴ J. Morton, *The Monastic Annals of Teviotdale: Or, the history and antiquities of the abbeys of Jedburgh, Kelso, Melros, and Dryburgh* (Edinburgh, 1832), 272.

fell at Otterburn. That he chose to confirm his father's gift to Melrose, where William was buried, suggests that James was aware of the dangers he was to face in the coming weeks. Upon his death in battle, James was conveyed to the abbey to join his father, and was 'buried under a tomb of stone, over which his banner was left to wave.'⁴⁴⁵

⁴⁴⁵ Fraser, *Douglas*, i, 315.

Chapter Three

Politics (II): The Fortunes of Mar 1388-1408

The Last Countess and the ‘lord of Mar’ 1388-1402

Isabella Douglas, upon the death of her brother James, 2nd earl of Douglas and Mar, came into possession of various unentailed estates that had belonged to her father. Largely ignored in the Douglas historiography, Fraser’s *Douglas Book* dedicates a meagre three pages to her career, appended to his analysis of the career of her father William and her mother Margaret Countess of Douglas and Mar.⁴⁴⁶ His swift procession to an examination of the career of Sir Archibald Douglas, 3rd earl of Douglas, Lord of Galloway, James’ successor in Douglasdale ‘and other family estates’, indicates that the northern holdings gained by William 1st earl remained secondary to the core Douglas territories, despite their importance. Isabella, however, fully appreciated their significance, particularly in the wake of her husband’s failed attempts to lay claim to the main Douglas inheritance after 1388.

While the presumption has been that the earldom of Mar passed to Isabella in 1388 as part of the unentailed Douglas estates, evidence suggests another possibility: that the earldom temporarily reverted back to James’ mother Margaret. This is certainly implied by the language used in a document dated 18 March 1390/91, in which Sir Thomas Erskine approached Robert III upon the hill at Scone and made protest concerning the actions of Isabella and her husband, Malcolm Drummond.⁴⁴⁷ In it, Drummond is not styled ‘lord of Mar’, nor is Isabella styled ‘Countess’. Indeed, when Erskine refers to Isabella in the document, he refers to her as ‘heir’ to the earldom and lordship, indicating that Margaret had resumed possession of it upon the death of her son Earl James.

According to the protest, Malcolm Drummond had entered into a contract with Sir John Swinton concerning the lands of the earldom of Mar and the lordship of Garioch. Isabella’s mother, Margaret Countess of Mar, had married Swinton as her second husband. Though we cannot be sure when the marriage took place, it was most likely after the death of Earl James in 1388.

⁴⁴⁶ *Ibid.*, 288-90.

⁴⁴⁷ NRS GD124/1/118.

The death of her only son must have impressed upon Margaret the precariousness of her situation. Without a male heir, the aging countess would be a prime target for acquisitive nobles looking to gain access to her significant estates. Such a prospect, in fact, may have influenced her choice of suitor. Swinton had marked himself out in his early career in England as a formidable force on the battlefield, a man whose martial prowess had allowed him to carve a lucrative career as a retainer for John of Gaunt, son of Edward III.⁴⁴⁸ Upon his return to Scotland in 1377 or 1378 with a retinue of 60 men, Swinton established a cordial relationship with William, earl of Douglas and Mar. Thus, Margaret had chosen a nobleman who had been an ally of her husband, who possessed both military experience and a considerable personal following. Indeed, the actions of Countess Margaret provide an interesting parallel to those of her daughter Isabella in 1404. Isabella's pursuit of a second advantageous marriage to a well-established Gaelic warlord after a sustained period of external control in Mar may have been inspired by her mother's independent approach to lordship after the death of her son in 1388.⁴⁴⁹

No record of a contract between Drummond and Swinton is currently known to exist. However, we can assume (by Erskine's swift reaction) that the contract (if there was one) was deemed prejudicial to Erskine's plans to succeed to half of the lands of Mar and Garioch through his wife Janet Keith (who – as great-grand-daughter of Donald earl of Mar – claimed to be the nearest heir of the still childless Isabella Douglas). Considering that Isabella and her husband had failed to produce an heir, the conditions of the arrangement between Swinton and Drummond may have provided for the reversion of these interests to the Swinton family should Isabella die without a legitimate heir to the Mar estates.⁴⁵⁰

Surviving documentation from the years following Isabella's receipt of Mar upon the death of her mother c.1391 depicts a clear attempt to consolidate her authority in the earldom, bartering her inherited Douglas lands to piece Mar back together and divert Angus and Douglas attention away from her northern estates. According to a charter by James of Sandilands, Lord of Caldor to George

⁴⁴⁸ See G.C. Swinton, 'John of Swinton: A Border Fighter of the Middle Ages' *SHR*, 16 (64), (July 1919), pp. 261-279, *passim*.

⁴⁴⁹ See below, 145-73, *passim*.

⁴⁵⁰ For a discussion of the claim to Mar's other half, see 211-243, *passim*.

Douglas earl of Angus between April and May 1397, Isabella's territorial gains in the wake of her brother's death had been substantial. Sandilands' charter, a resignation of any future claims to Isabella's unentailed estates should she die without an heir, lists them thus: the barony of Cavers, the sheriffship of Roxburgh with custody of the castle, and all fees pertaining to the said office, with the pertinents; the whole lordship of the town, castle and forest of Jedworth (now Jedburgh), with the lands of Bonjedward; the whole lordship of Liddesdale with pertinents, in the sheriffdom of Roxburgh foresaid; the whole town of Selkirk, annual rents and services of the freeholders, in the sheriffdom of the same; the regality and superiority and services of the freeholders of the barony of Buittle and of Drumlanrig, with pertinents, in the sheriffdom of Dumfries; the whole annual rent of 200 merks annually received [?] from [?] the burgh and great customs of Haddington in the sheriffdom of Edinburgh; the whole lands and rents of 'Doune Buk, Cabrach and Cloveth', with pertinents, in the sheriffdom of Banff, with succession of the barony of Tillicoultry lying within the sheriffdom of Clackmannan.⁴⁵¹ However, the actions of Sir Malcolm Drummond of Concraig (Isabella's first husband) in the wake of James Douglas' death in 1388 centred on a desire to augment this even further by pushing for possession of the main Douglas estates. According to Brown, Drummond retained the strongest claim to these estates as the husband of Countess Isabella, the only sister of the deceased James Douglas.⁴⁵² The strength of this claim led Drummond to push for full recognition of their right to the entire Douglas inheritance. Boardman argues that Drummond likely received a precept of sasine for the lordship of Selkirk – 'the first step in obtaining full, legal possession of property' – prior to 1390, and his close relationship with Robert II's eldest son John Stewart, earl of Carrick, in control of royal affairs since 1384, enabled Drummond to retain precedence in the fight for the Douglas estates. Drummond's claim, however, was contested by Archibald Douglas lord of Galloway, and the collapse of Carrick's lieutenancy and the emergence of his brother Robert earl of Fife as guardian led to Archibald's ascendancy south of the Forth and the de facto deliverance of the Douglas inheritance'.

The collapse of Carrick's lieutenancy, and Fife's subsequent ascendancy,

⁴⁵¹ Fraser, *Douglas*, iii, no.43.

⁴⁵² Brown, *Black Douglasses*, 77.

led to the ‘disintegration’ of Drummond’s position and his retreat from central government while he reassessed his position. Official recognition of Drummond’s failure to secure the Douglas inheritance is contained in the parliamentary records of 1389, when chancellor John Peebles, bishop of Dunkeld was deemed to have ‘erred negligently in releasing letters of sasine from the king’s chapel’ to Drummond concerning his rights to the forest of Selkirk, a sasine which had so recently seemed indicative of a territorial windfall through the acknowledgement of Isabella’s rights to the Douglas inheritance. By 2 April 1389, Malcolm’s rights had been ‘withdrawn and revoked by decret of parliament [...] adjudged to be thoroughly invalid and void’.⁴⁵³ Archibald Douglas and James Douglas of Dalkeith had won the right to succeed to the Douglas estates.

Though little documentary evidence survives between 1389 and 1395 to suggest how Malcolm and Isabella may have proceeded in the wake of their failure to secure the Douglas patrimony, that Malcolm’s defeat had led to a shift of focus to Mar is evident in his receipt from Robert III, in 1390, of a licence to build a tower or a fortalice at Kindrochit.⁴⁵⁴ While Isabella and Malcolm may have maintained a low profile throughout Fife’s lieutenancy, however, the restless nature of late fourteenth century politics saw the eventual demise of Fife’s guardianship in February 1393, and may account for the conciliatory nature of Robert III’s grants to Drummond in the wake of his resumption of power. Drummond’s receipt of a gift of £40 sterling, payable from the great customs of Aberdeen in October 1394, and a further grant of an annual rent of £20 from the rents of the burgh of Inverness in September 1395 suggest Malcolm’s steady return to favour.⁴⁵⁵ It may also speak of the state of affairs south of the Forth that Malcolm had opened up tentative lines of communication with Margaret Dowager Countess of Douglas and Mar and her son George, earl of Angus concerning the territories which Malcolm claimed to be ‘wrongfully occupied’ by Sir James Douglas of Dalkeith.⁴⁵⁶ In March

⁴⁵³ *RPS*, 1389/3/8. Date accessed: 5 December 2016.

⁴⁵⁴ Indeed, Simpson argues that Drummond was in the midst of constructing the tower when he was murdered. (Simpson, ‘Castle of Kindrochit’, 91)

⁴⁵⁵ NRS GD160/116 (3); NRS GD124/1/1127. It should be noted that the gift of 40/ sterling, payable from the customs of Aberdeen, seems to have been based on a similar grant issued by Robert II to Drummond in 1383. (NRS GD160/116 (1))

⁴⁵⁶ NRS GD124/1/120.

1398/99, Malcolm is named in an indenture of agreement between himself and George Douglas, whereby Malcolm would receive the thirds of Mar, Garioch, Strathalva, Clova (in Angus) and the barony of Melginch 'and of all other thirds pertaining to Dame Margaret, Countess of Angus and of Marr [...] by reason of her deceased husband Thomas, Earl of Marr and of Garviach'. In return, 'by reason of said Malcolm's wife', George was to receive the lands of Liddesdale. Following this statement is an extensive list of conditions, outlining a variety of procedures which would follow the deaths of Margaret, George or Malcolm. Should Margaret die before Malcolm, George was to provide Drummond with an annual payment of £100 Scots for the term of his life; should George predecease his mother Margaret, Margaret may continue to adhere to the terms of the present agreement, or alternatively reclaim her terce settlement (outlined above); should Malcolm die before Margaret, Isabella was to remain in possession of the aforementioned lands on the same terms as Malcolm had, or alternatively reclaim her lands of Liddesdale. Furthermore, Malcolm required that George obtain from Margaret on Malcolm's behalf an acquittance of all mails and arrears. Should George fail to secure Malcolm's release from the said obligations, George would recompense his mother from his own resources, recovering the same amount from the arrears of the mails of Liddesdale. Though in the possession of Sir James Douglas of Dalkeith when the agreement took place, the document had declared that the two parties would support each other in all righteous causes, and George assured the lord of Mar that he would assist him in his recovery of the Liddesdale estates.

Importantly, the document ends with Malcolm's assurances that he would 'do his utmost to obtain ratification of the present agreement by the lady of Marr, his wife'; this may suggest either that Malcolm had initiated proceedings without consulting his Countess, or that Isabella was fully aware of the proposed agreement and had in fact sent Malcolm to treat with George and Margaret herself. The latter view would certainly correspond with Isabella's consolidative agenda. Regardless, the agreement represents the desirability of Isabella's Douglas inheritance; the conditions outlined indicate the lengths that Margaret and George would go to in order to gain access to Liddesdale, and how their quest to obtain entry into an important portion of the Douglas estate enabled Drummond to forge significant contacts through the agreement with

Margaret and her son. Presumably, George and Margaret would have enlisted support to fulfil George's obligation to Malcolm concerning recovery of the mails of Liddesdale, indicating that Malcolm may have been slowly reclaiming a sense of political surety that he had not enjoyed since his initial possession of the forest of Selkirk in 1388.

That Countess Isabella supported the agreement is demonstrated by the notarial transumpt, dated 10 November 1408, of a charter by Malcolm of Drummond lord of Mar and Garioch to George of Douglas earl of Angus (with the assent and consent of his wife Isabella) of the lands of Liddesdale.⁴⁵⁷ These lands were to be exchanged for the aforementioned lands in Mar and Garioch etc. Dated 19 April, 1400, the original charter contained within this transumpt follows the same tenet as the 1398/99 indenture, with the added stipulation that George was to hold these lands from Malcolm and Isabella on the yearly rendering to them and their heirs of a red rose at Edinburgh, at the feast of St John the Baptist 'if asked'. Furthermore, the payment of this red rose was 'not to offer any obstacle to the payment of the said sum of £100 to be paid to the granter for his lifetime' should Margaret die. However, this is the only condition explicitly mentioned in the document. It is unclear if the conditions outlined in the 1398/99 indenture were understood to apply to this new charter of 1400, and in the absence of any surviving documentation indicating the continued adherence to the earlier conditions, we can only speculate as to their bearing on the 1400 charter. The inclusion of George's annual fee to Drummond should Margaret die suggests that the previous indenture was used as a reference when creating the 1400 charter, and it is suggested here that explicit reference was made to the aforementioned condition concerning a yearly render solely because of its particular association with the provision of a red rose; repetition of the remaining conditions may not have been deemed necessary. The issuing of a notarial transumpt of the 1400 charter in November, 1408 – the year of Isabella's death – suggests that between Malcolm's death in 1402 and 1408, Isabella retained Margaret's terce lands in Mar and upheld the agreement of 1398/99. Certainly Isabella's grant of 'Melginch' and 'Clovath' to David Lindsay earl of Crawford in 1403 suggests that Isabella retained the lands outlined in the 1398/99 agreement and the 1408 notarial transumpt. Isabella's death without a

⁴⁵⁷ Fraser, *Douglas*, iii, 44.

legitimate heir while George was still alive may have led Margaret to request the reproduction of the 1400 charter in order to secure her son's possession of Liddesdale. However, though the 1400 charter may have planned for the worst, it could not have anticipated the events which would follow Malcolm's death.

'no way under compulsion': Isabella and the Wolf Cub 1402-1404⁴⁵⁸

*'This forsaid yeire [1402] he wes wyth slycht
Supprisit and takyn: baith day and nycht
Kepit in till strait tenawns,
Quhill he deit in hard penawns.
His wiff [Isabella], than wedow, and full lady
Off the Garviauch and Mar in Kildrummy,
Held hir hous wythyn hir awyn
Heritage, off lauch baith kend and knawyn.
Sua fel it sone efftyrwart,
Alexandyre the yong Stewarte
Tretit wyth hir sua, that scho
Consentit all his will to do,
And he suld wed hir till his wife,
Togiddy swa to led thare life.
Upon this scho gave hir land
Up in to the Kingis hand
Off Scotland the Thrid Roberte,
That charterit, and sesis efftyrward
The Stewarte yong and that lady
Be junct-feffment heretably.
Sua wes this Stewarte for his bounteis
Beltit Erle off taw counteis.'*⁴⁵⁹

This passage, an extract from Andrew of Wyntoun's *Orygynale Cronykil of Scotland*, describes the circumstances whereby Sir Malcolm Drummond, brother of Queen Annabella and husband of Isabella Countess of Mar, was set upon and imprisoned under conditions which led to his demise.⁴⁶⁰ Malcom's captors have never been formally identified, though Simpson refers to – and concurs with – speculation that the plot was instigated by Alexander (II) Stewart, illegitimate son of the 'Wolf of Badenoch' the earl of Buchan. Considering his impromptu marriage to the widowed countess in 1404, and the subsequent charters issued in August and December of that year conveying to him the lands and titles of earl of Mar and lord of the Garioch, it is unsurprising

⁴⁵⁸ NRS GD124/1/123. See H. Paton (ed.), *Supplementary report on the manuscripts of the Earl of Mar & Kellie, preserved at Alloa house, Clackmannanshire* (London, 1930), 13-4.

⁴⁵⁹ *Chron. Wyntoun*, vi, 404.

⁴⁶⁰ *Ibid.*

that Stewart is seen as complicit in Drummond's murder. Simpson goes so far as to unreservedly admonish Stewart:

‘. . . people were, perhaps, not greatly surprised to learn that in the summer of 1404 Stewart had stormed Kildrummy Castle [...] More startling was the news that the bold adventurer had not only perpetrated the double atrocity of murdering Sir Malcolm and seizing his castle, but had also completed his programme by marrying his victim's wife'.⁴⁶¹

Boardman, however, suggests that it was Robert Stewart, duke of Albany who instigated the attack on Drummond in the aftermath of David duke of Rothesay's arrest in 1401, arguing that surviving charter evidence indicates the presence of men allied with Albany at the castle of Kildrummy immediately after Drummond's death.⁴⁶²

At the close of the fourteenth century, the deteriorating health of Robert III had paved the way for the institution of the lieutenancy of David duke of Rothesay, eldest son of the ailing king. It has been argued that Robert III may have ceased to exercise personal power after an 'informal gathering of noblemen' in Falkland in November 1398, entertained by the brother of the king Robert Stewart, duke of Albany. The results of the negotiations held at Albany's manor were ultimately realized in January 1399, where – in a general council – Rothesay was formally recognized as the king's lieutenant. The post was not without its limitations. Rothesay's ability to influence the political machinations of the Scottish kingdom was severely constrained by both the conditions of his lieutenancy, and the actions of his paternal uncle Robert Stewart, duke of Albany. Advanced in both age and experience, Albany's role as protector of the kingdom prior to David's lieutenancy had allowed Albany to construct a solid power base which – although advantageous to Rothesay's promotion in 1399 – was to prove crucial to the prince's downfall in 1401. Boardman has demonstrated that the men appointed to advise Rothesay were predominantly allies of the duke of Albany, who was himself appointed to this advisory council, the existence of which had been a condition of Rothesay's lieutenancy. The swiftly deteriorating relationship between the royal lieutenant and his council, and Albany's realization that his own viability as a 'political alternative' to

⁴⁶¹ Simpson, *earldom of Mar*, 44-5.

⁴⁶² Boardman, *Early Stewart Kings*, 237.

Rothsay would be ignored while the heir to the throne was still alive, ultimately led to Rothsay's arrest by Sir John Ramornie and Sir William Lindsay of Rossie, suggested to have taken place in the autumn of 1401.⁴⁶³ The capture, which saw Rothsay imprisoned in Albany's castle at Falkland, is remarkably similar to the capture and imprisonment of Malcolm Drummond in 1402. Boardman's argument, in fact, that Drummond's capture was directly linked to Rothsay's arrest provides a striking example of how the fate of the earldom of Mar was tied to the ebb and flow of national politics.

Evidence certainly highlights Albany dominance of Mar affairs in the wake of Drummond's death, and charters issued by Isabella to men 'revered by us [Isabella] and our council' (of which Albany and Crawford were members) suggest that Isabella may have been incapable of preventing their play for power. However, these charters are few in number, and were of lands in Isabella's lordship of Garioch and southern Douglas estates, not the earldom of Mar, suggesting that while Albany and his affinity may have been surrounding Mar's outlying territories in anticipation of Erskine possession of the earldom (discussed below), they did not settle in Isabella's central localities. Isabella, then, was still in control of Mar proper when Stewart made his move in 1404. However, while nineteenth century historiography convincingly portrays Isabella as a victim of Stewart's advances, it is equally plausible to suggest that Isabella was as aware of the advantages of having Stewart for a husband as the various local Mar lords.⁴⁶⁴ It is suggested here that Albany's role in her husband's murder (a consequence of his connections to Rothsay, for whose death Albany was also responsible), and his attempts to keep Isabella unmarried until her death, may have led Isabella to welcome Stewart's coup of 1404 and may even have led to her involvement in it.

In removing the lord of Mar, Albany had violently created an opportunity

⁴⁶³ *Ibid.*, 272.; Jonathan Cox's justification for dating Rothsay's capture to the autumn of 1401 stems from his absence from court and his lack of involvement in diplomacy from this date onwards. (J.M. Cox, 'Lindsay Earls of Crawford: the heads of the Lindsay family in late medieval Scottish politics, 1380-1453' (unpublished doctoral thesis, University of Edinburgh, 2009), 94)

⁴⁶⁴ The political authority wielded by Alexander's father, Alexander (I) Stewart, lord of Badenoch, sometime earl of Buchan, in the fourteenth century may have influenced her decision. It is likely that Alexander (II) had access to his father's affinities, and had already proven himself to be a prominent Gaelic warlord. Furthermore, it could be suggested that Isabella's marriage to the son of Alexander (I) may have led to a resurgence in the fortunes of the lord of Badenoch, which – had he survived – could have provided a vital counterbalance to Albany authority in the north-east through the restoration of his influence via his son. See below, 157-161 for a discussion of Alexander (I)'s supremacy in the north.

to mitigate his weakness in the region by settling a magnate in the area who was both loyal to Albany, and would represent an extension of the governor's authority in the north-east. That the Erskine family should have been called upon to fill this role was pragmatic, but risky. They had been recognized as possessing a right to succeed to half of the earldom of Mar by Robert III on 18 March 1390/1391, when Sir Thomas Erskine had secured a promise from the king that half of the earldom of Mar and lordship of Garioch would revert to Erskine's wife – 'by right of heritage' – should Isabella fail to conceive an heir.⁴⁶⁵ Thus, Albany's proposed candidate had the advantage of crown recognition of his legitimacy to claim half of Mar. The risk in Albany's choice lay in the failure of the Erskine family to develop any legitimate political foundations in Mar before 1404. This is surprising, considering their receipt of substantial territorial gains in the lordship of Garioch from Isabella's ancestor Thomas, earl of Mar, c.1358.⁴⁶⁶ Their failure to exploit their position in Garioch, and their sporadic emergence in official documentation concerning succession to half of Mar, meant that in the face of an established northern lord like Alexander Stewart, son of Alexander Stewart, lord of Badenoch, the Erskines were unqualified outsiders, magnates from central Scotland who were ill-equipped to either protect or further the interests of the leading local lords. Furthermore, the protest of 1390/1 had recognized their right to only *half* of the earldom, suggesting that there may have been another claimant. Erskine authority in the earldom, had Albany succeeded in his attempts to place them in the area, may have struggled to thrive had an alternative claimant tried to push their right to succeed. Conversely (if no alternative claimant existed) the local Mar lords would have been aware that the half of the earldom which the Erskines did not control may have remained subject to Albany's direct intervention, or the introduction of another Albany ally.⁴⁶⁷ Their overall

⁴⁶⁵ *RPS*, 1391/5. Date accessed: 23 July 2015; Sir Thomas' protest concerning the succession to the earldom of Mar was met with understanding, and the assurance of the king 'that he had heard and understood his [Thomas'] request well, and said that he thought his request was reasonable, and said also that it should not be his desire in that case, no in any other, either to do or confirm [anything] that should run any man prejudice of their heritage over the common law'. (NRS GD124/1/118; See also 139-40 above)

⁴⁶⁶ NRS GD124/1/110.

⁴⁶⁷ Unfortunately, as we do not know which half of Mar Erskine was entitled to (or indeed, where the division of the earldom began and ended) it is impossible to know which lords or lands the threat of Albany intervention may have affected. It is possible, however, that the fifteenth century perception of Mar's division between Erskine (and later Lyle) was different to that of the settlement of the 1220s.

detachment from affairs far north of the Forth meant that the Erskines may have had little appreciation of, or qualifications to maintain, the state of local politics in Mar, and had Albany succeeded in placing the Erskines in the earldom, the governor may have been forced to make significant territorial concessions to prominent local lords to ensure their support.

Upon Isabella's succession to the earldom of Mar and the unentailed Douglas lands in 1388, Drummond had pursued recognition of Isabella's rights to the main Douglas inheritance, and his actions in the months following the death of James 2nd earl of Douglas and Mar suggest that this was – for Malcolm at least – the main goal. However, with the demise of the Carrick lieutenancy Malcolm had been forced to retreat from central government, emerging again in the years following Carrick's succession to the throne as Robert III. By 1395, both he and his wife had had enough time to assess the importance of Isabella's northern estates, and Drummond's movements between 1395 and 1402 suggest an attempt to aid Isabella's consolidation of her authority in Mar, using her Douglas lands to do so. Albany's realization upon the death of Rothesay that the earldom of Mar – the long-established territorial bulwark against the might of the Isles men – was in possession of an ally of his murdered nephew, provided a motive for the forcible removal of the lord of Mar. In his place, the Erskines would offer Albany a much more agreeable alternative to Drummond as an ally in the north, an area which Boardman shows was proving difficult to control (a difficulty exacerbated, incidentally, by Drummond's death). As discussed above, it has been argued that Isabella's movements between 1402 and 1404 suggest that the countess was being controlled by Albany and his affinity; the capture of Sir Thomas Erskine and his son Robert by the English at Humbleton Hill in 1402, though hindering their attempts to exploit Drummond's death, 'scarcely seemed to matter, for control of the earldom rested in the hands of a powerful combination of Erskine's allies, the royal lieutenant, the earl of Crawford, and the Marischal.'⁴⁶⁸ This view, however, suggests that Isabella was overcome in 1402, succumbing to the will of Albany and his men, and may be doing Isabella, in her position as countess of Mar, a significant injustice. Charter evidence for the years 1402-4 provides an insufficient pool of evidence from which to draw

Both Robert Erskine (and indeed, Robert Lyle) may have been entitled to half the value of every land in Mar, rather than a physical share of the earldom.

⁴⁶⁸ Boardman, *Early Stewart Kings*, 262.

definitive conclusions concerning the alleged marginalisation of Isabella's authority in Mar in the wake of her husband's demise. The location of the 'substantial grants' referred to above were outwith Isabella's earldom, and focus on her lands in Garioch and her southern estates. This is not to suggest that these territorial concessions were not significant – the beneficiaries of these grants ('the Keiths, the Lindsays, the bishop of Aberdeen and Albany himself') were powerful men, and their receipt of these lands does suggest that they were exerting some control over Isabella. Yet the location of these lands (for example Garioch for the bishop, Banff for the Keiths, and Perth and Forfar for the Lindsays) suggests that Albany's men were looking to augment their established territorial bases, rather than wrest control of Mar from the besieged countess. The lack of territorial concessions from within Mar itself could suggest that Isabella was able to retain her authority in the earldom proper, possibly with the support of her local lords.

As yet, no evidence exists which reveals how Albany and his affinity were received by these men, but local support of Stewart's coup in 1404 suggests that the Mar lords were aware of Albany's inability to protect their landholdings from external threats, and may have rebuked any attempts to establish his men in the earldom while waiting for the Erskines to inherit. Further, if Albany was using his access to Isabella to augment the landholdings of himself and his followers, one might question why he did not fully exploit his control of Isabella's earldom and her castle of Kildrummy (his control of which is suggested by the place-dates of the charters granted in 1402 and 1403). Sir Robert Erskine would seek control of the castle of Kildrummy in the years proceeding Stewart's death in 1435 because control of the earldom's caput was seen as equivalent to control of the earldom. With this in mind, it is surprising, that Albany was not able to push his influence over Isabella any further than Garioch, Banff, Forfar and Angus. Though it may have been Albany's intention to ensure that Isabella remained unmarried until her death, there is no guarantee when that might have been; Albany could not afford to encroach into the core of Isabella's estates and risk antagonizing powerful local lords without a clear indication as to when the Erskine family would be able to claim their inheritance. Furthermore, Isabella's presence in official documentation prior to her husband's murder suggests that she was not submissive to her husband in

her role as countess, but in firm control of her estates. For example, Malcolm's agreement with Countess Margaret and her son George in 1398/99⁴⁶⁹ was undertaken with the acknowledgment that the success of Malcolm's negotiations with the pair would rest solely on Isabella's approval, which Malcolm 'would do his utmost to obtain'.⁴⁷⁰ The charter granted in recognition of the agreement in 1400 was done so '*cum concensu et assensu*/with consent and assent' of Countess Isabella.⁴⁷¹ Furthermore, her grants to Albany and his men, while suggestive of Albany's dominance in the earldom, could also represent Isabella's willingness to placate these men with gifts of territory on the periphery of her core earldom. Though these grants would be viewed as substantial to these men due to the proximity of these gifts to their already established estates, Isabella may have attempted to use the territories to divert these men while she and her local lords assessed how to proceed, and her actions in 1404 after Stewart's arrival in Mar suggest that Isabella may have been bold enough to use the opportunity to defy Albany's attempts to establish control of Mar. Certainly, though Boardman focusses on Isabella's submission to Albany authority, his argument almost twenty years later concerning Margaret Dowager Countess of Mar and Angus, suggests that there is still hope for Isabella:

'Wives frequently outlived their husbands, sometimes by decades, and, as widows, held claims to a substantial part of their dead spouses' property. Many of the most disruptive conflicts in the late medieval kingdom had their origin in a struggle for control of resources legally belonging, on a heritable or temporary basis, to female aristocrats. Narrative histories have tended to portray these women as vulnerable and passive figures, prey to the ambitions of individual male aristocrats and the lineages they represented. While the physical coercion, abduction or forcible marriage of heiresses and widows were not unknown, these episodes have to be balanced against examples of noblewomen playing an active role in the defence of their own, and very often their offspring's, rights. Margaret Stewart may provide a particularly striking illustration of the latter phenomenon, but she hardly stood alone.'⁴⁷²

If (however tentatively) we can suggest that Margaret's actions in the wake of her husband's death were bold, and symbolize a dedication to the advancement

⁴⁶⁹ Discussed above, 138-41.

⁴⁷⁰ NRS GD124/1/120; Fraser, *Douglas*, iii, no.51.

⁴⁷¹ *Ibid.*

⁴⁷² Boardman, 'Lords and Women', 41.

of her son's position, it could be similarly assumed that Isabella – who had dealt with her husband's failure to use her rights as heretrix to gain access to the main Douglas estates by focusing her attention on her northern territories (using her unentailed Douglas inheritance to rebuild her earldom) – was able to temporarily placate these men with lands which would have augmented their existing landholdings without damaging the integrity of her earldom. As demonstrated by her reconstruction of Mar between 1388 and 1402, Isabella was more than capable of using territorial concessions to her advantage, and there is reasonable proof that both Isabella and her lords supported what may have been her daring decision in 1404 to pass the earldom to Alexander and any heirs begotten between them, whom failing to his heirs, thus circumventing the Erskine claim entirely. The suggestion of Isabella's involvement in the 1404 settlement is not implausible. It has been argued that

[o]ne of the by-products of the recognition of the centrality of male kinship in the organisation of political society has been a tendency for scholars to ignore or minimise the role, influence and agency of individual female aristocrats, and to underestimate the overall impact of noblewomen, particularly as heiresses and dowagers, on the distribution and control of land and resources in late medieval Scotland.⁴⁷³

This, it is argued here, is one such instance.

Though few in number, various charters survive for the years 1402-1404 which highlight Isabella's movements in the wake of her husband's death. Isabella's first charter as a widowed countess was a grant to Alexander Keith of Grandoun of the lordship of Glendovachy and the lands of Doun in Banffshire, providing the first indication of an external influence in Isabella's affairs.⁴⁷⁴ That the son of William Keith the Marischal should have been the first to benefit from Albany's presence in Mar is unsurprising. The family were established landholders in Buchan and Aberdeenshire, and the death of Drummond and Albany's presence in Mar would have provided Keith with an opportunity to exploit both Isabella's vulnerability and his political and familial relationship

⁴⁷³ *Ibid.*, 40.

⁴⁷⁴ *RMS*, i, App. ii., no. 1799.

with Albany to extend his territorial authority in the area.⁴⁷⁵ The augmentation of Keith authority in the region would be inherently beneficial to attempts to secure Erskine succession to Mar. Keith support of the Erskine claimants was due in no small part to Thomas Erskine's marriage to Janet Keith, half-sister to the Marischal, and should Thomas Erskine or his son Robert succeed to Mar, Keith would enjoy access to the earldom as half-brother-in-law or half-uncle to the new earl.⁴⁷⁶ As a prominent Banffshire lord, such a relationship would have been a welcome prospect. Furthermore, Albany was Keith's son-in-law through his marriage to the Marischal's eldest daughter, Muriella, and their eldest son John would receive the earldom of Buchan from his father in 1406. John Stewart was in his early 20s when Albany had made his move against Rothesay and Drummond in 1402, and already possessed territorial interests in Aberdeenshire through his receipt of the baronies of Coull and O'Neill in 1399. Significantly, the charter – issued at Stirling in February of that year – had been witnessed by Isabella's first husband, Malcolm Drummond, who seems to have pursued a claim to these baronies through right of his wife, Isabella.⁴⁷⁷ That Drummond was listed as a witness to Albany's charter is argued to represent the co-operative nature of the early stages of Rothesay's lieutenancy, but may also symbolize Albany's hope of establishing himself in the area. Although we cannot argue that Albany had been planning, in these early months, to forcibly remove Rothesay and Drummond, Albany's plans for the north-east may have been coming into sharper focus with the continuing absence of an heir for Countess Isabella, and the realization that the Erskines might succeed to the earldom. Certainly, Boardman argues that Albany and the Marischal had been instrumental in Sir Thomas Erskine's pursuit of recognition to his Mar rights in 1390/1, which suggests that Albany's plan to place an Erskine in the area may have had its roots in the opening years of the 1390s.

Isabella's second charter, issued on November 8 1402, was a grant to the abbey of St. Mary of Lindores of the patronage and advowson of the church of Coldstone in Cromar. Surprisingly, considering the recent death of her husband,

⁴⁷⁵ Alexander Keith was Albany's brother-in-law through his marriage to Albany's sister Marjory Stewart. See Appendix A: House of Keith-Marischal. See Appendix C for the Keith presence on witness lists of charters issued by Earl Thomas, Isabella's uncle.

⁴⁷⁶ *Ibid.* See also Appendix A: House of Erskine.

⁴⁷⁷ Boardman, *Early Stewart Kings*, 225.

the charter – granted *in nostra pura et legitima viduitate* (in our pure and lawful widowhood) – contains no reference to her dead husband.⁴⁷⁸ Unlike a similar charter made by Countess Isabella of Atholl in 1232, *in libera constituta post obitum domni sui Thome Comititis de Galawayea* (constituted in free power after the death of her lord Thomas the earl of Galloway), the gift to Lindores by Countess Isabella of Mar speaks of autonomy, and the deliberate decision to omit the name of her deceased ‘lord’ Malcolm Drummond may have been intended to assert her independent authority as the rightful countess of Mar. Further, Isabella made the gift *pro salute anime nostre et animarum omnium antecessorum et successorum nostrorum ac pro salute omnium fidelium defunctorum* (for the salvation of our souls and the souls of all our ancestors and successors and for the salvation of all the faithful dead). The inclusion of such a clause, it has been argued, was intended to create a political ‘continuum’ between the relatives of the granter – ‘dead, living and not yet born’.⁴⁷⁹ This conscientious nod to Isabella’s ancestors thereby evoked the legitimacy of Isabella’s position as countess of Mar in her own right, as heir to the ancient earls of Mar, rather than in right of her deceased husband. An appreciation of the importance of the language used in the *pro anima* clause in lay charters to religious beneficiaries has been argued by Victoria Hodgson to be a key component in the interpretation of a granter’s intent. Her analysis of the clause draws attention to the debate surrounding its significance as a representation of the relationship between the secular and the sacred. Such a categorization is not intended to undermine the granter’s ‘genuine concern’ for the spiritual wellbeing of their families, but to draw attention to the importance of these clauses to the promotion of lineal continuity, particularly if the grant was issued during a period of contested succession to an earldom or lordship, or where the authority of the ruling kindred was undermined or under threat.⁴⁸⁰ In Isabella’s case then, as stated above, the specification of herself, successors and (crucially) her ancestors in the grant to Lindores provided both a textual and spiritual link between herself as countess and her comital ancestors during a period whereby

⁴⁷⁸ A. B. III., ii, 9.

⁴⁷⁹ E.M. Jamroziak, ‘Rievaulx Abbey and its Social Environment, 1132-1300’ (unpublished doctoral thesis, University of Leeds, 2001), 72.

⁴⁸⁰ V.A. Hodgson, ‘The Cistercian Abbey of Coupar Angus, c.1164-c.1560’ (unpublished doctoral thesis, University of Stirling, 2016), 107-114, 149-55. Particularly pertinent is her discussion of Countess Isabella of Atholl, 149-53.

her authority in the earldom was being challenged by an external political faction.

A similar method was employed by Thomas Durward, claimant to Mar, in the 1220s. The house of céli Dé at Monymusk had previously benefited from the patronage of Gilchrist, earl of Mar (Thomas' grandfather), receiving four parish churches from the earl during his career (Leochel, Ruthven (?), Invernochty and Alford). Their possession of the church of Alford was confirmed by Gilchrist's grandson Thomas (for the salvation of his soul and the souls of his ancestors in Mar), who – by doing so – ‘displayed a sense of continuity with his comital forebear during the [earldom's] vacancy.’⁴⁸¹ Indeed, Thomas' decision to maintain Durward patronage of Mar's sole monastery during a period whereby his succession and his authority in the earldom were under threat encouraged Hammond to suggest that ecclesiastical patronage ‘played an important role’ in the Mar dispute. However, Hammond's conclusions concerning the exercise of female lordship in Atholl in the 1230s (similarly founded on the use of religious patronage as a representation of authority) suggests that Hammond would not draw such a parallel between the motives of Thomas Durward and Countess Isabella of Mar. In his assessment of the adoption of charters by women in Scotia, Hammond explores the significance of charters granted to the abbey of Coupar Angus by Isabella countess of Atholl.⁴⁸² In his discussion, he emphasises the insignificance of Countess Isabella in their creation, regardless of the fact that the charters were issued in her name. According to Hammond, the domination of the council by members of Isabella's Comyn kindred negates the possibility that Isabella was acting of her own volition.⁴⁸³ Furthermore, the repeated inclusion in these documents of a variation of the phrasal recognition of the legitimacy and power of her widowhood is argued by Hammond to suggest that the countess may have been physically infirm or mentally unfit, unable to exercise power in her own right. Equally, he argues, the repetition of such phrases may have been an intentional attempt to disguise the opposite scenario – ‘the political control and manipulation of wealthy widows’.⁴⁸⁴

⁴⁸¹ Hammond, ‘*Hostiarii Regis Scotie*’, 126.

⁴⁸² M. Hammond, ‘Women and the adoption of charters in Scotland north of Forth, c.1150-1286’, *IR*, 62 (2011), 5-46, 18-24.

⁴⁸³ *Ibid.*, 23.

⁴⁸⁴ *Ibid.*, 24.

Hammond's reluctance to recognize the ability of countesses to evoke their own authority through religious patronage has undermined his analysis, and – as argued by Hodgson – the nature of these grants highlights quite the opposite. The charters, two confirmations and one new alienation, were used as public demonstrations of Isabella's descent, her authority, and her right to control her estates: 'Isabella's legitimate right to the earldom was being advanced through the patronage of Coupar'.⁴⁸⁵ Thus, the use of religious patronage to mark substantial changes in power in Mar in 1402 (and again in 1404) by Isabella Douglas clearly highlights the ability – and indeed the desire – to bolster her authority in her earldom by drawing a link between herself and the ancient comital lineage.⁴⁸⁶ The explicit reference to 'the souls of all our ancestors' in the *pro anima* clause of Countess Isabella's grant to Lindores clearly highlights this.

The charter to Lindores was issued by Isabella on 8 November 1402.⁴⁸⁷ It is clear that Albany had an established presence in Mar by this date, as the governor and his associates bore witness to two charters issued by Isabella in the same month as the gift to Lindores. The first, discussed above, granted the lordship of Glendovachy and lands of Doune to Alexander Keith of Grandon, son of Sir William Keith the Marischal on 3 November. The second, issued on 8 November, granted the lands of Edinbanchory and Craiglogie to Sir Alexander Forbes, a prominent local lord whose family had maintained a useful relationship with previous earls of Mar, and would later be sought after by the claimants to the earldom from 1435 onwards as representative of local authority in Mar.⁴⁸⁸ These charters have been viewed as highlighting external control of Isabella's affairs in Mar, and Albany's identification – alongside David earl of Crawford – as a member of Countess Isabella's 'special counsel' on 8 November would suggest that they would have witnessed Isabella's charter to Lindores. However, although both charters were issued from Kildrummy, there are no witnesses to Isabella's grant to Lindores, and it seems unlikely that Albany or

⁴⁸⁵ Hodgson, 'Coupar Angus', 152.

⁴⁸⁶ A discussion of the significance of religious patronage to the effective exercise of female lordship and the representation of their authority can be found in E.L. Jordan's *Women, Power and Religious Patronage in the Middle Ages* (Basingstoke, 2006), *passim.*, specifically chapter three. Indeed, Jordan's focus on female use of such patronage to both '[secure] their political position in the present and their spiritual position in the future' is particularly important to our discussion of Countess Isabella. (Jordan, *Women, Power and Religious Patronage*, 63)

⁴⁸⁷ *Lind. Cart.*, App. iii: no.38.

⁴⁸⁸ *A. B. III*, iv, 457

his men would have forced Isabella to issue her first charter as widowed countess to a foundation with such strong ties to the ancient earls of Mar. Furthermore, that Isabella should have chosen to provide for Lindores abbey, where the recently deceased duke of Rothesay was buried, suggests that Isabella was attempting to defy Albany authority in Mar through her gift to Lindores, and might also explain Isabella's generosity.⁴⁸⁹ The charter was granted with the proviso that upon the death or resignation of Simon, then rector of Coldstone, 'they might convert the church *in proprios usus*', or entirely to their own uses. However, this substantial stipulation was subject to Isabella gaining confirmation of the gift. Although it is tempting to suggest that Albany presence in Mar when this charter was issued suggests his involvement in its creation and issue (perhaps in concurrence with Robert III's suspicious recognition of Albany's innocence in Rothesay's murder in the immediate aftermath of his death), it is presumed that the bishop of Aberdeen never confirmed the grant as Coldstone was erected into a prebend of Aberdeen by Bishop Henry Lichten in 1424; 'it appears as such in 1430, and so continued.'⁴⁹⁰ If Albany and his affinity were interested in maintaining a facade of innocence through a significant gift to the abbey where Rothesay was buried, then Gilbert Greenlaw, one of Albany's men (who had been present at the parliament of 1390/1 which saw Robert III's recognition of the Erskine claim) would have surely confirmed it. That he did not suggests that Isabella was attempting to make a point. Her obvious inspiration to do so was that she was under the thumb of the men who had killed both her husband and Rothesay.⁴⁹¹ Yet Isabella might also have felt emboldened to act in light of Albany's devastating defeat at Humbleton Hill in September by highlighting her empathy with the deceased duke of Rothesay, having similarly lost her husband as a result of Albany's political aspirations. Certainly, Boardman has drawn attention to the existence of the near-cult of Rothesay in the immediate aftermath of his murder. However, Isabella's personal identification with Rothesay may suggest that her grant to Lindores

⁴⁸⁹ I am grateful to Dr Michael Penman for suggesting this.

⁴⁹⁰ I.B. Cowan, *The Parishes of Medieval Scotland* (Edinburgh, 1967), 34; *Lind. Cart.*, 294n1.

⁴⁹¹ It should be noted, however, that Greenlaw had been similarly disinclined to part with the revenues of the church of Turriff to the abbey of Coupar Angus after 1412, suggesting that Greenlaw's refusal to support Isabella's decision was inspired by an attempt to retain control of the church to the benefit of the bishopric of Aberdeen, rather than a personal attack on Isabella's authority. For a discussion of Coupar Angus and their attempts to regain the Turriff revenues, see Hodgson, 'Coupar Angus', 200-202.

was less to do with recognizing David's posthumous emergence as a saint, and more to do with asserting her authority in the face of Albany subjugation.

That same day, Countess Isabella issued a charter to 'our beloved and faithful' Alexander Forbes, for faithful service both rendered and yet to come, of the lands of Edynbanchory [Edinbanchory] and Craglogy [Craiglogie]. These lands were not a new acquisition for the Forbeses; they had received these lands from Thomas earl of Mar in 1374.⁴⁹² The presence of Gilbert Greenlaw, William Keith and Alexander Keith, and the issuing of this charter so close to that of lands to Alexander Keith could suggest that Albany and his men had pushed for Isabella's recognition of Forbes' rights to Edinbanchory and Craiglogy, perhaps in an attempt to court local lords for support of their presence. However, that the Forbeses had already held these lands from Thomas, and Isabella's granting of them '*in nostra pura viduitate constitutam*' could equally suggest that Isabella was regranteeing these lands in recognition of Malcolm's death and her status as widow.

Countess Isabella was evidently left in peace over the winter months,⁴⁹³ resuming business on 18 March 1403, when Isabella made a gift of the lands of Ardlair, Estirocher and the kirklands of Oyne in her lordship of Garioch to Gilbert Greenlaw, bishop of Aberdeen. It is not, as argued by Cox, a declaration that Isabella's lands of Mar and Garioch had been – and were to remain – in the possession of the church of Aberdeen.⁴⁹⁴ That it was a gift of territory in the Garioch to the man who had refused to confirm her grant to Lindores suggests that this charter was directly influenced by Albany and his affinity, as Greenlaw was an established Albany supporter. That this was followed by a grant of lands to Crawford suggests that Albany may have felt confident that his presence in Mar was not likely to face any immediate challenge from the local Mar lords or men loyal to Rothesay or Robert III.

On 8 April 1403, Isabella granted the lands of Megginch in Perth and Clova in Forfarshire to David Lindsay earl of Crawford. Though the date and location of Robert III's confirmation of this charter have been lost, Cox has

⁴⁹² A. B. III, iv, 373.

⁴⁹³ Cox makes reference to a charter by Isabella to William Camera of the lands of Fyndoun, granted on 1 December 1402. However, the charter is no longer catalogued under the reference provided. Until the document is found, its significance cannot be discussed. (Cox, 'Lindsay Earls of Crawford', 272)

⁴⁹⁴ *Ibid.*, 98-9.

suggested that the king 'could have easily confirmed it when Crawford was at Rothesay castle on 18 April 1404 witnessing a grant by Robert III, or at the 28 April General Council at Linlithgow'.

No documentation survives for Isabella between Crawford's receipt of Megginch and Clova in April 1403 and John Mowat's resignation of Easter Foulis to Countess Isabella on 10 June 1404. Mowat possession of Easter Foulis dated back to a charter of 1356 by Thomas earl of Mar in favour of James 'de Monte alto' (Mowat), and Earl William's granting of the same lands to James Mowat in 1377 may indicate that the grant was made in recognition of Thomas' death. What is interesting, however, is that unlike Isabella's other charters, Mowat's resignation of Easter Foulis was concluded at the now obsolete 'Badcasse'. Stewart's arrival just two months later could suggest that Isabella may have met Alexander (II) on her travels.

This was to be Isabella's last piece of business before the appearance of Alexander Stewart, illegitimate son of Alexander (I) Stewart earl of Buchan. Though understanding the events which led to Stewart's arrival in Mar is hindered by a dearth of documentary evidence, the survival of an indenture of agreement between Stewart and Sir William Lindsay lord of the Byres indicates that Stewart was conducting business in central Scotland in the early months of 1403, and the nature of the indenture suggests that Stewart may have been aware of the shifting political structure within the earldom long before his arrival in Mar in 1404. Dated at Perth on 24 March 1402/1403, the indenture acknowledges Stewart's commitment to furthering Lindsay's claim to £40 worth of land against the heirs of James, earl of Douglas and Mar (*d.*1388). That Lindsay, uncle of the Lord of Crawford, should have sought to instigate such an undertaking is unsurprising. Boardman argues that Lindsay of the Byres, alongside other notable figures such as his nephew Sir David Lindsay, lord of Glenesk, John Lindsay of Wauchope, John Haliburton of that Ilk, Thomas Erskine and Sir William Borthwick, had attempted to 'restrict or reverse the territorial aggrandisement' of Archibald 3rd earl of Douglas and Sir James Douglas of Dalkeith after the death of Earl James, allying themselves instead with the 'Red Douglas' George, earl of Angus, illegitimate son of William 1st earl of Douglas and Mar.⁴⁹⁵ While the capture of Archibald earl of Douglas at the

⁴⁹⁵ Boardman, *Early Stewart Kings*, 204-5.

battle of Humbleton Hill in 1402 threatened to undermine the earl's hard won regional authority south of the Forth (a welcome prospect for Lindsay of the Byres and his allies), the capture of George earl of Angus – ‘the man most capable of challenging Black Douglas dominance in the marches’ – and his subsequent death from the plague whilst a captive in England, forced the earl's adherents (including Lindsay of the Byres) ‘into continued and not necessarily beneficial dependence on Earl Archibald and his agents.’⁴⁹⁶ Furthermore, Henry IV's decision to grant the earldom of Douglas (with the lands of Archibald and his mother) to Henry Percy of Northumberland on 7 March 1402/1403 – *propter merita in memorato conflictu* (for merits in the aforementioned conflict) – signalled to Angus' adherents ‘the completeness of the defeat at Humbleton.’⁴⁹⁷ It is unclear when Angus died, but his capture and Percy's receipt of the Douglas inheritance may have encouraged Lindsay to exploit the political instability in Lothian and the marches. However, that he should look to Stewart to support his plans necessitates further discussion.

William Lindsay of the Byres retains a scant depiction in Lindsay historiography. A.W.C. Lindsay's *Lives of the Lindsays, or a memoir of the Houses of Crawford and Balcarres* mentions Lindsay only briefly, stating that whilst on pilgrimage to Jerusalem, he ‘knighted the son of the famous Saint Bridget of Sweden, at the Holy Sepulchre’.⁴⁹⁸ Although the *Scots Peerage* states that this William Lindsay died in 1393 (making the William contained in the indenture of 1402/1403 his son), both Boardman and Cox refer to the William Lindsay present in a charter of 1397 as the same Lindsay of the Byres who had benefited from Robert II's patronage in 1373 whilst married to Christiana, daughter and heiress of Sir William More of Abercorn. The date of death provided by the *Scots Peerage* for who it deems to be the first Lindsay of the Byres seems to rest on the identification, in an undated⁴⁹⁹ charter outlining Lindsay's receipt of the lands of *Ochtiruthirstruther* [Struthers] from William Keith the Marischal in exchange for Lindsay's lands of *Dunotar* [Dunnottar], of

⁴⁹⁶ Brown, *Black Douglases*, 106.

⁴⁹⁷ *Ibid.*, 105-106; *Foedera*, iv, 40.

⁴⁹⁸ A.W.C. Lindsay, *Lives of the Lindsays, or a memoir of the Houses of Crawford and Balcarres*, 3 vols. (London, 1858), i, 74.

⁴⁹⁹ Though undated, the issuance of several charters related to the exchange of lands between February and July 1393 suggest that the original charter discussed above was issued in either January or February of that year. (NRS GD20/1/3; GD20/1/4; GD20/1/5; GD20/1/6; GD20/1/7)

William Lindsay's wife as having been Christian, daughter of Keith and his wife Margaret. Although the *Scots Peerage* implies that the identification of a second wife suggests that the charter was to William Lindsay's son, this is difficult to support. Little genealogical evidence survives concerning the heiress of Abercorn, and the date of her death cannot be determined. That she was a first wife of Lindsay of the Byres cannot be disproved. Furthermore, no evidence survives to support the suggestion that William Lindsay had a son, named William, that had taken his father's place after 1393. No confirmations regarding his father's lands exist, nor are there references to the 'late' William Lindsay. Furthermore, William Lindsay's supposed death in 1393 and that of his 'son' in 1414 would suggest that William Lindsay (II) would have been old enough to become involved in the affairs of his father prior to his death in 1393. As yet, no references to the son of Lindsay of the Byres are known to exist. Thus, for the purposes of this assessment, this thesis will conform to the belief that William Lindsay lord of the Byres died in 1414, not 1393.

That Lindsay was in possession 'of the lands and the rock of Dunnottar' indicates that he had significant ties to the north-east, strengthened by his marriage to the daughter of the Marischal. Lindsay also held the lands of *Abirkyrdore* [Aberchirder] in Banffshire, granted to him by his half brother Sir Walter Leslie in 1375, while the strength of the Leslie/Lindsay affinity in the years prior to the grant could explain Lindsay's ties to the region.⁵⁰⁰ As Boardman argues, Sir Walter and his Lindsay kin maintained 'a high level of contact and co-operation which made them a formidable aristocratic coalition' both before the death of David II and after it.⁵⁰¹ It is unclear how he came to possess Dunnottar, but the charter confirming its exchange for territories closer to his Lothian landholdings, and his marital ties to such a prominent noble family, provides a clear indication of Lindsay's importance, an importance which does not correlate with his limited appearance in the historiography of the period.

His familial ties to the Leslies make his association with Stewart all the more surprising. Upon the death of Sir Walter at Perth on 30 February 1382, it was Stewart's father – Alexander (I) lord of Badenoch – who utilized the

⁵⁰⁰ Boardman, *Early Stewart Kings*, 47.

⁵⁰¹ *Ibid.*

vacuum created by Walter's death (and that of his half brother Sir Alexander Lindsay of Glen Esk in between December 1381 and March 1382) to establish himself as the dominant authority in the region, leading to his marriage to Walter's widow Euphemia, countess of Ross, later that year. This marked shift in leadership in Leslie's territories, and the marginalisation of Walter's young heir, Alexander, alarmed the remaining members of the once formidable Leslie/Lindsay affinity, provoking the wrath of Sir James Lindsay of Crawford, Lindsay of the Byres' nephew and 'effective leader' of the Lindsay/Leslie affinity. Crawford's anger at Robert II's approval of Alexander (I)'s actions in Ross, and Robert's overall approach to royal policy in the north, led to Crawford's assassination of Sir John Lyon, royal chamberlain and favourite of the king.⁵⁰² Further, the emergence of John, earl of Carrick – the ambitious brother of Alexander (I) – as an 'alternative source of power and influence within the royal administration' gave the Leslie/Lindsay affinity a focus for their discontent.⁵⁰³ The likelihood of redress seemed imminent after Robert II's removal from power in 1384, and Carrick's appointment as guardian of the realm. The general council of 1385, 'dominated by a co-ordinated political and legal assault on the earl of Buchan', represented the manifestation of dissatisfaction concerning Alexander (I)'s position in the north and the direction of royal policy in the years prior to Carrick's appointment. Any hopes that Carrick's ascendancy and the resultant council might lead to swift redress for those slighted by Stewart's position in the north, however, were ultimately disrupted by Carrick's preoccupation with affairs south of the Forth and the deteriorating state of Anglo-Scottish diplomacy.⁵⁰⁴ Stewart's role as royal lieutenant north of the Forth provided Carrick with an opportunity to focus his attention on these matters while maintaining stability in the north, further demonstrated by Stewart's promotion to the role of justiciar north of the Forth 'sometime before February 1387.'⁵⁰⁵ The continuation of unfettered Stewart dominance in the north, and Carrick's unwillingness and inability to act in the interests of his disenfranchised nobility, resulted in 'profound disillusionment' for the Carrick

⁵⁰² *Ibid.*, 76-81.

⁵⁰³ *Ibid.*, 96.

⁵⁰⁴ S. Boardman, 'Lordship in the north-east: The Badenoch Stewarts I, Alexander Stewart, earl of Buchan, lord of Badenoch', *Northern Scotland*, 16 (1996), pp. 1-29, 15.

⁵⁰⁵ *Ibid.*, 16.

loyalists. Stewart's elevation to justiciar, 'potentially extending Buchan's influence into the earldoms of Lennox, Menteith, Fife, Angus, Mar and the great sweep of sheriffdoms north of the Forth from Dumbarton to Nairn' clearly demonstrated Carrick's political position to his adherents, and the ensuing challenge to Carrick's authority in 1388 following the death of the 2nd earl of Douglas at Otterburn found ready support in the disappointed Leslie/Lindsay affinity. Furthermore, the capture of Sir James Lindsay of Crawford following the battle is argued by Boardman as having created an opportunity for Carrick's brother Robert, earl of Fife and Menteith, to court the support of the remaining members of the formidable Leslie/Lindsay affinity and secure his own political advancement in the face of Carrick's failure.⁵⁰⁶ It was the transferral of authority from Carrick to Fife in December 1388 which was to initiate the decline and fall of Stewart's supremacy in the north.⁵⁰⁷

Fife's lieutenancy signalled the collapse of Stewart's power in the north. He had lost the offices which had provided him with the necessary protection and authority to exercise control north of the Forth, and the death of Robert II in 1390, and the renewal of Fife's position – this time as guardian – on Robert III's behalf, signalled the ultimate demise of Stewart's dominance in the region. His response to this final development, the burning of Elgin and its cathedral, has been well documented, yet the disintegration of his authority in the north, and Stewart's forced retreat into areas which represented something of a traditional power base for the earl and his adherents (namely 'Badenoch, Strathspey and northern Perthshire'), was mitigated by their continued importance to the Gaelic kindreds of Scotland. The retention of allies in these strategic regions allowed the Badenoch Stewarts to push into the Angus lowlands in January 1392, led by Duncan and James Stewart, sons of Alexander (I).⁵⁰⁸ Significantly, on their return, the raiders were met at Glasclune by a 'hastily assembled body of some sixty knights and men-at-arms' led by Sir Walter Ogilvy, sheriff of Angus, Sir Patrick Gray, and Sir David Lindsay of Glen Esk (nephew of William Lindsay of the Byres, who would go on to become the 1st earl of Crawford). Wyntoun's suggestion that the raids of 1392 represented a concentrated effort to target the leader of the Leslie/Lindsay affinity, Lindsay of

⁵⁰⁶ Boardman, *Early Stewart Kings*, 149.

⁵⁰⁷ Boardman, 'The Badenoch Stewarts I', 16.

⁵⁰⁸ *Ibid.*, 18-19.

Glen Esk, is plausible. Certainly, David Lindsay had been involved in Fife's campaigns in the north in 1389 and 1391 which had decimated Stewart's authority, and Boardman argues that the raids of 1392 bear the hallmarks of a 'concerted politico-military response to Lindsay's involvement' whilst also demonstrating the military might of Buchan and his allies in northern Perthshire in spite of his political defeat north of the Forth.⁵⁰⁹ Lindsay of the Byres' involvement in this raid is unclear. Indeed, his overall attitude towards the events unfolding during Fife's lieutenancy and his reaction to Stewart's downfall in the north is difficult to discern. Though it is assumed that Lindsay of the Byres (as David Lindsay's uncle) was still an active member of that affinity, that he should ally himself in 1402/1403 with the brother of the men who had killed Ogilvy and grievously wounded both Patrick Gray and his nephew, Lindsay of Glen Esk, suggests that William's own desires may have begun to deviate from those of his wider Lindsay kin in the years prior to his indenture with Alexander Stewart, son of Alexander (I) lord of Badenoch. William's potential deviation from the party line could represent a disenchantment with David Lindsay's continued support of Fife's lieutenancy, a lieutenancy which had proved unable to sustain or exploit the explosive gains of the 1390s. Conversely, the deaths of David duke of Rothesay and Malcolm Drummond lord of Mar could have caused William to distance himself from his extended Lindsay kin. A discussion of their deaths has already been provided above, but the timing of Lindsay's indenture with Stewart, so soon after Rothesay and Drummond's demise, seems to suggest that the agreement was made in response to the events which had taken place in the final months of 1402. For example, William Lindsay of Rossie, William's nephew, had been directly involved in Rothesay's capture in 1401, while the support enjoyed by Albany from David Lindsay earl of Crawford, another nephew of William's, may have made it clear to Lindsay that he was outgrowing the political aims of his extended Lindsay kin. The focus on reclaiming £40 worth of land, half of which would be granted to Stewart should their attempts prove successful, could symbolize William's intention to support Stewart's plans to secure control of the earldom of Mar. Although scholarly commentary concerning Stewart's arrival in Mar has focussed on the swiftness of his play for power in the region, it is

⁵⁰⁹ Boardman, *Early Stewart Kings*, 180.

possible that Stewart was hoping to emulate the initial success enjoyed by his father in the 1380s brought about by his marriage to Countess Euphemia of Ross. Indeed, his father's marriage to Countess Euphemia and his establishment as the dominant authority in the region bears a striking resemblance to Stewart's own marriage to Countess Isabella in 1404 and the ensuing shift in leadership in the earldom. Though Alexander's arrival is often portrayed as an unexpected development in the Mar succession crisis, it is equally likely that Stewart's appearance was part of an orchestrated attempt to undermine Albany authority in the region in the wake of the removal of two powerful political figures who had been seen to hinder his policies in the north. Much like the conclusions reached concerning Isabella's marginalisation within Mar upon the death of her husband, a dearth of charter evidence outlining Stewart's plans in Mar does not indicate the execution of a hastily planned coup, and the protracted nature of the succession crisis prior to Stewart's arrival does not lend itself to such a theory. That Albany and his men were present at Kildrummy in the immediate aftermath of Drummond's murder has already been illustrated by Boardman. Stewart, conducting business in Perth in March 1402/1403 with the uncle of the earl of Crawford, would have almost certainly been aware of the events unfolding in the north-east. Indeed, the 1402/1403 indenture may provide us with the first clear indication that Stewart was looking to secure support by offering military services in return for territory. Unfortunately, the charter does not outline which lands might constitute the £40 worth of lands to be recovered by Stewart and Lindsay, only that Stewart was to assist Lindsay in his attempts to retrieve them, promising to aid Lindsay in defending the said lands 'against all other claimants.'⁵¹⁰ Indeed, the charter stipulated only that Lindsay's claim was to '40l. worth of land against the heirs of the deceased James, Earl of Douglas'. The reference to James as earl of Douglas, rather than earl of Douglas and Mar, could suggest that the lands to be recovered were contained within the Douglas patrimony, rather than from James' northern estates.

The only surviving documentation which indicates Stewart's presence in Mar is a charter – issued by Isabella in August 1404 *in pura et legitima viduitate* (in pure and lawful widowhood) – of Isabella's territories of the

⁵¹⁰ Paton, *Supplementary report on the manuscripts of the Earl of Mar & Kellie*, 15.

earldom of Mar, Garioch, forest of Jedburgh, 200 marks from royal customs, and all other lands and possessions belonging to the countess.⁵¹¹ Significantly, these territories were to pass to any heirs created between them ('a rather unlikely occurrence' argues Boardman, 'given Isabella's age and her inability to produce a child with her first husband'), whom failing, the true and legitimate heirs or assignees of Alexander.⁵¹² As discussed, we are unable to assess the events which led to the contract of marriage between Isabella and Alexander. The nineteenth century predilection for portraying Isabella as a besieged countess, forced into marriage by the brutish wolf cub, has already been alluded to. This romanticized tale of drama in Mar is an unsurprising by-product of the dearth of charter evidence leading up to the August charter; it is hardly surprising that Isabella should be seen as the victim when – after two years of suffering Albany's domination – she was contracted to marry the illegitimate son of the lord of Badenoch, who was branded by Bower in his *Scotichronicon* as having been, in his youth, 'headstrong and wild [...] the outstanding leader of a band of caterans'.⁵¹³ It would not have been difficult for these commentators to link his tempestuous past to the seizure of Mar through a forced marriage. However, Bower continues his description of Stewart as a youth who grew into 'another kind of man', a man who was able to use his extensive ties to prominent lowland men – rather than the might of his army – to progress in local and national politics.⁵¹⁴ '[T]o lowland writers at the time and most subsequent historians', Stewart had shown a willingness to distance himself from his reputation as a 'Gaelic warlord', becoming instead a 'focus of authority' and trusted crown agent in the north-east.⁵¹⁵ Though the antiquarians would have us view Stewart as the villainous captor of aging countesses, it is suggested here that Isabella was fully aware of the ramifications of her actions. In order to argue for Isabella's independence, however, it is also necessary to understand why the 1404 charter has been seen as a hostile takeover by a wild cateran leader. Stewart's unexpected arrival and the startling terms laid down in the August charter have understandably led historians to assess the language used

⁵¹¹ NRS GD124/1/121.

⁵¹² Boardman, *Stewart Kings*, 261.

⁵¹³ *Chron. Bower* (Watt), viii, 293.

⁵¹⁴ *Ibid.*

⁵¹⁵ M. Brown, 'Regional lordship in north-east Scotland: The Badenoch Stewarts II, Alexander Stewart earl of Mar', *Northern Studies*, 16 (1996), pp. 31-53, 31-2.

as indicative of Isabella's subjugation, her final submission to an external threat after a two year entrapment by Albany and his affinity. The pivotal exclusion of the Erskine heirs to Mar in favour of Alexander and his heirs could certainly be seen to suggest this. It could also be suggested that Isabella – aware of Robert III's previous pronouncement of the Erskine claim to Mar and his assurances that 'it should not be his desire [...] either to do or confirm [anything] that should run any man prejudice of their heritage over the common law' – was aware that Stewart's wild demands concerning the Mar inheritance and its forcible transferral from the Erskines to the Stewarts would never be recognized.⁵¹⁶ However, Robert III's authority had been undermined since 1398, and Albany had managed to retain a presence in Mar and rewarded his followers with Isabella's peripheral lands without royal intervention. Isabella could not have known that Robert III would make a return to Scottish politics in 1404 to involve himself in the Mar crisis – there was certainly no indication that Robert III was on the cusp of a triumphant return, and it was potentially the rather shocking nature of Isabella's charter to Alexander that drew him to Kildrummy later that year. Furthermore, the witnesses to Isabella's charter suggest that the move was viewed by Mar's local lords as an auspicious development in the quest for a stable leader in Mar. Isabella could only assume, without prior knowledge of Robert's return, that any conditions of inheritance laid down in this charter could potentially play out.

As discussed, the events in Mar had led to Robert's unexpected return to the forefront of Scottish politics. The king's relocation to Perth in November 1404 is suggested as portraying a conscientious decision on Robert III's part to intervene in the crisis presented by Stewart's agreement with Countess Isabella, while Isabella's grant of her demesne lands of Bonjedward to Thomas Johnson and his wife (Isabella's 'sister') Margaret could suggest that Isabella's was slowly regaining control of her chancery.⁵¹⁷ Indeed, the overwhelming presence of ecclesiastical figures on the witness list to this charter could represent the importance of local institutions and their representatives to the perception of authority within the earldom (as discussed in the introduction to this thesis). Isabella's previous utilisation of religious patronage to challenge Albany

⁵¹⁶ NRS GD124/1/118.

⁵¹⁷ *A. B. III.*, iv, 730.

dominance in Mar from 1402 onwards suggests that the countess was utilising these men to bolster her position in the earldom in anticipation of the king's arrival.

The speedy upheaval of royal power from its base in the Stewartry may suggest that Albany had decided to appeal to his brother Robert III for an intervention (perhaps hoping that his brother would ensure that his promise to Erskine of the 1390s – which Albany himself had helped to orchestrate – would be observed). Boardman, however, argues that Stewart's decision to usurp Albany authority in Mar through his marriage to Isabella meant that Robert III was the only viable alternative as mediator.⁵¹⁸ Stewart's actions suggest that he may not have been open to negotiations with Albany, 'the royal lieutenant who controlled the formal mechanisms of royal patronage and justice'. The importance of securing an outcome that would not undermine his efforts to procure an Erskine succession would have directly influenced Albany's treatment of the dispute. Further, if – as argued here – Stewart's endorsement as the preferable alternative to Albany authority and Erskine succession was brought about through the joint efforts of Isabella and her local lords, then negotiations with the men who had used Isabella to augment their own territorial influence would hardly have proved popular with the countess or her men. 'Robert III had come north as the only man acceptable to Alexander Stewart, the king's nephew, as an arbitrator of the dispute between Alexander and his uncle'.⁵¹⁹

The outcome of Robert III's intervention in Mar became evident on 9 December 1404 when, according to a notarial transumpt outlining the congregation of Isabella and the local lords and free tenants of Mar to discuss the needs and governance of the 'country' (Mar), Alexander Stewart approached the countess before the gates of her castle and there gifted her with Kildrummy, with all its charters and evidents, silver vessels and ornaments.⁵²⁰ Stewart then proceeded to deliver the keys of the said castle, 'with free disposition of the same', along with all his lands. The juxtaposition of Isabella's presence in the fields before the castle gates, and Alexander's coincidental arrival with the keys to her caput, suggests a conscious decision to portray Alexander as the

⁵¹⁸ Boardman, *Early Stewart Kings*, 263.

⁵¹⁹ *Ibid.*

⁵²⁰ NRS GD124/1/123.

earldom's saviour, providing the countess with access to her seat of power. This is further highlighted by the curious reference to his gift to Isabella of not only the keys to the castle, but its charters and its silver. The tenor of the document and its evocative depiction of a countess without her castle, far from portraying the weakness of Isabella and Alexander's forceful seizure of Mar, may be implying that Isabella's inability to access Kildrummy and Alexander's deliverance of the castle and its effects (which themselves may have represented Isabella's authority) is symbolic of her forced endurance of Albany's presence at Kildrummy for the past two years, his evident influence on the charters being issued from Isabella's chancery, and Stewart's role as Isabella's route to freedom from Albany's influence. Thus, Alexander's deliverance of Kildrummy symbolized more than the return of Isabella's seat of power. It symbolized the resumption of her control of Mar. Isabella's receipt of these gifts was followed by her choice of Alexander as her husband, and her bestowal of her newly returned gifts on him in free marriage. Along with possession of Kildrummy, Stewart was to receive Isabella's earldom of Mar, lordship of Garioch, barony of Strathalva, barony of [Crimond], Doune, Buk and Cabrach, 200 marks annual rent from Haddington, the forest of Jedworth, and all of her other territories contained within the kingdom of Scotland.

The crucial difference in the December charter was the condition which outlined the path of inheritance. While the August charter had presented the possibility of permanent Stewart possession of Mar, the resolution brought about by Robert III's intervention saw an attempt to achieve a compromise that would acknowledge the current state of affairs in Mar, while placating Albany and his Erskine allies. The charter stipulated that Isabella and Alexander were to hold the earldom in liferent. Following their deaths, possession of the earldom would pass to their heirs (should they produce any). If, however, Isabella and Alexander did not produce an heir, then the earldom was to revert to the rightful heirs of Isabella – the Erskines.⁵²¹ The change was minor, but the consequences were such that stability was (however briefly) restored to the

⁵²¹ In 1444/1445, an alternative claim to the remaining half of Mar was pursued by the Lyles of Duchal, a second Renfrewshire kindred with identifiable ties to the Stewarts. However, prior to this date, there is no evidence to suggest that the claim had been pursued in tandem with that pursued by the Erskines from 1391 onwards, nor that an alternative claim had been acknowledged by the Stewarts. However, evidence pertaining to the Lyle family is frustratingly scarce, and the absence of official recognition of their claim at such an early date may simply be a consequence of this.

earldom. Though not the outcome that Albany expected (or desired), the earldom would only remain with Stewart for his lifetime, and upon his death would pass to the family that Albany had been trying to position in Mar since the 1390s. Yet Alexander had clearly not forgotten the initial inheritance clause of August 1404, and would – in 1426 – conclude an agreement with James I, Alexander’s cousin, that saw the decisive deposition of the Erskine family as claimants to Mar, and the acquisition of the earldom by the Scottish crown.⁵²²

Significantly, four days before the results of Robert III’s arbitration were formally recognized before the gates of Kildrummy, Countess Isabella ‘mortifie[d] to God, the blessed Virgin Mary, and all saints and a minister of the house of the Holy Trinity at Aberdeen’ an annual rent of ten marks which were to be taken from her lands of Westoun, Kincragy and Tarland.⁵²³ The document stated that the gift was to be made ‘for the maintenance of a priest of that order saying mass daily in the church of the Holy Trinity foresaid for the salvation of her soul and the souls of her predecessors and special friends and all the faithful departed’.⁵²⁴ This charter, and its issuance so close to the publication of the results of the king’s arbitration, is reminiscent of Isabella’s charter of 8 November 1402 to the abbey of Lindores.⁵²⁵ Both Hodgson and Jordan recognize the issuance of lay charters to religious beneficiaries as a means of enhancing the political authority or position of the medieval countess.⁵²⁶ Isabella’s decision to mark these significant alterations to the power structures within Mar with grants to religious foundations supports Hodgson’s observation that countesses could (and did) use religious patronage as a means of advancing

⁵²² NRS GD124/1/132.

⁵²³ NRS GD124/1/122; This was confirmed by Alexander Stewart, earl of Mar, in 1406. (Master of Trades Hospital, Bundle: DO8412, T3). Just four days before this charter, Isabella granted the lands of Tullochcurran in Strathardle, the castle of Glen Artney in the sheriffdom of Perth, and the lands of Kirkton of Essie in the sheriffdom of Forfar to Walter Ogilvy, lord of Carcary. This grant, witnessed (among others) by the provost of Aberdeen – William Chalmers – suggests that Isabella was regaining control of her locality. Indeed, William Chalmers received a grant of the lands of Wester Ruthven in Cromar that same day. Both Ogilvy and Chalmers would bear witness to the royal resolution to the Mar crisis on 9 December, and these charters of 1 December could indicate the tentative restoration of a local Mar ‘community’. (See Appendix C) The author wishes to express her appreciation to the incorporated trades of Aberdeen for facilitating access to their archives and, in particular, to Ex-Deacon Convener Graeme Nicol (ex-deacon of the weaver incorporation) for his guidance in the location and consultation of these documents.

⁵²⁴ NRS GD124/1/122; Paton, *Supplementary report on the manuscripts of the Earl of Mar & Kellie*, 14.

⁵²⁵ See above, pp. 141-5.

⁵²⁶ Hodgson, ‘Coupar Angus’, 107-114, 149-55, *passim*.; Jordan, ‘Women, Power and Religious Patronage’, 61-85, *passim*.

or representing the legitimacy of their countess-ship.⁵²⁷ Unlike her grant of 1402, however, the *pro anima* clause contained within the charter of December 5 referred to the salvation of the souls of not only her predecessors but her 'special friends'. Furthermore (and most importantly), while specifying the souls of Isabella, her predecessors and her 'special friends', the clause of 5 December omitted any reference to the souls of her successors. While it has been argued that the linguistic composition of the *pro anima* clause may be nothing more than a 'stock phrase',⁵²⁸ Cynthia Neville highlights that often, these commemorative clauses had a 'profound significance, one that would have resonated immediately among contemporaries deeply attuned to the subtle powers of the written text.'⁵²⁹ Further, she argues, '[w]omen in Scotland, as in other regions in Europe, were uniquely positioned both to perpetuate the memory of deceased family members and to look to the spiritual wellbeing of future generations.'⁵³⁰ As the gift to the Holy Trinity was granted only four days before the charter conveying her lands and castle to her husband-to-be, Isabella would have been fully aware that the succession of her earldom would most likely fall to the Erskine family upon the death of Earl Alexander. The only means of circumventing their succession rested on her ability to produce an heir with her new husband, Alexander Stewart. Perhaps an admission of the unlikelihood of this occurring, Isabella may have felt it unnecessary to concern herself with the souls of future generations, as those future generations would not have been a continuation of her lineage. Claiming succession to half of Mar through Janet Keith (or Barclay), wife of Sir Thomas Erskine, the Erskines had failed to develop any legitimate political foundations in Mar before 1404, and in the face of an established northern lord like Alexander Stewart, the Erskines would have seemed woefully underqualified for the role of earl of Mar. Furthermore, their allegiance to Albany and his affinity had forced Isabella to endure the presence of the governor and his men at Kildrummy between 1402

⁵²⁷ Hodgson, 'Coupar Angus', 151-2.

⁵²⁸ H.S. Brown, 'Lay Piety in Later Medieval Lothian, c.1306-c.1513' (unpublished doctoral thesis, University of Edinburgh, 2006), 175.

⁵²⁹ C.J. Neville, 'Women, Charters and Land Ownership in Scotland, 1150-1350', *Journal of Legal History*, 26 (2005), pp. 21-45, 28.

⁵³⁰ *Ibid.*, 29. However, the valid recognition of the role of women in the protection of a family's spiritual wellbeing should not preclude the importance of women (and specifically countesses) as significant political players throughout this period, who saw religious patronage as an established method of asserting one's right to rule, particularly during a period of crisis.

and 1404, ultimately quashing her attempts to pass Mar to Stewart and his heirs. Neville has argued that ‘irrespective of the different customs that informed their commemorative intentions, each woman’s charter established an unbroken line between the past and future families of the grantor through the medium of her person.’ The conscious decision to omit any reference to her successors then, would suggest that Isabella had little care for the souls of her Erskine heirs; commemorative clauses were ‘important indicators of women’s capacity to deploy carefully designed strategies’, and the inclusion or omission of names ‘acted as a kind of code’, emphasizing the central role of the female in shaping family history. Countess Isabella was making a very poignant statement about the future of her earldom.

The remainder of the document stipulates the conditions connected to the countess’ gift of the annual rent of her lands. The priest to be maintained by her fiscal gift was not only to say mass daily to commemorate the souls of her, her predecessors and her ‘special friends’, but was to remember her ‘in all his prayers, general, special and private by day and night.’ This was made all the more noteworthy by Isabella’s stipulation that the annual rents were to be lifted by the said ‘minister’ and his successors. One can assume that the minister’s successors would have been subject to the same requirements as their ancestor, securing the memory of Isabella’s position as countess of Mar, patron to the Holy Trinity of Aberdeen, for future generations. Though Isabella may have accepted the demise of her lineage, she was not prepared to be forgotten; the Trinity’s continued receipt of some (if not all) of the revenues of these lands until 1555 (even after its escheatment to the crown in 1435) suggests the strength of Isabella’s legacy.⁵³¹

Highlighting the earldom’s centrality to the affairs of the crown, Robert III’s intervention in the Mar dispute (and his possible consideration of the lord of Badenoch and his son in Mar as potential allies) emboldened the king to assert his authority in the face of Albany’s diplomatic defeat. The actions of Albany and his allies had convinced Robert of the need to reassert the power of

⁵³¹ A precept of sasine for Isabella’s grant to the House of the Holy Trinity was issued on 8 June 1405, with sasine to be delivered by her baillie Duncan Forbes. (Master of Trades Hospital, Bundle: DO8412, T2) The identification of a Forbes as baillie in Mar further highlights the local prominence of this family, discussed below, p. 223-9. As mentioned previously, Isabella’s grant was confirmed by her husband on 21 May 1406. (Master of Trades Hospital, Bundle: DO8412, T3)

the crown in the face of an acquisitive administration, and the resultant creation of a regality for his youngest son James represented a landmark move on the part of the king to remove the Stewart patrimony from an administration which could be (and had been) manipulated, to the ultimate detriment of royal authority.⁵³² Albany's actions in Mar, and Robert III's enforced confirmation of significant territorial grants to Albany and his allies between 1402 and 1404, highlighted that James would face significant difficulties claiming and retaining territory upon his eventual accession to the throne. It is argued here (and below) that the creation of this regality may have gone some way to influencing the young prince's actions upon his return in 1424. The decisive split between crown lands and private territory would have significant ramifications during the reign of James I; Robert III's creation of a Stewart regality and James' exposure to the ideologies of Henry IV and Henry V concerning public authority and private power (combined with Albany reluctance to hasten James' return from English captivity) saw the return of a king who had witnessed the utilization of private territory as a symbol of the dual authority of a king as both a royal leader and a territorial magnate.⁵³³

'headstrong and wild': Alexander Stewart and the earldom of Mar 1404-1408⁵³⁴

That the marriage between Stewart and Countess Isabella was one of convenience is obvious. Stewart presented Isabella with an opportunity to oust Albany authority from Mar whilst displacing the Erskine claimants allied with them. Their marriage allowed Isabella to reclaim her authority as countess, whilst ensuring that the interests of the earldom's local lords would not be subject to the leadership of a family with little local pedigree, and even less understanding of the nature of local Mar politics. For Stewart, marriage to Isabella provided the status and wealth that would allow him to utilize his inherent ability to attract and lead a loyal affinity, whilst rendering him indispensable as a regional authority to the very men whose political plans he had circumvented through his bold alliance with Isabella in 1404. Between 1408

⁵³² Boardman, *Early Stewart Kings*, 282; M. Brown, *James I* (East Linton, 2000), 13-14.

⁵³³ See, for example, Helen Castor, *The King, the Crown, and the Duchy of Lancaster: Public Authority and Private Power, 1399-1461* (Oxford, 2000), 4 and *passim.*, for a discussion of the developing legal distinction in England between public authority and private power.

⁵³⁴ *Scotichronicon* (Watt), viii, 293.

and 1426 (when Stewart was finally able to use his reputation as defender of the lowlands to secure his hold on the earldom through royal recognition of his bastard son's right to succeed to Mar), Mar established himself as an extension of governmental and crown authority in the north-east.⁵³⁵

Unfortunately, it is difficult to determine how quickly Stewart established himself as such an authority in the wake of his marriage to Isabella. The dearth of charter evidence for the years 1404 to 1408 is a reflection of the earl's prolonged periods of absence in the final three years of his marriage to the countess, and only six charters are known to exist from the period between their marriage in 1404 and Isabella's death in 1408. The first, a 1405 indenture between Stewart and Sir David Fleming, lord of Biggar, was a direct response to Robert III's recent resolution of a dispute concerning possession of the barony of Cavers. Countess Isabella had inherited the barony of Cavers along with the other unentailed Douglas estates upon the death of her brother, Earl James, in 1388. The right to inherit these estates should Isabella die childless fell to her cousin, James (II) of Sandilands, who ultimately resigned any future claims to her estates to George Douglas earl of Angus between April and May 1397. Sandiland's resignation was swiftly followed on 24 May by an indenture between Robert III and George's mother Margaret, Countess of Mar and Angus, concerning her son's marriage to a daughter of the king. Crucially, however, the agreement stipulated that the king would not recognize or confirm any resignations of lands, rents or possessions made by Countess Isabella which would disadvantage the young earl, 'hir brothir'. This was further supported by the king's confirmation of Sandilands' grant in November of that year. Though undoubtedly aware of the king's position on the succession to these estates, Isabella – in the wake of her husband's death – granted the barony of Cavers to her nephew Archibald Douglas, illegitimate son of her brother Earl James, sometime between late 1402 and December 1404. Though the king had confirmed Stewart's receipt of Isabella's territories as part of the December 1404 settlement of the Mar succession crisis, the exclusion of the barony from his general ratification of the countess' grants to her new husband in January 1404/1405 may have reflected the dispute concerning possession of these lands – brought before the king's council – between Isabella's nephew Archibald

⁵³⁵ Brown, 'Regional Lordship in the north-east (II)', 41. NRS GD124/1/132.

Douglas and her cousin James (II) of Sandilands.⁵³⁶ As discussed, Sandilands had transferred his rights to inherit Isabella's estates to George earl of Angus in 1397. Thus, as Boardman argues, Sandilands' claim was to the benefit not of Sandilands himself but of William, the young earl of Angus, who had inherited the claim to these estates upon the death of his father in 1402.⁵³⁷ On 7 February 1404/1405, it looked increasingly likely that Sandilands would emerge victorious: the king's declaration that he would not recognize any resignation of the barony of Cavers (an acknowledgement of his more general assurances concerning the protection of the Douglas inheritance of May and November 1397), and that any resignation of these lands made through want of care on his part would be null and void, suggested that Archibald would not enjoy possession of Cavers for long. Yet the nullification of Isabella's grant to Archibald – far from signalling the barony's imminent return to Sandilands and his Angus allies – represented instead Robert III's prioritization of his own agenda over his promises to protect the integrity of the Douglas inheritance. The escheatment of Cavers to the crown as a result of Isabella's unauthorized alienation of the barony to her nephew provided the king with an opportunity to bolster the political authority of a royal favourite, and on 10 August 1405 the barony of Cavers and the sheriffship of Roxburgh was granted to Sir David Fleming of Biggar. As highlighted by Boardman, Fleming's status had thus far rested on his value to, and cordiality with, both Robert III and his son, the duke of Albany. Sent to England in the summer of 1404 to negotiate the release of Albany's son Murdoch and Archibald earl of Douglas, the promising diplomatic developments resulting from his efforts ensured his continued importance to the crown. Further, his witnessing of Robert III's creation of a regality for Prince James in December 1404 – and the resultant expansion of Fleming's regional authority in tandem with the prince's – signified that Fleming was to play an integral role in the king's attempts to re-establish his authority in the wake of the Mar succession crisis.⁵³⁸

The king's decision to bestow the disputed lands and office on his royal favourite was a decision that both encouraged Douglas enmity toward Fleming (an enmity which would ultimately lead to his death), whilst significantly

⁵³⁶ Boardman, *Early Stewart Kings*, 288.

⁵³⁷ *Ibid.*, 288-9.

⁵³⁸ *Ibid.*, 282.

undermining the king's authority by highlighting his willingness to renege on royal promises. That Fleming was aware of his decreasing popularity is suggested by attempts to mitigate the fallout from Robert's resolution by offering his barony of Monycabo (held by him in right of his wife) to Countess Isabella and the new earl of Mar, for Isabella's lifetime, in return for their rights to Cavers. Enjoyment of their consolation prize was short-lived, however, and in accordance with the conditions of the charter, Isabella's death just three years later would have presumably prompted the return of the barony to Fleming's wife, Isabel. Fleming's attempts to appease the Mar countess, though fleeting, indicate an appreciation of the swiftly established strength of Stewart's position alongside his new Mar wife, bolstered by royal support of the coup of 1404 and Albany's reluctant acceptance of the reformed political landscape of the north-east.

The second charter was the aforementioned precept of sasine issued on 8 June 1405, followed – on 20 April and 21 May 1406 – by the ratification of an Erskine grant by Earl Alexander *cum consensu et assen[su]* (with consent and assent of) his wife Isabella, and a confirmation by Earl Alexander of his wife's grant to the House of the Holy Trinity in Aberdeen.⁵³⁹ That both charters sought to confirm existing arrangements, issued by Alexander in his capacity as earl of Mar, suggests an attempt to publicize his new role.

Some time after the ratification of Erskine's grant, Stewart had journeyed south to England to joust with the earl of Kent, accompanied on his voyage by a retinue of sixty men.⁵⁴⁰ The inclusion of prominent Mar men in Stewart's retinue is argued to represent his swift resolution of the local disputes that had erupted in the wake of crown intervention in the Mar succession in 1404 (namely the discord between Alexander Lord Forbes and Sir Walter Lindsay of Kinneff), whilst his inclusion in the Scottish embassy sent to discuss 'infractions of the truce' and the release of the young Scots king, James I, in October 1406 suggests that his role as earl in this delicate upland region was both acceptable to, and respected by, both the local Mar lords and the wider political

⁵³⁹ NRS RH1/2/172; GD124/1/130; See above, 170-3.

⁵⁴⁰ There is debate concerning the timing of Mar's visit to England. See p.166-9 for further discussion; *Chron. Wyntoun*, vi, 420-2; *Rot. Scot.*, ii, 179; Brown, 'Regional Lordship in the north-east (II)', 32. The date provided for his safe conduct is dated as April 1407. (*CDS*, iv, no.730)

community.⁵⁴¹ The strongest indication of this, considering their support for the alternative Erskine claimants to Mar as recently as 1404, was the willingness of David earl of Crawford and Robert duke of Albany to embrace Mar's new role in the north-east.⁵⁴² The strength of Mar's regional authority led Albany to 'cut his losses and accept the new earl as an ally' and would explain Mar's inclusion in the embassy to be sent south in 1406 to discuss James' release.⁵⁴³ Although Mar's olive-branch approach to lordship in the area stretched to the unsuccessful Erskine claimant (shown by Stewart's reference to Robert Erskine as his '*confederatus*' (ally) in his ratification of Erskine's grant on 20 April 1406), Brown's implication that Erskine had recently received these lands in compensation for his lost earldom is misleading.⁵⁴⁴ The Garioch lands outlined in the 1406 ratification had been granted to the Erskine family by Thomas earl of Mar c.1358, along with various other lands within the lordship.⁵⁴⁵ In this charter, Sir Robert Erskine's grandfather, also Sir Robert, had similarly been styled Thomas' 'ally'. That Stewart was ratifying Erskine's grant of the lands to John Drummond of Concraig, described in the document as Stewart's kinsman, is argued here to suggest that Erskine may have been 'encouraged' to grant his lands to Drummond, or that he was hoping to refocus his interests in his central Scottish estates in the face of defeat. Though Albany's allies had benefited territorially from Isabella's subjugation to the governor's authority between 1402 and 1404, there were no charters to the Erskines augmenting their holdings in Garioch, nor had there been any confirmation of their right to retain these lands after they had acquired them c.1358. Erskine exclusion from Isabella's charters of religious patronage has already been argued to provide a strong indication of the countess' distaste for her would-be successors. That the Erskines were granting a significant share of their Garioch lands to a Drummond (brother of her deceased husband?) could indicate that Isabella had encouraged Stewart to exploit Albany's reliance on his authority in the north-

⁵⁴¹ D. Ditchburn, 'The pirate, the policeman and the pantomime star: Aberdeen's alternative economy in the early fifteenth century', *Northern Scotland*, 12 (1992), pp. 19-34, 20. Much of the recent historiography argues that the purpose of the visit was to enter into a feat of arms with Edward of Kent. However, this is unlikely to have been his sole purpose, and the safe-conduct issued after this referring to the truce suggests this.

⁵⁴² Brown, 'The Badenoch Stewarts II', 33.

⁵⁴³ *Ibid.*

⁵⁴⁴ NRS GD124/1/130.

⁵⁴⁵ NRS GD124/1/110.

east to gain territories for Sir John. That Isabella's potential involvement in the creation of this arrangement has not been commented on is unusual considering her first husband had been a Drummond, and that Sir John was a relative of his.⁵⁴⁶ It may have been more appropriate for the charter to state that Sir John was Isabella's kin, rather than Alexander's, considering that Stewart seems to have had no familial ties to the Drummond family. Furthermore, reference to a Drummond so soon after her marriage to Stewart could indicate that Isabella was finally using Albany's regional weakness to symbolically acknowledge Lord Malcolm's death through the reference to Sir John as 'kin'; Isabella had, prior to 1404, avoided direct reference to her deceased husband since his death at the hands of Albany and his allies in 1402, even in her charters to religious institutions.⁵⁴⁷

Mar's importance to Albany was to increase exponentially upon the death, before 12 March 1407, of David Lindsay earl of Crawford.⁵⁴⁸ Crawford's centrality to Erskine attempts to gain recognition of their right to possess the earldom upon Malcolm Drummond's death has already been discussed.⁵⁴⁹ However, the earl's importance to Albany was greater, and his loss impressed upon Albany the need to find another ally in the region.⁵⁵⁰ As Cox points out in his summary of the first earl of Crawford's career, Earl David's role in the representation of Albany's authority in the north-east may have been bolstered by the fact that the earl had access to a personal military retinue, which proved useful in minor skirmishes in the region.⁵⁵¹ In the absence of Crawford and his military following, Stewart provided an appealing alternative. Stewart's ability to establish a loyal local affinity upon his succession to the earldom in 1404, and his ability to retain it after Isabella's death in 1408, provided the earl with a

⁵⁴⁶ It may not be that surprising, considering the arguments provided above concerning scholarly representations of the authority of female countesses in Scotland. (See above, p. 130-73, *passim*.)

⁵⁴⁷ However, it could also be argued that the invocation of kinship in Stewart's ratification was methodically similar to calling upon cognatic kinship 'to give additional substance to – or even to justify – an existing relationship.' (C.A. Kelham, 'Bases of magnatial power in late fifteenth-century Scotland' (unpublished doctoral thesis, University of Edinburgh, 1986), 354) According to Charles Kelham, cognatic kinship could also be used 'at the commencement of a relationship', and may have vied with bonds of manrent and agnatic kinship as the dominant tool in the construction of affinities. (*Ibid.*) Certainly, Stewart was a witness to John Drummond of Auchterarder's recovery of lands in the sheriffdom of Forfar in 1410, which had been repossessed by the duke of Albany. (NRS GD160/14/2)

⁵⁴⁸ Cox, 'Lindsay Earls of Crawford', 107.

⁵⁴⁹ See above, 141-68, *passim*.

⁵⁵⁰ Brown, 'The Badenoch Stewarts II', 33.

⁵⁵¹ Cox, 'Lindsay Earls of Crawford', 107-8. See, for example, *Chron. Bower* (Watt), viii, 7-11.

strong sense of regional authority in the area which Albany sought to utilize in response to the threat posed by Donald of the Isles and his pursuit of the earldom of Ross (discussed below).

Attaining a clear understanding of Stewart's travels between 1406 and 1408 is difficult. Though suggested that his forays to France and the Low Countries during the period provided the earl with 'something of a public relations triumph', accurately dating these excursions has proved difficult.⁵⁵² Safe conducts contained within the second volume of the *Rotuli Scotiae* indicate that Stewart was expected in England in April 1406, having challenged the earl of Kent, cousin of Henry IV, in a feat of arms, to be watched by the English king.⁵⁵³ The issuance of a new safe conduct in 5 September that same year, *prout antea sexto die Aprilis* (as before the sixth day of April), suggests that the event had been postponed, perhaps as a result of Henry IV's deteriorating health. The unexpected decline in the king's condition had certainly led to the disruption of the 1406 parliament which had opened on 1 March; though the first session had ended on 3 April, it was unable to reconvene until the final day of the month as a result of the king's illness, and Stewart was still in Scotland on 20 April when he ratified Sir Robert Erskine's grant to Sir John Drummond of Concraig (discussed above).⁵⁵⁴ It is assumed that the earl remained in Scotland until preparations began for his departure to England in September. Interestingly, just three days prior to the issuance of the safe conduct of 5 September, a safe conduct was issued to the earl's chaplains, John Stele and William Stevenson, who were to be accompanied on their travels by Mar's ally Walter Ogilvy. These men were not to accompany Mar south, however, but were instead bound for Bruges. The safe conduct, to last until Easter 1407, stipulated that these men were to pass freely to and from Bruges conducting unspecified business on behalf of the earl. That Walter Ogilvy should have been preparing to accompany these men is unsurprising. Ogilvy had witnessed Countess Isabella's

⁵⁵² Brown, 'The Badenoch Stewarts II', 32.

⁵⁵³ Both Wyntoun and the *CDS* date Stewart's visit to England to discuss the release of James I as having occurred in 1407, which might better coincide with his apparent arrival in France in the following year. Further, if Stewart was already in England in 1407, this might explain why no safe-conduct survives for his passing through England to France, as he was already in the kingdom. (*Chron. Wyntoun*, vi, 420; *CDS*, iv, no.730) However, recent historiography accepts 1406 as the year in which the earl journeyed to England. See, for example, Brown, 'The Badenoch Stewarts II', 32; Ditchburn, 'The pirate, the policeman and the pantomime star', 20.

⁵⁵⁴ See above, 177-8.

charter to the house of the Holy Trinity in Aberdeen of the annual rent of 10 merks from Isabella's lands of Westoun, Tarland and Kincaigie on 5 December 1404. Four days later, Ogilvy was identified as one of the lords that had witnessed the formal resolution of the Mar succession crisis in the fields before the gates of the castle of Kildrummy, one of only six referred to explicitly by name. Though it is unclear what business the earl may have had in the Low Countries, the fact that he had business there indicates that the earl had a previous connection to the Continent that may have predated his marriage to Isabella. This is plausible; little is known of his career prior to his advantageous marriage to the Mar countess, and his confident interactions with high-ranking men such as the duke of Burgundy and the king of France in 1408 suggests that he may have had dealings with these men before. Indeed, the timing of the chaplains' visit, so close to Mar's travels to Paris and Flanders in 1408, might even suggest that Mar's involvement in Duke John's campaign in Othée was not as unexpected as the evidence suggests. Mar may have been acquainted with the duke prior to their meeting in Paris, though it might be too far fetched to suggest that the duke had already planned to use Mar in his dealings with the Liege. There is as yet no evidence to suggest that this was the case, and Duke John's reputation as being a 'masterful opportunist who acted impulsively, with speed and decision, on the spur of the moment' does not bolster the view that Mar's involvement at Othée was the climax of a two-year strategy devised between the Scottish earl and the Dutch duke.⁵⁵⁵ Regardless, Mar's affairs in Bruges may be credited with having provided the means with which the earl could establish himself as a key player in Burgundian diplomacy.

That the feat of arms scheduled to take place between the earls of Mar and Kent went ahead is suggested by the safe conduct of 10 October, outlining Mar's successful request that Gerard Egberdson, master of the ship called the *Holy Ghost*, be given permission to sail from the port of London with the Earl's armour and servants to Newcastle-on-Tyne. On arrival, Egberdson would freight another ship to continue the journey onwards to Scotland. Whether Mar accompanied the captain is unclear, but the issuance of a further safe conduct on 11 December for the earls of Mar and Crawford (with the bishops of Aberdeen and Dunkeld, and William Graham of Kincardine) to travel to

⁵⁵⁵ R. Vaughan, *John the Fearless: The Growth of Burgundian Power* (Woodbridge, 2002), 230.

England as Scottish ambassadors tasked with concluding peace between the two realms would suggest that he had.⁵⁵⁶ Certainly, the earl of Crawford was still in Dundee on 10 December, which might indicate that Earl David intended to remain in Scotland for the winter. That Mar may have come to a similar conclusion is reinforced by Mar's presence as a witness to the duke of Albany's flurry of February 1406/1407 confirmations of Crawford's December charters, accompanied in the witness lists by Gilbert Greenlaw, bishop of Aberdeen, listed as one of the ambassadors to travel to England with the two earls.⁵⁵⁷ William Graham of Kincardine was himself a witness to a confirmation of Lord Robert Keith's role as the sheriff of Kincardine in March 1406/1407. Though the safe conduct was valid until Whitsunday 1407, plans to travel south were likely disrupted by the death, before 12 March 1407, of David earl of Crawford. There is no indication that the ambassadorial troupe continued with their mission to England to negotiate peace in the wake of Crawford's death, though Mar evidently maintained a prominent role in Anglo-Scottish affairs and on 4 October 1407 the earl was granted safe conduct to travel to Scotland with a company of twenty-four men to '[come] within the realm to the king's presence or to the king's son John or others appointed for this by the king'.⁵⁵⁸

However difficult Stewart's movements are to determine between 1404 and 1407, it is evident that by 1408 Stewart felt confident enough in the stability of the region to undertake a prolonged journey to the Continent. Wyntoun provides a detailed account of Mar's movements in France, and his dealings with the French king and the Duke of Burgundy suggest that Mar was using his time abroad to forge political connections with significant European rulers. It has been suggested by Richard Vaughan that Mar had been returning from a pilgrimage to the Holy Land when the earl offered his services to the second duke of Burgundy in his attempts to bring Liège under Burgundian control.⁵⁵⁹ However, it is unclear where Vaughan sourced his information. Though the date of his arrival in France is not provided by Wyntoun, Stewart was still in Aberdeen in the opening months of 1407/1408, issuing a letter on 10 February confirming Gilbert Greenlaw's possession of the lands of Ardlair, Estirocher and

⁵⁵⁶ *Rot. Scot.*, ii, 194.

⁵⁵⁷ *RMS*, i, 878-881; Cox, 'Lindsay Earls of Crawford', 105; *Rot. Scot.*, ii, 194.

⁵⁵⁸ *CPR*, Hen. IV., iii, 485.

⁵⁵⁹ Vaughan, *John the Fearless*, 49, 55.

the kirklands of Oyne in the lordship of Garioch. These lands had been granted to Bishop Gilbert in 1403 when Albany had established control of the region in the wake of Malcolm Drummond's death, and Stewart's confirmation might suggest that he was attempting to retain the bishop's support in the region as part of a wider programme of reconciliation undertaken in the wake of his succession as earl of Mar, a programme that had provided the earl with the stability necessary to the continued success of his career. This was followed one month later by a 'letter compulsatory' outlining Mar's orders to his justice, bailie, and mair of Garioch to compel John of Abercrombie to make an annual payment of ten merks of silver to the Dean and Chapter of the church of Aberdeen for the lands of the Park of Galchowell.⁵⁶⁰ That both documents consider the territorial and financial wellbeing of a prominent clergyman and a nearby ecclesiastical institution may be significant, though not explicitly indicative of an earl preparing to undertake a pilgrimage to the Holy Land. As yet, no evidence has been found to suggest that Stewart was planning to undertake such an expedition, and Wyntoun's account of Stewart's actions in France and the Low Countries make no allusions to travels further afield. Rather, what is most striking about Mar's movements in 1408 is the evidence which indicates that Countess Isabella had accompanied her husband on his European travels. This, above all else, suggests that the earldom of Mar had recovered sufficiently from the rifts caused by the 1404 succession crisis and its resolution, as the earl and his countess were both able to leave the earldom under the watchful gaze of their local lords while they attended to their affairs on the Continent.

Perhaps arriving shortly after March 1408, Stewart is said to have travelled to France with a company of more than sixty men – 'Knychtis and sqwieris, gret gentilmen . . . Men of counsale and of wërtew, Off his Court and retinew' – settling, upon his arrival in Paris, at an inn called the Tin Plate.⁵⁶¹ Earl Alexander and his esteemed retinue were to lodge at the inn for the next twelve weeks, there holding 'a ryale state', and Wyntoun's description of their time here suggests that the earl was in high spirits, leaving the inn door open that men might feel encouraged to enter and join the earl for food and drink,

⁵⁶⁰ *A. B. III.*, iv, 175.

⁵⁶¹ *Chron. Wyntoun*, vi, 423. Stewart's acquaintance with the Duke of Burgundy while in France likely lay the groundwork for his involvement in the Duke's battle at Othée in 1408.

singing and dancing. His benevolence was commendable, and the earl was praised for his 'wyt, wërtew and larges'; this was not a leader of caterans, 'headstrong and wild', but a man viewed favourably (according to Wyntoun) by all nations.

The length of Stewart's lodging at this Parisian inn suggests that at some point during his stay (if not for the duration of it) Countess Isabella may have been by her husband's side. According to Francisque Michel in his study of the Scots in France, the countess is said to have been in Saint-Saens on 28 July 1408, completing the sale of her father's lands there, a process said to have begun on 14 March 1402.⁵⁶² The motivation behind her decision to sell her father's French lands is unclear, but the initiation of the transaction prior to the death of her first husband, Malcolm Drummond, suggests that the decision to sell the lands may have been a joint one, designed to augment their personal finances. Certainly, the construction of a new fortification at Kindrochit in Braemar is said to have been on-going when Drummond was murdered, and the decision to search for finances further afield may have been sought to hasten its completion in the face of mounting political tension in the kingdom following the deterioration of Rothesay's lieutenancy.⁵⁶³ Drummond's murder later that year may provide an explanation for the six-year delay in concluding the transaction; the uncertainty surrounding the future of Isabella's earldom between 1402 and 1404, and the attempts to restore stability to the region in the wake of Stewart's coup between 1404 and 1408 may have prevented Isabella from visiting Saint-Saens to finalize the sale. However, that Isabella should have been willing to part with these lands is surprising. Isabella's French territories were not simply a source of income, but the physical manifestation of the special relationship that Isabella's Douglas kindred held with France. Earl William – Isabella's father – had spent many of his formative years in the household of King David II at Château Gaillard, having travelled to France in the company of the Scots king in the 1330s. Indeed, such was his exposure to this 'Franco-Scottish environment' that upon his return to Scotland 'he was as much a French as a Scottish nobleman.'⁵⁶⁴ As described by Michel,

⁵⁶² F. Michel, *Les Écossais en France, les Français en Écosse*, 2 vols. (London, 1862), i, 64.

⁵⁶³ Simpson, 'Castle of Kindrochit', 91.

⁵⁶⁴ Brown, *Black Douglasses*, 211.

‘En rentrent ainsi en Ecosse, William de Douglas ne rompaît point complètement les liens qui l’attachaient à la France.’

‘Thus returning to Scotland, William Douglas never completely broke the ties that bound [him] to France.’⁵⁶⁵

Michel goes on to argue that Earl William’s continued connection to the country was a consequence of his receipt of the lands of Saint-Saens during his time there:

‘*Philippe de Valois, dit-on, lui avait donné la terre de Saint-Saens, dont les seigneurs figurèrent plus d’une fois dans les guerres d’Ecosse.*’

‘Philippe de Valois, they say, had given him the land of Saint-Saens, whose lords figured more than once in the Scottish Wars.’⁵⁶⁶

The possibility that he continued to visit his lands, and the strength of his ties to the region, is suggested by the assertion that Isabella herself had resided here prior to her decision to sell them. Whether she had resided here as a child, or upon her inheritance of the lands upon the death of her brother without an heir, is unclear, although Isabella’s decision to visit Saint-Saens just three months before a charter, dated 26 October, referred to the countess as having been deceased could suggest that Isabella’s health had begun to deteriorate, and that the countess was attempting to resolve the sale of her lands there.⁵⁶⁷ This suggestion is further bolstered by accounts of her somewhat reflective behaviour prior to her departure from Saint-Saens. Michel, in his description of the transaction, states that:

‘. . . mais avant de quitter le pays pour toujours, la bonne châtelaine voulut lui laisser un souvenir : elle fit placer son image dans le chœur de l’église prieurale, au bas d’une verrière donnée par ses soins. Ce morceau curieux a malheureusement disparu.’

‘. . . before leaving the country forever, the good lady would leave a memory: she had placed her image in the choir of the priory church, at the bottom of a window given by him [Earl William?]. This curious piece has unfortunately disappeared.’⁵⁶⁸

⁵⁶⁵ Michel, *Les Écossais en France*, i, 64.

⁵⁶⁶ *Ibid.*

⁵⁶⁷ *SP*, iii, 154n3.

⁵⁶⁸ J.B.D. Cochet, ‘Notice historique et archéologique sur l’église et l’abbaye de Saint-Saëns’, *Mémoires de la Société des antiquaires de Normandie*, xx (1853-5), pp. 442-57, 455-6; See also Michel, *Les Écossais en France*, i, 64. According to Grant, the retention of Isabella’s full title of ‘countess of Mar and Garioch’ in the preamble to this notice indicates that ‘the passage was based on an authentic document’, now lost.

The text does not make it clear whether the window (presumably stained glass?) had been donated by her father, Earl William, but her decisive placement of a statuette or image of herself at its base would suggest that it had been. The placement of such an object in a central location within the church, beneath her father's window, suggests a conscious decision to highlight her ancestry and the continued importance of the special relationship between France and the Douglas kindred. Indeed, her father's decision to place a window within the church in the first place would suggest that Isabella's pride in her lineage had been inherited from her father. If we assume that the countess was of failing health when she visited these lands, then her decision to leave such a memento may have represented a final attempt to celebrate her Douglas lineage and ensure that she and her family, and their relationship with France, were remembered after her death. Isabella's desire to be remembered was not a recent development; her acute concern for the commemoration of her lineage was evident in her gift in 1404 to the Holy Trinity of Aberdeen.⁵⁶⁹ Isabella's standard stipulation that the annual rents were to be lifted by the said 'minister' 'and his successors' ensured the security of the memory of Isabella's position as countess of Mar, patroness to the Holy Trinity, for future generations.

As stated above, Isabella was referred to as deceased in a document of October 1408. Although there is as yet no explicit evidence suggesting that the countess had managed to return to Scotland prior to her death sometime before this date, Wyntoun's account of Stewart's movements upon his departure from Paris suggests that she had done so. According to the chronicler, the earl had made service to the king of France before making preparations to return to Scotland. The earl promptly made for Bruges and remained there while waiting for favourable weather to sail to Scotland. The reason for his return, Wyntoun states, was his receipt of 'hasty tithingis', suggesting that the earl may have received news of his wife's failing health, or even of her death.⁵⁷⁰ Though tempting to suggest that unfavourable weather prevented Stewart's return to Scotland, it seems more likely that the lure of battle in the service of the duke of Burgundy had diverted the earl's attention from his Scottish earldom to the

(A. Grant, 'Royal and Magnate Bastards in the Later Middle Ages: The View from Scotland' (Working Paper) (Lancaster, 2013), pp. 1-45, 14)

⁵⁶⁹ NRS GD124/1/122.

⁵⁷⁰ *Chron. Wyntoun*, vi, 424.

promise of victory in Liege. Even Ditchburn draws attention to the ‘bellicose streak’ which remained one of the earl’s dominant characteristics, stating that ‘though Mar abandoned the image of a lawless ruffian after his marriage, he continued, albeit in a more respectable fashion, to pursue his martial talents.’⁵⁷¹ That Stewart did not return to Scotland before his involvement in the battle is suggested by a letter written by the duke to the bailiff of Bruges:

‘Dear and well-beloved bailiff, God willing, we have decided on our departure for the Liege campaign. We must have men-at-arms and bowmen where we can best find them and, for this reason, we are sending for the earl of Mar, who comes from Scotland and is at the moment in our town of Bruges with a number of excellent soldiers and, especially, bowmen, in his company.’⁵⁷²

The earl had clearly made an impression on the duke upon their acquaintance in Paris, and the eagerness with which the duke pursued Mar’s support may have led the earl to believe that the forthcoming battle held the promise not only of glory, but the advancement of his career. The duke was a powerful man; Stewart’s support, if it contributed to John’s success at Liege, might secure his status as a crucial contact for the duke in Scotland, perhaps paving the way to continued involvement in the affairs of his new acquaintances in Europe, or even an advantageous marriage in light of his recent change in status. Regardless of how Mar himself may have viewed his involvement in the duke’s plans, however, John made it clear in his correspondence that the earl of Mar and his accompanying forces were vital to his success, and were willing to pay handsomely for their services:

‘Neither the earl nor his troops can enter our service without ready money, with which, at the moment, as you may have heard, we are not very plentifully supplied. We therefore pray and require you, on all the loyalty and service which you owe to us as dearly as you love our person and our honour, and on pain of incurring our eternal indignation, to send us at once the sum of 500 gold crowns and pay and hand over these 500 gold crowns to our beloved and faithful secretary, Master Johannes de le Keythulle, who has been instructed and ordered by us to deliver them to the aforesaid earl of Mar so that

⁵⁷¹ Ditchburn, ‘The pirate, the policeman and the pantomime star’, 24.

⁵⁷² Vaughan states that the original of this document is said to have been housed in the *Archives Générales du Royaume Aquits de Lille*. However, according to Vaughan, the document itself has not been located. Instead, a photograph of the document in question was presented to the author from the authorities there, and it is his translation used here, contained on pp. 55-6 of Vaughan’s *John the Fearless*.

he can come to us with his company. If by any chance you have not got the aforesaid sum, you must borrow it regardless of the difficulties and cost, and we shall wholly return and refund to you the expenses and loss which you incur in doing this. . . You had better not mean in any way to let us down over this, because in truth, if there is any defaulting, it will displease us more than anything else could, and we shall certainly remember it in the future.’⁵⁷³

Finally, in case there was any doubt that the duke himself had sent such a document (and highlighting a slight flair for the dramatic), the letter ends with a postscript written in the duke’s own hand:

‘Bailiff, accomplish what I have written to you about or, if not, I shall show you how displeased I am.’⁵⁷⁴

As stated above, the eagerness with which the duke pursued Mar’s services, combined with both the promise of a substantial financial return for the earl and his men and his personal penchant for warfare, easily persuaded Mar to join the duke’s cause. Keen to aid the duke, Mar is said to have responded to John’s request immediately, stating that

‘Set we be nocht ma
Bot I and my boy, we twa,
I sal be thare that forsaid day,
Purvait, as I be purvayt may.’⁵⁷⁵

Mar’s exploits in battle are described in detail by Wyntoun, and need not be recounted here. However, it is important to note that the men that Stewart chose to accompany him into battle would continue to play a vital role in Mar’s diplomatic (and piratical) endeavours upon his return to Scotland. Having sent the duke an assurance of his support, the earl set about gathering a force reputed by Wyntoun to have numbered 100 men. Amongst these men, twelve were explicitly identified by the chronicler as having fought alongside Mar at the battle. The first to be named were the knights Sir James Scrimgeour of Dundee, Sir Ellis of Kinninmound, Sir William Hay, lord of Naughton and Sir John of Bothwell. To this elite group were added six of Mar’s esquires, dubbed by the earl himself before battle commenced – John 7th earl of Sutherland, Mar’s

⁵⁷³ Vaughn, *John the Fearless*, 55.

⁵⁷⁴ *Ibid.*, 57.

⁵⁷⁵ *Chron. Wyntoun*, vi, 430.

nephew;⁵⁷⁶ Alexander Keith (possibly of Grandoun, son of Sir William the Marischal?); Alexander Irvine of Drum; Andrew Stewart, Mar's brother; John 'the Menyeis' (Menzies), Mar's banner-bearer; and Gilbert Hay. Two remaining men – John of Ceres and Alexander Lyle – though not knighted, were praised by the chronicler for their involvement in the battle. Of these men, Scrimgeour, Bothwell, Keith, Drum, Stewart and Lyle would maintain a close relationship with the earl upon his return to Scotland; Bothwell and Lyle, in particular, would be identified as accomplices in two of Mar's piratical endeavours in 1409 and 1411 respectively.

Mar's prowess on the battlefield, having earned the praise of the Duke of Burgundy for having maintained his ward in battle 'so worthely', is suggested by Wyntoun to have secured the earl an advantageous marriage. That his wife should have been an heiress in Brabant is unsurprising – Anthony, duke of Brabant, was the brother of John the Fearless, duke of Burgundy, and had similarly been involved in the battle of Othée. It is suggested here that, contrary to previous suggestions that the marriage 'displays all the hallmarks of impetuosity', Anthony may have hoped to reward Mar for his services by arranging for the recently widowed earl to take a new wife. The match was to prove disastrous, however, and in 1415 Albany and the Scottish council petitioned Pope Benedict XIII to grant the earl a divorce from his Brabant wife, on the grounds that Marie was already married. Though we cannot be certain, a safe conduct issued to the earl on 29 December 1408 for his safe return to Scotland through England, and the duke of Albany's testimony that Mar had returned to Scotland after only eight days of marriage to his new Brabant wife, suggests that Stewart may have married the heiress in December. If so, Thierry Lienden (Marie's first husband) would have surely been dead already – certainly, he is said to have died in 1408.⁵⁷⁷ Though purely speculative, Mar's

⁵⁷⁶ John's father, Robert, had married Mar's sister Margaret Stewart, daughter of Alexander Stewart earl of Buchan. (*SP*, viii, 329-332) As shown by Katie Stevenson, it was not only the crown who could create a knight. Indeed, non-royal dubbing was indicative of a strong lord-knight/lord-squire relationship, which highlights the strength of Mar's relationships with his comrades-in-arms. Furthermore, Stevenson argues that 'although aspiring knights often wanted to receive knighthood from a man of particular social distinction, such as the king, it was of similar honour to receive knighthood from the hands of one who had established a reputation of chivalric prowess and outstanding knightly deeds.' (K. Stevenson, *Chivalry and Knighthood in Scotland, 1424-1513* (Woodbridge, 2006), 57) Earl Alexander, as a Gaelic warlord and sought-after international soldier, would have been an appealing alternative to the king.

⁵⁷⁷ *Scot. Antiq.*, vii, pp. 1-2, 2.

marriage to Marie de Hoorn may have been a direct result of his deeds in battle; though very little is known about Marie de Hoorn, she may have been the granddaughter of Sir Henry Horn, killed by Mar himself at Othée. Indeed, the unnamed son of Henry that was killed by John of Ceres may have been her father, which might explain the circumstances behind Mar's marriage to a Brabant heiress.⁵⁷⁸ Furthermore, considering the supposed amity between Duke John and the earl of Mar both before the battle of Othée and after, it seems unlikely that Duke Anthony of Brabant would have paired their Scottish hero with a married woman. The decision to wait until 1415 suggests that there may have been an ulterior motive to the decision to divorce Marie, while Mar's swift return to Scotland after his wedding abroad was likely a response to his prolonged absence from his earldom. There is, as yet, no evidence to suggest that Mar had returned to Scotland in the immediate aftermath of the battle, indicating that the earl may have remained in the Low Countries to negotiate his marriage to the heiress. If so, the earl had been on the Continent for at least nine months. The time had come to return to his earldom.

Going it alone: The widower and his earldom 1408-1435

As a consequence of Robert III's resolution of the Mar crisis in 1404, Alexander Stewart was to hold the earldom in liferent after the death of Isabella. Thus, her death in 1408 symbolized the beginning of Stewart's career as earl of Mar in his own right.⁵⁷⁹ His marriage to Isabella had propelled him to the forefront of Scottish politics, and turned him into one of the highest ranking men in Scotland at the time. As Ditchburn has argued, Stewart's advantageous marriage to the widowed Mar countess was 'probably the most significant public event of his life', and had placed Stewart on a path to political greatness that he could not have hoped to expect prior to the marriage as the bastard son of a royal prince, a

⁵⁷⁸ Though tempting to suggest that the speed with which Stewart remarried upon Isabella's death in 1408 represented an attempt to maintain the status which his marriage to Isabella had provided, this is unlikely. Neither Stewart's authority in the region nor his position as earl would have been threatened by Isabella's death; the settlement of 1404, granting the earldom of Mar to Stewart in liferent, ensured his continued dominance in the area. His regional authority, as discussed, was further strengthened by his continued centrality to Albany policy in the north, and his willingness to become a 'loyal watchdog' for the governor in return for significant financial compensation. Though his second marriage to a Dutch heiress would suggest that a bride of suitable rank could not be found in Scotland, its coincidence with Mar's martial exploits in the Low Countries might suggest that the match was intended as a reward for his services in battle.

⁵⁷⁹ See above for a discussion of Robert III's resolution, 168-73.

prince who had an unsavoury reputation (in the lowlands at least)⁵⁸⁰ as the ‘wildly destructive and uncontrollable ‘Wolf of Badenoch’.⁵⁸¹ However, while Mar himself had been seen to exhibit some of his father’s ‘rambunctious’ characteristics in his youth, his time as earl of Mar has been viewed by chroniclers as symbolizing the development of the rebellious young lord into a ‘paragon of Scottish aristocratic virtues.’⁵⁸² This view has been questioned in recent scholarship, however. Although chronicle evidence may have wished to portray Stewart as ‘another kind of man’, keen to distance himself from his status as a Gaelic warlord, this chronicle reputation was forged on his role as agent of the crown, and plays down his continued piratical exploits, the severity of which can be measured by the Hansa’s imposition of an embargo on Scottish trade in 1412 (ending three years later) and 1419 (coincidentally lifted in the year following his death in 1435).⁵⁸³ That Stewart did represent a stabilising force in the north-east after the restlessness of the opening years of the fifteenth century, however, is widely accepted in the available historiography concerning the period.⁵⁸⁴

Stewart’s career has already been discussed in some detail by David Ditchburn and Michael Brown. Ditchburn’s analysis of Scotland’s relations with Northern Germany and the Baltic in the later middle ages, and more recently on Aberdeen’s ‘alternative economy’ in the early fifteenth century, highlight not only the piratical activities of the earl of Mar, but a number of his allies and vassals, providing a unique opportunity to examine Mar’s affinity.⁵⁸⁵ Brown, conversely, focusses on Mar’s ability to exercise effective lordship in the north-east upon his acquisition of the earldom, providing a somewhat whistle-stop

⁵⁸⁰ Boardman shows that Alexander was viewed in quite a different light in Gaelic Scotland: ‘. . . when the lord of Badenoch came branking through the bounds of his lieutenancy, it was as *Alasdair Mòr Mac an Rìgh*, ‘great Alexander, the king’s son’. (Boardman, *Early Stewart Kings*, 88; *Chron. Pluscarden*, i, 329)

⁵⁸¹ Boardman, ‘The Badenoch Stewarts I’, 22.

⁵⁸² Brown, ‘The Badenoch Stewarts II’, 32. For a similar assessment see Boardman, ‘The Badenoch Stewarts I’, 1.

⁵⁸³ D. Ditchburn, ‘Merchants, pedlars and pirates: a history of Scotland’s relations with Northern Germany and the Baltic in the later Middle Ages’ (unpublished doctoral thesis, University of Edinburgh, 1988), 340-376.

⁵⁸⁴ His reputation is not discussed here; instead, this chapter seeks to follow his transition from Gaelic warlord to lowland defender, and how the new earl may have utilized his position in the north-east to achieve it. For discussions of the earl’s reputation, see A. Cathcart, *Kinship and Clientage: Highland Clanship 1451-1609* (Leiden, 2006), 10-11, 210; Boardman, ‘The Badenoch Stewarts (I)’, 1-2, 21-3; Brown, ‘The Badenoch Stewarts II’, 44-8; Brown, ‘The Great Rupture’, 2-3.

⁵⁸⁵ Ditchburn, ‘Merchants, pedlars and pirates’, *passim*.; Ditchburn, ‘The pirate, the policeman and the pantomime star’, *passim*.

assessment of the earl's career.⁵⁸⁶ Outwith these works, his role in the execution of crown policy in the north concerning the lordship of the Isles has dominated scholarly portrayals of his career. Indeed, the brevity of scholarly accounts of Mar's movements from his return to Scotland in 1408/1409 and his success at the battle of Harlaw in 1411 reflect the importance of this battle to Stewart's legacy, while the fragmentary nature of the surviving evidence pertaining to the conduct of his own affairs in the opening decades of the fifteenth century undoubtedly contributes to the selective quality of more general scholarly accounts.⁵⁸⁷ What follows, then, is an attempt to summarize and understand his early years as earl of Mar, and their impact on the two events in his career which had the most bearing on the development of his earldom; the battle of Harlaw in 1411, and Stewart's agreement with James I concerning the earldom's future in 1426.

Mar's absence from documentary record between his likely return in the opening months of 1408/1409 and his involvement in an attack on an English ship in the winter of the same year make it difficult to ascertain his whereabouts with any confidence. It must surely be assumed that the earl would have journeyed to his earldom upon his return, perhaps if only to re-establish his presence and active lordship in the area in the wake of Isabella's death and to seek out news of any issues which may have surfaced in his absence. Indeed, that Mar's next appearances should have been in his capacity as a Scottish pirate alongside other prominent men from his region suggests, according to Ditchburn, a link between this spate of piracy and the fortunes of the burgh of Aberdeen. Listed alongside Mar in an English complaint explicitly condemning his piratical activities were (among unnamed others) Sir John Bodville (Bothwell?) and – more importantly – Robert Davidson, provost of Aberdeen.⁵⁸⁸ Davidson's involvement is argued by Ditchburn to be especially significant. As both provost and one of the burgh's customers, he was in a unique position to assess the burgh's export trade, and though there is no clear evidence to suggest a correlation between a decline in Aberdeen's customed

⁵⁸⁶ Brown, 'The Badenoch Stewarts II', *passim*; Brown, 'The Great Rupture', *passim*.

⁵⁸⁷ Indeed, even Brown's analysis of Mar's career is dominated by an examination of his ability to oppose the lords of the Isles.

⁵⁸⁸ *CPR*, Hen. IV., iv, 173, 176, 180. Ditchburn has suggested that the 'Bodville' in the English complaint is 'Bonville'. However, considering the presence of a 'John Bothwell' at Othée with Mar, knighted by the earl for his services in battle, it seems more likely that this is the same man. (See above, 187-8)

exports and a surge in piracy, ‘the particularly low customs returns of the middle of the first decade of the fifteenth century correspond to accusations of piracy . . . while the burst of piracy attributed to Aberdonians in 1409 and 1410 coincided with another drop in exports, as is reflected in the 1410 and 1412 accounts.’⁵⁸⁹ Unusually, the burgh of Aberdeen was singularly blamed for the upsurge in piracy from 1408 onwards, and it is argued that this lucrative response to the burgh’s declining fortunes was inspired by its exposure to the freebooting nature of one of its leading regional magnates – Alexander Stewart, earl of Mar. The suggestion that the earl may have inspired the burgh to look to piracy for financial respite is rooted in the dominant portrayal of the earl as possessing a somewhat daring disposition, ‘as befitted the son of the notorious ‘Wolf of Badenoch’.⁵⁹⁰ According to Ditchburn, the uncertainty of his future prior to his marriage to Isabella as the illegitimate son of the lord of Badenoch inspired Stewart to forge his own destiny, and his early career was marked by both ‘audacity and adventure’ as the cub attempted to do so. Discernible examples include his forcible marriage to Countess Isabella, and his martial exploits abroad in 1408. ‘Piracy’, Ditchburn concludes, ‘fits comfortably into this picture of strenuous, if, at times, legally dubious, activity’. Though this thesis has already challenged the prevailing notion that Stewart’s marriage to Isabella was conducted of his own volition, his penchant for warfare cannot be ignored. As with Stewart’s marriage in 1404, however, the decision to look to the seas for a quick (if risky) profit may not have been his alone. Although little is known of Davidson’s career prior to his involvement in Scottish piracy, his knowledge of trade routes and his credentials as merchant, customer and provost of Aberdeen would have proved invaluable to his associates. The suggestion may well have come from Davidson himself.⁵⁹¹ As for Bothwell, his presence at the earl’s side was to be expected. As previously discussed, Bothwell (listed by Wyntoun as ‘Sir John Bothvile’) had been one of the leading knights in Mar’s company in Flanders in 1408.

Prior to the explicit identification of Stewart and Davidson as the pirates responsible for an attack on two English ships in the winter of 1409, evidence of their direct involvement in Scottish piracy is difficult to discern. Merchants

⁵⁸⁹ Ditchburn, ‘Merchants, pedlars and pirates’, 347-8.

⁵⁹⁰ *Ibid.*, 348-9.

⁵⁹¹ *Ibid.*, 349.

from Amsterdam, Bruges, Gouda and Haarlem reportedly suffered losses at the hands of Scottish pirates operating near Flanders in 1408, though official documentation concerning their complaints were unable to identify any of these pirates by name. Though tempting to suggest that Mar may have been involved in these attacks, it seems unlikely that he would have engaged in piracy so close to Flemish shores considering his developing relationship with the duke of Burgundy concerning his future service in the duke's campaign against the Liegeois. By 1409, however, Mar had returned to Scotland and had probably witnessed Aberdeen's precarious financial position first-hand. His eagerness to aid the burgh, while commendable, may have been an attempt to build on his recent successes at Othée. The local Mar lords had supported his ascension to the earldom in 1404 because they felt sure that Stewart, rather than Albany's Erskine candidate, would be able to protect their interests, both territorial and financial. In many ways, the economic slump of the opening decade of the fifteenth century provided an opportunity for the earl to prove that they had made the right decision, while his collusion with prominent men from the burgh demonstrates his desire to safeguard the burgh's economy, the maintenance of which was beneficial not just to the Scottish merchants, but to Mar's noble allies. Piracy provided both the burgh and the earl with a mutually beneficial opportunity – for the burgh, it offered the chance to salvage their export trade and retain their status as one of the premier Scottish burghs; for Mar, it offered the chance to secure both his authority and his ability to safeguard the interests of the region.

Mar's anonymity as just one of a number of faceless Scottish pirates was short-lived, and he was identified alongside Davidson and Bonville as one of the Scotsmen responsible for the attack on two London ships named the *Thomas* and the *Marie* in 1409. Four London merchants – Richard Whittington, John Weston, Geoffrey Dallyng and Geoffrey Glymmesford – had lost 'divers goods and merchandise of theirs', the value of which amounted to a sum of 500*l*. According to legislation concerning the attack, repeated requests for restitution made to the recalcitrant earl and his accomplices had gone unanswered. In response to Mar's silence, the four merchants appealed to their king, Henry IV, for permission to obtain restitution from the Scottish goods and merchandise held aboard a Flemish ship that had recently landed at Warkworth, forced to

dock there due to stormy weather.⁵⁹² Henry IV's commissioners – 'now in Scotland' – were to be informed of the Scots' capture of the merchants' goods, no doubt in an attempt to circumvent Mar and his accomplices and seek Albany's intervention in a matter which directly affected the future of the Anglo-Scottish truce.⁵⁹³ The need for redress was heightened by the capture of the *Marie*, carrying a cargo of wheat and beans valued at 200 marks to the garrison at Calais. Interference with the delivery of supplies to an English garrison was unlikely to commend the Scots to the English king, and just ten days after the commission of 1 December, Henry IV authorised a further enquiry into the fate of 'the said Scottish goods and merchandise of those of Scotland and prisoners of the greatest value' that had been looted by Englishmen after the forced landing of the Flemish ship at Warkworth.⁵⁹⁴

Evidently, the threat of English retaliation did not deter either Mar or Davidson. By 24 December 1409 the pair had journeyed to Kincardine Castle where Stewart issued a grant of the lands of *Glencarwie* [?], *Glenconrie* [?] and the Orde in the lordship of Strathdon to Alexander Forbes, lord of Brux. By April 1410, the Scotsmen had resolved to continue supplementing Aberdeen's declining wealth by targeting Dutch merchants.⁵⁹⁵ The residents of Bouwershaven had already complained of Scottish piracy in 1409, and in April 1410 an Amsterdam vessel bound for Flanders was captured by the Scots, followed by the capture of four vessels at Flushing (Vlissingen) a month later. In 1411, a Hanseatic ship sailing to Reval (now Tallinn, Estonia) was captured by the Scots, followed by a further attack in 1412 on a second Hanseatic ship en route to Rostock. Though not all of these were attributed to the actions of the

⁵⁹² *CPR*, Hen. IV, iv, 173.

⁵⁹³ *Ibid.*

⁵⁹⁴ That the king was frustrated is suggested by the increasingly decisive tenor of this document. In the commission of 1 December, Henry's men were charged with establishing who possessed the Scottish cargo 'if the goods of the said Richard and others have been captured by the Scots contrary to the truce'. At this stage, Scottish involvement in the capture of the *Thomas* seems to have been in doubt. However, just ten days later, the commission stated that the cargo bound for Calais '[had] been captured by the king's enemies of Scotland at sea during the truce', and Robert Tempest, sheriff of Northumberland, was to join Henry's men in establishing the identity of those who now enjoyed possession of the Warkworth cargo so that Whittington and his men might gain redress for their stolen goods under the terms of the truce between the two kingdoms. By February 1409/1410, the men had found their answer. Both the Scottish cargo and the valuable prisoners had come into the possession of Sir Robert Ogle, Sir Jon Wodryngton, John Fox and 'other lieges of the king'. The men were promptly ordered to relinquish the goods, merchandise and prisoners to the king's men under threat of arrest. (*CPR*, Hen. IV., iv, 173, 176, 180)

⁵⁹⁵ *A. B. III.*, iv., 177. Davidson witnessed the charter, alongside Thomas Yule, another Aberdeen burghess.

earl, Stewart was identified as having been complicit in the capture of the Amsterdam vessel bound for Flanders, the vessels at Flushing, and the second Hanseatic ship en route to Rostock.⁵⁹⁶ With this in mind, it is not implausible to suggest that Mar may also have been responsible for the remaining attacks.

The capture of the Amsterdam vessel bound for Flanders in April 1410 is especially significant, both as the motive for the involvement of the Hanseatic league, and as one of the first explicit examples of the involvement of the Lyle family in Mar's piratical exploits. The ship had been carrying the goods of a number of merchants from Danzig, and when Davidson and his accomplices attempted to sell the plundered goods at Harfleur in France, their goods were immediately seized upon their arrival by three Hanseatic merchants.⁵⁹⁷ Though Davidson was able to avoid punishment and secure his freedom by his production of a safe conduct granted to him by the French king, Charles VI, the issue concerning the stolen goods was brought before the Hanseatic diet which met at Hamburg that month, resulting in the delivery of a letter to King Charles VI seeking crown support in securing justice for the Danzig merchants whose goods had been stolen. Though the Scottish reaction to Mar's piratical exploits is often difficult to gauge, in the summer of 1410 the burgh was faced with the distinct possibility that two of the most important men in the region, men who were crucial to the burgh's financial future, might be formally reprimanded for their role in the attack.⁵⁹⁸ Mar and Davidson were certainly anxious enough to seek the burgh's protection in the face of the Hansa's retribution, and in a letter sent to Danzig, dated 1 December 1410, the burgh vehemently vouched for the pair, claiming that neither Davidson nor Mar were involved in the attack. Their further request for 1000 nobles to be paid to Davidson on account of the costs incurred while defending himself before the *parlement* of Paris further represented how far the burgh was willing to go to protect these men.⁵⁹⁹

Evidence of Scottish tolerance for Mar's extracurricular activities is

⁵⁹⁶ Ditchburn, 'The pirate, the policeman and the pantomime star', 21.

⁵⁹⁷ Ditchburn, 'Merchants, pedlars and pirates', 351.

⁵⁹⁸ Ditchburn states that the Aberdeen burgh records, though 'the most extensive to survive for the medieval period anywhere in Scotland', make no reference to the surge in piratical activity after 1408, nor do they highlight Scottish concern over the prospect of foreign retaliation. Indeed, Scottish response to Mar and Davidson's involvement in piracy 'and the foreign anger which they had provoked alternated between ambivalence and obdurate intransigence.' (Ditchburn, 'Merchants, pedlars and pirates', 354; Ditchburn, 'The pirate, the policeman and the pantomime star', 23)

⁵⁹⁹ Ditchburn, 'Merchants, pedlars and pirates', 352-3.

evident prior to the December defence, demonstrated by the earl's continued involvement in Scottish politics when not engaged in these lucrative North Sea raids. On 18 July 1410, little over a month after his attack on the Flushing vessels, Mar was at the Tolbooth in Perth as a witness to the resolution of a dispute between John Drummond of Auchterarder and Sir Robert Lyle concerning the lands of Ledcrief, Argayth and Smythtoun in the sheriffdom of Forfar. The notarial instrument outlining Drummond's complaint stated that although the lands had been recognised into Albany's hands, an inquest led by the sheriff of Forfar and other unnamed barons had found that John Drummond had entered the lands legitimately, and they were accordingly delivered to him. However, Drummond's possession of these lands was challenged by Sir Robert Lyle, who had likewise appeared before Albany and his council, producing an instrument showing that the deceased Malcolm Drummond had resigned the said lands to Lyle. The resignation further stipulated that it could be revoked on the payment of money by the said Malcolm to the said Robert, though it is unclear whether Lyle received a sum in return for the loss of these lands.

The importance of this dispute lies not in its depiction of Mar's continued role in Scottish politics in the face of Hanseatic condemnation of his piracy but in the involvement of Sir Robert Lyle – a prominent Renfrewshire landlord – in a dispute concerning lands which pertained to Stewart's predecessor and Countess Isabella's first husband, Malcolm Drummond, lord of Mar. As discussed above, Mar's capture of the Amsterdam vessel provides the first explicit example of Lyle involvement in the earl's piratical exploits. It is suggested here that the Alexander 'Lyall', identified alongside Davidson as one of the lords attempting to sell the stolen goods in Harfleur in April 1410, was uncle of the aforementioned Sir Robert Lyle, and the same Alexander Lyle that had been involved in Mar's martial exploits with the duke of Burgundy in 1408.⁶⁰⁰

⁶⁰⁰ The *Scots Peerage* provides a somewhat confusing account of the Lyle family in this period. It is stated that Alexander Lyle was uncle of Sir Robert, first lord Lyle of Duchal, whom the *Scots Peerage* lists as the son of the Robert Lyle who laid claim to Mar. However, the *Scots Peerage* itself shows that this cannot be possible, as Alexander's brother John, succeeded to the estates in the late fourteenth century, and it was his son Sir Robert who claimed Mar. Sir Robert is then said to have had a son, also called Robert, who the *Scots Peerage* lists as nephew of Alexander. (*SP*, v, 549-58; See also 217-20 below for a discussion of the Lyle family and their claim to Mar)

Outwith the prominent role played by John Lyle of Duchal during the reign of King David II in the later fourteenth century, very little is known about the family or indeed their connection to the earldom of Mar. However, upon the death of Earl Alexander in 1435, Sir Robert Lyle would emerge as one of three claimants to the Mar inheritance. Crucially, like Erskine's claim in 1390/1391, Sir Robert's inheritance was to consist of *half* of the earldom of Mar, rather than the earldom in its entirety. Alexander Lyle's presence in Harfleur and his nephew's attempts to fight for lands in Forfar gifted to him by the previous lord of Mar, suggests that the Lyles retained a prominent position in Aberdeenshire in the opening decade of the fifteenth century.⁶⁰¹

By 16 December, just fifteen days after the letter defending both Mar and Davidson had been sent in response to the accusations concerning their theft of goods belonging to Danzig merchants, Stewart had returned to his earldom and was spending Christmas at his castle of Kildrummy. Accompanying the earl was his trusted accomplice Robert Davidson, who would witness Stewart's grant of the lands of Auchindoir and Fiddlemouth to Sir Alexander Irvine of Drum.⁶⁰² Though no records survive concerning the value of the lands of Fiddlemouth, the lands of Auchindoir held a value of 4*l.* by 1451, and their position in the shadow of Kildrummy, the earldom's caput, may have been a territorial representation of Irvine's proven loyalty to the earl of Mar since his marriage to Isabella in 1404. Irvine was almost certainly one of the unnamed *populo patriam* (people of the country) that had witnessed the ceremony conducted outside the gates of the castle on 9 December 1404, having been listed as a witness to Countess Isabella's mortification of a chaplaincy in Aberdeen just four days earlier.⁶⁰³ Stewart's grant to Irvine was followed, sometime before March 1411, by a grant to the earl's brother Sir Andrew Stewart of the lands of Sandhalch in the barony of Monblary in the sheriffdom of Banff, and the lands of Colqwhorsy [Culfork] in the earldom of Mar. Both charters indicate that Mar was ensuring the continued support of men who had joined the earl in his martial endeavours on the Continent, support which would prove crucial in the coming months.

As Boardman points out, Albany faced significant challenges in

⁶⁰¹ See above, 187-8.

⁶⁰² *A. B. III.*, iv., 452-4.

⁶⁰³ See above, 164-68.

establishing and maintaining effective lordship in the territories north of the Forth. This was exacerbated in 1402 by the deaths of David, duke of Rothesay (who had been granted the significant earldom of Atholl in 1398); Sir Malcolm Drummond, lord of Mar; and Alexander Leslie, earl of Ross, Albany's son-in-law. Of those three men, two (Rothesay and Drummond) had been violently removed by Albany himself, while the disastrous defeat at Humbleton Hill that same year had also seen the capture of Albany's nephew Thomas Dunbar, earl of Moray, and Albany's son Murdoch, 'who had served continuously as justiciar of the north for thirteen years'.⁶⁰⁴ Indeed, much of Albany's weakness in the region was intensified by the governor himself and his forceful removal of political opponents, while the familial connections with prominent northern lords, such as Leslie and Dunbar, which had so recently represented the potential burgeoning of Albany Stewart prominence north of the Forth, had now left vital northern territories open to external control.

The single greatest threat to Albany's authority, however, was the death of his son-in-law Alexander Leslie, earl of Ross. With no surviving male heirs, Leslie's death saw the Ross inheritance pass to his daughter Euphemia, the governor's granddaughter. Albany's awareness of the vacuum in the north created by the death of the aforementioned regional magnates, and Euphemia's vulnerability in the face of regional instability, persuaded Albany of the need to secure possession of his young granddaughter and her vast estates.⁶⁰⁵ His concerns regarding the security of Euphemia's inheritance were not unfounded; Leslie's sister, Mariota, had married Donald, Lord of the Isles. Their union meant that Donald now had a viable claim to succeed to Ross. As argued by Cameron, '[m]arriage was an accepted avenue of power acquisition, and Donald would have held the same expectations of such avenues as any Scottish baron.'⁶⁰⁶ However, Albany's presence in the area, and his control of the barony of Kingedward (alongside his brother-in-law Alexander Keith of Grandon), highlights that Albany had no intention of relinquishing Stewart control of the Ross patrimony, while his identification in charters issued from Dingwall Castle ('the [key] to Ross') in 1405 as "lord of the ward of Ross" suggests an attempt to

⁶⁰⁴ Boardman, *Early Stewart Kings*, 258.

⁶⁰⁵ *Ibid.*

⁶⁰⁶ S. Cameron, "Contumaciously Absent?": The Lords of the Isles and the Scottish Crown', in R. Oram (ed.), *The Lordship of the Isles*, pp.146-175, 159.

publicize his control of the estates.⁶⁰⁷ Donald's reaction to Albany's movements is difficult to gauge, though his restraint is argued to be indicative of an attempt to gain the earldom through diplomacy, rather than a show of Highland force.⁶⁰⁸ Certainly, Cameron draws attention to a visit to the captive James I by Hector Maclean, Donald's nephew, and the prompt arrival – 'almost certainly with James' knowledge' – of English envoys in Donald's lordship to discuss the possibility of peace between Henry IV and Donald. That James should have been motivated to aid the Lord of the Isles is unsurprising; James was no friend of the Albany Stewarts, who had thus far delayed his return to Scotland, and James may have empathized with Donald's attempts to regain his inheritance in the face of Albany opposition considering his own unfortunate circumstances. The promise of English support via the absent Scottish king may have encouraged Donald to make his initial move against Albany, as Donald had regained control of Dingwall castle sometime between 1405 and 1411.⁶⁰⁹ His patience had evidently worn thin by 1411, however, and Donald's frustrated attempts to gain access to Ross encouraged the Lord of the Isles to mobilize his forces and mount an attack against Albany and his agent in the north, the earl of Mar.⁶¹⁰

As in Wyntoun's account of 1408, our knowledge of Mar's Harlaw retinue comes from a surviving chronicle account of the battle. According to Walter Bower, accompanying Mar in his defence of the lowlands were men who had already proven themselves loyal to the earl, both on the Continent and at sea. The three Alexanders – Ogilvy, Irvine and Forbes – were among the earl's men, along with 'all those whom he could have from Mar, Garioch, Angus and the Mearns'.⁶¹¹ Though he is not mentioned by name, it is plausible to suggest that Lyle may have been one of the Angus men who fought alongside the earl at Harlaw, his father having received the barony of Lundie from David II in 1361. Leading these men into battle was Mar's old ally, Robert Davidson. This was to be Davidson's final undertaking. Listed among the casualties from Mar's side

⁶⁰⁷ Brown, *James I*, 103; Boardman, *Early Stewart Kings*, 258-9.

⁶⁰⁸ Cameron, 'The Lords of the Isles', 159.

⁶⁰⁹ Boardman, *Early Stewart Kings*, 259.

⁶¹⁰ For an extensive analysis of the battle of Harlaw and the events which led to Donald's attack, see K.J. Hunt, 'The governorship of the first duke of Albany: 1406-1420' (unpublished doctoral thesis, University of Edinburgh, 1998), pp. 205-315, *passim*.

⁶¹¹ *Chron. Bower* (Watt), viii, 75-7.

were Davidson, James Scrymgeour (constable of Dundee), Alexander Irvine of Drum, and George Ogilvy, son and heir of Alexander Ogilvy of Auchterhouse. Of these men, two had fought alongside Mar in Othée (Scrymgeour and Irvine), while Davidson had accompanied the earl on his piratical endeavours since his return to Scotland in 1408. Their death would have represented a significant loss for Mar, who had relied on their support in the opening stages of his career and to whom he had continually demonstrated his loyalty and gratitude after Othée.

The traditional view of Donald's actions has centred on the aspirations of the Isles men to ascend to the Scottish throne. Certainly, Donald's familial ties to the royal family as grandson of Robert II and cousin to Robert III and the duke of Albany could be seen to suggest an ambitious Highland lord making a play for the throne in the absence of an active monarch. However, though Alison Cathcart argues that Harlaw in 1411 and the later battle of Inverlochy in 1431 represent 'the willingness of the island lords to oppose royal authority when the crown attempted to contain them, politically or territorially', she also acknowledges their recognition of the Scottish crown as the 'ultimate authority within Scotland', suggesting (in concurrence with recent scholarship) that Harlaw was representative of Donald's allegiance to James I, 'who wanted to prevent further expansion of Albany-Stewart influence within Scotland.'⁶¹² Donald's recovery of the earldom of Ross and his subsequent invasion of Aberdeen had certainly fulfilled (however temporarily) the desire of the Isles lord and his royal ally to curtail Albany's influence north of the Forth, representing 'the final indication of the collapse of Albany's northern policy since 1402'.⁶¹³ Furthermore, Cameron persuasively portrays Donald's willingness to court James' support in his quest to regain Ross as 'a desire [...] to be a vassal to the King of Scots for this earldom, and an even greater power in the Scottish realm. [...] This does not tally with any suggestion that the Lords of the Isles considered themselves above, or outside, the framework of Scottish society.'⁶¹⁴

With Donald's advance came an opportunity for Stewart to prove his worth not only to Albany's administration, but also to the local lords in Mar and

⁶¹² Cathcart, *Kinship and Clientage*, 34.

⁶¹³ Brown, 'The Badenoch Stewarts II', 34.

⁶¹⁴ Cameron, "Contumaciously absent'?", 160.

the surrounding northern territories who had welcomed Stewart's ascension to the Mar inheritance as the man most qualified to protect their landed interests against the might of the Isles men. That his victory at Harlaw was the definitive moment in his career is widely accepted, and its importance lies not in Harlaw's reconciliation of issues concerning the Isles territories (which, regardless of Stewart's victory, were to remain unresolved for the foreseeable future) but in the endorsement of Stewart's unequivocal leadership 'of the north-east lowlands from the Tay to the Moray Firth.'⁶¹⁵ Stewart's worth to Albany's governorship and the interests of the lowland magnates had been confidently established on the battlefield, and would serve Stewart well for the next two decades. The return of James I in 1424, however, whose support of Donald of the Isles had inspired the island lord to mount his attack on Albany's governorship in the absence of the king, and as an extension of his authority, threatened to counteract Stewart's achievements since 1411. Indeed, Earl Alexander's association with the Albany Stewarts, which had proved so useful since 1404, was to threaten his relationship with the newly-returned king, whose eighteen-year delay in returning to the throne was a direct result of Stewart's patrons.

In 1411, however, the return of the king was a distant possibility, and Mar sought recognition of his value to the Albany governorship after his victory at Harlaw. This would be easy enough; Mar's martial success had 'elevated [his] usefulness . . . in the eyes of the governor and his Council, and allowed the earl even greater latitude in his role as the crown's main agent in the north.'⁶¹⁶ That the duke of Albany formally acknowledged Mar's role as the crown's main agent is suggested by an indenture of 1420 between Robert's son Murdac, now duke of Albany upon the death of his father, and Earl Alexander. According to the document,

' . . . the forsaied Earll of Mar is becum man of sp[eciale feale] and reteneu till the forsaied [Murdac] Dvck of Albaney . . . for all the terme of his lyffe before and aganis all uthiris deidlyk personis'

. . . the foresaid earl of Mar is become a man of s[pecial fealty] and retinue to the foresaid [Murdac] duke of Albany . . . for all

⁶¹⁵ Brown, 'The Badenoch Stewart II', 34.

⁶¹⁶ Hunt, 'The governorship of the first duke of Albany', 268.

the term of his life before and against all other mortal persons'.⁶¹⁷

This was followed by Duke Murdac's gift of half of the profits 'of the justry of Aberdeine Bmffe and Inuernesse' to which Mar should do his utmost to bring justice to 'for beath ther profit.' The agreement's similarity to that held between Mar and Murdac's further is suggested by the stipulation that Mar should be 'steadhaldand' to Murdac 'efter the tennor of the letters the quhilks the said Earl hede of umquhilum our Lord the Governour quhom God assoyle'.

Between 1411 and 1422, then, Mar used his Harlaw success to command respect from the Albany governorship while securing patronage for both himself and his followers. For Mar, this meant finances. In addition to the income he received from his own estates, Mar would receive 352*l.* 19*s.* 9*d.* in return for his services, drawn from the customs of Dundee, Montrose, Edinburgh, Haddington and Aberdeen.⁶¹⁸ Furthermore, Stewart was recompensed for construction of and repairs to Inverness castle after Harlaw from 1412 onwards.⁶¹⁹ As argued by Brown, Mar's receipt of substantial funds from the Scottish customs would have enabled the earl to maintain his personal affinity, and his 'ability to pay for service in the form of annuities from these funds must have oiled the wheels of his lordship and made it hard for rivals . . . to compete.'⁶²⁰ Indeed, Mar's ability to exercise his authority in the north was dependent upon the continued financial and political support of the Albany governors.

Though we are able to assess the state of Stewart's finances during his career as earl of Mar, his direct impact on the development of the earldom itself is less demonstrable. The survival of charter evidence for the remainder of his career is fragmentary at best, and only ten personal charters issued to and from the earl survive between 1411 and his death in 1435.

The first, issued on 1 January 1417/1418, granted the lands of Alford, 'namely Argaythin [Ardgethin] and Arbauchlax [Arsballoch]' in the earldom of

⁶¹⁷ *A. B. III.*, iv, 181.

⁶¹⁸ For Dundee, see *ER*, iv, 16, 47, 82, 106, 136, 194, 241 [Total received: 193*l.* 8*s.* 4*d.*]; For Montrose, see *ER*, iv, 49, 146 [Total received: 46*l.* 13*s.* 4*d.*]; For Edinburgh, see *ER*, iv, 43 [Total received: 30*l.*]; For Haddington, see *ER*, iv, 39, 69-70, 101, 131, 163, 211, 237, 264, 287, 334, 335, 355, 375 [Total received (in right of his wife, Countess Isabella): 1894*l.* 14*s.* 3*d.*]; For Aberdeen, see *ER*, iv, 14 (in right of Countess Isabella), 51 (in right of Countess Isabella), 86, 145, 170, 199, 200, 225, 248, 274, 315, 347, 359 [Total received: 1357*l.* 3*s.* 10*d.*]

⁶¹⁹ *ER*, iv, 145, 163, 173, 211, 227, 255.

⁶²⁰ Brown, 'The Badenoch Stewarts II', 39.

Mar to William Lindsay, lord of Rossie, described in the charter as Mar's cousin. Again, those listed as witnesses to the charter had a record of service to the earl since 1408; William Hay lord of Naughton, Alexander Ogilvy sheriff of Angus, and Ogilvy's brother Walter.⁶²¹

Sometime before 1419, Mar had been promoted to Admiral of the realm of Scotland, and is designated as such in two charters of 1420 and 1423. On 2 January the earl had confirmed a charter by Margaret of Glen lady of Inchmartin 'and parcener of the lands of Achleven [Auchleven], Ardoyne and Harlaw to Walter Ogilvy, lord of Lintrathen, and his wife Isabel, daughter of the said Margaret.

Just one year later, on 16 November 1420, an indenture was issued between Murdoch, duke of Albany and Earl Alexander (discussed above). Though alluding to the previous agreement between Stewart and Duke Murdac's father, Robert, the indenture of 1420 may have been issued in an attempt to secure the support of Mar's son, Sir Thomas. Certainly, the indenture states that both men were to 'be for the Governor before and against all men, except the King alone.' In return for his services, as discussed, Mar was to receive one half of the profits of the justice courts of Aberdeen, Banff and Inverness, further augmented by Mar's receipt of the profits of the lands of Badenoch, Urquhart and Strathavon 'until they be let to advantage, when the Governor is to have one half of the profits and the Earl the other half, during his life.'⁶²² Outwith these significant territorial and financial concessions, intended to secure the continuation of Mar's loyalty in the north, the indenture also represents the first indication that Stewart was trying to secure the legitimization of his son in order to ensure Thomas's succession to Mar upon the death of his father. Evidently, Earl Alexander may have been intending to grant his vast estates to his son (if he had not done so already), as the indenture stipulates that the governor would confirm the grant by the earl to Sir Thomas of the earldom of Mar and lordship of Garioch 'if the Earl can show a charter by the King confirming the lands of Mar and Garioch to him, his heirs, and assignees.'⁶²³ How Mar would have achieved such a feat is uncertain. Robert III's resolution of 1404 clearly stated that Mar and Garioch would revert to the Erskines should the marriage between

⁶²¹ *A. B. III.*, iv, 142.

⁶²² *Ibid.*, 181.

⁶²³ *Ibid.*

Countess Isabella and her new husband fail to produce an heir. As Sir Thomas was a bastard son born after Countess Isabella's death, Earl Alexander had no legal right to pass the earldom to him. Further, that there is no record of Mar having attempted to achieve a similar settlement with Murdac's father might suggest that he was aware of the improbability of receiving confirmation of such a request. That Murdac's support for Mar's scheme rested on such a condition suggests that the duke himself was aware that such a document did not exist, and may have simply been placating the earl in order to secure his support. Perhaps the most interesting clause contained within the indenture is the proviso that the governor would not consent to the marriage of Walter Stewart of Lennox, his second son, to Janet Erskine, a daughter of Sir Robert Erskine (claimant to Mar in 1435). This would have been problematic for Mar. Sir Robert Erskine had been named in an indenture of 20 December 1400 between Sir Thomas Erskine (his father) and Sir David Lindsay earl of Crawford. The indenture stated that on the marriage of Sir Robert to Earl David's daughter, the earl would aid Sir Thomas and his wife Janet in their quest to recover possession of Mar and Garioch. If successful, the earl of Crawford would have been father-in-law to the new earl of Mar. Sir Robert had presumably (and understandably) sought a marriage between his daughter Janet and Murdac's son Walter. An alliance between Erskine, Crawford and the governor of the realm would have proved beneficial to Erskine attempts to gain Mar. Though Murdac may have promised not to authorize the marriage without Mar's consent, Walter – presumably with the knowledge of his father, though we cannot be sure – sought a papal dispensation for the marriage (owing to his relation to Janet Erskine in the third degree 'corroborative', Douglas argues, 'of the alliance with the Earl of Crawford') which was granted on 24 April 1421. Whether the marriage actually took place is uncertain, though Douglas opines that Janet Erskine 'appears to have been the mother of Walter Stewart of Morphie, and the ancestress of the Earls of Castle Stewart in Ireland', suggesting that it did so. Mar's reaction to this development is undocumented.

The indenture between Murdac and Mar represented a clear attempt to ensure the continuation of Stewart's authority in the north and allegiance to the Albany Stewarts, yet the concessions alluded to might suggest that Murdac was aware that his time in office would be brief, particularly if he intended to secure

the release of James I, and that any promises made to the earl of Mar would fail to materialize upon the return of the king. The possible marriage of Walter and Janet, however, may have impressed upon Mar the need to secure his own position in the face of Albany Stewart encroachment, and may have contributed to his position on the assize of 1424 which would find Murdac and Walter guilty of treason. The only way to secure his hold on Mar and ensure his son's succession was to court the support of the new king and remove the competition.

Between his service to the newly returned king, however, Mar continued to conduct business in his earldom. Mar may have been aware of the close relationship which the Forbes family had previously held with the Lindsay earls of Crawford, and Mar's confirmation of a charter by William Lindsay lord of Rossie to Sir Alexander Forbes of the lands of Alford which Stewart had previously granted to Lindsay in 1418 may have been an attempt to ensure their loyalty to Mar by acknowledging their attempts to augment their position in the earldom. Had Mar declined to confirm the charter, he may have ran the risk of alienating one of his most powerful supporters, and as discussed previously, Mar was fiercely loyal to those who had served him well in his early years as earl of Mar.

The actions of the king upon his return to Scotland, and the severity of his treatment of the Albany Stewarts, are discussed in detail below. What follows here is an examination of the development of James' relationship with the Lords of the Isles, and how the pejoration of James' attitude to the Isles may have influenced the Scots king's interactions with the earl of Mar, and whether James' recognition of Stewart's bastard son as heir to Mar was a reflection of crown attempts to retain the lowland defence against the might of the Isles.

James' island ally Donald, Lord of the Isles, did not survive to see James' return to the Scottish kingdom, having died a year before James' release in 1424. Donald's successor Alexander is argued to have maintained the cordiality enjoyed by his predecessor and the Scots king, and was listed as a witness to the assize which saw the condemnation of the Albany Stewarts in 1425.⁶²⁴ Yet the suddenness of James' move against his kin had shocked his subjects. The king's relationship with Murdac upon his return was reasonable, if not cordial. Perhaps in recognition of the likelihood of royal reprisal, Murdac had complied with the

⁶²⁴ Cameron, "Contumaciously absent'?", 161-2.

formal transition of power from the governor to the king between March and April 1424. The governor's absence (along with his ally, the earl of Mar) from James' court at the castle of Brancepeth – where he and his bride had settled on their journey north as newly-weds – suggests that the threat of James' displeasure was enough to encourage the lords to tread with caution.⁶²⁵ That Mar should have been concerned about his regional authority became immediately apparent at a parliament held on 22 May 1424, the day after James' coronation.⁶²⁶ This assembly, 'one of the largest legislative Parliaments of the century', was understandably preoccupied with the reassertion of royal rights in honour of the resumption of active monarchy. The surviving legislation also introduces one of the dominant themes of James' reign (discussed below), that of the antagonism between James' style of, and views on, kingship and the attitude of a political community that had enjoyed a *laissez-faire* government since 1404. Most significantly for Mar was the inclusion of a legislative recall of 'all the gret and smal custumys and buroumaillis of the realme', the revenues of which had been granted out to various lords under James' predecessors, a policy of patronage which had led to a significant depletion of royal finances.⁶²⁷ That James should have desired their restitution was both reasonable and practical. James had returned from England with a sizeable ransom of £40,000, a sum which James would struggle to repay if the royal finances were not restored. That the lords felt slighted by James' restorative policies in 1424 highlights how detrimental his eighteen-year absence had been, and the underlying theme behind his financial policy in his first year as king was the restoration and establishment of 'a wealthy and prestigious monarchy'.⁶²⁸ The customs were key to realizing James' ambitions.⁶²⁹ As shown by Tanner, these revenues had been 'use[d] and abuse[d]' by various prominent lords in the years before James' return, among them the earl of Mar.⁶³⁰ Stewart's effectiveness as defender of the lowlands is argued to have been reliant on the revenue from the Aberdeen customs, and James' swift revocation of Mar's major source of income would

⁶²⁵ Brown, *James I*, 40.

⁶²⁶ *Ibid.*, 48.

⁶²⁷ RPS, 1424/8. Date accessed: 9 December 2016; R.J. Tanner, *The Late Medieval Scottish Parliament: Politics and the Three Estates, 1424-1488* (East Linton), 9.

⁶²⁸ *Ibid.*

⁶²⁹ *Ibid.*

⁶³⁰ *Ibid.*

have been cause for alarm, not least because such a significant financial loss might affect Stewart's ability to retain stability in the north-east.

The removal of Stewart's main source of income not only threatened to dissolve the ties which bound his affinity to his service, but may also have threatened to ignite a regional power play in recognition of Stewart's financial weakness.⁶³¹ Stewart's reaction to James' decision saw him return to the north-east to assemble his supporters and assess the impending crisis.⁶³² In addition to Mar's loss of the customs which had proved so beneficial to his career was the removal of his authority as justiciar in the north. Having filled this role throughout the governorship of the Albany Stewarts, James' return saw a lapse in Stewart's official authority, which significantly reduced the earl's ability to resist the growing influence of the island lords, which he had fought so hard to contain between 1411 and 1424.⁶³³

Though Brown argues that James may not have been considering the long-term consequences of his actions in 1424, James' indirect involvement in Donald of Islay's uprising in 1411 coupled with the thrill of intervening in Scottish affairs and undermining Albany authority whilst captive in England, must have surely left an impression on the young captive, and it is argued here that he was at least partly aware of the ramifications of his actions, and may have attempted to pre-empt regional instability by favouring lords who would be loyal to the king. As discussed, James had retained a cordial relationship with Alexander Lord of the Isles, who had been present at the assize which marked the end of the Albany Stewarts in 1425. However, parliamentary concern regarding James' relationship with the island lords manifested itself in an official warning concerning remissions of 'highlandmen'.⁶³⁴ The act clearly sought to remind James of the behaviour of the northern men prior to his return to Scotland, 'who before the king's homecoming commonly plundered and slayed one and other'.⁶³⁵ Furthermore, Mar's victory over Donald of the Isles in 1411 had instilled a sense of pride in the lords who had fought against the encroaching might of the northern lordship, which James' favourable outlook

⁶³¹ Brown, 'The Badenoch Stewarts II', 39.

⁶³² Brown, *James I*, 49.

⁶³³ *Ibid.*

⁶³⁴ *RPS*, 1425/3/26. Date accessed: 27 May 2016.

⁶³⁵ *Ibid.*

may have threatened to undo.

While James may have heeded the parliamentary rebuke, he would not readily reverse the fortunes of the earl of Mar, which had so rapidly declined upon the king's return to Scotland, and James attempted to reorganize the hierarchy of the region by recognizing the potential of Thomas Dunbar, earl of Moray, as an alternative to Mar's authority in the north. The return of Alexander Seton, lord of Gordon (alongside Dunbar), who had served James I since 1406, further suggests James' intention to adjust the power structure in the north. Considering the recent warning from James' parliament concerning the malice of the Highland men, James' new strategy may have done little to assuage their concerns regarding the lordship of the Isles. As highlighted by Brown, Dunbar was brother-in-law to the third Lord of the Isles, and thus possessed strong familial ties to the lordship. This may have alarmed James' administration, who realized that James was attempting to undermine previous attempts to curb the authority of the wayward island lordship by drawing the Lords of the Isles into the royal orbit. The political community may have felt that the security offered by Stewart's role as defender of the Lowlands had been sacrificed in favour of a policy of integration which was as unwelcome as it was tenuous.

It was during the king's Christmas court later that year that Brown suggests there were attempts by James' administration to persuade him to rethink his northern policy. Seton, the king's man, had seemingly reached a rapprochement with the slighted earl of Mar prior to the Christmas gathering, and the agreement between James and the earl of Mar in 1426 suggests that James had come to appreciate the value of this prominent northern magnate.⁶³⁶

Yet James' reconciliation with the necessity of Mar's authority in the north may also have been tied to the deterioration of James' relationship with the Isles in the wake of his destruction of the Albany Stewarts. Murdac's execution in 1425 had upset the delicate political balance which had been forged in the months following James' return. The wholesale destruction of the family that had left James to languish in England, however readily they relinquished their authority upon their return, had shown a different side to the king's character, the prevalence of which was as yet unknown. It was to be expected, therefore, that a surviving son of Murdac, duke of Albany, who had managed to

⁶³⁶ NRS GD124/1/132; Brown, *James I*, 82.

escape to Ireland, should attract the loyalty of men who were hostile to the king after his heavy-handed treatment of the Albany Stewarts. The act of March 1426 'preventing unauthorised contact between 'the frontiers of Scotland lying against Ireland' and Ireland itself' seems to have been an explicit recognition of the threat posed both by James the Fat and his supposed collusion with the MacDonalds of the Isles. That James I issued a charter to Mar just two months later recognizing the right of Mar's son Thomas to succeed to the earldom upon his death (thus negating the terms of the 1404 resolution in which the earldom was held by Alexander in *liferent*) suggests that James may have reached his own conclusions about the value of Mar's support.⁶³⁷ Indeed, Tanner has argued that the receipt thereafter of the lordship of Badenoch and his reinstatement as lieutenant in the north, followed 'by another parliamentary session [...] combined with the grants to Mar and the presence of so many northern lords, seems to indicate royal concern about the north earlier in the reign than has previously been thought.'⁶³⁸ Further, the agreement between James and Stewart was highly beneficial to both parties. James was able to re-establish security in the north after failed attempts to insert crown-endorsed magnates into the region, while Alexander was finally able to secure succession to the earldom for his bastard son. James' acceptance of Thomas Stewart as heir to Mar, however, and the proviso outlining Mar's reversion to the crown should he die without an heir, was to have ramifications which would reach much further than the reign of James I and his relationship with the Isles.

The 1426 grant to Earl Alexander represented the cessation of Erskine (and Lyle?) rights to succeed to Mar upon Stewart's death. The grant was mutually beneficial, providing Alexander with a means of retaining Stewart possession of Mar, whilst providing James with access to a territorially significant earldom. It is also suggested here that the threat posed by the island men led James to circumvent Erskine and Lyle succession to the earldom in order to ensure the continued stability of the earldom in the event of the demise of the earl of Mar without an heir. That the Erskines in particular were unsuited to the task of providing Mar with an effective leader to continue the earldom's role as a bulwark against the might of the Isles has already been discussed at

⁶³⁷ NRS GD124/1/132.

⁶³⁸ Tanner, *The Late Medieval Scottish Parliament*, 28.

length.⁶³⁹ That James may have also realized this is a possibility that has so far been ignored in the historiography of the period. As will be further showcased below, Erskine succession to the earldom may have undermined the stability of this crucial northern region. As outlined in the protest of 1390/1, the Erskine claim was to *half* of the earldom of Mar, which suggested the existence of an alternative claimant to Mar, a mantle assumed in 1444 by Sir Robert Lyle, lord of Duchal.⁶⁴⁰ Although the origins of Lyle's claim are difficult to ascertain, owing to the absence of evidence pertaining to his rights to Mar prior to this date, his use of the title 'lord of half of Mar' in his documentation concerning his rights in the region indicate that his status as a claimant may – like Erskine - have its roots in the reigns of the early Stewart kings and the Albany governorships.⁶⁴¹ If Lyle was indeed a claimant to Mar, then the death of Alexander Stewart without an heir would have represented a division of the earldom between two lords whose territorial interests and affinities lay in their estates in central and western Scotland.

Unfortunately for both families, Sir Thomas Stewart – illegitimate son of the earl of Mar and recognized heir to the Mar patrimony – predeceased his father in 1430. The resultant acquisition of the earldom of Mar by the Scottish crown would initiate a battle for the Mar inheritance that would not be resolved until the nineteenth century.⁶⁴²

⁶³⁹ See above, 145-73, *passim*.

⁶⁴⁰ NRS GD52/405.

⁶⁴¹ See below, 216-20.

⁶⁴² Though the complexities of the nineteenth century debates concerning the Mar succession falls outwith the remit of this thesis, the author hopes to pursue such an examination upon completion of the thesis.

Chapter Four

Politics (III): The Decline and Fall of the Earldom of Mar 1435-1503

A family affair? The death of Alexander and the power of the crown

In July 1435, upon the death of Alexander Stewart earl of Mar – illegitimate son of the Wolf of Badenoch and ‘defender of the Lowlands’ – the earls of Mar became extinct. What ensued in the years following his death was a bitter dispute between the rightful heirs to the earldom of Mar and the Scottish crown.⁶⁴³ Such was the intensity of this dispute that the issue of the rightful succession to the earldom was still being debated in the House of Lords as late as 1875.⁶⁴⁴ Considering the protracted nature of this succession debate, it is surprising that so little scholarly attention has been paid thus far to the steadfast refusal of the crown to acknowledge the rightful heirs to the earldom, or indeed to the Erskine family’s dogged pursuit of justice in the face of what has been deemed the characteristic covetousness of the Stewart kings. Oram’s analysis of the early history of the earls and earldom of Mar is indicative of a growing interest in the history of this major Scottish earldom, while Michael Brown’s recent examination of the political repercussions of the death of Alexander Stewart suggests an increasing awareness of the dearth of research concerning Mar.⁶⁴⁵ However, Oram’s work on Mar sought to examine the earldom as it existed under the control of a native kindred, assessing how the earls reconciled themselves with the influx of Anglo-Norman influences between 1100 and 1350. Although Oram does discuss a succession crisis in the 1220s, which saw the earldom of Mar split between Duncan, son of Morgrund and Thomas Durward, Alexander II’s involvement in this succession crisis and the subsequent decision to divide the earldom seems to have been met with little resistance, making the ‘crisis’ and the solution relatively tame in comparison to the Erskine claims and the ensuing battle for their inheritance.⁶⁴⁶ There is also

⁶⁴³ Brown, ‘The Great Rupture’, *passim*.

⁶⁴⁴ See J.F.G. Erskine, *Ancient and Modern* (Edinburgh, 1875), *passim*., for a detailed account of the proceedings of the nineteenth century Mar Peerage Case.

⁶⁴⁵ Oram, ‘Continuity, adaptation and integration’, *passim*.

⁶⁴⁶ *Ibid.*, 54-7.

little room for comparison between the thirteenth century crisis and its fifteenth century equivalent, as Alexander II did not seek to impose continuous royal authority in the area, nor did the earldom fall to the crown while the crisis was resolved.

Similarly, while Brown does recognize the death of Alexander Stewart as having created a regional crisis, with the 'removal of a regional foci' initiating a period of major change, the article places the decline and fall of the earls and the reversion of Mar to the crown against a backdrop of wider political upheaval in north-east Scotland in the fifteenth century. As such, there is little discussion of the subtle nuances of the development and alteration of local politics and the importance and exploitation of familial ties in the years following the escheatment of Mar to James I. The earldom's escheatment to the Scottish crown in 1435 offered an opportunity for prominent noble families such as the Forbesees and the Lindsays to initiate a power play that had its roots in Albany control of Mar from 1402-4. The Forbes family in particular managed to utilize both the crisis and Erskine and Lyle reliance on their support to bolster their territorial portfolio, receiving the lion's share of territorial gifts from both the crown and the local nobility.⁶⁴⁷ However, all those involved in the succession crisis were wise enough to wait until the death of James I to make their move, and his murder in 1437 provided Erskine with an opportunity to press his claim without fear of retribution from a king who had proven himself willing to forcibly (and violently) assert his authority.

The historiographic traditions concerning the covetous nature of the Stewart monarchy are ultimately founded upon James' actions between 1424 and 1437. Assessments of James such as that provided in Jenny Wormald's oft-quoted summary of the extent to which the king had enriched the royal coffers through his agenda of territorial aggrandizement (and his treatment of the Albany Stewarts upon his return) has substantially coloured our perception of James, to the detriment of a detailed analysis of his treatment of significant Scottish territories. Further, his assassination in 1437 contributes to the image of a king so unpopular that his subjects deemed it necessary to remove him by

⁶⁴⁷ That both Erskine and Lyle had actively sought the support of the Forbes family is indicative of their status as the senior kindred in Mar, a seniority which may have stemmed from their descent from a failed thirteenth century claimant to the earldom of Mar. For a discussion of this possibility, see below, 225-9.

force, a picture we have been too ready to accept as representative of James' character and unpopular policies as king. The ease with which we cling to this appraisal has hindered an assessment of James' reign and, on a more localized level, his interaction with the nobility. In particular, James' acquisition of Mar in 1435 has been viewed as simply another example of his acquisitive nature, and the subtle nuances of Mar's transferral to the crown have been overlooked. It is argued here that grouping James' acquisition of Mar with that of the other earldoms in Scotland is no longer viable.

A king inspired? Reassessing James I's involvement in Mar

Although crown interference in substantial earldoms and lordships was not unusual, James' acquisition of Mar represents the first decisively aggressive intervention in this area, using his arrangement with Earl Alexander in 1426 (concerning the reversion of Mar to the crown) to supersede the Erskine and Lyle claimants to the earldom.⁶⁴⁸ Predictably, the historiographic interpretation of James' movements in Mar have been exclusively negative, and compliment the scholarly portrayals of James as avaricious and forceful, a ruler who though 'capable of highly effective short-term intervention in the politics of the kingdom, [had] achieved no sustained period of royal control.'⁶⁴⁹ However, even Brown – in his assessment of James' reputation – accedes that his policies (both domestic and foreign) were designed to '[transform] the goals and expectations of Scottish kingship.'⁶⁵⁰ The decades preceding his return in 1424 had been punctuated by challenges to crown authority from members of the Stewart family, and the resultant lieutenancies had blurred the lines between monarch and magnate.⁶⁵¹ The fusion of the two roles critically altered the exercise of power in medieval Scotland as the administrative focus reflected magnatial interests rather than crown concerns, and James' priority upon his return was the reassertion of royal authority, essential to the restoration of a strong central government. Although the extent to which his actions were influenced by his

⁶⁴⁸ NRS GD124/1/132. For example, in the wake of Malcolm IV's invasion of Galloway in 1160, the lordship was split into two distinct territorial blocks, but those blocks were given to the two sons of the previous lord, the rightful – if rival – heirs to the lordship. (Oram, *Lordship of Galloway*, 87-111, *passim*.) In the 1220s, when Alexander II attempted to solve the first succession crisis to hit Mar, this was achieved again by dividing the earldom between the two rival claimants and allowing them each to control their own half. (Oram, 'Continuity, adaptation and integration', 52-8)

⁶⁴⁹ Brown, *James I*, 207.

⁶⁵⁰ *Ibid.*

⁶⁵¹ *Ibid.*

exposure to the machinations of the English crown and its court has not received the attention it deserves, it has been argued that James' desire to emulate the governmental methods of his English counterparts was sabotaged by a myriad of personal character flaws. His implementation of a style of kingship that had made Henry V 'a king at the head and heart of his nobility' had served only to alienate James from his.⁶⁵²

Though it cannot be denied that James showcased a ruthless approach to the governance of his kingdom, many of those themes which are now viewed so negatively by historians were not isolated to the reign of James I. Financial irresponsibility, territorial aggrandizement, and the quest to enhance the image of the crown were features common to the reigns of James' ancestors as well as his successors. Even Wormald's analysis of Stewart landownership suggests that the process of territorial aggrandizement began well before James became king, and the earldoms which James pursued upon his return to Scotland had, before their acquisition by the crown, been in Stewart hands.⁶⁵³ That he took these lands from his kinsman could represent more than the family vendetta proposed by Wormald, suggesting instead an effort to circumvent an adverse reaction to his territorial agenda by taking from family instead of nobles in general. Perhaps criticism should not focus on the methods by which he acquired these lands, then, but on his approach to land management. After all, his removal of several Stewart men from these geographically significant areas had left these regions without a recognized leader, and although general historiography suggests that James was keen to place loyal men into these earldoms in order to establish and maintain the authority of the crown, James' movements instead indicate an attempt to preserve the established power structures within these regions. For example in Mar, the lords of Forbes – Mar's senior kindred – received confirmations of their substantial territorial possessions. Thus the nobility may have been less concerned with James' accumulation of territorial wealth, and more with his reluctance to share it.

While James I's pursuit and eventual acquisition of Mar has been viewed as proof of his acquisitive nature owing to the financial windfall it provided the crown, this traditional interpretation is open to reassessment, founded on three

⁶⁵² *Ibid.*

⁶⁵³ See Wormald, 'Taming the Magnates?', 272.

central suggestions.⁶⁵⁴ The first is that James may have viewed himself not as a royal interloper but as an heir to the earldom in his own right. As argued elsewhere, the marriage, after 1292, of Robert the Bruce to Isabella of Mar – daughter of Earl Donald (I) – may have been at the heart of Stewart interest in Mar. Though deceased by 1296, Isabella had provided Robert with a single daughter, Marjorie Bruce, whose son – Robert Steward – ascended the throne as Robert II in 1371. James I, therefore, was a direct descendant of Isabella of Mar, wife of Robert Bruce and daughter of Earl Donald (I). James’ decision to name his second daughter Isabella, not only after his progenitor, but also the last countess of Mar, suggests that he was drawing attention to his ancestry. The king was making his intention to inherit, and indeed his right to, as clear as possible.⁶⁵⁵ The marriage of Marjorie Bruce to Walter Stewart in 1315, the acquisition of the earldom in 1404 by Alexander Stewart, and the escheatment of the earldom to James I (a direct descendant of Isabella of Mar) indicates the potential realization of an on-going policy to consolidate Stewart authority in the area.⁶⁵⁶ When viewed with this in mind, it is understandable that Alexander Stewart should have agreed to the earldom’s reversion to James, his cousin, enabling the continuation of Stewart control of the area.

The second suggestion argues that James’ treatment of Mar reflected an appreciation of Mar’s importance to crown struggles against the Isles men. The development of James’ relationship with the Lords of the Isles, and its eventual pejoration, had influenced the Scots king’s interactions with the earl of Mar. James’ recognition of Stewart’s bastard son as heir to the earldom was a reflection of crown attempts to retain the lowland defence against the might of the Isles.⁶⁵⁷

The third and final suggestion centres on the symbolism of the earldom of Mar as the medium through which Robert III, James’ father, was able to reclaim some measure of authority in 1404 after a period of significant marginalisation. It may have been important to James to possess the earldom which had allowed Robert III to return to Scottish politics and create a regality

⁶⁵⁴ For an assessment of Mar’s value in the fifteenth century, see Appendix B.

⁶⁵⁵ James II would employ a similar (albeit more discernible) approach in 1457, when the king cited his descent from Isabella of Mar, wife of Robert Bruce and daughter of Earl Donald (I) as justification for his denial of the Erskine claim to Mar. See below, 246-7.

⁶⁵⁶ See below, 220-5.

⁶⁵⁷ See Chapter Three: ‘Going it alone: the widower and his earldom 1408-1435’, *passim*.

for his son.

Irrespective of its importance to James I, noble families in and around Mar, as well as those further afield, saw the failure of the native kindred as an opportunity to either secure the succession of a lord who would restore the regional stability, or to pursue a personal agenda of territorial aggrandizement. In the wake of Alexander Stewart's death in 1435, and the murder of James I just two years later, three figures sought recognition for their right to succeed to Mar. William Sinclair, earl of Orkney, Robert Lyle of Duchal and Sir Robert Erskine. Of these three claimants, only Erskine (and after his death, his successors) continued to press their claim in the face of royal reluctance to relinquish the earldom.⁶⁵⁸

William Sinclair, earl of Orkney sought to establish a foothold in the area through right of his wife, Elizabeth Douglas, Countess of Buchan. Elizabeth had previously been married to Thomas Stewart, bastard son of the deceased earl of Mar, and as such had been awarded a *terce* after his death. However, Orkney's desire to pursue a role as a prominent figure in Mar had faded by 1444, having secured an agreement with both Erskine and Lyle concerning the lands of Garioch.⁶⁵⁹

Conversely, Sir Robert Lyle of Duchal claimed to possess a direct interest in the Mar inheritance. In an indenture dated 19 February 1444/1445, the first (and last) surviving indication that Sir Robert Lyle intended to press his right to inherit, so sure was Sir Robert in the veracity of his claim that he styled himself 'lord of Duchal, and of half the earldom of Mar'.⁶⁶⁰ Significantly, however, it is his self-identification as lord of *half* of Mar that demands our attention. Though Erskine had received Robert III's recognition as heir to Countess Isabella in 1391, the declaration of royal support was based on Erskine's right to inherit just *half* of the earldom of Mar, rather than the earldom in its entirety. This, combined with Lyle's title in 1444/1445, suggests that the Lyles of Duchal possessed as strong a claim to Mar as the Erskine family, inherited through a

⁶⁵⁸ That Erskine was the only one to continue to fight for their inheritance would suggest that their claim – perhaps as the most senior – was the most likely to be recognized by the crown should it come before the king. It may also suggest that the Lyles had pursued a financial or territorial settlement in exchange for their rights to half of Mar.

⁶⁵⁹ See below, 230-1; NRS GD124/1/156; NRS GD124/1/157.

⁶⁶⁰ NRS GD124/1/157.

co-heiress of Isabella.⁶⁶¹ Of the three families attempting to secure possession of Mar, however, the Lyles remain the most puzzling. That a family with strong ties to the west central lowlands should have held such a claim is not in itself problematic; the Erskine family, though in possession of a recognized claim to the earldom, hailed from Renfrewshire in the central Lowlands, where the majority of their territories (and thus their regional strength) were located. Rather, the problem centres on an inability to trace the formation of their claim to this significant Scottish earldom. Indeed, their claim to Mar is never alluded to in official documentation concerning succession to Mar prior to their pursuit of a moiety of the earldom in 1444/1445. However, that they possessed a legitimate claim is suggested by their endorsement by the Forbes family, Mar's senior kindred, whose support of the Erskine claim from 1435 ensured their initial success in their quest to succeed to Mar. Further, Lyle adoption of the Mar coat of arms in addition to their own would suggest a desire (and right) to display their descent from a Mar heiress.⁶⁶²

As stated, the origins of the Lyle family are difficult to discern. Crawford, in his *Peerage of Scotland*, claimed that

‘Some who have enquired into the Antiquity of Surnames with much Curiosity, think that the first Ancestor of this Family was one of those *Scotsmen* who fled from the Usurpation of *Mackbeath* into *England*, and returned with *Edgar Atheling*, and his Sister the Princess *Margaret*, afterward Wife to King *Malcolm Canmore*, upon the Invasion by *William* the Conqueror, and got Possessions in the Isle of *Bute*, in the Western Parts of this Realm, from whence they took the Demonation of *Le Isle*, which they kept after they came to be settled upon the Continent at Duchal Castle in Renfrew shire.’⁶⁶³

This suggestion was contested by Balfour, who argued that there was no evidence to suggest that the family held ties to such a locality:

⁶⁶¹ Certainly, this is the suggestion put forth in 1835 by John Riddell, who argued that the Lyle family ‘had certain rights and inheritances in virtue of their junior representation.’ (J. Riddell, *Tracts, legal and historical, with other antiquarian matter chiefly relative to Scotland* (Edinburgh, 1835), 152)

⁶⁶² For the armorial seals of both families, see *SP*, v, 549 [Lyle, Lord Lyle], 590 [Erskine, earl of Mar]

⁶⁶³ G. Crawford (ed.), *The peerage of Scotland: containing an historical and genealogical account of the nobility of that kingdom* (Edinburgh, 1716), 290.

‘It is more probable that they were of the same stock as the Northumbrian family of ‘de Insula’ or Lisle, who appear in English record at an early period.’⁶⁶⁴

These appearances however, where dated, are limited to the closing decades of the twelfth-century, at which time – according to Balfour himself – the family of Lyle were already active in their capacity as prominent Renfrewshire landlords.⁶⁶⁵ Consequently, Balfour’s supposition that the family of Lyle originated in Northumbria is equally as tenuous as the suggestion that they hailed from the Western Isles. However, that the first recorded instance of ‘de Insula’ in a Scottish context was in the witness list of a charter of Walter FitzAlan requires comment.⁶⁶⁶ According to William Lyle’s history of the Lyles of Renfrewshire, the arrival of the Stewarts in Scotland under David I provided an opportunity for the family to redistribute their territorial gains to their own friends and relatives, ‘and in this manner no doubt the *de Insula* family became feudal holders under the FitzAlan family of Stewards.’⁶⁶⁷ Though there is (as yet) no evidence to suggest a feudal relationship between the two families at such an early stage in the careers of either kindred, the descendants of Walter FitzAlan would continue to hold the hereditary title of High Steward of Scotland, and the strength of the Lyle relationship with this prominent Renfrewshire family continued to flourish alongside it.⁶⁶⁸

The *Scots Peerage* recounts two possible theories concerning the origination of the Lyle claim to Mar. The first suggests that the Lyles derived their claim to Mar as descendants of Marjorie of Mar, sister to Gartnait, earl of Mar (*d. b.* 1305x1307). Marjorie had married John of Strathbogie, earl of Atholl, and their great-granddaughter, Maria (daughter of Adomar or Aymer, brother of David earl of Atholl) had married a ‘Robert de l’Isles’ before 1365.⁶⁶⁹ However,

⁶⁶⁴ *SP*, v, 549.

⁶⁶⁵ *Ibid.*; See *Pais. Reg.*, 87 [1164-77], 100 [1177x1195], 112-3 [25 March 1173x1177], 231-2 [25 March 1173x1177]; *Glas. Reg.*, i, no.45 [1170x1190]; *Holy. Lib.*, no.34 [31 July 1186x1225] Fraser, *Lennox*, ii, no.2 [1177x1204]. Those dates in italics denote those provided by A. Beam, J. Bradley, D. Broun, J.R. Davies, M. Hammond, & M. Pasin *et al.*, *The People of Medieval Scotland, 1093 – 1314* (Glasgow and London, 2012), no. 10475 <<http://db.poms.ac.uk/record/person/10475/>>, accessed 09 December 2016).

⁶⁶⁶ *Pais. Reg.*, 87.

⁶⁶⁷ W. Lyle, *‘De Insula’, or The Lyles of Renfrewshire* (Glasgow, 1936), 14.

⁶⁶⁸ The few surviving documents suggest that the Lyles of Duchal were prominent members of Robert II’s affinity prior to his succession to the throne of Scotland. The antiquity of their relationship to the Stewarts may have led to their promotion as claimants to Mar alongside the Erskines. See below, 220-5.

⁶⁶⁹ See Appendix A: House of Atholl.

the document which highlights Maria's relationship with Robert de L'Isle concerns lands in England, and could suggest that this was a branch of the Lyle family based south of the border. Considering the aforementioned suggestion that the family of Lyle hailed from England, Sir Robert Lyle's possible descent from Maria still remains a possibility, though Balfour argues that it is doubtful that Maria and Robert had issue.⁶⁷⁰

The second suggests that Ellen of Mar (daughter of Gartnait earl of Mar, and through whom the Erskine's derived their claim) was one of two co-heiresses to the Mar patrimony. It was through this second unknown co-heiress that the Lyle's derived their claim. Such a suggestion has been discussed (and dismissed) by the *Scots Peerage*, which claims that there is no evidence to suggest the existence of a co-heiress. Furthermore, although the Lyle family held lands in Mar, 'there is evidence that what the Lyles really claimed was part of the Garioch, not strictly a part of the earldom.'⁶⁷¹ However, the suggestion that the Garioch was not 'strictly' part of Mar is undermined by its inclusion in the Erskine claim after 1435. Further, Lyle may have renounced his claims to the Garioch in June 1444, eight months prior to his grant to Alexander Forbes in which he is styled 'lord of Duchale and half of Mar'. According to the document of June 1444, William earl of Orkney and Robert Erskine (styled here 'earl of Mar') had agreed to an excambion of the lands of Garioch.⁶⁷² It is possible that Lyle had renounced his claim to a share of these lands in order to secure recognition of his right to half of Mar; while Lyle was styled simply 'lord of Duchale' in June 1444, this had been extended to 'lord of Duchale and half of Mar' *after* the excambion of the Garioch lands. Thus, the most plausible suggestion centres on the possibility that the Lyle family did indeed derive their claim from a co-heiress, supported by their claim to the second half of Mar.

The indenture of 1444/1445, in which Lyle had styled himself 'lord' of half of Mar is the first and last documented instance of Lyle attempts to claim a

⁶⁷⁰ *SP*, i, 429-30. It is possible that the Lyles were descended from the Durward/Atholl lineage due to the reversion of the barony of Lundie to John Lyle of Duchal during the reign of David II. (Penman, *David II*, 259, 259n49) Lundie had historically belonged to the Durward family, who had attempted to secure possession of the earldom of Mar in the 1220s through their descent from a daughter of Earl Gilchrist of Mar. Though this would mean that the Lyle claim was senior to that put forth by the Erskines, if we assume that Lyle may have been descended from the illegitimate children of the great-grandson of Earl Gilchrist, Alan Durward (*d.*1275), this may have obstructed the superiority of Lyle's claim to Mar.

⁶⁷¹ *SP*, v, 581.

⁶⁷² NRS GD124/1/156.

moiety of this significant Scottish earldom. It is unclear when, or why, the Lyle family abandoned their claim, but their sporadic appearance in documentation concerning the Mar succession, though perhaps attributable to a general dearth of charter evidence pertaining to the family during this period, could indicate that Lyle interests remained in the central belt. After all, the indenture between Sir Robert Lyle and Alexander Forbes had been an excambion of Lyle's territorial interests in Mar for Forbes' lands of Cluny and Whitefield in Angus. This would suggest that Lyle was willing to sacrifice his Mar inheritance in order to bolster his lowland territorial portfolio.

Sir Robert Erskine, the third candidate, claimed right through his mother's descent from Ellen of Mar, daughter to Gartnait earl of Mar; Janet Keith (or Barclay) was Ellen's grand-daughter.⁶⁷³ Janet's rights in Mar as the heiress to Countess Isabella had been recognized in 1391 by Robert III, and it was the promise of Erskine succession to Mar (through Janet) that had motivated Albany Stewart presence in the earldom between 1402 and 1404 following the death of Sir Malcolm Drummond lord of Mar, wife of Countess Isabella.⁶⁷⁴ However, Erskine's claim rested on Janet Keith's right to succeed to *half* of the earldom of Mar, not the earldom in its entirety. This was formally recognized in the 1391 declaration by Robert III, and yet is underplayed in historiography concerning the succession crisis of 1435. The suggestion that Janet was heiress to half of the earldom would imply the existence of a co-heiress, which would substantiate the claims put forth by the Lyles of Duchal to the second half of Mar in 1444/1445.⁶⁷⁵

That two prominent families from the central lowlands with identifiable ties to the Stewart family should have both sought possession of a moiety of the Mar inheritance requires discussion. The marriage – in 1315 – of Marjorie Bruce (grand-daughter of Donald (I) earl of Mar) to Walter the heritable Steward of Scotland signalled the instigation of Stewart interest in the earldom of Mar. That Marjorie's mother, Isabella of Mar, was the progenitor of the royal house of Stewart is argued here to have influenced Stewart treatment of Mar in the

⁶⁷³ See Appendix A: House of Mar and House of Keith-Menteith.

⁶⁷⁴ See above, 145-73, for a discussion of Albany's presence in Mar.

⁶⁷⁵ NRS GD124/1/157. Lyle succession to Mar is often overlooked in discussions of the Mar succession crisis, so much so that their attempts to regain their half of the Mar inheritance have been ignored by Brown in both his monograph of James I and his article on lordship and politics in north-east Scotland from 1435-1452. (Brown, *James I*; Brown, 'The Great Rupture')

fourteenth and fifteenth centuries, particularly during the reigns of Robert II and Robert III.⁶⁷⁶ The actions of both kings between 1371 and 1406 would significantly influence Mar's development in the fifteenth century, and the acquisition of Mar by James I in 1435 should perhaps be viewed as the culmination of a process of Stewart territorial consolidation in the north-east that had been in play since at least 1315.⁶⁷⁷ Further, the surviving evidence would suggest that the appearance of two prominent tenants of the early Stewart kings as claimants to Mar in the fifteenth century (the Erskines and the Lyles) was a direct consequence of decisive attempts by the Stewarts to gain control of the earldom through the deliberate sponsorship of these kindreds.⁶⁷⁸

After the capture of David II at the battle of Neville's Cross in 1346, Robert the Steward – nephew of the king – assumed the role of lieutenant in the absence of an active adult monarch. According to Penman, the decimation of crown loyalists in battle ensured that the Steward's assumption of power went relatively unchallenged; without a viable alternative, there was little choice but to accept the authority of David's recognized heir.⁶⁷⁹ The opening years of the Steward's lieutenancy saw the appointment of loyal Stewart men to key royal offices, among them, Sir Robert Erskine (grandfather of the 1435 claimant to Mar), who was acting as Chamberlain by at least 1348.⁶⁸⁰ The movements of the Lyles of Duchal during the Steward's lieutenancy are slightly more difficult to discern owing to the patchy nature of charter evidence, but surviving documentation strongly suggests that the family were steadfast supporters of Robert the Steward between 1350 and 1364. Their presence in the witness lists of a selection of Stewart charters throughout this period (in some cases alongside a representative of the Erskine kindred) would suggest that the Lyles may have been as important to the Steward as the Erskines seem to have been.

⁶⁷⁶ See Appendix A: House of Mar.

⁶⁷⁷ As discussed above, the dating of Stewart interest in Mar to 1315 should be linked solely to the marriage of Walter Stewart to Marjorie Bruce. Barrow's suggestion that the Stewarts held territorial interests in Aberdeenshire from 1315 onwards is – at present – difficult to endorse due to a lack of documentary evidence.

⁶⁷⁸ This was just one method by which the Stewarts could extend their influence into Mar, however. The crisis of 1402-4 following the death of Malcolm Drummond, lord of Mar, and the resultant ratification of a Stewart earl, presented the Stewarts with the opening they needed to secure possession of the earldom, whilst retaining the possibility of an Erskine or Lyle succession should the earldom fail to pass to a Stewart heir.

⁶⁷⁹ Penman, *David II*, 141.

⁶⁸⁰ *Ibid.*, 142.

Penman describes Erskine as a follower of the Steward until 1357, and David II's 'right-hand man' thereafter.⁶⁸¹ The shift of Erskine focus from the Steward to King David was likely influenced by a desire to further augment their existing landholdings, though it should not be seen to signal the deterioration of Erskine allegiance to the Steward. Instead, it likely represents David II's possible exploitation of this desire to expand as a means of drawing a loyal Steward man away from his nephew, the heir to his throne. Such a possibility may also explain the promotion of Sir John Lyle of Duchal (*d.* 1368/1369x1423) to the role of a household officer for Queen Joan in 1357-8, his acquisition of the keepership of Edinburgh Castle (and possibly the shrievalty of Edinburgh?) sometime between 1359 and 1360, and his receipt of the barony of Lundie in Forfarshire, possibly around this same time.⁶⁸²

The Erskines had held lands from the Stewart kindred since at least c.1312, when John Erskine (grandfather of the Steward's chamberlain, Sir Robert) received a grant of all lands which James, 5th Steward of Scotland, Robert II's grandfather, held in tenement of the 'le Larges'.⁶⁸³ In c.1350, Sir Robert Erskine, Chamberlain of Scotland, received the lands and tenements of Erskine from Robert Steward, while Erskine's son – Sir Thomas – would receive a grant from the Steward (in his royal capacity as Robert II) of the grazing and hunting of the forest of Clackmannan, to be held in free forest, on 2 January 1386/1387.⁶⁸⁴ Though there is no evidence as yet to suggest that Robert II granted the Erskines land in the north-east, he was undoubtedly aware of Erskine rights to claim a moiety of Mar through their ties to the family of Menteith, and in 1390/1391 Robert III showcased a similar appreciation of Erskine claims to Mar by agreeing to protect the integrity of their inheritance in the face of the planned succession of Isabella Douglas to the earldom of Mar.⁶⁸⁵

It was David II, however, who had initially (perhaps unknowingly?)

⁶⁸¹ *Ibid.* Possession of the barony of Lundie may be the key to understanding the Lyle claim to Mar. The Durward family were certainly in possession of Lundie by the closing decades of the twelfth century. That David II's grant was a reversion of the barony of the same name to John Lyle of Duchal could indicate that the Lyles held a claim to Mar as descendants of the Durward claimants of the 1220s. This does not, however, account for Lyle possession of the lands of Strathdee and Kindrochit, which remained with the senior Mar kindred upon the earldom's division in the thirteenth century.
<<http://poms.cch.kcl.ac.uk/db/record/person/1137/>>

⁶⁸² *RMS*, i, App. ii, no.1370.

⁶⁸³ NRS GD124/1/1112.

⁶⁸⁴ NRS GD124/1/524.

⁶⁸⁵ See above, 139-40 and 148n467.

provided the Erskines with an opportunity to succeed to Mar. According to a dispensation of 1355, David II had arranged for a marriage between Sir Robert Erskine (*d.* 1385) and Christian Keith as a means of ending a feud between the two families which had seen Erskine imprison and murder two of Christian's kinsmen, Walter Menteith and an unnamed brother.⁶⁸⁶ Interestingly, the copy of the dispensation contained within the *Calendar of Papal Petitions* states that the marriage between Erskine and Keith was made with the consent of David II 'and that of the relations and friends of the parties between Robert and [Christian]'.⁶⁸⁷ If so, we may suggest that Robert Steward, who had direct territorial and familial interests in Menteith, may have suggested the match as a means of ending the dispute. The marriage of a loyal member of Steward's affinity to Christian Menteith, grand-daughter of Earl Gartnait, may have been a decisive attempt on the Steward's part to undermine David II by securing a further interest in Menteith, while also paving the way forward for a possible Erskine succession to Mar. At the time of the marriage, the current earl of Mar (Earl Thomas) was without an heir to the earldom. Thus, the possibility that the earldom could fall to an alternative (Menteith?) claimant may have seemed like a distinct possibility, though it should be noted that Thomas did have a sister, whose claim to Mar (should Thomas die without an heir) would have superseded the Menteith claim to inherit, and in fact did so upon his death in 1377.

Ascertaining the instigation of Lyle involvement in the quest for Mar is much more difficult. Unlike the Erskines, there is no indication that the Steward was able to use the dispute in Menteith to promote a second candidate, as there is no suggestion that the Lyles were involved in this dispute, nor that there was a second Menteith heiress for a Lyle to marry. Furthermore, there is – as discussed – a lack of documentary evidence with which to assess the rise of the Lyles of Duchal under the patronage of the Stewarts. That they were prominent members of the Stewart affinity, however, is suggested by their presence in various Steward charter witness lists between c.1200 and 1362 (after which date their presence in the documentary record is sporadic), and their relocation to Scotland from northern England in the late twelfth century may have been

⁶⁸⁶ *CPP*, i, 286; *CPL*, iii, 564. Fraser, *Menteith*, i, 460.

⁶⁸⁷ *CPP*, i, 286.

orchestrated by the Stewarts themselves.⁶⁸⁸ It is interesting to note that from 1435 onwards, both the Erskines and the Lyles sought to secure local support for their claims to half of Mar, targeting Mar's senior kindred, the Forbeses. That the lands which they promised in return for Forbes support were based in and upon the lordship of Strathdee and castle of Kindrochit – a favoured royal residence of Robert II – could suggest that they or their predecessors may have been granted lands in this area by Robert II (or even Robert III) prior to 1406, and were using these lands as a means of securing support without damaging the integrity of their wider Mar inheritance.

Though Robert the Steward may have secured significant royal offices for members of his affinity upon his succession as the king's lieutenant in 1346, it was imperative that he match this administrative security with a strong regional presence throughout the realm. To that end, the Steward pursued an agenda of Stewart infiltration into key regions, a programme which would become a hallmark of his career as both Steward and king.⁶⁸⁹ As outlined by Nicholson in his assessment of the Steward's pursuit of territory for his numerous children (this time in his role as King Robert II), seven of Scotland's sixteen earldoms were in the hands of either Robert II or one of his sons by 1377, while his remaining offspring were used to form marital ties with prominent noble families.⁶⁹⁰ Perhaps the clearest indication of Robert II's ambition was the startling territorial and vocational advancement of his third son, Alexander Stewart. Between 1371 and 1384, Stewart amassed a territorial portfolio that rendered him 'supreme in the North', while his promotion to the office of justiciar north of the Forth in 1372, and the shrievalty of Inverness by 1380, 'placed him above the earls of Ross, Sutherland and Caithness, and (at least in theory), the Gaelic chiefs of the north and west.'⁶⁹¹ This, combined with the territorial aggrandizement of his remaining offspring, saw Mar become the only non-Stewart earldom in the centre of a newly formed Stewart patrimony in and around the north-east. It seems plausible to suggest that Stewart sponsorship of two kindreds with ties to Mar (one of whom may have secured such a tie through

⁶⁸⁸ See above, 217-8.

⁶⁸⁹ See Penman, *David II*, 142-144.

⁶⁹⁰ Carrick, Menteith, Fife, Atholl, Strathearn, Caithness and Sutherland. (See Nicholson, *Later Middle Ages*, 186-7) The total of sixteen earldoms includes Orkney.

⁶⁹¹ Grant, 'Wolf of Badenoch', 145.

Robert II's careful manipulation of a family feud in the 1350s) was viewed as a means of infiltrating the earldom through the placement of Stewart loyalists in the area, while the seizure of Mar in 1404 by Alexander Stewart, illegitimate son of Robert II's third son Alexander, provided the Stewart kings with a direct path to outright Stewart possession of this elusive Scottish earldom.

The importance of local support: The Forbes Family

The Forbes family provide an interesting case study of a noble family using their status to support both the Erskine and Lyle claim to the earldom of Mar in order to replicate the prosperous relationship that they had enjoyed with the previous earl, whilst also pursuing their own agenda of territorial aggrandizement. The Forbes family too have received a scant representation in the historiography of the period under assessment here. Where they do appear, they are often discussed in relation to the bitter feud between themselves and the Gordon family. The feud between these two prominent north-eastern families has dictated their presence in scholarly literature, and their relatively low political profile throughout the fourteenth and fifteenth centuries – coupled with their defeat in 1571 at the Battle of Tillieangus at the hands of a Gordon force loyal to Queen Mary – have led historians (perhaps unintentionally) to present the Forbeses as the weaker and less ambitious of the two families. This is certainly the impression given by Simpson in his works on Mar. However, an examination of the impact of Mar's escheatment on the development of local politics in north-east Scotland paints a different picture. A cursory glance at surviving charter evidence pertaining to the transfer of landed property in Mar highlights the strength of the Forbes family's position in the Mar hierarchy both prior to and in the wake of Earl Alexander's death in 1435. This assessment is of course subjective – survival of documentary evidence is fragmentary, rendering an assessment of territorial wealth based on charter evidence somewhat biased. However, it is striking that the surviving evidence shows the Gordon family having to purchase land in Mar from local landlords.⁶⁹² The necessity of purchasing a presence in Mar suggests crown reluctance to encourage Gordon aggrandizement in the north-east. Forbes presence in the earldom since at least 1272 could explain their emergence in the charter evidence as a font of local

⁶⁹² See for example *RMS*, iii, no.133.

authority in Aberdeenshire, further entrenched by the close relationship with previous Mar earls enjoyed by the family since their arrival in the area. Their ability to maintain a low profile represents their greatest strength – their steady accumulation of territory in Mar, and Erskine’s recruitment of Lord Forbes’ advice and support in pursuing his inheritance (highlighting Forbes’ status as head of the senior kindred in the earldom) suggests that in Mar at least, the Forbes family held the upper hand. How the Forbesees secured such a reputation as the senior kindred in Mar is unclear. The origins of this family are – like many Scottish families – frustratingly obscure. Historians and genealogists alike have been unable to trace their arrival in the area any further back than 1272, when a Duncan of Forbes received a grant of all the lands of Forbes and Kearn to be held of Alexander III in free barony.⁶⁹³ However, the Forbes family may have been active in the area as early as the 1220s.

In his discussion of the Lennox and its earls, Brown draws attention to an inheritance trend among the Lennox kindred, whereby ‘the wider kindred of the Lennox earls’ possessed – and maintained – a significant role within their province.⁶⁹⁴ The desire of the earls to secure the ruling dynasty within their province may have inspired the heads of the kindred to grant lands to immediate family, ‘subordinating the previous occupants and allowing the ruling dynasty to continue as a close-knit kin.’⁶⁹⁵ Such an approach may have been particularly desirable during a period in which succession to an earldom was contested.⁶⁹⁶ For example, Brown highlights the role of these junior members of the comital kindred as potential sources of support (‘or opposition’).⁶⁹⁷ If so, then it is possible that the Forbes family were in fact descended from one of the two kindreds laying claim to Mar in the 1220s, and their continued presence in the area may have been a direct result of their association with either Earl Duncan (the victor) or Thomas Durward, who had secured only half of the old earldom of Mar. If the former, then the continued presence of a junior branch of the victorious comital kindred may have been intended to secure their hold on Mar

⁶⁹³ NRS GD52/1447.

⁶⁹⁴ M. Brown, ‘Earldom and kindred: the Lennox and its earls, 1200-1458’, in S. Boardman and A. Ross (eds.), *The exercise of power in medieval Scotland* (Dublin, 2003), *passim*.

⁶⁹⁵ *Ibid.*, 207.

⁶⁹⁶ This could explain the settlement of the lordship of Abernethy on James, son of Morgrund upon the circumvention of his succession in the 1220s. Indeed, Mar possession of nearby Abernethy may have been vital to the continued dominance of the senior branch of the Mar kindred in the area.

⁶⁹⁷ *Ibid.*, 208.

by entrenching junior branches of the family in key estates in Mar. If the latter, then the Durwards may have placed a member of their own kindred within the earldom in an attempt to retain a foothold in Mar should they decide to challenge the crown's resolution of the dispute. Unfortunately, we cannot prove either theory. However, that the Forbeses were descended from a junior member of one of the two dominant Mar kindreds seems to provide a logical explanation for their continued seniority in – and continued importance to the development of – the earldom of Mar in the fifteenth century.

An indenture between Robert Erskine and Alexander Lord Forbes, dated November 1435, in which Forbes promised to support Erskine in his quest for the right to succeed to Mar, provides the first indication of the competitive nature of the Mar succession crisis. The speed with which this document was issued in the wake of Earl Alexander's death, and the readiness of Forbes' support, suggests that the Erskine family might have been courting local landlords prior to the death of Alexander Stewart in anticipation of James' acquisition of the earldom. Yet, when studied more closely, it is unsurprising that Forbes should have been so keen to enter into such an agreement when he was promised a substantial financial return whatever the outcome. If Forbes was successful in helping Erskine regain possession of the earldom of Mar, he was to receive from them the lordship of Auchindoir or 100 marks worth of land within 40 days of their receipt of the earldom. If, however, the king should decide to ignore Erskine's claim, then Forbes was still to be paid for the trouble taken to support Erskine by receiving the more modest fee of 40 marks worth of land. Although risky for the Forbes family to support the Erskines in defiance of the king, if we assume that the lordship of Auchindoir was based on the lands of the same name, then its possession would have enabled the Forbeses to construct a concentrated block of territorial power encompassing their existing landholdings in the valuable upland districts of Mar, whilst placing them in a commanding position in the shadow of Kildrummy, the main caput of the earldom. Ultimately, the political upheaval caused by the murder of James I in 1437 provided Erskine with a chance to pursue his claim without interference from the crown. However, in 1444, the Lyles of Duchal pressed their own claim to half the earldom of Mar, and in circumstances identical to those of November 1436, Alexander Lord Forbes entered into an indenture with Robert Lyle of Duchal

which agreed that when Lyle recovered his share of half of the earldom of Mar, Forbes would receive Lyle's part of the lands and castle of Strathdee and Kindrochit in exchange for Forbes' lands of Cluny and Whitefield in Strathearn and Angus.⁶⁹⁸ Forbes had already supposedly been rewarded by Erskine for his support through receipt of half the lordship of Strathdee and an additional grant of the lands of Camquhale in Cromar in 1440. This would have been further augmented, then, by Lyle's delivery, as promised, of his own lands of Strathdee and Kindrochit, issued by Lyle as lord of half of the earldom of Mar. Forbes' behaviour highlights a pragmatic approach to local lordship, while the movements of these lords upon the death of James I advocates the suggestion that the Scots king may have sought to stave off the potential difficulties of a disputed succession to the earldom of Mar by claiming control of the earldom himself. Alexander Stewart had ruled the earldom so successfully because of the political connections that both he and his father had fostered, and the death of such a force of nature would obviously remove the focal point of these connections. Both Erskine and Lyle (based in Stirlingshire and Renfrewshire respectively) would have found it difficult to establish authority without the support of local landlords or more powerful benefactors, such as the Lindsay earls of Crawford.⁶⁹⁹ The Lindsays had maintained a vested interest in promoting Erskine succession to the earldom from as early as 1404, and Sir Robert Erskine, claimant to the earldom, was married to a daughter of David earl of Crawford, cementing the bond between these two families. Additionally, Earl David's position as sheriff of Aberdeen, and his promotion of Alexander Lord Forbes as sheriff-depute, ensured that the Crawford family could still pursue a foothold in the earldom through the endorsement of their Erskine claimant from 1435 onwards. Had James recognized the legitimacy of Erskine's claim, the earldom's future would have been tied to the ambitions of at least three different noble families, four if we include the Lyles. Further, considering

⁶⁹⁸ NRS GD52/405. The traditional base of the Forbes family seems to have been centred on Forbes and Kearn, the lands of which had been incorporated into a free barony by Alexander III (NRS GD52/1447), and confirmed in 1423 by Murdoch, duke of Albany (NRS GD52/401), and later James I (*RMS*, ii, 134). Thus, their desire to secure lands in Strathdee could represent attempts to expand into Deeside for the first time, creating a territorial power block stretching from Mar's eastern boundaries, right across to Braemar to the west of the earldom.

⁶⁹⁹ The substantial territorial gifts promised to the Forbes family in return for their support for the Erskine and Lyle claim would suggest that both claimants were aware of the necessity of securing local support in order to promote their personal authority in Mar.

James I had spent his formative years in English captivity, it is not unreasonable to assume that he had witnessed the difficulties arising from territorial disputes and the negative impact they could have on the peace of a kingdom. The fact that his grant to Alexander Stewart in 1426 seems to have gone relatively unchallenged suggests that his decision to take control of the earldom should the line of earls become extinct was not deemed to be as seditious as we now perceive it to be. Although a 1565 charter granted by Mary Queen of Scots to the Erskine family, apologizing for unlawful crown retention of the earldom of Mar, suggests that James I's involvement in the earldom was viewed by the queen to have upset the natural order of succession, it has been argued by Jenny Wormald in her assessment of Mary's reign that her accession to the Erskines had less to do with the veracity of their claims, and more to do with her need for support at a time of political upheaval.

**‘I think, therefore I am’: Sir Robert Erskine, earl of Mar?
(d.1452)**

Upon the death of Alexander Stewart, Sir Robert Erskine began to court local support in Mar in an attempt to secure their right to succeed in the face of crown possession of the earldom. That Alexander Forbes, sheriff-depute of Aberdeen, should have supported their claims is unsurprising. As previously discussed, Forbes owed his office to the patronage of Sir David Lindsay, earl of Crawford, a long-standing supporter of the Erskine claim to Mar. Furthermore, with Erskine's claim to Mar came an opportunity for Forbes to augment his significant landholdings within the earldom.

The special retour of 22 April 1438 represented the first attempt to secure Erskine's succession to his inheritance. In it, Erskine's right to succeed to Mar was recognized in the presence of not only Alexander Forbes, but a number of prominent landlords.⁷⁰⁰ The document itself was striking in its intent; not only was Erskine recognized as heir to half of Mar, but also as heir to the regality of Garioch which (according to the document) had previously been in the possession of Elizabeth countess of Buchan, widow of Sir Thomas Stewart (son of Alexander), on account of a conjunct infeftment made by King James I to said

⁷⁰⁰ NRS GD124/138.

Thomas and Elizabeth prior to the death of Earl Alexander.⁷⁰¹ Upon the death of Sir Thomas, the regality had reverted to his father to be held by him until his death in 1435.⁷⁰² The document continues in its assessment of the legality of Erskine's right to succeed by providing an assessment of the value of the lands to which Erskine was to inherit, stating that 'the *valent* [of these lands was] now per year 1000 merks . . . in times of peace'. Thus, the annual revenue which Erskine could expect from half of Mar and from the lordship of Garioch was 666*l.* 13*s.* 4*d.* The retour was followed, on 25 May, by a brieve of inquest for the service of Erskine as heir to Countess Isabella, and in a document issued on 30 September, we are told that the inquest was continued until 16 October that year, when it was announced in a second retour that Erskine was to be recognized as having a right to claim half of Mar as the heir of Countess Isabella. However, there is debate concerning the nature of this second retour. Brown concurs with Sir Robert Douglas' assessment that the retour of 16 October represented Erskine's attainment of the second half of the earldom of Mar which – in conjunction with that of 22 April – would have given Erskine possession of the whole earldom of Mar and the accompanying lordship of Garioch. However, this has been questioned by Christine McGladdery, who argues that such an assessment 'may be a misreading of the ensuing precepts of infeftment for the half of the earldom of Mar awarded in April, as although Erskine is styled earl of Mar, there is no further indication that this denoted possession of all the lands of the earldom.'⁷⁰³ While McGladdery's assessment is plausible, it begs the question as to why Forbes should have sought an inquest so soon after the settlement of 22 April. Furthermore, the inquest of May-October was composed of a different group of men, and the document outlining the decision does not refer to Mar and Garioch, as one would expect of a document which was simply reiterating a decision that had perhaps been

⁷⁰¹ *Ibid.* Though the NRS have translated this sentence as indicating that Thomas and Elizabeth received the conjunct infeftment *after* the death of Alexander Stewart, this is incorrect. Thomas predeceased his father in 1430, and the document seems to state that the regality of Garioch returned to Stewart upon the death of his son, to be held by the earl in free tenement for his lifetime.

⁷⁰² Curiously, the document makes reference to Alexander's death as having occurred *in festo beati Jacobi Apostoli duobus annis elapsis* (on feast of St. James the Apostle two years ago). This would make Stewart's death July 1436, not 1435 as is accepted in current historiography. However, as intriguing as it is to suggest that Stewart may have survived another year, it is unlikely that Erskine would have entered into an indenture with Forbes in November 1435 had the earl of Mar still been alive.

⁷⁰³ C. McGladdery, *James II* (Edinburgh, 2015), 35*n.*72-4.

questioned (inspiring such an inquest). Rather, the second retour mentions only half of the earldom of Mar, providing a value for the lands which was said to equal 500 merks (333*l.* 6*s.* 8*d.*). If we assume that the first half of Mar granted to Erskine in April was of a similar value to the second half, this would mean that the earldom of Mar in its entirety, by Forbes' reckoning, was worth a total of 1000 merks (666*l.* 13*s.* 4*d.*), while the Garioch was worth 500 merks (333*l.* 6*s.* 8*d.*). However, the Chamberlain of Mar – Adam Falconer – rendering an account of the earldom's value in July 1438, listed the total value for the earldom as 793*l.* 19*s.* 4*d.* (not including arrears from previous accounts or sources of additional income, with which the total becomes 851*l.* 13*s.*). Thus, the assessment of Mar's value in the retours of April and October 1438 fall short of the official revenue recorded by the crown that year. However, it is possible that Forbes was providing an estimation of the value of these lands rather than a concrete assessment of the revenue which Erskine could expect to collect. Finally, though the initiation of an inquest just one month after Erskine's recognition as heir to half of Mar does suggest a desire to serve Erskine as heir to the earldom as a whole, rather than half, it seems unlikely that the decision outlined in the October retour would be accepted by the members of James II's minority government considering the survival of various documents from the opening decades of the fifteenth century which allude to Erskine's claim to *half* of Mar, not the earldom as a whole. Further, James I had secured crown control of Mar through the charter of 1426 which stipulated that should Earl Alexander die childless, the earldom would revert to the crown. It is equally unlikely that the men leading James II's administration would willingly part with an earldom which was providing an annual return of over 700*l.*

Having seemingly secured his inheritance,⁷⁰⁴ Erskine adopted the title of earl of Mar, and in a charter dated 26 June 1439 recognized Forbes' support in the quest for Mar by granting Sir Alexander half of the lordship of Strathdee.⁷⁰⁵

⁷⁰⁴ There is, as yet, no surviving evidence to suggest how Lyle may have been responding to these developments. Indeed, the first instance of a Lyle pursuit of Mar does not appear until 1444 (GD52/405), suggesting that Lyle was aware of the seniority of Erskine's claim.

⁷⁰⁵ It is interesting to note that Erskine, when discussing the location of the lordship, refers to the earldom as '*comitatu meo* (my earldom)' which suggests a conscious decision to highlight his ownership of Mar. In some ways, however, it serves only to highlight the tenuous nature of Erskine's possession. None of Erskine's predecessors had deemed it necessary to allude to their ownership of the earldom in such a personal manner. Indeed, their ownership of Mar was implicit in their title and pedigree. That

It is assumed that this grant was in part fulfilment of Forbes' requests outlined in the indenture of 1435, whereby Erskine would provide Sir Alexander with the lordship of Auchindoir and a half-davach of land in free forest, or 100 merks (66*l.* 13*s.* 4*d.*) of land in Mar, Garioch or Buchan. However, Erskine may have been forced to pursue the alternative payment of 100 merks of land in Mar as the lands of Auchindoir (upon which the lordship of Auchindoir was presumably based) may have still been in possession of the Irvines of Drum who had received the lands from Alexander Stewart in 1410. Erskine may have been reluctant to pursue resignation of Auchindoir so soon after Forbes' retour (particularly considering Irvine had been one of those to serve on the jury in April 1438). Half of the Mar lordship of Strathdee alone would not be enough to fulfil the 100 merk requirement, however. Although the document does not state which lands were contained within the half granted to Forbes, the annual return of lordship of Strathdee was valued at 110*l.* 6*s.* 8*d.* in 1438; if we half this total (assuming that the split was based on land value alone), the figure of 55*l.* 3*s.* 4*d.* falls 11*l.* 10*s.* short of Forbes' 100 merks requirement. Erskine's second charter to Forbes on 30 July 1440 may have been an attempt to bridge this fiscal gap: Forbes was to receive the lands of *Camquhale* (Camphill/Campfield) in the lordship of Cromar, valued at 5*l.* in 1451. This second charter – granted just one month prior to the indenture of 10 August regarding Erskine's possession of the castle of Kildrummy – may also represent a further extension of Erskine's gratitude. The indenture between the king and his council and Sir Robert Erskine (notably styled 'lord Erskine' rather than 'earl of Mar' – clearly, the council were not quite ready to recognize his change in status), made at a General Council in Stirling on 10 August, stated that:

' . . . it is accorded by way of amiable composition between our sovereign lord the king and his council written below on the one part, and a noble lord Sir Robert [Erskine] lord of Erskine, with the deliverance of his council on the other part, in manner and form as after follows. That is to say that, for the good and quiet of the land, our foresaid sovereign lord will, with the advice of his said council, cause Kildrummy Castle to be delivered to the said lord of Erskine forthwith [and] in all goodly haste as the king's castle to be kept by the said lord of Erskine to the king's advantage and until his

Erskine chose to refer to Mar as belonging to him indicates that Erskine himself may have been aware that his possession was not altogether secure.

adulthood, and then to be delivered to the king without obstacle. Which done, the said lord of Erskine or his heirs shall come before the king and the three estates and there propose and show his claims, rights, processes and his entry by virtue of his processes . . . all things touching regarding the said matters and claims standing, remaining and ceasing in the meantime, without prejudice to either party, in such terms and plight as they now stand. And furthermore it is accorded that all the fruits and revenues pertaining to half the earldom of Mar, which the said lord of Erskine claims as his own, shall remain with the said lord until the issue of the said term, and then be accountable if the castle is judged to be the king's, allowing to him sufficient fee for the keeping of the said castle.⁷⁰⁶

According to Tanner, the indenture is a typical example of the role that the Three Estates had played since the assassination of James I in 1437 – ‘overseeing alienation of estates, protecting the king’s rights, and attempting to limit violence in the regions.’⁷⁰⁷ The last duty, that of the limitation of violence in the regions, is particularly important. That possession of Kildrummy and the fruits of half of the earldom had been granted to Erskine ‘for the good and quiet of the land’, together with the stipulation that claims to the earldom should cease until the king came of age, suggests that tensions may have developed in response to the plight of the Erskine family. Certainly, in his discussion of the August Council, Brown argues that the mishandling of the ‘increasingly violent dispute over the earldom of Mar in the north’ underpinned this indenture, the manifestation of disenchantment with Crichton’s dominance. Further, the rapprochement with Sir Robert Erskine, ‘provid[ing] the largest ‘official’ attendance list so far available for a meeting of the Three Estates in the fifteenth century’, symbolized the public withdrawal of support from Sir Alexander Seton, lord of Gordon, Crichton’s son-in-law. Granted possession of Kildrummy by Archibald, fifth earl of Douglas, who had been appointed Lieutenant-General of the realm after the death of James I, the proposed surrender of Kildrummy would have been a distinctly unwelcome prospect to Gordon.⁷⁰⁸ Possession of the earldom’s *caput* would have represented the physical manifestation of Gordon’s authority in the area following the death of Earl Alexander (an authority which they may have felt enabled them to compete with their well-

⁷⁰⁶ RPS, 1440/8/5. Date accessed: 17 August 2016.

⁷⁰⁷ Tanner, *The Late Medieval Scottish Parliament*, 96.

⁷⁰⁸ Brown, *Black Douglasses*, 246-8.

established local competition, the Forbeses, and the loss of Kildrummy would have dealt a significant blow to Gordon's ability to exercise influence in the region. Though the meeting of August 1440, and the indenture between Erskine and the king's council, has been portrayed as a 'defeat' for Crichton and his adherents, the chancellor likely banked on the improbability of Gordon's compliance with the Council's demands.⁷⁰⁹

The indenture of 10 August was followed, twelve days later, by an instrument of transumpt of royal letter, ordering Gordon to deliver Kildrummy to Sir Robert as per the Council's decision.⁷¹⁰ Gordon would not deliver the castle, however, and his refusal to abide by the Council's decision suggests that Crichton's influence (as Gordon's father-in-law) – though dented by the attempt to appease Erskine – was still strong enough to undermine the Council's decision.⁷¹¹ Indeed, Gordon may have felt secure enough in the knowledge that Crichton would never uphold the indenture that he chose to ignore the command of 22 August, forcing Erskine to seize Kildrummy from him in 1442. However, signs of Erskine's weakness in the face of Crichton's position on the Council were evident as early as 1441. In an instrument dated 28 March, John Brown of Kennet (conducting business on behalf of Sir Robert) asked Crichton to return Erskine's retour of the lands of Garioch, which Erskine had given to the chancellor. According to the document, Crichton stated that he did not have Erskine's retour, nor was he able to tell them where it was.⁷¹² The legacy of Archibald Douglas, 5th earl of Douglas' political choices as lieutenant-general which may have contributed to Crichton's desire to stall Erskine's receipt of this significant lordship. Upon Douglas' promotion to the role in May 1437, the new

⁷⁰⁹ Though the Council had awarded possession of Kildrummy to Robert Erskine and his heirs, the offer was conditional. In order to receive the *caput* of Mar, Sir Robert was required to relinquish the castle of Dumbarton, his possession of which had been secured illegally. (Tanner, *The Late Medieval Scottish Parliament*, 96 and 96n26) Certainly, that the Council were willing to provide Erskine and his heirs with 'the king's letters of discharge under his great seal', as well as 'letters of quitclaim and remission for him, his son, and all his men concerning all things done from the day of his entry into the said Dumbarton castle until the day of the making of these present letters' would suggest that this was so. (RPS, 1440/8/5. Date accessed: 10 December 2016) Erskine's willingness to consider such a trade suggests that the promise of possession of Kildrummy – and through it, the earldom? – was deemed to be a greater financial prize than Dumbarton (the centre of both a sheriffdom and a burgh).

⁷¹⁰ NRS GD124/1/148.

⁷¹¹ Tanner argues that the limitations of the Council's authority were such that the 'ambition and vested interest' of Gordon and his father-in-law Crichton were insurmountable. (Tanner, *The Late Medieval Scottish Parliament*, 96)

⁷¹² As discussed above, the lordship of Garioch had been included in the special retour of 22 April 1438.

lieutenant-general began to overturn some of the policies enacted by the murdered king, James I. After the death of Alexander Stewart, earl of Mar, James I (according to a declaration concerning the earldom of Mar in 1457, discussed below) had taken possession of the earl's estates, as per the agreement reached between Mar and James in 1426 outlining the succession to Mar and Garioch should Stewart die without a legitimate heir. It was from these estates that Elizabeth Douglas – widow of Thomas Stewart, son of Earl Alexander – received her terce lands. Brown argues that Elizabeth probably received the lordship of Garioch at the same time, though restrictions implemented by the king on her enjoyment of these estates – possibly limiting her husband's tenure of the lordship of Garioch to Elizabeth's lifetime – was likely resented by both Elizabeth and her husband, William earl of Orkney.⁷¹³ Thus, the letter of the Privy Seal dated 6 May 1437, issued in the king's name, which granted the lordship of Garioch to Elizabeth 'notwithstanding any restriction or proclamation made in the contrair, be quhilim our fader of nobile minde', would have been a welcome resolution of an issue which had hindered Orkney's attempts to establish himself in the north-east after the death of Alexander Stewart.⁷¹⁴ Though the extent to which Orkney was allied with Crichton is difficult to determine, the earl had been listed as a witness alongside the chancellor in three charters concerning the territories of James Douglas of Avandale, John Ogilvy of Lintrathen and Walter Ogilvy of Deskford.⁷¹⁵ This recent collaboration between Orkney and Crichton might indicate an increasingly amiable relationship between the two men, and Crichton's reluctance to aid Erskine's recovery of Garioch may have been an attempt to secure Orkney's continued possession of it.

Just four months after Crichton's attempts to delay Erskine's receipt of Garioch, a crown charter of confirmation was issued confirming a charter by Thomas earl of Mar (*d.*1377). Dated 19 July 1441, the charter confirmed Earl Thomas' grant of the lands '*Duabus*' *Inwry* (Two Invers?), *Thyrnis* and *Edinglas* to Aulan, son of Duncan. The original charter is undated, though McGladdery opines that the presence of John Rait, bishop of Aberdeen, as a witness to Earl Thomas' charter indicates that the document was issued in the

⁷¹³ Brown, *James I*, 158.

⁷¹⁴ *Ibid.*

⁷¹⁵ *RMS*, ii, nos.246, 247 and 249.

early 1350s.⁷¹⁶ However, McGladdery's argument that the charter signifies an attempt by the Erskine family 'to prepare their ground, gathering all documentary proofs and records relating to the earldom of Mar' is questionable. Though McGladdery identifies the 'Aulan' mentioned in the document as Alan Erskine, there is no evidence to suggest that this is the case, and the surname of the grantees is never specified.⁷¹⁷ Moreover, the overwhelming presence on the 1441 witness list of men loyal to Crichton, though argued by McGladdery as indicating the long-awaited official recognition of the plight of the Erskines in the north-east, seems far more likely to suggest the opposite. The men listed as having witnessed the crown confirmation of 1441 were Crichton, Alexander Seton lord Gordon, Alexander Livingston of Callander, John Cockburn, David Stewart, Mr William Turnbull (keeper of the privy seal) and Mr Nicholas Otterburn and George Schoriswod (clerks). Had this been an official recognition of Erskine's rights in the north-east, one might have expected to see at least one lord with a firm allegiance to the family. Further, McGladdery herself states that the document of March 1441 in which Crichton denied being in possession of Erskine's retour offered 'an intriguing insight into the strained relations between Erskine and Crichton at this point.'⁷¹⁸ Bearing this in mind, then, Crichton's sudden urge to encourage Erskine's position in the north-east would have represented a remarkable *volte-face*, particularly since Erskine – on 1 May 1442 – was forced to procure a decree from the lords of the king's council requesting that Crichton should either grant letters of sasine in favour of Sir Robert of the earldom of Mar and the lands of Garioch, or return the aforementioned ("missing") retour endorsed.⁷¹⁹ Unlike the royal confirmation of Earl Thomas' charter, the witnesses to this decree seem to have been drawn from areas which surrounded Erskine's powerbase in the central lowlands, namely James Kennedy bishop of St Andrews, John Cameron bishop of Glasgow, Michael

⁷¹⁶ John Rait held the office between 1351 and 1355. (Dowden, *Bishops*, 113-5)

⁷¹⁷ The designation 'son of Duncan' is particularly interesting. According to Oram, the success of Alexander (I) Stewart's expansion into core northern territories in the 1370s (a process instigated by his father, Robert II) was founded upon the recruitment of native Gaelic kindreds. 'One of those kindreds', he argues, 'the Atholl-based Clann Donnchaid – with whom Robert [Alexander's father] enjoyed a close relationship – was active north of Drumochter by the 1360s'. That the leader of Clann Donnchaid at this time was identified as 'Robert, son of Duncan' could suggest that the patronymic 'son of Duncan' represented a means of distinguishing a member of this kindred. Thus, it could be suggested that the Aulan, son of Duncan referred to in Earl Thomas' charter was a member of Clan Donnchaid.

⁷¹⁸ McGladdery, *James II*, 44.

⁷¹⁹ NAS GD124/1/151.

Ochiltree bishop of Dunblane, John Sibbald of Balgonie (Master of the Household), William Edmonstone, William Foulis, Archdeacon of St Andrews, John Ralston, canon of Glasgow, John Sandilands of Cadzow (?), James Livingstone, captain of Stirling, and James Dunlop of Dunlop.

Just nineteen days later, Sir Robert Erskine was styled 'earl of Mar' in the official record of Alexander Hume's receipt of the bailiary of Coldingham, his admission to which had been requested by the king, James Kennedy bishop of St Andrews, 'and the earls of Angus, Crawford and Mar.'⁷²⁰ As argued elsewhere, that Erskine had finally received formal recognition of his title (the only time that it would appear in formal documentation) may have led Sir Robert to hope that the May decree had secured his place in the north-east as the rightful earl of Mar.⁷²¹ This is certainly suggested by surviving charter evidence pertaining to the earldom. On 12 June 1442, shortly after Erskine had been styled earl of Mar in the official documentation, Archibald Raitt, son and heir of the deceased John Raitt of Futhes, resigned his half lands of Achintoule, Dursale, Achsloune, Fichly, Sinnaboth and Drummelochy in the earldom of Mar into the hands of Sir Robert 'Earl of Mar and Lord Erskine'. After this resignation, however, evidence of Erskine's movements become difficult to trace owing to the fragmentary nature of the surviving documentation. This break in the flow of evidence was not limited to the Mar charter chest, however, and it has been argued that the scarcity of documentary evidence for 1443-1444 contributes significantly to the prevailing perception of James II's minority as having been 'a time of violence and breakdown in law and order'.⁷²² Erskine's seizure of Kildrummy castle sometime after 9 August 1442, then, was an ominous sign of things to come.

The circumstances surrounding Erskine's belief in his changing fortunes may have emboldened him to seize the castle of Kildrummy in 1442. According to Sir Robert Douglas, Erskine complained that Crichton had refused to endorse his retour for the lands of Garioch, and that the chancellor had failed to deliver the castle of Kildrummy, promised to Sir Robert in the indenture of 1440. Though Douglas neglects to say where he sources his account, Erskine is said to have seized the castle of Kildrummy in response to Crichton's actions, to which the royal council responded by taking his castle of Alloa. However, though

⁷²⁰ McGladdery, *James II*, 43-4.

⁷²¹ *Ibid.*, 44 and 44n30.

⁷²² *Ibid.*, 48.

Douglas states that Erskine appears to have relinquished control of Dumbarton castle, the surrender of which was a condition of his receipt of Kildrummy, his obedience to the royal council's request has been questioned. According to the account contained within the Auchinleck chronicle, the castle was still in the possession of a man loyal to Erskine in July 1443 (Sir Robert Sempill, Erskine's sheriff-depute), suggesting that Sir Robert had not delivered the castle to the king's keeping as he had been instructed to do. It was on the fifteenth of the month that Patrick Galbraith, 'being in the outer bailey', was expelled from the castle by Sempill, who instructed Galbraith to take his gear with him. Galbraith then returned the following morning to remove the last of his belongings, accompanied by three or four unarmed men. It was then that Galbraith (presumably with the aid of his 'unharnest' men) proceeded to take the porter by force. He was commended for his actions, according to the chronicle, and supplied by the burgesses of Dumbarton, the support from whom enabled Galbraith to remove Sempill from the inner bailey and secure the rest of the castle. The events which led to Galbraith's expulsion from the castle are unclear, however. Though Sempill's role as Erskine's sheriff-depute may have suggested that Erskine had ordered Galbraith's expulsion, there is no evidence to support such an assertion as the chronicle makes no direct reference to Erskine's hand in the affair. Indeed, if the Auchinleck account is taken at face value, it would seem that the decision had been made by Sempill himself. Furthermore, Erskine's grant to Galbraith – styled in the charter as Erskine's 'squire and kinsman' – of the lands of Garscadden in the earldom of Lennox and sheriffdom of Dumbarton on 8 June 1444 suggests that Galbraith was still in favour with his lord. Curiously, however, Galbraith was reimbursed for expenses incurred by him in his capture of Dumbarton (to the tune of 6*l.* 13*s.* 4*d.*), before delivering the castle to the keeping of Robert Livingston of Callendar at the king's command. This has led to the suggestion that the royal council may have encouraged Galbraith to offer his services in their attempts to secure Erskine's surrender of Dumbarton.⁷²³

That Gordon (and thus the council) had failed to deliver Kildrummy to Erskine may have signalled to the Forbes family that though Sir Robert was styling himself as earl, his hopes of ascertaining full recognition of his rights to

⁷²³ *Ibid.*, 49 and 49n49.

Mar and Garioch were looking increasingly unlikely. This is suggested by an indenture of 26 March 1444 between Sir Alexander Forbes and Sir Robert Lyle of Duchal. Issued at Perth, the document stated that:

‘ . . . the forsaid Robert the Lyil has geffyn and sale gyff to the forsaide Schir Alexander herettably ale and haille his part of the landis of Stradee [*Strathdee*] and Kyndrocht [*Kindrochit*] with his part of the castale of the samyn landis with all thar pertinence . . . and gyff hyme charter and possession als son as it likes the saide Schir Alexander efter at the saide Robert sal recover possession of halfe the landis of Mar liande in the schirrefdome of Aberden’.⁷²⁴

In return for this significant territorial acquisition, Forbes would offer his lands of Cluny and Whitefield in Strathearn and Angus, to be held of the Earl of Angus in blencheferme. Interestingly, though the indenture resembles that made between Forbes and Erskine in 1435, the stipulation that Lyle deliver his lands to Forbes ‘bute [without] fraude or gile’ suggests that Forbes perhaps had cause for concern. As discussed above, Forbes had received part of the 100 merks worth of land owed to him by Erskine after 1435, though it is not clear if Erskine ever paid Forbes in full for his support. It may be that Forbes had deserted Erskine’s cause in order to seek out an augmentation of his fortunes. That the agreement between Erskine and Forbes had met with some difficulty is suggested by the survival of an undated agreement concerning the fractious relationship between the two men. Possibly issued sometime between 1435 and 1453, the document outlines an agreement between Robert, ‘earl of Mar’ and his son Thomas – here designated ‘Master of Mar’ – and Sir Alexander Forbes and his sons, whereby both parties ‘admitted wrongs committed by them and appointed a council to advise on matters in dispute between them in particular on a fulfilment of previous indenture.’⁷²⁵ The explicit reference to the previous indenture suggests that Erskine may have reneged on the previous agreement concerning the fee for Forbes’ support, and – if issued prior to his agreement with Lyle – may have informed his wary approach.⁷²⁶

⁷²⁴ NRS GD52/405. (Translated extract taken from *A. B. III.*, iv, 194-5)

⁷²⁵ NRS GD52/1079; *A. B. III.*, iv, 190.

⁷²⁶ Certainly, McGladdery states that the document should be dated early 1440s, prior to Forbes’ promotion to Lord Forbes in 1445. (McGladdery, *James II*, 51) The indenture it refers to is likely that created between the two families in 1435, in which Erskine promised to grant Forbes the lordship of Auchindoir, with patronage of the kirk, the Buck and the Cabrach, and a half-davoch in free forest. Also included in this agreement was an annual rent of ten merks from the lands of Mukwale (now Castle

Like the 1435 indenture, Forbes was keen to protect his interests if the king decided against Lyle's claim to half of Mar. Should the king choose to recover or take the lands of Mar from Lyle, or his heirs, then Forbes and his heirs 'sale . . . have regress and free entra to his landis of Cluny and Whitefeilde . . . bute [*without*] fraude or gyle or ony impedymnt be law or pleide [law-suit] be fraude or gyle'. This condition was typical of Forbes' flair for self-preservation; however, like the desire that underpinned Forbes' quest for the lordship of Auchindoir, possession of Lyle's half of Strathdee and Kindrochit (with Lyle's part of the castle) would have put Forbes in an even stronger position within the earldom. Having received half of Strathdee from Erskine in 1439, the receipt of Lyle's half would have given Forbes complete control of the lordship, providing Forbes with a fiscal return of more than 100*l.* a year. Furthermore, control of at least part of the demesne lands of the castle of Kindrochit would have provided the Forbes' with another impressive power base within the earldom of Mar. Forbes had apparently failed to receive the lordship of Auchindoir, which would have placed the family in a commanding position in the shadow of Kildrummy, the caput of the earldom. Possession of Kindrochit, however, the caput of the lordship of Strathdee, would establish the family as the indisputable lords of Strathdee.

Three months later, on 16 June, John Brown of Kennet (Erskine's procurator) informed William earl of Orkney that Sir John Cockburn and John Haddington – alongside Brown – as commissaries of Robert, earl of Mar and Garioch – 'would complete all agreements made between the said Earls (being Mar and Orkney) for the excambion of the lands of Garioch', and that in return Erskine would pay Earl William an annual sum of 110 marks. In addition to this, the document narrates that Orkney agreed to Brown's proposal, replying that 'he would complete all such agreements made between the said Earls and Robert Lyle of Duchal'. The nature of Lyle's involvement in the negotiations for Garioch is unclear. McGladdery has suggested that the document indicates the culmination of serious negotiations between the three lords which would see Erskine acknowledged as earl of Mar and Garioch. However, if this was the case, Erskine can only have expected to claim half of the earldom, for Lyle felt secure

Fraser). However, it is also possible that Erskine had reneged on his charter of half of the lordship of Strathdee, granted in 1439. (See NRS GD52/1078; GD124/7/7; GD124/1/146)

enough in his position to issue a charter to Forbes of the promised lands of Strathdee, Kindrochit and his part of the castle of the same on 19 February 1445, little over a year after the instrument outlining negotiations between himself, Erskine and Orkney. Furthermore, in the grant to Forbes, Lyle was styled 'lord of Duchal and of half the lands of the earldom of Mar'. It is possible that the negotiations between Orkney, Lyle and Erskine alluded to in June 1444 centred on Lyle's position as claimant to Mar. It is not implausible to suggest that Lyle may also have held a claim to Garioch as part of his claim to half of Mar, like Erskine. Lyle may have agreed to abandon his claim to Garioch in order to secure his claim to half of the earldom of Mar instead. If this is the case, that he should have done so is unsurprising. One may question Lyle's commitment to his Mar estates when he was willing to grant half of Strathdee and his part of Kindrochit to Forbes in return for lands in Strathearn and Angus. That he did so suggests that Lyle's interests remained outwith Mar.⁷²⁷

It has been suggested elsewhere that the agreement between Lyle and Forbes may have been a consequence of 'a concerted effort by the dominant faction on the king's council' to undermine Erskine's cause and influence lords such as Lyle and Forbes to distance themselves from the so-called earl of Mar.⁷²⁸ This is supported, perhaps, not only by Forbes' agreement with Lyle, who had married a daughter of Andrew lord Gray – 'demonstrably involved with the royal council' – but by the actions of Forbes' son James. On 30 September 1444 James Forbes pledged his fealty to Alexander Gordon – the new earl of Huntly – by bond of manrent. A Forbes alliance with the Gordons of Huntly represented an attempt by the Forbes family to protect their landed interests by allying themselves with prominent members of the king's council.

Between 1444 and 1447, Sir Robert Erskine has a scant presence in the surviving documentary evidence. That he was actively pursuing his interests in the Garioch is suggested by his presentation of a priest – Sir John Lothian – to the newly erected chaplainry in the chapel of the Virgin Mary of Garioch by 5 November 1445, with 12 merks of annual rent from the town of Knockinglass

⁷²⁷ It is also possible – if Lyle was indeed descended from a co-heiress to Mar – that Erskine retained the more senior claim. If this was the case, Lyle may have pursued interests elsewhere in recognition of the unlikelihood of his succession to his Mar estates.

⁷²⁸ McGladdery, *James II*, 51.

and the half lands of Drumdurnoch.⁷²⁹ Furthermore, ‘the subsequent designation of Robert’s heir, Thomas, as Master of Mar in the audits of 1446 has been interpreted as tantamount to official recognition by the council of Erskine possession of Mar.’ Erskine may have finally felt secure in his possession of both Mar and Garioch, having fought so long for recognition of his rights to both.

Erskine’s hopes for the future were short-lived, however, and on 12 May 1447 the king’s council issued a letter to Robert – styled simply ‘lord of Erskine’ – and his son (no longer Master of Mar) concerning Erskine’s possession of Kildrummy. According to the letter, issued in the king’s name, Erskine was to deliver the castle to Sir David Murray of Tullibardine and the comptroller Robert Livingston, who were to journey north with the full power under the king’s patent letters. The pretext for the sudden interest in Kildrummy was a royal trip north, arranged to address

‘. . . the gude of pece and tranquillite of oure realme and justice to be haldin in the north partis of oure said realme quhare grete rupture and transgressiounis has bene in tym bigane and for reformacion therof . . .’⁷³⁰

Possession of the castle was deemed crucial to the king’s security, and the castle is described in the letter as a ‘place conuenient [*convenient*] of souerte [*safety*], and the request for Kildrummy’s delivery was issued under pain of forfeiture. Evidently, the king did not journey to his northern territories, and it has been suggested that the ongoing issue of Kildrummy’s ownership had restricted the king’s plans to traverse his realm.⁷³¹ According to Douglas, however, an agreement was reached on 20 June 1448 between the king and his council and the recalcitrant lord Erskine. Although the original indenture is now lost, Douglas states that the document outlined Erskine’s agreement to surrender the castle of Kildrummy ‘to any the King should appoint, to be kept by them till the King’s majority’.⁷³² Upon Erskine’s submission, the castle would be held by the king’s chosen keepers until he reached his majority, at which time it would be delivered to whoever was identified as having a right to possess it.⁷³³ The indenture, however, was not limited in its discussion to the castle of Kildrummy,

⁷²⁹ NRS GD124/9/2.

⁷³⁰ *A. B. III.*, iv, 196-7.

⁷³¹ *Ibid.*

⁷³² *Ibid.*, 196n1.

⁷³³ *Ibid.*

and Erskine was obliged to present himself to the king at his majority in order to account for his possession of half of the earldom of Mar. In return for his compliance, Erskine's castle of Alloa was to be restored to him, with 'all the furniture and warlike stores found therein.'⁷³⁴ As argued by McGladdery, Erskine evidently followed through on his promise, and by 21 July 1448 Archibald Dundas, 'brother-in-law of Sir Alexander Livingston of Callendar' was listed as having custody of Kildrummy castle in an account of the customars of the burgh of Aberdeen.⁷³⁵

The lost indenture of 20 June 1448 was to be Erskine's final act concerning the Mar dispute. By September of that year, Sir Robert was evidently preparing for his son's succession to the Erskine estates, and in a royal charter of 11 September 1448, Thomas Erskine received the lands and lordship of Erskine, the lands of the barony of Kellie in the sheriffdom of Aberdeen, and various other lands pertaining to the Erskine patrimony. All of these lands, it states, had been resigned by Sir Robert, reserved only in liferent.⁷³⁶ This was followed on 17 September by an instrument of sasine in favour of Sir Thomas, designated as the eldest son of Robert 'Earl of Mar and Garioch, and lord of Erskine'.⁷³⁷ That Sir Robert's health may have been faltering is evinced by a procuratory of resignation, issued on 10 December 1448 (just three months after Thomas' receipt of the Erskine estates), in favour of Patrick lord of Graham, Sir Henry Douglas of Loch Leven and Sir Robert Sempill, William Sempill, Thomas Parkley, Patrick Galbraith and Alexander Howden, for resigning to Isabel, Countess of Lennox, the lands of the two Dalnotters and Garscadden. Issued at Alloa, this was to be Erskine's final appearance on record. Poignantly styled Robert, Earl of Mar and of Garioch, Erskine's quest for the earldom of Mar was to be assumed by Robert's son and successor, Thomas.

Sir Thomas Erskine and the fight for Mar

Unlike his father, who would die in 1452, Sir Thomas Erskine (*d.*1492) would live to witness the resolution of the Mar dispute which had occupied his father's time and energy since the death of Earl Alexander in 1435. His first appearance in the documentary evidence after his succession to his father's estates is in a

⁷³⁴ *Ibid.*

⁷³⁵ McGladdery, *James II*, 66-7; *ER*, v, 306-7.

⁷³⁶ NRS GD124/1/1.

⁷³⁷ NRS GD124/1/528; Paton, *Supplementary report on the manuscripts of the Earl of Mar & Kellie*, 18.

letter concerning possession of the earldom of Mar, issued at the Tolbooth in Stirling on 4 April 1449. In it, Sir Thomas, after various disputes arose from both sides of the debate,

‘offered to undergo and thoroughly fulfil in all ways, according to the arbitration and deliberation of the said three estates, the indentures and evidences formerly made between the said supreme lord our king and his counsellors on the one side and the same Sir Thomas and Sir Robert on the other side, concerning the aforementioned lands of the earldom of Mar and Kildrummy castle’.⁷³⁸

Those in the chamber who had been deemed unfit to ‘judge or deliberate in a question of fee and heritage’ had evidently been asked to leave, and Sir Thomas’ advocate, John of Haddington, burgess of Perth, stated that the fermes of the aforementioned lands of the earldom of Mar had been unjustly levied and taken from the term of the feast of St Martin ‘in Winter last past [11 November 1448] by the king’s administrators, and contrary to the tenors of the said indentures’.⁷³⁹ The advocates arguments were followed by a request from the new lord Erskine that a public instrument be drawn up documenting the proceedings and the issues discussed therein. Crichton’s response, however – contained within the original transcript of the document in the Erskine papers – sought to inform Sir Thomas that according to an act of council general, the king was to enjoy possession of all lands which his father had died vest and seised until his majority, and that until such time the king was willing to review – ‘through his privy council’ – Erskine’s respective rights to Mar. In what must have been a bitter blow to Sir Thomas, Sir Robert’s (albeit tenuous) achievements of the past thirteen years had all but evaporated upon the succession of his son and heir. Evidence of Sir Thomas’ dismay is displayed in the closing argument put forward by the new lord Erskine that ‘the passage of time or delay of justice until the King’s majority should not in future be prejudicial to himself or his father or their heirs.’ As argued elsewhere, however, Crichton’s inability to dismiss Sir Thomas’ protest afforded the family’s plight a degree of importance that would see the question of succession to Mar continue to occupy the council’s concern until 5 November 1457 where, in the presence of the king at Aberdeen, ‘Thomas, Lord Erskine . . . after years of procrastination,

⁷³⁸ *RPS*, 1449/1. Date accessed: 23 August 2016.

⁷³⁹ *Ibid.*

was finally denied possession of the earldom of Mar'.⁷⁴⁰ Contrary to Thomas' request that the passage of time should not prejudice his success in claiming the Mar inheritance, the eight year delay between Sir Thomas' protest in 1449 and the decision at Aberdeen in 1457 had evidently led to the retraction of evidence provided by 'certain jurors' in 1438 in favour of the right of Sir Robert Erskine to half of the lands of the earldom of Mar.⁷⁴¹ It was declared instead by the chancellor George, bishop of Brechin, that the lands aforementioned had belonged to the late King James I, 'who had died seised thereof', and a new inquest saw the production of a negative retour declaring that Thomas' father Sir Robert, who had died in 1452, did not die seised in the earldom of Mar or the castle of Kildrummy.⁷⁴²

Yet deliberations concerning the issue of Erskine's inheritance are said to have begun over six months before the November declaration. According to Sir Robert Douglas, James II had requested a reduction of the 1438 service of Sir Robert Erskine as heir to Countess Isabella of Mar before 15 May 1457, when an assize of error (assembled at Aberdeen) ratified Erskine's reduction on the grounds that the earldom of Mar had devolved to James I in 1435.⁷⁴³ Indeed, the declaration of 5 November 1457 is stated by Douglas to have been the confirmation of the May reduction.⁷⁴⁴ What is particularly interesting about the king's request, however, is the array of arguments which Douglas states were used to justify Erskine's reduction. The first was that Sir Robert should not have been recognized as heir to Mar because there were no witnesses (still living) who could account for his descent from Ellen/Helen of Mar, daughter of Earl Gartnait. This was clearly a direct attempt to circumvent the declaration put forward by the aged Andrew Keith of Inverugie ten years earlier which sought to endorse Erskine's pedigree as descendant of Earl Gartnait.⁷⁴⁵ The document, issued on 6 October 1447, outlined Keith's deposition concerning Erskine's descent, and was witnessed – among others – by Sir James Skene and Ranald

⁷⁴⁰ Tanner, *The Late Medieval Scottish Parliament*, 160.

⁷⁴¹ NRS GD124/1/162; *A.B. III.*, iv, 205-13.

⁷⁴² *Ibid.*

⁷⁴³ *A. B. III.*, iv, 205n1; J.P. Wood (ed.) *The Peerage of Scotland: containing an historical and genealogical account of the nobility of that kingdom*, by Sir Robert Douglas (Arkansas, 1813), ii, 205.

⁷⁴⁴ *Ibid.*

⁷⁴⁵ NRS GD124/5/2.

Cheyne.⁷⁴⁶ Both Skene and Cheyne (alongside Keith) had presided over Erskine's initial retour of 1438, which saw Sir Robert Erskine recognized as heir to Countess Isabella.⁷⁴⁷

The dismissal of testimonials such as that provided by Keith in 1447 was followed by the proclamation that accommodating Erskine's receipt and retention of Mar was a contradiction of parliamentary legislation issued in 1437 which stated that James II was entitled to retain possession of all lands or rights that his father had been in possession of, or had claimed, at the time of his death.⁷⁴⁸ Issued at an undated general council after the death of James I, the legislation outlined that any alienation of lands that were in the king's possession upon his death – 'made in hindering of the crown' – should be deemed null and void.

Unsurprisingly, this was followed by the statement that Isabella, countess of Mar, had not died in possession of the earldom. Instead, possession of Mar had fallen to Alexander Stewart and Thomas, his bastard son, 'to both of whom the King was heir by reason of their bastardy.'⁷⁴⁹ Thus, Sir Robert Erskine could not expect to inherit as a direct descendant of Countess Isabella, as possession of the earldom had already settled on James II, heir to James I, who had – through the indenture of 1426 – inherited the earldom from Alexander Stewart earl of Mar, who had died seised in the earldom in 1435.⁷⁵⁰

The fourth and final argument – and one which supports previous assumptions outlined in this thesis concerning James I's perception of his right to inherit – was that James II was the nearest heir to Isabella countess of Mar because he was a direct descendant of Isabella of Mar, first wife of Robert I, mother of Princess Marjorie, and progenitor of the royal house of Stewart. Isabella, described in this instance (incorrectly) as the eldest daughter of Earl Gartnait, should be deemed the true heir to Mar as opposed to her younger sister Ellen/Helen, from whom the Erskine's derived their claim. The earldom of Mar,

⁷⁴⁶ NRS GD124/5/2. The remaining witnesses are listed as follows: Thomas Fraser of Cornton, Alexander Scott, John Murray, John James, John Malison, and John Eadie.

⁷⁴⁷ NRS GD124/1/138; GD124/1/142. Both men would go on to retract their support of Erskine's claim, however, while Keith of Inverugie may have died sometime between 1447 and 5 November 1457, when Erskine's claim was finally denied. This may explain James II's supposed reference to the fact that 'no one was alive' who could attest to Erskine's descent. (Crawford, *Earldom of Mar*, i, 294)

⁷⁴⁸ RPS, JamII/1. Date accessed: 15 December 2016.

⁷⁴⁹ Douglas, *Peerage*, 205.

⁷⁵⁰ See above, 209-10, for a discussion of this agreement.

James argued, was an indivisible subject, and thus could not be shared between himself and the Erskine heirs.⁷⁵¹

Both Douglas and Lord Hailes draw attention to the erroneous nature of these claims:

‘As to the *first*, That it was new in law, to plead, that a claimant might not prove his propinquity to remote ancestors by writings as well as by witnesses : That if this was ruled for law, the Sovereign, from the lapse of time, and the defect of living testimonies, might arrogate to himself half the earldoms in Scotland, as well as the earldom of Marr.

As to the *second*, The statute [of?] [1437] might exclude the claimant from possession during the minority of the King, but could not prevent the assize from taking trial of the propinquity, or set aside the verdict when returned.

To the *third*, the answer was obvious, That Alexander Stewart had no more than a right of liferent in him by the charters 9th December 1404 and 21st January 1404-5; that he could resign no more, and that the crown could grant no more upon his resignation.

To the *fourth*, That it was grounded on an error in fact; for that Isabel de Marr, the wife of Robert I. was not the daughter, but the sister of Earl Gratney; and consequently was removed a degree farther back than Elyne, the daughter of Earl Gratney.’⁷⁵²

Furthermore, Alexander II had already proved during the succession crisis of the 1220s that the earldom *was* – when necessary – divisible. It would have been more prudent to argue that the king did not *wish* to divide the earldom, thereby halving its revenue.

The definitive declarations supposedly put forward by the king were reinforced by the proceedings of the justice-ayre of 5 November later that year, at which ‘certain jurors’ who had given evidence in favour of Sir Robert Erskine’s

⁷⁵¹ Douglas, *Peerage*, 205.

⁷⁵² Dalrymple, *Additional Sutherland Case*, 51.

rights to succeed in 1438 retracted their statements, apologizing for having given evidence in the matter ‘erroneously’.⁷⁵³ According to the king, the lands of Mar and lordship of Garioch had been in the possession of James I upon his death and as a result, now belonged to him, his son.

Just seven days after the settlement of the Mar dispute in the king’s favour, James II had granted the lands of ‘Cragyuer’ [Craigievar?], Ballindene [?], Innyneteire [?] and Westir Lochale [Wester Leochel?] to Edmund Mortimer. According to McGladdery, the exact identity of Mortimer is unknown, though he may have possessed a connection to the English earls of March.⁷⁵⁴ Though Mortimer may have benefited from James II’s generosity in the immediate aftermath of the November ruling, it was the king’s fourth son John who would ultimately enjoy the fruits of the earldom of Mar and the accompanying lordship of Garioch. James II had settled both upon the young prince by 23 June 1459, and these significant Scottish territories would be held by John until his death – in suspicious circumstances – in 1480.⁷⁵⁵

Son of the king (I): John (I) Stewart, earl of Mar (1457-1480)

As shown above, James II’s decision to establish a firm hold on the elusive earldom of Mar was evident in his decision to grant the earldom and its accompanying lordship of Garioch to his youngest son, John Stewart.⁷⁵⁶ As John was only two years old at the time, the king’s decision enabled the crown to continue drawing revenue from the lands until 1471 when John was old enough to succeed to his estates.⁷⁵⁷ Unfortunately, much like the early earls, very little is known of John’s career as earl of Mar. According to Macdougall, John spent the majority of his time in the north, occupying a town house in Aberdeen. That Earl John may also have been pursuing an active role in the affairs of the burgh

⁷⁵³ Douglas, *Peerage*, 205

⁷⁵⁴ It is interesting to note, however, that though the aforementioned lands were listed by the king as having been *jacentes in comitatu nostro de Marr* (lying within our earldom of Mar), this is their first appearance as Mar territories in any documentation concerning the lands of the earldom since the first explicit reference to Earl Thomas’ lands in the fourteenth century. (See Appendix D)

⁷⁵⁵ Tanner, *The Late Medieval Scottish Parliament*, 160; McGladdery, *James II*, 190-1, 191n28. It is curious that there is no reference to the Lyle claim at any point throughout this settlement.

⁷⁵⁶ According to Boardman, James II’s pursuit of Mar was further driven by a desire to offset the ‘dangerous regional ambitions’ of the Gordons of Huntly. (Boardman, ‘The Burgh and the Realm: Medieval Politics, c.1100-1500’, in E.P. Dennison, D. Ditchburn and M. Lynch (eds.), *Aberdeen Before 1800: A New History* (East Linton, 2002), pp. 203-223, 218.

⁷⁵⁷ Certainly, the Exchequer accounts for Mar cease in 1471 and would not be resumed until 1484, four years after John’s death and forfeiture. (See Appendix B)

is suggested by a letter of James III to various Aberdeenshire officials, dated 19 April 1476:

‘James, be the grace of God king of Scottis, til the alderman, balleis, consale, and communitie of our burgh of Aberdene, greting : Forsamekil as our derest bruthir, Johne Earle of Marr, reparis and residis diuerse tymes quietly in our said burgh of Aberdene, our wil is, and we exhort and praise you, and also straitlie commandis and chargis that, in al tymes tocum, ye assist to our said bruthir, and, for the souerite and keping of his person, ye redely rise with him quhat tyme he chargis you, in the actionis and querrellis that he happinis to haue ado within our said burghe, for we haue gevin him speciale charge and command to supple and defend you in oure absence againe ony persons that wald oppress or iniure you in ony wise. And this on na wise ye leue vndone, as ye wil haue singulare thank of ws, and vndir al paine and charge that efter may follow.’⁷⁵⁸

However, though charter evidence does indicate that the brother of the king was more than a royal figurehead in the area, the necessity of James III’s intervention could suggest that the young earl was facing local opposition to his attempts to establish his authority in the region. The root of such opposition, as suggested by Boardman, may well have been the continuing influence of the Gordon earls of Huntly, whose dominance of affairs in both the burgh and the earldom of Mar during this period contributed to their increasingly hostile relationship with the crown, ‘and a succession of royal representatives wielding titular authority in Mar.’⁷⁵⁹ With this in mind, Earl John’s decision to cultivate territorial links with the Forbes family on 18 November, 1475 – just one year prior to James III’s endorsement of his brother’s role in Aberdeen – suggests a pre-emptive bid to ensure the support of a prominent Mar kindred that had an established reputation as a font of local authority in the earldom, and a notable history of rivalry with the Gordons of Huntly.⁷⁶⁰

Earl John’s grant of the lands of Over and Nether Towy [Towie] and

⁷⁵⁸ *Abdn. Counc.*, i, 34-5.

⁷⁵⁹ Boardman, ‘The Burgh and the Realm’, 220.

⁷⁶⁰ On 18 November 1475, just one year prior to James III’s endorsement of his brother’s role in Aberdeen, Earl John had granted the lands of Over and Nether Towy [Towie] and Culfork to Duncan Forbes, son of Alexander Forbes of Brux. That the Forbes’ had maintained their dominance in the earldom is unsurprising, but the presence on the witness lists of prominent Aberdeenshire men suggests that Earl John’s presence in the area may have been a welcome development after almost a decade without an active earl in the region. Listed as witnesses to Forbes’ receipt of these Mar lands was William Edmiston of Lintegrethy [?], Mr. Richard Forbes, Dean of Aberdeen, Alexander Leslie of Wardes, Sir Henry Proctor of Kingussie, and Mr Andrew Lyale [Lyle] treasurer of Aberdeen.

Culforth to Duncan Forbes, son of Alexander Forbes of Bruis, as yet, the only surviving document which showcases Earl John's interactions with the local landholders in Mar, and though the king had evidently placed his trust in his brother as protector of the burgh of Aberdeen in 1476, by 1479 the earl had fallen from the king's favour.

The circumstances surrounding the deterioration of their relationship are unclear. It has been argued elsewhere that Earl John's execution 'may have been associated with what would have been understandable opposition to the attempted forfeiture of [Alexander Stewart, duke of] Albany [brother to the king], and increasing paranoia on James III's part about the criticism he was facing.'⁷⁶¹ Regardless of the motives (or, indeed, the abandonment of 'even the pretence of due judicial process' in the disposal of Earl John), the resumption of crown control of the lucrative earldom of Mar would have undoubtedly pleased the king. Interestingly, however, Exchequer accounts concerning Mar do not resume until 1484. According to John Lesley, in his *History of Scotland from the Death of King James I in the Year 1436 to the year 1561*, it was Thomas Cochrane, a favourite of the king, who had enjoyed possession of Mar after the death of Earl John (hastened, it has been argued, by Cochrane himself).⁷⁶² Certainly, the four year gap between Earl John's death in 1480 and the resumption of accounts in 1484 would suggest that the revenues of the earldom had been redirected in the wake of Earl John's death, while reference to Cochrane as keeper of the castle of Kildrummy – Mar's central caput – could indicate possession of the earldom itself. Though we cannot determine with any certainty whether Cochrane was indeed enjoying access to the annual revenue of this significant Scottish earldom, the construction of Auchindoun Castle – 'an imposing fifteenth-century tower . . . little more than twenty miles from Kildrummy', and attributed to Cochrane – would suggest that the finances of the king's favourite had received a significant boost.⁷⁶³ However, it should be noted that the tense political landscape in Scotland may also have contributed to the gap in financial records for Mar, as Albany – having fled to France after James

⁷⁶¹ Tanner, *The Late Medieval Scottish Parliament*, 225.

⁷⁶² Sir David Lindsay of the Mount, 'The Testament and Complaynt of our Soverane Lordis Papyngo', in D. Laing (ed.), *The Poetical Works of Sir David Lyndsay* (Edinburgh, 1871), i, 80.

⁷⁶³ Macdougall, "'It is I, the Earle of Mar": In Search of Thomas Cochrane', in R. Mason and N. Macdougall (eds.), *People and Power in Scotland: Essays in Honour of T.C. Smout* (Edinburgh, 1992), pp. 29-49, 41-2.

III's seizure of his castle of Dunbar in 1479 – had returned to Scotland looking to reassert his authority in 1482, styling himself earl of Mar by 10 October of that year. According to Tanner, Albany's decision to adopt the title had alienated George Gordon, 2nd earl of Huntly, who had vested interests in Mar. Huntly returned to the king's fold and probably led the opposition to Albany's attempts to receive confirmation of his lieutenant-generalship, and may have been rewarded for his support with the lease of the exceptionally lucrative lordship of Strathdon and the earldom (lordship?) of Garioch, as well as the keepership of the castle of Kildrummy.⁷⁶⁴ His brother Alexander Gordon of Midmar became lessee of Mar's two remaining lordships, Strathdee and Cromar.⁷⁶⁵ Huntly evidently secured the transferral of his rights to Strathdon and Garioch to his son and heir, Alexander Master of Huntly, as Alexander is listed as lessee of the lands from 1487 onwards.

Son of the king (II): John (II) Stewart, earl of Mar

On 2 March 1486, the eight year old John Stewart, third son of James III, received the earldom of Mar and lordship of Garioch. When Earl John (II) died in 1503, however, it would not be James III that would receive these lands, but his eldest son James IV who had succeeded to the throne upon the death of his father in 1488. Earl John (II)'s involvement in Mar cannot be assessed as no evidence survives pertaining to either his life or career. After his death in March 1503, the earldom reverted to James IV. However, unlike his predecessors, James IV did not grant the earldom or lordship to a royal son. Rather, the earldom provided the king with a lucrative source of patronage. As shown in the previous chapter, it was to be Alexander Elphinstone who would benefit the most from crown possession of this medieval earldom, and his successive territorial acquisitions represented the final (and successful) challenge to the continued survival and integrity of this troubled Scottish earldom.

⁷⁶⁴ *Ibid.*, 44; *ER*, xi, xlili-xliv, 388.

⁷⁶⁵ R.J. Tanner, 'Stewart, Alexander, duke of Albany (1454?–1485)', *Oxford Dictionary of National Biography* <<http://www.oxforddnb.com/view/article/26453>> Date accessed: 10 December 2016.

Conclusion

Like any great region, the fortunes of the earldom of Mar had been closely tied to the ebb and flow of national politics, most notably the instability of Anglo-Scottish relations during the thirteenth and fourteenth centuries. Between c.1281 and 1388, the recurrent theme was one of absentee lordship due to dominant interests south of the border (as in the cases of Donald (I), (II) and Thomas) and south of the Forth (as in the cases of William Douglas and his son James). This was mitigated somewhat by the career of Countess Isabella, whose conscientious attempts to consolidate her authority in Mar represented the most personal interaction with the earldom since its infrequent administration by her uncle, Earl Thomas. The cultivation of local support proved crucial to her second husband's success between 1408 and 1435 as he attempted to rule Mar in his own right. The connection to the localities which became a hallmark of his career is perhaps what leads to recurrent portrayals of his death as representing the instigation of Mar's decline and fall, a process which was exacerbated by the grasping nature of Scotland's Stewart kings. This is an unfair assessment, however. As has been shown in this thesis, extensive periods of absentee lordship between 1281 and 1332 led to the temporary stagnation of this central Scottish earldom. Conversely, the careers of Countess Isabella and her husbands Malcolm and Alexander represented a period of lordship which was an optimistic contrast to the bleak and ill-documented earldom of the late thirteenth and early fourteenth centuries. The Scottish crown did not bring about Mar's decline in isolation. Instead, the history of the earldom speaks of oscillation.

The career of Earl William (*d. c.1281*) laid the groundwork for what should have been a promising future for the Mar kindred. Having secured marital ties to both the Comyns and the MacRuaridhs, and maintaining a healthy relationship with the Scottish crown as a king's man north of the Forth, Earl William had ensured that the ruling house of Mar was on course to dominate the fourteenth century. Unfortunately, Earl William's foundations were weakened by the fourteenth century battle for Scotland's throne and the ensuing volatility of Anglo-Scottish relations. Periods of extended English dominance in Scotland's affairs and the personal affections of the earls for the

kings south of the border saw the earldom bereft, deprived of the personal lordship which had seen it flourish under Earl William. Nevertheless, the earldom remained a symbol of aristocratic prowess that Robert I was unwilling to challenge by forfeiting its kindred for their obvious loyalty to England.

The return of Earl Thomas, at the behest of David II, looked to be a promising development. The significant surge of charter evidence upon his return to power seemed to represent the possibility of a renaissance for Mar, and provide the clearest indication of the formation and development of a local Mar 'community'. However, the earl's financial woes and the unpredictable nature of Thomas' relationship with David II saw the earldom seized by the Scottish crown in 1362, to be returned only upon payment of an exorbitant fine. Thomas' debts and his quest for funds had hindered his ability to revive the fortunes of the earldom, and the Douglas succession which followed his death in 1377 would do little to moderate Mar's continuing decline. The 1st earl of Douglas, and his son Earl James, were prominent landholders south of the Forth, and their interests were clearly dominated by their southern territories. Though William's amorous affair with Earl Thomas' widow, and his subsequent negotiations concerning possession of her terce lands, indicate that William was taking an active interest in his northern estates, Douglas was – like his predecessors – distracted by affairs on a national scale, as was his son James.

The succession of Isabella to the Mar estates saw a resurgence in the fortunes of the earldom. The policy of territorial consolidation pursued by both Countess Isabella and her first husband Sir Malcolm Drummond clearly highlighted an attempt to consolidate Isabella's Mar holdings, reflecting a clear appreciation of the importance of these estates. Her ability to retain the integrity of the earldom in the face of Albany pressure between 1402 and 1404, and her possible pursuit of a marriage alliance between herself and Alexander Stewart showcases a calculated shrewdness in her approach to lordship. Her obvious respect for local opinion – and thus her cultivation of local support – provided a solid foundation on which her second husband was able to continue her success. Indeed, though few in number, the surviving charters issued by Alexander Stewart, earl of Mar, highlight his ties to the burgh of Aberdeen, and the strength of his affinity as depicted by the presence on the witness lists of men who had fought alongside him in Othée in 1408.

The death of Alexander Stewart in 1435 saw the ultimate extinction of Mar's comital kindred. Its subsequent acquisition by the Scottish crown and the ensuing debates concerning the legality of Erskine succession, saw the resumption of the decline and fall of what had previously been one of the greatest provincial lordships of the Scottish kingdom. The settlement of the earldom of Mar on the youngest heirs to the throne saw an abeyance in the authority that the earldom had once commanded. Crown involvement with the earldom in the form of the young Stewart princes was sporadic, and the significance of the earldom of Mar as a bulwark against the might of the lords of the Isles began to lessen as the power of these island lords began to wane. Between 1435 and 1513, crown control of the earldom of Mar saw the earldom succumb to the banal existence of a royal appanage, used primarily as a source of income until the reign of James IV when the integrity of the earldom was sacrificed in order to reward the king's man, Alexander Elphinstone.

Though banal, Mar's role as a royal appanage provided the foundation of our study into the internal administration of the earldom. The accounts produced for the various Stewart kings outlining the rental yields of their latest acquisition provide a detailed insight into the earldom's composition. Such evidence, used in tandem with the family papers of the Erskine earls of Mar and Kellie, enabled the reconstruction of medieval Mar, allowing us to identify – for the first time – patterns and trends in the development of the earldom which challenge current perceptions of its geographic and administrative structure. For example, Simpson's assumptions concerning the location of Mar's *caputs* have been – where necessary – disproved, replaced by the decisive identification of Mar's most significant strongholds: Invernochty, Kildrummy, Kindrochit, and Migvie. In particular, the construction of Kildrummy castle in the mid-thirteenth century, favoured by Earl William and his successors as the new central caput of the earldom of Mar, is argued as having represented the realignment of Mar's internal power structure following the division of the earldom in the 1220s by Alexander II. The position of the castle at the head of two significant Mounth passes (a strategic advantage which the Doune of Invernochty did not possess) cemented Kildrummy's importance as not only the physical manifestation of the authority of the king's representative in the north-east, Earl William, but the might of the earls of Mar. Furthermore, while

Simpson's conclusions suggest that Mar contained five chronologically coterminous lordships from the thirteenth century onwards, this suggestion has been deemed untenable. Both the surviving charter evidence and the accounts contained within the *Exchequer Rolls* would suggest a more nuanced approach to Mar's administration, with only three (and on two occasions, four) lordships in existence at any one time throughout the thirteenth to sixteenth centuries.

The importance of these accounts to the reimagining of the geographical extent of Mar cannot be underestimated. There are – contained within the various volumes of the *Exchequer Rolls* – seven instances of accounts containing a list of the lands known to have been in each of the Mar lordships (and their value), which proved invaluable to a reconstruction of the earldom. These detailed accounts have enabled the creation of a detailed cartographic representation of the earldom of Mar, distinguishing its extent by the identification of these landholdings and the parishes in which they were located. Furthermore, the level of information contained within these accounts (bolstered, where possible, by earlier charter evidence) has enabled the production of a detailed list of Mar's lands (and the frequency with which they appear in the documents), their modern parochial location (where extant), and a spreadsheet outlining the annual yield received from Mar's lordships between 1435 and 1565. Both the appended land list and the spreadsheet of Mar's rentals (charting the territorial development of the earldom of Mar and its various lordships) represent the first attempt to trace the geographic and economic development of the earldom between 1365 and 1565. The spreadsheet of Mar's rentals, in particular, represents a marked advancement in our understanding of the economic significance of this medieval Scottish earldom. While general historiography concerning the earldom of Mar during the fifteenth century often suggests that Stewart interest in Mar was inextricably linked to the financial windfall it would provide the crown, there has – as yet – been no focussed attempt to assess how significant this windfall was. To that end, this thesis has assessed and reproduced the annual rental income for the earldom of Mar contained within the *Exchequer Rolls*, presenting the figures in a dedicated spreadsheet which (it is hoped) will aid future studies of Mar's economic value, whilst also contributing to our understanding of its administration. It is worth noting that although most accounts contained within these rolls provide a

specific breakdown of the value of each lordship, in some instances the accounts provide a sum total of these lordships, with no distinction between them. On such occasions, previous recordings of the base value of Mar's lordships contained in earlier rentals of the earldom were used to separate these totals, enabling us to calculate the specific yield of each of the lordships referred to in the account. Thus, in some cases, the totals provided in this thesis for the individual lordships is the first time that that they have appeared in print.

As discussed above, the dominant historiographic representation of Stewart control of Mar has centred on its value to the crown as a source of income. Yet the exclusively negative interpretations of the circumstances surrounding James I's receipt of Mar in 1435 has undermined an assessment of the complexities surrounding personal Stewart perceptions of the earldom between c.1281 and 1513. In contrast to this dominant historiographic portrayal of Stewart covetousness, it is argued in this thesis that James I's involvement in Mar was not simply the continuation of a policy of expansion inspired by the acquisitive nature of a ruthless king, but the final realization of a policy of territorial aggrandizement that had been in force for over 100 years.

Stewart pursuit of territorial aggrandizement between 1371 and 1406 had drastically altered the structure of landholding in the north-east through their monopolisation of key territories north of the Forth. That Mar was the only remaining non-Stewart earldom in a newly-created Stewart patrimony had undoubtedly led to Stewart pursuit of possession of Mar, yet their right to do so has been curiously underemphasized in the historiography of the period, falling victim instead to the voracious scholarly appetite for depictions of the Stewarts as 'avaricious and forceful'. The Stewarts themselves could lay claim to Mar as direct descendants of Isabella of Mar, daughter of Earl Donald (I). The marriage, in 1315, of Marjorie Bruce (Isabella's daughter) to Walter Steward, is argued here to have influenced the behaviour of their son, Robert II, towards this ancient Scottish earldom, while the actions of both James I and II would suggest that both men acknowledged the legitimacy of their descent and – in the case of James II – actively exploited it in an attempt to justify crown retention of Mar in 1457. However, it should be noted that initial Stewart interference in Mar prior to 1435 was subtle, and may have focussed on the endorsement of local members of the Stewart affinity rather than overt attempts to instigate

crown possession of Mar. The appearance of two Renfrewshire kindreds as claimants to Mar in the fifteenth century (the Erskines and the Lyles) with both identifiable links to the Stewarts since as least the thirteenth century, and a viable right to a moiety of Mar, would seem to support such an assessment. The active endorsement of such kindreds was rendered unnecessary by the coup of 1404, however, when Alexander Stewart, illegitimate son of the lord of Badenoch, married Isabella Douglas, widowed countess of Mar, thereby creating an opportunity to secure Stewart possession of the earldom whilst respecting the rights of the alternative claimants to Mar. In particular, Robert III's decision to protect the rights of the Erskine family to half of Mar in 1391 and 1404 represented an attempt to secure an alternative means of maintaining Stewart influence in the area should the earldom fail to pass to a Stewart heir. In any event, the personal agenda of Alexander Stewart earl of Mar ensured that the earldom would remain with the Stewarts until 1565.

The role of the Forbes family in both Lyle and Erskine attempts to secure possession of Mar after 1435, however, draws attention to the hitherto underemphasized seniority of the family's status in Mar. Though it is unclear how they had achieved such a status, it is argued here that their possible descent from one of the two Mar factions competing for possession of the earldom in the 1220s provided the family with a durable and demonstrable authority in the earldom from the thirteenth century onwards.

Though this thesis has provided an expansive discussion of the slow decline and fall of this impressive Scottish earldom, there remain a number of opportunities for further research. The first pertains to the formation and development of the 'community' of Mar. The surviving charters of Earl Thomas provide a fascinating insight into Mar's administration, while the ability of the earldom to survive extended periods of absentee lordship between 1332 and 1391 suggest that this community may have been able to maintain stability in the region in the absence of an earl. Furthermore, the importance of ecclesiastical institutions in and around Mar, and their representatives, to the reinforcement of comital authority in Mar between 1402 and 1404 requires greater attention. Indeed, a wider examination of the ecclesiastical development of Mar would provide a vital counterbalance to this present study of its geographical significance and centrality to Scottish domestic politics. Tentative

excursions into the chartularies of Aberdeen suggest that a large number of parishes were united in the medieval period, perhaps indicating that sparse population in and around Mar was making it increasingly difficult for smaller parish churches to survive financially. Further, the personal devotion of the Mar earls and countesses to various institutions would benefit from a concentrated study.

Though touched upon in this thesis, the impact of the wars of independence on the development of Scottish lordship has not received the attention it deserves. An examination of the probable increase in noble debt following the cessation of cross-border landholding in 1314 would enable us to identify how the Scottish nobility reacted to a sudden dearth of available territory, and how this may have affected their loyalties to the Scottish crown. That England may have promised a brighter financial future is certainly suggested by the actions of Earl Donald (II), whose refusal to return to Scotland following the Scots victory at Bannockburn in 1314 may have been influenced not only by his cordiality with the English king, Edward II, but by the financial security that this cordiality had provided.

Though falling outwith the period surveyed in this thesis, the Mar succession debate of the nineteenth century provides a fascinating insight into the use of medieval charters and parliamentary legislation to mitigate peerage disputes. The surge in peerage cases at this time provide a fascinating insight into nineteenth century perceptions of medieval landholding practices, while the resultant attempts to trace contested descents could shed new light on both the history of these significant earldoms and lordships, and the development of their status from great provincial lordships to titular peerages.

While initially designed to assess the decline and fall of the earls and earldom in the fifteenth century following crown acquisition of Mar in 1435, this thesis has instead provided a focussed study of the earldom of Mar between c.1281 and 1435, bridging the historiographic gap between the conclusion of Oram's study in c.1281 upon the death of Earl William, and ending upon the death (in 1503) of John Stewart, son of James IV and the final earl of Mar to be formally recognized by the Scottish crown until 1565. This is further supplemented by a detailed analysis of the geographic and economic development of this earldom between 1365 and 1565, utilising the crown

acquisition of Mar in 1435 to provide an innovative assessment of the economic value, political significance, and internal administration of this medieval Scottish earldom. As shown in this thesis, the history of the earldom during this period provides an exciting opportunity to assess the development of a prominent ruling kindred and the earldom which enabled them to cement their status as representatives of crown authority in the north-east, whilst ensuring their continued prominence in the affairs of the kingdom. This opportunity, as previously discussed, is enhanced by Mar's identity as a noble holding prior to 1435, and a royal appanage thereafter. The dominant historiographic focus on 'living' earldoms (that is, an earldom under the control of a ruling kindred) has meant that the inclusion in this thesis of a study of Mar in its role as a royal appanage from 1435 onwards represents a marked departure from previous studies of substantial Scottish earldoms and provincial lordships. Indeed, it is hoped that the methodological approach utilised in this thesis in its attempts to recreate an earldom and chart its political development (under both a ruling kindred and the Scottish crown) might inspire similar studies into Scotland's remaining territories.

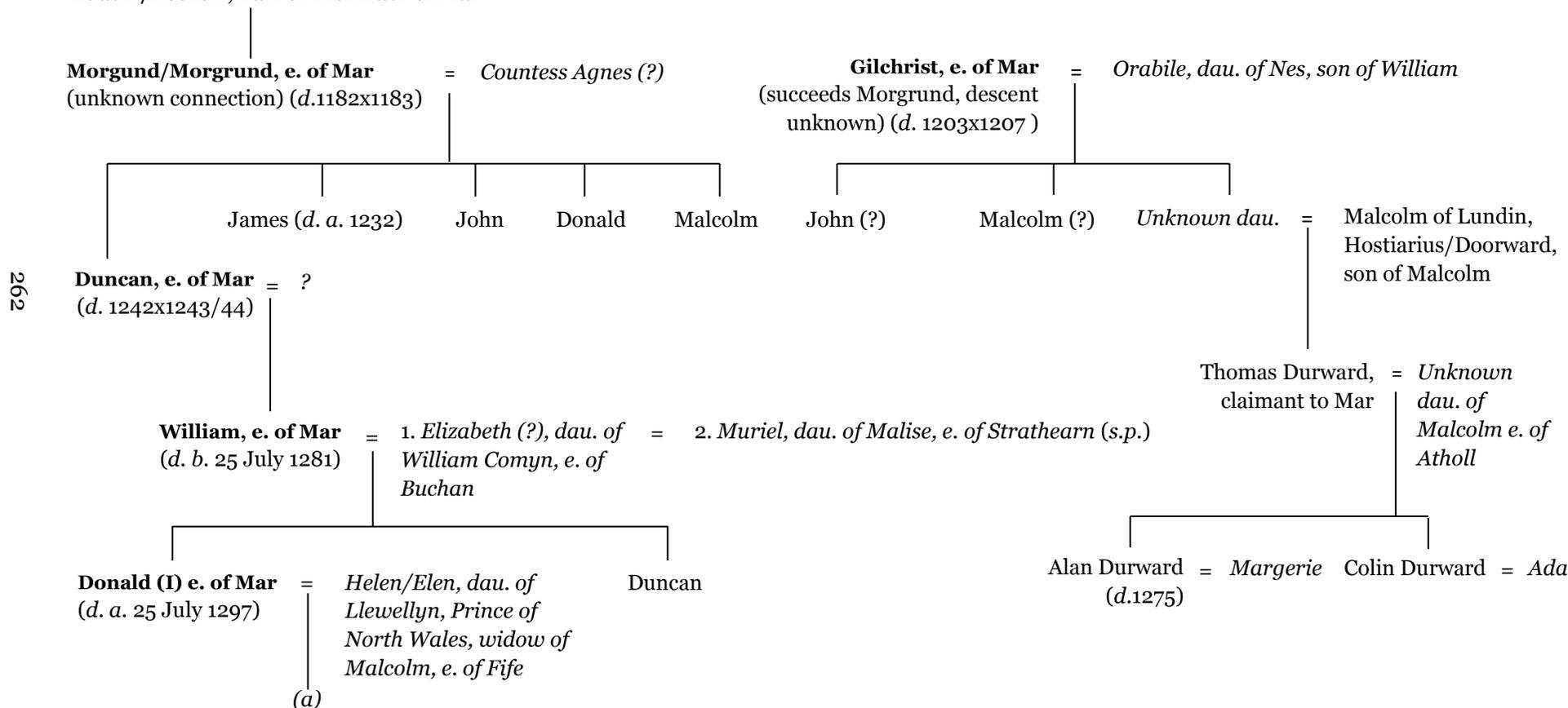
More specifically, this thesis marks an attempt to challenge – and revise – current perceptions of the medieval earldom of Mar between c.1281 and 1513. Though crown acquisition of Mar has often been portrayed as instigating the decline and fall of this once significant Scottish earldom, this thesis has proposed that Mar's decline was rooted not in the escheatment of Mar to James I in 1435, but the careers of Earl William's successors between c.1281 and 1388. Episodes of absentee lordship between c.1281 and 1332 had had a profound impact upon the development of the earldom, while the preoccupation of Mar's Douglas earls with their affairs south of the Forth compounded its administrative stagnation, providing a stark contrast to the revival of the earldom's fortunes under Isabella Douglas, the only Mar countess to rule in her own right. Yet the career of Countess Isabella, and upon her death that of Earl Alexander, symbolized the fifteenth century zenith of the earldom of Mar. Though promising, the revitalisation of Mar's identity as one of the most prominent earldoms in Scotland was short-lived. The acquisition of Mar by the Scottish crown – far from instigating the earldom's deterioration – marked instead the unfortunate resumption of a decline in fortune which had been

temporarily stalled by the independent lordship of Countess Isabella, and her husband Earl Alexander. By 1513, the earldom of Mar had become a victim of its own importance, and after a period of decline, and a fleeting renaissance, had finally fallen.

Appendix A: Genealogical Tables

Table 1: House of Mar⁷⁶⁶

Ruadri/Rotheri, Earl or Mormaer of Mar



⁷⁶⁶ For Morgrund's descendants, see: SP, v, 566-77; Oram, 'Continuity, adaptation and integration', *passim.*; For Durward line, see: Hammond, 'Hostiarii Regis Scotie', 138.

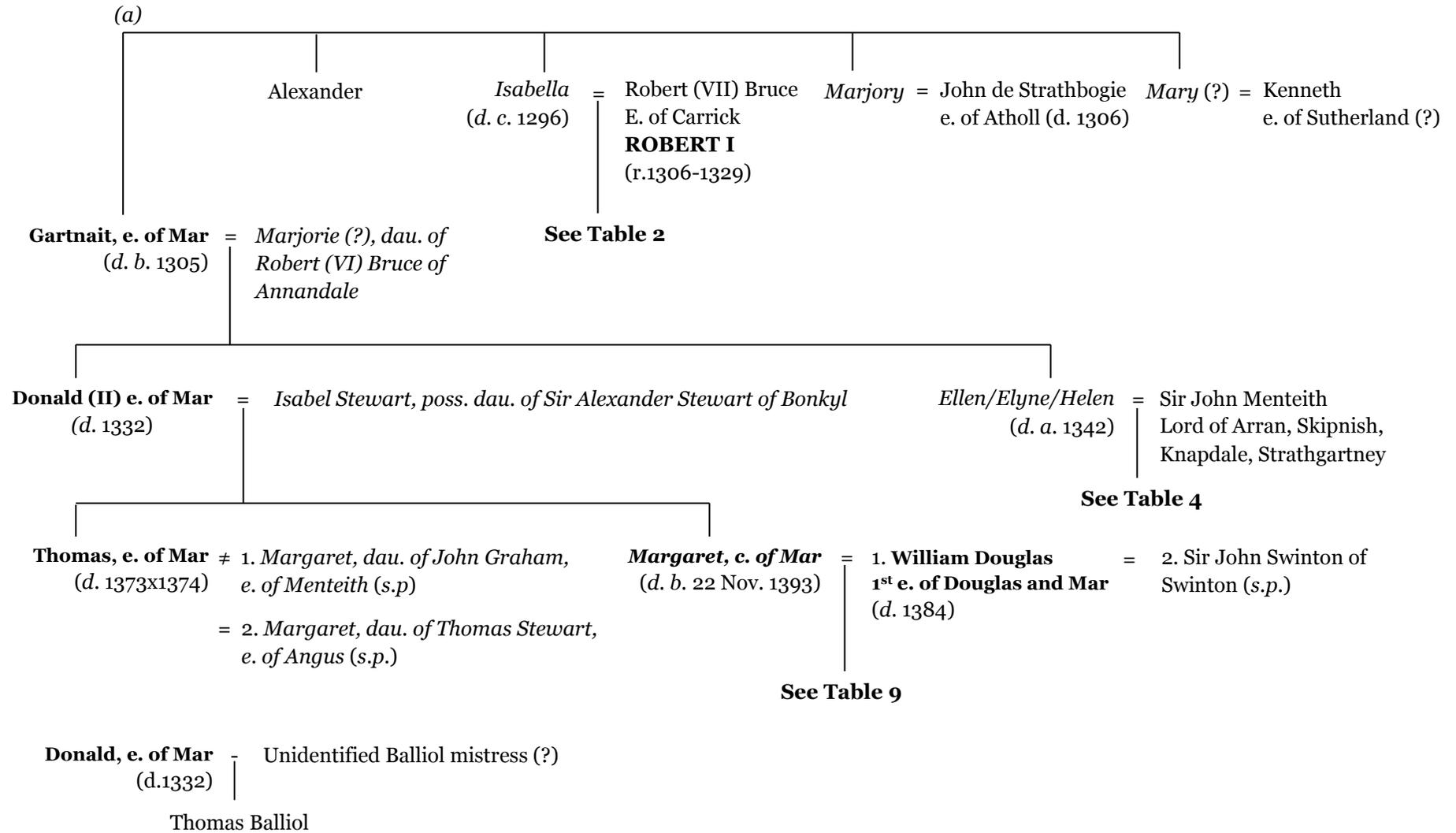
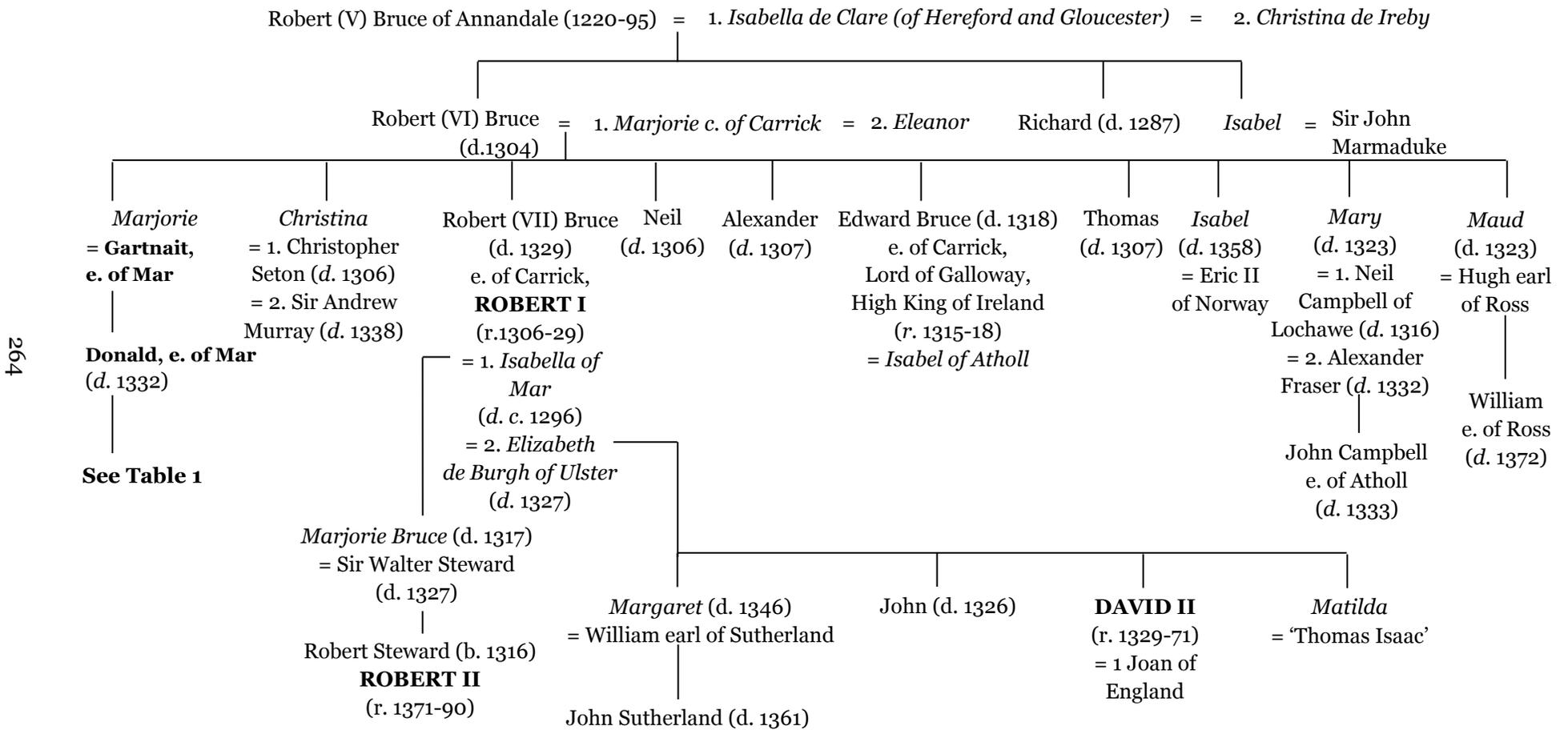
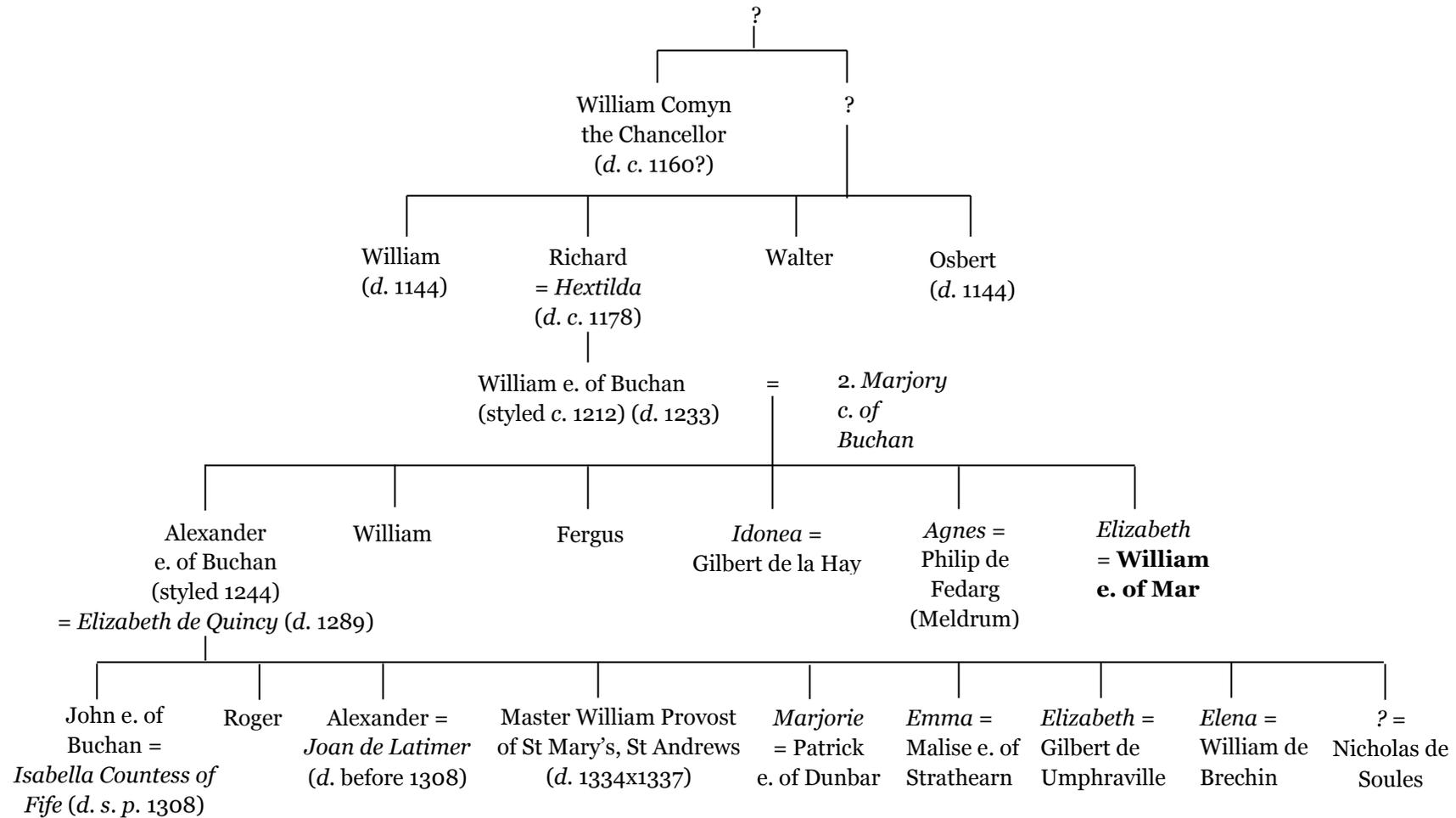


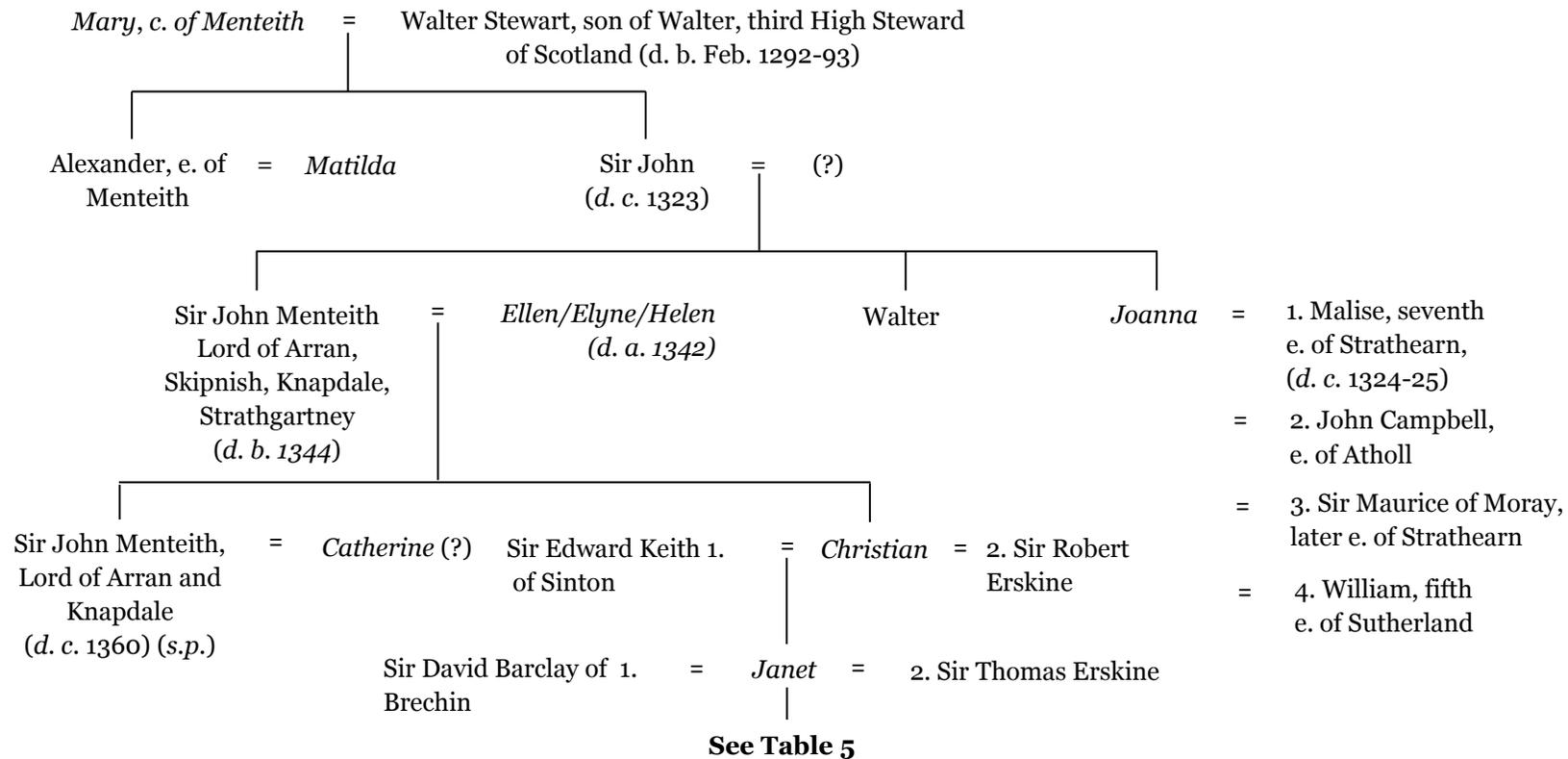
Table 2: House of Bruce⁷⁶⁷



⁷⁶⁷ Sources: Bruce – see Michael Penman, *Robert the Bruce*, Table 2: Bruce Succession; Stewart – see Boardman, *Early Stewart Kings*, 2.

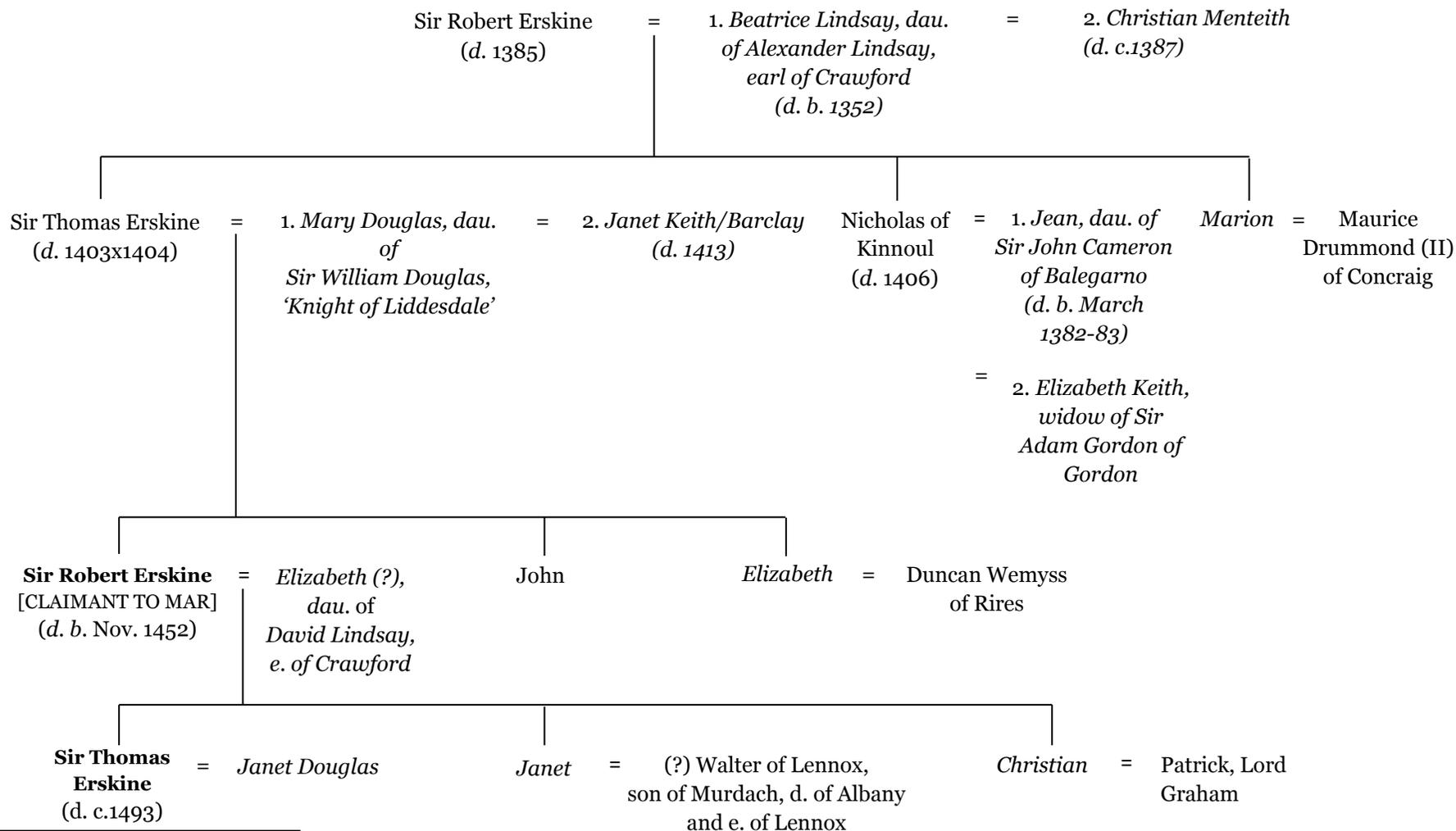
Table 3: House of Comyn⁷⁶⁸

⁷⁶⁸ Taken from Alan Young's *Comyn Family*. xi. This table represents only those descended from the second marriage of William earl of Buchan and Marjory Countess of Buchan. For those descended from his first marriage, see Young, *The Comyns*, x.

Table 4: House of Keith-Menteith⁷⁶⁹

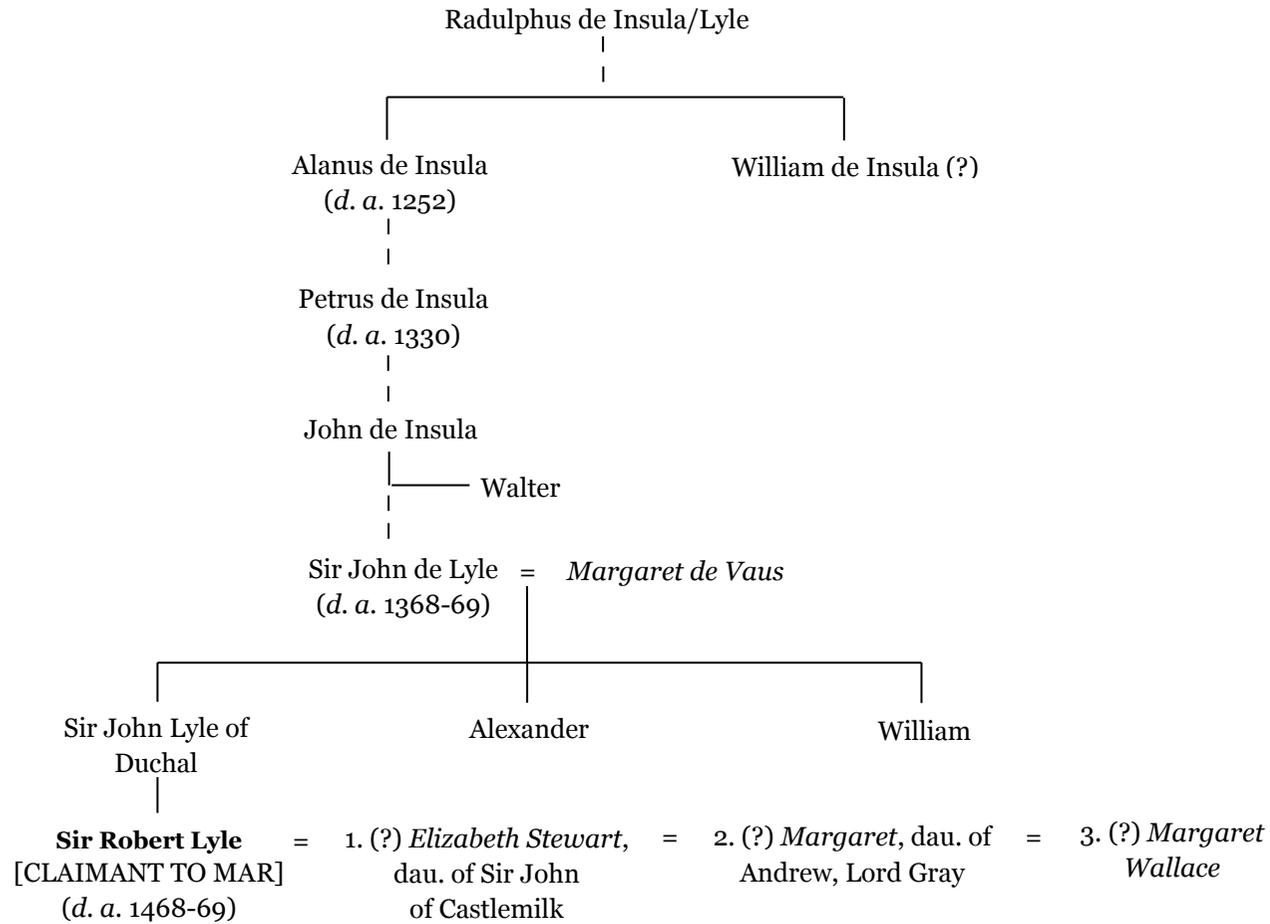
⁷⁶⁹ See *SP*, vi, 132 (Menteith); *SP*, v, 579-81; 592-607. It has been suggested that Ellen may have remarried upon the death of her first husband: 'In 1628, Sir George Johnstone of Caskieben claimed connection with the Earldom through Sir James Garioch and his spouse Helen of Mar. It is possible, therefore, that she married again.' (*SP*, v, 580) Little is known of Sir James Garioch, though he received a charter of the forest of Cordyce in Aberdeenshire from Robert I in 1316, and may have been alive when Helen's first husband died c.1344. (*RRS*, v, no.107) If so, then the Lyle family may have traced their descent from Helen's second marriage. This is, however, purely conjectural.

Table 5: House of Erskine⁷⁷⁰



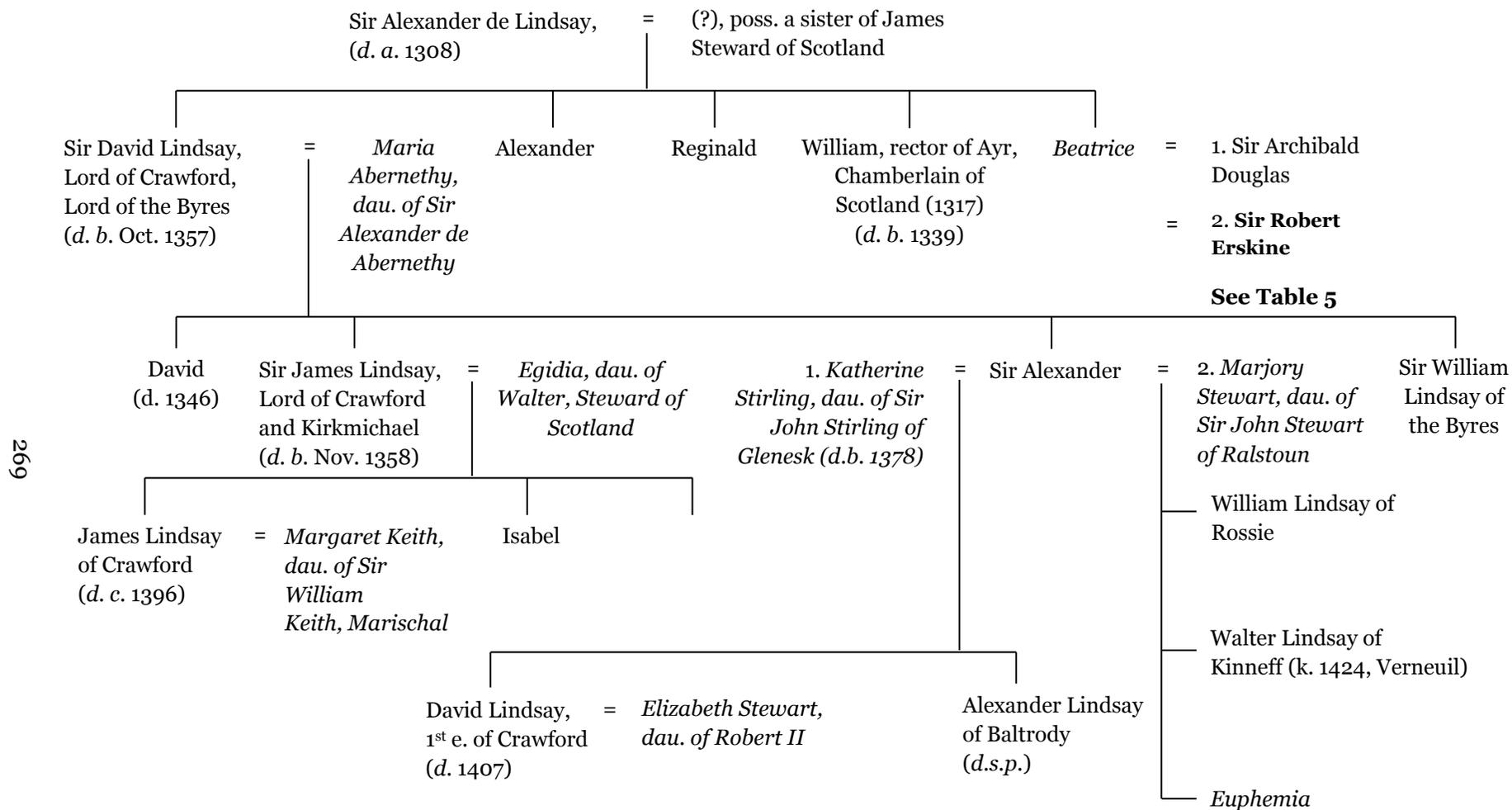
267

⁷⁷⁰ Information taken from *SP*, v, 592-607.

Table 6: House of Lyle⁷⁷¹

⁷⁷¹ Source: *SP*, v, 549-553. The heirs of Sir Robert Lyle, Lord Lyle are not included in this table as they had no discernible involvement in the Mar dispute. See aforementioned entry in *SP* for a discussion of Sir Robert's heirs.

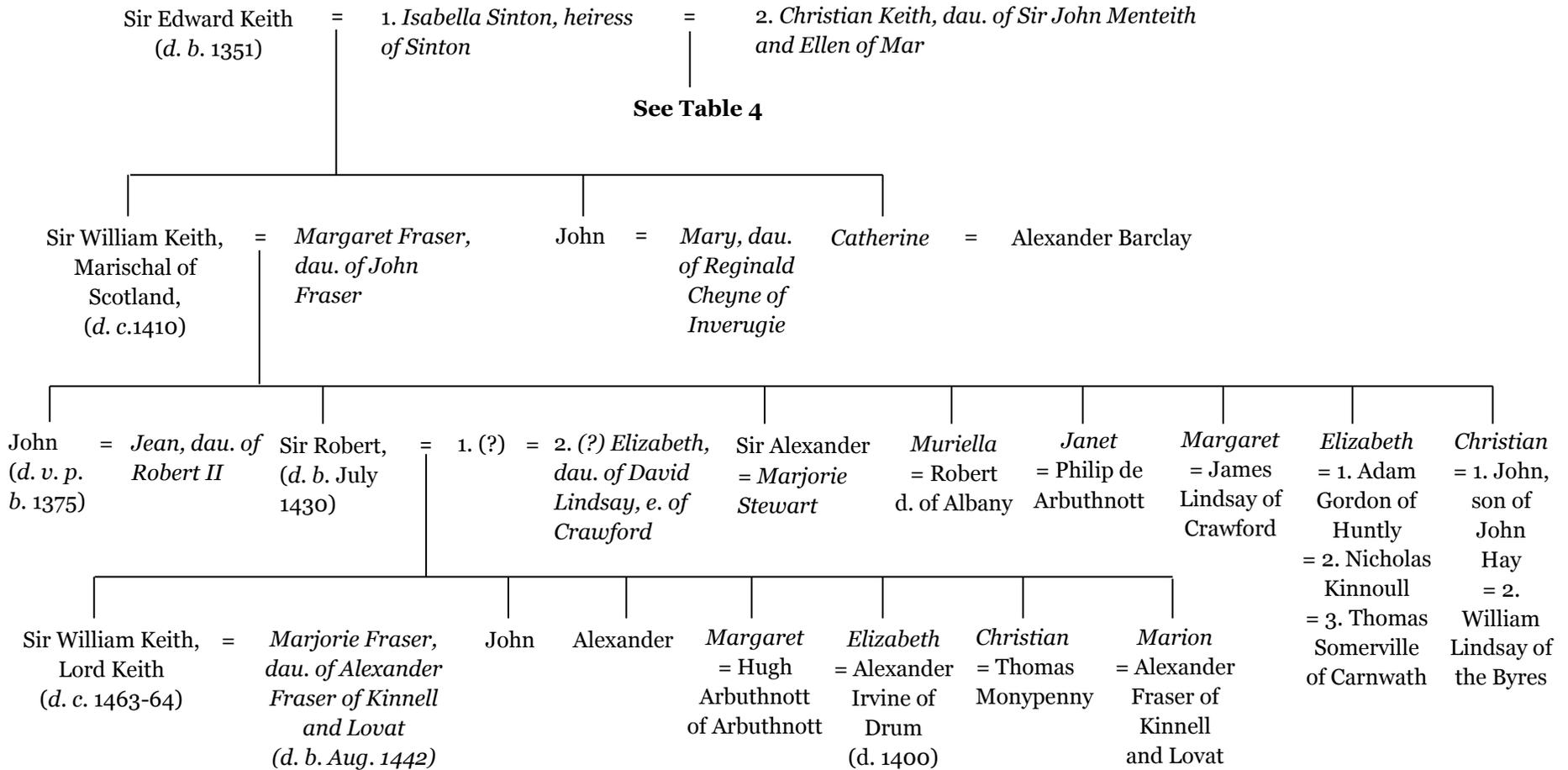
Table 7: House of Crawford⁷⁷²



⁷⁷² Information taken from SP, iii, 9-21; Cox, 'Lindsay earls of Crawford', 291.

Table 8: House of Keith-Marischal⁷⁷³

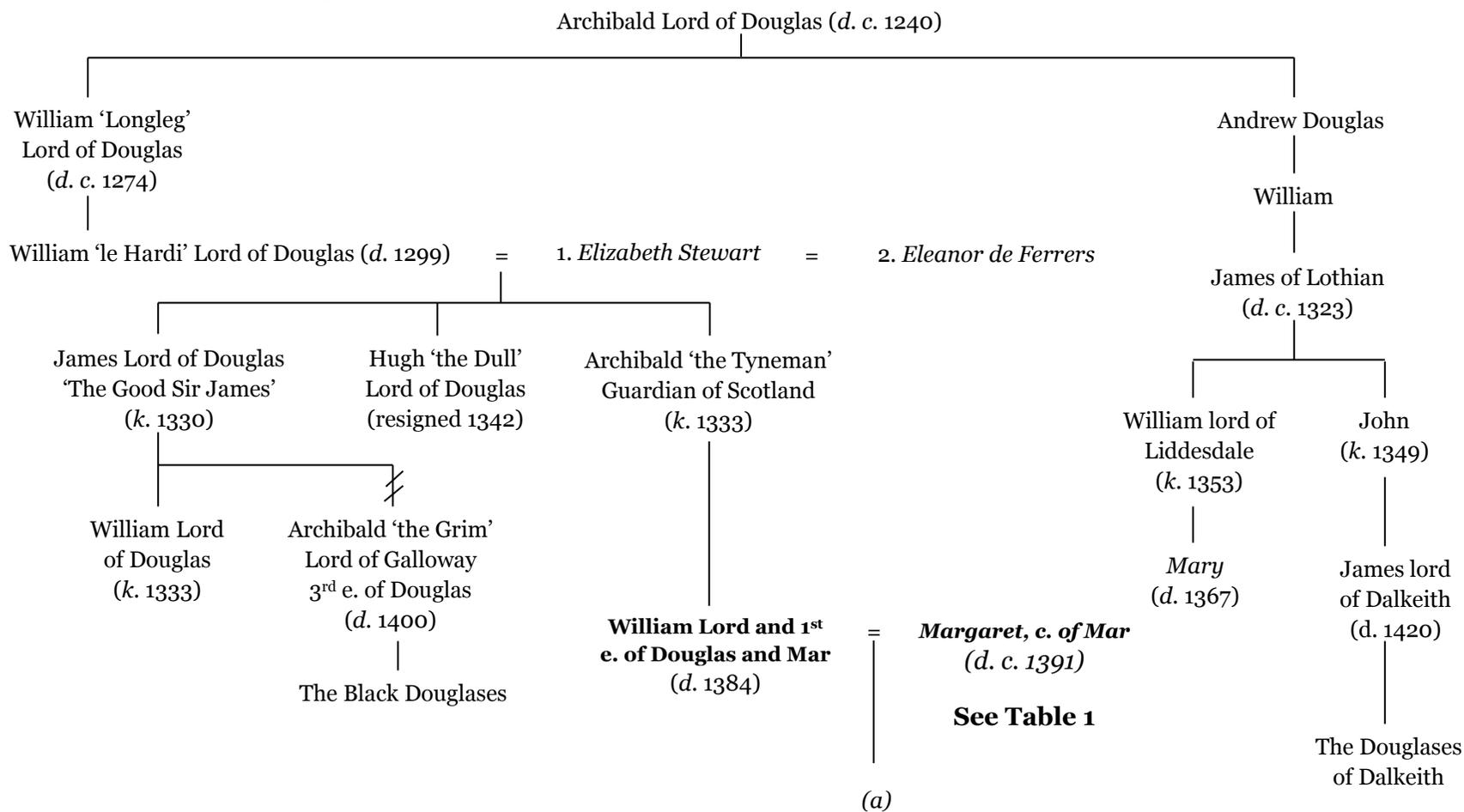
270



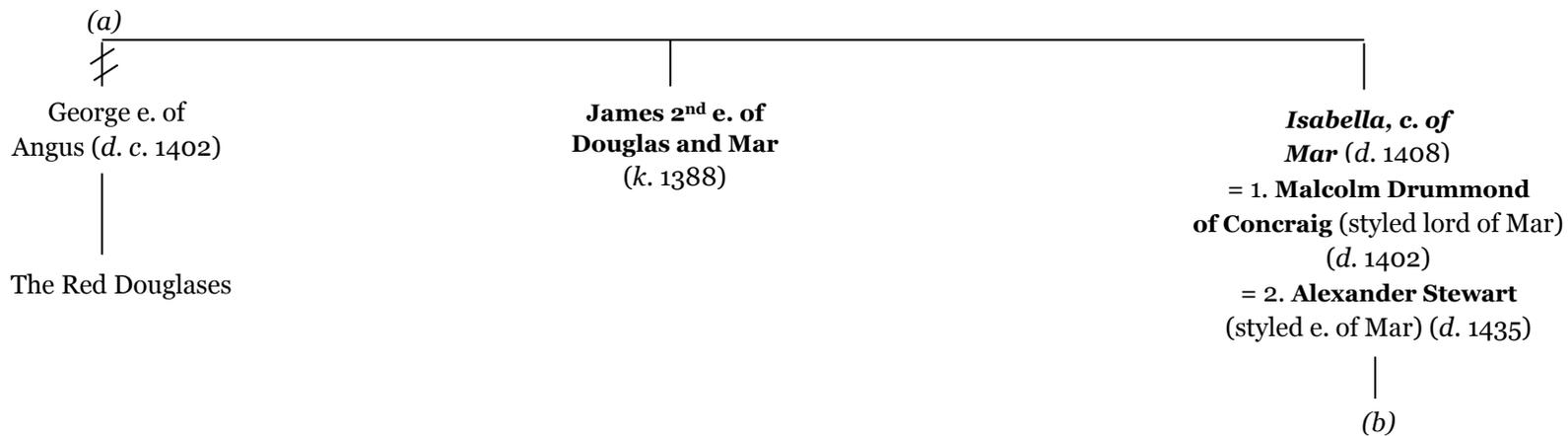
⁷⁷³ *SP*, vi, 33-41.

Table 9: House of Douglas⁷⁷⁴

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⁷⁷⁴ Taken from M. Brown, *The Black Douglasses*, 32.



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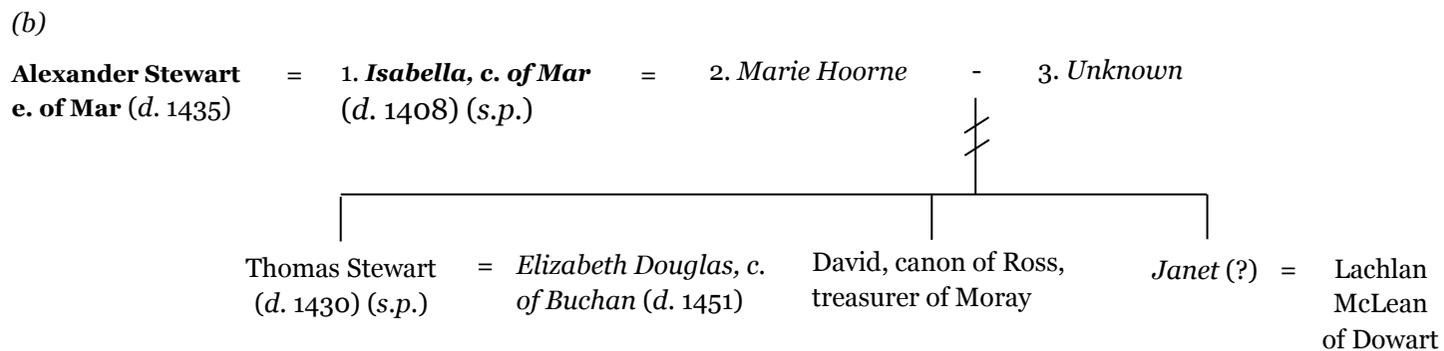
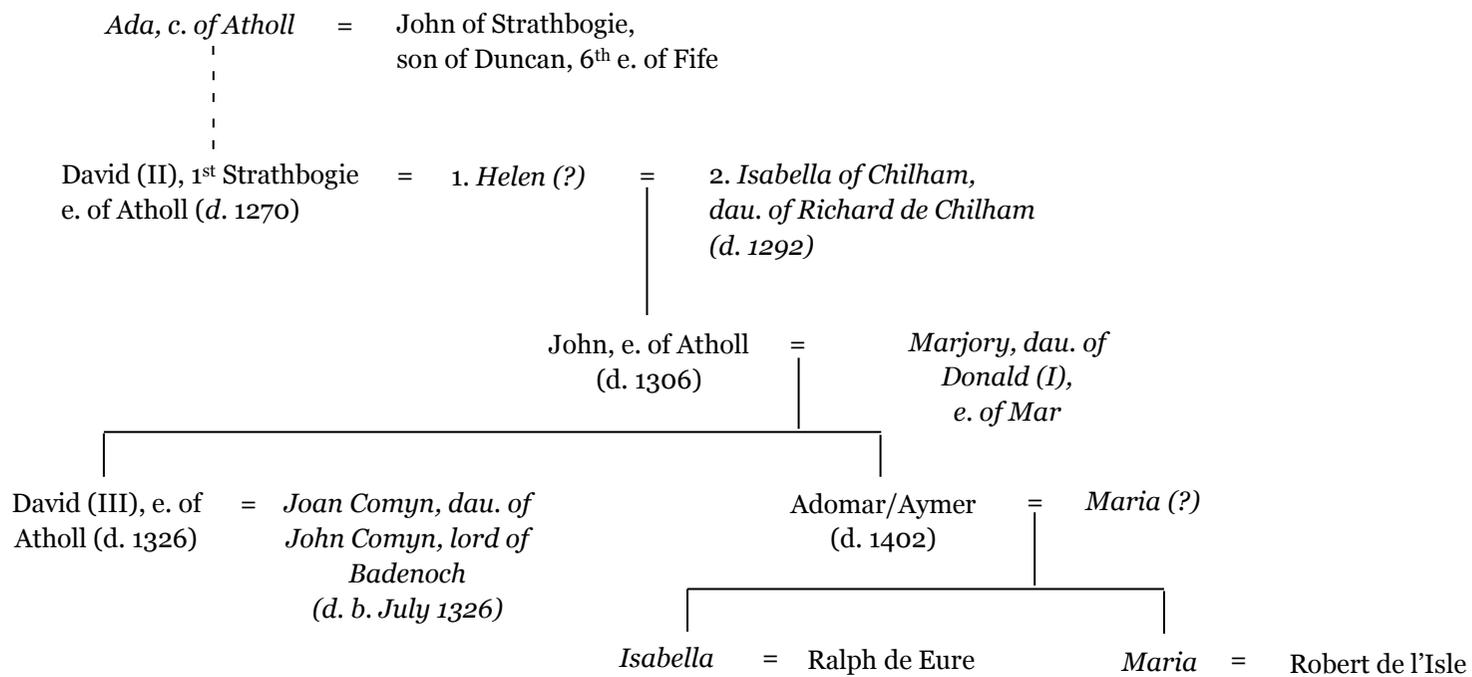


Table 10: House of Atholl



Appendix B: Rental values of Mar in the *Exchequer Rolls of Scotland* 1438-1565

Lands/Lordships ⁷⁷⁵	1438	1451	1452	1454	1455
<i>Strathdee</i>	165 <i>l.</i> 10 <i>s.</i>	118 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	110 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	110 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	110 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Strathdon</i>	235 <i>l.</i> 10 <i>s.</i>	205 <i>l.</i> 11 <i>s.</i> 8 <i>d.</i>	171 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	168 <i>l.</i>	168 <i>l.</i>
<i>Cromar/Cromar and Finlarg</i>	129 <i>l.</i> 10 <i>s.</i> ⁷⁷⁶	83 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	88 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	92 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	92 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>
<i>Braemar</i>	-	-	-	-	-
<i>Muchall (Mukwale/Mukwell/Mugwell) and Easter Echt (Estreecht)</i>	13 <i>l.</i> 10 <i>s.</i> ⁷⁷⁷	25 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	25 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	25 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	25 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Findrack (Fynlarg)</i>	[?] ⁷⁷⁸	7 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	-	-	-
<i>Inverarnane</i> ⁷⁷⁹	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	-	-	-	-
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	793 <i>l.</i> 19 <i>s.</i> 5 <i>d.</i>	439 <i>l.</i> 18 <i>s.</i> 4 <i>d.</i> ⁷⁸⁰	396 <i>l.</i> 10 <i>s.</i>	396 <i>l.</i> 10 <i>s.</i>	396 <i>l.</i> 10 <i>s.</i>
<i>Totals with arrears/additional income</i>	851 <i>l.</i> 13 <i>s.</i>	N/A	N/A	N/A	N/A

⁷⁷⁵ Accounts in this table taken from *ER*, v, 54-61 [1438], 459-466 [1451], 515-520 [1452], 652-659 [1454]; *ER*, vi, 66-73 [1455].

⁷⁷⁶ Combined rental value of Cromar and Findrack ('Fynlarg').

⁷⁷⁷ Combined rental value of 'Mukwale' and 'Estir Echt'

⁷⁷⁸ Unfortunately, we are unable to determine Cromar's base value. As such, we cannot assess the individual value of Cromar or Finlarg.

⁷⁷⁹ Inverarnane is never designated as a 'lordship'.

⁷⁸⁰ Total including 'Fynlarg' (Findrack), a division which contains lands later attributed to the lordship of Cromar: Camquhale (Camphill/Campfield) and Finlarg (Findrack)

Lands/Lordships⁷⁸¹	1456	1457	1458	1459	1460
<i>Strathdee</i>	110l. 6s. 8d.	110l. 6s. 8d.	110l. 6s. 8d.	110l. 6s. 8d.	110l. 6s. 8d.
<i>Strathdon</i>	168l.	168l.	160l.	168l.	168l.
<i>Cromar/Cromar and Finlarg</i>	92l. 16s. 8d.	92l. 16s. 8d.	90l. 16s. 8d.	92l. 16s. 8d.	92l. 16s. 8d.
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	25l. 6s. 8d.	25l. 6s. 8d.
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	-	-	-	-
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	371l. 3s. 4d.	371l. 3s. 4d.	361l. 3s. 4d.	396l. 10s.	396l. 10s.
<i>Totals with arrears/additional income</i>	N/A	N/A	N/A	N/A	N/A

⁷⁸¹ Accounts in this table taken from *ER*, vi, 263-271 [1456], 359-364 [1457], 434-439 [1458], 512-531 [1459], 647-664 [1460].

Lands/Lordships⁷⁸²	1461	1463	1464⁷⁸³	1465	1466
<i>Strathdee</i>	165 <i>l.</i> 10 <i>s.</i>	111 <i>l.</i> 2 <i>s.</i>	[?]	166 <i>l.</i> 13 <i>s.</i>	110 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Strathdon</i>	240 <i>l.</i>	168 <i>l.</i> 4 <i>s.</i> 8 <i>d.</i>	[?]	252 <i>l.</i> 7 <i>s.</i>	168 <i>l.</i>
<i>Cromar/Cromar and Finlarg</i>	136 <i>l.</i> 5 <i>s.</i>	91 <i>l.</i> 19 <i>s.</i>	[?]	139 <i>l.</i> 5 <i>s.</i>	92 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	10 <i>l.</i>	-	-	-	
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	5 <i>s.</i>	3 <i>s.</i> 3 <i>d.</i>
<i>Arrears</i>	20 <i>l.</i> 19 <i>s.</i> 3 <i>d.</i>	-	-	-	-
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	551 <i>l.</i> 15 <i>s.</i>	371 <i>l.</i> 5 <i>s.</i> 8 <i>d.</i>	51 <i>l.</i> 11 <i>s.</i> 2 <i>d.</i>	558 <i>l.</i> 10 <i>s.</i>	371 <i>l.</i> 6 <i>s.</i> 7 <i>d.</i> ⁷⁸⁴
<i>Totals with arrears/additional income</i>	572 <i>l.</i> 14 <i>s.</i> 3 <i>d.</i>	N/A	N/A	N/A	N/A

⁷⁸² Accounts in this table taken from *ER*, vii, 85-87 [1461], 161-165 [1463], 276-278 [1464], 349 [1465], 408-409 [1466]

⁷⁸³ No specific values were contained within this account.

⁷⁸⁴ Arrears contained within this account do not seem to pertain to Mar, having been listed after an account of Mar's income.

Lands/Lordships⁷⁸⁵	1467	1468	1469	1471	1484
<i>Strathdee</i>	110l. 6s. 8d.	110l. 6s. 8d.	110l. 6s. 8d.	110l. 6s. 8d.	124l. 16s. 8d.
<i>Strathdon</i>	168l.	168l.	168l.	168l.	-
<i>Cromar/Cromar and Finlarg</i>	92l. 16s. 8d.	92l. 6s. 8d.	92l. 16s. 8d.	92l. 16s. 8d.	96l. 3s. 4d.
<i>Braemar</i>		-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>		-	-	-	-
<i>Fynlarg</i>		-	-	-	-
<i>Inverarnane</i>					-
<i>Certain crofts of Burgh of Kildrummy</i>	3s. 4d.	3s. 4d.	3s. 4d.	3s. 4d.	-
<i>Arrears</i>		-	-	-	-
<i>Additional income</i>		-	-	-	-
<i>Totals without arrears/additional income</i>	371l. 6s. 8d.	370l. 16s. 8d.	371l. 6s. 8d.	371l. 6s. 8d.	221l.
<i>Totals with arrears/additional income</i>	N/A	N/A	N/A	N/A	N/A

⁷⁸⁵ Accounts in this table taken from *ER*, vii, 460-464 [1467], 556-562 [1468], 647-652 [1469]; *ER*, viii, 76-80 [1471]; *ER*, ix, 280-281 [1484]

Lands/Lordships⁷⁸⁶	1484	1485	1485	1486	1486
<i>Strathdee</i>	-	-	-	249l. 13s. 4d.	-
<i>Strathdon</i>	198l. 6s. 8d.	-	198l. 6s. 8d.	-	198l. 6s. 8d.
<i>Cromar/Cromar and Finlarg</i>	-	-	-	192l. 6s. 8d.	-
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	-	-	71l.	- ⁷⁸⁷
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	198l. 6s. 8d.	N/A	198l. 6s. 8d.	442l.	198l. 6s. 8d.
<i>Totals with arrears/additional income</i>	N/A	N/A	N/A	513l.	[?]

⁷⁸⁶ Accounts in this table taken from *ER*, ix, 278-280 [1484], 333-334 [Strathdon] [1485], 384-389 [1486].

⁷⁸⁷ It is unclear whether the documented arrears pertain to Strathdon or Garioch. As such, they have not been included here.

Lands/Lordships⁷⁸⁸	1487	1487	1488	1488	1489
<i>Strathdee</i>	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	-	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	-	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>
<i>Strathdon</i>	-	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	-	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	-
<i>Cromar/Cromar and Finlarg</i>	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	-	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	-	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	198 <i>l.</i> 10 <i>s.</i>	- ⁷⁸⁹	166 <i>l.</i>	N/A	161 <i>l.</i> 10 <i>s.</i>
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	221 <i>l.</i>	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	221 <i>l.</i>	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	221 <i>l.</i>
<i>Totals with arrears/additional income</i>	419 <i>l.</i> 10 <i>s.</i>	[?]	387 <i>l.</i>	N/A	382 <i>l.</i> 10 <i>s.</i>

⁷⁸⁸ Accounts in this table taken from *ER*, ix, 524-527 [1487]; *ER*, x, 7-8 [1488], 14-16 [1488], 117-118 [1489].

⁷⁸⁹ *Ibid.*

Lands/Lordships⁷⁹⁰	1489	1490	1492	1494	1495
<i>Strathdee</i>	-	-	62 <i>l.</i> 8 <i>s.</i> 4 <i>d.</i>	-	249 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>
<i>Strathdon</i>	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	-	793 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	-
<i>Cromar/Cromar and Finlarg</i>	-	-	48 <i>l.</i> 20 <i>d.</i>	-	192 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	- ⁷⁹¹	- ⁷⁹²	204 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	- ⁷⁹³	240 <i>l.</i>
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	198 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	110 <i>l.</i> 10 <i>s.</i>	793 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	442 <i>l.</i>
<i>Totals with arrears/additional income</i>	[?]	[?]	314 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	[?]	682 <i>l.</i>

⁷⁹⁰ Accounts in this table taken from *ER*, x, 112-113 [1489], 180-181 [1490], 321-322 [1492], 409-410 [1494], 515-516 [1495].

⁷⁹¹ *Ibid.*

⁷⁹² It is unclear whether the documented arrears pertain to Strathdon or Garioch. As such, they have not been included here.

⁷⁹³ *Ibid.*

Lands/Lordships⁷⁹⁴	1495	1497	1497	1499	1503
<i>Strathdee</i>	-	249l. 13s. 4d.	-	-	-
<i>Strathdon</i>	198l. 6s. 8d.	-	396l. 13s. 4d.	99l. 3s. 4d.	93l. 13s. 4d.
<i>Cromar/Cromar and Finlarg</i>	-	192l. 6s. 8d.	-	-	-
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-795	341l. 6s. 8d.	-796	-797	-
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	198l. 6s. 8d.	442l.	396l. 13s. 4d.	99l. 3s. 4d.	93l. 13s. 4d.
<i>Totals with arrears/additional income</i>	[?]	783l. 6s. 8d.	[?]	[?]	N/A

⁷⁹⁴ Accounts in this table taken from *ER*, x, 514-515 [1495]; *ER*, xi, 20-22 [1497], 156-157 [1499]; *ER*, xii, 129-133 [1503].

⁷⁹⁵ It is unclear whether the documented arrears pertain to Strathdon or Garioch. As such, they have not been included here.

⁷⁹⁶ *Ibid.*

⁷⁹⁷ *Ibid.*

Lands/Lordships⁷⁹⁸	1505	1505	1506	1507	1507
<i>Strathdee</i>	312 <i>l.</i> 20 <i>d.</i>	-	-	62 <i>l.</i> 8 <i>s.</i> 4 <i>d.</i>	-
<i>Strathdon</i>	-	374 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	187 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	-	187 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Cromar/Cromar and Finlarg</i>	240 <i>l.</i> 8 <i>s.</i> 4 <i>d.</i>	-	-	48 <i>l.</i> 20 <i>d.</i>	-
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	-	- ⁷⁹⁹	-	-
<i>Additional income</i>	-	- ⁸⁰⁰	-	-	-
<i>Totals without arrears/additional income</i>	552 <i>l.</i> 10 <i>s.</i>	374 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	187 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	110 <i>l.</i> 10 <i>s.</i>	187 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Totals with arrears/additional income</i>	N/A	[?]	[?]	N/A	N/A

⁷⁹⁸ Accounts in this table taken from *ER*, xii, 296-298 [1505], 325-328 [1505], 457-459 [1506], 571-572 [1507], 506-508 [1507].

⁷⁹⁹ It is unclear whether the documented arrears pertain to Strathdon or Garioch. As such, they have not been included here.

⁸⁰⁰ Grassum not included as Strathdon's share of this amount cannot be ascertained.

Lands/Lordships⁸⁰¹	1508	1509	1509	1510	1515
<i>Strathdee</i>	-	249 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	-	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	499 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Strathdon</i>	187 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	-	83 <i>l.</i> 11 <i>s.</i> 4 <i>d.</i>	-	-
<i>Cromar/Cromar and Finlarg</i>	-	192 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	-	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	384 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	5 <i>l.</i> 5 <i>s.</i>	28 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	92 <i>l.</i> 8 <i>s.</i> 4 <i>d.</i>	188 <i>l.</i> 20 <i>d.</i>
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	187 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	442 <i>l.</i>	83 <i>l.</i> 11 <i>s.</i> 4 <i>d.</i>	221 <i>l.</i>	884 <i>l.</i>
<i>Totals with arrears/additional income</i>	N/A	447 <i>l.</i> 5 <i>s.</i>	112 <i>l.</i> 8 <i>s.</i>	313 <i>l.</i> 8 <i>s.</i> 4 <i>d.</i>	1072 <i>l.</i> 20 <i>d.</i>

⁸⁰¹ Accounts in this table taken from *ER*, xiii, 67-73 [1508], 205-207 [1509], 197-199 [1509], 336-337 [1510]; *ER*, xiv, 78-80 [1515].

Lands/Lordships⁸⁰²	1516	1518	1520	1522	1523
<i>Strathdee</i>	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	249 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	312 <i>l.</i> 20 <i>d.</i>	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	249 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>
<i>Strathdon</i>	-	-	-	-	-
<i>Cromar/Cromar and Finlarg</i>	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	192 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>	240 <i>l.</i> 8 <i>s.</i> 4 <i>d.</i>	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	192 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	441 <i>l.</i> 19 <i>s.</i>	- ⁸⁰³	- ⁸⁰⁴	66 <i>l.</i> 18 <i>s.</i> 8 <i>d.</i>	- ⁸⁰⁵
<i>Additional income</i>	-	-	-	-	-
<i>Totals without arrears/additional income</i>	221 <i>l.</i>	442 <i>l.</i>	552 <i>l.</i> 10 <i>s.</i>	221 <i>l.</i>	442 <i>l.</i>
<i>Totals with arrears/additional income</i>	662 <i>l.</i> 19 <i>s.</i>	N/A	N/A	287 <i>l.</i> 18 <i>s.</i> 8 <i>d.</i>	N/A

⁸⁰² Accounts in this table taken from *ER*, xvi, 152-153 [1516], 324-325 [1518], 366-368 [1520], 424-425 [1522]; *ER*, xv, 3-5 [1523].

⁸⁰³ The arrears in this account amounted to thirty-two 'marte', oxen or cows that were fattened for slaughter. Such a collection also relates to the aforementioned 'grassum'.

⁸⁰⁴ The arrears in this account amounted to fifty-eight 'marte'.

⁸⁰⁵ The arrears in this account amounted to fifty 'marte'.

Lands/Lordships⁸⁰⁶	1525	1526	1530	1531	1532
<i>Strathdee</i>	187 <i>l.</i> 5 <i>s.</i>	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	62 <i>l.</i> 8 <i>s.</i> 4 <i>d.</i>	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>
<i>Strathdon</i>	-	-	-	-	-
<i>Cromar/Cromar and Finlarg</i>	144 <i>l.</i> 5 <i>s.</i>	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	48 <i>l.</i> 20 <i>d.</i>	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	- ⁸⁰⁷	- ⁸⁰⁸	-	-	-
<i>Additional income</i>	-	-	7 <i>l.</i> ⁸⁰⁹	17 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i> ⁸¹⁰	11 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i> ⁸¹¹
<i>Totals without arrears/additional income</i>	331 <i>l.</i> 10 <i>s.</i>	221 <i>l.</i>	110 <i>l.</i> 10 <i>s.</i>	221 <i>l.</i>	221 <i>l.</i>
<i>Totals with arrears/additional income</i>	N/A	N/A	117 <i>l.</i> 10 <i>s.</i>	238 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	232 <i>l.</i> 6 <i>s.</i> 8 <i>d.</i>

⁸⁰⁶ Accounts in this table taken from *ER*, xv, 160-161 [1525], 212-214 [1526]; *ER*, xvi, 21-22 [1530], 121-124 [1531], 211-213 [1532].

⁸⁰⁷ *Ibid.*, fifty-six 'marte'.

⁸⁰⁸ *Ibid.*, fifty-nine 'marte'.

⁸⁰⁹ This is the first instance in which the account mentions an augmentation of the amount expected from these lordships. [*ER*, xvi, 21-22]

⁸¹⁰ This is listed in the account as an augmentation.

⁸¹¹ *Ibid.*

Lands/Lordships⁸¹²	1533	1535	1536	1537	1538
<i>Strathdee</i>	124l. 16s. 8d.	249l. 13s. 4d.	124l. 16s. 8d.	124l. 16s. 8d.	124l. 16s. 8d.
<i>Strathdon</i>	-	-	-	-	-
<i>Cromar/Cromar and Finlarg</i>	96l. 3s. 4d.	192l. 6s. 8d.	96l. 3s. 4d.	96l. 3s. 4d.	96l. 3s. 4d.
<i>Braemar</i>	-	-	-	-	-
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	-	-	-	-
<i>Additional income</i>	11l. 6s. 8d. ⁸¹³	22l. 13s. 4d. ⁸¹⁴	11l. 6s. 8d. ⁸¹⁵	11l. 6s. 8d. ⁸¹⁶	11l. 6s. 8d. ⁸¹⁷
<i>Totals without arrears/additional income</i>	221l.	442l.	221l.	221l.	221l.
<i>Totals with arrears/additional income</i>	232l. 6s. 8d.	464l. 13s. 4d.	232l. 6s. 8d.	232l. 6s. 8d.	232l. 6s. 8d.

⁸¹² Accounts in this table taken from *ER*, xvi, 243-245 [1533], 410-413 [1535], 474-476 [1536]; *ER*, xvii, 26-28 [1537], 88-90 [1538].

⁸¹³ This is listed in the account as an augmentation.

⁸¹⁴ *Ibid.* As this account is for four terms, the augmentation is double the amount listed in the previous account.

⁸¹⁵ This is listed in the account as an augmentation.

⁸¹⁶ *Ibid.*

⁸¹⁷ *Ibid.*

Lands/Lordships⁸¹⁸	1539	1540	1541	1542	1546
<i>Strathdee</i>	124 <i>l.</i> 16 <i>s.</i> 8 <i>d.</i>	86 <i>l.</i> 14 <i>s.</i>	86 <i>l.</i> 14 <i>s.</i>	86 <i>l.</i> 14 <i>s.</i>	346 <i>l.</i> 16 <i>s.</i>
<i>Strathdon</i>	-	-	-	-	-
<i>Cromar/Cromar and Finlarg</i>	96 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	71 <i>l.</i>	71 <i>l.</i>	71 <i>l.</i>	284 <i>l.</i>
<i>Braemar</i>	-	40 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	40 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	40 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	160 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	-	10 <i>s.</i>	-	-
<i>Additional income</i>	-	81 <i>l.</i> 2 <i>d.</i>	81 <i>l.</i> 2 <i>d.</i>	81 <i>l.</i> 2 <i>d.</i>	324 <i>l.</i> 8 <i>d.</i>
<i>Totals without arrears/additional income</i>	221 <i>l.</i>	197 <i>l.</i> 17 <i>s.</i> 4 <i>d.</i>	197 <i>l.</i> 17 <i>s.</i> 4 <i>d.</i>	197 <i>l.</i> 17 <i>s.</i> 4 <i>d.</i>	791 <i>l.</i> 9 <i>s.</i> 4 <i>d.</i>
<i>Totals with arrears/additional income</i>	N/A	278 <i>l.</i> 17 <i>s.</i> 6 <i>d.</i>	279 <i>l.</i> 7 <i>s.</i> 6 <i>d.</i>	278 <i>l.</i> 17 <i>s.</i> 6 <i>d.</i> ⁸¹⁹	1115 <i>l.</i> 10 <i>s.</i>

⁸¹⁸ Accounts in this table taken from *ER*, xvii, 256-258 [1539], 364-371 [1540], 411-413 [1541], 489-491 [1542]; *ER*, xviii, 80-83 [1546].

⁸¹⁹ This total differs from that provided in the account, which has calculated the totals incorrectly, by 10*s.*

Lands/Lordships⁸²⁰	1550	1552	1553	1554 [Martinmas]	1554 [Whitsunday]
<i>Strathdee</i>	346 <i>l.</i> 16 <i>s.</i>	520 <i>l.</i> 4 <i>s.</i>	86 <i>l.</i> 14 <i>s.</i>	43 <i>l.</i> 7 <i>s.</i>	43 <i>l.</i> 7 <i>s.</i>
<i>Strathdon</i>	-	-	-	-	-
<i>Cromar/Cromar and Finlarg</i>	284 <i>l.</i>	426 <i>l.</i>	71 <i>l.</i>	35 <i>l.</i> 10 <i>s.</i>	35 <i>l.</i> 10 <i>s.</i>
<i>Braemar</i>	160 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	241 <i>l.</i>	40 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i>	20 <i>l.</i> 20 <i>d.</i>	20 <i>l.</i> 20 <i>d.</i>
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-	-
<i>Fynlarg</i>	-	-	-	-	-
<i>Inverarnane</i>	-	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-	-
<i>Arrears</i>	-	-	-	-	-
<i>Additional income</i>	324 <i>l.</i> 8 <i>d.</i>	486 <i>l.</i> 1 <i>s.</i>	81 <i>l.</i> 2 <i>d.</i>	40 <i>l.</i> 10 <i>s.</i> 1 <i>d.</i>	40 <i>l.</i> 10 <i>s.</i> 1 <i>d.</i>
<i>Totals without arrears/additional income</i>	791 <i>l.</i> 9 <i>s.</i> 4 <i>d.</i>	1187 <i>l.</i> 4 <i>s.</i>	197 <i>l.</i> 17 <i>s.</i> 4 <i>d.</i>	98 <i>l.</i> 18 <i>s.</i> 8 <i>d.</i>	98 <i>l.</i> 18 <i>s.</i> 8 <i>d.</i>
<i>Totals with arrears/additional income</i>	1115 <i>l.</i> 10 <i>s.</i>	1673 <i>l.</i> 5 <i>s.</i>	278 <i>l.</i> 17 <i>s.</i> 6 <i>d.</i>	139 <i>l.</i> 8 <i>s.</i> 9 <i>d.</i>	139 <i>l.</i> 8 <i>s.</i> 9 <i>d.</i>

⁸²⁰ Accounts in this table taken from *ER*, xviii, 132-133 [1550], 193-194 [1552], 214-215 [1553], 252 [1554 Mart.], 277-278 [1554 Whit.].

Lands/Lordships⁸²¹	1555	1558	1559	1565
<i>Strathdee</i>	86l. 14s.	88l. 2s.	88l. 2s.	220l. 5s.
<i>Strathdon</i>	-	-	-	-
<i>Cromar/Cromar and Finlarg</i>	71l.	59l. 11s. 4d.	59l. 11s. 4d.	148l. 18s. 4d.
<i>Braemar</i>	40l. 3s. 4d.	40l. 3s. 4d.	40l. 3s. 4d.	100l. 8s. 4d.
<i>Mukwale/Mukwell and Estir Echt</i>	-	-	-	-
<i>Fynlarg</i>	-	-	-	-
<i>Inverarnane</i>	-	-	-	-
<i>Certain crofts of Burgh of Kildrummy</i>	-	-	-	-
<i>Arrears</i>	-	-	-	-
<i>Additional income</i>	81l. 2d.	38l. 9s. 3d. ⁸²²	45l. 2s. 7d. ⁸²³	96l. 3s. 1½d.
<i>Totals without arrears/additional income</i>	197l. 17s. 4d.	187l. 16s. 8d.	187l. 16s. 8d.	469l. 11s. 8d.
<i>Totals with arrears/additional income</i>	278l. 17s. 6d.	226l. 5s. 11d.	232l. 19s. 3d.	565l. 14s. 9½d.

⁸²¹ Accounts in this table taken from *ER*, xviii, 317 [1555]; *ER*, xix, 55-60 [1558], 93-94 [1559], 288-289 [1565].

⁸²² This figure is listed under 'arriage and carriage'.

⁸²³ *Ibid.*, with the addition of 6l. 13s. 4d. from the mill and mill lands of 'Westoun'.

Appendix C: Mar Charters and Witness Lists

1.

Charter: Crown confirmation of a charter by Thomas, earl of Mar, to Aulan, son of Duncan, of the lands of 'Duabus' Mwyry, Thyornyis and Edinglas.

Date: (Original) 1351x1355; (Confirmation) 19 July 1441

Source: NRS GD124/1/150

Witnesses: John [Rait], bishop of Aberdeen, Thomas B[isset?], Lawrence Gilliebrand, knights, Mr. Gilbert Armstrong, canon of Moray, John de Mar, rector of the church of Invernochty, Duncan, son of Roger, bailie of Mar, Gervase de Blair, constable of Kildrummy, with many others.

2.

Charter: William, earl of Douglas and Mar, and lord of the Garioch, confirming a charter by the deceased Thomas, earl of Mar, his brother, to William Chalmers, of the land of Easter Ruthven in Cromar.

Date: (Original) 20 June 1356 (Kildrummy); (Confirmation) 10 August 1377 (Kildrummy)

Source: *A. B. Ill.*, iv, p.723

Witnesses: (Original) Thomas Stewart, earl of Angus and chamberlain of Scotland, William de Keith, Marischal of Scotland, Walter Moigne and Lawrence Gilliebrand, knights, John de Mar, rector of the church of Invernochty, William de Meldrum, sheriff of Aberdeen, John de Rattray, and many others.

3.

Charter: Thomas, earl of Mar, confirming a charter (presented to him by James Mowat) granted by the deceased Sir William Mowat, knight, lord of Feryn, in Angus, to his brother, Sir Bernard Mowat, knight, of his land of Easter Foulis, in the earldom of Mar.

Date: 31 July 1356

Source: *A. B. Ill.*, iv, p.752

Witnesses: (Confirmation) Thomas Stewart, earl of Angus, William de Keith, Marischal of Scotland, Mr. Gilbert Armstrong, John de Mar, canon of the church of Aberdeen, Lawrence Gilliebrand, knight, Andrew of Garioch and many others.

4.

Charter: Thomas, earl of Mar, to Ade of Strathachin and his wife Margaret, of one davach of land called Glenkenety in Mar and one quarter davach of land in Glenboul.

Date: c.1357

Source: *A. B. Coll.*, p.618

Witnesses: Hugh of Cameron, our kinsman, Thomas Lipp and Walter Moigne,

knights, John de Bothwell, canon of Moray and John de Cromdale, canon of Ross, John de Mar, rector of the church of Invernochty, John de Barclay, lord of Garintuly, our kinsman, William de Meldrum, sheriff of Aberdeen, and Walter Bisset, lord of Lessendrom, and many others.

5.

Charter: Thomas, earl of Mar and lord of Garioch, to Robert Erskine and his wife, Lady Christina Keith, of the lands of Belhagirdie and others in the lordship of Garioch.

Date: c.1358

Source: NRS GD124/1/110; *RPS*, 1358/11/1.

Witnesses: Alexander [Kinnimound], bishop of Aberdeen, John [...] and William [...], abbots of Arbroath and Lindores, William, earl of Douglas, our beloved brother, William de Keith, Marischal of Scotland, Walter Moigne, John de Strachan, Lawrence Gilliebrand, knights, Mr. John de Cromdale, canon of Ross and David de Mar, treasurer of Moray, John of Mar, canon of Aberdeen, Walter Bisset, lord of Lessendrum, John Pratt and John de Buttergask, and many others.

6.

Charter: Crown confirmation of a charter by Thomas, earl of Mar, to his clerk, Lord John of Mar, canon of Aberdeen, of the lands of 'Cruterystoun' in the Garioch.

Date: (Confirmation) 22 November 1358

Source: *A. B. Ill.*, iv, p.155-6

Witnesses: (Original) Alexander [Kinnimound], bishop of Aberdeen, William de Keith, Marischal of Scotland, Walter Moigne, Lawrence Gilliebrand, John de Strachan and William de Liddale, sheriff of Aberdeen, knights.

7.

Charter: Thomas, earl of Mar, lord of Cavers and of the Garioch, to Duncan son of Roger, of all the lands of Abergeldie and others in Strathdee, in the earldom of Mar, for three suits yearly at the earl's head courts, at the stone of Migvie in Cromar.

Date: 1358x1359

Source: *A. B. Ill.*, iv, p.715-6

Witnesses: Alexander [Kinnimound], bishop of Aberdeen, William de Keith, Marischal of Scotland, Lord John de Cromdale, doctor of decreets, canon of Ross, Walter Moigne, Lawrence Gilliebrand, John de Strachan, William Liddale, sheriff of Aberdeen, knights, John de Mar canon of Aberdeen, Andrew de Garioch, John de Forbes, lord of Forbes, John de Buttergask, bailie of Garioch, and many other clerics and laymen.

8.

Charter: Charter of sale by Andrew Barclay, lord of Garintuly, with consent of

Thomas, earl of Mar, lord of the regality of the Garioch, to William of Leith, burghess of Aberdeen, of his lands of Drumrossy, in the regality of Garioch

Date: 15 June 1359 (Aberdeen)

Source: NRS GD477/257; *A. B. Ill.*, iv, 720-2

Witnesses: Alexander [Kinnimound], bishop of Aberdeen, William de Keith, knight, Marischal of Scotland, John de Strachan, knight, William de Meldrum, father, Walter Bisset, Philip Drumbreck, Adam Pingle, Laurence de Foty and many others

9.

Charter: Thomas, earl of Mar and lord of the regality of Garioch, to William Leith burghess of Aberdeen, of the lands of Rothenyk, 'del' 'Harebogge and 'del' 'Blakeboggy' with pertinents of the same.

Date: 2 September 1359 (Kildrummy)

Source: NRS GD477/257; *A. B. Ill.*, iv, p.716

Witnesses: Alexander (Kinnimound), bishop of Aberdeen, John de Cromdale, canon of Ross, John de Mar, canon of Aberdeen, Andrew de Garioch, John de Forbes, James de Mowat, and many others.

10.

Charter: Thomas, earl of Mar and lord of Garioch, to John Cochyfelde, of the land of Balnaboth in Strathdon.

Date: 4 September 1359 (Kildrummy)

Source: NRS GD124/1/113

Witnesses: Alexander [Kinnimound], bishop of Aberdeen, Walter de Coventry, dean of Aberdeen and venerable professor of canon and civil law, John de Cromdale, doctor of decreets and canon of Ross, John de Mar, canon of Aberdeen, Andrew del Garioch, John de Forbes, lord of Forbes, Duncan son of Roger, bailie of Mar, James de Mowat (Monte Alto), and many others.

11.

Charter: Thomas, earl of Mar, to William Fenton, of Upper and Nether Towie and Culfork with pertinents in Strathdon, Mar.

Date: 15 September 1359 (Kildrummy)

Source: NRS GD124/1/114; *A. B. Ill.*, iv, p.718

Witnesses: William [Landels], bishop of St Andrews, Alexander [Kinnimound] and Patrick [of Leuchers] bishops of Aberdeen and Brechin (?), Robert Steward of Scotland and earl of Strathearn, William earl of Douglas, William de Keith, Marischal of Scotland, John de Cromdale, canon of Ross, John de Mar, canon of Aberdeen, Duncan son of Roger, bailie of Mar, and many other clerics and laymen.

12.

Charter: Crown confirmation of a charter by Thomas, earl of Mar, lord of Cavers and of Garioch, chamberlain of Scotland, to John lord of Forbes, of the

whole lands of Edinbanchory and Craiglogy with pertinents.

Date: (Original) 1357x1364; (Confirmation) 3 July 1364

Source: *A. B. Ill.*, iv, p.373-4

Witnesses: (Original) Alexander [Kinnimound], bishop of Aberdeen, William de Keith, Marischal of Scotland, our beloved brother Thomas de Balliol, Andrew [Cant], prior of Monymusk, Walter de Coventry, dean of Aberdeen and doctor of decreets, Walter Moigne, John de 'Crakitt', John de Strachan, Lawrence Gilliebrand, knights, Andrew de Garioch, lord of Caskieben, Thomas Brisbane, Duncan son of Roger, bailie of Mar, and many others.

13.

Charter: Crown confirmation of a charter by Thomas, earl of Mar, to John Cameron, on the occasion of his marriage to Ellen Mowat, of his lands of Brux and Wester Drumellochie with pertinents in Strathdon.

Date: (Original) 1357x1364; (Confirmation) 12 August 1426.

Source: *A. B. Ill.*, iv, 158

Witnesses: (Original) Alexander [Kinnimound], bishop of Aberdeen, William de Keith, Marischal of Scotland, our beloved brother Thomas de Balliol, Andrew [Cant], prior of Monymusk, Walter de Coventry, dean of Aberdeen and doctor of canon and civil law, John de Cromdale, canon of Ross and doctor of decreets, Walter Moigne and John le Grant, John de Strachan, Lawrence Gilliebrand, knights, Andrew de Garioch, lord of Caskieben, Duncan son of Roger, bailie of Mar, and many others.

14.

Charter: Extract inspection by David II of a charter by Thomas, earl of Mar, to Ewen, son of Fergus, and his heirs male, of the lands of Huchterne in Cromar.

Date: (Confirmation) 9 September 1365 (Kildrummy)

Source: NRS GD124/1/116; *RMS*, i, 191; *A. B. Ill.*, ii, 10-11

Witnesses: (Original) Walter Moigne, John le Grant and Lawrence Gilliebrand, knights, Mr. John de Cromdale, doctor of decreets, canon of Ross, Gilbert Armstrong, canon of Moray, John de Mar, canon of Aberdeen, Thomas and Alexander Brisbane, brothers, and many others.

15.

Charter: Thomas, earl of Mar, confirming a charter by his brother-in-law William, earl of Douglas, and lord of the barony of Cavers, to the monks of Melrose, of the advowson of the church of Great Cavers.

Date: c.1368

Source: *A. B. Ill.*, iv, 159

Witnesses: (Confirmation) Walter de Moigne and others.

Isabella Douglas, Countess of Mar

1.

Charter: Isabella, lady of Mar and Garioch, to Alexander Forbes, son and heir

of John Forbes, knights, lords of the same, of all our lands of Edinbanchory and Craiglogy with pertinents.

Date: 8 November 1402 (Kildrummy) [ALBANY]

Source: *A. B. Ill.*, iv, 457-8

Witnesses: Gilbert [Greenlaw], bishop of Aberdeen, William de Keith, Marischal of Scotland, Alexander de Keith, Andrew de Leslie, knights, Archibald Douglas, with many others.

2.

Charter: Isabella Douglas, lady of Mar and the Garioch, granting the patronage and advowson of the church of Coldstone in Cromar to the abbey of St Mary of Lindores.

Date: 8 November 1402 [ALBANY]

Source: *A. B. Ill.*, ii, 9

Witnesses: No recorded witnesses.

3.

Charter: Isabella, countess of Mar and Garioch, to Alexander Stewart, on account of their contract of marriage, of the earldom of Mar, Garioch, forest of Jedburgh, 200 merks from royal customs, and all her other lands and possessions.

Date: 12 August 1404

Source: NRS GD124/1/121; *A. B. Ill.*, iv, 167-8

Witnesses: Alexander [...], bishop of Ross, Andrew de Leslie, John Forbes, knights, Alexander de Forbes, son, Alexander de Irvine, Duncan de Forbes, William de Chalmers ,senior, esq., and many others.

4.

Charter: Isabella, countess of Mar and of Garioch, to Thomas Johnson and his wife Margaret of Douglas, the Countess' sister, of her demesne lands of Bonjedwort, with 20 merks of land of the husband lands next to the demesne land.

Date: 10 November 1404

Source: *A. B. Ill.*, iv, 730

Witnesses: Andrew de Leslie, lord of Syd, John Forbes lord of Forbes, knights, Mr. Henry de Lichten, Duncan de Forbes, canons of Aberdeen, Alexander Irvine of Drum, John Hundby, rector of Kildrummy, John 'Kellas', our chaplain, and many others.

5.

Charter: Isabella Douglas, countess of Mar and Garioch, to Walter Ogilvy, lord of Carcary, of the lands of Tullocheurran in Strathardle, with the castle of Glen Artney, in the sheriffdom of Perth, and the lands of Kirkton of Essie in the sheriffdom of Forfar.

Date: 1 December 1404 (Kildrummy)

Source: NRS GD16/24/199

Witnesses: Alexander [...], bishop of Ross, Mr. John de Innes, dean of Ross, Andrew of Leslie, William Fraser and William de Chalmers.

6.

Charter: Isabella, countess of Mar and Garioch, to the minister and house of the Holy Trinity of Aberdeen, for maintenance of a priest to celebrate mass daily in the said church for the soul of the granter, of an annual rent of 10 merks from the lands of Westoun, Kincragy and Tarland.

Date: 5 December 1404 (Kildrummy), confirmed on 21 May 1406 by Alexander Stewart, earl of Mar.

Source: (Original) NRS GD124/1/122; (Confirmation) Master of Trades Hospital, Bundle: DO8412, T3

Witnesses: Alexander [...], bishop of Ross, Mr. John de Innes, dean of Ross, Archibald Douglas, our nephew, Duncan de Forbes, canon of Aberdeen, Alexander de Irvine, Alexander de Forbes, William de Chalmers, Walter de Ogilvy and William Nory, esquires, with many diverse others.

7.

Charter: Isabella Douglas, countess of Mar and Garioch, to her kinsman, William Chalmers, lord of Fyndoun, of the lands of Wester Ruthven, in Cromar, in the earldom of Mar.

Date: 1 December 1404, confirmed by Robert, duke of Albany on 26 October 1408.

Source: *A. B. Ill.*, iv, 732

Witnesses: Alexander [...], bishop of Ross, David Lindsay, earl of Crawford, our kinsman, Mr. John Innes, dean of the church of Ross, Andrew Leslie, Archibald Douglas, our kinsman, William Fraser, Duncan Forbes, canon of Aberdeen, with many others.

Alexander Stewart, e. of Mar

1.

Charter: Ratification by Alexander Stewart, earl of Mar and lord of Garioch, with consent of Isabella, his spouse, of a grant by Sir Robert Erskine, lord of Erskine, to sir John Drummond, lord of Concraig, of the lands of Peche, Inneramsy and Newlands in the lordship of Garioch.

Date: 20 April 1406 (Aberdeen)

Source: NRS GD124/1/130

Witnesses: None recorded.

2.

Charter: Alexander Stewart, earl of Mar and Garioch, to his kinsman Alexander Forbes, lord of Brux, of the lands of Glencarwie, Glenconre and the Orde, in the lordship of Strathdon

Date: 24 December 1409 (confirmed by James I, 1426)

Source: *A. B. Ill.*, iv, 177

Witnesses: Gilbert [Greenlaw], bishop of Aberdeen, chancellor of Scotland, James Stewart, our brother, William de Chalmers, lord of Findoun, John Nesbit, rector of the church of Kildrummy, John de Inchmartin, archdeacon of Ross, our secretary, Robert Davidson and Thomas Yule, burgess of Aberdeen, with many others.

3.

Charter: Alexander Stewart, earl of Mar and Garioch, to his cousin, Sir William of Lindsay, lord of Rossy, of the lands of Alford, namely Argethin and Archbalaux, in the earldom of Mar.

Date: 1 January 1417-18

Source: *A. B. Ill.*, iv, 142

Witnesses: William de Hay, lord of Naughton, Alexander de Ogilvy, sheriff of Angus, and Walter de Ogilvy, his brother.

4.

Charter: Alexander Stewart, earl of Mar and Garioch, and Admiral of the realm of Scotland, confirming a charter by Margaret of Glen, widow of John of Glen, knight, lady of Inchmartin and parcener of the lands of Achleven, Ardoyn, and Harlaw, to Walter of Ogilvy, lord of Lintrathen and his wife Isobel, daughter of Margaret of Glen.

Date: (Original) 20 November 1419; (Confirmation) 2 January 1419-20

Source: *A. B. Ill.*, iv, 179-181

Witnesses: (Confirmation) Alexander de Seton, lord of Gordon, Alexander de Forbes, lord of Forbes, and Thomas Stewart, knights, Alexander de Irvine, lord of Drum, and John Inchmartin, our secretary, with many others.

5.

Charter: Alexander Stewart, earl of Mar and Garioch, to William Leslie of Balchane, of the lands of Balchane and others, in the earldom of Garioch, which William resigned to Alexander.

Date: 12 November 1428 (Burgh of Aberdeen)

Source: NRS GD124/1/135

Witnesses: Alexander de Seton, lord of Gordon, Andrew Stewart, knight, our brother, David de Tulloch, Henry de Leith, Thomas de Roull, David Scrimgeour and Thomas de Lynn, esquires, with many others.

Robert Erskine, earl of Mar

1.

Charter: Special retour before Alexander Forbes by Alexander de Irvine, John de Forbes, William de Forbes, Gilbert de Hay, knights, Andrew de Keith de

Inverugie, John de Ogston, John Cheyne,⁸²⁴ Alexander de Meldrum de Fyvie, Walter Barclay, Gilbert Menzies, John Vaus, William de Cadzow, Andrew de Buchan, Thomas de Allardyce, Thomas de Turing, William Reid, James de Skene, James Cumming, Gilbet de Sanquhar and John Mowat

Date: 22 April 1435 (sheriffdom of Aberdeen)

Source: NRS GD124/1/138

Witnesses: None recorded.

2.

Charter: Special retour before Alexander de Forbes, sheriff depute of Aberdeen, Alexander de Irvine, John de Forbes, William de Forbes, Gilbert de Hay, Alexander de Meldrum, James Cumming, James Skene, Gilbert Menzies, John Vaus, Walter Barclay, Andrew Buchan, John Mowat, Gilbert de Sanquhar, Thomas de Turing, William de Cadzow, Thomas de Allardyce, John de Scroggs, Andrew Branch (?), Ranald Cheyne, William Northvele (?)

Date: 16 October 1438

Source: NRS GD124/1/142

Witnesses: None recorded.

3.

Charter: Robert, earl of Mar, to Sir Alexander Forbes of Forbes, knight, of half the lordship of Strathdee in the earldom of Mar, for a blench duty of 2d.

Date: 26 June 1439

Source: NRS GD124/1/145

Witnesses: Henry, bishop of Aberdeen, Arthur, abbot of Deer, Walter Stewart, lord of Strathoune, Robert de Livingston, lord of Drumry, John de Erskine de Kinnoull, John de Cockburn, knights, Mr. John Stewart provost of the collegiate church of Methven, Walter Stewart, archdeacon of Dunblane, John Brown de Kennet, Walter Kay, our squires, and John de Haddington, burgess of Perth, with many others.

4.

Charter: Resignation by Robert, earl of Mar, to Alexander Forbes of Forbes, knight, of the lands of Camquhale in the earldom of Mar, for a blench duty of 2d.

Date: 30 July 1440

Source: NRS GD124/1/146

Witnesses: Alan de Erskine de Schipsoe [?], John de Drummond de Inveramsay, Walter de Kay de Auchterforfar, Walter de Erskine, Thomas Bisset and Robert Gillespie, with many others.

5.

Charter: Resignation by Archibald Raitt, of his lands of Achintoul, Dursale, Achsloune, Fichly, Sinnaboth and Drummelochy, in the earldom of Mar, to

⁸²⁴ Listed as John Thain on the NRS catalogue description.

Robert, earl of Mar and Lord Erskine.

Date: 12 June 1442

Source: NRS GD124/1/153

Witnesses: (Procurators) Walter Kay de Auchterforfar, Gilbert de Tulloch and Thomas Davidson.

6.

Charter: Confirmation by Isabella, Duchess of Albany, Countess of Lennox, of a charter by Robert, earl of Mar, Lord of Erskine, to Patrick Galbraith, of the lands of Garscadden, in the earldom of Lennox, for 1*d.* blench ferm annually.

Date: (Original) 8 June 1444, (Confirmation) 25 January 1444/45

Source: NRS GD124/1/425

Witnesses: (Original) Thomas Sibbald, William Achinlek, David Colston.

Appendix D: Lands in Mar 1365-1565

Dates highlighted in purple are instances where a place name was not explicitly identified in the document as having been located within a specific Mar lordship/division, but was placed in one of the five lordships/divisions within the land list proper because of their similarity to existing place names within that division, or because they were, in another document, recognized as having been in that said lordship/division. A territory will only remain ‘unidentified’ if there has been no indication in the documentary evidence as to the whereabouts of the place in question.

Lands highlighted in green indicate those territories within the pre-Dec. 1507 Barony of Invernochty which were located within the Lordship of Garioch.

Dates whereby the Mar lordship in question was not introduced as a ‘lordship’ but simply a division of Mar.

Auchindoir

Auchindor [?]⁸²⁵

1435⁸²⁶

Half-davach of free forest

1435⁸²⁷

Lordship of Mar

Ardlar/Ardlare [Ardlair]

1511⁸²⁸; 1566

Balnastraid [Balastrade/Belnastraid]

1529⁸²⁹

Crevechyn [See Barony of Strathbogy] [Corvichen]

1541⁸³⁰

⁸²⁵ It is unclear whether the indentures of 1435 between the Erskine and Forbes families are referring to the lordship, or the actual lands of Auchindor, which have no territorial designation in this instance.

⁸²⁶ NRS GD52/1078; NRS GD124/1/137.

⁸²⁷ NRS GD52/1078; NRS GD124/1/137.

⁸²⁸ *RMS*, ii, no.3589. These lands/resources [Ardlare; Glenkindie; Mill of Glenkindie; Woods of Aldnakist and Luthory (1511)] were placed here due to their placement here in 1566. However, as this lordship does not make an appearance until 1528, they should – until proven otherwise – remain ‘unidentified’.

⁸²⁹ *RMS*, iii, no.844.

Fechill [Sunny half of]⁸³¹ [See Faichla/Faichlaw?]

1563⁸³²

Glenkyndie/Glenkindie⁸³³

1511⁸³⁴; 1566

Litle Fynnarse/Litill Fynnarsy/Litill Fynnarsye [Finarcy]⁸³⁵

1528; 1556-1557; 1557-1558; 1561-1562

Manecht/Monecht [Meanecht]⁸³⁶

1528; 1556/1557; 1557/1558; 1561/1562

Mekle Fynnarse/Mekle Fynnarsy/Mekill Fynnarsye [Finarcy]

1528; 1556-1557; 1557-1558; 1561-1562

Ruvennis [Ruthven?]

1529⁸³⁷; 1529/1530⁸³⁸

Sonaboth [Sunny half of] [Sinnaboth?]

1563⁸³⁹

Sonahard [Sunnahard?]

1563⁸⁴⁰

Resources of Lordship of Mar

Mekle Fynnarsy [Mill of] [Listed with Mekle Fynnarsy]

1556/1557; 1557/1558; 1561/1562

Mill of Glenkyndie/Glenkindie

⁸³⁰ RMS, iii, no.2328.

⁸³¹ Fechill (Fichly), Sunaboth and Sonahard were, previous to this grant, listed as being in Strathdon. Instances like this should be central to any discussion concerning the authenticity of the premise of Mar having been a separate lordship, rather than a scribal error.

⁸³² RMS, iv, no.1469.

⁸³³ ER, xix, 547.

⁸³⁴ RMS, ii, no.3589; These lands/resources [Ardlare; Glenkindie; Mill of Glenkindie; Woods of Aldnakist and Luthory (1511)] were placed here due to their placement here in 1566. However, as this lordship does not make an appearance until 1528, they should – until proven otherwise – remain ‘unidentified’.

⁸³⁵ ER, xv, 672 [1528]; xviii, 614-615 [1556-1557]; xix, 416-417 [1557-1558]; xix, 488 [1561-1562]

⁸³⁶ *Ibid.*

⁸³⁷ RMS, iii, no.844.

⁸³⁸ RMS, iii, no.923.

⁸³⁹ RMS, iv, no.1469.

⁸⁴⁰ *Ibid.*

1511⁸⁴¹; 1566

Mill and multures of Sonahard

1563⁸⁴²

Auldnakeist/Aldnakist [Woods of]

1511 [Together with Ardlare]⁸⁴³; 1566

Luthory/Lechory [Woods of?]

1511 [Together with Ardlare]⁸⁴⁴; 1566

Crofts and annexes of Balnastraid [?]

1529⁸⁴⁵

Lordship of Braemar

Allanquoich/Allanothe [Estir] [Allanaquoich]

1539; 1540; 1558

Allanquoich/Allanoche [?] [Westir] [Allanaquoich]

1539; 1540; 1558

Auchindrawin/Auchindrevin/Auchindrewin/Auchindrone [Auchindryne]

1539; 1540; 1558

Auchquhillatire/Auchallater/Auchequhillater [Auchallater]

1539; 1540; 1558

Cammisnakist/Cammusnakist/Cambusnakist [Camusnakist] [Obsolete]

1539; 1540; 1558

Clony/Cluny

1539; 1540; 1558

⁸⁴¹ RMS, ii, no.3589. These lands/resources [Ardlare; Glenkindie; Mill of Glenkindie; Woods of Aldnakist and Luthory (1511)] were placed here due to their placement here in 1566. However, as this lordship does not make an appearance until 1528, they should – until proven otherwise – remain ‘unidentified’.

⁸⁴² RMS, iv, no.1469.

⁸⁴³ RMS, ii, no.3589. These lands/resources [Ardlare; Glenkindie; Mill of Glenkindie; Woods of Aldnakist and Luthory (1511)] were placed here due to their placement here in 1566. However, as this lordship does not make an appearance until 1528, they should – until proven otherwise – remain ‘unidentified’.

⁸⁴⁴ *Ibid.*

⁸⁴⁵ RMS, iii, no.844.

Corremulze/Corremulzeis/Curremulzie [Corriemulzie]

1539; 1540; 1558

Craggane/Cragane [Craggan, The]

1539; 1540; 1558

Dalmore/Dalmoir [Mar Lodge]

1539; 1540; 1558

Innercald/Invercald/Inverceld/Invercaldy [?]/Innercauld [Invercauld]

1539; 1540; 1558; 1565

Innerrie/Inverrey/Inverrie/Innere [?] [Inverey]

1539; 1540; 1558

Innerquhanvit/Inverquhanwitt/Inverquhanwit/Innerquhanvik

[Inverchandlick]

1539; 1540; 1558

Keloch/Keloche [Keiloch]

1539; 1540; 1558

Kindroch alias Casteltoun/Kindrochy/Kyndroche alias Casteltoun

[Kindrochet]⁸⁴⁶

1539; 1540; 1558

Lordship of Strathdee

Abirardour/Abirardoure/Abirdoure/Abirardor [Aberarder]

1451; 1455; 1484; 1531; 1539; 1540; 1558

Abiryedly/Abiryheldy/Abiryeldy/Aberyedly/Abiryeldy [Abergeldie]

1444; 1445; 1451; 1454⁸⁴⁷; 1455; 1456⁸⁴⁸; 1458⁸⁴⁹; 1501/1502 [Incorporated into
Barony of Abiryeldy]⁸⁵⁰

Alanecluch/Alanequeich/Alanquhoch [Estir] [Allanaquoich]

⁸⁴⁶ The name of the old castle of Braemar, also the old name of the parish.

⁸⁴⁷ *Ibid.*

⁸⁴⁸ *Ibid.*

⁸⁴⁹ *Ibid.*

⁸⁵⁰ *RMS*, ii, no.2613.

1451; 1484; 1531

Alanacleuch/Alanequeich/Alanquhoch/Westyrallowquhoch [Westir]
[Allanaquoich]

1451⁸⁵¹; 1455; 1484 [‘octave partis’]; 1531

Alanquhoch/Alanquhoich [Allanaquoich]

1451⁸⁵²; 1454⁸⁵³

Auchindrewyne/Auchindrewin/Auchindryne [Auchindryne]

1451; 1463; 1484; 1531

Balmorale/Balmorar/Balmorain/Bouchmorale/Balmuren [Balmoral]

1451; 1484; 1531; 1539; 1540; 1558

Balnachochane/Balnacllochane/Balnaclagane/Ballaclagane [Ballachlaggan]

1539; 1540; 1558

Cammiskist/Camyskyst/Cambuskist/Cambuskyst/Camboskist/Cammykist/Cammyskist [Camusnakist?]

1452⁸⁵⁴; 1454; 1455; 1461; 1463; 1465; 1466; 1468; 1469; 1471; 1484; 1531

Clony/Clone/Cluny [Creag Clunie or Clunie Cott.?)

1451; 1454; 1471; 1484; 1531

Cormulye/Cormoilye/Cormule/Cormulee [Corriemulzie]

1451; 1452; 1455; 1457; 1458; 1460; 1484 [‘octave partis’]; 1531

Crachenane/Crathenane [Obsolete]

1484; 1531

Cragane [Craggan, The]

1484 [‘octave partis?’]; 1531

⁸⁵¹ See ‘Alanquhoch’ regarding the absence of distinction.

⁸⁵² Could be viewed as ‘Alanquhoch Westir’, as the other Alanquhoch in this document is ‘Alanquhoch Estir’.

⁸⁵³ No distinction, no other mention in document.

⁸⁵⁴ See the lordship of Mukwale below: Kamyskist – *ER*, v, 461.

Crethnard/Crathenard/Crathnar/Crechnard/Crachenardy/Crachynard/Crachin
arde/

Crachinard/Craquharard [?]/Crathynard [Crathienard/Crathienaird]

1451; 1454; 1455; 1469; 1484; 1531; 1539; 1540; 1558

Crathy [Church town (ville) of/Kirktoon of] [Crathie]

1451

Culloquhoy/Cultoquhoy/Culloche [Tullochcoy]

1539; 1540; 1558

Dalbade/Dalbady/Dalbaby/Dalbad/Dalbaddy/Dalpadde/Dalpadie [Dalbagie]

1451; 1455; 1484; 1531; 1539; 1540; 1558

Dalmoir/Dalmore/Dalmorech ✓ [Mar Lodge]

1451; 1454; 1455; 1484; 1531

Daldowne [Daldownie]

1558⁸⁵⁵

Innerrechane/Innerrychane [Obsolete]

1459; 1460

Inverenze/Inverenye/Innerenye/Inerrenye/Inverrynye/Inverrynyee/Inverrenze
/Innerenzie [Inverenzie]

1451; 1464; 1465 [Barony of Strathdee]; 1471; 1484; 1531; 1540; 1558

Inverkadill/Innecaddill/Inveryhadill/Innerquhadil/Inverquhadil [Invercauld]

1451; 1454; 1455; 1484; 1531

Inverry/Inverey/Inverroy [Inverey]

1451; 1484; 1531

Inverquhonoly/Inverquhonly/Innerquhonly/Inverquhanwitt/Innerquhamwic
[Inverchandlick]

1451; 1452; 1463 [Barony of Strathdee]; 1484; 1531

Inveryalder/Inverquhalder/Inneryelder [Invergelder (see Gelder)]

⁸⁵⁵ This was placed here, rather than Cromar, based on the order of lands in *ER*, xvii, 655-663.

1539; 1540; 1558

Kelloch/Kellach/Kelaugh/Kelau/Kelach [Keiloch]

1451; 1452; 1454; 1455; 1484; 1531

Kevillach [Obsolete]

1454

Kindroch/Kindrocht/Kyndroch/Kyndrocht [Kindrochet]⁸⁵⁶

1444/1445⁸⁵⁷; 1464; 1484; 1531

Kyndrocht/Kyndroch/Kyndrochat/Kildrocht/Kindrochate/Kyndrochate [Mains of] [Castleton]

1451; 1456; 1457; 1458; 1459; 1460; 1461; 1463 [Barony of Strathdee]; 1465 [Barony of Strathdee]; 1468; 1471

Kirktoon of Crathe [See Crathie above] [Crathie]

1539; 1540; 1558

Lawse/Lawsie/Lawsy/Lausy/Lawsee/Lowsay [Lawsie]

1451; 1452; 1454; 1455; 1484; 1531; 1539; 1540; 1558

Lochacor/Locharcore [Obsolete]

1484; 1531

Mecra/Mekray [Micras]⁸⁵⁸

1454 [No distinction]; 1455 [No distinction]

Mecra/Mecray/Metra/Mekra/Mykray/Mecraw [Estir] [Micras]

1451; 1484; 1531; 1539; 1540; 1558

Mecray/Metra/Mecra/Mekra/Mykray/Mecraw [Westir] [Micras]

1451; 1484; 1531; 1539; 1540; 1558

Monaltire/Monaltere/Monalir/Monaltra/Monyaltre/Monaltrie [Monaltrie]⁸⁵⁹

⁸⁵⁶ Kindrochit also known as Castleton.

⁸⁵⁷ NRS GD124/1/157.

⁸⁵⁸ Called 'The Micras'; Plural, there having been Easter and Wester Micra. There is also a Remicras, which according to Alexander means 'shieling of the Micras'.

⁸⁵⁹ The original site is at the Mains of Monaltrie, west of Crathie; Monaltrie at Ballater is a borrowed name.

1451; 1484; 1531; 1539; 1540; 1558

Quyltis/Qwyltis/Cultis/Quiltis [Culsh]

1451; 1469; 1471; 1484; 1531; 1539; 1540; 1546; 1558

Rannabroch/Rynnabroiche/Rannabroich/Rannabroche/Allanabroche

[Rannabroith (?)/ Rinabaich (?)]

1539; 1540; 1558

Roquharcare/Roquharkare/Rotharquhory/Rotharkary/Roquharquhare/Roquh

arkre [?] [Richarkarie]

1451; 1455; 1539; 1540; 1558

Schanwell [Shenbhal/Shenval, The/Shenwall]

1539; 1540; 1558

Strathdee [?] [Strathdee] [Obsolete]

1444/1445⁸⁶⁰; 1455

Tumbelle/Tumbellie/Tombelle/Thomebellie [Tombally (?)/Tom a’Bhealaidh
(?)]

1539; 1540; 1558

Resources of Lordship of Strathdee

‘Fabrile’ of Inveryalder and croft of the same/’fabrilis’ called Smyddecroft

[?]/croft of Inneryalder

1539; 1540; 1558

Forest of Strathdee [?]

1455; 1456; 1457; 1458; 1459; 1460

Lordship of Strathdon

Achintoule [‘medietatu[m]’ lands of]⁸⁶¹ [Auchintoul]

1442⁸⁶²

⁸⁶⁰ NRS GD124/1/157.

⁸⁶¹ Although NRS GD124/1/153 [1442] does not specify that Achintoule, Dursale, Achsloune, Fichly, Sonaboth or Dru[m]melochie are in Strathdon, they have been placed here because Fichly, Sonaboth and Drummelochie are known to have been in Strathdon, and thus the other place-names are assumed to be here also.

⁸⁶² NRS GD124/1/153.

Ardquhonquhar/Ardconquhair/Ardquhonquhare/Ordquhonquhare/Ordquhon
quhory/Ardquhonquhary/Ardchurchery/Ardqhunry/Ardconchery
[Ardhuncart]

1451; 1451; 1452; 1454; 1456; 1484; 1503; 1508⁸⁶³; 1509; 1510; 1513 [United into
barony of Kildrummy]⁸⁶⁴

Argeich/Argeith/Ardgeith/Ardgith/Ergeith [Ardgeith]

1451; 1455; 1484; 1503; 1508⁸⁶⁵; 1509; 1510; 1513 [United into barony of
Kildrummy]⁸⁶⁶

Auchvenne/Auchinvany/Auchinvene/Auchinwanne/Auchinvane
[Auchinvenie/Auchinvene] [Obsolete]

1484; 1503; 1508⁸⁶⁷; 1509; 1510; 1513 [United into barony of Kildrummy]⁸⁶⁸

Auchmillane/Auchmelane/Auchmulane/Auchmull/Auchmyllane [?]
[Auchmullan/Auchmullen]

1451; 1455; 1484; 1503; 1507⁸⁶⁹; 1508; 1509; 1513 [United barony of
Kildrummy]⁸⁷⁰

Auldauchindoir/Auld Auchindor/Auld Auchindore/Aldachindore [Auld
Auchindoir]

1451; 1455; 1484; 1503; 1508⁸⁷¹; 1509; 1510; 1513 [United into barony of
Kildrummy]⁸⁷²

Ballebeg/Balbegy/Ballebege/Balbeg [Bellabeg]

1507 [United into barony of Invernochty]⁸⁷³; 1513 [United into barony of
Kildrummy]⁸⁷⁴

Ballintamore/Ballantamoir/Ballatymore [Beltamore/Baltimore]

⁸⁶³ RMS, ii, no.3251; NRS GD124/1/178.

⁸⁶⁴ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁶⁵ RMS, ii, no.3251; NRS GD124/1/178.

⁸⁶⁶ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁶⁷ RMS, ii, no.3251; NRS GD124/1/178; NRS GD124/1/173.

⁸⁶⁸ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁶⁹ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁷⁰ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁷¹ RMS, ii, no.3251; NRS GD124/1/178.

⁸⁷² RMS, ii, no.3875; NRS GD124/1/190.

⁸⁷³ RMS, ii, nos.3115, 3159; NRS GD124/1/170; NRS GD124/1/173.

⁸⁷⁴ RMS, ii, no.3875; NRS GD124/1/90.

1484; 1503; 1507⁸⁷⁵; 1508; 1509; 1513 [United into barony of Kildrummy]⁸⁷⁶

‘Dawata’ of Ballatymore

1484

Balnaboth [?]/Bannaboth/Balenaboth [Unable to further identify]

1349⁸⁷⁷; 1451; 1455; 1484

Balnaboth/Balnaboith

[Glenbouchat/Glenbuchate/Glenbuchait/Glenbuchoth/Glenbuthat/
Glenbuchat] [Belnaboth]

1451; 1503; 1507 [United into barony of Invernochty]⁸⁷⁸; 1508; 1509; 1513

[United into barony of Kildrummy]⁸⁷⁹

Balnaboith/Ballinboth/Balnaboth

[Kilbethok/Kilbethoc/Glenbethok/Kelbethok]⁸⁸⁰

1451; 1484; 1503; 1507 [United into Barony of Invernochty Dec. 1507]⁸⁸¹; 1508;

1509; 1513 [United into Barony of Kildrummy]⁸⁸²

Balnacrag [Belnacraig]

1451; 1452; 1454

Balnaglak [Belnaglack]

1451; 1452

Balquham/Balquhan/Balquhain/Boquham/Buchane

[?]/Balquhane/Bolquhame [Buchaam]

1451; 1455 [?]; 1484; 1503; 1507 [United into barony of Invernochty Dec.

1507]⁸⁸³; 1508; 1509; 1513 [United into barony of Kildrummy]⁸⁸⁴

Braidschaw [listed with Contelauch]

⁸⁷⁵ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁷⁶ RMS, ii, no.3875; NRS GD124/1/190 .

⁸⁷⁷ NRS GD124/1/113.

⁸⁷⁸ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁷⁹ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁸⁰ Kinbethok (modernized sp. Kinbattoch) was the former name of Towie parish, thus this Belnaboth is in Towie, and the other is in Glenbuchat.

⁸⁸¹ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁸² RMS, ii, no.3875; NRS GD124/1/190.

⁸⁸³ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁸⁴ RMS, ii, no.3875; NRS GD124/1/190.

1507 [United into barony of Invernochty Dec. 1507]⁸⁸⁵; 1513 [United into barony of Kildrummy]⁸⁸⁶

Burchis [Brux]

1426⁸⁸⁷; 1504/1505⁸⁸⁸

Clova/Clowa/Estirclova/Estyrclova [Estir] [?]

1451; 1455; 1484; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁸⁸⁹; 1508; 1509; 1513 [United into barony of Kildrummy]⁸⁹⁰

Clova/Cloway/Clovay/Westirclova/Westyrclova [Westir] [Wester Clova]

1451; 1455; 1484; 1503; 1508⁸⁹¹; 1509; 1510; 1513 [United into barony of Kildrummy]⁸⁹²

Contelauch/Contelach/Contlach/Contlauch/Contelauche [Contlach]

1451; 1484; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁸⁹³; 1508; 1509; 1513 [United into barony of Kildrummy]⁸⁹⁴

Corrihill/Goryhill/Gorryhill/Corryhill/Coryhill [Corryhill/Goreyhill]

1484; 1503; 1508⁸⁹⁵; 1509; 1510; 1513 [United into barony of Kildrummy]⁸⁹⁶

Corrykeynzane/Correkinzeane/Correkynzeane [listed with Estir Clova]

[Corchinnan Burn] [Water source?]

1507 [United into barony of Invernochty Dec. 1507]⁸⁹⁷; 1513 [United into barony of Kildrummy]⁸⁹⁸

Cukishill/Kukishill [Cookshill]

1503; 1508⁸⁹⁹; 1509; 1510; 1513 [United into barony of Kildrummy]⁹⁰⁰

⁸⁸⁵ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁸⁶ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁸⁷ RMS, ii, no.55.

⁸⁸⁸ RMS, ii, no.2812.

⁸⁸⁹ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁹⁰ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁹¹ RMS, ii, no.3251; NRS GD124/1/178.

⁸⁹² RMS, ii, no.3875; NRS GD124/1/190.

⁸⁹³ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁹⁴ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁹⁵ RMS, ii, no.3251; NRS GD124/1/178.

⁸⁹⁶ RMS, ii, no.3875; NRS GD124/1/190.

⁸⁹⁷ RMS, ii, no.3159; NRS GD124/1/173.

⁸⁹⁸ RMS, ii, no.3875; NRS GD124/1/190.

Culbalauch/Culvalach/Kilwalauch/Culbalach/Kylvalach/Culbalauche
[Kilvallah]

1484; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁹⁰¹; 1508; 1509;
1513 [United into barony of Kildrummy]⁹⁰²

Culispict/Culispik⁹⁰³ [Tolahaspeck, ‘Tolly’ (Meikle and Little)]
1508⁹⁰⁴; 1509; 1510; 1513 [United into barony of Kildrummy]⁹⁰⁵

Culgwore⁹⁰⁶/Culfork [Culfork]
1359⁹⁰⁷; 1475⁹⁰⁸; 1513 [United into barony of Kildrummy]⁹⁰⁹

Culquhary/Culquhare/Cuhquhary [Culquharry] [Tom a’ charraig]
1451; 1484; 1503; 1507 [United into barony of Invernochty Aug. 1507; Dec.
1507]⁹¹⁰; 1508; 1509; 1513 [United into barony of Kildrummy]⁹¹¹

Culquheich/Culqueich/Quylqueich/Culqohoich/Culquoth [?]/Culquheith
[Culquoich]
1451; 1455; 1484 [‘octave partis’]; 1508⁹¹²; 1509; 1510; 1513 [United into barony
of Kildrummy]⁹¹³

Culquhony/Culquhanny/Culquhoune/Culquhanne [Culquhonnie]
1451; 1484; 1503; 1507 [United into barony of Invernochty Aug. 1507; Dec.
1507]⁹¹⁴; 1508; 1509; 1513 [United into barony of Kildrummy]⁹¹⁵

Den [The]/Dene[The]/Kilbeothok [?]⁹¹⁶ [Den]

⁸⁹⁹ *RMS*, ii, no.3251; NRS GD124/1/178.

⁹⁰⁰ *RMS*, ii, no.3875; NRS GD124/1/190.

⁹⁰¹ *RMS*, ii, no.3159; NRS GD124/1/173.

⁹⁰² *RMS*, ii, no.3875; NRS GD124/1/190.

⁹⁰³ See ‘Tulispik’ in Barony of Kildrummy.

⁹⁰⁴ *RMS*, ii, no.3251.

⁹⁰⁵ *RMS*, ii, no.3875; NRS GD124/1/190.

⁹⁰⁶ See NRS GD124/1/114 (a) and (b). Culgwore seems to have evolved into Culfork.

⁹⁰⁷ NRS GD124/1/114 (a).

⁹⁰⁸ NRS GD124/1/114 (b).

⁹⁰⁹ NRS GD124/1/190.

⁹¹⁰ *RMS*, ii, nos.3115, 3159; NRS GD124/1/170; *RMS*, ii, no.3159; NRS GD124/1/173.

⁹¹¹ *RMS*, ii, no.3875; NRS GD124/1/190.

⁹¹² *RMS*, ii, no.3251.

⁹¹³ *RMS*, ii, no.3875; NRS GD124/1/190.

⁹¹⁴ *RMS*, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173.

⁹¹⁵ *RMS*, ii, no.3875; NRS GD124/1/190.

⁹¹⁶ Kilbethok ‘alias The Den’.

1484; 1494; 1495; 1499; 1503 [Kilbeothok]; 1505; 1506; 1507; 1508; 1509

Discorie/Discory/Diskory/Descory/Deskory/Distorie [?] [Deskry] [Water source?]

1451; 1454; 1484; 1508⁹¹⁷; 1509; 1510; 1513 [United into barony of Kildrummy]⁹¹⁸

Dosky/Dorsky [Deskie]

1484; 1503; 1508⁹¹⁹; 1509; 1510; 1513 [United into barony of Kildrummy]⁹²⁰

Dursale [‘medietatu[m]’ lands of?]⁹²¹ [Dursale – obsolete?]

1442⁹²²

Dru[m]melochie [‘medietatu[m]’ lands of?] [Drumallachie]

1442⁹²³

Drummelochi/Drummellochy [Westir] [Drumallachie]

1426⁹²⁴

Drumnahufe/Drumnahuf/Darnahufe/Drumnahuve/Drummahufe [Drumnahive]

1451; 1455; 1484; 1503; 1508⁹²⁵; 1509; 1510; 1513 [United into barony of Kildrummy]⁹²⁶

Fennelost/Fenelost/Fynnelosc/Fynlosk/Fynlosse [Finnylost]

1451; 1484; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁹²⁷; 1509; 1513 [United into barony of Kildrummy]⁹²⁸

‘Sunny half’ of Fechille [Fichlie]

⁹¹⁷ RMS, ii, no.3251; NRS GD124/1/178.

⁹¹⁸ RMS, ii, no.3875; NRS GD124/1/190.

⁹¹⁹ RMS, ii, no.3251; NRS GD124/1/178.

⁹²⁰ RMS, ii, no.3875; NRS GD124/1/190.

⁹²¹ Although NRS GD124/1/153 [1442] does not specify that Achintoule, Dursale, Achsloune, Fichly, Sonaboth or Dru[m]melochie are in Strathdon, they have been placed here because Fichly, Sonaboth and Drummelochie are known to have been in Strathdon, and thus the other place-names are assumed to be here also.

⁹²² NRS GD124/1/153.

⁹²³ NRS GD124/1/153.

⁹²⁴ RMS, ii, no.55.

⁹²⁵ RMS, ii, no.3251; NRS GD124/1/178.

⁹²⁶ RMS, ii, no.3875; GD124/1/190.

⁹²⁷ RMS, ii, no.3159; NRS GD124/1/173.

⁹²⁸ RMS, ii, no.3875; NRS GD124/1/190.

1537-1538

Fichty/Fichly⁹²⁹ [Fichlie]

1442 [‘medietatu[m]’ lands of?]; 1451

Gardnerhill/Gardinerhill/Gardinarhill/Gardnarhill [Gardnershill]

1503; 1505; 1506; 1507; 1508

Gardinarhill [Mains of?] [See above]

1506

Glencarwe/Glenkervy (?) [Carvie] [Water source?]

1426⁹³⁰; 1504/1505⁹³¹

Glenconre/Glenconry (?) [Conrie] [Water source]

1426⁹³²; 1504/1505⁹³³

Glencoy/Glenkoye/Glenquy/Glenqwe [Glencuie]

1451; 1454; 1455; 1484 [‘octave partis’]; 1503; 1508⁹³⁴; 1509; 1510; 1513 [United into barony of Kildrummy]⁹³⁵

Glenlos/Glenlose/Glenlof [eastern half][*listed with Auchmillane*] (?) [Glenlaff] [Water source?]

1507 [United into barony of Invernochty Dec. 1507]⁹³⁶; 1513 [United into barony of Kildrummy]⁹³⁷

Haltoun [Hatton]

1451; 1452; 1454

Innerbuchat/Innerbichate [Glenbucket]

1454 [No distinction]; 1455 [No distinction]; 1463 [No distinction]

⁹²⁹ Although NRS GD124/1/153 [1442] does not specify that Achintoule, Dursale, Achsloune, Fichly, Sonaboth or Dru[m]melochie are in Strathdon, they have been placed here because Fichly, Sonaboth and Drummelochie are known to have been in Strathdon, and thus the other place-names are assumed to be here also.

⁹³⁰ RMS, ii, no.56.

⁹³¹ RMS, ii, no.2812.

⁹³² RMS, ii, no.56.

⁹³³ RMS, ii, no.2812.

⁹³⁴ RMS, ii, no.3251; NRS GD124/1/178.

⁹³⁵ RMS, ii, no.3875; NRS GD124/1/190.

⁹³⁶ RMS, ii, no.3159; NRS GD124/1/173.

⁹³⁷ RMS, ii, no.3875; NRS GD124/1/190.

Innerbuchait/Innerburquhair/Innerbuchat/Innerbuchate/Innerbuquhate/
Inverburquhare/Innerburquhar [Estir] [See above – Glenbucket]
1451; 1484 [‘octave partis’]; 1503; 1508⁹³⁸; 1509; 1510; 1513 [United into barony
of Kildrummy]⁹³⁹

Innerbuchait/Innerburquhar/Innerbuchat/Innerbuchate/Innerbuquhate/
Inverburquhare/Innerburquhare [Westir] [See above – Glenbucket]
1451; 1484 [‘dime die partis’]; 1503; 1508⁹⁴⁰; 1509; 1510; 1513 [United into
barony of Kildrummy]⁹⁴¹

Innernethy/Innernaty/Innernate/Innernatee/Invernechty/Invernethy/
Innernochtie⁹⁴² [Invernettie]
1451; 1454; 1455; 1484 [‘dime die partis’]; 1503; 1507 [United into barony of
Invernochty Aug. 1507; Dec. 1507]⁹⁴³; 1508; 1509; 1513 [United into barony of
Kildrummy]⁹⁴⁴

Innernochty/Innernouchty/Invernochty/Innernochtie [Invernochty]
1451; 1484; 1487 [?]; 1503; 1507 [United into barony of Invernochty Aug. 1507;
Resigned Dec. 1507]⁹⁴⁵; 1508; 1509; 1513 [United into barony of Kildrummy]⁹⁴⁶

Innernerness [Inverernan/Inverthernie (?)]
1464

Innernochty/Innernochy [Demesne/Mains of] [Invernochty]
1454; 1455

Kelaugh [Keiloch]
1451

Kilbeothok alias the Den/Kylbethok/Kilbetho/Kinbethok/Kynbethoch
[Kinbattoch]

⁹³⁸ RMS, ii, no.3251; NRS GD124/1/178.

⁹³⁹ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁴⁰ RMS, ii, no.3251; NRS GD124/1/178.

⁹⁴¹ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁴² As discussed in ‘Barony of Kildrummy’ below, though Innernochtie is listed twice in RMS, ii, no.3875, one should be interpreted as ‘Innernethy’. This is one such instance.

⁹⁴³ RMS, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173.

⁹⁴⁴ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁴⁵ RMS, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173.

⁹⁴⁶ RMS, ii, no.3875; NRS GD124/1/190.

1451; 1484; 1485; 1486; 1487; 1488; 1489; 1503 [alias Den]

Kildrumy/Kildrymmy/Kildrummy/Kyldrumy/Kyndromy/Kyndrumy
[Kildrummy]

1452; 1454; 1460; 1464; 1484; 1503; 1506; 1509; 1510

Kyndrummy/Kyndromy [‘burgis/burgi’ of] (?)

1451; 1455; 1456; 1465 [Croft too?]; 1466 [Croft too?]; 1468 [Croft too?]

Kildrumy [Croft of?]⁹⁴⁷

1471

Kildrumy/Kildrymmy/Kildrummy/Kyndrummy/Kyldrumy/Kyndromy/Kyndru
my/

Kindrumy [Mains of] (?) [Kildrummy]

1451; 1452; 1454; 1455; 1456; 1459 [Custody of?]; 1460; 1461; 1463; 1465; 1466;
1468; 1469; 1471; 1484; 1503; 1505; 1506; 1508⁹⁴⁸; 1509; 1510; 1513 [United into
barony of Kildrummy]⁹⁴⁹

Kildrymmy/Kildrummy/Kyndrummy/Kyndromy [Ville of]

1451; 1454; 1458; 1484; 1509; 1510

Kinclune/Kynclune [Kinclune]

1451; 1484; 1503; 1505; 1506; 1507 [United into barony of Invernochty Dec.
1507]⁹⁵⁰; 1508; 1509; 1513 [United into barony of Kildrummy]⁹⁵¹

Kinclune [Mains of?] [Obsolete]

1505; 1506

Macharishalch [Machershaugh]

1504/1505⁹⁵²

Ledmakey/Ledmakay/Ledm^ccay/Ladmackay/Ladmakay [Ledmacay]

⁹⁴⁷ The burgh of Kildrummy may have evolved into the croft of Kildrummy.

⁹⁴⁸ RMS, ii, no.3251; NRS GD124/1/178.

⁹⁴⁹ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁵⁰ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁵¹ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁵² RMS, ii, no.2812.

1451; 1452; 1454; 1455; 1484; 1503; 1507 [United into barony of Invernochty Aug. 1507; Dec. 1507]⁹⁵³; 1508; 1509; 1513 [United into barony of Kildrummy]⁹⁵⁴

Morgundo [Obsolete]

1451

Miltoun/Myltoun/MyIntoun [The] (?) [Milton]

1451; 1469; 1471

New [The] [Newe]

1451; 1452; 1454; 1455; 1484; 1503; 1508⁹⁵⁵; 1509; 1510; 1513 [United into barony of Kildrummy]⁹⁵⁶

New mill/Newmyll/Newmyln/new mill in Balnaboith (?) [Newmill]

1484 [in Balnaboith]; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁹⁵⁷; 1508; 1509; 1513 [United into barony of Kildrummy]⁹⁵⁸

Newtoun/Newton [The] [Newton]

1503; 1504/1505⁹⁵⁹; 1508⁹⁶⁰; 1509; 1510; 1513 [United into barony of Kildrummy]⁹⁶¹

Orde [The]

1426⁹⁶²; 1504/1505⁹⁶³

Pettinlauch/Pettinlauch/Pettinelach/Pettynolich/Pettynnoly/Pettinnolee/Pettinnuly/

Pentinlauch [Obsolete]

1451; 1455; 1463; 1484; 1503; 1508⁹⁶⁴; 1509; 1510; 1513 [United into barony of Kildrummy]⁹⁶⁵

⁹⁵³ RMS, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173.

⁹⁵⁴ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁵⁵ RMS, ii, no.3251; NRS GD124/1/178.

⁹⁵⁶ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁵⁷ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁵⁸ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁵⁹ RMS, ii, no.2812.

⁹⁶⁰ RMS, ii, no.3251; NRS GD124/1/178.

⁹⁶¹ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁶² RMS, ii, no.56.

⁹⁶³ RMS, ii, no.2812.

Quyltis/Quiltis/Qwiltis [Culsh]

1469; 1471; 1503; 1509; 1508⁹⁶⁶; 1510; 1513 [United into barony of Kildrummy]⁹⁶⁷; 1546

Skaleter/Skalater/Skalettir/Skaloter/Skalatry/Skalatre [Skellater]

1451; 1454; 1484; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁹⁶⁸; 1509; 1513 [United into barony of Kildrummy]⁹⁶⁹

Soynaharde/Sunahard/Soynahard/Sonayhard/Sonahard/Sonaharde/Soynahar
dis/

Sonaherde [Sinnahard]

1451; 1455; 1456; 1457; 1459; 1460; 1466; 1468; 1469; 1471; 1493⁹⁷⁰; 1500⁹⁷¹;
1507/1508⁹⁷²

Summeil/Summeyl/Summeill/Summeile/Soymele/Seymyll/Sewmyle [Semiel]

1451; 1455; 1484; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁹⁷³;
1508; 1509; 1513 [United into barony of Kildrummy]⁹⁷⁴

Sunaboth/S[onabo]th [?]⁹⁷⁵ [Sinnaboth]

1442 [‘medietatu[m]’ lands of]⁹⁷⁶; 1451

‘Sunny half of’ Synnaboct [Same as Sunaboth] [Sinnaboth]

1537/1538

Towy [Nether/Inferiore] [Towie (Nether)]

1359 [Inferiore]⁹⁷⁷; 1475⁹⁷⁸

⁹⁶⁴ RMS, ii, no.3251; NRS GD124/1/178.

⁹⁶⁵ NRS GD124/1/190.

⁹⁶⁶ RMS, ii, no.3251; NRS GD124/1/178.

⁹⁶⁷ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁶⁸ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁶⁹ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁷⁰ RMS, ii, no.2160.

⁹⁷¹ RMS, ii, no.2542.

⁹⁷² RMS, ii, no.3205.

⁹⁷³ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁷⁴ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁷⁵ Although NRS GD124/1/153 [1442] does not specify that Achintoule, Dursale, Achsloune, Fichly, Sonaboth or Dru[m]melochie are in Strathdon, they have been placed here because Fichly, Sonaboth and Drummelochie are known to have been in Strathdon, and thus the other place-names are assumed to be here also.

⁹⁷⁶ NRS GD124/1/153.

Towy [Over/Superiore] [Towie (Upper on OS)]

1359 [Superiore]⁹⁷⁹; 1475⁹⁸⁰

Thomsamuel [Obsolete]

1451; 1452; 1454

Tuleskeuch/Tuliskeuch/Tulliskeyuch/Tulyscath/Tulyskauth/Tullyskath/

Tuleschanquhy [Tilliesuck]

1451; 1484; 1484 [‘Wastes of’]; 1503; 1507 [United into barony of Invernochty Dec. 1507]⁹⁸¹; 1508; 1509; 1513 [United into barony of Kildrummy]⁹⁸²

Tuliaspuk/Tuliespik/Tulihespik /Tulyhespite/Tulyespite/Tulyespy/Tulispik⁹⁸³

[Tolahaspeck, now Tolly (Muckle and Little)]

1451; 1454; 1455; 1484; 1503; 1508⁹⁸⁴; 1509

Resources of Lordship of Strathdon

Kildrymmy/Kildrummy/Kildrumy [Mill of]

1484; 1503; 1508⁹⁸⁵; 1509; 1510; 1513 [United into barony of Kildrummy]⁹⁸⁶

Mill, meadow, woods and glens of Glennochty/Glennochtie [*listed with*

Ballebeg/Balbegy/Ballebege]

1507 [United into barony of Invernochty Aug. 1507; Dec. 1507]⁹⁸⁷; 1513 [United into barony of Kildrummy] [No ‘woods’]⁹⁸⁸

Woods and ‘bogs’ of Burchis [Brux]

1504/1505⁹⁸⁹

Woods of Orde [The]

1504/1505⁹⁹⁰

⁹⁷⁷ NRS GD124/1/114 (a).

⁹⁷⁸ NRS GD124/1/114 (b).

⁹⁷⁹ NRS GD124/1/114 (a).

⁹⁸⁰ NRS GD124/1/114 (b).

⁹⁸¹ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁸² RMS, ii, no.3875; NRS GD124/1/190.

⁹⁸³ Again, Tulispik seems to prove that the printed secondary sources have confused the ‘t’ of Tulispik for a ‘c’.

⁹⁸⁴ NRS GD124/1/178.

⁹⁸⁵ RMS, ii, no.3251; NRS GD124/1/178.

⁹⁸⁶ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁸⁷ RMS, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173.

⁹⁸⁸ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁸⁹ RMS, ii, no.2812.

Discorie/Discory/Deskory/Deschery/Distorie [?] [Mill of]
1454; 1455 [Granted with Tulyespy]; 1484; 1508⁹⁹¹; 1509; 1510; 1513 [United
into barony of Kildrummy]⁹⁹²

Massak [Mill of] [Mossat] [A stream – tributary of the Don]
1484

Milltoun [Mill of]
1451

Mill of New-mylne [?]
1513 [United into Barony of Kildrummy]⁹⁹³

Kilbethok [Church of]
1484

Repoquhy/Ripaquhy [Mill of] [Rippachie]
1451; 1455 [listed with Sewmyle]; 1484; 1485; 1486; 1487; 1488; 1489 [listed
with Kilbetho]

Kildrumy/Kildrummy/Kyndrummy [Grange of]
1451; 1507; 1508; 1509

Kincluyne/Kinclune [Grange of]
1507; 1508; 1509

Gardnerhill/Gardinerhill [Grange of]
1507; 1508; 1509

Glens, woods, and bushes [?] viz. the shaws [listed with New mill]
1507 [United into barony of Invernochty Dec. 1507]⁹⁹⁴; 1513 [United into barony
of Kildrummy]⁹⁹⁵

Forest of Corgarf/Corgarff [*listed with Skaleter/Skalater*]

⁹⁹⁰ *Ibid.*

⁹⁹¹ RMS ii, no.3251; NRS GD124/1/178.

⁹⁹² RMS, ii, no.3875; NRS GD124/1/190.

⁹⁹³ RMS, ii, no.3875

⁹⁹⁴ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁹⁵ RMS, ii, no.3875; NRS GD124/1/190.

1507 [United into barony of Invernochty Dec. 1507]⁹⁹⁶; 1513 [United into barony of Kildrummy]⁹⁹⁷

Badynyone and Kylbalauch/Baddinyone and Kilbalauch/Baddynyoun and Kilvalauche/Baldinyone and Kilbaloch [Forests of] [*listed with Culbalauch/Culbalach*]

1507 [United into barony of Invernochty Dec. 1507]⁹⁹⁸; 1513 [United into barony of Kildrummy]⁹⁹⁹

Den /Dene [Chapel of]

1484; 1485; 1486; 1487; 1488; 1489; 1494; 1495; 1499; 1503; 1505; 1506; 1507; 1508¹⁰⁰⁰; 1509; 1510; 1513 [United into barony of Kildrummy]¹⁰⁰¹

Kyndrumy [Chapel of]

1465

Kildrumy [Croft of?]

1469

Lordship of Cromar

Blalok/Blalak/Blaloche/Blaloc [Blelack]

1451; 1456; 1457; 1458; 1465; 1484; 1507 [United into barony of Invernochty Aug. 1507; Resigned and removed from Barony of Invernochty Dec. 1507]¹⁰⁰²; 1509; 1531; 1539; 1540; 1558; 1564¹⁰⁰³

Camphell/Canquhell/Canquholl/Camquhell/Camquhale/Camquhall
[Camphill/Campfield]

1427¹⁰⁰⁴; 1440¹⁰⁰⁵; 1451; 1455; 1484; 1487; 1488; 1489; 1531; 1539; 1540; 1558; 1564¹⁰⁰⁶

⁹⁹⁶ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁹⁷ RMS, ii, no.3875; NRS GD124/1/190.

⁹⁹⁸ RMS, ii, no.3159; NRS GD124/1/173.

⁹⁹⁹ RMS, ii, no.3875; NRS GD124/1/190.

¹⁰⁰⁰ RMS, ii, no.3251; NRS GD124/1/178.

¹⁰⁰¹ RMS, ii, no.3875; NRS GD124/1/190.

¹⁰⁰² RMS, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173, GD124/1/174.

¹⁰⁰³ NRS GD124/1/225.

¹⁰⁰⁴ NRS GD124/1/133.

¹⁰⁰⁵ NRS GD124/1/146.

¹⁰⁰⁶ NRS GD124/1/225.

Coddilstane/Codilstane/Kotilstane [Coldstone]¹⁰⁰⁷

1451; 1454; 1455; 1456; 1457; 1458; 1459; 1460

Corkpeth [Obsolete]

1455

Correqueray/Correquhray/Carrichre/Correcreif/Coricrefe/Correcreich/Correquhre /Corroquhroy/Coroquhroy [Corrachree]

1451; 1484; 1507 [United into barony of Invernochty Aug. 1507; Resigned and removed Dec. 1507]¹⁰⁰⁸; 1509; 1531; 1539; 1540; 1558

Dallogy

1484 [Daw Logy?]; 1531; 1540; 1541; 1546; 1550; 1552; 1553; 1558; 1559

Daw [?] [Same as Dawel etc.?)

1484

Dawel/Dalvane/Dalven/Dowald/Dowale/Dowalde/Dawane/Dawen/Davagh [?]/Davauch [?]/Dalwath [?]

1451; 1454; 1455; 1503¹⁰⁰⁹; 1505; 1507; 1509; 1510; 1515; 1516; 1518; 1520; 1525; 1526; 1530; 1531; 1532; 1537; 1538; 1539

Estirrothuem/ Eisterrethuen¹⁰¹⁰ [Ruthven]

1363¹⁰¹¹; 1366¹⁰¹²

Estoun/Esttoun/Eistoune/Estoune/Estone/Est Toun/Eisttoun/Est-Toune [Easttown]

1451; 1484; 1485¹⁰¹³; 1486; 1487; 1488; 1488/1499¹⁰¹⁴; 1489; 1492; 1501/1502 [United into barony of Abiryeldy]¹⁰¹⁵; 1507; 1509; 1510; 1515; 1516; 1518; 1520; 1525; 1526; 1530; 1531; 1532; 1534 [United into barony of Abiryeldy]; 1535

¹⁰⁰⁷ Alexander states that it is one of the two parishes of Logie-Mar and Coldstone, united in 1618. A marginal note to a charter of 1165 (A2 in Alexander's book) states that Hachadgouan was the old name of Cothilstane.

¹⁰⁰⁸ RMS, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173, GD124/1/174.

¹⁰⁰⁹ RMS, ii, no.2745.

¹⁰¹⁰ Eister Rethuen.

¹⁰¹¹ RMS, i, no.133.

¹⁰¹² NRS GD124/1/117.

¹⁰¹³ RMS, ii, no.1616.

¹⁰¹⁴ RMS, ii, no.1812.

¹⁰¹⁵ RMS, ii, no.2613.

[Sunny half of]¹⁰¹⁶; 1537; 1538; 1539; 1540; 1540; 1541; 1546; 1550; 1552; 1553;
1554; 1555

Finlarg/Fynlarg/Findlarg/Fyndlarg [Findrack]

1484; 1487; 1531; 1539; 1540; 1558; 1564¹⁰¹⁷

Huchtirerne/Ochtirarne/Huchterne [Waterairn/Watererne]

1365¹⁰¹⁸; 1556¹⁰¹⁹

Kincrage/Kincrag/Kincragy/Kilcragy/Kyncragy [Kincraigie]

1451; 1482¹⁰²⁰; 1484; 1486; 1454; 1455; 1487; 1488; 1492; 1505; 1506¹⁰²¹; 1507;
1509; 1510; 1510/1511¹⁰²²; 1531; 1539; 1540; 1558; 1564¹⁰²³

Logy [Logie/Logie Mar?]

1451; 1455; 1484; 1503¹⁰²⁴; 1505; 1507; 1509; 1510; 1515; 1516; 1518; 1520; 1525;
1526; 1530; 1531; 1532; 1537; 1538; 1539

Migviis/Migvyis/Migbeis/Mygbyis/Migvy/Mygvy/Migve/Megwethe [Migvie]

1452; 1471 [Church of Megwethe with lands &c. of the same]¹⁰²⁵; 1488; 1489;
1492; 1529/1530 [Excluded from grant?]¹⁰²⁶; 1530; 1531; 1532; 1537; 1538; 1539

Migvy/Mygvy/Mikvy/Megwie [Mains of?/Manor of?] [See above]

1452; 1454; 1455; 1456; 1459 [Custody of?]; 1460; 1461; 1463; 1465; 1466; 1468;
1565 [Manor of]¹⁰²⁷

Mureland/Murland [Obsolete]

1484; 1531

Mygvye/Migvy/Migvyis/Mygviis/Migve/Estirmigvy/Migwy/Estermygvy/Mygw
ee/Mygve/Mygwe [Estir] [See Migvie] [Migvie]

¹⁰¹⁶ RMS, iii, no.1484.

¹⁰¹⁷ NRS GD124/1/225.

¹⁰¹⁸ RMS, i, no.191; NRS GD124/1/116.

¹⁰¹⁹ RMS, iv, no.1124.

¹⁰²⁰ Possibly incorporated into barony of Oneil/Onele – RMS, ii, no.1518.

¹⁰²¹ RMS, ii, no.2963.

¹⁰²² RMS, ii, no.3530.

¹⁰²³ NRS GD124/1/225.

¹⁰²⁴ RMS, ii, no.2745.

¹⁰²⁵ RMS, ii, no.1039.

¹⁰²⁶ RMS, iii, no.923.

¹⁰²⁷ NRS GD124/1/227.

1451; 1454; 1455; 1484; 1507 [United into barony of Invernochty Aug. 1507; Resigned and removed Dec. 1507]¹⁰²⁸; 1509; 1530; 1531; 1532; 1539; 1540; 1558; 1564¹⁰²⁹

Megue [Litle] [See Migvie] [Migvie]
1527/1528¹⁰³⁰

Migve/Migvy/Mekill-Mygve/Mygve/Megue [Mekil/Mekle/Mekill] [See Migvie][Migvie]
1507 [United into barony of Invernochty Aug. 1507; Resigned and removed Dec. 1507]¹⁰³¹; 1509; 1527/1528¹⁰³²

Mygve/Migvy/Migvyis/Mygviis/Migwy/Mygwy/Mygwe/Mygwee [Westir] [See Migvie] [Migvie]
1451; 1484; 1530; 1531; 1532; 1539; 1540; 1541; 1546; 1550; 1552; 1553; 1554; 1554; 1555; 1558; 1558; 1559; 1564¹⁰³³

The 'Quylts' of Cromar [Culsh]
1445¹⁰³⁴

'Smythis croft' of Mygwy [Resource?]
1564¹⁰³⁵

Ruffen/Ruthwen[?]/Runanen[?] [Ruthven]
1527/1528¹⁰³⁶; 1529/1530¹⁰³⁷; 1558

Over Ruvanish/Ovir Ruwanish [See above]
1556/1557¹⁰³⁸

Terland/Terlane/Tarlane/Terlen/Terlan/Tarlan/Tarlande [Tarland (parish)]

¹⁰²⁸ *RMS*, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173, GD124/1/174.

¹⁰²⁹ NRS GD124/1/225.

¹⁰³⁰ NRS GD124/1/195.

¹⁰³¹ *RMS*, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173, GD124/1/174.

¹⁰³² NRS GD124/1/195.

¹⁰³³ NRS GD124/1/225.

¹⁰³⁴ NRS GD124/6/4.

¹⁰³⁵ NRS GD124/1/225.

¹⁰³⁶ NRS GD124/1/195.

¹⁰³⁷ *RMS*, iii, no.923.

¹⁰³⁸ *RMS*, iv, no.1148.

1451; 1454; 1455; 1471 [Church of Tarlande with lands &c. of the same]¹⁰³⁹;
1484; 1485¹⁰⁴⁰; 1486; 1487; 1488; 1489; 1492; 1495¹⁰⁴¹; 1507; 1509; 1510; 1515;
1516; 1518; 1520; 1525; 1526; 1530; 1531; 1532; 1537; 1538; 1539; 1540; 1540;
1541; 1546; 1550; 1552; 1553; 1554; 1554; 1555

Tulleprone/Tulyprone/Tulliprony/Tuliprony/Tuliprone/Tulpurny/Tullyprone
[Tillypronie]

1451; 1484; 1507 [United into barony of Invernochty Aug. 1507; Resigned and
removed Dec. 1507]¹⁰⁴²; 1509; 1531; 1539; 1540; 1558; 1564¹⁰⁴³

West-toun/Westoun/Westtoun/Westoune/Westone [Obsolete]

1451; 1452; 1454; 1455; 1456; 1457; 1458; 1459; 1460; 1461; 1463; 1464; 1465;
1466; 1468; 1469; 1471; 1484; 1486; 1487; 1488; 1489; 1492; 1495; 1497; 1503
[Quarter part]¹⁰⁴⁴; 1505; 1507; 1509; 1510; 1515; 1516; 1518; 1520; 1525; 1526;
1530; 1531; 1532; 1537; 1538; 1539; 1540; 1541; 1541; 1546; 1550; 1552; 1553;
1554; 1554; 1555; 1558; 1564¹⁰⁴⁵

Resources of Lordship of Cromar:

Brewhouse of Cromar

1539¹⁰⁴⁶; 1550; 1552; 1553; 1554; 1554; 1555

Mill of Ochtirarne [Half of]

1556¹⁰⁴⁷

‘Fabrile’ with croft of Mygwe/‘Fabrilis’ of Migvy with croft of the same/Croft,
‘fabrilis’ of Mygwe

1484; 1539; 1558

‘Fabrilis’ of Migvy

1531

Migvy [Grange of]

¹⁰³⁹ RMS, ii, no.1039.

¹⁰⁴⁰ RMS, ii, no.1616.

¹⁰⁴¹ RMS, ii, no.2244.

¹⁰⁴² RMS, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173, GD124/1/174.

¹⁰⁴³ NRS GD124/1/225.

¹⁰⁴⁴ RMS, ii, no.2745.

¹⁰⁴⁵ NRS GD124/1/225.

¹⁰⁴⁶ Described as near or attached to the ‘ville of Mygve’.

¹⁰⁴⁷ RMS, iv, no.1124.

1451

‘Cotagiorum’ [Cottage?]

1484; 1531

Mill of West-toun/Westoun/Westoune

1484; 1531; 1539; 1540

New mill and mill lands of Westoun

1558; 1558; 1559; 1564 [With croft and old mill]¹⁰⁴⁸

Lordship of Mukwale¹⁰⁴⁹

Achath [Achath]

1451

Blarenele [Obsolete]

1451

Corsky [Corskie]

1451

Echt [Estir] [Echt]¹⁰⁵⁰

1451

Kamyskist [Possibly a variation of Camusnakist]

1451

Mukwale/Mukvell/Mucwell/Mucwel/Mukwell/Mucvale [Muchell]¹⁰⁵¹

1435¹⁰⁵²; 1451; 1452; 1454; 1455; 1456; 1459; 1460

Mukwale [Mains of] [See above]

1451

Fynlarg

Camquhale [Camphill/Camfield]

1451

¹⁰⁴⁸ NRS GD124/1/225.

¹⁰⁴⁹ *ER*, v, 461.

¹⁰⁵⁰ [Alexander discusses the existence of ‘Estir and Westir Echt]

¹⁰⁵¹ The old name of Castle Fraser, still in use for the neighbouring burn.

¹⁰⁵² NRS GD52/1078; NRS GD124/1/137.

Finlarg [Findrack]

1451

Barony of Forbes [Oct. 1429]

Aufurd [Alford?] [Alford (parish)]

1429¹⁰⁵³

Edinbanchry [Edinbanchory]

1429¹⁰⁵⁴

Forbes [Forbes (parish)]

1429¹⁰⁵⁵

Kery [Kearn?]

1429¹⁰⁵⁶

Logy [Logie/Logie Mar?]

1429¹⁰⁵⁷

Mukwele [Annual return of 10 marks of] [Muchell]

1429¹⁰⁵⁸

Barony of Forbes [July 1477]¹⁰⁵⁹

Aufurd [Alford?]**

Edinbanchry**

Forbes**

Kery**

¹⁰⁵³ *RMS*, ii, no.134.

¹⁰⁵⁴ *Ibid.*

¹⁰⁵⁵ *Ibid.*

¹⁰⁵⁶ *Ibid.*

¹⁰⁵⁷ *Ibid.*

¹⁰⁵⁸ *Ibid.*

¹⁰⁵⁹ Again, in *RMS*, ii, no.1298 [1477] no lands are explicitly identified. However *RMS*, ii, no.134 is cited as the original document, in which case all lands are deemed to have been included as this was the final structure of the barony. All references to the lands contained within this barony are taken from *RMS*, ii, no.1298.

Logy**

Mukwele [Annual return of 10 marks of]**

Barony of Kennay [1481]¹⁰⁶⁰

Auchythe [Same as Achath in Mukwale?]

1481¹⁰⁶¹

Rothharrald [See Roquharcare etc. in Strathdee]

1481¹⁰⁶²

Barony of Abiryeldy [1501/1506/1534/1535]¹⁰⁶³

Abiryeldy

1501/1502¹⁰⁶⁴; 1506/1507¹⁰⁶⁵; 1534; 1535¹⁰⁶⁶

Estoun

1501/1502¹⁰⁶⁷; 1506/1507¹⁰⁶⁸; 1534; 1535¹⁰⁶⁹

Barony of Burchis [Brux?] [1504-1505]

Burchis [Brux?]

1504/1505¹⁰⁷⁰; 1506/1507¹⁰⁷¹

Drummellochy [Westir]

1504/1505¹⁰⁷²

Drummellochquhy [Estir] [Half of?]

1506/1507¹⁰⁷³

Fechlie [Half of?]

¹⁰⁶⁰ Though not listed as being in Mar, the lands listed may be in Mar.

¹⁰⁶¹ *RMS*, ii, no.1484.

¹⁰⁶² *Ibid.*

¹⁰⁶³ Though not listed as being in Mar, the lands listed are known to have been in Mar.

¹⁰⁶⁴ *RMS*, ii, no.2613.

¹⁰⁶⁵ *RMS*, ii, no.3073.

¹⁰⁶⁶ *RMS*, iii, no.1484.

¹⁰⁶⁷ *RMS*, ii, no.2613.

¹⁰⁶⁸ *RMS*, ii, no.3073.

¹⁰⁶⁹ *RMS*, iii, no.1484.

¹⁰⁷⁰ *RMS*, ii, no.2812.

¹⁰⁷¹ *RMS*, ii, no.3035.

¹⁰⁷² *RMS*, ii, no.2812.

¹⁰⁷³ *RMS*, ii, no.3035.

1506/1507¹⁰⁷⁴

Glenconry

1504/1505¹⁰⁷⁵

Glenkervy

1504/1505¹⁰⁷⁶

Macharishalch

1504/1505¹⁰⁷⁷

Newtown

1504/1505¹⁰⁷⁸

Orde [The]

1504/1505¹⁰⁷⁹

Soynaboth [Half of?]

1506/1507¹⁰⁸⁰

Resources of Barony of Burchis [Brux?]

Wood and 'bogs' of Burchis [Brux?]

1504/1505¹⁰⁸¹

Woods of Orde [The]

1504/1505¹⁰⁸²

Free Forest of Glenkervy and Glenconry [1504-1505]

Wood and 'bogs' of Burchis [Brux?]

1504/1505¹⁰⁸³

Woods of Orde [The]

1504/1505¹⁰⁸⁴

¹⁰⁷⁴ *Ibid.*

¹⁰⁷⁵ *RMS*, ii, no.2812.

¹⁰⁷⁶ *Ibid.*

¹⁰⁷⁷ *Ibid.*

¹⁰⁷⁸ *Ibid.*

¹⁰⁷⁹ *Ibid.*

¹⁰⁸⁰ *RMS*, ii, no.3035.

¹⁰⁸¹ *RMS*, ii, no.2812.

¹⁰⁸² *Ibid.*

¹⁰⁸³ *Ibid.*

Barony of Invernochty [Aug. 1507]¹⁰⁸⁵

Ballebege

Blalok

Correcreif

Culquhary

Culquhony

Duncanstoun

Glandirstoun

Invernechty

Invernochty

Ledmakey

Mekill-Mygve

Mygve [Estir]

Rochmureall

Tulliprony

Resources of Barony of Invernochty [Pre-Dec. 1507]

Mill, meadow, woods and 'the glens' of Glennochty

Mill of Glandirstoun

¹⁰⁸⁴ *Ibid.*

¹⁰⁸⁵ All entries taken from *RMS*, ii, no.3115; NRS GD124/1/170.

Barony of Invernochty [Dec. 1507]¹⁰⁸⁶

Auchmillane/Auchmyllane

Ballebeg/Balbegy/Ballebege

Ballintamore

Balnaboith [Glenbouchat/Glenbuthat]

Balnaboith [Kilbethok/Kelbethok]

Balquham/Balquhane/Bolquhame

Braidschaw [listed with Contelauch]

Clova [Estir]

Contelauch/Contelauche

Corrykeynzane/Correkinzeane [listed with Estir Clova]

Culbalauch/Culbalach

Culquhary/Cuhquhary

Culquhony

Fennelost

Glenlos/Glenlose/Glenlof [eastern half][*listed with Auchmillane/Auchmyllane*]

Innernethy/Invernechty/Invernethy

¹⁰⁸⁶ All entries from *RMS*, ii, no.3159 (reprinted in *ER* xiii, 70n, with additional material contained in both NRS GD124/1/173 and GD124/1/174.

Invernochty/Invernochty

Kinclune

Ledmakey

New mill

Skaleter/Skalater

Summeil/Summeill

Tuleskeuch

Resources of Barony of Invernochty [Dec. 1507]

Mill, meadow, woods and glens of Glennochty [*listed with Ballebeg/Balbegy*]

Glens, woods, and bushes [?] viz. the shaws [*listed with New mill*]

Forest of Corgarf/Corgarff [*listed with Skaleter/Skalater*]

Forest of Badyonyone and Kylbalauch/Baddinyone and Kilbalauch/Baddinyoun and Kilvalauche [*listed with Culbalauch/Culbalach*]

Barony of Kildrummy [Jan. 1509/10]¹⁰⁸⁷

Ardquhonquhar/Ardquhonquhare

Argeith/Argaith

Auchmillane/Auchmyllane*

Auchinvane/Auchinvane

¹⁰⁸⁷ All references contained within *ER*, xiii, 300n-302n. Lands with a star were not explicitly mentioned in the document. However, as the new lands were added to the existing barony of Invernochty, they will remain here to showcase how the barony has grown between 1507 and 1509/10.

Aulde Auchindore/Auld Auchindore/Ald Auchindor

Ballebeg/Balbegy/Ballebege*

Ballintamore*

Balnaboith [Glenbouchat/Glenbuthat]*

Balnaboith [Kilbethok]*

Balquham/Balquhane*

Braidschaw [listed with Contelauch]*

Clova [Estir]*

Clovay/Clova [Westir]

Contelauch*

Corrihill

Corrykeynzane/Correkinzeane [listed with Estir Clova]*

Cukishill

Culbalauch/Culbalach*

Culispect/Culinspect/Cullispict/Culispik

Culquhary*

Culquheich

Culquhony*

Discory

Dosky

Drumnaufe

Fennelost*

Glencoy

Glenlos/Glenlose [eastern half] [*listed with Auchmillane/Auchmyllane*]*

Innerburquhare/Innerburquhar/Inverburquhare [Estir]

Innerburchare/Innerburquhar/Inverburquhare [Westir]

Innernethy/Invernechty*

Invernochty/Invernochty*

Kildrummy [Mains of]

Kinclune*

Ledmakey*

New [The]

New mill*

Newtoun/Newtounne/Newton [The]

Pettinlach/Pettinlauch

Quyltis/Quiltis

Skaleter/Skalater*

Summeil/Summeill*

Tuleskeuch*

Resources of Barony of Invernochty [Jan. 1509/10]

Mill, meadow, woods and glens of Glennochty [*listed with Ballebeg/Balbegy*]*

Mill of Discory [Listed with Discory]

Mill of Kildrummy

Glens, woods, and bushes [?] viz. the shaws [listed with New mill]*

Chapel of Den

Forest of Corgarf/Corgarff [*listed with Skaleter/Skalater*]*

Forest of Badyonyone and Kylbalauch/Baddinyone and Kilbalauch [*listed with Culbalauch/Culbalach*]*

Barony of Kildrummy [Aug. 1513]¹⁰⁸⁸

Ardquhonquhar/Ardquhonquhare

Argeith/Argaith/Argath

Auchmillane/Auchmyllane

¹⁰⁸⁸ All references taken from *RMS*, ii. no.3875 and, in most cases, NRS GD124/1/190.

Auchinvane/Auchinvane

Aulde Auchindore/Auld Auchindore/Ald Auchindor

Ballebeg/Balbegy/Ballebege

Ballintamore

Balnaboith [Glenbouchat/Glenbuthat]

Balnaboith [Kilbethok]

Balquham/Balquhane

Braidschaw [listed with Contelauch]

Clova [Estir]

Clovay/Clova [Westir]

Contelauch

Corrihill/Curryhill

Corrykeynzane/Correkinzeane [listed with Estir Clova]

Cukishill

Culbalauch/Culbalach

Culispect/Culispect/Cullispict/Culispek/Tulispek

Culquhary

Culquheich/Culquheich

Culquhony

Discory/Discorie

Dosky

Drumnahufe/Drummahufe

Fennelost

Glencoy¹⁰⁸⁹

Glenlos/Glenlose [eastern half] [*listed with Auchmillane/Auchmyllane*]

Innerburquhare/Innerburquhar/Inverburquhare [Estir]

Innerburchare/Innerburquhar/Inverburquhare/Innerburquhare [Westir]

Innernethy/Invernechty

Invernochty/Invernochty

Kildrummy [Mains of]

Kinclune

Ledmakey

New [The]

New mill

¹⁰⁸⁹ Glentoy. (GD124/1/190)

Newtoun/Newtounne/Newton [The]

Pettinlach/Pettinlauch

Quyltis/Quiltis

Skaleter/Skalater

Summeil/Summeill

Tuleskeuch

Resources of Barony of Invernochty [Aug. 1513]
Mill, meadow and glens of Glennochty [*listed with Ballebeg/Balbegy*]

Mill of Discory/Distorie [Listed with Discory]

Mill of Kildrummy

Glens, woods, and bushes [?] viz. the shaws [listed with New mill]

Chapel of Den

Forest of Corgarf/Corgarff [*listed with Skaleter/Skalater*]

Forest of Badyonyone and Kylbalauch/Baddinyone and Kilbalauch [*listed with Culbalauch/Culbalach*]

Barony of Kildrummy [1513]¹⁰⁹⁰

Ardquhonquhar/Ardquhonquhare

Argeith/Argaith

¹⁰⁹⁰ All references taken from *RMS*, ii, no.3875 and, in some cases, *RMS*, iv, no.2. The chapel of Den is referred to in two further documents: NRS GD124/1/210 and GD124/1/211.

Auchmillane/Auchmyllane

Auchinvane/Auchinvane

Aulde Auchindore/Auld Auchindore/Ald Auchindor

Ballebeg/Balbegy/Ballobeg/Balbeg

Ballintamore

Balnaboith/Balnaboth [Glenbouchat/Glenbuthat/Glenbuchat]

Balnaboith/Balnaboth [Kilbethok]

Balquham/Balquhane/Boquhom

Braidschaw [listed with Contelauch]

Clova [Estir]

Clovay/Clova [Westir]

Contelauch

Corgarf¹⁰⁹¹

Corrihill

Corrykeynzane/Correkinzeane/Correkynzeane [?] [listed with Estir Clova]

Cukishill

¹⁰⁹¹ Corgarf was not included in the 1513 charter, but is acknowledged as being part of the barony in 1546. This is the first time in any document concerning Strathdon, Invernochty or Kildrummy that has mentioned the 'lands of Corgarf', and not the forest. The forest of Corgarf is excluded from this entry.

Culbalauch/Culbalach

Culispect/Culinspect/Cullispict/Culispik

Culquhary/Colloquary

Culquheich

Culquhony/Colquhoni

Discory

Dosky

Drumnahufe

Fennelost/Fynlelosk

Glencoy

Glenlos/Glenlose [eastern half][*listed with Auchmillane/Auchmyllane*]

Innerburquhare/Innerburquhar/Inverburquhare [Estir]

Innerburchare/Innerburquhar/Inverburquhare [Westir]

Innernethy/Invernechty/Invernety/Innernochtie¹⁰⁹²

Innernochty/Invernochty/Invernothy/Innernochtie

Kildrummy [Mains of]

¹⁰⁹² Although Innernochtie is listed twice in NRS GD124/1/190, one of them is Innernethy.

Kinclune

Ledmakey

New [The]

New mill

Newtoun/Newtounne/Newton [The]

Pettinlach/Pettinlauch

Quyltis/Quiltis

Skaleter/Skalater/Scellatar

Summeil/Summeill

Tuleskeuch

Resources of Barony of Kildrummy

Mill, meadow, and glens of Glennochtie/Glennochtie [*listed with Ballebeg/Balbegy*]

Mill of Ballobeg¹⁰⁹³

Mill of Discory [Listed with Discory]

Mill of Kildrummy

Mill called The New-mylne [?]

Glens, woods, and bushes [?] viz. the shaws [listed with New mill]

¹⁰⁹³ Like the lands of Corgarf above, this is the first instance of a mill of Ballobeg [Ballebeg].

Chapel of Den/Dene¹⁰⁹⁴

Forest of Corgarf/Corgarff [*listed with Skaleter/Skalater*]

Forest of Badyonyone and Kylbalauch/Baddinyone and Kilbalauch/Baldinyone and Kilbaloch [*listed with Culbalauch/Culbalach*]

Barony of Kinaldie [July 1429]¹⁰⁹⁵

Davach Manach [Daugh]¹⁰⁹⁶

Gordy [Groddie]

Knocksoul [Knocksoul]

Kynnaldy [Kinaldie]

Petnamone [Petnamone]

Barony of Kynnaldy [1521]¹⁰⁹⁷

Knocksowle

Kynnaldy [Ville of]

Resources of Barony of Kynnaldy [1521]

Mill of ville of Kynnaldy [*listed with Kynnaldy*]

Barony of Forbes [Lordship of Mar] [1532]¹⁰⁹⁸

Argathin

‘lie’ Cobill-sete’

¹⁰⁹⁴ Although the documents NRS GD124/1/210 and GD124/1/211 do not explicitly state that this is in the barony, both documents are discussing the barony of Kildrummy.

¹⁰⁹⁵ All lands are referenced in *RMS*, ii, no.127.

¹⁰⁹⁶ Alexander states that Daugh (in their various incarnations) are farms, nearly always called ‘the Daugh’ in each case, and gives the example of ‘Davauchemenache’ i.e. middle daugh.

¹⁰⁹⁷ Though not listed as being in Mar, the barony contains – and is named after - lands in Mar. All references are taken from *RMS*, iii, no.211.

¹⁰⁹⁸ As far as can be seen, many of these lands are not in Mar. They have been included here to show how the barony has developed. All references are taken from *RMS*, iii, no.1237.

Carnaverin

Kilstair [annual rent of]

Stralownok

Resources of Barony of Forbes [1532]

Mill of Awfurd

Barony of Auchterarne [1540]¹⁰⁹⁹

Auchterarne¹¹⁰⁰

Resources of Barony of Auchterarne [1540]

Mill of Auchterarne [Half of]

Barony of Strathbogy [Lordship of Mar] [1541]¹¹⁰¹

Crevechyn [See lordship of Mar]

Lordships

Auchindoir¹¹⁰²

1435¹¹⁰³

Strathdee

1439¹¹⁰⁴; 1451; 1452; 1454; 1455; 1456; 1457; 1458; 1459; 1460; 1461; 1466; 1468;
1469; 1471; 1484; 1486; 1487; 1488; 1489; 1492; 1494; 1495; 1497; 1505; 1507;
1509; 1510; 1514¹¹⁰⁵; 1515; 1516; 1518; 1520; 1525; 1526; 1529/1530 [with
lands?]¹¹⁰⁶; 1530; 1531; 1532; 1537; 1538; 1539; 1540; 1541; 1546; 1550; 1552;
1553; 1554; 1555; 1558; 1565¹¹⁰⁷

¹⁰⁹⁹ RMS, iii, no.2155.

¹¹⁰⁰ Including half of mill, tenements [?] etc. of the same.

¹¹⁰¹ RMS, iii, no.2328.

¹¹⁰² NRS GD124/1/137 [1435] and GD52/1078 [1435] contain identical references to this lordship and other lands, as they are both part of one indenture.

¹¹⁰³ NRS GD52/1078; NRS GD124/1/137.

¹¹⁰⁴ NRS GD124/1/145.

¹¹⁰⁵ NRS GD124/1/193.

¹¹⁰⁶ RMS, iii, no.923.

¹¹⁰⁷ RMS, iv, no.1637; NRS GD124/1/227.

Strathdon

1349¹¹⁰⁸; 1359¹¹⁰⁹; 1426¹¹¹⁰; 1451; 1452; 1454; 1455; 1456; 1457; 1458; 1459; 1460; 1461; 1463; 1464; 1465; 1466; 1468; 1469; 1471; 1484; 1485; 1486; 1487; 1488; 1489; 1490; 1494; 1495; 1497; 1499; 1503; 1505; 1506; 1507¹¹¹¹; 1508; 1509; 1513¹¹¹²; 1537/1538; 1565¹¹¹³

Cromar

1363¹¹¹⁴; 1365¹¹¹⁵; 1366¹¹¹⁶; 1445¹¹¹⁷; 1451; 1452; 1454; 1455; 1456; 1457; 1458; 1459; 1460; 1461; 1463; 1464; 1465; 1466; 1468; 1469; 1471; 1484; 1485¹¹¹⁸; 1486; 1487; 1488; 1488/1489¹¹¹⁹; 1489; 1492; 1494; 1495; 1497; 1505; 1507¹¹²⁰; 1509; 1510; 1513¹¹²¹; 1515; 1516; 1518; 1520; 1525; 1526; 1527/1528¹¹²²; 1529/1530 [with lands]¹¹²³; 1530; 1531; 1532; 1535¹¹²⁴; 1537; 1538; 1539; 1540; 1541; 1546; 1550; 1552; 1553; 1554; 1554; 1555; 1556¹¹²⁵; 1556/1557¹¹²⁶; 1558; 1559; 1564¹¹²⁷; 1565¹¹²⁸

Braemar

1527/1528¹¹²⁹; 1529/1530 [with lands]¹¹³⁰; 1539; 1540; 1541; 1546; 1550; 1552; 1554; 1558; 1559; 1565¹¹³¹

¹¹⁰⁸ NRS GD124/1/113.

¹¹⁰⁹ NRS GD124/1/114 (a).

¹¹¹⁰ *RMS*, ii, nos.55, 56.

¹¹¹¹ *RMS*, ii, nos.3115, 3159; NRS GD124/1/170, GD124/1/173, GD124/1/174.

¹¹¹² *RMS*, ii, no.3875; NRS GD124/1/190.

¹¹¹³ This may be one of the latest entries of 'Strathdon' seen in these printed sources.

¹¹¹⁴ *RMS*, i, no.133.

¹¹¹⁵ *RMS*, i, no.191; NRS GD124/1/116.

¹¹¹⁶ NRS GD124/1/117; See also *RMS*, i, no.133.

¹¹¹⁷ NRS GD124/6/4.

¹¹¹⁸ *RMS*, ii, no.1616.

¹¹¹⁹ *RMS*, ii, no.1812.

¹¹²⁰ *RMS*, ii, no.3115, 3159; NRS GD124/1/170, GD124/1/173, GD124/1/174.

¹¹²¹ *RMS*, ii, no.3875.

¹¹²² NRS GD124/1/195.

¹¹²³ *RMS*, iii, no.923.

¹¹²⁴ *RMS*, iii, no.1484.

¹¹²⁵ *RMS*, iv, no.1124.

¹¹²⁶ *RMS*, iv, no.1148.

¹¹²⁷ NRS GD124/1/225.

¹¹²⁸ *RMS*, iv, no.1637; NRS GD124/1/227.

¹¹²⁹ NRS GD124/1/195.

¹¹³⁰ *RMS*, iii, no.923.

Mar

1488 [?]; 1528; 1532¹¹³²; 1541¹¹³³; 1556/1557; 1557/1558; 1561/1562; 1563¹¹³⁴;
1566

Mucwale/Mukwale

1451; 1452; 1454; 1455; 1459; 1460

Forests

Forest of Strathdee [?]

1455; 1456 [Custody of]; 1457 [Custody of]; 1458 [Custody of]; 1459; 1460

Forest of Corgarf/Corgarff [*listed with Skaleter/Skalater*]

1507 [United into barony of Invernochty Dec. 1507]¹¹³⁵; 1513 [United into
barony of Kildrummy]¹¹³⁶

Forest of Badynyone and Kylbalauch/Baddinyone and Kilbalauch [*listed with
Culbalauch/Culbalach*]

1507 [United into barony of Invernochty Dec. 1507]¹¹³⁷; 1513 [United into
barony of Kildrummy]¹¹³⁸

Forest of Glencluny

1529/1530¹¹³⁹

Forest of Bathac [*sive* Badach] [Modernized sp. Baddoch]

1529/1530¹¹⁴⁰

Forest of Bra of Mar [Precursor to Forest of Mar?]

1529/1530¹¹⁴¹

¹¹³¹ RMS, iv, no.1637; NRS GD124/1/227.

¹¹³² RMS, iii, no.1237.

¹¹³³ RMS, iii, no.2328.

¹¹³⁴ RMS, iv, no.1469.

¹¹³⁵ RMS, ii, no.3159; NRS GD124/1/173.

¹¹³⁶ RMS, ii, no.3875; NRS GD124/1/190.

¹¹³⁷ RMS, ii, no.3159; NRS GD124/1/173.

¹¹³⁸ RMS, ii, no.3875.

¹¹³⁹ RMS, iii, no.923.

¹¹⁴⁰ *ibid.*

Baronies

Abiryeldy

1534

Burchis [Brux?]

1504/1505¹¹⁴²; 1506/1507¹¹⁴³; 1546/1547¹¹⁴⁴

Drumblate/Drumblathe [Drumblade?] [?]

1403¹¹⁴⁵; 1458¹¹⁴⁶

Drum [?]

1506/1507¹¹⁴⁷

Invernochty

1507¹¹⁴⁸; 1511/1512¹¹⁴⁹; 1513¹¹⁵⁰

Strathdee

1463; 1465

Strabogy [Strathbogy?]

1541¹¹⁵¹

Kildrimme/Kildrummy

1513¹¹⁵²; 1546¹¹⁵³; 1548¹¹⁵⁴

Forbes

¹¹⁴¹ *Ibid.*

¹¹⁴² *RMS*, ii, no.2812.

¹¹⁴³ *RMS*, ii, no.3035.

¹¹⁴⁴ *RMS*, iv, no.22.

¹¹⁴⁵ *RMS*, i, no.942.

¹¹⁴⁶ *RMS*, ii, no.618.

¹¹⁴⁷ *RMS*, ii, no.3070.

¹¹⁴⁸ NRS GD124/1/172; NRS GD124/1/173.

¹¹⁴⁹ NRS GD124/1/187.

¹¹⁵⁰ NRS GD124/1/190.

¹¹⁵¹ *RMS*, iii, no.2328.

¹¹⁵² *RMS*, ii, no.3875; NRS GD124/1/190.

¹¹⁵³ *RMS*, iv, no.2.

¹¹⁵⁴ NRS GD124/1/210; NRS GD124/1/211.

1429¹¹⁵⁵; 1532¹¹⁵⁶

Kynnaldy

1521¹¹⁵⁷

Unknown barony

1556¹¹⁵⁸

Castles/Power Centres/Place-dates/Courts [?]

Aberdeen [Place-date]

1440¹¹⁵⁹; 1442¹¹⁶⁰; 1475¹¹⁶¹

Burgh of Aberdeen [Place-date]

1439¹¹⁶²

Mygvethie [Court or Place-date?]

1363¹¹⁶³; 1366¹¹⁶⁴

Monktounhall

1548¹¹⁶⁵

Manor of Megwyie [place-date?] [power centre?]¹¹⁶⁶

1565¹¹⁶⁷

Over Ruvanias [Place-date]

1556/1557¹¹⁶⁸

¹¹⁵⁵ *RMS*, ii, no.134.

¹¹⁵⁶ *RMS*, iii, no.1237. Listed as being in Lordship of Mar.

¹¹⁵⁷ *RMS*, iii, no.211.

¹¹⁵⁸ *RMS*, iv, no.1124 – Lands contained within this unknown barony are known to be in Mar. (Kildrummy, Over Tolly, Miltoun of Tolly)

¹¹⁵⁹ NRS GD124/1/146.

¹¹⁶⁰ NRS GD124/1/153.

¹¹⁶¹ NRS GD124/1/114 (b).

¹¹⁶² NRS GD124/1/145.

¹¹⁶³ *RMS*, i, no.133.

¹¹⁶⁴ NRS GD124/1/117; See also *RMS*, i, no.133.

¹¹⁶⁵ NRS GD124/1/210.

¹¹⁶⁶ ‘et voluit quod unica sasina apud manerium de Megwyie intra dictum comitatum’ (*RMS*, iv, no.1637)

¹¹⁶⁷ *RMS*, iv, no.1637.

Castle of Den [?] [Strathdon]

1494

Castle of Kyndroucht/Kyndrocht/Kyndrothe/Kyndroch/Kyndrochat/
Kindrocht/Kindrochate [Custody of] [Strathdee] [Braemar]

1451; 1452; 1454; 1455; 1456; 1457; 1458; 1459; 1460; 1461; 1465; 1466; 1468

Castle of Kindrocht [Strathdee] [Braemar]

1444/1445 [Part of]¹¹⁶⁹

Castle of Kildrummy/Kyldrummy/Kildrumy/Kyndrummy/Kyndrumy/
Kyldrummy/Kyndromy/Kindrumy [custody of] [Strathdon]

1451; 1452; 1454; 1455; 1456; 1457; 1458; 1459; 1460; 1461; 1462; 1463; 1465;
1466; 1468; 1469; 1471; 1486; 1487; 1488; 1494; 1495; 1497; 1499; 1503;
1508¹¹⁷⁰; 1509; 1510; 1514¹¹⁷¹

Kildrumy/Kyndrummy/Kildrummy/Kindrumy [Castle of] [Strathdon]

1359¹¹⁷²; 1426¹¹⁷³; 1439¹¹⁷⁴; 1440¹¹⁷⁵; 1451; 1452; 1462; 1468; 1469; 1471; 1485;
1486; 1487; 1511/1512¹¹⁷⁶; 1513¹¹⁷⁷; 1514¹¹⁷⁸; 1548¹¹⁷⁹

Kyndroch [Place-date?] [Strathdee]

1464

¹¹⁶⁸ *RMS*, iv, no.1148. Original document dated 30 October 1552.

¹¹⁶⁹ NRS GD124/1/157.

¹¹⁷⁰ *RMS*, ii, no.3251; GD124/1/178.

¹¹⁷¹ NRS GD124/1/193. Although it is difficult to tell if this document is detailing custody of the castle, Alexander Lyon, 2nd Lord Glamis is known to have received custody of Kildrummy and so this has been placed here.

¹¹⁷² NRS GD124/1/114 (a).

¹¹⁷³ *RMS*, ii, no.55.

¹¹⁷⁴ NRS GD124/1/145.

¹¹⁷⁵ NRS GD124/1/146.

¹¹⁷⁶ NRS GD124/1/187.

¹¹⁷⁷ *RMS*, ii, no.3875; NRS GD124/1/190.

¹¹⁷⁸ NRS GD124/1/193.

¹¹⁷⁹ NRS GD124/1/210, GD1245/1/211 – Also listed here as principal message of the barony of Kildrummy.

Kildrumy/Kildrummy [Place-date] [Strathdon]

1349 [Castle of]¹¹⁸⁰; 1359 [Castle of]¹¹⁸¹; 1365¹¹⁸²; 1505; 1513 [Castle of]¹¹⁸³; 1514 [Castle of]¹¹⁸⁴

Kyncardin [Castle of] [Place-date]

1426¹¹⁸⁵

Earldom of Mar/Unidentified

Abiryeldy/Aberyedly/Abiryheldy/Abbiryeldy [Strathdee?]¹¹⁸⁶

1454; 1454; 1455; 1456; 1458; 1501/1502¹¹⁸⁷

Achintoule [‘medietatu[m]’ lands of]

1442¹¹⁸⁸

Achsloune [‘medietatu[m]’ lands of?]

1442¹¹⁸⁹

Ardlare [Mar]

1511¹¹⁹⁰

Ardune/Ardone

1488¹¹⁹¹; 1490¹¹⁹²; 1517 [‘octava parte’]¹¹⁹³; 1526-1527 [6 ‘bovatas’]¹¹⁹⁴

¹¹⁸⁰ NRS GD124/1/113.

¹¹⁸¹ NRS GD124/1/114 (a).

¹¹⁸² *RMS*, i, no.191.

¹¹⁸³ NRS GD124/1/190.

¹¹⁸⁴ NRS GD124/1/193.

¹¹⁸⁵ *RMS*, ii, no.56.

¹¹⁸⁶ These entries may pertain to Coull and Oneill.

¹¹⁸⁷ *RMS*, ii, no.2613.

¹¹⁸⁸ NRS GD124/1/153.

¹¹⁸⁹ *Ibid.*

¹¹⁹⁰ *RMS*, ii, no.3589 – These lands/resources [Ardlare; Glenkindie; Mill of Glenkindie; Woods of Aldnakist and Luthory (1511)] were placed in the lordship of Mar due to their placement here in 1566. However, as the lordship of Mar does not make an appearance until 1528, they should – until proven otherwise – remain ‘unidentified’.

¹¹⁹¹ *RMS*, ii, no.1805.

¹¹⁹² *RMS*, ii, no.1967; *RMS*, ii, no.1968.

¹¹⁹³ *RMS*, iii, no.166; There is no indication within the document that this is in Mar. However, due to previous entries indicating that it was, this entry has been placed here. However, the entry must be

Auchlevin

1488¹¹⁹⁵; 1490¹¹⁹⁶; 1517¹¹⁹⁷; 1526/1527 [6 'bovatas']¹¹⁹⁸

Auchlevin [Mill of]

1517¹¹⁹⁹; 1526-1527 ['sextam partem']¹²⁰⁰

Collas [quarter part of]

1439/1440¹²⁰¹

Dursale ['medietatu[m]' lands of]

1442¹²⁰²

Edinglasse/Edinglas¹²⁰³

1441¹²⁰⁴; 1511/1512¹²⁰⁵; 1559

Fichly ['medietatu[m]' lands of?]

1442¹²⁰⁶

Harlaw/Harelaw

1488¹²⁰⁷; 1490¹²⁰⁸

treated with caution, as it is listed in the document among lands which were not in the earldom. See also 'Haltoun of Ardune (octava parte)' in *RMS*, iii, no.479 [1527].

¹¹⁹⁴ *Ibid.*; *RMS*, iii, no.419.

¹¹⁹⁵ *RMS*, ii, no.1805.

¹¹⁹⁶ *RMS*, ii, no.1967; *RMS* II Ch. 1968.

¹¹⁹⁷ *RMS*, iii, no.166; No indication within the document that this land is in Mar. However, due to previous entries indicating that it was, this entry has been placed here.

¹¹⁹⁸ *Ibid.*; *RMS*, iii, no.419. This entry should be treated with caution, as it is listed in the document among lands which were not in the earldom.

¹¹⁹⁹ *RMS*, iii, no.166; There is no indication within the document that this land is in Mar. However, due to previous entries indicating that it was, this entry has been placed here.

¹²⁰⁰ *Ibid.*; *RMS*, iii, no.419.

¹²⁰¹ *RMS*, ii, no.221.

¹²⁰² NRS GD124/1/153.

¹²⁰³ Modern OS maps place this in Strathdon (or near to known Strathdon landholdings).

¹²⁰⁴ NRS GD124/1/150.

¹²⁰⁵ *RMS*, ii, no.3699; NRS GD124/1/187.

¹²⁰⁶ NRS GD124/1/153.

¹²⁰⁷ *RMS*, ii, no.1805.

¹²⁰⁸ *RMS*, ii, no.1967; *RMS*, ii, no.1968.

Inerernanis

1559

Inwry/Mwry [Duobus/Duabus]

1441¹²⁰⁹; 1511/1512¹²¹⁰

Invernochty [Church and prebend of] [Barony of Kildrummy?]

1548

Inverarnane

1461; 1525¹²¹¹

Murthlech [?]/Murthelich [?]/Murthly

1518¹²¹²; 1541¹²¹³

Nethertowis/Nedirtowis

1527; 1527

Ovirtowis/Overtowis

1527; 1527

Thirveis/Thyrnyis/Thirneis

1441¹²¹⁴; 1511/1512¹²¹⁵

Tollis ['duabus villis'/'duobus Tollis'/'duabus Tollis' – Over and
Nether?]/Colles/Tollyis

1403¹²¹⁶; 1458 [quarter part of]¹²¹⁷; 1485 [quarter part of]¹²¹⁸; 1512¹²¹⁹

¹²⁰⁹ NRS GD124/1/150.

¹²¹⁰ RMS, ii, no.3699; NRS GD124/1/187.

¹²¹¹ RMS, iii, no.313.

¹²¹² NRS GD124/17/58.

¹²¹³ NRS GD124/1/206.

¹²¹⁴ NRS GD124/1/150.

¹²¹⁵ RMS, ii, no.3699; NRS GD124/1/187.

¹²¹⁶ RMS, i, no.942.

¹²¹⁷ RMS, ii, no.618.

Towiis [Uvir] [See also Tollis 'duabus villis']

1495¹²²⁰

Towiis [Nethir] [See also Tollis 'duabus villis']

1495¹²²¹

Tullihekke [Earldom of Mar/Barony of Oneill?]

1548

Resources of Unidentified:

Mill of Cultis [Strathdee?] [Strathdon?]

1546

¹²¹⁸ RMS, ii, no.1626.

¹²¹⁹ RMS, ii, no.3799.

¹²²⁰ RMS, ii, no.2279.

¹²²¹ *Ibid.*

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