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ABSTRACT

THE HIGHER NOBILITY IN SCOTLAND AND THEIR ESTATES, c. 1371-1424

Thesis submitted for the degree of Doctor of Philosophy, by
A. Grant, Worcester College. October 1975.

Few studies relating to the nobility of medieval Scotland have been carried out. Those which have mostly fall into two categories: studies of individual nobles and single noble families, or studies of noble institutions, generally over a long time-scale. With the exception of parts of the work of Professors Ritchie and Barrow on the twelfth century, there are no general surveys of the Scottish nobility during a short period. This thesis is an attempt to provide such a survey. It gives an account of the top layer of Scottish noble society in the early Stewart period, that is between 1371 and 1424. A broad view of the nobility, noble estates, and noble institutions has been taken, which is intended to be complementary to other studies of more restricted subjects.

The topics discussed in the thesis have been largely determined by the nature of the sources. The material available for the study of the Scottish nobility in this period consists almost entirely of charters, especially those issued by the crown. Hardly any documents of a more ephemeral nature have survived. In particular (with two slight exceptions) there are none of the account rolls and similar estate records which historians of the English medieval nobility have used to such effect. Because of this, the thesis has a strong topographical and institutional bias. It is possible to say what lands the nobility held and how they held them, but not to describe in any great detail what they did with them, how they were run, or what they were worth.

The first chapter of the thesis is devoted to the problem of the higher nobility's composition. In early

Stewart Scotland there was no peerage, and therefore the useful equation between peers and higher nobility cannot be made. Instead, all that can be done is to examine the various components of the nobility and suggest who the more important nobles of the period might be. The conclusion is that the early Stewart higher nobility may best be thought of as a fairly fluid group of between 35 and 40 magnates. Its core was ten or 15 earls and lords: men who held the earldoms and great lordships (known in this thesis as 'territorial lordships'), both of which were large areas of land roughly equivalent to provinces of the country. But it would also have included a number of barons. In Scotland a baron was anyone who held land 'in free barony'; there were well over 100 at any time between 1371 and 1424, most with very small estates. It appears likely that between 20 and 30 of them were more important than the rest, and may be counted as higher nobles.

Although Scotland did not have a peerage between 1371 and 1424, by 1450 a parliamentary peerage similar to that of England had emerged. The causes of this development are discussed in Chapter II. Generally it is thought to have been the result of the act anent parliamentary representation of 1428. This view is shown to be at most only partly true; it is argued here that the emergence of a Scottish peerage should really be seen as the culmination of two trends which had been in existence since about 1350. First, the basis of nobility in Scotland was gradually becoming much more personal and honorific rather than territorial. The close ties of the earldoms and 'territorial lordships' with particular provinces of the country were steadily dissolving; new, more personal earldoms were created; and other, novel

ranks of nobility appeared. Secondly, the balance of the higher nobility's composition was changing; the number of earls and great lords declined, while the relative significance of the 'greater barons' increased. These trends are clearly apparent in the early Stewart period; they were accentuated by the events of James I's reign, and perhaps also by parallel developments in fifteenth century England.

The third chapter deals with the most characteristic noble institutions of late medieval Scotland, the regalities and baronies, through which administrative functions were delegated to members of the nobility, especially magnates. These institutions are described and defined in relation to the early Stewart period; this is intended to supplement the general account of them given by Professor Dickinson in his introduction to The Court Book of the Barony of Carnwath by showing the stages they had then reached in their development. With the baronies, an attempt has also been made to assess their size and shape. Dickinson's statement that there was no geographical uniformity to baronies is shown hardly to apply to this period; the typical early Stewart baronies were small, territorially compact, and probably much the same as parishes. In addition, the role of the regalities and baronies in the Scottish administrative system is discussed. The delegation of administrative functions, which with the regalities involved almost regal powers, is usually criticised by modern historians. Contemporaries, it is suggested here, would not have agreed. Regalities and baronies were probably seen as playing a significant and valuable part in the country's administration. Further, although both were first defined only in the fourteenth century, neither was a

novel institution. It is well known that the lesser administrative powers attached to baronies had been widespread since the twelfth century; it is likely that this was also the case with respect to much greater powers which were at least similar to those of regality. The latter point seems especially true of the earldoms and 'territorial lordships', where grants of regality probably defined rather than greatly extended the powers exercised by the earls and lords. But there was one important development in the later fourteenth century. Country-wide collections of scattered lands began to be united into baronies or regalities, and powers of regality were attached to single small units of land. Both practices continued in the next two centuries; they brought about a radical transformation in the structure of Scottish local administration. The chapter is supplemented by an appendix listing all the baronies found in existence before 1424, with notes of who held them in the early Stewart period.

The subject of the fourth chapter is the higher nobility's estates. It opens with an account of the land-law of the period. This again is a topic which in the past has only been treated generally; the present account, based on a large number of royal and noble charters rather than on the institutional writers of later centuries, will it is hoped contribute to the study of Scottish legal history. By the early Stewart period, Scotland's legal system had diverged significantly from that of England. Nevertheless, within a different and much simpler legal framework, the Scottish nobility's attitudes and actions with respect to tenure and conveyancing were much the same as those of their English counterparts. Tenants-in-chief however probably

had more control over their under-tenants' lands than in England. Next, there is a survey of the kind of estates the higher nobility had. It shows that the higher nobility can be divided into three tiers, with a few very great men at the top, a middling group who are perhaps comparable with the average English peers, and a number of 'greater barons' at the bottom who outside Scotland would be considered respectable landowners but hardly magnates. The two best-documented estates, one a fairly typical earldom, the other a major collection of scattered territories, are then examined in more detail. The chapter ends with an account of magnate finances. There is very little source material available for this, but a rough attempt can be made to assess their financial position. This appears to have been relatively healthy; it seems unlikely that in Scotland the late-medieval nobility suffered any significant decline in revenues compared with earlier periods. On the other hand, hardly any possessed the kind of riches enjoyed by several of the greater English magnates.

The last chapter returns to the subject of the higher nobility themselves, by examining three of the more important aspects of noble society. First, it is shown that in early Stewart Scotland, as in contemporary England and France, there was quite a high rate of turnover in noble families, largely due to the inability of many nobles to leave sons to succeed them. Upward social mobility, however, was fairly limited, and was almost entirely achieved through marriages with heiresses. Secondly, the significance of families and kinship is considered. Contrary to popular belief, great family networks, all linked to the heads of houses or clans, seem not to have

existed in the early Stewart period. There is little evidence that men felt any attachment towards one another simply because they had the same surname. Family consciousness did exist, but it was restricted to a magnate's immediate relations in both male and female lines, just as in England and elsewhere. Finally, the much more important relationships between lords and their men are discussed. It appears that lord-man relationships in early Stewart Scotland took many different forms. Some forerunners of the system of bonds or contracts between lords and men which developed in the later fifteenth century are to be found. But where there is clear evidence of the existence of a lord-man relationship, more often than not it was based on a grant of land in return for service. Such grants were not identical to those of the classic feudal period, but they may be described as 'feudal' rather than 'bastard feudal' or 'non-feudal'.

In writing this thesis, two themes which apply generally to higher noble society in the early Stewart period have become apparent. The first is that of continuity with the early feudal period. With the absence of a peerage, the basis of noble status was very much the same in the later fourteenth century as it was in the later twelfth. The same is true of the structure of estate-ownership: the pattern of a small number of very large territorial units and a large number of very small ones was established when Scotland was feudalised, or perhaps even earlier. Most of the earldoms and 'territorial lordships' of early Stewart Scotland exhibited a direct continuity with the twelfth century; so too, probably, do a high proportion of the baronies. Moreover, neither the baronies nor the regalities were novel institutions; they may both be traced back to

the early feudal period. And even as late as the turn of the fourteenth and fifteenth centuries Scotland was still 'feudal' to a much greater extent than, for example, England.

Paradoxically, the other general theme is one of change. For instance, the basis of noble status was beginning to alter, in a way which by 1450 was to bring a Scottish peerage into being. The earldoms and 'territorial lordships' were losing their close links with provinces of the country, which they had had in previous centuries. New groupings of lands, mostly scattered throughout the country, were being bonded together in regalities and large baronies, a process which was not only upsetting the old pattern of landownership but also changing the old system of local administration. And while Scotland was to remain formally feudal until almost the present day, during the early Stewart period non-feudal forms of association between lords and men appear, similar to those which were common after about 1450.

Clearly therefore between 1371 and 1424 in Scotland higher noble society was in a state of transition. In a way all historical periods may be described as transitional, but where the Scottish higher nobility is concerned, this description seems to apply particularly aptly to the late fourteenth and early fifteenth centuries. The transition probably started some years before 1371 and ended some years after 1424. This slow process of change appears to have affected almost every aspect of higher noble society. It thus forms a link between the various topics discussed in this thesis. Also probably more than anything else it provides a basis for the understanding of the nature of the higher nobility and higher noble society in early Stewart Scotland.

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CHAPTER I

THE COMPOSITION OF THE HIGHER NOBILITY

To answer the question 'who were the higher nobility in the early Stewart period?' is not straightforward.

Medieval Scotland had a hierarchic social structure, but no clear contemporary guide for separating higher from lower nobility can be found. It is doubtful whether any universally applicable distinction between greater and lesser nobles could have been made. When contemporaries referred to some more important section of the nobility they employed vague terminology: 'pluribus ex maioribus prelatibus magnatibus et baronibus Regni' in 1382, for instance, or 'Magnates illi majores et superiores' in 1385.¹

The nearest approach to a definition of a higher nobility was in the 1428 act anent parliamentary representation,² dividing tenants-in-chief into two sections for the purposes of parliamentary attendance. Yet even this act gives no guidance on the crucial distinction between 'small baron-
nis' whose presence was no longer to be required at parliaments, and the greater lords who did have to attend; it appears to have been left to the crown to draw this distinction.³ Contemporary descriptions of the nobility as a whole are equally unhelpful; they simply follow the

1. The Acts of the Parliaments of Scotland, ed. T. Thomson and C. Innes (Edinburgh, 1814-75), i, 563, 552.

2. Ibid., ii, 15, c.2.

3. The purpose and effect of this act is discussed below, in Chapter II, Section 4.

pattern 'comites et barones ac alii nobiles'.¹ It cannot be inferred from this that the earls and barons formed a higher nobility in contrast to the 'other nobles', because of the reference in the 1428 act to 'smal baronnis'; men, even if they were barons, whose presence was not required at parliaments can hardly be considered to be members of a higher nobility, no matter how it is defined. Since contemporary distinctions were so imprecise, therefore, all that can be done here is to describe the various parts of the nobility in turn, and to indicate, on a rough and possibly arbitrary basis, the people who can most plausibly be regarded as coming within the category of 'higher nobility'.

SECTION 1: DUKES, EARLS, AND LORDS OF EARLDOMS

The highest grade of Scottish nobility was that of duke. Scotland's first dukes were created in April 1398: David earl of Carrick, Robert III's eldest son, became duke of Rothesay, and Robert earl of Fife and Menteith, the king's brother, became duke of Albany. David Stewart was the only duke of Rothesay in this period; after his death the title of duke was not borne by his successor as heir to the throne, his youngest brother James. The dukedom of Albany, on the other hand, did pass to Robert Stewart's son and heir Murdach when he died in 1420. Murdach Stewart was

1. This formula appears 8 times in the documents recording the settlement of the crown in 1371 and 1373 (Act.Parl., i, 546, 549). It was standard in parliamentary summonses (ibid., i, 547, 575), and was also used in several other contexts (e.g. ibid., i, 545, 551, 554). It was a long-established formula, traceable to the 12th century (e.g. ibid., i, 357-9, 363, 385, 406, 427, 453, 464, 498, 507).

duke of Albany until his execution in 1425.¹ These were the only Scottish dukes in the early Stewart period, but right at the end of it one other magnate gained the title: Archibald fourth earl of Douglas. He held a French peerage,² having been created duke of Touraine by Charles VII in 1424.

Below the dukes came the earls. In early Stewart Scotland there were 17 earldoms.³ The majority were survivals from the twelfth century and earlier. At least eight existed before 1150: the Anglian earldom of Dunbar (later called March), and the Celtic ones of Angus, Atholl, Buchan, Caithness, Fife, Mar, and Strathearn. Menteith is first mentioned in 1163, and Carrick, Lennox, and Ross appear before the end of the century.⁴ After 1200, however, kings seem to have been reluctant to add to the existing earldoms: between then and 1424 only five were created. The lordship of Sutherland had become an earldom by 1223;⁵ then 90 years⁶ elapsed before Robert I's creation of Moray in 1312. David II created the next two: Wigton, carved out of Galloway in 1341, and Douglas, created for William Douglas in 1358.⁷ Finally, after a 40-year gap, Robert III made

1. Handbook of British Chronology, ed. F.M.Powicke and E.B.Fryde (2nd ed., London, 1961), pp. 488, 466. The list of Scottish dukes, marquesses, and earls given here (pp. 466-91) is the product of recent historical research; throughout this thesis it has been used wherever possible in preference to The Scots Peerage, ed. J.B.Paul (Edinburgh, 1904-14) and G.E.Cockayne, The Complete Peerage, ed. V.Gibbs and others (London, 1910-59).

2. Scots Peerage, iii, 166.

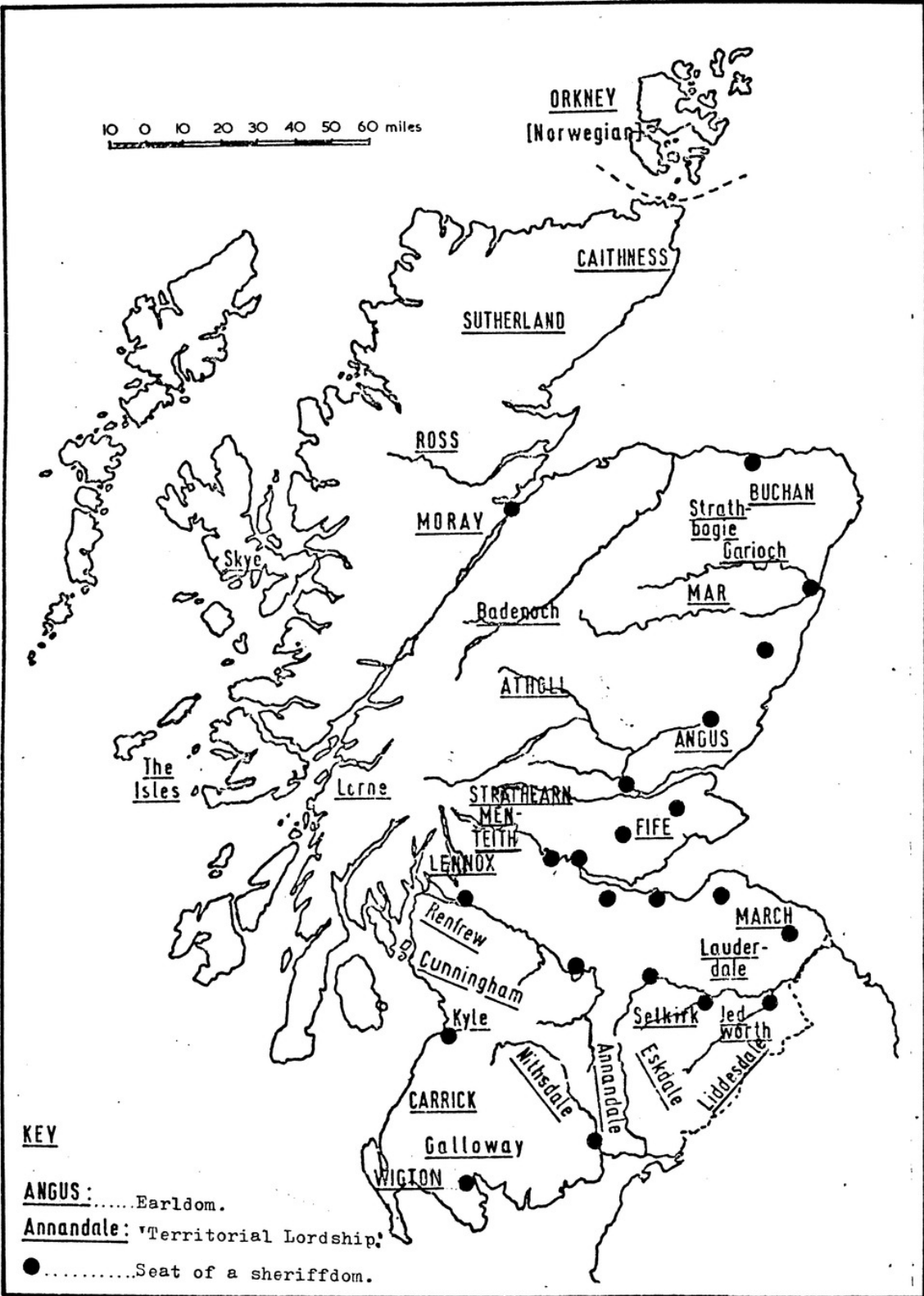
3. The earldom of Orkney, held by the Sinclairs of Roslin of the kings of Norway, has not been included in this total. The earldoms (apart from Douglas and Crawford) together with the 'territorial lordships' (see below, pp. 17-21) are shown in Map I, 'Earldoms and "Territorial Lordships",' on the next page.

4. Handbk.Brit.Chron., pp. 467-89.

5. Ibid., p. 490.

6. Ibid., p. 484; G.W.S.Barrow, Robert Bruce (London, 1965), p. 390.

7. Handbk.Brit.Chron., pp. 491, 474.



MAP I. EARLDOMS AND 'TERRITORIAL LORDSHIPS'

I am most grateful to Mr.C.A.Edwards for his assistance with the maps in this thesis.

David Lindsay of Glenesk earl of Crawford in 1398;¹ this was the only new earldom to appear in the early Stewart period.²

This does not mean that at any time between 1371 and 1424 there were 17 earls; the actual totals were much lower. From 1411 to 1424 there were eleven earls; before then there were no more than ten, and between 1375 and 1381 there were only seven.³ This may be explained as a combination of two factors: the accidents of inheritance,⁴ and the rules relating to the inheritance and transmission of earldoms.⁵ The latter need to be examined here. In early Stewart Scotland the earldoms were closely associated with specific territories, all except Douglas and Crawford being based on the provinces of the country from which they took their names.⁶ The lands which made up the earldoms could be

1. Handbk. Brit. Chron., p.473.

2. This pattern continued for the rest of the 15th and 16th centuries, with the exception of James II's reign (see below, pp. 54-57). The number of earldoms, marquessates, and dukedoms created are: none under James I, 8 under James II, 2 under James III, 4 under James IV, none under James V and Mary, and 4 under James VI. These figures do not include courtesy titles, such as earldoms created along with dukedoms, or dukedoms and marquessates where an existing earl was simply raised in dignity.

3. See appendix I, 'Earls and Earldoms 1371-1424', below, pp. 343-345.

4. This topic is discussed below, pp. 285-288.

5. The law relating to earldoms in this period has yet to be worked out. Much was written on Scots peerage law in the 18th and 19th centuries, especially by Lord Hailes (David Dalrymple, Lord Hailes, Additional Case for the Countess of Sutherland, Edinburgh, 1771) and Riddell (J. Riddell, Enquiry into the Law and Practice in Scottish Peerages before the Union, Edinburgh, 1842), but it is largely unhelpful, because the middle ages were treated as a whole, and the peculiar characteristics of this period were not recognised. More recent comments (e.g. T. Innes, 'Peerage Law', in The Sources and Literature of Scots Law, ed. H. McKechnie (Stair Soc., 1, 1937), Chapter 8; or R. S. Rait, The Parliaments of Scotland (Glasgow, 1924), pp. 176-8) are equally unsatisfactory. A brief description of what seems to have been the practice of the period, judging by the history of the various earldoms, is given here; it is hoped to examine the matter more fully at a later date.

6. See below, pp. 42-44. The relationship between the earldoms and the provinces was however steadily dissolving; see pp. 46-51.

inherited and transmitted in the same way as any other
 feudal estates.¹ They were often granted by royal charter,²
 sometimes following resignation to the crown by their earls.³
 They could also be granted by their earls to other people,
 although then royal confirmation of the transaction was
 required.⁴ Generally they were held simply by earls and
 their heirs - in what English historians would call fee
 simple - and thus could descend to single heiresses or be
 partitioned among co-heiresses.⁵ But their descent could
 also be limited, or tailzied, in a variety of ways:⁶ for
 example to heirs-male, to a series of named heirs, or to the
 heirs of the grantee's body, with or without the ultimate
 destination to heirs-general in each case.⁷ However, by a
 development peculiar to the late fourteenth and early
 fifteenth centuries, the dignity of earl had come to be
 governed by different principles from those governing the
 earldoms. The result was that the men who possessed earldoms

1. The land law of this period is discussed below, pp. 186-211.

2. E.g. Strathearn, 1371 (Registrum Magni Sigilli Regum Scottorum, 1306-1424, ed. J.M.Thomson (Edinburgh, 1912 - hereafter Great Seal, i), no. 399); Moray, 1372 (*ibid.*, i, no. 525); Atholl (National Library of Scotland, MS. Advocates, 34.6.24, p. 121).

3. E.g. March, 1368 (Great Seal, i, no. 292); Carrick, 1374 (*ibid.*, i, no. 488); Angus, 1389 (Act.Parl., i, 565-6). It was standard practice to resign lands to the crown, in order to have them transferred to someone else, or to receive them back to be held in a different way. See below, pp. 197-8.

4. E.g. Wigton, 1372 (Charter Chest of the Earldom of Wigtown, ed. F.J.Grant (Scottish Record Soc., xlix, 1910), no. 7; Great Seal, i, no. 507); Mar, 1404 (Historical Manuscripts Commission, Mar and Kellie supplementary report, pp. 13-15).

5. For the succession of heiresses, see below, pp. 9, 286. Sometimes arrangements were made to ensure that the eldest daughter inherited the earldom and all the lands (e.g. Ross, 1370: Great Seal, i, no. 354). But 14th century Caithness provides a good example of an earldom that was divided among co-heiresses and their families (Scots Peerage, ii, 319-22).

6. Tailzies, the Scottish form of entails, are examined below, pp. 308-11.

7. By 1424, 10 earldoms had been tailzied, five to heirs-male; see Appendix I, below, pp. 343-345.

were not always earls. Only those who were themselves sons of earls invariably became earls when they acquired earldoms. In all other cases, promotion to the rank of earl did not automatically accompany the acquisition of an earldom. For example Alexander Stewart lord of Badenoch, George Douglas, and John Stewart received charters under the Great Seal granting them Ross, Angus, and Buchan respectively, but they did not become earls of those earldoms.¹ The same is true of Archibald Douglas, who bought Wigton from Thomas Fleming,² and (initially) of the other Alexander Stewart,³ who was given Mar by his wife Isabella Douglas countess of Mar.⁴ Further, the earldom of Ross was inherited by Walter Leslie in 1372, and by John Stewart earl of Buchan in 1415, yet neither was ever earl of Ross, although they were

1. Great Seal, i, no. 736; Act. Parl., i, 565-6; Scottish Record Office, MS. Register House Charters, RH6/154; Handbk. Brit. Chron., pp. 487, 467, 471. Alexander Stewart's charter was a royal confirmation of the grant of the earldom by his wife; the other two were direct grants by the crown. At about the same time as he acquired Ross, Alexander Stewart was made earl of Buchan; George Douglas and John Stewart were both raised to the rank of earl a few years after their grants (see below, pp. 13-14).
2. Wigtown Charters, no. 7; Great Seal, i, no. 507. Scots Peerage, iii, 159-63. At the end of the period Archibald son of the 4th earl of Douglas took to calling himself earl of Wigton, but was not officially recognised (Handbk. Brit. Chron., p. 491; Scot. Rec. Off., MS. Polwarth, GD157/s.d. 15:i:1457/8; Registrum Magni Sigilli Regum Scottorum, 1424-1513, ed. J.B. Paul (Edinburgh, 1882 - hereafter Great Seal, ii), no. 13).
3. Alexander Stewart of Mar (d. 1435) was the illegitimate son of Alexander Stewart earl of Buchan and lord of Badenoch (d. c. 1406).
4. Hist. MSS. Comm., Mar and Kellie suppl. report, pp. 13-14. He was granted Mar on 9 Dec. 1404, was not an earl on 2 Jan. 1405 (Illustrations of the Antiquities of the Shires of Aberdeen and Banff, ed. J. Robertson and G. Grub (Spalding Club, ix, xvi, xxviii, xxxi, 1847-69), iv, 170), but after the royal confirmation of the transaction on 21 Jan. 1405 (Hist. MSS. Comm., Mar and Kellie suppl. report, pp. 14-15) was always styled earl (Handbk. Brit. Chron., p. 482).

specifically named in tailzies of the earldom.¹ Similarly, there are several cases, such as those of Walter Faslane of Lennox or Malcolm Drummond of Mar, where marriage to the heiress of an earldom did not bring the dignity of earl.² On the other hand, all these examples may be balanced by others where the men who acquired earldoms did become earls immediately.³

There is only one way to account for this inconsistency. In addition to the grant or inheritance of an earldom, royal or official approval must have been required before a man could become an earl.⁴ When men inherited earldoms from their fathers, the approval would have been automatic; in other cases it seems to have depended on the relationship between the crown and the possessor of the earldom. Robert Stewart (the second surviving son of Robert II) married the heiress to the earldom of Menteith in 1361, but was not recognised as earl of Menteith until his father's accession to the throne in 1371.⁵ In contrast, Walter Leslie's status probably suffered as a result of the change of dynasty. Leslie was a favourite of David II; it seems likely that he was intended to become earl of Ross and to help administer

1. Handbk. Brit. Chron., p. 487; Great Seal, i, no. 354; Hist. MSS. Comm., 4th report, p. 495, no. 16.

2. Ibid., pp. 480, 482; see also below, pp. 12-13.

3. E.g. Atholl (1404), Caithness (1401), Douglas (1388/9), Fife (1372), March (1368), Strathearn (1386x1406: here, and subsequently, the symbol 'x' has been used in dates to indicate 'not earlier than ... and not later than ...'). For details, see the relevant entries in Scots Peerage, and also below, p. 215, for Fife, the most interesting case.

4. There was a similar situation in 14th century England, when 'the terms of inheritance used were still what lawyers call "common form", but they were now being interpreted according to the caprice of the sovereign' (Complete Peerage, iv, 679). The English practice differed from the Scottish, however.

5. Handbk. Brit. Chron., p. 483.

the North, because David II married him to Euphemia, daughter of William earl of Ross, and entailed the earldom of Ross upon him.¹ He duly inherited Ross, but not until 1372, after David II's death.² The new king, Robert II, was the brother-in-law of Earl William of Ross, and probably no friend to Walter Leslie;³ as a consequence, Leslie was never recognised as earl.⁴ Cases where earldoms were inherited by females were probably treated in the same way; it was possible for an heiress to be accepted as a countess suo jure,⁵ but as with earls royal approval would have been necessary. Further, the principle that recognition by the crown rather than the grant or inheritance of an earldom was what made an earl probably applied to new earldoms (and presumably dukedoms) as well. Here charters or writs of creation would

1. Great Seal, i, no. 354; Scots Peerage, vii, 239-40; B.Webster, 'David II and the Government of Fourteenth Century Scotland,' Transactions of the Royal Historical Society, 5th ser., xvi (1966), 125.

2. Handbk.Brit.Chron., p. 481.

3. Leslie was probably one of David II's 'new men', against whom the revolt of 1363 was directed (Webster, art. cit. p. 127) Perhaps too the complaint made by Earl William to Robert II in June 1371 influenced the king (Ane Brieve Cronicle of the Earlis of Ross, ed. W.R.Baillie (Edinburgh, 1850), pp. 33-8; this Querimonia is printed in several works; the text given here is the best).

4. Handbk.Brit.Chron., p. 487. He is called earl in some English documents, but here the rank is almost certainly self-bestowed (Rotuli Scotiae in Turri Londinensi et in Domo Capitulari Westmonasteriensi asservati, ed.

D. Macpherson and others (London, 1814-9), ii, 14, 17.

5. Some heiresses to earldoms were called countesses, while others were not; those who were were probably recognised as countesses suo jure, although it is difficult to be certain in each case. Likely countesses suo jure in this period include: Margaret Stewart, countess of Angus 1359-1372; Isabella, countess of Fife 1359-1372; Margaret, countess of Mar 1374-1389x1393; Isabella Douglas, countess of Mar 1389x1393-1408; Euphemia, countess of Ross 1382-1390x1395; (possibly) Euphemia Leslie, countess of Ross 1402-1415; and Euphemia Stewart, countess of Strathearn 1386x1389-1415. For details, see the relevant entries in the Scots Peerage and the Handbk.Brit.Chron., and, for Euphemia Leslie of Ross, Scot.Rec.Off., MS. Maitland Thomson Notebooks, GD212, no. 6, at back, pp. 3-4.

have been unnecessary, unless land was granted at the same time. Thus in 1398 there was no need for charters creating the new earldom of Crawford, or the new dukedoms of Rothesay and Albany,¹ because the creations simply concerned personal status; Robert III raised David Lindsay of Glenesk to the rank of earl, and David Stewart earl of Carrick and Robert Stewart earl of Fife to the rank of duke, but did not give them new estates or alter the way they held their existing ones.² Instead of a charter being issued, there was (in David Lindsay's case at least) a public ceremony of belting; according to Wyntoun, Lindsay 'Was erl made that yher on a day / Off Crawford, and he beltyt swa'.³ Wyntoun also stated that Alexander Stewart earl of Mar was 'beltyd erl',⁴ and in 1404 20 shillings were spent on a belt used for the investiture of Prince James with the earldom of Carrick.⁵ These references indicate that a ceremony of belting was associated with the creation of earls; it may be suggested

1. No charter connected with these creations can be found, either in the Register of the Great Seal (including Great Seal, i, app. ii), or in the MS. collection for the forthcoming Regesta Regum Scottorum, vii: The Acts of Robert II, Robert III, and the Dukes of Albany, Governors, ed. A.L.Murray (hereafter MS. Regesta 1371-1424). Dr. Murray has very kindly allowed me to use his material in my work. Creation charters were issued for Wigton and (probably) Moray (Great Seal, i, app. i, nos. 119, 31), but here the grant of lands was involved. What happened with Douglas is unclear. Although the creation did not affect the Douglas estates (see below, pp. 44-45), a charter (the text of which has not survived) was issued to the earl of Douglas on 4 Feb. 1358 (Great Seal, i, app. ii, nos. 1178, 1222). This may have been a creation charter; but William Douglas was styled earl in the witness lists to royal charters as early as 25 Jan. 1358 (Great Seal, i, app. i, nos. 125, 126). I am indebted to Mr. B. Webster for this information.

2. See below, pp. 45-6, 52-3.

3. The Original Chronicle of Andrew of Wyntoun, ed. F.J.Amours, vol. vi (Scottish Text Soc., lvii, 1908), p. 383.

4. Ibid., vi, 404.

5. The Exchequer Rolls of Scotland, ed. G.Burnett and others (Edinburgh, 1878-1908), iii, 633.

that it was in this ceremony that the necessary royal recognition of a man's status as earl was given.

¹
In most cases, the men who held earldoms but had not been recognised as earls were known as the lords of their earldoms.² This style is only found in the fourteenth and early fifteenth centuries, and its use must be connected with the apparent rule requiring royal approval of new earls. At the same time the concept of the lordship of an earldom appeared. The lordship of an earldom was seen as a separate entity, distinct from the earldom itself; charters concerning Lennox, for example, refer to 'totum comitatum de Levenax et dominium eiusdem'.³ The concept seems to have covered more than just the lands of the earldom, but it is difficult to define it precisely.⁴ Most probably it derived from the style 'lord of an earldom', and therefore ultimately from the fourteenth century practice concerning earls and earldoms. In that case, it may perhaps be seen as including everything involved in an earldom except the actual title and dignity

1. Occasionally, however, they were not given any titles at all: e.g. Ross (1415) and Wigton (1372) (Handbk. Brit. Chron., pp. 487, 491).

2. The subject of lords of earldoms requires more extensive treatment than it has been possible to give here; it is intended to study it in more detail at a later date. In the present work, much use has been made of the information about lords of earldoms contained in Handbk. Brit. Chron., pp. 466-91, where an attempt was made to note all known lords of earldoms and give their dates. The information given there is largely sufficient for the present argument.

3. Cartularium Comitatus de Levenax, ed. J. Dennistoun (Maitland Club, xxiv, 1833), pp. 6, 9; Great Seal, i, no. 862.

4. E.g. in 1389 George Douglas was granted the earldom of Angus, but his mother, who resigned the earldom, retained the liferent of the lands (Act. Parl., i, 565-6; this practice is discussed below, pp. 205-206); George Douglas was then called lord of Angus. Similarly, John Stewart was granted the earldom of Buchan in 1406, was styled lord until 1411, and then became earl; but he did not acquire the lands chiefly associated with the earldom of Buchan until 1415 (see below, pp. 46-47).

of earl.

There were 13 lords of earldoms in late medieval Scotland; ¹ the first was Robert Stewart (later Robert II), lord of Atholl after 1342, the last John Stewart, lord of Buchan until 1411. ² Of these, five ³ became lords when they married the heiresses to their respective earldoms. Four others also married the heiresses, but had grants of their earldoms as well: David II granted Fife to Thomas Bisset in 1363; ⁴ Ross was tailzied upon Walter Leslie in 1370 by David II, ⁵ and was granted in 1382 to Alexander Stewart lord of Badenoch by Euphemia Ross; ⁶ and the charter giving Mar to the other Alexander Stewart was issued by Isabella Douglas countess of Mar at the time of their marriage in 1404. ⁷ The heiresses

1. This total derives from Handbk.Brit.Chron., pp. 466-91. However, Donald McDonald of the Isles, given there (p. 487) as lord of Ross (c. 1415-23) is omitted here, because his possession of Ross (which he claimed through his wife) was not officially recognised; in theory at least the earldom was held by John Stewart earl of Buchan. (This case may be equated with that of James Lindsay of Crawford, who claimed the earldom of Buchan in 1385 (Act.Parl., i, 551) and styled himself lord of Buchan (e.g. Collections for the History of the Shires of Aberdeen and Banff, ed. J.Robertson (Spalding Club, v, 1843), p.500) even although his claim was unsuccessful.) On the other hand, Alexander Stewart earl of Buchan, called lord of Ross in 1382, 1387, and 1389, (W.Fraser, The Earls of Cromartie (Edinburgh, 1878), ii, 322; Registrum Episcopatus Moraviensis, ed. C.Innes (Bannatyne Club, lxxxii, 1837), nos. 168, 271) has been included here. Perhaps John Stewart earl of Carrick (later Robert III) should also be added, as lord of Atholl; Handbk.Brit.Chron. (p. 487) states he is styled earl of Atholl only once (in 1379: Scot. Rec. Off., MS. Vatican Transcripts, RH2/6/1, p. 241), but he also styled himself lord of Atholl in 1385 (Hist.MSS.Comm., 7th report, app., p. 705, no. 15).

2. Handbk.Brit.Chron., pp. 469, 471.

3. Walter Stewart of Fife, 1360-2; Walter Faslane of Lennox, 1364-98; John Swinton of Mar, 1388-91; Malcolm Drummond of Mar, 1391-1402; Robert Stewart of Menteith, 1361-71.

4. Great Seal, i, no. 158; the grant was to Bisset and Isabella countess of Fife, following her resignation.

5. Great Seal, i, no. 354.

6. Ibid., i, no. 736; the grant was confirmed by Robert II.

7. Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 13-14.

which these lords married were known either as countesses or as ladies of their earldoms, depending presumably on whether the crown had acknowledged them to be countesses suo jure. The remaining four lords did not marry heiresses, and the reasons why they were called lords and not earls must be sought in the ways in which they gained their earldoms. In the case of Robert Stewart, the first lord of an earldom, the explanation is probably that the earldom of Atholl was not granted him by the crown but was acquired from William Douglas¹ in exchange for Liddesdale;² David II confirmed the transaction, but clearly did not accept that when an earldom changed hands in this way a new earl should be created.³ A royal charter of the earldom of Carrick was issued to William Cunningham, lord of Carrick after 1362, but David seems to have changed his mind about the grant,⁴ and to have deprived Cunningham of the earldom before 1368.⁵ The remaining two lords of earldoms were George Douglas of Angus⁶ and John Stewart of Buchan. George Douglas became

1. I.e. William Douglas of Lothian, subsequently of Liddesdale (see Scots Peerage, vi, 339-43), not William 1st earl of Douglas.

2. Great Seal, i, app. ii, no. 1124; Registrum Honoris de Morton, ed. C. Innes (Bannatyne Club, xciv, 1853), ii, nos. 62, 63.

3. Great Seal, i, app. ii, no. 1124; Hist. MSS. Comm., 6th report, app., p. 690, no. 9 (should be dated 1344x1346, not c.1357); Handbk. Brit. Chron., p. 469. Perhaps David also intended to snub Robert Stewart.

4. Great Seal, i, nos. 113, 204. In the MS. Register of the Great Seal, the charter granting Carrick is incomplete, and half a page is left blank; the note vacat is at the top of the charter (ibid., i, p. 33, note).

5. When it went to John Stewart (later Robert III) (Handbk. Brit. Chron., p. 473).

6. The illegitimate son of Margaret Stewart (countess suo jure of Angus and dowager countess of Mar) and William 1st earl of Douglas.

lord of Angus in 1389, at the age of twelve, when he had a royal charter of the earldom following its resignation by his mother.¹ Then in 1397, when he was about 20, he married a daughter of Robert III, and was subsequently styled earl.² The change in rank was no doubt connected with his reaching adulthood and with his royal marriage. As for John Stewart, he was granted the earldom of Buchan by his father the duke of Albany in September 1406, after Robert III's death.³ Up till about August 1411 he was styled lord; from then on he appears as earl.⁴ The reason for his lower status between 1406 and 1411 is probably that there was some initial doubt over the regent's power to confer the rank of earl.⁵

The concept of the lord and lordship of an earldom helps to account for the discrepancy between the numbers of earls and earldoms in early Stewart Scotland.⁶ Also, the men who held the lands of the earldoms need not even have been called lords. There was neither earl nor lord of Buchan

1. Act.Parl., i, 565-6.

2. W.Fraser, The Douglas Book (Edinburgh, 1885), iii, nos. 46-8; Handbk.Brit.Chron., p. 467.

3. Scot.Rec.Off., MS. Register House Charters, RH6/154. Robert III died on 4 Apr. 1406. Albany had inherited the earldom of Buchan on the death of his younger brother Alexander; John was his second son (Handbk.Brit.Chron., pp. 57, 471).

4. Ibid., p. 471; Great Seal, i, nos. 890, 932; app. i, no. 159; ii, no. 150; Exch.Rolls, iv, 134; cf. ibid., iv, clxxxii, note. The earlier references to him as earl (e.g. Great Seal, i, no. 941) are very probably clerical errors, similar to that made in 1405 by an Exchequer clerk, when the 4th earl of Douglas was called lord of Douglas by mistake (Exch.Rolls, iii, 619).

5. There was no rule about this, but regents' powers in such matters were limited (P.G.B.McNeill, 'The Scottish Regency', Juridical Review, 1967, pp. 133-4). The only other indirect acquisition of an earldom during James I's captivity was also by John Stewart, when he got Ross in 1415; he never bore the title earl of Ross officially (Handbk.Brit.Chron., p. 487).

6. See above, p. 5.

between 1308 and 1382, and the same applies to Caithness (from 1344x1359 to 1375x1377), Wigton (after 1372), and Ross (after 1415).¹ Another factor reducing the number of earls was the acquisition of more than one earldom by a single earl. This was quite common: the most obvious example is Fife, held together with Menteith between 1372 and 1425; similarly, Caithness was combined with Strathearn from 1375x1377 to 1401, and with Atholl from 1404 to 1437; and the earl of Douglas was also earl of Mar between 1374 and 1384.² Finally, earldoms might be held by the crown, as was Carrick after 1406.³ Because of these factors, there were far fewer earls than there might have been in the early Stewart period; the total fluctuated between seven and eleven at any one time.⁴ There were also, in most years before 1411, one or two lords of earldoms.⁵ The average figure for earls and lords of earldoms in early Stewart Scotland thus works out at about ten.⁶ All of these, of course, must be included within the higher nobility of the period.

One other dignity related to the earldoms should be noted here: that of 'master'. In the fifteenth century and later, this was a courtesy title, borne by the eldest

1. Handbk.Brit.Chron., pp. 470-1, 490, 487.

2. Ibid., pp. 483, 477, 471-2, 489-90, 469, 474, 482. For other examples of the combination of earldoms in one man's hands see below, Appendix I, 'Earls and Earldoms 1371-1424', pp. 343-345.

3. Handbk.Brit.Chron., p. 473.

4. See Appendix I, below, p. 345.

5. Ibid., pp. 343-345.

6. This total also includes the dukes of Rothesay and Albany, as earls of Carrick and Fife. For the names of the individual earls, see Appendix I, below, pp. 343-345.

sons of peers.¹ It appears first to have been applied to Murdach Stewart, before he succeeded his father as duke of Albany; in 1412 and 1413 documents concerning his captivity in England refer to him as 'Magister de Fife'.² The first use of the title in purely Scottish records was in the account of the custumars of Edinburgh at the 1417 exchequer: 'Item, dicunt quod Archebaldus magister de Douglas cepit custumam....'³ No doubt what the custumars actually called Archibald was the vernacular 'maister of Douglas', which an exchequer clerk must have translated directly into Latin. Similarly, Murdach's style would have been a latinisation of 'maister of Fife'. If this is so, then it is possible that in the early years of the fifteenth century this terminology was more widespread in Scotland than its absence from the formal context of charters would suggest.⁴

1. T. Innes, 'Peerage and other Dignities', Green's Encyclopedia of the Laws of Scotland (Edinburgh, 1926-45), xi, para. 403; Innes, 'Peerage Law', Sources and Literature of Scots Law, pp. 427, 433. Innes however argues that the descent of Scottish earldoms was governed by 'tanistry' (i.e. the earl nominates his successor), that succession was 'hereditary in the family but selective or elective in the individual' (*ibid.*), and that the title of 'master' may be seen as 'quasi-tanistry' (*ibid.*). This is most unlikely. The title of master went to the eldest son of the earl, not to any member of the comital family whom the earl might choose; and the 14th century practice whereby royal approval was required for succession to the dignity of earl seems totally incompatible with any concept of 'tanistry'.
2. Foedera, Conventiones, Litterae..., ed. T. Rymer (London, 1704-35), viii, 735; ix, 48.
3. Exch. Rolls, iv, 278.
4. Unfortunately, neither the Oxford English Dictionary nor the Dictionary of the Older Scottish Tongue gives any indication of the origins of this usage of the term 'master'. Another early instance of the term is 'David Lindsay master of Crawford', found in 1425 (Registrum de Panmure, ed. J. Stuart (Edinburgh 1874), ii, 189).

SECTION 2: 'TERRITORIAL LORDS'

The next section of the early Stewart nobility consists of the men who held the great lordships of medieval Scotland, such as Annandale and Galloway in the south, or Badenoch and Garioch in the north. The great lordships were very similar to the earldoms; indeed it had been said that they were 'hard to distinguish in either importance or character from the earldoms.'¹ Like the earldoms, they were essentially very large units of land, stretching over hundreds of square miles,² and corresponding to provinces of the country. In this respect, the great lordships and the earldoms both contrasted strongly with all the other medieval Scottish territorial units, which were much smaller, more like parishes than provinces.³ However, unlike the earldoms no special term was used to describe the great lordships; they were simply known as 'lordships', or sometimes 'baronies',⁴ and their possessors were just called 'lords'. These were terms which could be used of almost any estate. To avoid ambiguity, therefore, in this thesis the great lordships will be referred to as 'territorial lordships', and their lords as 'territorial lords'.⁵

1. G.Donaldson, Scottish Kings (London, 1967), p. 45.

2. Annandale, which is typical of both great lordships and earldoms, contained some 200,000 acres, or over 300 square miles (R.L.G.Ritchie, The Normans in Scotland (Edinburgh, 1954), p. 68.

3. See below, pp. 156-182.

4. E.g. Renfrew, Cunningham, Kyle Stewart, and Strathbogie, all great lordships, were generally called baronies (Great Seal, i, nos. 540, 398, 397, 566).

5. The adjective 'territorial' has been chosen here largely because the earldoms of the period are often described as 'territorial' (e.g. Complete Peerage, i, 143-4); the 'territorial lordships' were very similar to the 'territorial earldoms', and developed in the same way (see below, Chapter II). 'Territorial lords and lordships' seem less ambiguous

Although a distinctive term was not applied to the 'territorial lordships' in medieval Scotland, in some cases at least their special significance was recognised in the later fourteenth and early fifteenth centuries. This is shown in what may be called 'double-barrelled' peerage titles: titles which follow the pattern 'Comes de A et dominus de B'. In the later fifteenth century, when the¹ institution of the lordship of parliament had developed, such styles were common; then they almost invariably signified that their bearers possessed both an earldom and a lordship of parliament. Similar styles are to be found in the fourteenth and early fifteenth centuries; one very common example is 'Archembaldus comes de Douglas dominus Galvidie² et Vallis Annandie', the style of the fourth earl of Douglas. In all these earlier cases, the lordships (with one³ exception) can be classed as 'territorial lordships'. It is reasonable to assume, therefore, that in these titles the same kind of special status as later belonged to the lordships of parliament was then being attached to the 'territorial lordships'.⁴ The status of the 'territorial

(p.17,n.5, cont.) phrases than 'great lords and lordships', which are sometimes used of the institution (e.g. Donaldson, *op.cit.*, p.45; R.Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, 1974), p.25). Their locations are shown in Map I, 'Earldoms and "Territorial Lordships"', above, p. 4.

1. The institution of the lordship of parliament is discussed below, pp. 68-100. Lord of parliament was a personal and hereditary rank, denoting a status just below that of earl; the growth of this institution marked the development of a parliamentary peerage.

2. E.g. *Great Seal*, i, nos. 932, 946, 947.

3. The exception is 'Sinclair' in the style 'earl of Orkney lord of Sinclair and Nithsdale'; see below, pp. 82-83.

4. But it should be noted that occasionally the second element in such titles was the name of a barony; this would only occur in charters concerning land in that barony. (e.g. *Hist. MSS. Comm.*, 7th report, app., p. 728, no. 5; *ibid.*, 15th report, app. viii, p. 8, no. 2; *Great Seal*, i, nos. 236, 492).

lords' was probably also comparable to that of the lords earldoms: below the earls, but above the rest of the barons.

The 'double-barrelled' titles provide the names of eight 'territorial lordships': Annandale, Badenoch, Galloway, Garioch, the Isles, Liddesdale, Nithsdale, and Sky¹. The fourth earl of Douglas's use of Galloway and Annandale in his title has already been mentioned; the second earl called himself James earl of Douglas and lord of Liddesdale.¹ After 1357 the earls of Mar were usually styled earl of Mar and lord of Garioch;² after 1437, when his possession of the earldom of Ross was recognised, Alexander MacDonald of the Isles was 'Alexander comes de Ross dominus Insularum'.³ Earlier, the seventh earl of Ross was called 'Willelmus comes de Rossie dominus de Sky'.⁴ In the 1380s Alexander Stewart⁵ had the title 'Comes de Buchan Dominus de Ross et Badenoch'; that is, he had the lordship of the earldom of Ross and the 'territorial lordship' of Badenoch. During the period of the duke of Albany's regency there are references to the earl of Orkney, Henry Sinclair, as 'Henricus Comes Orchadie Dominus de Sancto Claro et Vallis de Nyth';⁶ here 'Sancto Claro' is exceptional, and will be discussed later,⁷ but Nithsdale may be included among the 'territorial lordships'.

1. Hist.MSS.Comm., 15th report, app. viii, p. 8, no. 2.
2. Ibid., Mar and Kellie suppl. report, p. 6; later the style 'earl of Mar and Garioch' appeared (ibid., pp. 14-16).
3. Great Seal, ii, no. 281.
4. Act.Parl., xii, 17-18; Great Seal, i, no. 437; cf. ibid., i, no. 354.
5. Fraser, Cromartie, ii, 322; Moray Reg., nos. 168, 271.
6. R.A.Hay, Genealogie of the Sainteclaires of Rosslyn (Edinburgh, 1835), pp. 59, 60.
7. See below, pp. 82-83.

There was however no hard-and-fast rule that earls should include the names of 'territorial lordships' in their styles. Neither Robert nor John Stewart, for example, ever did; and even those cited here were far from consistent in their practice. Also, not all the 'territorial lordships' were held by earls in this period. The 'double-barrelled' peerage titles, therefore, cannot be used to give a complete list of 'territorial lordships'.

To make a more comprehensive list, it is necessary to look back to the early feudal period. Ten large estates which may be classified as 'territorial lordships' are to be found in the middle of the twelfth century. Three of these, Argyll (or Lorne), Galloway, and Nithsdale, were of pre-feudal origin.¹ The others were estates given by David I to his Anglo-Norman followers: Annandale, Cunningham, Eskdale, Kyle Stewart (or North Kyle), Lauderdale,² Liddesdale, and Renfrew. To this list there should be added estates of a similar nature which appeared later; up to the middle of the thirteenth century these were: Garioch (created by William I for his brother David earl of Huntingdon³), Badenoch, Strathbogie, and

1. A.A.M.Duncan and A.L.Brown, 'Argyll and the Isles in the Earlier Middle Ages,' Proceedings of the Society of Antiquaries of Scotland, xc (1959), 195-7; R.C.Reid, 'The Feudalisation of Lower Nithsdale,' Transactions of the Dumfries and Galloway Natural History and Antiquarian Society, 3rd ser., xxxiv (1956), 102.

2. G.W.S.Barrow, The Kingdom of the Scots (London, 1973), p. 281. In 12th century Scotland the rank of earl seems to have been reserved for native Scots, and so the creation of these lordships, equal in extent but not dignity to the earldoms, was the best way for David I to reward his most important followers (Donaldson, Scottish Kings, p. 45).

3. Regesta Regum Scottorum, ii: The Acts of William I, ed. G.W.S.Barrow, (Edinburgh, 1971), no. 205.

¹
 Sutherland. Then in the early fourteenth century, Robert I granted first the town, castle, and whole forest of Jedworth, and later the lands of the forests of Selkirk, Ettrick, and Traquair, to James Douglas.² He also gave the Isle of Man to Thomas Randolph,³ and the Isle of Skye to Hugh earl of Ross.⁴ These grants are on a par with those made by David I; they may be taken as creating four more 'territorial lordships', of Jedworth, Selkirk, Man, and Skye. Finally, in the mid-fourteenth century the lordship of the Isles came into being: John MacDonald married Amy MacRuarie, the heiress of Garmoran, and so added Garmoran to his own lands of Islay.⁵ The title 'Dominus Insularum' was first used by John MacDonald in 1354.⁶ Thus in all there were some 19 'territorial lordships' in medieval Scotland.⁷

Again, like the earldoms, the great majority of the

1. Badenoch appears about 1230, when it was forfeited by Gillascop MacWilliam and granted to Walter Comyn; Strathbogie was given before 1200 by Duncan 5th earl of Fife to his 3rd son David; Sutherland was inherited by William lord of Sutherland after 1214 (Scots Peerage, vi, 127; i, 424; iv, 8; viii, 318-22).

2. Great Seal, i, app. i, no. 36; app. ii, no. 232.

3. Ibid., i, app. i, no. 32.

4. Ibid., i, app. ii, no. 61.

5. Duncan and Brown, art.cit., p. 204.

6. Highland Papers, ed. J.R.N. MacPhail, i (Scot.Hist.Soc., 2nd ser., v, 1914), 76-7.

7. Unfortunately, it is difficult to be sure that all those estates which should be called 'territorial lordships' have been included in the present list. In the Highlands and Islands there were a few large units of land - Bute, Arran, Cowal, Kintyre, Knapdale, Lochaber, and Nairn - which were roughly the same size as many of the 'territorial lordships'. But none of them are ever found in 'double-barrelled' peerage titles, and all of them were parts of even larger units: Bute, Arran, Cowal, and half Knapdale belonged to the Stewarts. and may best be thought of as associated with Renfrew, in 'the Stewartry' (cf. Hist.MSS.Comm., Mar and Kellie report, p. 7); Kintyre, half Knapdale, and Lochaber were absorbed into the lordship of the Isles (Great Seal, i, nos. 568, 569); and Nairn (the 13th century sheriffdom) was held as part of the earldom of Moray (ibid., i, app. i, no. 8). For these reasons they have not been counted here.

'territorial lordships' survived down to the beginning of the early Stewart period. Only four can be said to have fallen by the wayside: Sutherland, Man, Nithsdale, and Eskdale.

Sutherland was the first to go, being upgraded into an earldom before 1223.¹ Then, in 1333, the Isle of Man was captured by the English.² Although the tenth earl of March, by whom it would have been inherited, sometimes styled himself lord of Man, and indeed made a grant of 100 librates in the island,³ it never came back into Scottish hands.

The history of the lordship of Nithsdale is more complicated.⁴ In the thirteenth century much of the land in Nithsdale was alienated, and the lordship seems to have lapsed. Then under Robert I, Thomas Randolph bore the style lord of Nithsdale in 1309 and 1310, but after that the title vanished again.⁵ Similarly, by the beginning of the fourteenth century it seems that the lordship of Eskdale had also disappeared. Although Eskdale remained a geographical expression, the land in it had been split into sections, notably the baronies of Staplegorton and Westerkirk, and divided among several tenants-in-chief.⁶

A certain amount of unity did return to it, because Robert I gave most of it to James Douglas.⁷ Even so, throughout the fourteenth century it does not appear as a separate unit,

1. Handbk. Brit. Chron., p. 490.

2. Ibid., p. 63; R. Nicholson, Edward III and the Scots (Oxford, 1965), pp. 122-3.

3. Great Seal, i, nos. 521, 553, 647.

4. See below, pp. 59-63, where it is dealt with in more detail.

5. It was however revived after 1371; see below, p. 61.

6. Great Seal, i, app. i, no. 14; app. ii, no. 300; Morton Reg., ii, nos. 23, 24, 25; Fraser, Douglas, iii, no. 13; Liber Sancte Marie de Melros, ed. C. Innes (Bannatyne Club, lvi, 1837), ii, 346.

7. Morton Reg., ii, nos. 25, 28; Fraser, Douglas, iii, no. 13.

let alone a 'territorial lordship'.¹

However, the fact that only four out of nineteen 'territorial lordships' did not last into the early Stewart period does not mean that at that time there were fifteen 'territorial lords'. By 1371, over half of the remaining 'territorial lordships' had come into the possession of earls. The earl of Douglas had the most: Lauderdale, Liddesdale, Jedworth, and Selkirk.² The earl of Mar had been granted Garioch in 1357,³ the earl of March acquired Annandale either at the end of David II's reign or at the beginning of Robert II's;⁴ the earls of Ross had held Skye since the time of Robert I.⁵ Kyle Stewart had been in the possession of John Stewart earl of Carrick since 1361,⁶ and either he or his father Robert II had Renfrew.⁷ Cunningham, which Robert I gave to Robert Stewart, probably remained with him both when he was earl of Strathearn and when he was king.⁸

This means that in 1371 no more than five 'territorial lordships' were held independently of earldoms (or of the crown): Badenoch, Galloway, the Isles, Lorne (or Argyll),

1. E.g., Fraser, Douglas, iii, no. 290; Morton Reg., ii, no. 133; Act. Parl., i, 557-8. But right at the end of the period it went to Archibald, heir to the 4th earl of Douglas. He styled himself 'earl of Wigton lord of Eskdale' in 1423 (Scot. Rec. Off., MS. Polwarth, GD157/s.d. 15:i:1457/8), which suggests that he attached some special significance to it.

2. Lauderdale, Jedworth, and Selkirk were all inherited from the first earl's uncle James Douglas, Liddesdale from his father Archibald Douglas (Great Seal, i, app. i, no. 123). The initial grants to the Douglasses were made by Robert I.

3. Hist. MSS. Comm., Mar and Kellie suppl. report, pp. 5-6.

4. Annandale was given to David II's stepson John Logy in 1366 (W. Fraser, The Red Book of Grandtully (Edinburgh, 1868), i, no. 75*). But by 1372 it had come to the 10th earl of March (Miscellany of the Scottish History Society, v (Edinburgh, 1933), 27). Logy must therefore have lost it between 1366 and 1372.

5. Great Seal, i, no. 354; app. ii, no. 61.

6. Hist. MSS. Comm., 3rd report, app., p. 387, no. 27.

7. See below, p. 215, note 2.

8. Great Seal, i, nos. 54, 478.

and Strathbogie. Moreover, between then and 1424 no 'territorial lordships' left the hands of earls, but two more came into them. The lord of Badenoch, Robert II's third surviving son Alexander, was made earl of Buchan in 1382,¹ and the lord of Galloway, Archibald Douglas the Grim, became the third earl of Douglas in 1389.² Robert II did revive the lordship of Nithsdale at the end of his reign, but this too passed to an earl, albeit a Norwegian one.³ Thus only three 'territorial lordships' survived the early Stewart period without falling into the possession of earls: the Isles, which belonged to the MacDonalds; Lorne, which belonged first to the last of the MacDougalls of Lorne and Argyll, and then to the Stewarts of Innermeath and Lorne; and Strathbogie, which belonged to the Gordons.⁴

Where 'territorial lordships' were held independently of the earldoms, their lords would naturally be included within the higher nobility. But as was the case with the earls, there were relatively few 'territorial lords' in early Stewart Scotland: never more than five, and for much of the period only three. This means that in no year between 1371 and 1424 did the total number of men with the rank of duke, earl, lord of an earldom, or 'territorial

1. Handbk.Brit.Chron., p. 471. He was granted Badenoch in 1371 (Great Seal, i, no. 382).

2. Handbk.Brit.Chron., p. 474; but he probably did not succeed to the earldom of Douglas until January 1389 (Scot.Rec.Off., MS. Guthrie of Guthrie, GD188/Box 1/Bdle. 1/no. 1; W.Fraser, The Red Book of Menteith (Edinburgh, 1880), ii, 264, no. 41; cf. Act.Parl., i, 557).

3. I.e. Henry Sinclair earl of Orkney. See below, p. 61.

4. Scots Peerage, v, 37-42; v, 1-3; v, 515-20.

lord', exceed 16, and in many years the figure was much lower.¹ This may be contrasted with earlier figures. In 1200 there were twelve earls and about eleven 'territorial lords', making 23 in all;² almost a century later, on the eve of the Wars of Independence, there were 13 earls and six 'territorial lords', a total of 19.³ By the later fourteenth century, therefore, a considerable contraction seems to have taken place within the highest sections of the nobility. Although the number of earldoms and 'territorial lordships' had increased, during the early Stewart period these were in the hands of a rather smaller group of magnates than at earlier periods.

SECTION 3: 'GREATER BARONS'

The dukes, earls, lords of earldoms, and 'territorial lords' are the only magnates who can confidently be described as 'higher nobles' in early Stewart Scotland. But the concept of higher nobility in this period cannot be restricted to these ranks. It is clear that several other nobles were just as important politically and held equally extensive possessions as many of the earls and 'territorial lords': for example, David Lindsay of Glenesk (whose status was recognised in 1398 when he was made an earl), James Douglas of

1. See below, Appendix I, 'Earls and Earldoms 1371-1424', pp. 343-345, and above, p. 5.

2. The earls of Angus, Atholl, Buchan, Caithness, Carrick, Fife, Lennox, Mar, March, Menteith, Ross, and Strathearn; and the lords of Annandale, Cunningham-Lauderdale, Eskdale, Galloway, Garioch, Liddesdale, Lorne, Nithsdale, Renfrew-Kyle Stewart, Strathbogie, and Sutherland.

3. The same earls as in note 2, plus Sutherland; and the lords of Annandale, Badenoch, Galloway, Liddesdale, Lorne, and Renfrew-Kyle Stewart.

Balvenie, or James Douglas of Dalkeith.¹ Others, like Thomas Hay of Errol (the constable), William Keith of that ilk (the marischal), or Robert Erskine of that ilk, were also very prominent during the period, and, although they held less land, should also probably be thought of as 'higher nobles'.² These men were all barons.³ However, it is certain that not all the barons would be included within an early Stewart higher nobility. In this period there were well over 100 nobles who could be classed as barons; that is, they held land in liberam baroniam, with special jurisdictional and administrative rights.⁴ Most of them were relatively insignificant politically, and held lands which probably amounted to little more than one or two parishes.⁵ These are hardly 'higher nobles'; they are better described as 'small barons', like those who in 1428 were relieved of the obligation to attend parliaments in person.⁶ Thus while some of the early Stewart barons may be regarded as coming within the category of 'higher nobility', many others may not. At the same time, it is extremely unlikely that anyone who was not a baron might have been important enough to be counted as one of the

1. See below, pp. 223-5, 240-5, and Scots Peerage, iii, 172-3 vi, 344-8.

2. See below, pp. 225-6, and Scots Peerage, iii, 561; vi, 35-6; v, 592-6.

3. They are covered by both the original definition of baron (simply an important lord) and the newer definition, which was probably becoming current in 14th century Scotland (of holding land with baronial powers, generally in 'free barony') (The Court Book of the Barony of Carnwath, ed. W.C.Dickinson (Scot.Hist.Soc., 3rd ser., xxix, 1937), pp. xiv, xxvi; see also below, pp. 132-48, where the institution of the Scottish barony in this period is examined in detail).

4. See below, pp. 132-135, and Appendix II, 'Barons and Baronies 1371-1424', pp. 346-397.

5. See below, pp. 166-176.

6. Act.Parl., ii, 15, c.2; cf. below, pp. 85-87.

higher nobility.¹ The division between 'higher' and 'lower' nobility, which is needed for the purposes of this thesis, therefore appears to fall within the baronage. The problem which remains is to find ways to identify the more important barons, those who may reasonably be considered members of the early Stewart higher nobility. To avoid confusion, the term 'greater barons' will be applied to these more important barons throughout this thesis.

One way of analysing the baronage to find out who could be classed as 'greater barons' is to consider the estates they held. It is of course impossible to make a complete survey of all the land held by barons between 1371 and 1424. It is also unnecessary. All barons held baronies; and, most probably, baronies made up a very considerable part of the average baron's landed possessions.² Therefore, by adding up the number of baronies held by each baron, it should be possible to give some indication of who the 'greater barons' were likely to have been. Such an exercise does meet with two difficulties. First, wide fluctuations in the size of baronies might distort the results. But in fact up to 1424 Scottish baronies were remarkably uniform in nature. The majority of them were roughly equivalent to single parishes; it is rare for early Stewart baronies to be smaller than half a parish or larger than two.³ Secondly, there is no way of telling how much of a barony had been alienated through subinfeudation; this would spoil any attempt at measuring the landed wealth of barons. But, while

1. Every noble who seems to have been of any importance at all in this period held at least one barony.

2. See below, pp. 149-150, 225-229, 240-243.

3. See below, pp. 175-176.

landed wealth is a good indicator of status, so too is the extent to which a landowner could exercise baronial powers, and this can be assessed by simply counting up baronies.

The analysis of the number of baronies held by barons in 1371 and 1424 is presented in Table I, 'Possession of Baronies.' This table does not deal with every known

TABLE I. POSSESSION OF BARONIES

No. of baronies:	1	2	3	4	5	6	7	8	9	10	11
1371 barons:	87	19	8	4	5	3	-	-	-	1	-
1424 barons:	84	24	9	4	6	1	-	-	1	-	1

Scottish barony of the period. Baronies in which the superiority and the jurisdictional powers were possessed by the crown, by earls, or by 'territorial lords', have been excluded, because the table is intended to assist in the classification of those below those ranks. Baronies which were split up, or where it appears likely that no lord exercised the jurisdictional rights, have also been omitted. On the other hand, the few instances of baronies which were held in liberam baroniam of earls, not of the crown, have been included in the table. Fuller details of the possession of Scottish baronies between 1371 and 1424 are given in Appendix II, 'Barons and Baronies 1371-1424.'¹

Table I demonstrates that about two-thirds of the barons held just one barony apiece in 1371 and 1424, and of the remainder, about half had only two baronies each. On the other hand, in both 1371 and 1424 the nobles who had more than two baronies made up 17% of the total baronage, but held 43% of the baronies. These figures seem to indicate that if a rough dividing line between 'greater barons' and

1. Below, pp. 346-397.

'small barons' were to be drawn on the basis of the possession of baronies, it would most reasonably be drawn between¹ those holding two and those holding three baronies each.

It is impossible to analyse the early Stewart baronage in terms of wealth. However, some data concerning noble incomes at the end of the period has survived among the documents concerning James I's ransom, and this information provides a second means of examining some, at least, of the baronage. When James was released in 1424, 27 Scottish hostages (three earls, one 'territorial lord', and 23 barons, or their heirs) to cover the yearly instalments of the ransom were sent to England.² The hostages' incomes were assessed on two occasions: first in 1423 during the negotiations;³ and secondly in 1424 when they went to England.⁴ The two lists were not the same, and so in all incomes for some 35 nobles are given.⁵ The assessments were as follows: two at 1500 marks a year; one at 1200; three at 1000; four at 800; one at 700; six at 600;

1. The barons with three or more baronies each are: 1371: Abernethy, Cockburn, Drummond, Hamilton, Hay, McDowell, Maxwell, Mowat (all 3); Walter Leslie, Lindsay, Menzies, Wallace (4); Campbell, Erskine, Giffard (?), Leslie, Seton (5); Keith, Lindsay of Glenesk, Oliphant (6); and Douglas of Dalkeith (10).

1424: Abernethy, Drummond, Dunbar of Cumnock, Erskine, Graham, Hamilton, McDowell, Maxwell, Somerville (3); Fleming, Hay, Lindsay of Byres, Lyon (4); Campbell, Cunningham, Leslie, Ogilvy of Auchterhouse, Oliphant, Seton (5); Keith (6); Douglas of Balvenie (9); and Douglas of Dalkeith (11).

2. E.W.M. Balfour-Melville, James I King of Scots (London, 1936), pp. 98, 102-3, 293.

3. Rot.Scot., ii, 242.

4. Calendar of Documents relating to Scotland in H.M. Public Record Office, ed. J. Bain (Edinburgh, 1881-8), iv, no. 952.

5. In some cases heirs became hostages in place of their fathers who were named in 1423. The income assessments were the same, except for Patrick Lyon (300 marks) instead of his father John (600 marks); John's income, not Patrick's, has been used in the totals and averages.

eight at 500; five at 400; three at 300; and two at 200.¹
 But with the exception of the earls,² no indication of any of the hostages' status is given. Therefore as they are presented here the figures do little to help an analysis of the early Stewart baronage. However, if the list of those hostages who were not earls is compared with the names of the earliest lords of parliament,³ then some conclusions can be drawn. Of the 29 hostages below the rank of earl, 14 belonged to families whose heads were lords of parliament of earls in 1445.⁴ The revenues of these 14 were much closer to those of the earls than to those of the rest of the hostages. The average income assessment of what may be called the 'future lords of parliament' works out at 770 marks a year; that of the earls is 850, that of the 15 other nobles is 380.

A summary of the figures for the individual members of the three groups is given in Table II, 'Revenue of the Scottish Hostages, 1423-4.' All the earls and all but

TABLE II. REVENUE OF THE SCOTTISH HOSTAGES, 1423-1424

Revenue in marks:	1500	1200	1000	800	700	600	500	400	300	200
Earls:	-	1	2	1	-	1	1	-	-	-
'1445 Lords':	2	-	1	3	1	3	3	1	-	-
Others:	-	-	-	-	-	2	4	4	3	2
Total:	2	1	3	4	1	6	8	5	3	2

1. The assessments were made in English money. A note on the Scottish money of the period is given below, pp. 283-284.
2. The earls of Angus, Atholl, Crawford, March, Moray, and Strathearn.
3. I.e. those who were lords of parliament before the end of 1445. See below, pp. 69-75, for a discussion of these.
4. 13 lords of parliament, and one earl (Gordon). Strictly speaking Gordon should be counted separately as a 'territorial lord', but he is included in the present calculations as a baron, for convenience.

one of the 'future lords of parliament' were assessed at 500 marks a year or more; but of the 15 nobles who were neither earls nor 'future lords of parliament', only six had more than 400 marks a year. Thus, as Table II demonstrates, those barons whose families were headed by lords of parliament in 1445 were wealthier, but not outstandingly so, than the rest of the non-comital nobility. 500 marks a year appears to be the dividing line between the two groups. Judging by the names of the 1445 lords of parliament, therefore, it appears that those whose incomes were assessed in 1423 and 1424 at 500 marks a year or more may reasonably be considered as probably coming into the category of 'greater barons'.¹

It is very difficult to say how accurate the 1423-4 assessments were. Some of them are hard to accept. The figures of 600 marks for the earl of Angus and 400 marks for Alexander Seton of Gordon appear to be very low, and the valuation of Duncan Campbell of Lochawe's lands at 1500 marks seems too high.² On the other hand, in the cases of the earldom of Strathearn and the Douglas of Dalkeith estate, where the assessments can be checked against other figures for revenues,³ they prove to be quite accurate. In 1380-1 the rents from Strathearn were £273; the 1423-4 assessment was 500 marks. In 1376-8 the Douglas of Dalkeith estate was probably worth between £800 and £900 a year;

1. The barons assessed at 500 marks a year or over were: Campbell, Douglas of Dalkeith (both 1500 marks); Erskine (1000); Haliburton, Hay, Keith (800); Montgomery (700); Fleming, Gray, Hay of Yester, Lyon, Seton (600); Abernethy, Boyd, Dunbar of Cumnock, Dunbar of Frendraught, Hamilton, Kennedy, and Lindsay of Byres (500).

2. See below, pp. 272-274, where the question is discussed more fully.

3. See below, pp. 237, 243, 271.

the 1423-4 assessment was 1500 marks. There are also several general reasons for trusting most of the 1423-4 figures, at least insofar as they indicate the relative wealth of the hostages.¹ What the figures show is that, although no clear-cut, obvious distinction between 'greater' and 'small' barons can be made, the more important, or 'greater', barons were likely to have been assessed at 500 marks a year or more.

One other way of looking at the early Stewart baronage may be suggested; this is to consider who came to parliaments and councils-general. Parliamentary attendance was probably very important: after all, in the middle of the fifteenth century, when an easily recognisable higher nobility did emerge in Scotland, it took the form of a parliamentary peerage, consisting of earls and lords of parliament. Title apart, what distinguished a lord of parliament in law from any other baron was not the extent of the estates he held, nor his wealth, but that he was obliged to come in person to parliaments and received an individual summons to do so.² Also, it was for the purposes of parliamentary attendance that James I's act of 1428 attempted to split the nobility into two sections. The more important lords, whose personal attendance was required, were to receive individual summonses; the lesser nobility, who did not have to appear in person, would be covered by general summonses sent to the sheriffs.³ Moreover, it is argued below that individual parliamentary summonses were sent to important

1. These are outlined below, pp. 273-274.

2. Rait, Parliaments, p. 179.

3. Act.Parl., ii, 15, c. 2.

nobles (the earls, 'territorial lords', and certain barons) well before 1428.¹ It is not impossible that in the early Stewart period the lists of those to whom summonses were sent had become fixed, as they did in fourteenth century England; that the Scottish chancery was given to using stereotyped lists is indicated by the remarkable consistency² of the witness lists to Robert II and Robert III charters. If this is so, perhaps something very close to a parliamentary peerage was already in existence in the later fourteenth century. However, this can only be a tentative suggestion, because of the lack of any firm evidence; although a register of parliamentary attendance was kept,³ it has unfortunately not survived.

The parliamentary records do contain three lists of nobles who were present at early Stewart parliaments.⁴ The first, those who did homage at Robert II's coronation, seems too long to be of much use in identifying the baronial portion of an early Stewart higher nobility. It gives the names of 48 nobles below the position of earl and 'territorial lord', many of whom were relatively insignificant⁵ men. The other two lists are rather more manageable. One

1. See below, pp. 95-100.

2. Between 1371 and 1402, witness lists to royal charters are extremely regular; the same half dozen magnates' names appear time after time, with only few alterations (see MS. Regesta 1371-1424). After 1402, however, there is much more irregularity.

3. Act. Parl., i, 547.

4. The examination of parliamentary attendance is restricted to the period after 1371. Names of many of the nobles who attended David II's parliaments in the 1360s are recorded, but they have not been used here, because many of David II's supporters ceased to be so prominent after his death (cf. Webster, 'David II', Trans. Roy. Hist. Soc., 5th ser., xvi, 127).

5. Act. Parl., i, 547.

is the witnesses to the 1373 tailzie of the crown: apart from earls and 'territorial lords', 26 nobles, from 22 baronial families, witnessed and sealed this important document.¹ The other is the names of those present at a council-general at Linlithgow in 1404;² the lay nobles were two earls, one 'territorial lord',³ and 27 barons from 23 different families.⁴ In both cases, the lists may be taken

1. Act.Parl., i, 549. The names are: Thomas Hay the constable; William Keith the marischal; James Lindsay; James Douglas of Dalkeith; Robert Erskine and his brother Alan; Hugh Eglinton; Duncan Wallace and his brother John; David Graham and his son Patrick; Walter Haliburton; William Dischington; Alan Stewart of Ochiltree; Alexander Fraser and his brother James; Robert Stewart of Innermeath; Roger Mortimer; David fitz Walter (i.e. Hamilton); Andrew Valence; John Maxwell; Andrew Campbell of Loudon; William Cunningham; John Strachan; John Kennedy; and Alexander Cockburn.

2. A.A.M.Duncan, 'Councils-General, 1404-1423', Scottish Historical Review, xxxv (1956), 134-5. Professor Duncan is probably wrong to divide those present into five groups - 'the King and Albany, clergy, barons, knights, burgesses' - and to suggest that this has 'an important bearing upon the history of "peerage" in Scotland' (*ibid.*, p. 134; cf. Nicholson, Scotland, p. 226, note). The original text (Nat.Lib.Scot., MS. Acc. 2006, fo. 179v) does not show such a division. It therefore seems much more likely that all the lay nobles were included by the term 'baronibus', and that 'militibus' agrees not with the last 7 lords (who were probably esquires rather than knights) but with the preceding 24. This was the normal use of 'militibus' in lists of nobles at that time (e.g. Act.Parl., i, 545, 549; cf. most witness lists of the period). In this thesis it has not been thought necessary to add the word 'Sir' to nobles who were knights; most important nobles of the period were knights, but some were not (e.g. Act.Parl., i, 545, 549).

3. The earls of Atholl and Crawford, and John Stewart lord of Lorne.

4. The names are: David Fleming; James Douglas of Dalkeith; William Graham; William Douglas of Bothwell (the identity of this noble is unclear; several William Douglasses were alive then, but none seems to fit. The most important was William Douglas of Drumlanrig, and it is possibly he who is meant here: Scots Peerage, vii, 112-3); William Cunningham; William Borthwick; Adam Forrester; John Maxwell; William Dalziel and his son John; William Hay of Lochorwart; John Drummond; John Ross; Walter Culathe; Robert Normaville; Robert Erskine and his uncle Nicholas (of Kinnoul); Patrick Gray; Alexander Cockburn, and his brothers John and William; James Douglas brother of the earl (later of Balvenie); Walter Haliburton; Alexander Ogilvy of Auchterhouse; John Stewart of Kilbride; John Stewart of Darnley; and John Park.

as recording the names of all the nobles who were present,¹ not simply the more important ones. Nevertheless, many of those named may be considered to have been 'greater barons'. One other list of magnates may be found in the parliamentary records. In January 1399, when the duke of Rothesay was appointed lieutenant of the kingdom, a council of 21 was chosen to assist him in his work. This council had 13 lay members: the king's brothers Robert duke of Albany and Walter Stewart of Brechin (subsequently earl of Atholl and Caithness), four earls, and seven barons.² Ten months later 19 men were specially summoned to a council meeting at Linlithgow. On this occasion there were eleven laymen present: the two dukes, one earl, and eight barons.³ Five of the barons were named on both occasions, which means that in all the names of ten barons are given. Again, most of these may be reckoned among the higher nobility.

Thus from the three ways of identifying 'greater barons' in the early Stewart period examined here, six lists of nobles who might come into this category may be suggested: those who held three or more baronies in 1371 and in 1424; those whose incomes were assessed at 500 marks or more for

1. This is implied in the 1373 document, and stated in the 1404 one. The 1404 list omits some very important nobles: neither the marischal William Keith nor the constable Thomas Hay were present (both were probably over 70 years old, and died shortly after: Scots Peerage, vi, 35-7; iii, 561), and neither were any of those captured at Homildon in 1402, except for William Graham, John Stewart of Lorne, Adam Forrester, and William Dalziel (Scotichronicon Johannis de Fordun cum Supplementis et Continuatione Walteri Boweri, ed. W. Goodall (Edinburgh, 1759), ii, 435; Cal. Doc. Scot., iv, p. 403; Hist. MSS. Comm., 10th report, app. vi, p. 78).
 2. Act. Parl., i, 572; the seven were: James Douglas of Dalkeith, Thomas Erskine, Patrick Graham, John Livingstone, William Stewart of Jedworth, John Remorgny, and Adam Forrester.
 3. Ibid., i, 574; the eight were: James Douglas of Dalkeith, Thomas Erskine, Patrick Graham, William Cunningham, John Montgomery, Adam Forrester, John Remorgny, and William Stewart of Jedworth.

the purposes of James I's ransom; those who witnessed the 1373 tailzie of the crown; those present at the 1404 council-general; and those who were on the councils of 1399.

Individually, each of these lists can hardly be thought of as an accurate list of early Stewart 'greater barons'. But taken together, they do seem to provide a fairly good indication of who were the more important barons of the period. The more lists a particular family appears in, the more prominent it may be considered to be. The six lists are presented side-by-side in Table III, 'Likely "Greater Barons" 1371-1424'.¹ This table shows that two baronial families are included in every list, two more are mentioned in five, four in four, eleven in three, eleven in two, and 26 occur only once. Eight families, therefore, appear in more than half the lists: Cunningham, Douglas of Dalkeith, Erskine, Graham, Hamilton, Hay, Keith, and Maxwell. These, it may be suggested, are the families which may most plausibly be considered to come within the category of 'greater barons', and be thought of as belonging to the higher nobility in the early Stewart period. Another eleven baronial families are mentioned in three lists: Abernethy, Campbell, Cockburn, Drummond, Eglinton/Montgomery, Fleming, Giffard/Hay of Yester, Haliburton, Kennedy, Mortimer/Gray, and Seton. Many of these, too, may probably be regarded as higher nobles. At the same time, the early Stewart higher nobility, however it is defined, would certainly have included James Douglas² of Balvenie and John Lyon of Glamis, even although both only appear twice in Table III. This shows that the

1. On the next page.

2. See below, pp. 224-5, 293.

TABLE III. LIKELY "GREATER BARONS" 1371-1424

1371 Barons	1373 Parliament	1399 Councils	1404 Council-Gen.	1423-4 Hostages	1424 Barons
Abernethy			Borthwick	Abernethy	Abernethy
				Boyd	
Campbell				Campbell	Campbell
	Campbell of Loudon				
Cockburn	Cockburn		Cockburn		
			Culathe		
	Cunningham	Cunningham	Cunningham		Cunningham
			Dalziel		
	Dischington				
			Douglas of Balvenie		Douglas of Balvenie
			Douglas of Bothwell		
Douglas of Dalkeith	Douglas of Dalkeith	Douglas of Dalkeith	Douglas of Dalkeith	Douglas of Dalkeith	Douglas of Dalkeith
Drummond			Drummond		Drummond
				Dunbar of Cumnock	Dunbar of Cumnock
				Dunbar of Frendraught	
	Erskine	Montgomery		Montgomery	
Erskine	Erskine	Erskine	Erskine	Erskine	Erskine
			Fleming	Fleming	Fleming
		Forrester	Forrester		
	Fraser				
Giffard			Hay of Yester	Hay of Yester	
	Graham	Graham	Graham		Graham
	Haliburton		Haliburton	Haliburton	
Hamilton	Hamilton			Hamilton	Hamilton
Hay	Hay	Hay		Hay	Hay
Keith	Keith	Keith		Keith	Keith
	Kennedy	Kennedy		Kennedy	
Leslie					Leslie
Leslie (Ross)	(= lord and earl of Ross)				
Lindsay	(= earls of Crawford)				
Lindsay of Glenesk	(= earls of Crawford)				
				Lindsay of Byres	Lindsay of Byres
		Livingstone			
				Lyon	Lyon
McDowell					McDowell
Maxwell	Maxwell		Maxwell		Maxwell
Menzies					
	Mortimer		Gray	Gray	
Mowat					
			Normaville		
			Ogilvy of Auchterhouse		Ogilvy of Auchterhouse
Oliphant					Oliphant
			Park		
		Remorgny			
			Ross		
Seton		Seton			Seton
					Somerville
			Stewart of Darnley		
	Stewart of Innermeath	(= lords of Lorne)			
		Stewart of Jedworth			
			Stewart of Kilbride		
	Stewart of Ochiltree				
	Strachan				
	Valence				
Wallace	Wallace				

frequency with which a particular name occurs in Table III can only be a very rough guide towards identifying the more important barons of the early Stewart period. It is likely that the description 'higher nobility' may reasonably be used of the eight families named in more than half the lists, but this description may equally probably be applied to many of the families who appear three times, together with others who appear only once or twice, and perhaps (although this is much less likely) a few whose names are not in the table at all. As for the size of the baronial element of an early Stewart higher nobility, this must also be left vague. A tentative suggestion may however be made: judging by Table III it seems best to think of there being, at any one time between 1371 and 1424, about 20 to 30 'greater barons' who may be included within the higher nobility.

During the early Stewart period, no hard-and-fast concept of a higher nobility existed. Contemporaries, however, would surely have recognised that some nobles were more important than others. The attempt has been made to identify those who may be considered to be more important, by using as far as possible criteria which would have been regarded as valid at the time. The result of this attempt may now briefly be summarised. The category of 'higher nobility' in the early Stewart period was very fluid, but it probably would have included about 35 to 40 magnates. Approximately one-third of these would have been dukes, earls, lords of earldoms, and 'territorial lords', while about two-thirds would have been 'greater barons'. Within this higher nobility about 25 of the individual noble families may be

identified fairly readily,¹ but it is impossible to be precise about the remainder.

NOTE: THE 'ARMORIAL OF GELRE'

The 'Armorial of Gelre' appears at first sight to provide another means of identifying members of the higher nobility in the early Stewart period. It is a late-fourteenth century manuscript collection of coats of arms from various European countries.² Forty-two of the arms are Scottish, dating from the 1370s or 1380s: those of the king of Scots, fifteen earls, three 'territorial lords',³ and 23 other nobles, mostly barons. The 23 other nobles, it might be thought, were those who were considered important enough to be included in the armorial, and are therefore likely to have belonged to the higher nobility. Unfortunately, this is most improbable. Only nine of the 23, from just seven families, may be counted as important nobles, judging by the criteria suggested above.⁴ The rest appear to have been relatively obscure men, who fit the description 'small baronnies and free tenancies'⁵ much more readily than that

1. I.e. the dukes, earls, lords of earldoms, and 'territorial lords', together with the eight 'greater barons' named in more than half the lists in Table III (above, p. 37).
2. A.H. Dunbar, 'Facsimiles of the Scottish Coats of Arms Emblazoned in the "Armorial de Gelre"', Proc. Soc. Antiq. Scot., xxv (1890-1), 9-19.
3. I.e. the arms of the 'King of Man', the lord of Annandale, and 'syr archibaut' (Douglas of Galloway).
4. Abernethy, Erakine (Robert and Thomas), Haliburton, Keith, Leslie (Walter, of Ross), Lindsay (James, of Crawford, and David, of Glenesk), and Seton.
5. Act. Parl., ii, 15, c.2.

of 'higher nobles'.¹ For this reason, the 'Armorial of Gelre' has not been used as a source of information about the higher nobility in the late fourteenth century.

1. E.g. Colville, Comyn, Hepburn, Murray, Preston, Ramsay, Sandilands, Soulis. Some of these were important names but their bearers were not prominent at all in this period. Others, like John Edmonstone (married to Robert II's daughter Isabella: Scots Peerage, i, 16), may have been more important, but only for part of the period.

CHAPTER II

THE DEVELOPMENT OF A SCOTTISH PEERAGE

Within 25 years of the end of the early Stewart period, an easily-recognisable higher nobility had emerged in Scotland. It consisted of a parliamentary peerage,¹ similar to that of England, made up of dukes, earls, and lords of parliament. All these ranks were hereditary, personal as opposed to territorial, had distinctive titles, and carried an automatic right to a summons to attend parliaments. The emergence of this peerage introduced a new concept of nobility into Scotland, replacing the old one, which was more like that of the continental noblesse. At first sight, it appears that this development took place suddenly, during the second quarter of the fifteenth century. The main difference between the higher nobility of 1424 and that of 1450 is that in 1450 the 'greater barons' had been replaced by a new rank, lord of parliament. It is generally assumed that this new rank resulted directly from the 1428 act anent parliamentary representation.² The act stated that the greater nobles — dukes, earls, and lords of parliament — should receive individual parliamentary summonses, and is thought to have created a parliamentary peerage.³ However, this view of a sudden change in the Scottish nobility being

1. The coincidence between higher nobility and parliamentary peerage is not necessarily exact; as in England (cf. K.B. McFarlane, The Nobility of Late Medieval England (Oxford, 1973), pp. 7-8) instances can be found of men outside the peerage who were just as important as many of the lords of parliament. But such men were rare, and do not invalidate the basic equation of higher nobility with parliamentary peerage.

2. Act.Parl., ii, 15, c.2.

3. Balfour-Melville, James I, p. 156; Rait, Parliaments, pp. 178-81; W.C.Dickinson, Scotland from the Earliest Times to 1603 (Edinburgh, 1961), p. 216; Nicholson, Scotland, pp. 303-4; Innes, Green's Encyclopedia, xi, paras. 392-3, 396-7.

brought about by the 1428 act is only partially correct. The origins of the lordships of parliament, and with them of the parliamentary peerage, are not to be sought simply in this act. Nor indeed can it be said that the lordships of parliament stemmed from any deliberate action on the part of the crown. Instead, when the development of the Scottish nobility during the century from about 1350 to 1450 is examined, it becomes evident that a fundamental change in the nature of the nobility was taking place, of which the appearance of the lordships of parliament was an integral part. This fundamental change in the nobility's nature was well under way during the early Stewart period, and it culminated around 1450 in the emergence of a Scottish peerage.

SECTION 1: EARLS AND EARLDOMS

The best starting-point for an examination of the way in which the Scottish medieval nobility was developing is with the earldoms. At the end of the thirteenth century, the Scottish earldoms were still territorial dignities, like those of Anglo-Saxon England. The earl held much of the territory from which his title derived, and was also largely responsible for its administration. 'The earl of Atholl, for instance, had his chief seat at Moulin (near Pitlochry), most of his lands were in the surrounding district, and it was in Atholl and only in Atholl that, as earl, he wielded appreciable political and military authority.'¹ Similarly,² when David Stewart was created earl of Strathearn in 1371, he received a wide belt of territory round Loch Earn and the

1. Barrow, Robert Bruce, pp. 5-6.

2. Great Seal, i, no. 399.

upper valley of the river Earn. In this area he was the feudal superior of some tenants and the landlord of the others; a small part, near Foulis, was directly-cultivated demesne.¹ Also he had been given Strathearn in full regality, which meant that he was responsible for all the crown's judicial and administrative functions and had immunity from interference by government officials, within the area of his earldom.²

The pattern of the old, territorial, earldoms was followed completely in the first two earldoms to be created in the fourteenth century. In establishing the new earldom of Moray, Robert I gave Thomas Randolph

'Omnes terras nostras in Moravia sicut fuerunt in manu domini Alexandri regis Scotie,... unacum omnibus aliis terris adjacentibus infra metas et divisas subscriptas contentis.'

These lands covered the modern shires of Moray, Nairn, and most of Inverness, including Badenoch and Lochaber.

Randolph was made overlord of all lands, baronies, and burghs in the province, which had previously been held in chief, except for the burgh of Inverness; he was granted Moray in regality, and in addition was made responsible for the leadership of the men of his earldom in war.³ In 1372 this grant was virtually repeated by Robert II, who gave John Dunbar the whole earldom, apart from the lordships and lands of Lochaber and Badenoch, and the castle and barony of Urquhart (Inverness); it was to be held in regality with all

1. Exch.Rolls, iii, 33-8, and see below, pp. 232-239.

2. For regalities, see below, pp. 111-131.

3. Great Seal, i, app. i, no. 31.

rights and privileges.¹ Similarly, the second new earldom, that of Wigton, erected by David II for Malcolm Fleming in 1341, consisted of the whole of the sheriffdom of Wigton, bounded by the sea, Carrick, and the river Cree.² Thus although both these earldoms were created in the fourteenth century, they were copies, perhaps deliberate copies, of the older, provincial or territorial type of earldom. In the first half of the fourteenth century the territorial concept of the Scottish earldoms was unchanged.

The other two fourteenth century earldoms, however, were considerably different. The earldom of Douglas, created in January or February 1358,³ was the first earldom in Scotland where the lands were scattered, and were not based on one of the provinces of the country. It was a personal honour; William Douglas received no extra lands when he became an earl, and if there was a creation charter, it does not seem to have united his existing possessions into an earldom. All the unity that the lands of the earldom of Douglas enjoyed was that given by their creation into a regality, in February 1354,⁴ before the formation of the earldom. The lands were spread over nine sheriffdoms; they ranged from the territorial lordships of Lauderdale, Liddesdale, Jedworth, and Selkirk, through Douglas and fifteen other baronies, down to such small pieces of land as the Farm of Rutherglen and Hughston in Strathbrock

1. Great Seal, i, no. 525. Throughout this thesis, unless the location of a barony is well-known, the name of a barony will be followed by the name of the sheriffdom in which it was situated; except that in the case of the sheriffdom of Edinburgh, the names of the constabularies of Haddington and Linlithgow will be given instead where necessary.

2. Ibid., i, app. i, no. 119.

3. See above, p. 10.

4. Ibid., i, app. i, no. 123.

(Linlithgow); moreover, some of these lands were not held in chief.¹ Subsequently, the lands and baronies retained their individual identities, and indeed were split up between the Douglas and Angus lines in 1389 according to a tailzie made in 1342,² sixteen years before there was an earldom of Douglas. However, when the split occurred, the title accompanied the barony of Douglas to the heir by tailzie, Archibald Douglas lord of Galloway,³ who was the illegitimate son of the first earl's uncle; it did not go to the heir of line, Isabella, the first earl's daughter, and her husband Malcolm Drummond, although they received the unentailed lands.⁴ In this respect, therefore, the earldom of Douglas was like the older, territorial, earldoms; the title was associated closely with the ownership of the original Douglas estates. Crawford, created in April 1398,⁵ was very similar to Douglas. Again the lands were scattered, in the sheriffdoms of Forfar, Kincardine, Perth, Lanark, and Dumfries,⁶ and again the individual baronies held by the Lindsays retained their separate identities.⁷ Also, although the barony of Crawford (Lanark) was made a regality in December 1398,⁸ David Lindsay was already earl of Crawford by then, and no actual charter of his elevation has been

1. See below, p. 10.

2. Fraser, Douglas, iii, no. 290; Act. Parl., i, 557-8; Great Seal, i, app. i, no. 154.

3. Handbk. Brit. Chron., p. 474.

4. Scots Peerage, iii, 156-8; Act. Parl., i, 557-8; Great Seal, i, app. i, no. 154.

5. Handbk. Brit. Chron., p. 473; see also below, pp. 223-224.

6. Great Seal, i, nos. 762, 763; app. ii, no. 1833; Scottish Record Office (West Register House), National Register of Archives, no. 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421.

7. Ibid.

8. Miscellany of the Maitland Club, i (Edinburgh, 1833), 358.

recorded.¹ The ceremony of belting noted by Wyntoun² would have had a personal significance, but would not have involved the grant of any lands.

At the same time as this new type of earldom was appearing, many of the older earldoms were losing their close relationship with the provinces from which they took their names. The earldom of Buchan gives the best illustration of this development. With Buchan the process started in 1308, when the last Comyn earl died leaving two daughters. One married an Anglo-Frenchman, Henry Beaumont; her part of the earldom was therefore forfeited and distributed among Robert I's followers.³ The other coheiress's share of Buchan went to her husband, John Ross, brother of Hugh earl of Ross; this marriage was childless, and so on John's death the lands came into the possession of the earls of Ross.⁴ This half of Buchan consisted chiefly of the baronies of Philorth and Kinneddar. Both baronies were inherited by Euphemia Ross, earl Hugh's grand-daughter, and her first husband Walter Leslie.⁵ In 1375 they alienated Philorth to Euphemia's younger sister Joanna and her husband Alexander Fraser, in return for Joanna's renunciation of her right to half the earldom of Ross.⁶ Philorth was thus detached from Buchan, and was henceforward held by the Frasers directly of the crown. By 1382, therefore, the lands of the earldom of Buchan had been reduced to little more than the barony of Kinneddar. In that year Euphemia

1. See above, p. 10.

2. Wyntoun, vi, 383.

3. Handbk. Brit. Chron., p. 470; Barrow, Robert Bruce, pp. 383-5.

4. Great Seal, i, app. ii, no. 49; Scots Peerage, ii, 258-61.

5. Great Seal, i, no. 300; app. ii, no. 1585.

6. Alexander Fraser, Lord Saltoun, The Frasers of Philorth (Edinburgh, 1879), ii, no. 13.

married her second husband, Alexander Stewart lord of Badenoch; Kinneddar was granted to both of them in jointure,¹ and at the same time Alexander was made earl of Buchan.² Ten years later they were divorced.³ Alexander kept the title earl of Buchan, but Kinneddar, it seems, went to Euphemia and her son Alexander Leslie earl of Ross.⁴ Then in 1406 John Stewart (Alexander's nephew) was granted the earldom of Buchan.⁵ He acquired Kinneddar in 1415, when it was resigned in his favour by Alexander Leslie's daughter and heiress,⁶ and held it until his death in 1424. But from 1389 to 1415, and after 1424,⁷ even Kinneddar was detached from the earldom. All that the earl would have held in the province was the 'Earlshill', in the parish of Ellon,⁸ together with superiority over a few nearby pieces of land.⁹ Otherwise the dissociation of land and title was complete.

Other earldoms underwent a similar, if less drastic, process. By 1371 the earldom of Fife, for instance, can hardly have been a large territorial unit; scattered throughout the sheriffdom of Fife were some 19 baronies which were unconnected with the earldom, and, in addition

1. Handbk. Brit. Chron., pp. 471, 487; Great Seal, i, nos. 737, 736, 741.

2. Scots Peerage, vii, 241.

3. Land in Kinneddar was granted in 1391 'tenendam de Comite Rossie qui pro tempore fuerit' (Aberdeen-Banff Antiquities, ii, 380, n.); cf. Wigtown Charters, no. 403.

4. Scot. Rec. Off., MS. Reg. Ho. Charters, RH6/154.

5. Nat. Lib. Scot., MS. Adv., 34.1.10, vol. i, p. 528.

6. After 1424 Kinneddar was held by the lord of the Isles, who through his wife was Alexander Leslie's heir (Registrum Episcopatus Aberdonensis, ed. C. Innes (Maitland Club, lxxiii, 1845), i, 241); the 'earldom of Buchan' went to the crown.

7. Aberdeen-Banff Antiquities, iii, 5-6, note.

8. E.g. in 1412 John Stewart issued a charter concerning Andat, in Methlick parish (Scot. Rec. Off., MS. Haldane, Brown, and Co., GD255/s.d. 2:i:1411).

9. This might help to explain why John Stewart was styled only lord of Buchan from 1406 to 1411 (above, p. 14).

the ecclesiastical regalities of Dunfermline and St. Andrews.¹
 Indeed one charter of Murdach duke of Albany earl of Fife and Menteith concerning Leuchars implies that this barony was part of Menteith, not Fife.² The sheriffdom of Forfar was even more full of baronies; it is probable that the baronies of Kirriemuir and Strathdichty were all that remained of the earldom of Angus.³ The main possession of the Douglas earls of Angus were the baronies of Kirriemuir, Strathdichty, Abernethy (Perth), and Bunkle (Berwick), together with the 'territorial lordships' of Liddesdale and Jedworth and the rest of their share of the Douglas inheritance;⁴ the focus of the earls' interests, therefore, must have been diverted well away from the province of Angus. During the fourteenth century, the lands of the earldom of Caithness were partitioned among several families, and it is unlikely that David Stewart earl of Strathearn and Caithness (Robert II's fifth son) ever held or had influence over more than a quarter of them.⁵ And in the record of the 1373 contribution, or income tax, levied from Aberdeenshire, a distinction was made between the lands belonging to the earl of Mar, and the rest of the province of Mar.⁶

1. See appendix II, 'Barons and Baronies 1371-1424', below, pp. 369-372.

2. Most of Leuchars was to be held of Murdach and his heirs, earls of Menteith (Edinburgh University Library, MS. Maitland Thomson Photos, no. 41); similarly, in 1410 Robert duke of Albany directed a precept of saysine to the steward of Menteith and his baillies, in the shire of Fife (Scot.Rec.Off., MS Makgill, GD82/10).

3. See appendix II, below, pp. 372-377.

4. Fraser, Douglas, iii, 362-3; Act. Parl., i, 565-6; Great Seal, i, app. ii, no. 1754; ibid., ii, no. 195; see also below, p. 212. For the Angus lands in Forfar in the later 15th century, see Great Seal, ii, no. 3489.

5. Ibid., i, no. 614; cf. ibid., i, nos. 228, 742; app. i, no. 156; app. ii, nos. 716, 1317; Hist.MSS.Comm., 3rd report, app., p. 411; Scots Peerage, ii, 319-21.

6. Exch.Rolls, ii, 427.

One of the most important aspects of the early medieval Scottish earldom was its military function. When the king went to war and the common army (*levée en masse*) of the realm was raised, the earls were responsible for calling out¹ and leading the forces or armies of their earldoms. The army of the earldom was raised not merely from the earl's own tenants but from everyone living within the geographical bounds of the earldom. In 1302 Robert Bruce insisted that the tenants of Melrose Abbey who lived in his earldom would have to serve in the army of Carrick whenever the common army of the kingdom was summoned.² Similarly, when as king he gave Thomas Randolph the earldom of Moray, church lands were excluded from the grant, but it was expressly stated in the charter that church tenants '*citati per nos ad defensionem regni*' had to follow the earl's standard, '*una cum aliis qui vexillum Moravie sequi solebant antiquitus*'.³ However, by the end of Robert II's reign the position had changed. In a dispute that took place then between the bishop and earl of Moray, one of the points at issue was whether the bishop's tenants should follow the earl's standard. Despite the statement in Robert I's charter that they should, the matter had to be left undecided when the dispute was settled by the earl of Fife in 1389:⁴

'*De causa vexillum sequendi comitis, quia tangit in parte dominum nostrum Regem, ordinatum est ambas partes debere comparare in proximo generali consilio vel parlamento, ad subeundem determinationem generalis consilii domini nostri Regis.*'

1. The Sheriff Court Book of Fife, ed. W.C. Dickinson (Scot. Hist. Soc., 3rd ser., xii, 1928), p. xli; Barrow, Kingdom of the Scots, pp. 304-5, 309; Barrow, Robert Bruce, p. 175.

2. Melrose Book, i, no. 351.

3. Great Seal, i, no. 556.

4. Moray Reg., no. 169.

Also, when Robert II appointed his son Alexander to be his lieutenant in the north, in 1372, the grant included the leadership of all men from the bounds of Moray north to the Pentland Firth, over the heads of the earls of Ross and Sutherland.¹ Other magnates who did not have official positions were given the right to lead their tenants too. For example David II granted this privilege to James Douglas of Dalkeith in 1369;² this would have meant that the men of Keillour, in Strathearn, would have been led by the Douglasses of Dalkeith, not by the earls of Strathearn.³ Similarly the 1354 grant of lands and privileges to William Douglas (the future first earl) involved the leadership of the men of the sheriffdoms of Roxburgh, Selkirk, Peebles, and the upper ward of Clydesdale.⁴ Some of the inhabitants of Peebles would therefore have had three banners to follow: that of the earls of Douglas; that of the sheriffs of Peebles, who had been given the power of leading the men of the shire in peace and war, and of fining absentees, by David II;⁵ and that of the Douglasses of Dalkeith, for those who lived in the baronies of Kilbucho and Lintonroderick, and the lands of Lochurd, 'Qwylt', and 'Esshiels'.⁶ This illustrates the way in which the theoretically neat territorially-based military organisation of the kingdom was dissolving in the later fourteenth century; and as it dissolved the significance of the armies of the earldoms and of the earls'

1. Great Seal, i, no. 556.

2. Morton Reg., ii, no. 154.

3. Ibid., ii, nos. 78, 110, 121.

4. Great Seal, i, app. i, no. 123.

5. Calendar of Writs preserved at Yester House, ed. C.C.H. Harvey and J. Macleod (Scot. Record Soc., lv, 1930), no. 25; confirmed by the earl of Douglas in 1409 (Fraser, Douglas, iii, no. 349).

6. Morton Reg., ii, nos. 56, 48, 38, 96, 177.

military functions became steadily less.

Another illustration of the changing nature of the medieval Scottish earldoms is given by a statute made in 1401. It was enacted that whenever earldoms or lordships fell into the crown's hands, any baronies contained in them were to be held in future only of the crown, even if later the earldom or lordship were granted to a subject again.¹ This act therefore provided for the removal from the superiority of earls of certain lands which had hitherto been contained inside their earldoms. It contrasts sharply with Robert I's creation of Moray, less than a century earlier, when he made Thomas Randolph overlord of all the baronies within his earldom.² One earldom which shrank as a result of this act was March. In 1400 the earl of March defected to England, and his earldom was forfeited. As a result, the baronies of Gordon, Huntly, and Mordington, formerly parts of the earldom, came to be held directly of the crown. Superiority over them was not returned to the earl when his earldom was restored to him in 1408.³

Thus during the early Stewart period the relationships between earls, earldoms, and provinces were dissolving. However, the examples of Moray and Strathearn given above⁴ show that the dissolution was still far from complete. Obviously, therefore, the Scottish earldom was in the middle of a period of transition. This transitional period is characterised by the institution of the lordship of an

1. Act. Parl., i, 576.

2. Great Seal, i, app. i, no. 31.

3. Scotichronicon, ii, 428, 444; Great Seal, i, nos. 521, 905; app. ii, no. 1769; ii, no. 993. Possibly the barony of Boon (Berwick) was similarly affected (Great Seal, i, no. 918).

4. See above, pp. 43-44.

earldom, which is peculiar to the later fourteenth and early fifteenth centuries.¹ Lordships of earldoms emphasize the territorial nature of the Scottish earldoms; if the association of earldoms with particular areas of land had not been so strong, it is most unlikely that the concept of the lordship of an earldom would have developed. There was, for example, no parallel to the institution in medieval England.² On the other hand, the institution also stresses the special dignity that was attached to the rank of earl. It shows that by the second half of the fourteenth century, the mere possession of the lands of an earldom was not in itself sufficient to make a man an earl; what was needed was either direct inheritance, or specific royal acknowledgment.

The two new ranks of duke and master³ which appeared in the early Stewart period also illustrate the trend away from a territorial concept of nobility. Both are purely honorific ranks. Master is a courtesy title, given to the eldest sons of dukes, earls and (later) lords of parliament; it does not denote the possession of any lands. Similarly duke has little territorial significance. No grant of land was made to the new duke of Albany in 1398,⁴ and his estates continued to be based on his earldoms of Fife and Menteith, which were not absorbed into his dukedom.⁵ It is possible that David Stewart earl of Carrick received the Stewart

1. See above, pp. 11-15.

2. Except of course for the royal dominium Hibernie, which too was a territorial dignity.

3. See above, pp. 2-3, 15-16.

4. There are no grants associated with this creation, either in Dr Murray's MS. Regesta 1371-1424, or in Great Seal, i.

5. Both Robert and his son Murdach were styled 'duke of Albany, earl of Fife and Menteith'.

family lands, including Bute and the castle of Rothesay, when he was created duke of Rothesay.¹ But when, in 1404, David's younger brother James was granted Carrick and the Stewart inheritance in one regality,² he was called neither duke of Rothesay nor lord of the dukedom of Rothesay. Later, in 1469, the earldom of Carrick, lordship of Bute, castle of Rothesay, and other Stewart lands were perpetually united to belong in future to the eldest sons of the kings of Scots,³ who subsequently were always dukes of Rothesay.⁴ Thus the fact that in 1404 Prince James held the lands always associated with the dukedom of Rothesay, but did not have the title of duke, proves that Rothesay could not have been a territorial designation.

By the end of the early Stewart period, therefore, several important developments relating to the earldoms had taken place. Many of the older earldoms were no longer closely linked to specific provinces of the country. Two new earldoms which were based on scattered lands, not on provinces, had been created. The personal status involved in the rank of earl had been emphasized by the appearance of the institution of the lordship of an earldom. And the new ranks of duke and master, which were purely personal honours without any territorial connections at all, had emerged. All three developments indicate a clear trend away from the territorial, or provincial, type of earldom known in Scotland since the early feudal period, towards a much more personal kind of dignity.

1. In Wyntoun's account of the creation Carrick and the Stewartry are associated with the new duchy (Wyntoun, vi, 384).
2. Hist.MSS.Comm., Mar and Kellie report, p. 7.
3. Act.Parl., ii, 187.
4. Handbk.Brit.Chron., p. 488.

This trend continued throughout the fifteenth century. In particular, all the new earldoms were like those of Douglas and Crawford. The new earls were not landless (not until the nineteenth century in Britain did men who were not substantial landowners start to become peers¹), but the titles of their earldoms had little direct relationship with their estates. The first of the new earls was James Douglas of Balvenie, created earl of Avandale in 1438;² his lands lay chiefly in the north,³ but his title came from his Lanarkshire barony of Strathaven.⁴ Similarly Alexander Seton of Gordon's lands were mostly in Aberdeenshire (the 'territorial lordship' of Strathbogie), yet despite this, and despite his family designation, in 1445 he took the style earl of Huntly, after a small barony in Berwickshire.⁵ In 1458 the extensive and widely-scattered estates of the Douglasses of Dalkeith⁶ were made into the earldom of Morton, not Dalkeith;⁷ this nomen dignitatis was not even derived from the barony of Morton (Dumfries), but, it was subsequently stated, from the small village of Morton in the barony of Calderclere (Linlithgow).⁸ When William Keith was made an earl in 1458 he did not take his title from any of his estates, but instead from his office, becoming the first earl Marischal.⁹

At the same time, in the quarter century after 1424

1. F.M.L.Thomson, English Landed Society in the Nineteenth Century (London, 1963), pp. 60-4, 292-5.

2. Handbk.Brit.Chron., p. 469.

3. See below, pp. 224-225.

4. Great Seal, ii, no. 40.

5. Act.Parl., ii, 56; Great Seal, i, no. 905; Scots Peerage, iv, 518-22.

6. See below, pp. 240-245.

7. Morton Reg., i, p. xlii.

8. Scots Peerage, vi, 354.

9. Ibid., vi, 40.

most of the older earldoms lapsed.¹ Buchan escheated to the crown in 1424 after John Stewart's death at Verneuil. When Murdach duke of Albany and Duncan earl of Lennox were executed in 1425, Fife, Menteith, and Lennox were confiscated; James I granted a much reduced Menteith out again in 1427,² but kept Fife and Lennox. In 1429 the king refused to allow either of the two daughters of James Dunbar earl of Moray to inherit the earldom; in 1435 he retained the earldom of Mar after Alexander Stewart's death, to the exclusion of the Erskine heir; and also in 1435 he confiscated the earldom of March from the eleventh earl on the grounds that the duke of Albany had not had the power to revoke the previous earl's forfeiture 27 years earlier. Finally, after James I's murder, his uncle Walter Stewart was executed and the earldoms of Atholl, Caithness, and Strathearn forfeited.³ Thus only five of the fifteen older, provincial, type of earldoms were left by 1438: Angus, Carrick, Menteith, Ross, and Sutherland. And of these, Carrick was for much of the time in the crown's hands, while the earls of Angus and Menteith had lost most of their land in these provinces;⁴ only Ross and Sutherland survived in their former state.⁵

The disappearance of so many of the older type of earldoms, and the simultaneous appearance of several newer, more honorific, earldoms, completed the process of development

1. For this paragraph see Handbk. Brit. Chron., pp. 466-91, and Scots Peerage, passim.

2. Fraser, Menteith, ii, 293; the lands listed in this grant simply constituted parts of the parishes of Aberfoyle and Port of Menteith (Scots Peerage, vi, 142-3).

3. I.e. the 14 named here plus Wigton, which had lapsed earlier.

4. See above, note 2 and p. 48.

5. Some of these earldoms were granted out again in the 15th century, but they mostly returned quickly into the crown's possession.

that was taking place during the early Stewart period. By the middle of the fifteenth century the territorial side of the institution had been almost entirely eclipsed. Instead, the honorific side was predominant; the Scottish earldom had come to be a personal, honorific, dignity like that of duke, and like the earldom in England since the twelfth century.

SECTION 2: 'TERRITORIAL LORDS AND LORDSHIPS'

Broadly speaking, the 'territorial lordships' followed the same pattern of development as the earldoms in the fourteenth and early fifteenth centuries, although the actual process was not identical. To begin with, many of the 'territorial lordships' came into the hands of earls. By 1371 there were only five independent 'territorial lordships'; by 1424 only three, the Isles, Lorne, and Strathbogie.¹ Secondly, at this time it is clear that like the earldoms several at least of the 'territorial lordships' were losing their geographical unity. For example, when Robert I gave Cunningham to Robert Stewart, only the crown's lands within the lordship were granted.² This meant that all the lands in Cunningham which were held of the crown at the time of the grant were excluded from it.³ Loudon, originally held as a knights' fees of the Moreville lords of Cunningham,⁴ and later united with Stevenston (also in Cunningham) into one barony to be held in chief under Robert I,⁵ is a good example of such lands. Although the Macdougals retained

1. See above, pp. 23-24.

2. Great Seal, i, no. 54.

3. Barrow, Robert Bruce, pp. 394-5.

4. Barrow, Kingdom of the Scots, p. 298.

5. Great Seal, i, no. 38.

¹ Lorne until it passed with an heiress to the Stewarts of
² Innermeath, much of the land of this lordship was alienated,
³ either to the lord of the Isles or to other lords like
⁴ the Campbells. Similarly, the majority of Strathbogie
 went to the Gordons after David of Strathbogie's forfeiture,
 but four davochs in it were granted by Robert I to Robert
 Keith his marischal.⁵ Not all the province of Garioch
 was in the hands of the earl of Mar, according to the
⁶ 1373 exchequer records. Even the lordship of Galloway
 suffered. Between 1341 and 1372 the western half was separ-
⁷ ated as the earldom of Wigton. Robert I detached its
caput, the barony of Buittle, and granted it to James
⁸ Douglas; its return in 1389 into the superiority of the
⁹ lord of Galloway was only due to chance. Three other
 baronies in the lordship, Glenken, Mochrum, and the New
¹⁰ Forest were possibly held in chief of the crown at this time.

Further, two legal cases concerning the lordships of
 Garioch and Badenoch seem to suggest that during Robert II's
 reign the right of a 'territorial lord' to jurisdiction over
 all the lands which geographically were part of his lordship

1. It was temporarily forfeited by Robert I and restored to them by David II (Originales Parochiales, ii, 110).
2. Scot.Rec.Off., MS Register House Transcripts, RH1/1/2, s.d. 29:iv:1388; Scots Peerage, v, 1-2.
3. Highland Papers, i, 75-8; cf. Duncan and Brown, 'Argyll', Proc.Soc.Antiq.Scot., xc, 204.
4. Scots Peerage, i, 322-5; Barrow, Robert Bruce, pp. 406-7.
5. Great Seal, i, nos. 566, 884; app. i, no. 140.
6. Exch.Rolls, ii, 427. This noted the taxation paid from the lands of Mar, Garioch, and Strathbogie, 'preter terras comitatus de Marr et domini de Garioch, que sunt comitis.'
7. Great Seal, i, app. i, no. 119; Handbk.Brit.Chron., p. 491.
8. Great Seal, i, app. i, no. 37.
9. In 1389 Archibald Douglas lord of Galloway became the 3rd earl of Douglas, and thus came into possession of the barony of Buittle.
10. Glenken and Mochrum: Great Seal, i, no. 291; New Forest, ibid., i, nos. 258, 446, 576.

was a question at issue. In January 1358 David II granted¹ all the lands of Garioch to Thomas earl of Mar. On receiving the lordship, Mar demanded homage, fealty, and suit of court from all the free-holders of Garioch, including² the abbey of Lindores. This abbey's possessions in Garioch had been given it at its foundation a century and a half earlier by David earl of Huntingdon; they were to be held of Earl David and his heirs, but free of all service³ whatsoever. In 1358, therefore, the abbey's attendance at the court of Garioch was refused; in December, David II stated that he had not intended to transfer the Lindores lands to the earl of Mar,⁴ and in August 1359 Mar himself⁵ acknowledged that the abbey owed him no obligations. Then fifteen years later William earl of Douglas succeeded to Mar and Garioch. He renewed the earl of Mar's demand for fealty and suit of court. When this was refused, he⁶ recognosced the abbey's lands into his own possession. The way this case was finally settled is uncertain, but judging by David II's letters patent, by the legal arguments put forward by the monks,⁷ and by the absence of any subsequent reference to the matter in the Chartulary of Lindores, it is probably safe to assume that Douglas failed in this attempt to exercise control over the entire lordship of Garioch. In the lordship of Badenoch, an almost identical quarrel over suit of court from ecclesiastical

1. Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 5-6.
2. Chartulary of the Abbey of Lindores, ed. J.Dowden (Scot. Hist.Soc., 1st ser., xlii, 1903), no. CXLVIII.
3. Ibid., no. II.
4. Ibid., no. CXLVII.
5. Ibid., no. CXLVIII.
6. Ibid., p. 208.
7. Ibid., no. CLXIX.

tenants arose between the bishop of Moray and Alexander Stewart lord of Badenoch.¹ Here again the lord's claim to superiority over the whole of his lordship was unsuccessful. The eventual culmination of this dispute was the burning of Elgin cathedral by Alexander Stewart.² At first sight, these cases show that magnates still believed that the possession of a 'territorial lordship' involved rights over the complete lordship. But by that time the nature of the earldoms and 'territorial lordships' was changing; therefore it is quite likely that the actions of William earl of Douglas and Alexander Stewart lord of Badenoch are best to be explained as a reaction against that change. At any rate, their efforts were unsuccessful, and so large parts of Garioch and Badenoch stayed outside the control of their respective lords.

During the early Stewart period, one 'territorial lordship' stands out from all the others in terms of the dissociation of lands and title. This is the lordship of Nithsdale, which had lapsed for most of the fourteenth century, but had reappeared at the end of Robert II's reign. The way in which it was revived seems to be either a radical development of the old concept of the 'territorial lordship', or an attempt to create an entirely new institution.

The first recorded lord of Nithsdale was Dunegal of Stranith, a contemporary of David I; he presumably owned the whole valley, as far as the Solway Firth.³ His lands

1. Moray Reg., no. 159.

2. Scots Peerage, ii, 262-3.

3. A.C. Lawrie, Early Scottish Charters (Glasgow, 1905), no. LIV. The boundaries of Annandale are here given as from the marches of 'Dunegal de Stranit' to the marches of 'Randulphus Meschin' in Cumberland.

were shared between his sons; then, under William I, lower Nithsdale (the area round Dumfries) came into the crown's hands, either by escheat or forfeiture, and was redistributed.¹ Upper and mid-Nithsdale remained in the possession of Dunegal's heirs, but the lines of descent are not clear. At the end of the thirteenth century, Thomas Randolph, possibly Dunegal's great-great-grandson, held Morton and other lands in Nithsdale,² while John Comyn of Badenoch also possessed extensive estates there.³ In 1309 and 1310 Randolph was styled 'lord of Nithsdale'; this title probably signified that Robert I had put the whole area under Randolph's control, but the grant was only temporary.⁴ From 1312 on, he did not have such a title, and at the end of Robert I's reign, while he was still an important Nithsdale landowner, a large part of the area was in other hands. For example, at least five, and probably seven, Nithsdale baronies were held in chief of the crown, but not by Randolph.⁵ However, Randolph did own some land in Nithsdale. In addition to Morton, Cumnock and Tibbers baronies would have been in his possession.⁶

1. Reid, 'Nithsdale', Dumfries-Galloway Trans., 3rd ser., xxxiv, 102-4.

2. Ibid., p. 103, and note; Scots Peerage, vi, 286-94.

3. Barrow, Robert Bruce, pp. 22, 171, 205, 390.

4. Ibid., pp. 390, 394.

5. (a) Closeburn: Kirkpatrick (R.C.Reid, 'The Early Kirkpatricks', Dumfries-Galloway Trans., 3rd ser., xxx (1951-2), 61-110, at 77-80).

(b) Dalswinton: Stewart/Boyd (Great Seal, i, app. ii, nos. 306, 315, 323; Barrow, Robert Bruce, p. 394).

(c) Drumlanrig: ? earl of Mar (Hist.MSS.Comm., 15th report, app. viii, p. 6, no. 1).

(d) Durisdeer: Menzies (Great Seal, i, no. 32).

(e) Enoch: Menzies (ibid., i, app. ii, nos. 312, 727).

(f) Sanquhar: Crichton/Edgar (ibid., i, no. 27).

(g) Terregles: ? earl of Mar (ibid., i, no. 192).

6. Morton, Cumnock, and Tibbers all belonged to Randolph's heir, the 10th earl of March, in the later 14th century (Morton Reg., ii, no. 100; Great Seal, i, nos. 291, 149; Hist.MSS.Comm., 15th report, app. viii, p. 32).

The next lord of Nithsdale was William Douglas, illegitimate son of Archibald third earl of Douglas. He is called lord of Nithsdale towards the end of Robert II's reign, and was probably granted the lordship on the occasion of his marriage to the king's daughter Egidia in 1388.¹ Douglas had died by 1392; he was succeeded by his daughter Egidia, who married Henry Sinclair earl of Orkney.² In 1438, Egidia bore the title 'countess of Orkney and lady of Nithsdale';³ earlier, during the regency of the duke of Albany, her husband was styled 'Henry earl of Orkney lord of Nithsdale and Sinclair'.⁴ From these titles it would appear that Nithsdale had the same status as all the other 'territorial lordships' during the early Stewart period.

Neither Douglas nor Sinclair, however, can have held much land in Nithsdale, because by the end of Robert II's reign little, if any, of the land in this lordship was available for the crown to give away. All the Nithsdale baronies referred to above, for example, were in other hands. Morton and Tibbers were held of the earl of March,⁵ Drumlanrig of the earl of Douglas.⁶ Closeburn belonged to Thomas Kirkpatrick;⁷ Cumnock, to David Dunbar;⁸ Durisdeer, to John Stewart of Innermeath, or his brother Robert;⁹ Enoch, to Robert Menzies;¹⁰ Sanquhar, to Edward

1. Scots Peerage, iii, 163-4; Scotichronicon, ii, 403.
2. Scots Peerage, iii, 164.
3. Fraser, Douglas, iii, no. 403.
4. Hay, Sainteclaires, pp. 59, 60.
5. Morton Reg., ii, no. 100; Hist.MSS.Comm., 15th report, app. viii, p. 32.
6. Ibid., app. viii, p. 8, no. 2.
7. Great Seal, i, no. 919; Reid, 'Kirkpatrick's', Dumfries-Galloway Trans., 3rd ser., xxx, 79-80.
8. Great Seal, i, no. 609.
9. Ibid., i, no. 457; Scots Peerage, v, 1-2.
10. Great Seal, i, no. 585.

¹ Crichton; ² Terregles, to John Herries; and Dalswinton was divided between Thomas Boyd and Alan Stewart of Dalswinton.³ On the other hand, it is almost certain that William Douglas was given administrative powers amounting to those of a sheriff, justiciar, chamberlain, and warden of the Marches, in his lordship of Nithsdale, and that his successors enjoyed similar powers. This is the conclusion to be drawn from the resignation of his possessions which William Sinclair earl of Orkney (the grandson and eventual heir of William Douglas) made to James II in 1455. The resignation included

'dominii de Niddisdaill, et officii custodis marciam dicti domini, et officiorum vicecomitis de Drumfreis ac iusticiarii et camerarii, et exitum ac commoditatum eorundem, et libertatum sibi spectantium infra dictum dominium.'⁴

The offices of sheriff, justiciar, and chamberlain of Dumfries must have been exercised chiefly over Nithsdale, because from the middle of the fourteenth century on almost all the rest of Dumfriesshire was held in regality, to the exclusion of royal officials.⁵ That these were the powers which Robert II granted to William Douglas is confirmed by a reference made in 1438 to the hereditary right of his daughter Egidia to hold justiciar and chamberlain ayres in Nithsdale.⁶ This would also explain why William Douglas⁷ lifted the farms of the burgh of Dumfries in 1392.

1. Scots Peerage, iii, 220.

2. Great Seal, i, no. 192.

3. Ibid., i, app. ii, nos. 306, 315, 323, 1260; ii, nos. 48, 663, 1327.

4. Fraser, Douglas, iii, no. 85.

5. The rest of Dumfriesshire consisted of Annandale, Eskdale, and the eastern half of Galloway, all of which were held in regality in the early Stewart period (below, pp. 118, 125-7).

6. Fraser, Douglas, iii, no. 403.

7. Exch. Rolls, iii, 332.

Because neither William Douglas nor his son-in-law the earl of Orkney can have held any significant amount of land in Nithsdale, the title 'lord of Nithsdale' which they both bore can hardly be classed as that of a 'territorial lordship'.¹ Rather, it may be seen to have had a more personal meaning; it must have referred to the very wide-ranging administrative responsibility which William Douglas and his successors had in the region. In the style 'Henry earl of Orkney lord of Nithsdale and Sinclair' this is particularly important, because the other lordship, of Sinclair, was even more personal in nature. There were no estates whatsoever called Sinclair, and so this must have been a purely personal designation. As such, it is one of the earliest examples of the type of style which some fifty years later was used by the lords of parliament.²

During the early Stewart period, therefore, the development of the institution of 'territorial lordship' was following roughly the same lines as that of the earldom. The number of 'territorial lordships' held independently of earldoms or the crown was becoming fewer, and at the same time the association of the dignity with the territory from which the nomen dignitatis derived was becoming looser. Of course by definition the 'territorial lordships' had an essentially territorial nature, and could not evolve into personal institutions in quite the same way as the earldoms had. Nevertheless, by the end of the early Stewart period the territorial nature of the institution was much less obvious than it had been earlier. And as with the earldoms,

1. At least not in the special sense in which the term is used in this thesis.

2. See below, pp. 70-75.

this trend continued in the middle part of the fifteenth century.

In 1424 there were three 'territorial lordships' which were not held by earls or by the crown: the Isles, Lorne, and Strathbogie. By 1450 Strathbogie had been swallowed up by an earldom. Since Robert I's reign it had been part of the Gordon estates, which in 1445 were erected into the earldom of Huntly.¹ Strathbogie in fact became the core of this new earldom; in 1450 it formed the major element in a new, Aberdeenshire, barony of Huntly,² and in a charter of 1458 the earl referred to 'terras comitatus de Huntly alias nuncupatus baroniam de Strathbogie'.³ For most of the fifteenth century the lordship of the Isles was also held by an earl. Alexander McDonald of the Isles took over the earldom of Ross after the death of John Stewart earl of Buchan and Ross in 1424,⁴ and was officially recognised as earl of Ross in 1438.⁵ From then until 1475, he and his successor John McDonald bore the style 'Comes de Ross et dominus Insularum'.⁶ Earlier, in such double-barrelled peerage titles the second element indicated a 'territorial lordship',⁷ but from about 1450 on with this one exception of the Isles they always denoted a lordship of parliament. In 1475 the earldom of Ross and the lordship of the Isles⁸ were both forfeited by John McDonald, but a year later

1. Great Seal, i, no. 556; Act.Parl., ii, 59; Scots Peerage, iv, 522-3.

2. Great Seal, ii, no. 314.

3. T. Innes, 'The Gordon Peerage', Jurid.Rev., xliii (1931), 58-96, at 84.

4. Nicholson, Scotland, p. 315; Handbk.Brit.Chron., p. 487.

5. Exch.Rolls, v, 33.

6. E.g., Great Seal, ii, nos. 281, 801, 806, 1252.

7. See above, p. 18.

8. Act.Parl., ii, 111.

the lordship of the Isles was restored to him. The charter restoring the Isles states that on 10 July 1476 John was created 'dominum Insularum baronem banrentum et dominum parliamentum'.¹ Strictly speaking therefore in 1475-1476 the lordship of the Isles changed from being a 'territorial lordship' to being a lordship of parliament. In practical terms, however, little change would have taken place. John's lordship over the Isles can hardly have altered at all; the actual title remained the same, and so (with the exception of Kintyre and Knapdale, which were resigned) did the lands. The case of the Isles thus shows that in the fifteenth century it was easy for a 'territorial lordship' to become a lordship of parliament; no real institutional change was involved.

With the third lordship, Lorne, the transition from 'territorial lordship' to lordship of parliament went even more smoothly. Lorne was forfeited in the fourteenth century by John of Lorne, Robert I's enemy, but his grandson and namesake regained much of the land from David II.² This John of Lorne had two daughters: Janet, the elder, married Robert, second son of Robert Stewart of Innermeath. In 1388 Robert resigned Lorne to his elder brother John,³ who had probably married Janet's younger sister Isabel. John was generally known as 'Johannes Senescallus de Lorn',⁴ although occasionally he was styled 'dominus de Lorn'.⁵

1. Act. Parl., ii, 113.

2. Great Seal, i, app. ii, nos. 1136, 1182; cf. Highland Papers, i, 76-7.

3. Scot. Rec. Off., MS. Register House Transcripts, RH1/1/2, s.d. 29:iv:1388; Scots Peerage, v, 2.

4. Great Seal, i, nos. 883-5.

5. E.g., in 1407 (ibid., i, no. 895).

His son Robert had a similar style¹ until 1439, when he witnessed a charter of James II as 'Robertus dominus de Lorne'.² By 1449, Robert had been succeeded by his brother John, who was then 'Johannes Dominus Lorne';³ Three years later the lordship was granted to 'Johanni Domino le Lorne' on his own resignation.⁴ These styles are very significant, because during the reign of James II such styles, omitting the surname before the word dominus, were only borne by lords of parliament.⁵ They prove that under James II the lordship of Lorne was a peerage dignity. That this dignity was considered to be a lordship of parliament is shown by the arrangements made in 1469 for Colin Campbell first earl of Argyll to buy Lorne from John's brother and successor Walter lord Lorne. Part of the agreement was that after Walter had resigned the lordship in the earl's favour, 'the earl shal continue the said Lord Lorne to be a Lord of Parliament and to be styled of Innermeath.'⁶ Lord Innermeath duly appeared at parliament in 1471;⁷ the title⁸ lord Lorne went with the lands to the earl of Argyll. In the middle of the fifteenth century, therefore, the 'territorial lordship' of Lorne simply developed into one of the newly-emerging lordships of parliament.

The examples of Lorne and the Isles suggest that in the later fifteenth century little difference was seen between

1. Cal.Doc.Scot., iv, nos. 942, 983; Scotichronicon, ii, 483.
2. Great Seal, ii, no. 205.
3. Act.Parl., ii, 62.
4. Great Seal, ii, no. 573.
5. See below, pp. 70-75.
6. Hist.MSS.Comm., 4th report, app., p. 474, no. 9
7. Act.Parl., ii, 98.
8. Hist.MSS.Comm., 4th report, app., p. 474, no. 12. After the transaction, he was generally styled 'Colinus Comes de Ergile dominus Lorne et Campbell' (Great Seal, ii, no. 1110).

a 'territorial lord' and a lord of parliament. The lordships of parliament probably bore the same relationship to the 'territorial lordships' as the new, more personal, earldoms did to the older, provincial ones. This may be demonstrated in general terms as well. The new, personal earldoms and the lordships of parliament differed from the older earldoms and the 'territorial lordships' in the same three respects. First, there was the matter of parliamentary attendance: as a result of the 1428 act,¹ all earls and lords of parliament were entitled automatically to receive individual briefs of summons to parliament. Secondly, the newer dignities did not have nearly such a direct association with specific estates. This is reflected in the titles that were adopted: the styles of the new earls do not relate to their lands or spheres of influence,² while the styles of the lords of parliament are generally derived from their surnames, not from their lands at all.³ Thirdly, the lands belonging to both the new earls and the lords of parliament could be scattered over the whole country; they did not necessarily form a territorial unit, as was the case with the older earldoms and 'territorial lordships'. It therefore seems safe to say that in the late fourteenth and early fifteenth centuries the 'territorial lordships' were developing along basically the same lines as the earldoms, and with similar results. The change in the nature of the 'territorial lordships' resulted in the appearance of a new, more personal, type of lordship, known as the lordship of parliament.

1. Act. Parl., ii, 15, c.2.

2. See above, pp. 44-45, 54.

3. See below, pp. 70-75.

SECTION 3: 'GREATER BARONS' AND LORDS OF PARLIAMENT

The third element of the early Stewart higher nobility was the 'greater barons'. Obviously they cannot have developed in the same way as the earldoms and 'territorial lordships', because there was no equivalent element in the peerage of the mid-fifteenth century. However, this element of the early Stewart higher nobility did become part of the later peerage. Part of the process by which the peerage developed was the creation of the newer earldoms and lordships of parliament, and the nobles who thus became peers were drawn almost entirely from the 'greater baronage'. All the new earldoms created in James II's reign went to men whose families may be considered to be among the 'greater baronage' under the early Stewarts, except for the earl of Huntly, whose family, the Setons of Gordon, held the 'territorial lordship of Strathbogie'¹. Mostly, however, the new earls had become lords of parliament first. Indeed, as an examination of the personnel involved will show, almost all the early lords of parliament came from the same families as the 'greater barons' of the last years of the early Stewart period. Conversely, most of the families which may be considered to have made up the 'greater baronage' in about 1424 had lords of parliament for their heads a quarter of a century later. Thus it seems that, like the 'territorial lords', between about 1424 and 1450 the 'greater barons' were transformed into the lords of

1. The new earldoms created under James II were: Avandale (for Douglas of Balvenie); Huntly (Seton of Gordon); Ormond (Douglas of Balvenie — the fourth son); Erroll (Hay); Argyll (Campbell); Marischal (Keith); Morton (Douglas of Dalkeith); and Rothes (Leslie) (Handbk.Brit.Chron., pp. 468-88)

parliament.

To demonstrate this point more clearly, it is necessary to identify the early lords of parliament. The earliest known creation of a lord of parliament was that of Laurence Abernethy of Saltoun, who on 28 June 1445 was made a lord¹ of parliament with the title lord Saltoun of Abernethy. Four days later, on 3 July, the lordship of Hamilton was created: the baronies of Cadzow (Lanark), Machan (Lanark), and Kinneil (Linlithgow) were united and erected into the lordship of Hamilton, and granted to 'Jacobo Domino de Hamylton militi', following his own resignation. The charter contains the clause 'ac ipsum Jacobum ante dictum² Dominum nostri parliamenti hereditarie creamus ac nominamus.' After these no further creations are recorded until June 1452, when

'thar was maid VI or VII lordis of the parliament and banrentis. In the first, the lord Dernelie, the lord Halis, the lord Boyd of Kilmernok, the lord Flemyng of Cummyrnauld, the lord Borthuik of that ilk, the lord Lyle of Dowchale, the lord of Cathcart of that ilk.'³

These are the only creations mentioned in the records of James II's reign. However, there were many other lords of parliament under James II. For a start, among the witnesses to the Hamilton charter of 1445 were: 'Duncan Patricio Willielmo Harberto et Alexandro de Cambell Graham Sommerveil⁴ Maxwell et Montgomerie et parliamenti nostri Dominis.' These five magnates therefore were all lords of parliament on or before 3 July 1445. Unfortunately, the helpful

1. Maitland Misc., i, 383, 393.

2. Act.Parl., ii, 59.

3. The Auchinleck Chronicle, ed. T.Thomson (Edinburgh, 1819), pp. 11, 49.

4. Act.Parl., ii, 59.

description of these magnates as lords of parliament is not usually given in the documents of the period; generally, the only way of telling whether a man was a lord of parliament or not is from his title. After about 1450 this is a simple matter. A lord of parliament can be distinguished from all lesser men by two points in his title: first, the position of the word dominus is always immediately after the Christian name; secondly the preposition de is always omitted before the surname. A style following the pattern A dominus B therefore belongs to a lord of parliament; dominus A de B¹ does not. But in the first part of James II's reign the rule had not yet acquired its later rigidity. As the Hamilton charter shows, the preposition de is included between dominus and the surname in the styles of definite lords of parliament. It seems that the de was not generally dropped until the early 1450s; before then de, and sometimes le, was common in the styles of lords of parliament.

James Hamilton, for example, was 'dominus de Hamilton' in 1446, 'dominus le Hamilton' in 1446 and 1447, and 'dominus Hamilton' in 1455;² William Somerville was 'dominus de Somerville' in 1446, but 'dominus Somerville' by 1450;³ Alexander Montgomery was 'dominus de Montgomery' in 1447, 'dominus le Montgomery' in 1450, and 'dominus Montgomery' in 1452.⁴

Thus from 1445 to about 1452, men who were certainly lords of parliament used a style following the pattern A dominus de B. But other examples of such styles appear

1. Rait, Parliaments, pp. 179-80.

2. Exch.Rolls, v, 219, 224, 272; Act.Parl., ii, 77; Great Seal, ii, no. 601.

3. Exch.Rolls, v, 220, 393; Great Seal, ii, no. 323.

4. Ibid., ii, no. 301; Exch.Rolls, v, 414; Act.Parl., ii, 74.

between 1445 and 1452. The men who bore these styles were¹ invariably known as lords of parliament after 1452. It may be assumed that they also had that rank before that date, and therefore that where a style A dominus de (or le) B is found between 1445 and 1452, its bearer was a lord of parliament. The styles occur in government documents, not private ones, and so the possibility that the rank which they indicate was self-bestowed may be ruled out.

Examination of The Acts of the Parliaments of Scotland, The Register of the Great Seal, and The Exchequer Rolls of Scotland, provides the names of the following early lords² of parliament: from 1445, William lord of Crichton, Henry lord of Dalkeith,³ Robert lord of Erskine,⁴ Alexander lord of Forbes,⁵ Patrick lord of Glamis,⁶ Andrew lord Gray of Foulis,⁷ and George lord of Leslie;⁸ from 1450, John lord Haliburton,⁹ William lord le Hay,¹⁰ John lord Lorne,¹¹ William earl of Orkney and lord of Sinclair;¹² from 1451, William lord Keith,¹³ and George lord Seton;¹⁴ and from

1. Unless, that is, they died before 1452, in which case their heirs were lords of parliament.

2. Exch. Rolls, v, 180

3. Act. Parl., ii, 60. The rightful owner of the Dalkeith lands was Henry's elder brother, James, who had been declared incapable of managing his own affairs in 1441. In 1445 Henry, a supporter of the earl of Douglas, had obviously gained control of his brother's estates (Scots Peerage, 351-3).

4. Act. Parl., ii, 60.

5. Exch. Rolls, v, 206.

6. Act. Parl., ii, 60.

7. Ibid.

8. Exch. Rolls, v, 206.

9. Great Seal, ii, no. 305.

10. Act. Parl., ii, 62.

11. Ibid.

12. Ibid., ii, 63. The earldom of Orkney was a Norwegian dignity at that time, and the personal lordship of Sinclair was his only Scottish peerage (Scots Peerage, vi, 571; vii, 569).

13. Act. Parl., ii, 67.

14. Great Seal, ii, no. 432.

1452 (May), James lord Lindsay of Byres.¹ By the time of the June 1452 creations, therefore, there were already some 21 lords of parliament in Scotland.

However styles like these were not restricted to the years between 1445 and 1452. Several magnates bore them before 1445. Two of the witnesses to the Hamilton charter witnessed a royal indenture in 1440 as 'Duncan lord Cambell and Alexander lord of Montgomery',² and a third, 'Patricius dominus de Grahame' was a witness in 1443.³ A reference to Alexander Montgomery as the lord of Montgomery (a purely personal title, for there was no estate with this name) can be found as early as 1438.⁴ In addition, in 1438 the titles Alexander lord of Gordon⁵ and Walter lord of Dirlton⁶ appear; in 1439, William lord of Crichton,⁷ James lord of Dalkeith,⁸ Robert lord of Lorne,⁹ and William earl of Orkney and lord of Sinclair;¹⁰ in 1440, Robert lord of Erskine;¹¹ and in 1444, Robert lord of Keith.¹² In every

1. Great Seal, ii, no. 556 (test. 121).

2. Act.Parl., ii, 56.

3. Ibid., ii, 58.

4. Exch.Rolls, v, 52.

5. Ibid., v, 61. He died between 1440 and 1441. His son Alexander was made earl of Huntly in 1445 (Scots Peerage, iv, 521-2) and so does not appear as a lord of parliament. Although Alexander senior certainly had the same status as the other magnates with similar styles, the lord of Gordon has not been included in the list of men who were lords of parliament in 1445, because the earldom of Huntly was created in that year.

6. Exch.Rolls, v, 67; i.e. Walter Haliburton, who died before 1447, and was the father of the John lord Haliburton of 1450 (Scots Peerage, iv, 334-5).

7. Great Seal, ii, no. 202.

8. Ibid., ii, no. 208; i.e. James Douglas, who died 1440x1441, and was the father of the Henry lord of Dalkeith of 1445 (Scots Peerage, vi, 350-2).

9. Great Seal, ii, no. 205 (test. 13); i.e. Robert Stewart who was the father of the John lord Lorne of 1450 (Scots Peerage, v, 3).

10. Great Seal, ii, no. 210 (test. 21).

11. Act.Parl., ii, 55-6.

12. Great Seal, ii, no. 278; cf. below, p. 80.

case but one, the person who used a peerage style between 1438 and 1445, or his heir and successor, was a lord of parliament after 1445; the one exception was created earl of Huntly instead. This does not mean that the magnates who bore these styles were necessarily recognised as lords of parliament, because it was not until 1445 that the term lord of parliament was mentioned in specific conjunction with such styles. On the other hand, it must be almost certain that the social status of these magnates was the same as it was after 1445, when they can undoubtedly be called lords of parliament.

Thus of the 21 peerage titles identified from the period before the June 1452 creations, eighteen are to be found¹ in Scotland before the end of 1445. It is quite likely, too, that the other three, Hay, Lindsay of Byres, and Seton, also had peerage titles by then; they are included among the names of nineteen men who are said to have become lords of parliament before or in 1445 in a list of Scottish peers and prelates compiled in 1510 and appended to a manuscript² of Bower's Scotichronicon. Only two of these 21 lordships can safely be said to have been created by the crown. It might be that the record of the other creations is missing; after all, seventeen new lordships of parliament were created between 1453 and 1500, but in only seven cases are the

1. Gordon is not included in these totals; see above, p. 72, note 5.

2. Scotichronicon, ii, 542. The list of 19 omits Erskine, Forbes, and Maxwell from those identified above, and adds Borthwick, probably mistakenly (Borthwick is said to have been created in 1433, but there is no reference to a peerage style for Borthwick between then and 1452, when lord Borthwick was among the new lords created by James II: Auchinleck Chron., pp. 11, 49).

actual creations recorded.¹ If this were so, the institution of the lordship of parliament could be seen as having been introduced by the crown early in James II's reign. This however is highly unlikely, because James was not born until 1430.² It is hard to believe that between the ages of eight and fifteen he managed to create a new institution of nobility. Even the Hamilton creation, which was ostensibly carried out by James, can hardly be attributed to him. Hamilton was a close adherent of the eighth earl of Douglas, who dominated the political field at that time. His elevation to the rank of lord of parliament was much more likely to have been a political act on the part of the earl of Douglas than of James II.³ The same may very well be true with respect to Abernethy and some of the other magnates who acquired peerage titles in 1445.⁴ Douglas patronage, however, will not explain all the lordships which emerged during James II's minority. He did not succeed to his earldom until 1443,⁵ by which time at least eight magnates were using peerage titles. It therefore seems much more probable that these titles were simply adopted by the various magnates, and were then recognised by the government of the time. The spread of these titles might well have been helped by the fact that William Crichton,

1. Act.Parl., ii, 103, 113, 181, 228; Scots Peerage, passim.

2. Handbk.Brit.Chron., p. 57.

3. A.I.Dunlop, The Life and Times of James Kennedy Bishop of St Andrews (Edinburgh, 1950), pp. 55, 70, note, 79, 313, and note; Nicholson, Scotland, pp. 338-345, esp. p. 342.

4. It certainly applies to Henry Douglas of Dalkeith (Dunlop, op.cit., pp. 36, 59, note; Scots Peerage, vi, 351-3); and at the same time as Hamilton was created a lord of parliament two of the earl's brothers became earls: Hugh Douglas was created earl of Ormond, and Archibald Douglas was recognised as earl of Moray in his wife's right (ibid., vi, 585-6; vi, 308-10).

5. Handbk.Brit.Chron., p. 474.

chancellor for much of the minority,¹ was styling himself William lord of Crichton as early as 1439; other magnates who considered themselves Crichton's equals would have probably been quick to follow his example. Whatever the reasons for the appearance of these styles, by the end of 1445 they were firmly associated with parliamentary attendance, and so from then on would be limited to those who received parliamentary summonses.² This will account for the fact that, following the initial appearance of at least eighteen and probably 21 peerage styles between 1438 and 1445, no more appear until 1452, when James II, now of age and using the institution as a source of political patronage, created seven new lords in an attempt to build up support for himself.³ Clearly then there were two stages to the development of the lordships of parliament: first, between 1438 and 1445, when the earliest peerage styles appear; and secondly, after 1452, when the institution had 'come of age' and had been ratified by the crown.

It is now possible to make a comparison between the names of the early lords of parliament and the names of the nobles who may be considered to be higher nobles at the end of the early Stewart period. Obviously the lords of parliament who should be considered are the 21 of the first phase of the institution, those who had that rank before June 1452 and probably before the end of 1445 as well. Sinclair and

1. He was chancellor May 1439 - Nov. 1444, and 1448-1453 (Handbk.Brit.Chron., p. 175).

2. It is of course possible that the men who bore these early peerage styles were those to whom personal parliamentary summonses had been sent in the years before 1445; but there is no way of proving this, and no definite connection of the titles with parliamentary attendance until July 1445.

3. Dunlop, op.cit., pp. 137-8, 314; Nicholson, Scotland, p. 364.

Lorne may be discounted from the 21: the Sinclairs had the earldom of Orkney in the early Stewart period, the Stewarts of Lorne the 'territorial lordship' of Lorne. This leaves 19 families under consideration. These 19 families tally remarkably well with both lists of probable and possible 'greater barons' in 1424, those who held three or more baronies and those who were assessed at 500 marks or more¹ for the purposes of James I's ransom. Of the 19 early lords of parliament discussed here, 14 were from families which held three or more baronies in 1424.² Similarly, 13 of the 19 families were named among the hostages for James I, and every one was assessed at 500 marks or more.³ The similarity between the early lords of parliament and the 'greater barons' of 1424 is equally striking when the comparison is made the other way. Twenty-two families held three or more baronies in 1424, and in 14 of them the heads were lords of parliament by the end of 1445;⁴ 19 were assessed at 500 marks or over in 1423-4, and the heads of 13 of them were early lords of parliament.⁵ This analysis makes it quite clear that in most cases the early lords of parliament were the direct descendants of the

1. See above, pp. 29, 31, and Table III, p. 37.

2. Abernethy, Campbell, Douglas of Dalkeith, Erskine, Graham, Hamilton, Hay, Leslie, Lindsay of Byres, Lyon, Maxwell, Seton, and Somerville. The exceptions are Crichton, Forbes, Gray, Haliburton, and Montgomery.

3. Abernethy, Campbell, Douglas of Dalkeith, Erskine, Gray, Haliburton, Hamilton, Hay, Keith, Lindsay of Byres, Lyon, Montgomery, and Seton.

4. The 8 families which had 3 or more baronies in 1424 but whose heads were not lords of parliament in 1445 are: Cunningham, Douglas of Balvenie (created earl of Avandale 1437), Drummond, Dunbar of Cumnock, Fleming, McDowell, Ogilvy of Auchterhouse, and Oliphant.

5. The 6 families assessed at 500 marks or more whose heads were not lords of parliament in 1445 are: Boyd, Dunbar of Cumnock, Dunbar of Frendraught (earl of Moray 1425-29, and left only heiresses), Fleming, Hay of Yester, and Kennedy.

'greater barons' of 1424.

The examination of the way in which the three elements of the early Stewart higher nobility were developing during and immediately after the years 1371-1424 has therefore produced the following results. With the earldoms, the emphasis was shifting from the territorial to the personal side of their nature. The older earldoms were losing their close association with the provinces whose names they bore; the new earldoms which were created had scattered lands not associated with any provinces. Similarly, the links between provinces and the old 'territorial lordships' were also dissolving, and at the same time the 'territorial lordships' were becoming less and less important as a separate element in the higher nobility. No new 'territorial lordships' were created, but instead, a more personal institution, the lordship of parliament, appeared; this had the same relationship with the 'territorial lordships' as the new type of earldom had with the old. And the families from which the new earls and lords of parliament were drawn were practically the same as those which seem to have constituted the 'greater baronage' in about 1424. Indeed, the 'new peerage' of James II's reign is essentially composed of the same families as the early Stewart higher nobility. In general terms, therefore, it is quite clear that the ties between the higher nobility of the early Stewart period and the peerage that had emerged in Scotland by about 1450 are very close. But before the emergence of the Scottish peerage can be described as simply the culmination of the long-term development of the higher nobility, one further aspect of it must be considered. Was the transformation

of the 'greater barons' of 1424 into the early lords of parliament also the result of the general development of the higher nobility, or was it caused by a more sudden change in the period between 1424 and 1445?

SECTION 4: THE ACT ANENT PARLIAMENTARY REPRESENTATION, 1428

At first sight, the transformation of the 'greater barons' into the lords of parliament does seem to have been a sudden development, stemming from James I's act anent parliamentary representation of 1428.¹ It is generally assumed that the appearance of the new rank of lord of parliament was a direct result of the provision in the act that the greater nobles — dukes, earls, and lords of parliament — should receive individual summonses to parliaments. Innes of Learney believed that the act set the seal on James I's plans for a new peerage:²

'the institution of a Scots personal peerage occurred to James I during his captivity, and ... he had in some cases already conferred as an honour the dignities which acquired a constitutional significance through the legislation of 1425-28.'

Rait, more cautiously, wrote that³

'soon after the act of 1428 the ordinary use of the term [lord of parliament] became restricted to lay members of Parliament who were summoned by special writ. The dignity came to be not only personal but hereditary, though we cannot say that its founder, James I, intended it to be hereditary.'

But whether or not James I intended the new dignity to be hereditary, that is what happened; according to

1. Act.Parl., ii, 15, c.2.

2. Innes, Green's Encyclopedia, xi, para. 392. See also T. Innes, 'The Gordon Peerage', Jurid.Rev., xlii (1930), 323-52, and xliii (1931), 58-96, esp. xliii, 76-8; and Innes, 'Peerage Law', Sources and Literature of Scots Law, p. 432.

3. Rait, Parliaments, p. 179.

¹
Balfour-Melville,

'the effect [of the act] was to create a new rank of lords of parliament summoned by the king's writ, much as barons by writ had emerged in England in the thirteenth century.'

This view of the 1428 act, however, is only partially correct. Although it may have contributed to the parliamentary aspect of the new rank, it cannot be said to have been responsible for the actual emergence of the institution of the lordship of parliament. There was, for a start, much more to the institution than simply parliamentary attendance. Lordships of parliament were not created just by attendance at parliament, as Balfour-Melville implied; it was never the case in Scotland that an individual ²brief of summons to parliament automatically made the recipient a peer. Indeed it seems from an act of 1457 that individual summonses might be sent to anyone, regardless of rank. This act stated that freeholders whose income was less than £20 a year were not obliged to come to parliament unless they were barons 'or ellis specially of the kingis commandement be warnyt other ³be officaris or be wryte.'⁴ In fact there was a strong territorial side to the nature of the lordships of parliament.⁵ For example, the lordship of Hamilton was at least semi-territorial; in the charter creating it the baronies of Cadzow, Machan, and Kinneil were united into one big lordship or barony, to be known as Hamilton.⁶ The titles 'James lord of Hamilton' and 'James lord Hamilton'

1. Balfour-Melville, James I, p. 156; cf. Dickinson, Scotland, p. 216; and Nicholson, Scotland, pp. 302-4.

2. Rait, op.cit., p. 189.

3. I.e. either.

4. Act.Parl., ii, 50, c.2.

5. Rait, op.cit., pp. 181-5.

6. Act.Parl. ii, 59.

were thus as much territorial as personal. And if, for some reason, James Hamilton or any of the other early lords of parliament relinquished his lands, then it is very likely that he would have lost his peerage title as well. For instance in 1444, during the lifetime of his father William, Robert Keith was called 'Robertum dominum de Keth' in a royal charter;¹ the reason for this is almost certainly that two years earlier William Keith had granted all his lands to Robert,² and so here the peerage title was being given not to the head of the family but to the possessor of the family lands. Three other, later, cases in which a lord of parliament sold his lands, and lost his peerage title and status to the purchaser,³ may also be noted.

Next, strong evidence that the 1428 act was at the most only indirectly related to the emergence of the lordships of parliament comes from an examination of the titles which were borne at this period by important nobles below the rank of earl. It has been shown that the use of titles following the pattern A dominus de B became quite widespread during James II's minority: by the end of 1445 at least eighteen,⁴ and probably 21, magnates were using these peerage styles. This contrasts very strongly with the situation between the 1428 act and James I's death. In these nine years there is only one instance of peerage-type styles. Judgment in a case⁵ of 1430 was given by, among others, 'dominis de Abircorne

1. Great Seal, ii, no. 278.

2. Ibid., ii, no. 276. Robert Keith died in 1446, and the lands reverted to his father, who was subsequently a lord of parliament and (created 1458) first earl Marischal (Scots Peerage, vi, 39-41).

3. Lorne, 1470, Avandale, 1534, and Ochiltree, 1615 (see above, p. 66, and Rait, Parliaments, pp. 183-4).

4. See above, pp. 70-75.

5. I.e. James Douglas of Balvenie.

de Dalkeith de Erskine de Lochaw¹ de Gordon de Drylton²
 de Somerville de Maxwell ac de Mongumbry.³ Little
 significance can be attached to these styles, because no
 Christian names are given, and therefore the place of
dominus in the title cannot be ascertained: 'dominus de
 Erskine' might signify 'dominus Robertus de Erskine de
 eodem', a baron, or 'Robertus dominus de Erskine', a peer,
 and so on. Only three of the lords have purely personal,
 not territorial, designations: Somerville, Maxwell, and
 Montgomery. But Somerville is styled 'Thomas Somerville
 de eodem' in 1434,⁴ Montgomery 'Alexander Montgomery de
 Ardrossane' in 1430;⁵ Maxwell is not mentioned elsewhere
 in surviving official records between 1428 and 1437. In
 the private records of the period no lords have styles
 similar to those borne by lords of parliament under James II.

However, instances of personal, peerage-type titles may
 be found before the 1428 act was passed. A notorial
 transumpt of a brievie of James I, dated 1427, mentions 'ye
 lorde Kambal';⁶ but as Rait pointed out, this might simply
 be the equivalent of 'Dominus Duncanus Campbell'.⁷ The
 case of William Graham, who died in 1424⁸ is more important.
 After October 1407 he is styled 'Willielmus dominus de
 Graham' in many of the witness lists to the charters of

1. I.e. Duncan Campbell.
2. I.e. Walter Haliburton.
3. Act. Parl., ii, 28.
4. Ibid., ii, 28. There seems to have been a clerical error here, because there was no estate called Somerville, and so Thomas could not have been 'de eodem'; however it certainly was not a peerage title.
5. Great Seal, ii, no. 163.
6. Highland Papers, ed. J.R.N. McPhail, ii (Scot. Hist. Soc., 2nd ser., xii, 1916), 153.
7. Rait, Parliaments, p. 180.
8. Exch. Rolls, iv, clxxiv.

Robert duke of Albany,¹ in the records of the exchequer,² and in charters granted to him.³ There was no lordship of Graham, and so this style, used, (although not with total consistency) between 1407 and 1424 is closer to the style of subsequent lords of parliament than any others in the reign of James I. Some forty years after his death his status was almost certainly believed to have been that of a lord of parliament: in 1462 his widow, Mary countess of Angus, was called 'countess of Angus and Lady le Grahame' when a chaplaincy was endowed for her soul.⁴ A similar kind of title was borne by Henry Sinclair earl of Orkney; in 1407 he was styled 'Henricus Comes Orchadie Dominus de Sancto Claro', in 1411 'Henricus Comes Orchadie Dominus de Sancto Claro et Vallis de Nyth', and in 1419 'Henry Earl of Orkney Lord Sinclair and Niddisdale'.⁵ There were no estates called Sinclair, and so this title was a personal one, equivalent to those subsequently borne by lords of parliament. A third title of this type dating from this period is 'Robertus dominus de Erskine', used in 1423 in the witness list to one of the governor's charters of the man who was to have exactly the same title after 1440.⁶ During the period of James I's personal rule the heads of the houses of Graham, Sinclair, and Erskine are not found using this kind of title, but they did so once again after James I's death. The style 'Patricius dominus de Grahame'

1. He witnessed 29 of Albany's charters, between Feb. 1407 and June 1418. The style 'William lord of Graham' was used 22 times; of the exceptions, all but 2 date from 1407 (MS. Regesta 1371-1424, Acts of Robert Duke of Albany, passim).

2. E.g., Exch. Rolls, iv, 191, 208, 214.

3. E.g., Great Seal, ii, nos. 167, 168.

4. Dunlop, Bishop Kennedy, p. 3, note.

5. Hay, Sainteclaires, pp. 65, 66, 59, 60.

6. Fraser, Menteith, ii, 288.

occurs after 1443,¹ 'Willielmus Comes Orchadie dominus de Sancto Claro' after 1439,² and 'Robertus dominus de Erskine' after 1440.³

Another example of the style A dominus de B appears much earlier, in the first half of the fourteenth century. Between about 1314 and 1358, when the earldom of Douglas was created, the heads of the house of Douglas used this kind of style. Under Robert I, James Douglas was almost invariably called 'James lord of Douglas' from 1314 on.⁴ His son and successor, William, has the same style in the few recorded references to him.⁵ The next lord of Douglas was Hugh 'the Dull' who likewise called himself and was called 'Hugh lord of Douglas'.⁶ Finally there was William, the first earl; from 1342, when he received the Douglas estates on his uncle Hugh's resignation, until 1358, when he was made an earl, he was styled 'William lord of Douglas' both in charters issued by himself and by the

1. Act.Parl., ii, 58.

2. Great Seal, ii, nos. 210-2 (test. 21).

3. Act.Parl., ii, 60.

4. The earliest recorded use of this style is in April 1309; it is used inconsistently until the end of 1314, but regularly (with only 6 possible exceptions) from then on. This information derives from the MS. for Regesta Regum Scottorum, v: The Acts of Robert I, ed. A.A.M. Duncan.

I am very grateful to Professor Duncan for allowing me to use his MS., and to Mr.D.Galbraith of the Scottish Record Office for his assistance in checking James Douglas's styles.

5. Exch.Rolls, i, 396; The Priory of Coldingham, ed. J.Raine (Surtees Soc., xii, 1841), p. 21; Scots Peerage, iii, 146-7.

6. Fraser, Douglas, iii, no. 290; Morton Reg., ii, nos. 114-7.

crown and in David II's witness lists.¹ The lords of Douglas were the only magnates to use such a style; all other magnates were known by the normal baronial ones of dominus A de B or A de B dominus de² Moreover, the lords of Douglas were by far the greatest magnates below the rank of earl of the period. The implication is that they were unwilling to be known by the same style as the rest of the baronage, who in every other aspect were clearly their inferiors, and that they adopted this unique style³ in order to set themselves apart.

The use by the Douglasses between 1314 and 1358 of the kind of style usually associated with lords of parliament might be coincidence. But the evidence about fifteenth century noble styles shows that before James I returned from captivity there are three clear cases of 'peerage styles', one of which was used regularly over a long period; during James I's personal rule there are just two isolated and rather dubious examples of such styles, one before and one after the 1428 act; and then in the first eight years of James II's reign these styles came to be used regularly

1. Great Seal, app. i, no. 123; Act. Parl., i, 516; Fraser, Douglas, iii, nos. 18, 20, 291, 317; Hist. Mss. Comm., 15th report, app. viii, p. 6, no. 1. Between 1352 (when the Douglas regality was erected) and 1358 (when the earldom was created) his name appears in 10 royal witness lists, always as 'William lord of Douglas'. I owe this information to Mr. B. Webster, to whom I am very grateful; the documents are nos. 120, 140-4, 146, 148, 150-1, of his Regesta Regum Scottorum: Handlist of the Acts of David II (duplic., Edinburgh, 1962).

2. The odd exception to this may be found, e.g. 'David dominus de Brechin' in the Declaration of Arbroath, 1320 (Act. Parl., i, 474), but nothing that can be compared with the Douglas style.

3. Presumably with the sanction of Robert I, who could thus honour James Douglas without having to raise a man who originally was a relatively unimportant baron to the rank of earl; cf. Barrow, Robert Bruce, p. 390.

and consistently by at least eighteen, and probably 21, magnates. This evidence does not accord with the view that James I introduced a new institution of nobility into Scotland, either in the act of 1428¹ or before it, during his captivity in England.²

The act itself does not necessarily support this view either. Its purpose was not to create a new peerage, but to change the rules for parliamentary attendance laid down two years earlier. The previous act (March 1426) stated that 'all prelatis erlis baronnis and frehaldaris of the king' had in future to come to parliaments 'in propir persone ande nocht be a procuratoure'.³ This had proved unsatisfactory; either the lesser nobility did not want to come in person, or too many came.⁴ Therefore in 1428 the obligation on 'smal baronnis and fre tenandis' of personal attendance was lifted; instead, they had to send two or more 'commisaris of the shire' from each sheriffdom to represent them. The shire commissioners were to choose one of their number 'callit the common spekar of the parliament the quhilk sal propone all and sindry nedis and causis pertaining to the commonis in the parliament or general consal.' This, the main aim of the act, was not

1. As Rait seems to argue (Rait, Parliaments, p. 179; cf. above, p. 78) when he talks of James I 'founding' a new, possibly life-peerage, dignity 'soon after the act of 1428'.

2. As Innes of Learney argues (Innes, Green's Encyclopedia, xi, para. 392; cf. above, p. 78, and note 2), citing the Graham and Sinclair titles. It is inconceivable that James I created these special dignities, because the titles occur in 1407, when James was only 13 years old, and only one year after his capture.

3. Act. Parl., ii, 9, c. 8.

4. It is normally assumed that the lesser nobility would not obey the 1426 act, but if all barons and freeholders had turned up in person, parliament would have been swamped.

surprisingly a failure. The person responsible for it (presumably James I) seems to have known more about English than Scottish institutions; he attempted to reform the Scottish parliament on the pattern of the English one. The shire commissioners are the equivalent of the knights of the shire, and they, possibly in conjunction with the burgh representatives, were to elect a speaker to represent the commons. Although the act does not state that parliament was to be bi-cameral, clearly the commons were to be separated from the lords. This is probably why the act failed. The whole concept of a lower house, or group, of commons, was English, and was unsuitable to Scottish conditions. The English parliament had originally consisted of lords; the regular attendance of the knights of the shire and the burgesses was a later development, and, with an upper house of important nobles already in existence, it was quite natural for the knights of the shire and burgesses to form a lower house of commons. In Scotland, on the other hand, all the lay tenants-in-chief, no matter how few their lands, had always been entitled to come to parliament in person and sit in the estate of the lay nobility, or barons. The only members of the Scots parliament who could be called commons were the burgesses. Under these circumstances it is probable that in 1428 the majority of tenants-in-chief, including many barons, would have resented being informed that in future parliaments they would be classed not with the barons but among the commons, sending commissioners like the burghs. Whether or not the lesser nobility were accustomed to attend parliament, they surely would have wished to retain the right to do so without

being demoted to the ranks of the commons. In fact in the rest of the fifteenth century men who were not peers¹ attended parliaments in quite considerable numbers.

One of the major difficulties facing the drafter of the act was how to distinguish the small barons from those who were not so small, and whose personal attendance was therefore desirable; it has already been shown that there was no neat dividing line within the baronage in the early fifteenth century. The way the act solved this problem was through the use of personal summonses: those whom the king wished to attend would receive individual briefes instructing them to do so; those who did not receive individual summonses would know they had been classed as 'small', and would therefore proceed with the election of² commissioners. The final clause of the act deals with this matter:

'All bischoppis abbotis prioris dukis erlis lordis of parliament and banrentis the quhilk the king will be Reservit and Summonde to consalis and to parliamentis be his special precep.'

The words 'be Reservit' show that this clause is an integral part of the whole act, not a separate measure. The clause clearly envisages an upper section of parliament, complementary to the commons. But it is unlikely that it was intended to create an institutionalised peerage like that of the English house of lords. According to the act, individual summonses were only to be sent to those lords 'the quhilk

1. Thirteen witnessed a charter issued in parliament in 1444; 34 came to parliament in Feb. 1472, 29 in Jan. 1488 (Rait, Parliaments, pp. 197-8).

2. The barons would surely not have been 'faced with the question as to whether or not they were "small",' (Nicholson, Scotland, p. 303) because this decision would have been made centrally, when individual summonses were issued.

the king wil'. This phrase can have two interpretations. Either this selection was to be made once only, so that a Scottish house of lords, with hereditary membership determined on the basis of the summonses to the first parliament after 1428, would be created; or membership of the lords was to be fluid, with the crown retaining the right to request personal attendance from whomever it desired. The second interpretation is much the more likely; it corresponds both with James I's clear desire to keep¹ the power of the crown greater than that of the nobility, and also with the absence of any special titles of nobility other than earl during the period of his personal reign.

The terms used to describe the nobles to whom individual summonses were to be issued support this interpretation of the act. The first two, duke and earl, are straightforward enough: dukes and earls obviously could never be considered to be small barons, and so would always qualify to receive personal summonses. However, the other two terms, lord of parliament and barrent, are much vaguer. Both were unusual in the Scotland of 1428. Before the act the term lord of parliament is only recorded three times; in each case it has a general meaning, referring to all those who attended parliament rather than to a specific rank. In the earliest recorded use, in 1389, the words 'dominos parliamenti' clearly mean either the whole parliament or a² parliamentary committee. Similarly, in 1424 consent was³ given to an act by 'the lordis of parliament', and in 1426

1. Nicholson, Scotland, pp. 285-7, 317-24; J.M.Brown, 'Taming the Magnates?' in The Scottish Nation, ed. G.Menzies (London, 1972) pp. 50-2.

2. Act.Parl., i, 558; cf. Rait, Parliaments, pp. 353-7.

3. Act.Parl., ii, 5, c.13.

the king presented certain articles 'to the prelates mychty¹ lordis of the parliament Erlis and baronnis'. After 1428 the term continued to have a general meaning: in 1430 the seven bishops, six earls, constable, marischal, and nine² lords who decided a legal case were all described as 'domini parliamenti'³; in 1435 'omnes domini parliamenti tam ecclesiastici quam seculares ac etiam comisarii burgorum' promised to give letters of retainer and fealty to the queen.⁴

The term was used in the same way under James II: in 1455 all the members of the parliament, described as 'domini Parliamenti', agreed to the prohibition of support for the Douglasses.⁵ Indeed, this general meaning continued in use up to 1707; statutes were always certified to have received the royal assent 'in presentio dominorum parliamenti'.⁶ But by 1455 the more familiar, restricted, sense of a peer below the rank of earl had also begun to be used: an act was passed defining the dress to be worn in parliament by the different ranks of earl, lord of parliament, burgh commissioner, and advocate.⁷ In January 1450 the restricted sense was used even more clearly when it was arranged that those due to attend, including 'erlis and lordis of parliament and gret lordis'⁸ would be summoned to a general council the following May. And the first use of the term

1. Act.Parl., ii, 9.

2. I.e. the 'dominis de Abircorne de Dalkeith ...' named and discussed above, pp. 80-81.

3. Act.Parl., ii, 28.

4. Ibid., ii, 23, c.2; while earlier instances are perhaps ambiguous, this passage proves that domini parliamenti did not yet have its specialised meaning, because it is applied to everyone at parliament, no matter how they were summoned, except the burgh commissioners.

5. Ibid., ii, 44.

6. Rait, Parliaments, p. 179.

7. Act.Parl., ii, 43, c.11.

8. Ibid., ii, 39.

in this way appears to have been in the charter making James Hamilton a lord of parliament.¹ From this period on the restricted, peerage, sense of lord of parliament almost entirely replaced the general sense. Thus it was under James II, not James I, that the term lord of parliament really came to mean a rank in the peerage — at the same time as special titles associated with that rank were also coming into common use.

Banrent is an even more uncommon term in early fifteenth century Scotland. It is the Scottish form of the English and French 'banneret',² and before James I's reign seems only to have been used of foreigners.³ The first time it occurs in a Scottish parliamentary context is in 1426, when the king together with 'certane lordis prelati banrentis baronnis frehaldaris and wismen' determined the business of parliament;⁴ its next appearance is in the 1428 act; and it is used only once more under James I, in 1431, when the preamble to the parliamentary record states that 'Erlis baronnis banrentis' were among those summoned to attend.⁵ After the end of James I's reign banrent came to be a secondary meaning for lord of parliament in the peerage sense. The Auchinleck Chronicle, for example, refers to 'VI or VII lordis of the parliament and banrentis' being

1. Act. Parl., ii, 59.

2. W. Craigie, A Dictionary of the Scottish Tongue (Oxford, 1937 onwards) s.v. 'banrent'.

3. E.g., Barbour spoke of 'Thre banrentis of full mekill mycht' on the English side at Bannockburn (J. Barbour, The Bruce, ed. W.K. Skeat (Scottish Text Soc., xxxi-xxxii, 1894), book xi, line 519). Fordun recorded that 26 French 'banaristae' were in the 1385 force that came to Scotland (John of Fordun's Chronicle of the Scottish Nation, ed. W.F. Skene (Historians of Scotland, i, 1871), p. 383).

4. Act. Parl., ii, 13.

5. Ibid., ii, 20.

created in 1452;¹ in 1476 John of the Isles was made 'baronem banrentum et dominum parliamenti';² in 1491 James IV created James Ogilvy of Airlie 'Barone and banrent and lord of his parliament'.³ However, it is unlikely to have had this precise meaning in the 1428 act, because neither it nor lord of parliament are used in such a way at any other time in James I's reign.

What then is the significance of the terms lord of parliament and banrent in the 1428 act? The answer seems to be that the phrase 'dukis erlis lordis of the parliament and banrentis' is an example of English terminology and concepts similar to those in the main portion of the act. The purpose of this last clause of the act is to define those members of parliament who could not be classed as commons. It had been official practice in England to describe this section of parliament — the house of lords — as 'dukes, earls, barons, and bannerets'. The four elements of this phrase were all originally separate ranks, but by about 1400 the distinction between baron and banneret had become blurred, so that the phrase 'barons and bannerets' meant simply those members of the house of lords below the rank of earl.⁴ This was almost certainly what would have been understood by the phrase at the time of James I's captivity.⁵ Thus the appearance of the uncommon Scots

1. Auchinleck Chron., pp. 11, 49.

2. Act. Parl., ii, 113.

3. Ibid., ii, 228.

4. J.E.Powell and K.Wallis, The House of Lords in the Middle Ages (London, 1968), pp. 352, 373, 390, 421, 425, 437.

5. The term 'banneret' was not used in official lists after 1400 (ibid., p. 437), but the concept survived unofficially during the first quarter of the 15th century (ibid., pp. 452, 454).

term *banrent* in the act of 1428, which shows so much English influence elsewhere, suggests strongly that the English way of describing the members of the house of lords was being copied. However, it would not have been possible to use the English phrase in its entirety, because the term *baron* had a different meaning in Scotland; in the main part of the act, moreover, it was stated that the small barons would be part of the commons. A term to replace *baron* in the description of the upper section of the Scots parliament had therefore to be found; *lord of parliament*, which at that time meant simply any lord who attended parliament, was employed. '*Lordis of the parliament and banrentis*' would thus be the Scottish equivalent of the English '*barons and bannerets*'. But while James I might use English terminology to describe his nobility, this does not mean he intended to import English institutions of nobility into Scotland. The English barons were hereditary peers, and bore distinctive titles; the evidence about Scottish noble titles and terminology under James I given above indicates that there were no such lords in Scotland between 1424 and 1437. In the act of 1428, the use of the terms *lord of parliament* and *banrent* was merely in order to describe the men below the rank of earl to whom James I wished to send parliamentary summonses, in a measure whose chief aim was to regulate the parliamentary attendance of lesser men; there is no reason to suppose that it was intended to set up a new institution of nobility.

However, while it has thus become clear that the 1428 act anent parliamentary representation was not intended to create the institution of the lordship of parliament,

it is possible that its effect may have been indirectly to bring about this result, contrary to the aims of its author. In one respect this is almost certainly the case: the association of the terms lord of parliament and baron with the new peerage dignity. This new dignity was virtually identical to that of the English baron. It can hardly be a coincidence that the terms used to describe this rank were the same as those used in the 1428 act as the equivalent of the English baron and banneret. Moreover, if the act of 1428 introduced the practice of sending individual parliamentary summonses to important nobles, this in itself might have brought about the emergence of the lordships of parliament. Unless the list of nobles to whom summonses were sent varied from one parliament to another, then in time certain nobles might have regarded themselves and have been regarded as having an automatic right to personal summonses, thus forming the class of lords of parliament. This, which seems to have happened with the English peerage in the fourteenth century,¹ was the view held by Balfour-Melville.²

On the other hand, strong arguments may be made against regarding the act as even the indirect cause of the development of the lordships of parliament. To begin with, in the 1450s individual parliamentary summonses were not restricted simply to the dukes, earls, and lords of parliament. An act of 1457 shows that even freeholders worth less than £20 a year might receive special written summonses to parliament.³ And in January 1450 it was stated that

1. McFarlane, *Nobility*, pp. 142-3.

2. Balfour-Melville, *James I*, p. 156.

3. *Act. Parl.*, ii, 50, c.21; cf. above, p. 79.

'... erlls and lordis of parliament and gret lordis be haldin to be thar [at a general council the following May] after the precept of the kingis lettres.'¹ If the issue of individual parliamentary summonses was not institutionalised in the 1450s, then it was hardly likely to have been rigid in the years immediately following the 1428 act. Secondly, the formulary known as the Bute MS., which dates from about 1400, includes a copy of an individual brieve of summons to the parliament of 1293;² it is quite possible, therefore, that since the end of the thirteenth century individual parliamentary summonses had been used in Scotland.³ This would mean that there is no reason to suppose that the 1428 act altered the machinery for summoning important nobles to parliament at all, in which case it would hardly have made even an indirect contribution to the emergence of the lordships of parliament.

Unfortunately, it is impossible to be certain about this second point, because no individual briefes dating from the fourteenth century have survived. This has led Professor Duncan to argue that while in the 1290s individual summonses were issued under English influence, from about 1305 to 1428 individual summonses were not sent out, and instead the only machinery used to convoke parliaments was the general brieve sent to the sheriff.⁴ In the fourteenth century,⁵ according to Professor Duncan,

'Three considerations indicate that individual summonses were no longer issued, to wit the absence

1. Act.Parl., ii, 39.

2. Ibid., i, 102-3; A.A.M.Duncan, 'The Early Parliaments of Scotland,' Scot.Hist.Rev., xlv (1966), 43, and note.

3. This will be discussed in the next paragraph.

4. Duncan, art.cit., pp. 43-8, 52-8.

5. Ibid., p. 53.

of any positive evidence for them in the fairly copious records of the later fourteenth century, the unlikelihood that bishops, abbots, earls, and barons would be summoned twice, and the statute which seems to have reintroduced individual summons in 1428.¹

These three arguments are not altogether convincing. The first is an argument from silence; most of the 'fairly copious records' consist of charters, or relate to the possession of land, and there is an almost total absence of documents of a more ephemeral nature, such as rentals or (outside two or three formularies) ¹briefes of any sort. The second does not take into account the fact that after 1428 important nobles were summoned twice over, both in individual summonses and in the general summonses which ²were still employed. The third, that in 1428 individual summonses were reintroduced, is circular; only if it is first assumed that there were no individual summonses between 1305 and 1428 can the act be seen to have reintroduced them.

The evidence that individual summonses were used before 1428 is considerably stronger. For a start, certain nobles who did not appear at parliaments and general councils ³were declared 'contumaciously absent'. This implies that the crown was especially anxious that these nobles should attend in person, in which case it seems unlikely that it only notified them through a general summons proclaimed by the sheriffs. Further, although there are no actual fourteenth century briefes, there are references to some sort of

1. Indeed although the text of an individual summons issued in 1293 has survived, it is actually recorded in a formulary compiled in about 1400 (Duncan, art.cit., p. 43 and note).

2. As the late-15th century examples of general and individual summonses in Act.Parl., i, 104, demonstrate.

3. Ibid., i, 498, 501, 503, 506, 507, 547; see also below, p. 97.

individual summons at this period. When an emergency council-general had to be held in 1403, there was no time for a formal, country-wide, summons, and so according to Bower, 'scripsit gubernator undique majoribus et sapientibus, prelati¹ et magnatibus e vicino.' Also, in 1399, 19 people were 'ad presencia Regis propter hoc specialiter vocati' to a council meeting at Linlithgow;² this was not a council-general, although included in the Acts of the Parliaments,³ but it does illustrate the use of individual summonses. Similarly, there appears to have been 'some form of communication to the individuals and corporations whose presence was required'⁴ at a council-general held in 1365; the names of 39 present are given, and after the list the report adds, 'Convocatisque aliis ad huiusmodi consilium vocari consuetis et ad negocia infra scripta citatis.'⁵

From these references it does appear probable that in fourteenth century Scotland there was some machinery for issuing individual summonses to important men. If so, it is very likely that this machinery was used for parliaments as well as for councils and councils-general, and that therefore the final clause of the 1428 act did not introduce a new system of parliamentary summonses for important nobles.

The parliamentary records for the years before 1428

1. Scotichronicon, ii, 435.

2. Act.Parl., i, 574.

3. It is also included in the Haddington MS, which appears otherwise to have been a register of parliaments and general councils; therefore the 1399 meeting must at the very least have been a most important session of the royal council.

4. R.K.Hannay, 'General Council of Estates,' Scot.Hist.Rev., (1923), 274; Hannay, Rait, and Dickinson all believed that individual summonses were employed before 1428 (ibid., p. 282; Rait, Parliaments, pp. 176-7; Dickinson, Scotland, p. 188).

5. Act.Parl., i, 495.

also show that, no matter what system of parliamentary summons was used, the obligation to attend parliaments and councils-general operated on two different levels. Generally speaking, 'All prelati erlis baronnis and frehaldaris of the king within the realme ... ar haldyn to geif thar presens in the kingis parliament and general consale,' as James I's act of 1426 expresses it.¹ This act also states that in fact most tenants-in-chief did not appear in person. Until 1426 the crown for the most part accepted this: the standard formula used in the parliamentary records to describe attendance is 'comparentibus omnibus illis qui debuerunt, voluerunt et potuerunt commode interesse'.² However, as this formula shows, as well as those who wished to appear and those who could conveniently appear, there were also those who had to appear. Thus there were two degrees of obligation. If those who had to appear did not do so, they would probably have been declared 'contumaciously absent'. The 'Black Buik' account of the parliament of March 1372, for example, gives the normal formula describing attendance,³ and then adds:

'quibusdam vero aliis absentibus quorum aliqui fuerunt excusati legitime, aliqui vero se per contumaciam absentarunt, prout in alio registro continetur.'

Unfortunately, the 'other register' no longer exists, but there are three instances in which the names of the absentees have survived. They were all important nobles: in 1366, the earl of Ross, Hugh Ross his brother, John lord of the Isles, John lord of Lorne, and John Hay; in 1367

1. Act.Parl., ii, 9, c.8.

2. E.g., ibid., i, 498, 547, etc.

3. Ibid., i, 547; cf. ibid., i, 498, 503, 506, 507; ii, 13, 15, 16, 17, 19.

the earls of Douglas, March, and Ross; and in 1370, the earl of Mar, John lord of the Isles, and Gillespie Campbell.¹ This suggests, therefore, that in the fourteenth century there was a particularly strong obligation on important nobles to attend parliament.

The obligation of parliamentary attendance on the most important nobles, the earls and 'territorial lords', was probably automatic. This is suggested by a clause in the charter in which Robert I granted the Isle of Man to Thomas Randolph.² Part of the reddendo runs:

'faciendo personalem appresentiam ad parlamenta nostra et heredum nostrorum infra regnum nostrum tenenda per rationabiles quadraginta dierum summonitiones.'

This clause, which is unique, must have been inserted in the charter for a specific purpose. It cannot merely have meant that Randolph had to come to parliament in person. If Robert I had intended to impose a written obligation upon his most important lay magnate, and upon him only, then he would hardly have included it in the middle of a grant of the Isle of Man.³ It would have come in the charters of Moray or Annandale, or more probably in a separate document. This clause, therefore, must relate not simply to Randolph, but to his tenure of the Isle of Man: it must imply that all who possessed the Isle of Man had to attend parliaments in person. This charter is the only known document in which such an obligation was imposed upon a territory in medieval Scotland. But Robert I was not given to innovation,⁴ and in granting Man to Randolph

1. Act. Parl., i, 498, 501, 507.

2. Great Seal, i, app. i, no. 32.

3. Ibid., i, app. i, nos. 31, 34.

4. See Barrow, Robert Bruce, chapter 14, passim.

it is unlikely that he meant to create an entirely new institution. The Isle of Man had only just been acquired¹ by the Scots crown, and needed to be integrated into the rest of the kingdom. Because of this, it is much more reasonable to assume that what Robert I was trying to do was to copy something that already existed, in the same way as he did when he created the purely territorial earldom of Moray.² It is therefore very probable that the Isle of Man was intended to be like the other 'territorial lordships'.³ The implication of this argument is that the other 'territorial lordships', and presumably the earldoms as well, all carried the obligation to attend parliaments; or rather, that as the Scots parliament developed, an unwritten rule appeared, that men who held earldoms and 'territorial lordships' were under an obligation to come in person to parliaments.

Below the rank of 'territorial lord', on the other hand, there would have been more flexibility; personal attendance would have been expected from the more important barons, but not from the lesser men. It is not impossible that the distinction between the two levels of obligation was marked by the kinds of summons issued: those whose presence was particularly required may well have been the ones to whom individual summonses were sent. If this argument is correct, then in the fourteenth century earls, 'territorial lords', and certain other important nobles would have

1. The Isle of Man was in Scottish hands in 1266-90, 1293-6, and after 1313 (Handbk.Brit.Chron., p. 62).

2. See above, p. 43.

3. Or (since the term 'territorial lordship' has been artificially coined for this thesis) like such great lordships as Galloway or Annandale (Bruce's own lordship).

received individual summonses to parliaments, while the rest of the tenants-in-chief would have been notified to attend by the general brieve sent to the sheriffs.¹ This suggested procedure is identical to that described in the final clause of the 1428 act anent parliamentary representation. It is quite likely that this act did not in fact alter the machinery for summoning the more important nobles to parliament. The only connection between the 1428 act and the development of the lordships of parliament would thus have been in the field of terminology: the introduction of the terms lord of parliament and baron as a means of describing important nobles below the rank of earl. That the act had a greater significance than this is extremely doubtful. It follows, therefore, that the causes of the transformation of the 'greater barons' of 1424 into the early lords of parliament must be looked for elsewhere.

SECTION 5: THE DEVELOPMENT OF THE PEERAGE

It has been argued above² that the lordships of parliament should be thought of as a development of the 'territorial lordships', just as the earldoms of the fifteenth century were a development of the older earldoms, and that the difference between the two institutions was not very great. The discussion of Scottish parliamentary attendance before 1428 given in the preceding section³ greatly strengthens

1. This raises the question of whether a parliamentary peerage, or something very like it, was already in existence some time before 1428; but the lack of any positive evidence means it must remain unanswered (cf. above, p. 33).

2. See above, pp. 63-67.

3. See above, pp. 94-99.

this argument: Robert I's charter of the Isle of Man is particularly significant, because it indicates a close connection between personal attendance at parliaments and possession of a 'territorial lordship'. This process of institutional change within the highest ranks of the Scottish nobility has already been examined.¹ Also it has been shown² that the majority of the early lords of parliament belonged to the same families as the men who were probably 'greater barons' at the end of the early Stewart period. This means that all that was happening when the lordships of parliament appeared in the fifteenth century was that a large number of the 'greater barons' of the time were given or acquired the new status of lord of parliament, in the same way that, since 1358, a few 'greater barons' became earls of the newer, non-provincial, sort. The question that remains about the development of the Scottish peerage, therefore, is why this wholesale transformation of 'greater barons' into lords of parliament took place when it did.

The answer to this question may be found in the general history of the higher nobility.³ In early medieval Scotland, there were probably relatively few 'greater barons', and the higher nobility was dominated by the earls and the 'territorial lords'; this was still probably the case in the late thirteenth century.⁴ But during the fourteenth century the composition of the higher nobility changed.

1. See above, Sections 1 and 2 of this Chapter.

2. See above, pp. 75-76.

3. This paragraph is based on the discussion of the composition of the higher nobility contained in chapter I, above.

4. This cannot be proved here, but it is the impression gained from various accounts of the early medieval period, (e.g. Ritchie, Normans, Barrow, Kingdom of the Scots, Regesta William II, Dickinson, Scotland, and Barrow, Robert Bruce) and also from The Scots Peerage.

By the end of the century, there were fewer earls and far fewer 'territorial lords';¹ the number of 'greater barons', on the other hand, had probably increased considerably compared with earlier periods. The result of this would have been that the 'greater barons' had a much more important position within the higher nobility, and therefore in the country as a whole, than had previously been the case. However at this time the 'greater barons' did not form a separate rank of nobility. Although by comparison with the rest of the Scottish baronage they would have been wealthier, more prominent politically, and perhaps more likely to receive personal summonses to parliament, their more important status was not institutionalised. In particular there was no way of distinguishing great lords like David Lindsay of Crawford or James Douglas of Dalkeith from the hundred or so other nobles who held some land in free barony and were therefore called barons. The easiest solution to this problem was for such great men to adopt distinctive personal styles. Here, in the early fourteenth century, Robert I's companion-in-arms James Douglas possibly led the way, when he started to call himself and to be called 'James lord of Douglas' rather than 'James Douglas lord of that ilk', presumably as a mark² of his particularly important standing in the country. Almost a century later, when the balance of the higher nobility's composition had shifted much further towards the 'greater barons', other magnates appear with similar styles: William lord of Graham, Henry earl of Orkney and lord of Sinclair, and (on one occasion) Robert lord

1. Cf. above, p. 25.

2. See above, p. 83.

¹
of Erskine. The use of such styles was not widespread, nor was it consistent; this suggests strongly that they were adopted by the particular magnates themselves, rather than bestowed by the regent Albany. But in a situation in which one or two magnates were adopting specially distinctive titles, it is most likely that, in time, other magnates who were equally important would have followed suit, in order to draw attention to their own position in the country.

Thus it may be suggested that at the end of the early Stewart period a trend within the higher nobility towards the formation of a distinctive group of 'greater barons' had started, and that it would only have been a matter of time before a new rank of nobility emerged. However, while this trend was probably under way before 1424, the actual process of development was partly shaped in the period after that date. To begin with there was the 1428 act anent parliament-²ary representation. It has already been shown that this act was neither the direct nor the indirect cause of the appearance of the new rank. Nevertheless, the link between the concepts of higher nobility and individual summonses to parliament, while probably existing earlier, would have been reinforced by the act. Also, it was due to the 1428 act that the terms lord of parliament and barrent were applied to the new rank when it finally did appear.

Secondly, the desire for readily identifiable titles to distinguish the greater barons may have been enhanced by the knowledge that these existed in England; the wish to imitate English institutions need not be limited to James I alone.

1. See above, pp. 81-83.

2. See above, section 4 of this Chapter.

Although the style A dominus de B was not used in Scotland under James I, in 1431 an English safe-conduct was issued to 'Alexander dominus de Gordon';¹ this was the style of an English parliamentary baron, and it is presumably the way that Alexander Seton of Gordon described himself in his request for the safe-conduct. What is perhaps the first instance of the use of Scottish peerage titles in James II's reign is also related to England. On 30 November 1437 'Alexander dominus de Gordoune' and 'Alexander dominus de Mountgomorre', 'barones', were appointed ambassadors to England.² Here the term barones was surely used, in conjunction with the peerage-type styles, in order to show that Gordon and Montgomery had the same status as English barons, rather than that they held lands in free barony, which was the Scottish sense of the term.³ Similarly, in the record of the truce negotiated by Gordon and Montgomery, both the Scottish and the English conservators were classified as earls, barons, and knights. The Scottish barons were 'Alexander dominus de Gordon, Walterus dominus de Drilton, Thomas dominus de Somervile, Herbert dominus de Carlaverock, Alexander dominus de Mountgomorre, Willelmus dominus de Crechton, Adam dominus de Halis.'⁴ It seems likely that Gordon and Montgomery considered that they themselves and the other five lords had the same status as the English barons, John lord Greystoke and Thomas lord Dacre. But in Scotland, Crichton's peerage title was not used for at least another year,⁵ and Adam Hepburn of

1. Rot.Scot., ii, 276.

2. Ibid., ii, no. 307.

3. See below, pp. 139-142.

4. Rot.Scot., ii, 310.

5. Exch.Rolls, v, 180.

Hailes never had such a title.¹ This, together with the use of the territorial designations 'Dirleton' and 'Carlaverock' instead of the personal 'Haliburton' and 'Maxwell', suggests that the estimate of the rank of these Scottish lords was a private one, not yet supported by public recognition.

Moreover, at about this time it came to be accepted that the English crown could create parliamentary barons by royal writ; this may have helped to accelerate a similar development in Scotland. The first attempt to do this was in 1387, but it was unsuccessful: in 1388 the Appellants had Richard II's Baron Beauchamp of Kidderminster condemned and executed under his original style, John Beauchamp of Holt,² thus refusing to recognise his elevation. The next creation of a baron by the crown was in 1432, when on the death of his wife the countess of Huntingdon, John Cornwall was given a peerage and seat in parliament in his own right as baron of Fanhope.³ Ten years later, in 1442, Ralph Boteler was created Baron Sudely; this was a personal dignity, separate from the tenure of any estate.⁴ This marks the establishment in England of the practice of creating parliamentary barons; it comes only slightly before the first known creation of a lordship of parliament in Scotland.

However, the trend towards the development of the new Scottish rank probably received its greatest boost after 1424 as a result of James I's policy towards his nobility. One aspect of this policy was probably to check any tendency

1. The Hepburns did not become lords of parliament until 1452, when Adam's son Patrick was promoted (Auchinleck Chron., p. 49).
 2. Powell and Wallis, Lords, pp. 403, 408.
 3. Ibid., pp. 460-2.
 4. Ibid., pp. 470-1.

towards the institutionalisation of the higher nobility; James did not want to create a peerage like that of England. This is indicated by the statement in the 1428 act that the king would decide who were to receive individual parliamentary summonses, and also by the absence of any peerage-type styles from Scottish records between 1424 and 1437.¹ In the short term, of course, this halted the development of the higher nobility towards becoming a peerage. But it is also likely to have caused the pressure for such a development to build up, so that the demand for it was all the greater when James I's firm control was removed in 1437. At the same time, James I's reign had a dramatic effect on the earls and earldoms; his policy towards his earls has justly been described as one of annihilation.² The reign brought about an almost complete vacuum at the top of the higher nobility. In 1424 there were eleven earls and one duke, sharing 17 earldoms; a month after James's murder in 1437 there were only five earls, with one earldom apiece, left: Angus, Crawford, Douglas, Menteith, and Sutherland.³ Moreover, the earls of Menteith and Sutherland were hostages in England, where they were to stay until 1453 and 1444 respectively; and in October 1437 the earl of Angus died, to be succeeded by a son of about eleven.⁴ Thus when James II's reign began there were only two adult earls in Scotland. Some steps were taken to improve this situation: James Douglas of Balvenie was made earl of

1. See above, pp. 80-81.

2. Brown, 'Magnates', Scottish Nation, p. 49.

3. For the fate of the other earldoms, see above, p. 55; also, the earl of Carrick (not mentioned there) became king as James II.

4. Scots Peerage, i, 175.

Avandale late in 1437,¹ the lord of the Isles was recognised as earl of Ross in 1438,² and Robert Erskine began styling himself earl of Mar.³ But the Avandale creation was cancelled out when Earl James succeeded to the earldom of Douglas in 1440;⁴ Erskine's claim to Mar was never officially recognised;⁵ and no fresh creations of earls were made until 1445. In the first years of James II's minority, therefore, it is clear that the balance of the composition of the higher nobility had shifted even further away from the earls and towards the 'greater barons'.

With the virtual disappearance of earls from Scotland during the years between 1437 and 1445, the 'greater barons' came near to being the most important men in the land. This is probably the main reason why so many of the 'greater barons' adopted special distinguishing titles then, and thus why the institution of the lordship of parliament finally emerged when it did. However, the widespread appearance of peerage styles, and with them of the lordships of parliament, was not simply caused by the events of James I's reign and its aftermath. The examination in this chapter of the way in which the various elements of the higher nobility were changing between about 1350 and 1450 has indicated that greater significance should be attached to two long-term trends which may be identified during that period. First, the relative importance of the 'greater barons' was steadily increasing, as the number of earls and 'territorial lords' declined; the final shift in the balance of the

1. Handbk.Brit.Chron., p. 469.

2. Exch.Rolls, v, 33.

3. E.g., Aberdeen-Banff Antiquities, iv, 187, 190, 198, 201.

4. Handbk.Brit.Chron., pp. 469, 474.

5. Scots Peerage, v, 601-4.

higher nobility in the second quarter of the fifteenth century was the culmination of this trend. Secondly, the basis of nobility in Scotland was becoming much more personal and honorific, rather than territorial, as it had been before about 1350. The appearance of the ranks of duke and master, the change from territorial to honorific earldoms, and the replacement of the 'territorial lordships' by the lordships of parliament, were all aspects of this trend. Both processes were operating within the higher nobility during the early Stewart period; and it was the combination of them that led to the appearance of the Scottish peerage in the middle of the fifteenth century.

CHAPTER IIIBARONIES AND REGALITIES

During the early Stewart period, the higher nobility were intimately concerned in the administration of the country. At the centre, the only important post not held by magnates was the chancellorship. For instance the justiciars, who were the chief legal officers, were always magnates; so too, after 1376, was the chamberlain, in charge of the kingdom's finances, and even one of the deputy chamberlains.² The royal council was probably dominated by the higher nobility,³ and they were also prominent among the auditors of the exchequer,⁴ and on embassies abroad.⁵ In the localities, many of the sheriffs belonged to the higher

1. North of the Forth, Alexander Lindsay of Glenesk, James Lindsay of Crawford, Alexander Stewart earl of Buchan, Murdach Stewart (subsequently duke of Albany), and Robert Stewart duke of Albany; south of the Forth, the earls of Douglas, Archibald Douglas lord of Galloway, and also, perhaps, David Stewart earl of Carrick (probably only titularly, because the reference dates from 1392, when he was only 14) (Exch. Rolls, ii, 394, 435, 437, 458, 620; iii, 30, 311, 316, 347, 376, 644, 652; iv, 133; Act. Parl., i, 556, 557; Fraser, Grandtully, i, no. 84*; Melrose Book, ii, no. 485).
2. John Lyon of Glamis, Robert Stewart earl of Fife and duke of Albany, and John Stewart earl of Buchan (Handbk. Brit. Chron., p. 179). Albany's deputies included David Lindsay earl of Crawford (Exch. Rolls, iii, 613, 647). Magnate chamberlains were a common feature of Scottish history, dating back to William I's reign (Handbk. Brit. Chron., pp. 177-8).
3. The 'secret council' of 1371 consisted of the bishop of St. Andrews, the chancellor, the chamberlain, the earl of Douglas, Robert Erskine, James Douglas of Dalkeith, Hugh Eglinton, and John Lyon, keeper of the privy seal (Act. Parl., i, 547). For the councils of 1399 see ibid., i, 572, 574, and above, p. 35. Also, the witness lists to royal charters contain a very high proportion of magnates (MS. Regesta 1371-1424, passim).
4. Exch. Rolls, ii, 385 - iv, 373, passim.
5. Ibid., indices, s.v. 'Envoys'; Rot. Scot., ii, 38-239, passim; Act. Parl., i, 573.

nobility,¹ and it was in this period that the practice developed of appointing individual magnates as special² justiciars to deal with single, important, cases.

The delegation of administrative functions to members of the nobility was also institutionalised, through the baronies and regalities.³ Such delegation was customary in most medieval societies, but it is a particularly striking feature of late medieval Scotland. The two institutions both involved public rights of administration and justice: if a lord had a regality, that is if he held his lands in liberam regalitatem, then he would have had almost total administrative control over them; if he had a barony, that is held land in liberam baroniam, then his powers would have been rather more restricted, but nevertheless still significant. During the early Stewart period, although there was no precise correspondence between the exercise of these powers and membership of the higher nobility,⁴ both the institutions concerned the higher nobility very closely. It is safe to say that all those who may be considered as higher nobles would have held at least some of their lands in liberam baroniam, while it was no doubt the aim of most

1. E.g. Gillespie Campbell (Agyl), William Cunningham (Ayr), Thomas Erskine (Edbr, Skrk), William Hay of Yester (Pbls), Malcolm Fleming (Edbr), William Keith (Kcdn), John Lyon (Edbr), Alexander Ogilvy of Auchterhouse (Frfr) (Exch.Rolls, ii, 364, 417, 418, 425, 462, 530; iii, 54, 66, 163, 167, 264-5; iv, 16). See also Great Seal, i, Index Officiorum, s.v. 'Vicecomes'.

2. E.g. John Gordon, lord of Strathbogie, in 1392 (Aberdeen Reg., i, 187); cf. W.C.Dickinson, 'The Administration of Justice in Medieval Scotland', Aberdeen University Review, xxxiv (1952), 346.

3. M.Bloch, Feudal Society, trans. L.A.Manyon (London, 1961), pp. 361-8; J.R.Strayer, 'Feudalism in Western Europe', in Lordship and Community in Western Europe, ed. F.L.Cheyette (New York, 1968), pp. 13-14.

4. See above, pp. 26-29.

of them to join the much smaller, privileged group of magnates who had regalities.

SECTION 1: REGALITIES

The most famous definition of a regality is that of a Roxburgh jury in 1320: when land was held regaliter, the lord held it 'by the same liberties as King Alexander had held his lands when he reigned,' and 'had the right to his own justiciary, his own chamberlain, his chancellor, his coroner, his sergeant, and also his standard measures, in the manner of the said King Alexander.'¹ In other words the lord had virtually royal powers over his lands. As the jury's statement implies, estates held with powers of regality were by no means uncommon in Scotland before 1300.² However, grants in liberam regalitatem were first made under Robert I, and it is probably in his reign that the concept was defined and standardised.³ In this respect, Scotland was following the pattern of most western European countries; during the fourteenth century, institutions similar to the Scottish regality were being defined and were spreading in, for example, England, France, Germany, and Spain.⁴

The most striking and best-known privilege associated

1. G.Neilson, 'An Antiquary's Notes', Dumfries-Galloway Trans., 1st. ser., xviii (1904-5), 401.

2. See below, pp. 124-127.

3. Barrow, Robert Bruce, pp. 397-8.

4. H.M.Cam, 'The Decline and Fall of English Feudalism,' History, new ser., xxv (1940-1), 219-22; P.S.Lewis, Later Medieval France (London, 1968), pp. 195-6; E.Perroy, 'Feudalism or Principalities in Fifteenth-century France', Bulletin of the Institute of Historical Research, xx (1945), 182-3; G.Barraclough, The Origins of Modern Germany (2nd edn., Oxford, 1949), chap. 12; L.Suarez Fernandez, 'The Kingdom of Castile in the Fifteenth Century', in Spain in the Fifteenth Century, ed. J.R.L. Highfield (London, 1972), pp. 95-105.

with the regalities concerned criminal justice. A lord of regality could try cases of crimes committed either within the regality or by its inhabitants outside it; in almost every case his competence extended to the 'four pleas of the crown' (murder, rape, robbery,¹ and arson), which were usually reserved to the justiciars.² Also, if any of the inhabitants of a regality were being tried for crimes in any other court, the lord of the regality could repledge them to his own court, as John Logy of that ilk did on at least three occasions from sheriff, justiciar, and chamberlain courts at Perth.³ However, although lords of regality almost invariably had jurisdiction over the pleas of the crown, this was additional to the basic concept of a regality. In David II's grant of regality to Melrose abbey (1358) and in Robert II's first grant of regality to James Douglas of Dalkeith (1378) this jurisdiction was expressly excluded,⁴ which meant that these lords of regality had powers of criminal jurisdiction which were no wider than those attached to tenure in liberam baroniam.⁵ Yet despite this limit on criminal jurisdiction two regalities were created

1. Robbery was roboria, as opposed to the lesser crime of theft (furtum or latrocinium). 'The precise difference between roboria and furtum then, as now, doubtless was that the robber attained his ends by violence while the thief proceeded by stealth. The violence entailed a breach of the King's peace and this would account for the privative jurisdiction of the justiciar.' (Regiam Majestatem and Quoniam Attachamenta, ed. Lord Cooper (Stair Soc., xi, 1947), p. 256).

2. Dickinson, Carnwath, p. xl; W.C. Dickinson, 'The High Court of Justiciary', in Introduction to Scottish Legal History, ed. G.C.H. Paton (Stair Soc., xx, 1958), pp. 408-9; Barrow, Kingdom of the Scots, pp. 111-3.

3. Fraser, Grandtully, i, nos. 84*, 85*, 87*; cf. Dickinson, Fife, pp. 344-6.

4. Act. Parl., i, 523; Morton Reg., ii, no. 165.

5. See below, p. 133; James Douglas was later granted jurisdiction over the four pleas (Morton Reg., ii, no. 174).

in these instances; this demonstrates that the grant in liberam regalitatem involved something other than just extensive powers of criminal jurisdiction.

In fact what a grant of regality bestowed was complete administrative responsibility - 'regali administracione et justicia'¹ - for an area. The lords' powers over all forms of administration were safeguarded by a rule that royal officials were not allowed to enter regalities for any official purposes;² royal charters erecting regalities were generally followed by letters patent forbidding the crown's justiciars,³ sheriffs, and other officers from infringing the new regality's rights.⁴ It is this right of excluding royal officials, so that the king's⁵ briefs could only operate through the lords of regality, which is the most significant and characteristic aspect of the institution of regality.

Lords of regality naturally needed their own administrative machinery; in most cases this paralleled the royal system, but on a smaller scale.⁶ Isabella Douglas countess of Mar and lady of the regality of Garioch had, for example, 'camerario nostro iusticiario vicecomiti ballivis et omnibus

1. Great Seal, i, app. i, no. 32.

2. Dickinson, Carnwath, pp. xli-xliv.

3. I.e. when jurisdiction over the pleas of the crown was granted.

4. E.g. Morton Reg., ii, no. 182; Liber S.Thome de Aberbrothoc, ed. C.Innes and P.Chalmers (Bannatyne Club, lxxxvi, 1848, 1856), ii, no. 28.

5. It is probably an exaggeration to state that 'the regality ... excludes the king's writ' altogether (Dickinson, 'Justice', Aberd.Univ.Rev., xxxiv, 341; cf. Nicholson, Scotland, p. 24); this is indicated by, e.g., Act.Parl., i, 551 (para. 6), 570 (para. 4), 571 (para. 2), and Duncan, 'Councils-General', Scot.Hist.Rev., xxxv, 136, c. 9.

6. For the royal administrative system see: Nicholson, Scotland, pp. 19-24; Dickinson, art.cit., pp. 338-51; Introduction to Scottish Legal History, chaps. XXIII, XXV, XXXI.

aliis ministris nostris' in Garioch.¹ Annandale was granted in 1409 to the earl of Douglas in regality 'cum curiis tam justiciarie quam camerarie';² the earl held his own justiciar ayre for Annandale at Lochmaben in 1411.³ Adam Forrester had to give suit once a year at James Douglas's justiciar ayre at Dalkeith,⁴ while James Douglas of Robertson owed suit to the three head courts of Dalkeith and also 'ad duo itinera nostra justiciaria singulis annis ibidem tenenda'.⁵ In the justiciar ayres, important civil cases and the 'pleas of the crown' would be heard; the other courts of the regality would have dealt with less important matters, and would have been conducted by the lord's general executive officer, either his sheriff or his baillie. The regality's finances may have been run through its own chamberlain ayres and exchequer, but how this worked in practice is difficult to say. The 1381 exchequer account of the regality of Strathearn shows the earl's secretary fulfilling the function of a chamberlain.⁶ Regalities also had their own chapels or chanceries, which issued briefes relating to them.⁷ Lesser offices in the regalities were those of sergeant, coroner, and mair, sometimes combined in the one person: William Lecpriefwyke was made hereditary sergeant and coroner of the regality of Kilbride (Lanark) in 1398.⁸

Although grants of regality involved such extensive powers, it is unlikely that the fourteenth century crown viewed them with the same disapproval as modern historians.⁹

1. Aberdeen Reg., i, 207-8; cf. ibid., i, 212.
2. Great Seal, i, no. 920.
3. Hist.MSS.Comm., 15th report, app. viii, p. 56, no. 110.
4. Morton Reg., ii, no. 180.
5. Great Seal, i, no. 932.
6. Exch.Rolls, iii, 33-8.
7. Dickinson, Carnwath, p. xlii; Fraser, Menteith, ii, 276.
8. Scot.Hist.Soc.Misc., v, 40.
9. E.g. Nicholson, Scotland, p. 112; Barrow, Robert Bruce, pp. 397-8; Dickinson, 'Justice', Aberd.Univ.Rev., xxxiv, 344-6.

Admittedly David II did include regalities in his general revocation of grants made since 1329,¹ but the phraseology used indicates that he was more concerned with regaining royal revenue than administrative control:

'Omnes Regalitates libertates infeodaciones infeodacionum innovaciones per quas Warde Relevia maritagia secte curiis aut alia quacumque servicia communia domini nostri Regis diminuta sunt in aliquo post mortem domini dicti Regis Roberti quibuscomque personis de novo concessis Revocentur et cessent omnino....'

Despite the act, only one regality can be shown to have been cancelled, that of Wigton.² Here the reason was not that the earls of Wigton had abused their position, but probably more the opposite. Thomas Fleming, second earl of Wigton, had been deprived of his earldom some time between 1362 and 1367. In 1367 he received it back, to be held in the same way as his grandfather the first earl had held it,³

'Salvo quod Regalitem aut Jus Regalitatis in ipso comitatu non habeat aut ipse Regalitate utatur quam ex certa causa in suspenso Remanere volumus.'

The 'certain cause' is not known, but it is clear that Thomas Fleming was not the man to rule part of Galloway. In 1372 he sold his earldom to Archibald Douglas, the lord of eastern Galloway,⁴ 'propter magnas et graves discordias et inimicias capitales alias inter me et maiores indegnas comitatus predicti exortas.'⁵ The rights Archibald Douglas had over Galloway are not specified in the royal confirmation

1. Act.Parl., i, 502. This general revocation was not rigorously enforced; it was probably intended more as a threat to the great magnates (Nicholson, Scotland, p. 178).
2. For other regalities created after 1329 see below, p. 119.
3. Great Seal, i, no. 250. The word 'Restituisse' in the charter shows that Handbk.Brit.Chron., p. 491, is wrong in stating that he succeeded in 1367.
4. David II granted Douglas the eastern part of Galloway in 1369 (Great Seal, i, no. 329).
5. Ibid., i, no. 507; Wigtown Charters, no. 7.

of this transaction,¹ but they were most probably equivalent to a regality. Douglas was a suitable person to rule Galloway; from his new castle at Threave he governed the lordship strongly and justly, according to Wyntoun and Bower.² The contrast between Douglas and Thomas Fleming, who lost his regalian rights over Wigton, strongly suggests that both David II and Robert II preferred to see the lordship of Galloway in the hands of men who could be relied upon to administer it firmly. This point may be applied generally. The delegation of authority over outlying districts would probably have seemed to the crown to be the best way of administering a country as large in area but sparsely populated as Scotland.

The various police measures enacted during the early Stewart period also help to illustrate the functions of the regalities.³ Judging by the remedies enacted, much of the law and order problem lay not in the existence of regalities but in the rule that outside them only the two justiciars could deal with serious crimes,⁴ which was delaying and thus hampering the administration of justice: for example, this rule was suspended by the emergency measures of 1372.⁵ In such a situation the regalities had an important function; thus the 1397 statute of Stirling laid down that those accused of crimes by local juries should give security to appear at the next justiciar ayre or regality court, and if a man could not provide securities, the sheriff or the

1. Great Seal, i, no. 507.

2. Wyntoun, vi, 393; Scotichronicon, ii, 429-30.

3. Act.Parl., i, 547-8, 550-1, 570, 571, 573-4.

4. See above, p. 112.

5. Act.Parl., i, 547-8.

baillie of the regality 'sal gif knaulage of assise and gif he be taynt with the assise for sic a trespassoure he sal be condampnit to the deid.'¹ The legislation of the period included measures designed to ensure that lords of regality carried out their duties adequately: in 1372, the king's officers were empowered to act within the regalities if the lords of regality did not;² in 1384, lords of regality who did not operate the measures against thieves were threatened with the loss of their courts and privileges;³ and in 1398, if they failed to supervise their baillies adequately, then 'ipsi domini regalitatis pacientur calumpniam coram Rege super amissione terrarum suarum et priuilegiolorum Regalitatum'.⁴ With these safeguards, the regalities could play a significant role in the administration of the country. How this worked in practice is impossible to say, because of the lack of evidence, but the few records of regality courts which have survived from the early Stewart period do not support the view that it necessarily had a detrimental effect.⁵

By the beginning of the early Stewart period, an extensive area was held in regality, by both ecclesiastical landlords (who are outside the scope of the present discussion) and secular magnates. Robert I and David II

1. Act. Parl., i, 570.

2. Ibid., i, 548.

3. Ibid., i, 551.

4. Ibid., i, 571.

5. E.g. Ane Account of the Family of Innes, ed. C. Innes (Spalding Club, xxxiv, 1864), pp. 63-5 (Moray, 1376); Moray Reg., no. 159 (cf. nos. 161, 162) (Badenoch, 1380); Hist. MSS. Comm., 15th report, app. viii, p. 56, no. 110 (Annandale, 1411). See also W. Fraser, Memorials of the Family of Wemyss of Wemyss (Edinburgh, 1888), ii, no. 34, for a case in the court of the earldom of Fife, in 1419, although Fife strictly speaking was not a regality.

made at least eight grants of regality to laymen,¹ and five of the regalities they established were in existence during the early Stewart period.² The most important was the Douglas regality, which was created in 1352, and which covered all the lands held by William Douglas the first earl, including the 'territorial lordships' of Lauderdale, Liddesdale, Jedworth, and Selkirk, 16 other baronies, and several other pieces of land.³ Next there were the regalities granted by Robert I to Thomas Randolph: the earldom of Moray was held in the early Stewart period by the Dunbar earls of Moray,⁴ while the 'territorial lordship' of Badenoch (included in Randolph's original earldom) went to Alexander Stewart earl of Mar:⁵ and the 'territorial lordship' of Annandale, which after 1371 was held first by the tenth earl of March and then by the fourth earl of Douglas.⁶ Finally, there were two much smaller regalities: Logy (Perth), erected for David II's stepson John Logy of that ilk, and Terregles (Dumfries), erected for John Herries of Terregles; these remained with the Logies and Herries throughout the early Stewart period.⁷ In addition to these

1. Robert I: Moray, Annandale, and Man (Great Seal, i, app. i, nos. 31, 34, 32). David II: Wigton, Sutherland, Douglas, Logie, and Terregles (ibid., i, app. i, no. 119; W.Fraser, The Sutherland Book (Edinburgh, 1892), iii, no. 13; Great Seal, i, app. i, no. 123; Fraser, Grandtully, i, no. 74*; W.Fraser, The Book of Carlaverock (Edinburgh, 1873), ii, 414).
2. Those that were not were Man (captured by the English), Wigton (see above, pp. 115-6), and Sutherland (either cancelled in 1367 or became a grant for life which lapsed on the death, in 1370 or 1371, of the earl of Sutherland).
3. Great Seal, i, app. i, no. 123, and below, p. 212.
4. Great Seal, i, no. 525.
5. Ibid., i, no. 558; ii, no. 76; Aberdeen-Banff Antiquities, iv, 181-2.
6. Great Seal, i, nos. 473, 800, 920; Scot.Hist.Soc.Misc., v, 27.
7. Fraser, Grandtully, i, nos. 76*, 80*, 89*; Exch.Rolls, ii, 430-1; Great Seal, ii, no. 668.

there were two regalities which had come into being before Robert I's reign, the 'territorial lordship' of Garioch, and Sprouston in Roxburghshire.¹ Between 1371 and 1424,² Garioch was in the hands of the earls of Mar, and Sprouston, as part of the Bothwell lordship, was held by the Douglasses lords of Galloway and earls of Douglas.³

During the early Stewart period, the extent of regalities increased at roughly the same rate. Robert II created seven new regalities for lay lords, Robert III six.⁴ All the recipients were drawn from a narrow circle of important magnates; six belonged to the immediate royal family, three were earls, and the rest were among the greatest barons in the country. Robert II gave regalities to three of his sons: in 1371 the earldom of Strathearn to David, his fourth son;⁵ in 1384 the lands of Abernethy (Inverness) to his third son Alexander earl of Buchan;⁶ and in 1389 the barony of Strathord (Perth) to his second son Robert earl of Fife.⁷ In 1378, James Douglas of Dalkeith's baronies of Dalkeith (Edinburgh), Calderclere (Linlithgow), and Kilbuck (Peebles) were made into regalities; so, in 1382, were most of his other estates; and they were all amalgamated into two regalities, of Dalkeith and Morton,⁸ in 1386. Kirkmichael barony (Dumfries) was erected into

1. For Garioch, see below, pp. 125-6; for Sprouston, see Neilson, 'Antiquary's Notes', Dumfries-Galloway Trans., 1st ser., xviii, 401.

2. Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 5-6. 13, 14.

3. Wigtown Charters, no. 30; Great Seal, ii, nos. 84, 475.

4. No regalities were created between 1406 and 1424.

5. Ibid., i, nos. 399, 526.

6. Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 7:x:1384 (Great Seal, i, no. 790 reads baroniam, but the original reads regaliam). Alexander also had Badenoch in regality (Moray Reg., pp. 472-3), but this had been part of the original regality of Moray.

7. Fraser, Grandtully, i, no. 113*.

8. Morton Reg., ii, nos. 165, 164, 174, 177; cf. below, pp. 240-5. for the Douglas of Dalkeith estates.

a regality for James Lindsay of Crawford in 1378;¹ and the earls of Lennox were given regality powers over four pieces of land in Lennox in 1384 and 1385.² Under Robert III, the six new regalities which were created were: Kilbride (Lanark) for the king's illegitimate son James Stewart, some time between 1390 and 1398;³ the earl of Angus's lands in Angus, together with Abernethy (Perth) and Bunkle (Berwick), in 1397;⁴ Alloa (Clackmannan) for Thomas Erskine, in 1398;⁵ Crawford (Lanark) for the earl of Crawford, also in 1398;⁶ Atholl, for the duke of Albany, in 1403;⁷ and most extensive of all, Carrick and all the Stewart family possessions, for the king's son and heir James, in 1404.⁸ One other regality was created during the period, by the fourth earl of Douglas in 1407; it consisted of the baronies of Buittle and Preston and the lands of Borge, all in Galloway, and it was created for James Douglas of Dalkeith, to be held of the earls of Douglas as lords of Galloway.⁹

Obviously tenure in liberam regalitatem would have been a much sought-after privilege. On at least two occasions a grant of regality was part of the dowry for a royal bride. In 1397 the contract for the marriage of the lord (subsequently earl) of Angus to Robert III's daughter Mary Stewart stipulated that the Angus regality should be erected.¹⁰ Similarly, in the contract dated 1378 for the

1. Great Seal, i, no. 590.

2. Lennox Cart., pp. 4-5, 7-8.

3. Scot.Hist.Soc.Misc., v, 40; Great Seal, i, app. ii, no. 1775.

4. Ibid., i, app. ii, no. 1754; cf. Fraser, Douglas, iii, no. 45.

5. Hist.MSS.Comm., Mar and Kellie suppl. report, p. 11.

6. Maitland Misc., i, 358; Great Seal, i, app. ii, no. 1810.

7. Nat.Lib.Scot., MS. Adv., 34.6.24, p. 39. Albany held Atholl for under a year before giving it to his youngest brother Walter Stewart, who presumably also held it in regality.

8. Hist.MSS.Comm., Mar and Kellie report, p. 7.

9. Morton Reg., ii, no. 215. This shows Galloway was held in regality, although there was no grant to that effect.

10. Fraser, Douglas, iii, no. 45.

marriage of James, eldest son of the lord of Dalkeith, to a daughter of the earl of Carrick, the earl undertook to pay 500 marks as a dowry, and to see that his father Robert II granted James Douglas all his lands in regality and blench farm.¹ The first grant of Dalkeith, Calderclere, and Kilbucho followed almost immediately, and the final erection of the two large regalities of Dalkeith and Morton took place in 1386.² In 1387 the earl of Carrick confirmed his father's final grant of regality, and it was³ certified that the marriage contract had been fulfilled. It is also possible that the grant of regality rights over Buittle and Preston was part of the price exacted by James Douglas of Dalkeith in return for allowing his eldest son and grandson to be hostages in England for the earl of Douglas.⁴

It is easy to see why James Douglas of Dalkeith wanted his lands to be made into a regality; as well as prestige and freedom from interference by royal officials, it brought administrative unity to an otherwise disparate collection of lands.⁵ This was also the case with the Douglas, Angus, and Stewart regalities. It was additionally clearly worth while from the lords' point of view to hold earldoms and 'territorial lordships' in regality; their administrative powers and control would have been significantly enhanced.⁶ But the purpose of some of the other grants of regality is less obvious. Almost half the grants of regality made

1. Morton Reg., ii, no. 162.

2. Ibid., ii, nos. 165, 164, 177.

3. Ibid., ii, no. 181.

4. Cal.Doc.Scot., iv, pp. 403-4; nos. 729, 736.

5. Cf. below, pp. 240-5.

6. But see below, pp. 127-30, for comment on the extent of this enhancement.

during the early Stewart period involved amounts of land¹ which were much smaller, little larger than parishes. Such regalities, which included all but two of those created² for non-royal magnates, are hardly very impressive. Their creation can have been of relatively little practical significance, apart from bringing the prestige of being a lord of regality to their recipients. That prestige was the main reason for the creation of these small regalities seems to be confirmed by the fact that with most of them, the regalian privileges were only attached to a part of the lord's estates. When James Lindsay's barony of Kirkmichael (Dumfries) became a regality in 1378 his other baronies of Crawford (Lanark), Alyth (Perth), and Cairney (Perth) did not.³ Crawford was made a regality 20 years later for the first earl of Crawford, but it is almost certain that this grant did not cover any of the earl's other possessions.⁴ This is also true of the regalities of Strathord,⁵ Alloa,⁶ and (under David II) Logy,⁶ and of the grants of regality powers over lands in Lennox; in this last instance,

1. See below, Section 3 of this Chapter.

2. Cf. Barrow, Robert Bruce, p. 397: 'the regalian privileges of Sprouston [seem] absurd ... in the case of a small country parish'; 'Sprouston hardly makes an impressive regality'.

3. Cf. below, Appendix II, 'Barons and Baronies 1371-1424', pp. 361-388, s.v. Of course charters creating other regalities may have disappeared; but since Crawford was subsequently made a regality, that is most unlikely in this case.

4. The charter has not survived in full, but if it had included all the earl's estates, there would have been no need to unite his lands in East Scotland into two large baronies of Glenesk and Alyth in 1404 (Great Seal, i, app. ii, no. 1833; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d.25:xii:1404).

5. The earl of Fife's other lands did not become regalities.

6. The Erskines also held the baronies of Balhalgardy (Abdn), and Walston (Lnrk), at least half Kellie (Abdn), and the lands of Nisbet (Rxbr) and Erskine in Renfrew (see below, Appendix II, pp. 347-395, s.v., and Origines Parochiales, i, 80-1.

7. The Logies also held the barony of Strathgartney (Stlg) (see below, Appendix II, p. 397).

it is particularly difficult to understand why the lands of 'Auchindonane', 'Inverdowne', 'Cragtrostane', and 'Macgilchrist's land' should be granted in regality, but not the rest of the earldom.¹

The grants of regality made in the early Stewart period were thus limited. Nevertheless by 1424 the earldoms of Angus, Atholl, Carrick, Douglas, Moray, and Strathearn were all held in regality, and so were the 'territorial lordships' of Annandale, Badenoch, Cunningham, Galloway, Garioch, Jedworth, Kyle, Lauderdale, Liddesdale, Renfrew, and Selkirk. The effect of this may have been to associate the institution of regality fairly closely with the earldoms and 'territorial lordships'. For instance the four new earldoms created in the fourteenth century all involved regalities: the creations of Moray and Wigton included grants of regality,² the Douglas regality already existed,³ and the new earl of Crawford was given regality powers over the barony of Crawford, which could be called the main estate in the earldom.⁴ In 1425, the earl of March referred to 'the regality of Dunbar',⁵ which so far as is known was never granted in regality. And the early Stewart lords of Nithsdale,⁶ although holding little or no land in the lordship, did have powers equivalent to those of regality

1. At first sight the best explanation would be that the earls of Lennox held the earldom in regality, and that these lands were being added to it; but the powers the earls had over Lennox do not seem quite to have been those of regality (Lennox Cart., pp. 4-10; W.Fraser, The Lennox (Edinburgh, 1874), ii, no. 18).

2. Great Seal, i, app. i, nos. 31, 119.

3. Ibid., i, app. i, no. 123.

4. Ibid., i, app. ii, no. 1810; Maitland Misc., i, 358.

5. W.Fraser, The Book of Carliaverock (Edinburgh, 1873), ii, 428.

6. See above, pp. 61-62.

¹
over it; the title 'lord of Nithsdale' probably related more to these administrative powers than to any territorial possessions. Thus it seems possible that by the end of the fourteenth century the idea had emerged that it was normal for earldoms and 'territorial lordships' to be held in regality.

At first sight, this seems to confirm the opinion of Professor Dickinson, that in the later middle ages 'franchisal privileges grew, flourished, and were assumed unchecked.'² However, so far as earldoms and 'territorial lordships' are concerned, it is most unlikely that grants of regality were seen in this light during the early Stewart period. To begin with, the regality was not a novel institution which had sprung up only a short time previously. David II excluded 'ancient regalities' from his revocation of lands and privileges granted since 1329.³ These 'ancient regalities' were lands which had been held with extensive privileges since the thirteenth and even the twelfth centuries. In 1369 the king declared that Scone abbey's lands were an ancient regality, and that it could therefore keep 'omnibus libertatibus et franchisis sibi per antecessores nostros concessis.'⁴ The abbey's privileges⁵ were originally granted by Alexander I; they were

1. They held the offices of sheriff, justiciar, and chamberlain of Dumfriesshire (Fraser, Douglas, iii, nos. 85, 403); the rest of Dumfriesshire (i.e. Eskdale, Annandale, and the eastern half of Galloway) was all held in regality (Eskdale was part of the Douglas regality), and therefore these offices could only be exercised over Nithsdale (cf. above, p. 62).

2. Dickinson, 'Justice', Aberd.Univ.Rev., xxxiv, 345.

3. Act.Parl., i, 502.

4. Liber Ecclesie de Scon, ed. C.Innes (Maitland Club, lxxviii, 1843), nos. 154, 155.

5. Ibid., nos. 1, 4.

subsequently confirmed but not extended by Malcolm IV¹ and Robert I.¹ Similarly, the foundation charters of both Dunfermline and Arbroath abbeys contain the clause²

'Omnia autem dona predicta ita liberaliter et quiete prefate ecclesie concedo, sicut ego terras meas proprias possideo, defensione regni mei excepta et iusticia regali si abbas in curia sua aliqua negligencia de iusticia deciderit.'

By Robert I's reign it was considered that the rights³ bestowed in this clause were those of regality. The bishops of St. Andrews, likewise, had clearly-defined powers of regality over their lands in the thirteenth century, and almost certainly in the twelfth century as well.⁴

One 'ancient regality' among the lay estates would have been the 'territorial lordship' of Garioch. All the late medieval lords of Garioch held Garioch in regality: Andrew Murray and Christian Bruce under Robert I, Thomas earl of Mar under David II, and Isabella Douglas and Alexander Stewart earl of Mar under Robert III.⁵ But whenever the lordship changed hands, it was granted not in regality but simply to be held as previous lords had held it.⁶ In the

1. Regesta Regum Scottorum, i: The Acts of Malcolm IV, ed. G.W.S. Barrow (Edinburgh, 1960), no. 243; Scone Book, no. 133.

2. Registrum de Dunfermelyn, ed. C. Innes (Bannatyne Club, lxxiv, 1842), no. 1; Regesta William I, no. 197.

3. Dunfermline Reg., nos. 346, 369; Arbroath Book, i, no. 278.

4. I am indebted to Dr. M. Ash for this information; see her 'The Administration of the Diocese of St. Andrews 1202-1328' (Newcastle-upon-Tyne Ph.D. Thesis, 1972), pp. 211-2. The priory/chapter also had regalian rights from the 12th century (*ibid.*, pp. 242-3).

5. Hist. MSS. Comm., Mar and Kellie report, pp. 2, 3, 4; *ibid.*, suppl. report, p. 14; Aberdeen Reg., i, 207-8, 211-2.

6. Great Seal, i, app. i, no. 70; Hist. MSS. Comm., Mar and Kellie suppl. report, pp. 3, 5-6; Aberdeen-Banff Antiquities, iv, 167, 168.

cases of Andrew Murray and Thomas earl of Mar, reference was made to the rights given to David earl of Huntingdon when the lordship was originally created.¹ In William I's charter to Earl David, the lands were granted 'ita libere et quiete et in omnibus sicut ego ipse unquam terras illas tenui et possedi.'² Interpreted literally, this clause is a grant of regality; this was certainly the way it was understood in the fourteenth century.³ Moreover, the abbey of Lindores claimed in the fourteenth century that its possessions in Garioch were held in regality.⁴ This claim was derived from Earl David's charter of about 1200, which gave the abbey its lands to be held in the same way as Earl David had held them, and with the same liberties and customs as any Scottish abbey.⁵

The lordship of Galloway was in a similar position to Garioch. Although there was no equivalent to William I's charter to Earl David, it is clear that the original lords of Galloway had virtually complete control over the province, which only lapsed in the thirteenth century when their line came to an end.⁶ The next lord of the whole province of Galloway was Archibald Douglas, who became third earl of

1. Great Seal, i, app. i, no. 70; Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 5-6.

2. Regesta William I, no. 205.

3. This 14th century interpretation is almost certain to have been correct, because Robert I, under whom it was first made, had himself been the lord of part of Garioch before he became king, and therefore would have known what powers the lords had in the 13th century.

4. Lindores Cart., no. CXLIX.

5. Ibid., no. II.

6. Scots Peerage, iv, 135-44; Wigtownshire Charters, ed. R.C.Reid (Scot.Hist.Soc., 3rd ser., li, 1960), pp. ix-xlvi, esp. pp. xxxiii-xli. The earliest person known to have had the position of justiciar of Galloway was Roland lord of Galloway himself, c. 1190-1200 (Barrow, Kingdom of the Scots, p. 107).

Douglas.¹ In 1384, as part of the police measures of that year, he agreed²

'ad accelerandam iusticiam infra dominium suum Galvidie ut predictum est pro tempore huius statuti reservatis sibi aliis punctis legis Galwidiensis, protestandi pro libertate iuris sui et dicte legis.'

This concession shows that Archibald Douglas must have held Galloway with the same rights as the original lords had had - rights which in the fourteenth and fifteenth centuries would have been equated with those of regality.³ At the same time in 1384, the earl of Fife promised that he would not allow the 'Law of Clan McDuff' to obstruct the new legislation.⁴ The 'Law of Clan McDuff' was an ancient privilege by which the earls of Fife had exclusive jurisdiction over the inhabitants of their earldom.⁵ This privilege gave the earls almost the same rights over Fife as they would have had from a grant of regality. In early Stewart Scotland, therefore, there were three large territories which were held actually or virtually as regalities, not because of a fourteenth-century grant, but because of the way they had been held since the twelfth century.

It may also be suggested that all the earldoms and 'territorial lordships' were held with considerable administrative powers during the early middle ages. As well as Garioch, Galloway, and Fife, the lordship of Annandale provides an example of this. The first Robert

1. See above, pp. 115-116.

2. Act. Parl., i, 551.

3. In 1407 the 4th earl of Douglas granted land in Galloway to be held in regality; see above, p. 120.

4. Act. Parl., i, 551.

5. Cf. Hist. MSS. Comm., 3rd report, app., p. 417; Nicholson, Scotland, p. 190; G. Neilson, Trial by Combat, (Glasgow, 1890), p. 121.

Bruce received Annandale from David I 'cum omnibus illis consuetudinibus quas Randulphus Meschin unquam habuit in Carduillio et in terra sua de Cumberland.¹ Ranulf Meschin's powers in Carlisle may be equated with those of an English palatinate,² or a Scottish regality. The grant of Annandale was redefined by William I, to exclude 'regalibus que ad regalitatem meam spectant' (presumably the pleas of the crown), but confirming the more general administrative powers granted by King David.³ All that Robert I's grant of Annandale in regality did, therefore, was to restore the full rights of criminal justice originally granted by David I,⁴ rights which were not essential to a regality.⁵ Also, the twelfth century Moreville lords of Lauder had their own sheriffs,⁶ which shows that Lauderdale was not included in the sheriffdom of Berwick; while the Stewards' lordship of Renfrew was probably outside the area run by the original sheriffs of Clydesdale or Lanark.⁷ As for the earldoms, it seems likely that the earls, being the direct successors of the mormaers, or virtually-independent provincial governors,⁸ would have enjoyed extensive administrative responsibilities in the twelfth and early thirteenth centuries. In general, it seems reasonable to assume that at that time the earldoms and 'territorial lordships' were run by their earls and lords, while the sheriffs and other royal officials were responsible simply

1. Act.Parl., i, 92.

2. A History of Cumberland, ed. J.Wilson (Victoria County History, 1901-5), i, 307.

3. Regesta William I, no. 80.

4. Great Seal, i, app. i, no. 34.

5. See above, pp. 112-113.

6. Barrow, Kingdom of the Scots, pp. 298-9.

7. Regesta Malcolm IV, p. 47.

8. Ritchie, Normans, p. xxxi; Barrow, op. cit., p. 68.

¹
for the areas in between.

In the fourteenth century, although the sheriffdoms had come technically to include the earldoms and 'territorial lordships', it is unlikely that the situation in practice was markedly different from that of the earlier period. Many of the earls and 'territorial lords' still had an important administrative position.² If they did not have regalities, or privileges like those of regality, they did hold their lands in liberam baroniam.³ When exercised over an area as large as an earldom, this would have been a very significant privilege, giving the earls and lords most of the powers of sheriffs over their earldoms and 'territorial lordships'.⁴ There are only two differences between these powers and those enjoyed by fourteenth century lords of regality. First, they did not include jurisdiction over the four pleas of the crown.⁵ Second, while they gave a positive administrative responsibility, they did not provide the negative right to exclude all royal officials from the sphere of jurisdiction. These differences would have made grants of regality well worth obtaining, but they were not fundamental ones. Jurisdiction over the pleas of the crown simply added to the rights of criminal justice already enjoyed; and the grant of the right to exclude royal

1. Cf. Dickinson, *Fife*, pp. 368-88, and Map I, 'Earldoms and "Territorial Lordships"', above, p. 4.

2. Unless, that is, the earldom or 'territorial lordship' had been broken up, as happened e.g. with Buchan or Cunningham (see above, pp. 46-47, 56).

3. Dickinson, *Carnwath*, pp. xlix-lix; tenure in liberam baroniam is defined below, pp. 132-133.

4. The criminal jurisdiction was the same, and while the sheriff technically could hear appeals from barony courts in civil cases, it seems unlikely that in practice many appeals would have been made from earls' courts.

5. Only the justiciars and most lords of regality had such jurisdiction.

officials is unlikely to have had much effect in practice,¹ since it is doubtful whether the sheriffs and other officials usually interfered to any great extent within the earldoms and 'territorial lordships'. Thus from the point of view of the early Stewart higher nobility, the delegation to magnates of administrative functions over wide areas probably appeared as an essential and permanent feature of the Scottish system of government; accordingly, the main purpose of grants of regality over earldoms and 'territorial lordships' would have been to define and safeguard the powers already exercised by most earls and 'territorial lords'. The lords of regality, therefore, would hardly have seen themselves 'us[ing] the privileges they wrested from the weak kings of fourteenth century Scotland to establish an alternative system of government.'²

Grants of regality before 1424 were not confined to earldoms and 'territorial lordships', however. They were also applied to individual baronies, and in four cases to collections of lands scattered through the country.³ While these regalities were not so extensive as those involving earldoms and 'territorial lordships',⁴ they probably have much more institutional significance. It has been argued that grants of regality over earldoms and 'territorial lordships' did not radically change the country's administrative structure. But a radical change did take place when other estates became regalities. The areas

1. Except presumably the justiciars.

2. P. MacIntyre, 'Franchise Courts', in Introduction to Scottish Legal History, p. 380.

3. I.e. the Douglas, Douglas of Dalkeith, Angus, and Stewart regalities; cf. above, pp. 118-120.

4. Unless, that is, earldoms and 'territorial lordships' are involved, as in the Douglas and Stewart regalities.

actually administered on a day-to-day basis by the sheriffs¹ were reduced in size. Moreover, when scattered pieces of land were united into one regality, this, although improving the lord's administration, would have been detrimental to the country's, by disrupting the neat, primitive but logical,² arrangement of sheriffdoms, earldoms, and 'territorial lordships'.³ In time, the proliferation of such regalities must have had the effect of greatly complicating the structure of local administration.⁴ This development is perhaps best seen in conjunction with the disappearance of the old territorial earldoms and 'territorial lordships' which was gradually taking place at the same time and which was discussed in the preceeding chapter. Both are aspects of the dissolution of the old territorial and administrative systems based ultimately on the provinces of the country, and their replacement by a new, infinitely more complex structure, where the basis was individual magnates' scattered estates, brought together by haphazard acquisition and the accidents of inheritance. In early Stewart Scotland this change was by no means complete, but the movement towards it was well under way.

1. I.e. the areas outside the earldoms and 'territorial lordships'.

2. Cf. Barrow, Robert Bruce, p. 6.

3. Cf. above, Map I, p. 4.

4. By 1560 there were at least 54 regalities (Nicholson, Scotland, p. 24, note, citing The Court Book of the Burgh of Kirkintilloch, ed. G.S.Pryde (Scot.Hist.Soc., 3rd ser., liii, 1963), p. xlii, note).

SECTION 2: BARONIES

The barony was much more common than the regality; it was one of the most typical institutions of Scottish feudalism.

In early Stewart Scotland, there were almost 400 pieces of land known as baronies,¹ not counting the earldoms, 'territorial lordships', regalities, and ecclesiastical estates which also came under that general heading.² However, although there were so many baronies in the early Stewart period, the institution as it existed then cannot be precisely defined. It is perhaps best described from two different viewpoints, the lord's and the central government's. To the lord, a barony was a piece of land which could be held in liberam baroniam, that is in free, or privileged, barony.³ The privileges involved were generally summed up in the archaic phrase 'cum furca et fossa, sacco et socca, tholl et theame et infangthef'.⁴ Whether or not these terms had any individual significance in the early Stewart period is debatable,⁵ but their general meaning is quite clear. A

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1. Some early Stewart baronies have been identified, and are listed in Appendix II, 'Barons and Baronies 1371-1424', below, pp. 346-397.
 2. Dickinson, Carnwath, pp. xiii, xvi-xvii, xl, lv-lviii.
 3. Ibid., pp. xix-xxviii; Nicholson, Scotland, p. lll.
 4. This phrase (apart from furca et fossa, which is a 12th century Scottish addition) derives from Anglo-Saxon England; see F.M.Stenton, Anglo-Saxon England (3rd edn., Oxford, 1971), pp. 492-8, and R.R.Reid, 'Barony and Thanage', Eng.Hist.Rev., xxxv, (1920), 161-99.
 5. Professor Barrow argues that only furca et fossa had any specific meaning in the 12th century (Regesta William I, p. 49); on the other hand, all the terms could be individually defined in the 16th century (J.Skene, De Verborum Significatione (Edinburgh, 1597), s.v.; Deputy Keeper of Public Records, 47th report, app., pp. 36-7). These definitions correspond well with those given for 11th and 12th century England (see F.M.Stenton, The First Century of English Feudalism 2nd edn., Oxford, 1961), pp. 101-3) and also with the actual privileges known to have been enjoyed by lords of baronies. Some baronies were held with extra privileges, e.g. Terregles (Great Seal, i, no. 192).

lord holding in liberam baroniam, cum furca et fossa, etc. had, for a start, a court with both civil and criminal competence over the inhabitants of his estate. The criminal jurisdiction, which was the more significant,¹ was equivalent to that of the sheriffs;² it covered all crimes with the exception of the four pleas of the crown,³ with the right to execute the evildoers and confiscate their property.⁴ These jurisdictional rights brought great advantages to the lord; the courts were a considerable source of profit,⁵ and the right to put criminals to death was an important status symbol.⁶ At the same time, baronial privileges included other fiscal rights. The lord of a barony was able 'to exploit its woods, its arable and pasture lands, its fishing waters, its deposits of peat and minerals',⁷ and to take tolls from those who travelled through it; also, the barony usually had its own smithy, brewhouse, and mill,⁸ all of which had to be used by its inhabitants. These privileges added significantly to the revenues derived from baronies.

From the central administration's point of view, on the

1. No appeals were possible in criminal cases, whereas in civil ones they could be made to the sheriffs, justiciars, and parliament (cf. Act. Parl., i, 552-3; Moray Reg., nos. 179, 180; Aberdeen Reg., i, 143-55).
2. Dickinson, Fife, pp. xxxviii-xxxix; originally the sheriff was supposed to be present when lords exercised their powers of criminal jurisdiction, but by the beginning of the fourteenth century this rule had lapsed (Act. Parl., i, 375; Lord Cooper, Reg. Maj., p. 282).
3. Ibid., pp. 59-60; Act. Parl., i, 319, c. 13; 403, c. 14.
4. Dickinson, Carnwath, pp. xiii, xviii, xxiv-xxviii; Barrow, Robert Bruce, p. 410.
5. Dickinson, op.cit., p. xli, note; G. Duby, Rural Economy and Country Life in the Medieval West, trans. C. Postan (London, 1968), pp. 222, 227-8, 246.
6. Dickinson, op.cit., p. lviii, note.
7. Nicholson, Scotland, p. 6.
8. Ibid.; Dickinson, op.cit., pp. lxi-lxvi.

other hand, the barony was a significant unit of local government. This emerges clearly from the barony court records which have survived from a later period.¹ Without the baronies, 'it would have been impossible for the rural districts to have been "run", for the terms of the vague and meagre acts of parliament to have been enforced, for the endless complications due to a communal system of agriculture to have been adjusted.'² Almost certainly this applies to the late fourteenth and early fifteenth centuries as well.³ For instance in 1428 it was enacted

'that ilk baronne within his baronry in gaynande tym of the yere ger serss and seik the quhelppis of the wolfis and ger sla thaim.... Ande at the baronnis hunt in thare baronryis and chase the wolfis four tymmis in the yere ande als oft as ony wolfe beis sene within the baronry.'

In military affairs the barony was a unit of the local administrative system: in peace the lords were responsible, under the sheriffs' supervision, for the equipment of their men, while in war they raised the men of their baronies and usually followed the sheriffs' leadership.⁴ The role of the baronies in the maintenance of law and order was also important. In addition to dealing with specific crimes, the lords of baronies were supposed to clear their lands

1. E.g. those of Carnwath, Forbes, Stichill, and Urie, all published by the Scottish History Society. Unfortunately the earliest surviving barony court record, from the early Stewart period (that of Longforgan, 1385: Hist.MSS.Comm., 3rd report, app., p. 410) simply concerns hearings dealing with the question of the superiority of a certain tenancy in the barony.

2. I.F.Grant, The Social and Economic Development of Scotland before 1603 (Edinburgh, 1930), pp. 183-4.

3. Act.Parl., ii, 15, c. 5.

4. Dickinson, Fife, pp. xli-xliii; Dickinson, Carnwath, pp. lxix-lxxii.

three times a year of malefactors and men of ill fame,¹ through the inquest of the good men of their baronies; and by the emergency legislation of 1372 lords of baronies were temporarily given the power to settle cases of murder and homicide committed on their lands.² In general, therefore, the baronies of late medieval Scotland may be seen in many ways as administrative subdivisions of the shire. They often appeared as such in charters of the early Stewart period. When land was granted, the pattern 'terra de Nortona cum pertinentiis in baronia de Rathew infra vicecomitatum de Edinburghe'³ was normally used; where no barony is named then the land involved (where it can be identified) will almost invariably be found not to have been part of a barony.

In the early Stewart period these two concepts of the barony did not always coincide. During the fourteenth century no lord exercised baronial powers over the barony of Carluke (Lanark); superiority over it rested with the crown, lands and revenues in it were alienated, and its court would not have functioned.⁴ Yet in 1374 it was still called 'baronia de Carluk' at the very time that the barony of Mauldislie was carved out of it.⁵ The problem stems from the complex history of the Scottish barony in the medieval period. It evolved in three basic stages. In the first, during the twelfth century, baronial powers had a personal, not a territorial, connotation: all important landowners were called barons, and because of their social status were

1. Lord Cooper, Reg. Maj., p. 336.

2. Act. Parl., i, 547-8.

3. Great Seal, i, no. 433.

4. Ibid., i, no. 75; app. ii, nos. 189, 601, 669; Origines Parochiales, i, 116.

5. Great Seal, i, no. 493.

given, or simply assumed, what were later known as baronial powers over their estates.¹ The second stage came when the baronial powers became attached not to the barons' persons but to their estates; these estates then acquired the name of baronies.² This was the situation throughout the thirteenth century. It seems possible that all tenancies-in-chief of any size at all were considered to be baronies,³ and that anyone who held one of these baronies, irrespective of social status, could exercise the baronial powers associated with the estate. For instance in 1230 it was enacted that if anything was stolen from someone unable to defend himself,⁴ the victim should complain to the lord of the fee ('ad dominum feodi') or his baillie, who then would conduct an inquest from the men of three neighbouring baronies to find out who the criminal was. 'Et si secundum illum propartacionem malefactor ille inventus est convictus fuerit iustum subeat iudicium.'⁵ There are several other references to processes based on the 'three baronies',⁶ while a jury composed of the representatives of no fewer than 17 baronies made a retour of land in Forfarshire in 1261.⁷ It is clear therefore that by this time the barony was recognised as an integral unit of local administration. The third stage in the history of the barony began with Robert I's efforts to redefine feudal

1. Dickinson, Carnwath, pp. xiv-xvii, lix; Regesta William I, pp. 48-51; Stenton, First Century, pp. 103-4, 109-10.

2. Dickinson, op.cit., pp. xviii-xiv, xix.

3. Cf. Barrow, Kingdom of the Scots, pp. 90-1.

4. I.e. 'men of religion, clerks, widows, prebendaries, etc.'

5. Act.Parl., i, 399, c. V.

6. Ibid., i, 377, c. XXI; 381, c. XXII; 447-8.

7. Ibid., i, 100; cf. i, 99 ('retour' was the equivalent of an inquisition post mortem).

society after the Wars of Independence.¹ One aspect of the redefinition was the introduction of the practice of including the phrase in liberam baroniam in all grants of lands which were intended to be held as baronies.² If the land involved had not previously been held as a barony,³ then this simply meant a new barony had been created. However, there is more of a problem with respect to those estates which had been known as baronies before 1300. If these old baronies had been held baronially by an unbroken succession of lords, then the baronial privileges would have been retained even although a grant in liberam baroniam had not been made. But if the old barony came into the king's hands through forfeiture or escheat, then when it was granted out again it could only be held with baronial privileges if it was granted in liberam baroniam. This was not always done, with the result that, as in the case of Carluke, a piece of land might be called a barony but not be held baronially. In this way the discrepancy between the concept of the barony as an estate held with special privileges and the concept of it as an administrative unit of land came into being.

This discrepancy between the two concepts of the barony was very marked in the early Stewart period. Between the beginning of the fourteenth century and 1424 references

1. Barrow, Robert Bruce, pp. 402-10; Nicholson, Scotland, pp. 110-1.

2. Barrow, op.cit., p. 410; Nicholson, op.cit., p. 111.

3. A new barony has been considered to have been created when the lands of an estate were granted to be held in liberam baroniam, unless it can be shown that the estate was already called a barony in the 14th century (13th century references to baronies have not been counted, because the terminology was then much looser).

to 379 baronies have been found;¹ with at least 100, or 26% of them, some divergence is probably to be seen between the lands of the barony and the tenure in liberam baroniam. For a start, Carluke was far from unique; it is likely that as many as 36, or almost one-tenth of the total, were not held in liberam baroniam at all during part or the whole of the early Stewart period.² Some had probably lost their baronial status altogether,³ while in the others the baronial powers were almost certainly⁴ not exercised, although they continued to be called baronies. Next, there were about a dozen cases where the lord of the barony had granted all its lands to an under-tenant, while retaining the superiority and baronial privileges in his own hands, thus divorcing the tenure in liberam baroniam from the⁵ actual possession of the lands.⁶ With another nine

1. See Appendix II, 'Barons and Baronies 1371-1424', below, pp. 346-97 (the appendix also includes 17 'territorial lordships').

2. Ibid.; this total includes the cases where it is uncertain whether a barony was held in liberam baroniam or not.

3. Dickinson (Carnwath, pp. xxxvi-xxxvii) stated that baronies were indestructible, but this is not entirely true. There are several cases of lands granted in liberam baroniam which subsequently were not known as baronies, and were almost certainly not held in liberam baroniam: e.g. Balmaleddie (Kcdn), Longnewton (Rxbr), Nisbet (Rxbr), Longforgan (b)(Prth), and probably Dalswinton (b) (Dmfs) (cf. Appendix II, below, pp. 360-395, s.v.).

4. Normally this happened (as with Carluke) when the barony and its lands came into the crown's hands, and some or all of the lands were granted out again, but not in liberam baroniam.

5. Keith (Hdtn), Aden (Abdn), Covington (Lnrk), Troup (Banf), Kirkintilloch (Dbtn), Newdosk (Kcdn), 'Shanbothy' (Ckmn), West Calder (Ltgw), Innerwick (Hdtn), Reres (Fife), Doune (Banf): see Great Seal, i, nos. 884, 939, 477, 881; app. i, no. 130; Fraser, Douglas, iii, nos. 33, 318, 340, 341; Fraser, Wemyss, ii, no. 11; Nat.Lib.Scot., MS. Adv. 31.6.3, p. 75.

6. Redhall (Edbr), Kincardine (Kcdn), Braidwood (Lnrk), Crawford (Lnrk), Dalziel (Lnrk), Cessford (Rxbr), Abercorn (Ltgw), Dalswinton (Dmfs), and Longforgan (Prth): see Great Seal, i, nos. 458, 754, 643, 763, 503, 586; Morton Reg., ii, no. 207; and (for Dalswinton and Longforgan) Appendix II, below, pp. 360, 390.

(and perhaps many more ¹) baronies, some lands had either been excluded from or were subsequently detached from the territory granted in liberam baroniam, which meant that the area held baronially in the early Stewart period was smaller than that of the original barony. Finally, some 43 baronies (about one-ninth of the total) had been partitioned before or during the early Stewart period. ² The most common cause of partitions was inheritance by two or more heiresses. ³ In theory when this happened, the lands were divided but, since tenure in liberam baroniam was supposedly indivisible, the baronial powers over the whole barony went to the eldest heiress and her family; in practice however it appears that the baronial powers were often restricted to the eldest heiress's share of the lands alone. ⁴

Etymologically, baronia is the land possessed by a baro, and generally barons did hold baronies. However the relationship between these terms was another aspect of the Scottish barony that was affected by its complex development. In the twelfth century, a baro was an important landowner, and the land he held with his baronial privileges

1. I.e. those which were partitioned and where the area held in liberam baroniam had shrunk as a consequence.

2. See Appendix II, 'Barons and Baronies 1371-1424', below, pp. 346-97, passim.

3. Cf. below, pp. 288-98, for the frequency of female succession.

4. Dickinson, Carnwath, pp. xxxii-xxxiv. There is insufficient evidence to show which was the more common practice in early Stewart Scotland; but where references are made to 'half the barony of ...' (generally in cases where partitions had taken place some years previously), it seems unlikely that jurisdiction over the whole barony would have been involved. If baronies were divided for reasons other than female succession (e.g. Dalswinton (Dmfs), Manor (Pbls), Longforgan (Prth): see Appendix II, below, pp. 360, 387, 390), then the terms of the division would determine what baronial jurisdiction was exercised by whom.

was his baronia.¹ But by the sixteenth century, when the great definitions of Scottish feudalism were being made, the meanings of the terms had changed. Then the test of a baron was not his position in the country, but whether or not he had baronial powers of criminal jurisdiction.² These powers were almost invariably³ exercised through baronies held in liberam baroniam. This was therefore a complete reversal of the twelfth century position: in the twelfth century when a landowner had the status of baron his estate would have come to be called a barony, whereas in the sixteenth when an estate had the status of a barony its lords would have come to be called barons. The position in the early Stewart period is unclear, but it was probably closer to that of the sixteenth century, as a result of the institutionalisation of the concept of the barony in the thirteenth and early fourteenth centuries. Under Robert II, for instance, John Haliburton was called 'the baron of Dirleton', and James Sandilands 'the baron of Wiston';⁴ here the term baron was associated with particular pieces of land, not with personal status. By this time, well over 100 men held land in liberam baroniam,⁵ and would almost certainly have been known as barons. The majority of these, or their successors, were probably the 'small barons' who in 1428 were excused from having to attend parliaments in

1. Dickinson, op.cit., pp. xiv-xvii; Regesta William I, pp. 48-51.

2. Dickinson, op.cit., pp. xxvi-xxvii, lix.

3. But not always; there are some charters of land cum furca et fossa, etc. which omit the phrase in liberam baroniam, in which cases strictly speaking baronies were not created (Dickinson, op.cit., pp. lv-lix, and below, pp. 144-145).

4. Act.Parl., i, 552-3; Scot.Rec.Off., MS. Supplementary Register House Charters, s.d. 29:i:1388.

5. Not counting earls and 'territorial lords'; see above, Table I, 'Possession of Baronies', p. 28.

1 person. This act shows how far the term baron had developed since the twelfth century, for then one of the main characteristics of a baron was to give counsel to his king. 2

However, it is doubtful whether the precision of the sixteenth century law books can be transferred to the fourteenth and early fifteenth centuries. 3 In this earlier period baron might still mean an important landowner below the rank of earl, as it probably did in the much used formula 'earls, barons, and others'. 4 Also, the mid-fourteenth century text Quoniam Attachiamenta seems to derive the powers of criminal jurisdiction from the rank or status of baron, and not vice versa, when it states that 5

'In minori curia quam in curia baronis non possunt vita et membra adjudicari ut escheta nisi aliqui eandem libertatem habeant in praedictis sicut baro habet ut quidam viri religiosi habent et alii ecclesiastici.'

On the other hand, the 1404 ordinance of the council-general concerning justiciars refers to 'barones habentes curias suas in criminalibus', 6 which implies that other barons did not have courts, and therefore did not exercise any baronial jurisdiction - a contradiction of both the passage in Quoniam Attachiamenta and the sixteenth century definitions. An even better illustration of the confusion of the period is provided by two statements made in the Aberdeen sheriff court in 1382. An appeal was being heard against a judgment

1. Act. Parl., ii, 15, c. 2.

2. Dickinson, Carnwath, p. xv; Stenton, First Century, p. 95.

3. As Dickinson seems to have done in parts of his introduction to Carnwath.

4. See above, p. 2.

5. Lord Cooper, Reg. Maj., p. 337; Quoniam Attachiamenta is later than Regiam Majestatem (*ibid.*, pp. 47-50), which itself dates from after 1318 (A.A.M. Duncan, 'Regiam Majestatem', Jurid. Rev., 1961, pp. 199-217).

6. Duncan, 'Councils-General', Scot. Hist. Rev., xxxv, 135.

given in the court of the Bishop of Aberdeen. On the question of the episcopal court's competence to deal with problems of land tenure, it was claimed on behalf of the bishop that it was,¹

'cum ipse sit baro domini nostri regis et iurisdictionem ordinariam habeat sicut ceteri barones regni ipseque et predecessores sui fuerint et sint in possessione huiusmodi curias tenendi et iurisdictionem exercendi in huiusmodi casibus similibus.'

Later in the bishop's argument a definition of a barony was² given:

'baronia est nomen dignitatis et importat iudicaturam et potestatem iurisdictionalem ordinariam quam solam dignitatem temporalem extra dotem ecclesie episcopus habuit ratione cuius baro regis potuit nuncupari.'

Two contrasting points were being made: first, that the bishop had the right to jurisdiction because he was a baron; secondly, that the bishop could be called a baron because he possessed a barony and its attendant jurisdiction. This evidence suggests therefore that it would be unwise to apply sixteenth century definitions of baro and baronia without reservation to the early Stewart period. It would appear that, despite the appearance of the concept of tenure in liberam baroniam, the terms were still used more loosely between 1371 and 1424 than in the sixteenth century.

One other aspect of the institutional position of the barony needs to be mentioned. Although most baronies were held in chief of the crown, there was a sizeable exception to this rule: during the early Stewart period at least 33, or one-twelfth, were held of subject-superiors. Almost half of these were held of the Douglasses, either as earls

1. Aberdeen Reg., i, 148.

2. Ibid., i, 152.

of Douglas or lords of Bothwell;¹ the rest were held of various other earls² or important ecclesiastical landlords.³ This situation had arisen in a variety of ways. Most commonly, magnates who possessed baronies sometimes granted out not only the lands but also the baronial powers to under-tenants.⁴ There were also cases of lands within earldoms or lordships which had been held baronially by under-tenants since the early feudal period, and would have come to be known as baronies in the thirteenth century.⁵ In addition, the crown occasionally granted a magnate the superiority of a whole area, including existing baronies.⁶ Finally there were instances in the fourteenth century of magnates creating baronies by granting lands in liberam baroniam,⁷ just as the crown did.

The existence of baronies which were not held directly from the crown derived from the concept of the barony as

1. Rattray (Abdn), Drumlanrig (Dmfs), Buittle (Dmfs, Galloway), Preston (Dmfs, Galloway), all held of the earls of Douglas; Douglas; Aberdour (Abdn), Bocharm (Banf), Lundie (Frfr)(?), Avoch (Invs), Brachlie (Invs), Eddirdovar (Invs), Strathdearn (Invs), Walston (Lnrk), Hawick (Rxbr), Herbertshire (Stlg), all held of the lords of Bothwell (see Appendix II, below, pp. 346-96, s.v.).
2. Coul (Abdn), North Berwick (Hdtn), West Calder (Itgw), Scoonie (Fife), Strathord (Prth), all of the earls of Fife; Boon (Brwk), Gordon (Brwk), Huntly (Brwk), Tibbers (Dmfs), Dundaff (Stlg), all of the earls of March; Duffus (Elgn), Glencarnie (Invs), Nairn (Invs), Petty (Elgn), all of the earls of Moray; Balhalgardy (Abdn), of the earls of Mar; and Thorboll (Invs), of the earls of Sutherland (see Appendix II, below, pp. 347-92, s.v.).
3. Banchory-Devenick (Abdn), of the abbey of Arbroath; Leslie (Abdn), of the bishops of St. Andrews; and Murtle, (Abdn), of the bishops of Aberdeen (see Appendix II, below, pp. 347, 349, 350).
4. E.g. Drumlanrig (Hist.MSS.Comm., 15th report, app. viii, p. 8, no. 2), or Herbertshire (Fraser, Douglas, iii, nos. 338, 351).
5. E.g. Gordon and Huntly (Scots Peerage, iv, 507-20; cf. Dickinson, Carnwath, pp. xlix-lix).
6. E.g. Robert I's grant of Moray (Great Seal, i, app. i, no. 31); cf. the grant of Nairn (ibid., i, app. i, no. 8).
7. Balhalgardy (Abdn) and Thorboll (Invs) (see below, p. 145).

an estate held with special powers; from this standpoint, the lord of such an estate would have felt able, had he wished, to delegate his powers to one of his tenants at the same time as granting all or part of the land in question. This clashed, however, with the view of the barony as a unit of local administration; if the lord of a barony was exercising public administrative powers, he ought to have held them from the crown, not from some other lord. During the early Stewart period the latter seems to have been the government point of view. It was stated most clearly in the legislation of 1401, when it was enacted that if earldoms or lordships came into the crown's hands, then any baronies they contained would in future be held only of the crown, even if the earldoms or lordships were granted out again. Earlier, Robert II's attitude was similar; none of his personal possessions, not even the four Roxburgh baronies given him by Robert I,¹ was granted with baronial powers.² And when Robert III created the barony of Danyelstone, in the lordship of Renfrew, it was to be held of the crown, not of the Stewards of Scotland.³ Grants by the earls of Fife and March probably reflect this attitude as well: Fife gave land in the barony of Leuchars (Fife) to the Ramsays of Colluthy cum furca et fossa, etc.,⁴ and March gave parts of Morton (Dumfries) and Mordington (East Lothian) baronies plus Whittinghame in the earldom of

1. Great Seal, i, app. i, no. 88; the baronies were Eckford, Nisbet, Longnewton & Maxton, and Caverton.

2. See Appendix II, below, pp. 392-395, s.v.

3. Great Seal, i, no. 867.

4. W. Fraser, The History of the Carnegies Earls of Southesk (Edinburgh, 1867), ii, 490-1; Great Seal, i, no. 886.

March to James Douglas of Dalkeith 'cum curiis tam de vita¹ et membris'. In both cases the charters do not include the phrase in liberam baroniam which suggests that only the crown had the right to grant such a tenure.² On the other hand, earlier in the fourteenth century, two magnates did make such grants. In 1358 the earl of Mar granted Balhalgardy (in Garioch, Aberdeen) to Robert Erskine,³ and in 1360 the earl of Sutherland granted Thorboll (in Sutherland, Inverness) to his brother Nicholas;⁴ both grants were in liberam baroniam, both charters were confirmed by the crown in the form of an inspeximus,⁵ and Balhalgardy, at least, was subsequently known as a barony.⁶ These are isolated examples, but they provide further illustration of the absence of any precise definition of the institution of barony at this period.

However, while the inconsistencies and confusion involved need to be examined in order to understand the institution of barony in early Stewart Scotland, their significance should not be exaggerated. In fact over three-quarters of the baronies were held in liberam baroniam of

1. Morton Reg., ii, nos. 100, 131, 132.

2. Cf. Dickinson, Scotland, pp. 91-2; Dickinson, Carnwath, pp. xlix-1; Barrow, Robert Bruce, p. 410. In 1327 the lord of Crawford granted lands to Newbattle abbey 'cum furco et fosso ... et cum omnibus juribus et libertatibus ad curiam Baronis pertinentibus'; Robert I confirmed the grant, stating the land was to be held '... in unam liberam baroniam, cum furco et fosso' (Registrum S. Marie de Neubottle, ed. C. Innes (Bannatyne Club, lxxxix, 1849), nos. 149, 150).

3. Act. Parl., i, 524.

4. Fraser, Sutherland, iii, no. 19.

5. Act. Parl., i, 524; Great Seal, i, no. 132.

6. Hist. MSS. Comm., Mar and Kellie suppl. report, p. 19. Later references to Thorboll, however, do not call it a barony (Fraser, Sutherland, iii, nos. 26, 28, 38).

the crown,¹ by a total of about 150 lords.² The earldoms, 'territorial lordships', and ecclesiastical estates were also held in liberam baroniam.³ When these are added to the baronies, it becomes clear that the area over which the local lords were responsible for day-to-day administration was very extensive, probably far exceeding that of the sheriffs. Map II, 'Baronies in Early Stewart Lanarkshire',⁴ demonstrates this strikingly. Excluding Renfrew,⁵ there were 29 lay baronies in early Stewart Lanarkshire, of which 24 were held in entirety in liberam baroniam.⁶ These 24⁷ made up approximately 63% of the area of the sheriffdom; in addition, 21% of it consisted of baronies belonging to ecclesiastical landlords.⁸ Thus in all about 84% of early Stewart Lanarkshire was held in liberam baroniam. Lanarkshire has been chosen because it is a particularly⁹ convenient area for analysis, and it is difficult to say

1. Of the baronies listed in Appendix II, below, pp. 346-97, 282 out of 361 were so held in 1371; 298 out of 379 in 1424.

2. I.e. the barons enumerated in Table I, 'Possession of Baronies', above, p. 28, together with the dukes, earls, and 'territorial lords'.

3. Dickinson, Carnwath, pp. xiii, xvi-xvii, lv-lviii.

4. On the next page.

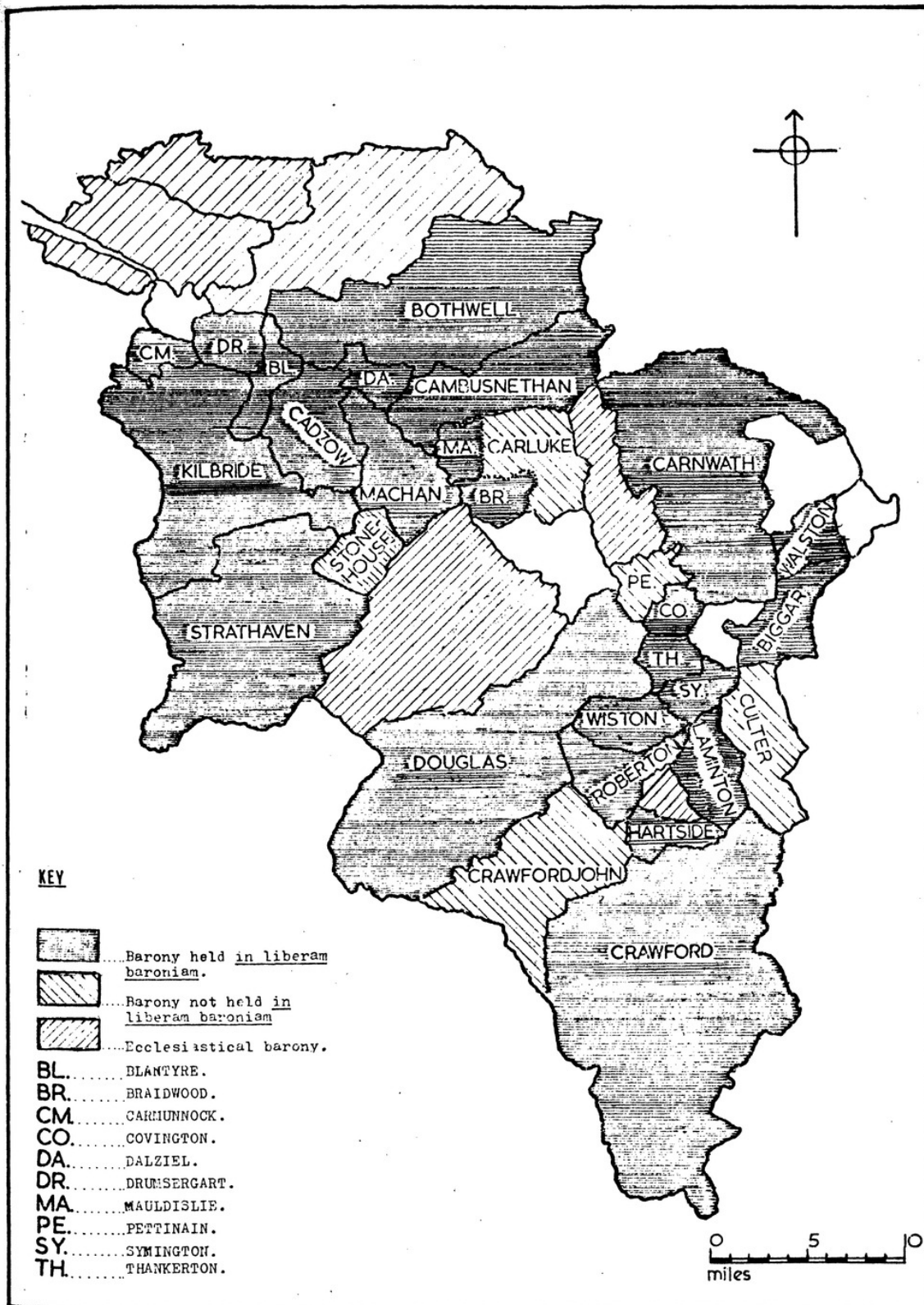
5. For convenience this has been excluded from the analyses of early Stewart Lanarkshire here and in the following section. As a 'territorial lordship', it is different from all the other baronies; after 1404 it was held in regality, separately from the rest of Lanarkshire; and it had become a separate sheriffdom by 1414 (Dickinson, Fife, p. 365).

6. See Appendix II, below, pp. 383-6.

7. This is based on the parish-barony equation for early Stewart Lanarkshire demonstrated below, pp. 166-73, and on the areas of the various parishes given in Ordnance Gazetteer of Scotland, ed. F.H.Groome (Edinburgh, 1884-5). The figures are only approximate, because (a) the baronies do not always coincide exactly with parishes; (b) the area of the parishes often changed between the 14th and the 19th centuries.

8. The ecclesiastical baronies and parishes of Glasgow, Govan, Cadder, Monkland, Lesmahagow, Carstairs, and $\frac{1}{2}$ Wandel (see the entries in Origines Parochiales, i).

9. The basis for any study of medieval landownership in the area is provided by Professor Barrow's account of its feudalisation, in Kingdom of the Scots, pp. 288-91; also it is well covered in Origines Parochiales, i.



MAP II. BARONIES IN EARLY STEWART LANARKSHIRE

just how typical it was at that time; for instance the proportion of baronies actually held in liberam baroniam is¹ above the national average in the period. But judging by² the numbers of baronies to be found in the other sheriffdoms, it does seem probable that for the rest of Scotland, outside the earldoms and 'territorial lordships', the figures would at least be roughly similar to those for Lanarkshire. It should be added that in this respect the early Stewart³ period was no different from earlier or later ones.

Widespread seigneurial responsibility for local administration was a constant feature of Scottish medieval society, and one which the Scots crown never attempted to alter.⁴ This is in sharp contrast to the situation in England,⁴ but it tallies much more closely with that of the rest of⁵ Western Europe.

It is obvious that the relationship between tenure in liberam baroniam and the higher nobility in the early Stewart period was far from exact. As has already been shown, the possession of baronies then extended far beyond those who can be thought of as higher nobility: nearly one hundred of those who held baronies should probably be classed as lesser

1. Which was about two-thirds; see above, pp. 145-146.

2. See Map III, 'Baronies in Early Stewart Scotland', below, p. 155, and the lists in Appendix II, below, pp. 346-397.

3. See above, pp. 135-6, for the thirteenth century. After 1424, many more baronies were created (Great Seal, ii, passim), and by 1560, according to G.S.Pryde, there were at least 1,040 baronies (Pryde, Kirkintilloch Burgh Court Book, p. xlii, note).

4. Cf. Stenton, First Century, p. 102.

5. Seigneurial jurisdiction similar to that involved in the Scottish barony was commonplace: cf. Duby, Rural Economy and Country Life, pp. 224-8, 246-7; G.Zeller, 'Royal Administration before the Intendants', in Government in Reformation Europe, ed. H.J.Cohn (London, 1971), pp. 226-8.

nobles or 'small barons'.¹ Also, the estates of the higher nobility did not consist entirely of land held in liberam baroniam: all magnates held some lands without special jurisdictional powers.² On the other hand, it is possible to find a clear if fairly loose connection between the higher nobility and tenure in liberam baroniam at this time.

First, all those who can be regarded as higher nobles during the early Stewart period would have possessed at least one barony, and generally more than one.³ And in most cases the territory held in liberam baroniam appears to have made up the main part of their estates, including all the major units of land in them.⁴ Baronies, it may therefore be suggested, formed the basis of the higher nobility's estates.⁵ Moreover, the examples of Walter Oliphant and John Lyon indicate that baronies were closely associated with the higher nobility. Walter Oliphant held the baronies of Newtyle (Forfar) and Kellie (Fife) and the lands of Aberdalgie (Perth), Auchtertyre (Forfar), Gask (Perth), and Turin (Forfar). In 1365 he married David II's sister Elizabeth, and simultaneously all these lands were erected into baronies.⁶ John Lyon rose through service to the crown to become chamberlain of Scotland and a son-in-law of the king.⁷ By the time of his death in 1382 he had

1. See Table I, 'Possession of Baronies', above, p. 28, in conjunction with the whole of Chapter I, Section 3.

2. Cf. below, pp. 225-7, 240-1.

3. Cf. above, pp. 27-9.

4. See below, pp. 225-7, 240-1.

5. That is, if earldoms and 'territorial lordships' are not included.

6. J. Anderson, The Oliphants in Scotland (Edinburgh, 1879), nos. 7, 8, 9; pp. 7-8, note; app., nos. 1, 3, 4.

7. Scots Peerage, viii, 263-8; cf. below, p. 293; he married Joanna, daughter of Robert II.

amassed extensive estates,¹ including five baronies: Glamis² (Forfar, acquired 1372),³ Tannadice (Forfar, 1375),⁴ Longforgan (Perth, 1377),⁵ Belhelvie (Aberdeen),⁶ and Kinghorn (Fife, 1380). All the baronies except Belhelvie were created for him by Robert II - Glamis, Tannadice, and Kinghorn out of the crown's own possessions. In both cases, therefore, a significant rise in a noble's status in the country was accompanied by the creation of several baronies by the crown; this suggests that important nobles were expected to hold most of their estates in liberam baroniam.⁷

A similar conclusion may be drawn from an examination of all the new baronies created between 1371 and 1424. New baronies have been considered to have been created when pieces of land which were not (so far as is known) previously called baronies or held baronially were granted in liberam baroniam. Eighteen charters containing such grants have survived from the period: 14 issued by Robert II,⁸ three by Robert III,⁹

1. Most of these are listed in Scots Peerage, viii, 263-6.

2. Great Seal, i, no. 549.

3. Nat.Reg.Archives, no. 885, MS. Calendar of the Earl of Strathmore's muniments, s.d. 4:x:1375.

4. Ibid., s.d. 6:v:1377; Great Seal, i, no. 744 (this was resigned in 1379: ibid., i, no. 641).

5. Scot.Rec.Off., MS. Dalhousie, GD45/16/2321.

6. Nat.Reg.Archives, no. 885, MS. Calendar of the Earl of Strathmore's muniments, s.d. 24:xii:1380.

7. The general question of upward social movement is discussed below, pp. 292-6; Lyon and Oliphant seem to have been the most spectacular instances.

8. Creating the baronies of Kintore (Abdn), Findlater (Banf), Lugton (Edbr), Netherliberton (Edbr), Kinghorn (Fife), Glamis (Frfr), Tannadice (Frfr), Abernethy (Invs), Balmaleddie (Kcdn), Lochleven (Knrs), Mauldislie (Lnrk), Alyth (Prth), 'Easter Cardney' (Prth), and Longforgan (b) (Prth); see Appendix II, below, pp. 349-90, s.v.

9. Creating the baronies of Pokelly (Ayr), Rowallan (Ayr), and Danyelstone (Lnrk); ibid., pp. 355, 384.

and one by Robert duke of Albany.¹ The 18 new baronies were created for 14 lords, of whom five clearly belong to the higher nobility² and the rest do not.³ The five higher nobles received eight baronies: Glamis, Tannadice, Longforgan, and Kinghorn went to John Lyon;⁴ Abernethy to Alexander Stewart earl of Buchan;⁵ Lochleven to David Stewart earl of Strathearn;⁶ Kintore to John Dunbar earl of Moray;⁷ and Alyth to James Lindsay of Crawford.⁸ In each case the creation of the new barony coincided with the acquisition⁹ of the lands involved, and in every case except two¹⁰ the lands had previously been in the crown's possession. These grants are the only ones made by the crown to magnates of sizeable pieces of land which were not already held as baronies.¹¹ In contrast, of the ten baronies which went to lesser nobles, only three were created at the same time as the lands were acquired, and here the lands were bought from

1. Creating the barony of Kagnore (Stlg); *ibid.*, p. 396.

2. The earls of Buchan, Strathearn, and Moray; James Lindsay of Crawford; and John Lyon of Glamis (who may here be counted as one of the higher nobility, because it is likely that he was granted his baronies as a result of his rise to an important position in the country).

3. They were: Thomas Charteris (Kagnore), John and Robert Danyelstone (Mauldislie and Danyelstone), Henry Douglas (Lugton), Adam Forrester (Netherliberton), Patrick Inverpeffray (Balmaleddie), Adam Mure (Pokelly and Rowallan), John Ross (Easter Cardney), and Richard Sinclair (Findlater).

4. See above, p. 150.

5. *Great Seal*, i, no. 790.

6. *Scot. Rec. Off.*, MS. Morton, GD150/14, 1.

7. *Great Seal*, i, nos. 627, 718.

8. *Ibid.*, i, nos. 610, 630.

9. Alyth, (where extra land was added to some already possessed by James Lindsay) and Longforgan.

10. Through escheat with Glamis, Tannadice, and Kintore, through resignation 2 years previously with Abernethy, and as part of the crown's inherited resources, with Lochleven and Kinghorn.

11. *I.e.*, which are included in the MS. Regesta 1371-1424 material.

other lords, not granted by the crown.¹ With the other seven new baronies, no transfer of territory took place; the units of land were simply upgraded into baronies for their existing lords.² Thus among the lesser nobility there was some demand for baronial privileges to be attached to their estates, but there was no such demand from magnates. The most likely reason for this is that the majority of lands held by magnates were already held in liberam baroniam. At the same time, when new pieces of land were granted to magnates, these would if necessary be erected into baronies, presumably in order to fit in with the rest of their estates. These points also indicate that it was considered natural for important nobles to enjoy baronial privileges over their lands.

Further, although a large number of lesser nobles held lands in liberam baroniam, very many early Stewart baronies did belong to the higher nobility. When the possession of baronies held in liberam baroniam, but not by earls or 'territorial lords', was analysed in Chapter I, it was shown that 43% of these baronies were in the hands of lords who may be considered to fit the description 'higher nobility', if the possession of three or more baronies is taken as the criterion.³ When all the baronies which were held by earls or 'territorial lords' are added, the proportion becomes even higher, rising to about 55%: in 1371 157 out of 282 baronies were held by lords who may certainly or probably

1. Balmaleddie, 'Easter Cardney', and Netherliberton; the grants were made by the crown upon the resignation of the previous lords.

2. By the process of resigning them to the crown to be granted back to the original owner (or with Kagnore to his son) under different conditions of tenure; cf. below, pp. 205-8.

3. See above, p. 28-9.

be regarded as higher nobles, while for 1424 the figures are 166 baronies out of 298.¹ Thus, even if the possession of three or more baronies is taken as only a rough indication of who the higher nobility might be,² it seems safe to say that well over half the baronies which were held in liberam baroniam during the early Stewart period were in the hands of the higher nobility. Again this point is well illustrated by Lanarkshire. In the early Stewart period, 24 baronies in Lanarkshire (excluding Renfrew) were held in liberam baroniam. Of these eleven belonged to men who can safely be called members of the higher nobility,³ and another seven to men who may probably be regarded as higher nobles;⁴ only six were in the hands of men of clearly lesser status.⁵ Moreover, the earldoms and 'territorial lordships' were held in liberam baroniam,⁶ and these all belonged to members of the higher nobility. Thus the higher nobility's share of the actual land which was held in liberam baroniam would have been very much more than half; in addition to over half the baronies they had all the earldoms and 'territorial lordships'. In general in early Stewart Scotland, wherever land was held with baronial powers (outside the ecclesiastical estates), these powers would more often than not have been exercised

1. See Appendix II, below, pp. 346-97, passim.

2. Cf. above, Chapter I, Section 3.

3. Kilbride (initially) - earl of Carrick; Douglas - earl of Douglas; Blantyre (initially) - earl of March; Bothwell, Carmunnock, Drumsagart, and Strathaven - Douglas lord of Galloway and Bothwell; Robertson - Douglas of Dalkeith; Walston - Erskine of that ilk; Covington - Keith, Marischal (see Appendix II, below, pp. 383-386, s.v.).

4. Biggar, Thankerton - Fleming; Cadzow, Machan - Hamilton; Carnwath - Somerville; Dalziel (initially) - Wallace; Mauldisley - Danyelstone (ibid.).

5. Braidwood - Monfode; Cambusnethan - Stewart of Darnley; Hartside - Jardine; Lamington - Baillie; Symington - Symondton; Wiston - Sandilands (ibid.).

6. Dickinson, Carnwath, pp. xvi-xvii, lv-lviii.

by members of the higher nobility.

Where the exercise of baronial powers is concerned, therefore, the situation of the early feudal period seems to have remained in force. The more important a noble was, the more likely he was to enjoy baronial privileges; conversely, land which was held baronially was more likely to have belonged to higher than to lesser nobles. This demonstrates that in early Stewart Scotland, despite the proliferation of baronies and the large number of 'small barons', there was a significant connection between tenure in liberam baroniam and the higher nobility.

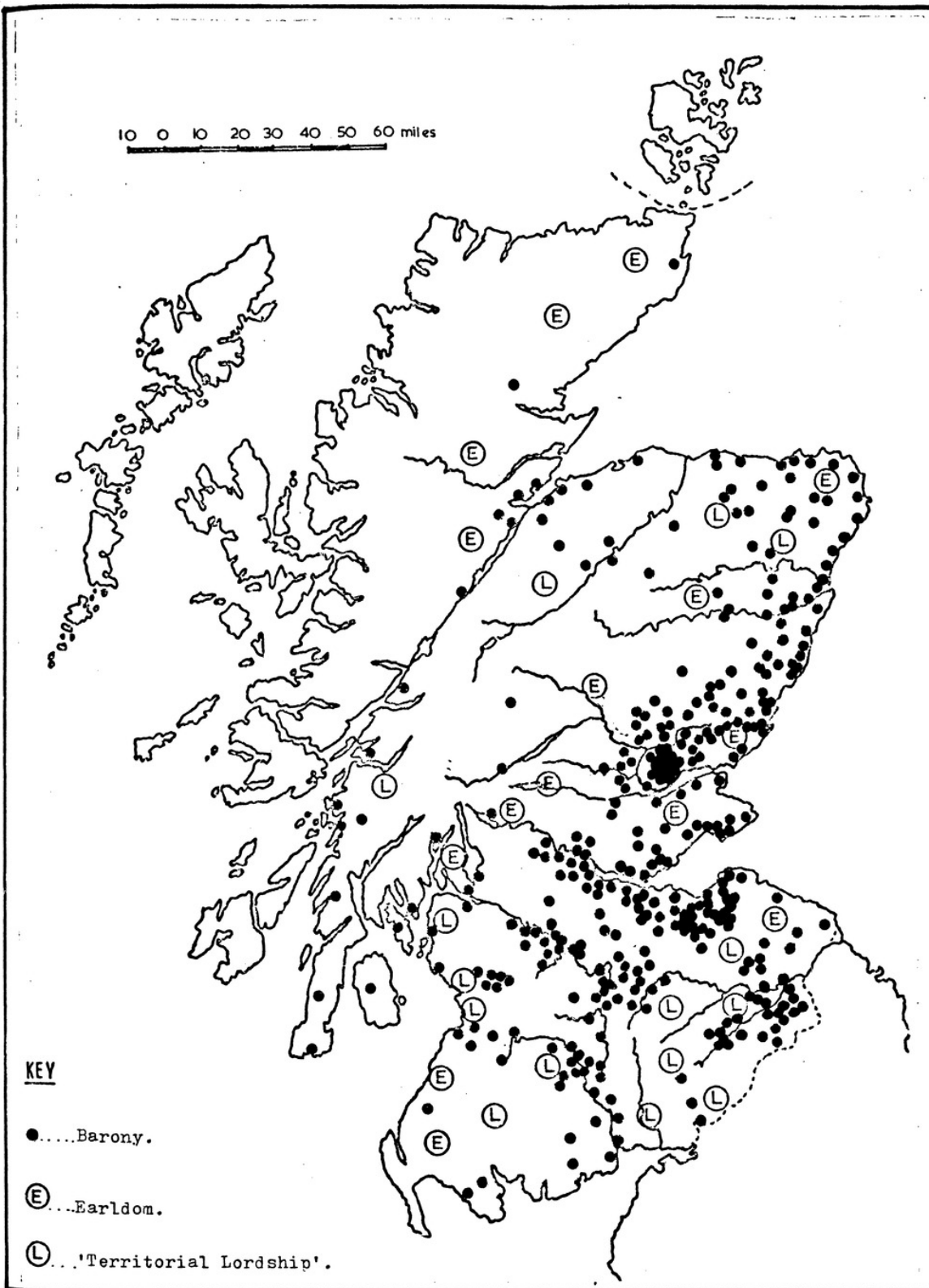
SECTION 3: THE GEOGRAPHY OF EARLY STEWART BARONIES

When the baronies of early Stewart Scotland are plotted on a map, the result (Map III, 'Baronies in Early Stewart Scotland'¹) is almost a negative copy of the map of earldoms and 'territorial lordships'.² All the areas outside the earldoms and 'territorial lordships' were thickly studded with baronies, whereas there were very few within them. The only exceptions are in Angus, Buchan, Fife, Nithsdale, and to a lesser extent Cunningham, Kyle, and Lorne, where the lands possessed by the earls and 'territorial lords' had shrunk considerably by 1371.³ Map III shows that the distribution of baronies throughout the country was remarkably even. Discounting the earldoms and 'territorial lordships', Scotland north of the Forth was just as full of baronies as the south. They were particularly numerous in the east

1. On the next page.

2. See above, Map I, p. 4.

3. See above, pp. 46-8, 56-7, 59-62.



MAP III. BARONIES IN EARLY STEWART SCOTLAND

coast plain, and even appear in Highland districts of Inverness-shire and Banff. Lists of the baronies in the various sheriffdoms are contained in Appendix II, 'Barons and Baronies 1371-1424'.¹

Only the caput of each barony is marked on Map III; no indication of the lands of the baronies is given. Locating the caput of a barony on a map is much easier than tracing the actual lands. There are only two baronies, Douglas (Lanark) and Buittle (Dumfries), where the boundaries are described in a clear enough form for them to be traced on a map. Douglas was created out of the land of 'vallis de Duglas' and the land of 'Kirkmychel', which coincide with the present parishes of Douglas and Carmichael.² Buittle was composed of 'tota parochia de Bothill exceptis Corbettoun et terris Patricii McGilbothin', and again the bounds given are basically those of the present parish, of which Corbieton forms the northern extremity.³ Unfortunately, the erection charters of Douglas and Buittle are the only ones which state the boundaries in an identifiable form. Generally erection charters simply give the names of the lands which were to make up the barony, with no indication at all of the boundaries. No other baronies, therefore, can be described as accurately as Douglas and Buittle. Despite this, it has proved possible to give some indication, if only tentatively, of the size and shape of early Stewart baronies.

By 1371, the great majority of early Stewart baronies

1. See below, pp. 346-97.

2. Great Seal, i, no. 77; Ordnance Survey 1", sheets 61, 68; Origines Parochiales, i, 151, 155.

3. Great Seal, i, app. i, no. 37; Ordnance Survey 1", sheet 81.

1
 were already in existence; these will be examined first,
 2
 starting with the new baronies created between 1306 and 1371.
 Sixty-three charters creating new baronies have survived
 3
 from this period. They may be divided into two groups:
 those where the component parts of the new barony are given,
 and those where only a single piece of land is named. There
 are 26 baronies in the first group, all made up of separate
 4
 pieces of land. However, with 17 of them, the individual
 components were probably contiguous, as in the case of
 Douglas. Only eight baronies can be shown to have contained
 5
 scattered lands; with these, the areas involved were not
 large, and never extended beyond one sheriffdom. Kilmarnock
 barony (Ayr) included the nearby lands of Bonnington and

1. In early Stewart Scotland there were at least 379 lay baronies (excluding earldoms and 'territorial lordships', of which only 18 are known to have been created after 1371 (see above, pp. 150-1, and Appendix II, 'Barons and Baronies 1371-1424', below, pp. 346-97).

2. I.e. created after the concept of tenure in liberam baroniam had emerged; see above, p. 137.

3. The charters creating: Belhelvie, Drum, Formartine, Kellie, Rattray, Skene (Abdn); Benderloch, 'Gereag', Glenbreakery, Lochawe (Agyl); Alloway, Ardrossan, Cumnock, Kilmarnock, Largs, Loudon (Ayr); Aberchirder, Boyne, Rothiemay (Banf); Kimmergham (Brwk); Alloa (Cknn); Bridburgh, Buittle, Kirkandrews, Glenken, Mochrum, New Forest, Snade, Torthorwald, (Dmfs); Calderclere (Ltgw); Barns, Tranent (Hdtn); Glassmount, Kilbrakmond (Fife); Aberlemno, Ardler, Auchtertyre, Downy, Kinnaber, Newtyle, Turin (Frfr); Aberlethnot, Fettercairn, Kincardine, Newdosc, Strachan (Kcdn); Blantyre, Cadzow, Dalziel, Douglas (Lnrk); Drummelzier (Pbls); Aberdalgie, Auchterarder, Gask, Logy, Rait (Prth); Hassendean, Plenderleith (Rxbr); Leckie, Touchfraser (Stlg). These creation charters have been found from Professor Duncan's MS. Regesta Robert I, and from Webster, Regesta David II Handlist. Their sources, together with statements of what lands they included, are given in Appendix II, below, pp. 346-97, s.v.

4. Aberdalgie, Alloway, Ardler, Ardrossan, Auchtertyre, Belhelvie, Dalziel, Douglas, Glenbreakery, Kinnaber, Lochawe, Newtyle, Snade, Strachan, Sundrum, Torthorwald, and Turin. See ibid.

5. Aberchirder, Alloa, Calderclere, Kellie, Kilmarnock, Loudon, Rattray, and Tranent. See ibid. With 'Gereag' (Agyl), the final barony in this group, the components have not been identified.

Hartshaw, together with West Kilbride, Ardneil, and part of Dalry, about a dozen miles distant. Aberchirder (Banff) combined the thanage of that name with Blairshinnoch, six miles to the north; the two elements of the barony of Calderclere and Kingscavil (West Lothian) were eight miles apart. The barony with the most disparate lands was Kellie (Aberdeen), which consisted of 14 pieces of land spread over six parishes in northern Aberdeenshire. In the second group of 37 baronies, 23 are said to have comprised the whole¹ of the single piece of land named in the charters, while with the other 14 some part of the original territorial unit may have been excluded, such as Corbieton and the lands² of Patrick McGilbothin in the barony of Buittle. In these cases it seems reasonable to assume (although it cannot be proved) that all the baronies formed compact territorial units; any outlying lands would surely have had names of their own, and would have been noted separately in the charters, as happened with the baronies in the first group. Thus although it was not invariably the case that baronies were compact territorial units, it is likely that almost 90%

1. E.g. 'omnes et singulas terras de Kynbrachmounde cum pertinentiis' (Great Seal, i, no. 327). The baronies are: Aberlethnot, Barns, Blantyre, Cumnock, Downy, Drum, Drummelzier, Fettercairn, Gask, Glassmount, Glenken, Hassendean, Kimmergham, Kilbrackmond, Kincardine, Kirkandrews, Logy, Mochrum, Nairn, New Forest, Plenderleith, Skene, and Touchfraser. See Appendix II, below, pp. 346-97, s.v.
 2. See above, p. 156. E.g. 'totam terram cum pertinentiis que fuit quondam Johanne de Balliolo militis in tenemento de Largys' (Great Seal, i, no. 52), or 'omnes terras nostras [the crown's] de Rate' (ibid., i, no. 288) cf. ibid., i, no. 54, and above, p. 56, for the grant of Cunningham, where 'all the crown's land in the barony of Cunningham' clearly did not mean the whole of the lordship. The baronies are: Aberlemno, Auchterarder, Benderloch, Boyne, Bridburgh, Buittle, Cadzow, Durris, Formartine, Largs, Leckie, Newdosk, Rait, and Rothiemay. See Appendix II, below, pp. 346-97, s.v.

of the baronies whose erection charters survive from the period between 1306 and 1371 fit this description. Even where they do not, their component parts lay close together, and were always contained within a single sheriffdom.

It is more difficult to estimate the size and shape of the baronies which were held baronially before 1306, and for which erection charters in liberam baroniam were not required.¹ An initial point is that between 1306 and 1371 extra lands were hardly ever added to such baronies. There are just three instances of this: Robert I joined land near loch Skene to Cluny (Aberdeen) 'in augmentum baronie predictae et tamquam eedem baronie annexas',² and he also joined the land of Robertson to the barony of Skirling (Peebles),³ while David II added Eddlewood to Cadzow barony (Lanark).⁴ Further, there is only one case where several baronies were united: in 1370 the baronies of Kincardine, Aberlethnot, and Fettercairn (all in Kincardineshire) were formed into one barony of Kincardine.⁵ It was more common for baronies to become smaller, through partition among heiresses or alienation of lands by their lords, but this would not have disturbed any territorial compactness a particular barony might have had.

Next, the baronies which were already in existence in the early fourteenth century were based on much older

1. See above, p. 137.

2. Aberdeen-Banff Antiquities, iii, 317.

3. A History of Peeblesshire, ed. J.W.Buchan and H.Paton (Glasgow, 1925-7), iii, 213, 216-7. Robertson is in Dolphinton parish, Lanarkshire (about 10 miles distant) (*ibid.*, iii, 213); this is the first known example of land in one sheriffdom being joined to a barony in another.

4. Great Seal, i, no. 286. Eddlewood was part of the royal fief of Cadzow, but had been alienated by Robert I (*ibid.*, i, app. i, no. 87; cf. Act.Parl., i, 512; Hist.MSS.Comm., 11th report, app. vi, p. 203, and p. 207, no. 123).

5. Great Seal, i, no. 338.

territorial units;¹ many of them, indeed, derived from the earliest feudal period. This may be demonstrated in two ways: by taking the list of royal knight-service charters drawn up by Professor Barrow² and asking which of the lands named in it were subsequently baronies; and by examining the origins of the baronies to be found in Lanarkshire in 1371. Professor Barrow's list contains 36 estates or groups of estates which were granted for knight service in the twelfth century;³ it includes the names of one earldom, three 'territorial lordships',⁴ and 32 baronies. Table IV, '12th century Fiefs and 14th century Baronies'⁵ shows that in twelve instances the entire fief was a single barony in the fourteenth century,⁶ and in four more the lands which were granted later formed pairs of baronies;⁷ in three instances the majority of the lands named separately in the original charters were subsequently baronies,⁸ while four other groups of estates contained one barony apiece.⁹ Thus of the 36 twelfth century estates or groups of estates examined here, 19 correspond extremely closely to fourteenth century baronies, and in only

1. Cf. above, p. 137.

2. Barrow, Kingdom of the Scots, Table I, pp. 311-2.

3. The list actually has 41 entries, but in 5 cases the same estates occur twice.

4. The earldom of Lennox, and the lordships of Annandale, Renfrew, and Garioch.

5. On the next page.

6. Rossie (Frfr), Ogilvy (Frfr), Kinnaird (Prth), Ardross (Fife), Errol (Prth), Chamberlainnewton (Rxbr), Foulis (Prth), Kinneff (Kcdn), Panmure (Frfr), Guthrie (Prth), Yester (Hdtn), and Lenzie (Dbtn).

7. Strathbrock (Ltgw) and Duffus (Elgn); Seton (Hdtn) and Winchburgh (Ltgw); Cargill (Prth) and Kincardine (Stlg); Tealing (Frfr) and Powgavie (Prth).

8. Legerwood (Brwk), Hassendean (Rxbr), and Innerwick (Hdtn); Ratho (Edbr) and Bathgate (Ltgw); Dundee (Frfr), Longforgan (Prth), and Newtyle (Frfr) (in the first and last instances the 'territorial lordships' of Renfrew and Garioch and the earldom of Lennox have been discounted).

9. Rosyth (Fife), Carriden (Ltgw), West Calder (Ltgw), and Gogar (Edbr).

1

TABLE IV. 12th CENTURY FIEFS AND 14th CENTURY BARONIES

Capitals indicate the name of a barony, underlining its component parts; thus: OGILVY, Pourie, Kilmundie - Ogilvy is the barony, Pourie and Kilmundie are contained in it.

Original Feoffee	Fief
Robert Bruce	ANNANDALE
Alexander of St. Martin	Athelstaneford
Walter of Ryedale	Whittons, Chatto, Lilliesleaf
Freskin	STRATHBROCK DUFFUS
Berewald the Fleming	Innes, 'Ether Urecard'
Walter, Alan's son	RENFREW, Paisley, Pollock, etc.,
	<u>LEGERWOOD, Birkeneside, Mow, HASSENDEAN,</u>
	INNERWICK, Stenton
Philip the Chamberlain	Lundin
Ralph Frebern	Dunduff, ROSYTH, Masterton
William de Vieuxpont	CARRIDEN, Horndean
Henry son of Gregory	'ROSSIN' (i.e. Rossie)
Gilbert, son of earl of Angus	<u>OGILVY, Pourie, Kilmundie</u>
Earl of Fife	Strathleven, WEST CALDER
Ralph de Graham	Cousland, Pentland, GOGAR
Malise, son of earl of Strathearn	Muthil, Kincardine
Ralph 'Ruffus'	KINNAIRD
Countess of Brittany	RATHO, BATHGATE, land in Kirkliston
Merleswain	ARDROSS
Philip de Seton	SETON, Winton, WINCHBURGH
David, brother of King William	LENNOX (earldom), Lindores, DUNDEE,
William de Hay	LONGFORGAN, NEWTYLE, <u>GARIOCH, etc.</u>
Walter de Berclay	ERROL
Walter de Berclay	Inverkeilor
Richard de Montfiquet	NEWTON (probably Chamberlainnewton)
Roger de Mortemer	CARGILL, KINCARDINE
Hugh, brother of Elias	FOULIS EASTER
William de Montfort	Benholm
Earl of Strathearn	KINNEFF
William de Valognes	Madderty
William Giffard	<u>PANMURE, Benvie</u>
Walter de la Kernelle	<u>TEALING, POWGAVIE</u>
William Giffard	GUTHRIE
William Cumin	YESTER
Earl of Strathearn	LENZIE
Richard Revel	Meikleour, Lethendy
William de Rypely	Coultra, 'Ester Ardint'
Alexander de Lamberton	Dallas
	Linlathen

13 cases is there no connection at all. Similarly, Lanarkshire in 1371 contained 28 lay baronies (excluding Renfrew) and, as Table V, 'Baronies and Knights' Fees

1. For the 12th century fiefs and feoffees, see Barrow, Kingdom of the Scots, Table I, pp. 311-2 (there are actually 41 entries in this table, but 5 of them are duplications). For the 14th century baronies, see below, Appendix II, 'Barons and Baronies 1371-1424', pp. 346-97.
2. Cf. above, pp. 146-7.

TABLE V. BARONIES AND KNIGHTS' FEES IN LANARKSHIRE

Barony/Fee	Appears Under	First Known Feoffee	Authority
Biggar	Malcolm IV	Baldwin de Biggar	Barrow, <u>Kingdom of the Scots</u> , p. 288
Blantyre	?	?	
Bothwell	Malcolm IV	David Olifard	<u>Regesta Malcolm IV</u> , no. 305
Braidwood	(Robert I)		
Cadzow	William I	Robert de London	<u>Registrum Episcopatus Glasguensis</u> , ed. C.Innes (Bannatyne Club, lxxv, 1843), i, no. 49
Cambusnethan	Malcolm IV	William Finemund	<u>Regesta Malcolm IV</u> , no. 131
Carluke	?	?	
Carmunnock	William I	Henry, Anselm's son	<u>Regesta William I</u> , no. 220
Carnwath	David I	William de Somerville	Ritchie, <u>Normans</u> , p. 188
Covington	David I	Colban	<u>Origines Parochiales</u> , i, 140
Crawford	William I	William Lindsay (held at first of Swan, Thor's son)	<u>Regesta William I</u> , no. 257
Crawfordjohn	Malcolm IV	John, stepson of Baldwin	<u>Liber S.Marie de Calchou</u> , ed. C.Innes (Bannatyne Club, lxxxii, 1846), ii, no. 336
Culter	?	?	
Dalziel	?	?	
Douglas	William I	William Douglas	Ritchie, <u>op.cit.</u> , p. 289
Drumsagart	?Malcolm IV	?David Olifard	<u>Origines Parochiales</u> , i, 161
Hartside	David I	?	" " " " i, 172
Kilbride	William I	Roger de Valence	<u>Glasgow Reg.</u> , i, no. 55
Lamington	Malcolm IV	Lambin Asa	Barrow, <u>op.cit.</u> , p. 289
Machan	?	?	
Pettinain	Malcolm IV	Hugh of Pettinain	<u>Origines Parochiales</u> , i, 139; Ritchie, <u>op.cit.</u> , p. 288
Roberton	Malcolm IV	Robert, brother of Lambin Asa	Barrow, <u>op.cit.</u> , p. 289
Stonehouse	?	?	
Strathaven	?William I	?Waldeve de Biggar	<u>Kelso Book</u> , ii, no. 280
Symington	Malcolm IV	Simon Loccard	Barrow, <u>op.cit.</u> , p. 289
Thankerton	Malcolm IV	Thancard	" " " " p. 289
Walston	?	?	
Wiston	Malcolm IV	Wice	" " " " p. 289

in Lanarkshire', demonstrates, the lands of at least 21 of them may be traced back to the twelfth century. Only one of the territorial units, Braidwood, is known to have been formed later: the lands of Braidwood, Yieldshiels, and the Heads (making a strip across the south of Carluke parish) were created into a barony by Robert I.¹

1. Great Seal, i, app. ii, no. 601 (the actual charter has not survived, which is why it was not included above); Origines Parochiales, i, 116.

This correspondence between the twelfth and the fourteenth centuries is completely demonstrable only in regard to the names of the estates; it is impossible to prove that it can be extended to the actual lands involved as well. However it may be suggested that with many estates this was in fact the case. The lands making up a particular territorial unit are unlikely to have changed radically if it remained in the possession of the same family from the twelfth to the fourteenth centuries, or if (in the case of female succession), it went to a single heiress only. The same applies to estates which came back into the crown's hands but were granted out again in entirety. On the other hand, partitions (usually caused by the succession of co-heiresses) would have split the lands; and there are also instances where the line of descent is uncertain, or where there is no proof that the territorial unit was granted out in entirety after it came into the crown's hands. In Table VI, 'Fourteenth Century Baronies: Continuity of Tenure',¹ the 32 baronies derived from Professor Barrow's list and the 28 Lanarkshire baronies are divided into these four categories. It shows that direct proprietorial continuity was exhibited by 21 out of the 60 baronies named. In another 13 cases, although the baronies reverted to the crown, they were given in entirety to new owners. Thus with over half the baronies listed in Table VI, it is probable that the lands they covered in 1371 were basically the same as those in the original enfeoffment.

Just as with the baronies created between 1306 and 1371,

1. On the next page.

1

TABLE VI. 14th CENTURY BARONIES: CONTINUITY OF TENURE

12th century Fiefs		Lanarkshire Baronies	
Barony	Baron ²	Barony	Baron
<u>A. Lands held by same family, or inherited through single heiress</u>			
Cargill.....	Drummond	Biggar.....	Fleming
Carriden.....	Cockburn	Bothwell.....	Archibald Douglas
Errol.....	Hay	Carnwath.....	Somerville
Foulis.....	Mortimer	Crawford.....	Lindsay
Innerwick....	Stewart	Douglas.....	Earl of Douglas
Kincardine...	Drummond	Drumsagart...	Archibald Douglas
Kinnaird.....	Kinnaird	?Walston.....	Archibald Douglas
Legerwood....	?Stewart		
Ogilvy.....	Ogilvy		
Panmure.....	Kaule		
?Rossie.....	Rossie		
Seton.....	Seton		
West Calder..	Earl of Fife		
Winchburgh...	Seton		
<u>B. Lands which reverted to the crown and were regranted whole</u>			
Bathgate.....	Stewart	Cadzow.....	Hamilton
Lenzie.....	Fleming	Cambusnethan..	Stewart of Darnley
Ratho.....	Stewart	Covington.....	Keith
		Kilbride.....	Earl of Carrick
		Lamington.....	Baillie
		Machan.....	Hamilton
		Roberton.....	Douglas of Dalkeith
		Strathaven....	Archibald Douglas
		Symington.....	Symondton
		Wiston.....	Sandilands
<u>C. Lands which were partitioned</u>			
Duffus.....	Sutherland ³ /Keith ⁴	Crawfordjohn..	Arch.Douglas/Berclay ⁵
Kinneff.....	(uncertain)	Culter.....	Arch.Douglas/Menzies
Longforgan...	Gray (part)	Stonehouse....	Arch.Douglas/Mowat ⁶
Powgavie.....	Giffard heiresses		
Rosyth.....	Stewart ⁷ /Marshall/Valence		
Strathbrock..	Sutherland ³ /Keith ⁴		
Tealing.....	Giffard heiresses		
Yester.....	Giffard heiresses		
<u>D. Lands where descent is uncertain</u>			
Ardross.....	Dischington	Blantyre.....	Earl of March
Chamberlainnewton...	?Lindsay	Braidwood.....	Monfode
Dundee.....	Scrymgeour	Carluke.....	(crown)
Gogar.....	Menzies	Carmunnock....	Archibald Douglas
Guthrie.....	?	Dalziel.....	Wallace
Hassendean...	Cunningham of Hassendean	Hartside.....	Jardine
Newtyle.....	Olipphant	Pettinain....	Murray of Pettinain
		Thankerton....	Fleming

1. This table is derived from: Appendix II, below, pp. 346-97; Great Seal, i; Origines Parochiales, i; and Scots Peerage.

2. The barons are the heads of the families named, in c.1371; exceptions are given in notes 3-7.

3. Sutherland of Duffus.

4. Keith of Inverugie.

5. Berclay of Kilbirnie.

6. Mowat of Stonehouse.

7. Stewart of Rosyth.

few of these baronies comprised scattered lands.¹ The only ones to do so were Ogilvy (Forfar), Panmure (Forfar), and Seton (Haddington). The barony of Ogilvy almost certainly consisted of the three components granted by William I: Pourie near Dundee, and Ogilvy and Kilmundie near Glamis.² Benvie, a parish just west of Dundee, was part of both fief and barony of Panmure which itself was in Panbride and Carmylie parishes near Carnoustie.³ Seton probably contained the lands of Seton and Winton, both in East Lothian but separated by Tranent.⁴ None of these baronies had components in more than one sheriffdom. Moreover, the original fief of Seton also included Winchburgh, in West Lothian, which became a separate barony.⁵ There are several other instances where two baronies were formed out of the land granted in a single twelfth century charter; each time, the baronies lay in different sheriffdoms.⁶ Thus again it may be argued that before 1371 it was unusual for a barony's lands to be scattered; where they were they would all be contained within

1. For Lanarkshire this is demonstrated below, pp. 168-70.

2. Fraser, Douglas, iii, no. 280; Ordnance Survey 1", sheet 50. The service required from Wester Pourie was 1/6 of that of the barony of Ogilvy in c. 1360 (Great Seal, ii, no. 112; Scots Peerage, i, 107); this suggests Wester Pourie was 1/2 of 1/3 of Ogilvy, and hence that the other 2/3 were Ogilvy and Kilmundie. All three tenancies were connected with the barony in the 17th century (Inquisitionum ad Capellam Domini Regis retornatarum ... Abbrevatio, ed. T. Thomson (London, 1811-16) (hereafter Retours), Forfar, no. 521).

3. Panmure Reg., ii, 132-3, 153-65; Ordnance Survey 1", sheet 50.

4. Ibid., sheet 62.

5. Great Seal, ii, no. 42.

6. Cargill (Prth) and Kincardine (Stlg) (Kincardine is in Menteith, and was stated in 1408 to be in Stirlingshire: ibid., i, no. 899); Duffus (Elgn) and Strathbrock (Ltgw); Tealing (Frfr) and Powgavie (Prth); also, Strathleven in Fife became part of the earldom, while West Calder (Ltgw) was a separate barony.

a single sheriffdom. Also, the geographical extent of most baronies was probably based on much earlier territorial units.

The significance of the territorial continuity between the twelfth and the fourteenth centuries for assessing the size and shape of baronies is brought out by the fact that there were

'numerous cases where the knight's fee of the twelfth century seems to have consisted of a compact inhabited locality which later at any rate, emerged as a distinct parish or village.'¹

The coincidence between parish and knight's fee

'can be seen in large areas of Southern Scotland and, in general, right up the east coast, although in certain districts, especially in Tweeddale and Teviotdale, older boundaries appear to have influenced parochial limits.'²

This came about because in the twelfth century

'the new settlers in Scotland ... had found churches in their manors, or if not already there, had created them. To each of these manorial churches the lord of the manor now made a grant of the tithes of his estate, and forthwith the manor tithed to its church became what we now call a parish.'³

From this it may be argued that many of the baronies of the fourteenth century also coincided fairly closely with parishes.

An examination of fourteenth century Lanarkshire demonstrates that there, at least, this was almost certainly the case. The parishes and baronies of fourteenth century Lanarkshire are shown in Map IV, 'Parishes and Baronies in Lanarkshire'⁴; 26 out of the 28 baronies had the same names as the parishes where their capita were situated.⁵ Seven of

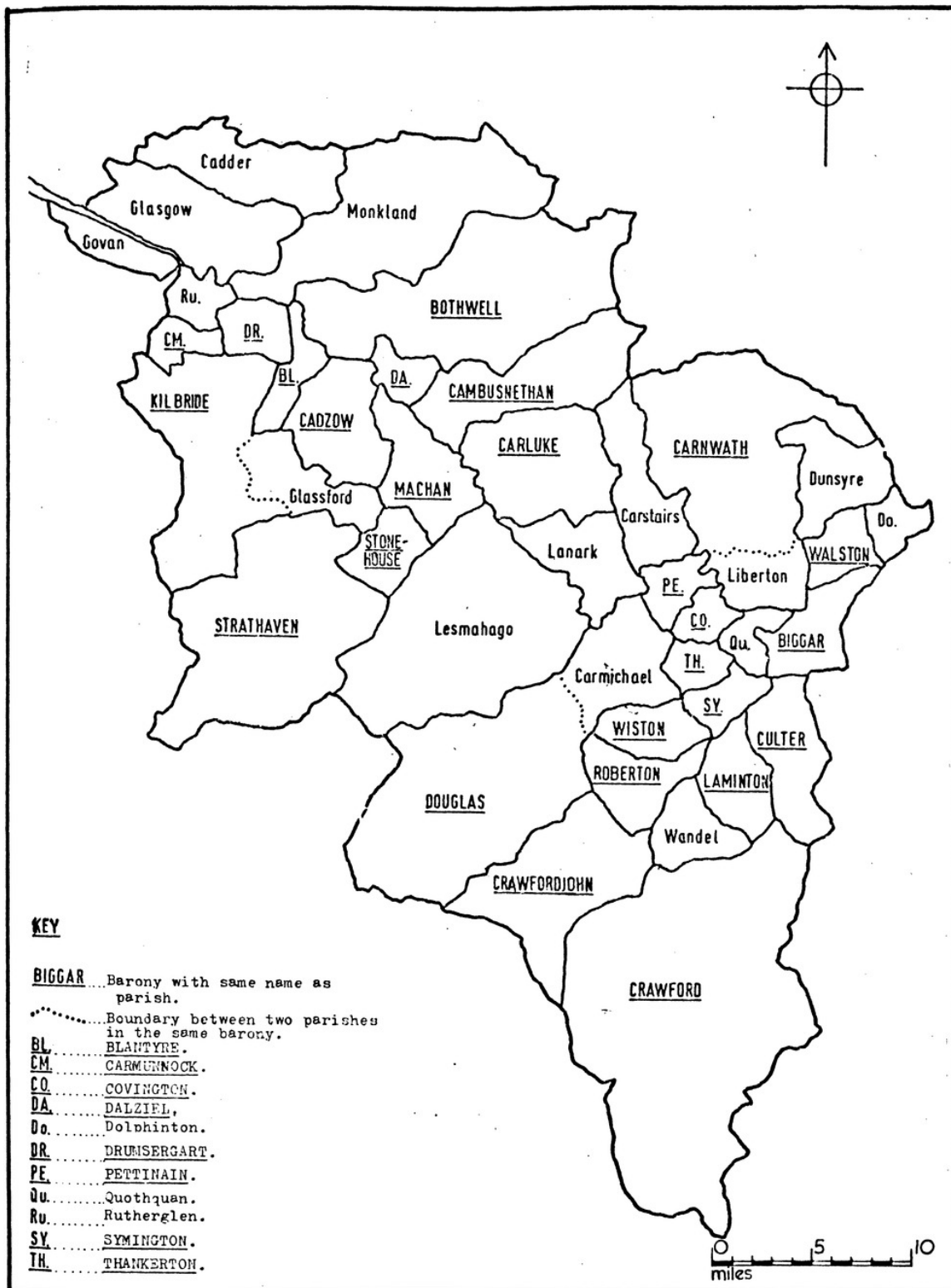
1. Barrow, Kingdom of the Scots, p. 294.

2. I.B.Cowan, 'The Origins of the Parochial System in Medieval Scotland,' Scot.Hist.Rev., xl (1960), 50.

3. C.Innes, in Origines Parochiales, i, p. xxvii.

4. On the next page.

5. The 2 which did not, Braidwood and Mauldislie (in Carluke parish) are not shown on the map.



MAP IV. PARISHES AND BARONIES IN LANARKSHIRE

these baronies are known to have coincided with individual parishes: Biggar, Blantyre, Cambusnethan, Carmunnock, Drumsagart, Pettinain, and Symington.¹ The baronies of Douglas and Carnwath both comprised two adjacent parishes;² Bothwell barony covered the parish of that name and also, perhaps, the separate parish of Dolphinton.³ Carluke and Braidwood baronies together made up Carluke parish;⁴ and Hartside barony together with the ecclesiastical estate of Wandel made up Wandel parish.⁵ The other 15 baronies probably corresponded closely to parishes also. It is most unlikely that they included any lands outside Lanarkshire,⁶ and within the sheriffdom there is no evidence of any barony's having a detached portion, except perhaps for Bothwell. They might, however, have been larger than the parishes of the same name. At least one was: Kilbride, like Douglas and Carnwath, probably included the whole of the adjoining parish of Glassford.⁷ But otherwise this is improbable, as Map V, 'Lanarkshire Parishes and the Boundaries of Baronies',⁸ shows. On this map the lands of the baronies which coincided with parishes are shaded. So are the lands of the parishes of Cadder, Carstairs, Glasgow, Govan, Lesmahago, Monkland, and Wandel; all these (apart from half of Wandel, which formed the barony of Hartside) belonged to

1. Origines Parochiales, i, 134, 60, 57, 64, 61, 139, 145.

2. See above, p. 156; Origines Parochiales, i, 126, 136; Ritchie, Normans, p. 188; Great Seal, ii, no. 15.

3. Origines Parochiales, i, 53.

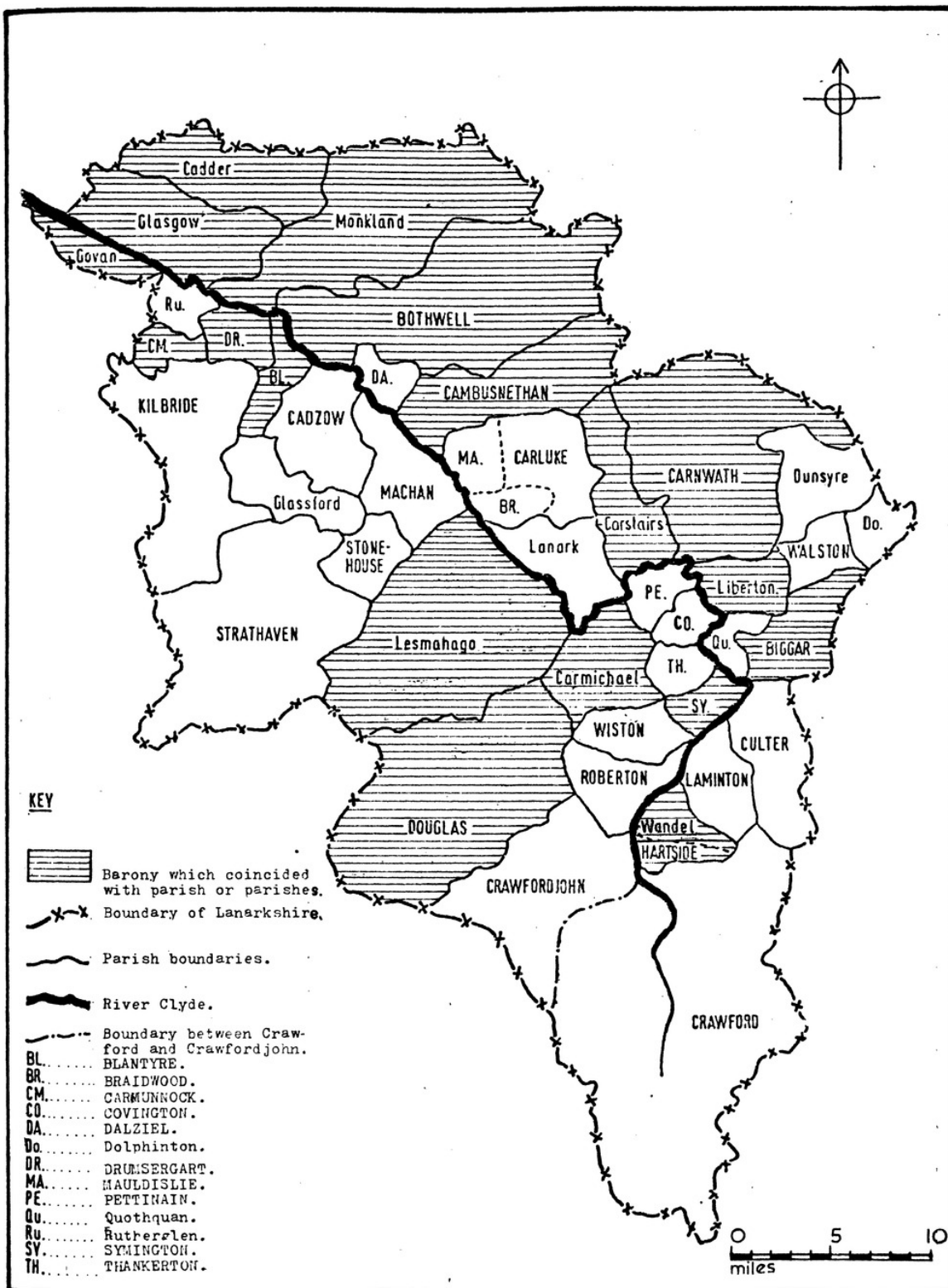
4. Ibid., i, 116.

5. Ibid., i, 172.

6. No evidence of this has been found, and it has already been shown that at that time it was very unlikely for baronies to have portions in other shires (see above, pp. 159, 165).

7. Origines Parochiales, i, 103; Great Seal, i, no. 490.

8. On the next page.



MAP V. LANARKSHIRE PARISHES AND THE BOUNDARIES
OF BARONIES

ecclesiastical landlords.¹ The boundaries of the sheriffdom have been marked off, together with those of Renfrew, while the river Clyde has been drawn in heavily, because it is most unlikely that any baronies (except Crawford, at its source) had lands on both sides of the river. The boundary between Crawford and Crawfordjohn has also been marked heavily; this, if not identical to that between the present parishes, was very close to it.² This map demonstrates that most baronies are unlikely to have been larger than individual parishes. For instance Dalziel barony, bounded by the Clyde, Bothwell, and Cambusnethan, could not have been larger than Dalziel parish. The outside boundaries of the group of baronies formed by Cadzow, Machan, Stonehouse, Strathaven, and Kilbride (including Glassford) were similarly limited, so that they could only have differed from the respective parishes by impinging on one another; the same is true of Covington and Thankerton, and of Crawfordjohn, Robertson, and Wiston.

Originally, Crawfordjohn, Robertson, and Wiston formed a single parish, with subordinate churches at Crawfordjohn and Robertson dependent on the one at Wiston.³ In the twelfth century, the churches were considered to be attached to the three estates;⁴ thus in the thirteenth century, when each church had its own parish, it is most likely that the lands of each parish were the same as the lands of each estate. This probably applies to the rest of Lanarkshire

1. Origines Parochiales, i, 50, 123, 1, 17, 10, 51-2, 172.

2. The present parish boundary runs along the ridge half a mile west of the Glengonnar water (Ordnance Survey 1", sheet 68); from Newbattle Reg., no. 138, it appears that the original boundary followed the river.

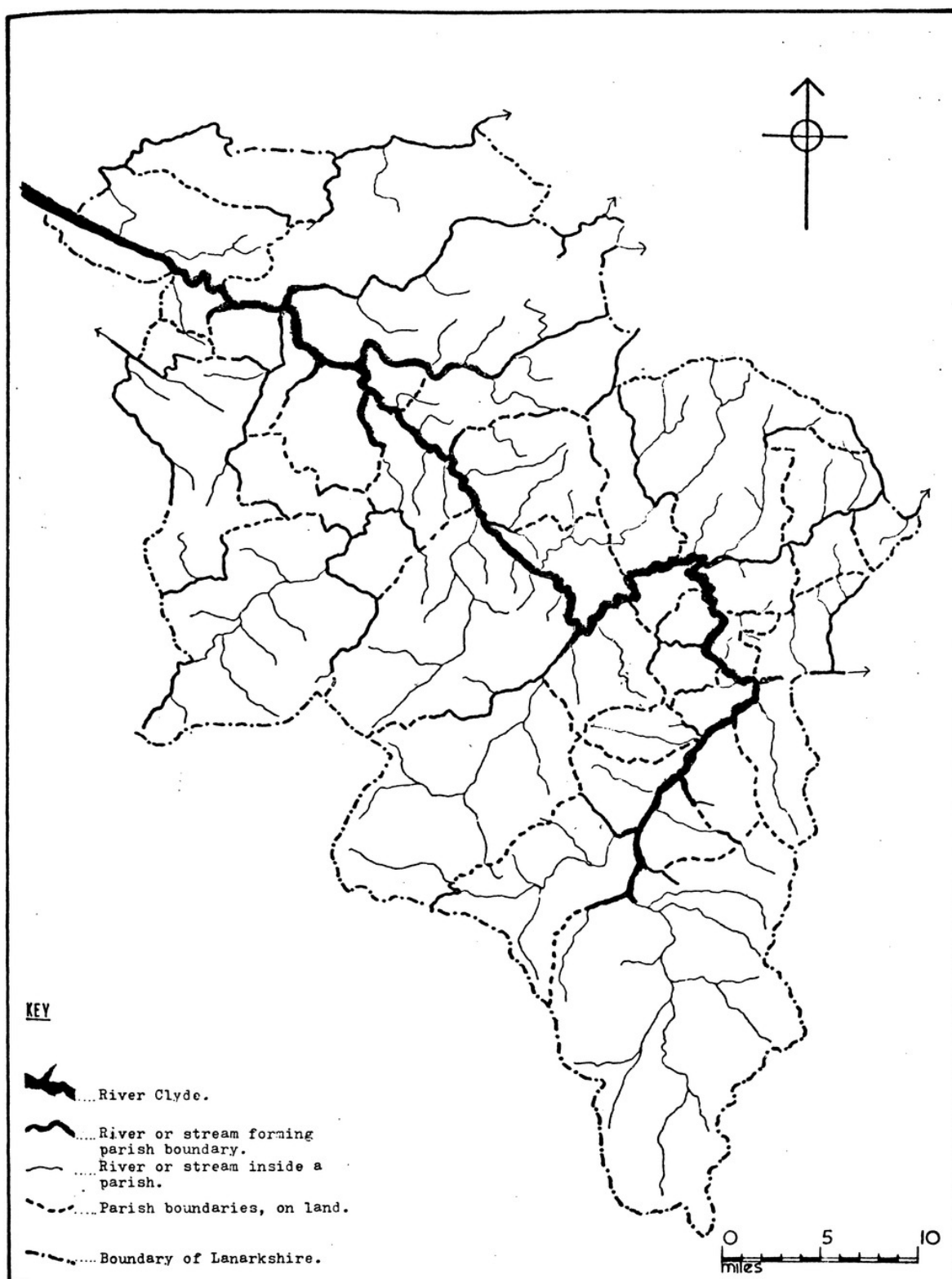
3. Origines Parochiales, i, 147-9, 161.

4. Kelso Book, ii, no. 336.

as well. It was feudalised rapidly and artificially;¹
 almost everywhere the establishment of estates either
 preceded or coincided with the foundation of parishes.²
 The local churches were set up to serve the lords' estates,³
 and the areas which they served generally became parishes.
 Moreover, the boundaries of the original fiefs were probably
 determined in most cases by the many prominent topographical
 features of the region. For instance, the boundaries of
 the barony of Douglas were based almost entirely on rivers
 and watersheds;⁴ while Malcolm IV gave David Olifard all
 the land 'inter duas Caledoures', that is the land between
 the north and south Calder rivers which subsequently formed
 the barony and parish of Bothwell.⁵ Map VI, 'Rivers and
 Parishes in Lanarkshire'⁶ shows that the layout of the
 parishes was also in accordance with topographical features.
 This again indicates that the parishes of Lanarkshire may
 generally be equated with twelfth century fiefs, and
 therefore probably with fourteenth century baronies.

The equation of baronies and parishes in Lanarkshire
 means that some assessment of the size and relative value
 of the baronies can be made. They varied considerably in
 area: the largest was Crawford, with some 69,000 acres, but
 more than half had less than 10,000 acres, and the smallest
 had only about 3,000.⁷ Mere acreage is, however, deceptive:
 much of the larger baronies consisted chiefly of upland

1. Barrow, Kingdom of the Scots, pp. 289-91.
2. Cowan, 'Parochial System', Scot.Hist.Rev., xl, 47-52.
3. Cf. Origines Parochiales, i, p. xxvii.
4. Great Seal, i, no. 77; Ordnance Survey 1", sheets 61, 68.
5. Regesta Malcolm IV, no. 305.
6. On the next page.
7. See Table VII, 'Area and Value of Lanarkshire Baronies', below, p. 174.



MAP VI. RIVERS AND PARISHES IN LANARKSHIRE

moors, which would have been of relatively less value than the lands of the smaller baronies on the banks of the Clyde. In this respect, the correspondence between baronies and parishes is a useful guide. Parishes too differed in size, but within obvious limits: they had to be large enough to support a church, but not too large for a single church to serve. These limits were governed largely by population; the numbers of the parishes' inhabitants, or the amount of settlements they contained, would have varied much less than their physical size. In Lanarkshire this point may also be applied to the baronies. Another indication of the relative significance of the baronies is provided by the Old Extent¹ assessments, which are known for 20 of them; these are tabulated, together with the acreage of each barony, in Table VII, 'Area and Value of Lanarkshire Baronies'.² Twelve baronies out of the 20 were assessed at £40, one at £30, and one at £66.13.4. Of the others (which include all the double-parish baronies), five were valued at £200, and one at £300.³ These Old Extent assessments show that there was much less variation in the valuations of the Lanarkshire baronies than the differences in their physical size would suggest. They confirm that the best way of describing the baronies of fourteenth century Lanarkshire is as a group of fairly uniform estates, in most cases the equivalents of parishes.

Can the argument for Lanarkshire be applied to the

1. These are found in the Lanarkshire section of Origines Parochiales, i, passim, and in Retours, Lanark, passim. 'Old Extent' is discussed below, pp. 257-9.

2. On the next page.

3. The £300 valuation is for Bothwell, and may well be inflated, covering land in Lanarkshire associated with Bothwell in the 17th century.

TABLE VII. AREA AND VALUE OF LANARKSHIRE BARONIES

Barony	Approx. Area in Acres ¹	Old Extent Assessment
Crawford	69,000	£200
Douglas	46,000	£200
Bothwell	39,000	£300
(" with Dolphinton	43,000 ?)	
Strathaven	38,000	£200
Carnwath	36,000	£200
Kilbride	30,000	£200
Crawfordjohn	26,000	£66.13.4
Cambusnethan	17,000	£40
Carluke	15,000	
(incl. Braidwood)		
Cadzow	14,000	
Culter	10,000	£40
Lamington	9,000	£40
Biggar	7,000	
Machan	7,000	£40
Roberton	7,000	£40
Stonehouse	6,000	£40
Wiston	6,000	£40
Drumsagart	5,000	
Blantyre	4,000	£40
Hartside	4,000	
Pettinain	4,000	£40
Symington	4,000	£40
Walston	4,000	
Braidwood	3,000	
Carmunnock	3,000	
Covington	3,000	£40
Dalziel	3,000	£40
Thankerton	3,000	£30

country as a whole? The correspondence between parishes and twelfth century fiefs is to be found throughout most of the country.² Also continuity between the twelfth and the fourteenth centuries was not restricted solely to Lanarkshire.³ And in 1371, there were at least 219 baronies with the same names as the parishes in which their capita were located.⁴ On the other hand, Scotland then contained some 361 lay baronies; thus the nominal correspondence between baronies and parishes was much less for

1. The areas have been assessed by using Groome's Ordnance Gazetteer of Scotland, in conjunction with Origines Parochiales, i.

2. See above, p. 166.

3. See above, pp. 160-4.

4. This figure has been reached by comparing the list of baronies in Appendix II, below, pp. 346-97, with the list of parishes in I.B.Cowan, The Parishes of Medieval Scotland (Scot.Rec.Soc., xciii, 1967).

the whole country (61%) than it was for Lanarkshire (where it was 26 out of 28). Further there are at least 20 cases of parishes containing not only the barony of the same name but also one or more other baronies as well: for instance in the parish of Durisdeer (Dumfries) there were the baronies of Durisdeer, Drumlanrig, Enoch, and Tibbers; the parish of Tranent (Haddington) contained Tranent, Seton, and Elphinstone baronies; and the parish of Inchtute (Perth) included Kinnaird and Powgavie baronies in addition to Inchtute. Other baronies may be found which extended beyond the parish of the same name, such as Kinneddar (Aberdeen), Philorth (Aberdeen), Heriot (Haddington), and Sprouston (Roxburgh). It is impossible therefore to argue that most fourteenth century baronies coincided with parishes; Lanarkshire was clearly exceptional.

Nevertheless, the concept of the medieval parish can be used to give an impression of the size and shape of early Stewart baronies. Apart from a few exceptions in the Highlands and Islands, it is extremely difficult to find a barony which was much larger than two parishes. The only obvious example is Kincardine (Kincardineshire) which after Aberlethnot and Fettercairn had been added to it contained

1. See Appendix II, below, pp. 346-97, passim. The 20 parishes contained 46 baronies.

2. Ibid., pp. 360-91, s.v.

3. See, e.g., Aberdeen-Banff Collections, pp. 456-8.

4. Lord Saltoun, Fraser's, ii, no. 13; Aberdeen-Banff Antiquities, iv, 88-135.

5. Heriot included Fala, in Fala parish (Fraser, Douglas, iii, no. 289).

6. See, e.g., Scot.Hist.Soc.Misc., v, 26-7, 65.

7. I.e. Bute, Arran, Cowal, Kintyre, Knapdale, Lochaber, and Nairn (cf. above, p. 21). Even among these, Nairn probably only contained 3 parishes (Auldearn, Ardclach, and Cawdor), while Lochaber, although stretching over some 560,000 acres or 875 square miles, consisted of just 2½ parishes (Kilmallie, Kilmonivaig, and ½ Elanmunde: Origines Parochiales, ii, 170-87).

1
 three parishes. Several baronies contained two parishes,²
 and many can be found which were smaller than single parishes.³
 But despite all the exceptions, it appears quite likely that
 the majority of fourteenth century baronies were fairly
 similar in size to single parishes; most of the exceptions
 were probably smaller than parishes. Therefore, although
 it is obvious that the parish-barony equation was far from
 exact in the fourteenth century, it does seem reasonable
 to assume that at the beginning of the early Stewart period
 the typical barony was relatively small, territorially
 compact, and covered roughly the same amount of land as an
 averagely-sized parish.

During the early Stewart period, 18 new baronies are known
 to have been created.⁴ For the most part these were
 similar to the existing baronies. With half of them, the⁵
 erection charters named only a single piece of land:

1. Kincardine corresponded roughly to the parish of Fordoun, Aberlethnot roughly to the parish of Marykirk, and Fettercairn to the parish of the same name (W.F. Skene, Celtic Scotland 2nd. edn., Edinburgh, 1886-90), iii, 258-9).

2. E.g. Douglas, Carnwath, and Kilbride, in Lanarkshire (see above, pp. 156, 168); Loudon (Ayr), which included Loudon and Stevenston (Great Seal, i, no. 38); Lochawe (Agyl), which included Kilchrenan and Kilmartin parishes (Origines Parochiales, ii, 120-8, 91-5).

3. This is probably true of a high proportion of the 142 baronies which did not have the same name as the parishes in which their caputs lay. E.g. the baronies of Dalkeith, Glencorse, Melville, Roslin, and (after 1381) Lugton, were all within the medieval parish of Lasswade (Appendix II, pp. 364-5, s.v.). See Appendix II, below, pp. 346-97, passim; cf. above, p. 168 and Map V, for Braidwood and Hartside in Lanarkshire, and also note 1 on the preceding page.

4. See above, pp. 150-1.

5. Kintore (Abdn), Rowallan (Ayr), Lugton (Edbr), Netherliberton (Edbr), Glamis (Frfr), Tannadice (Frfr), Abernethy (Invs), 'Easter Cardney' (Prth), Longforgan (b) (Prth).

'omnes et singulas terras nostras¹ thanagii de Glaumysse cum pertinenciis,'² for example, or 'terras de Logtune cum³ pertinenciis ... quas ... dictus Henricus ... resignavit.'

These are all likely to have been territorially compact units. The rest of the charters give lists of lands.⁴ In one, Lochleven castle and 16 pieces of land were named;⁵ in the others the lists are shorter, for instance 'omnes terras de Mauldisley, de Law et de Kylcadyou,'⁶ or 'omnes et integras terras de Danyelstone et de Fynlawystone'.⁷

Most of these baronies were also small and compact; for example, the components of Lochleven are all near the town of Kinross, Mauldislie, Law, and Kilcadzow are in the middle of Carluke parish (Lanark), and Danyelstone and Finlawstone form the northern half of Kilmalcolm parish in Renfrew. There were three exceptions: Balmaleddie (Kincardine), which was created out of Kincardine barony, and where the components lay fairly close together in the parishes of Marykirk and Garvock;⁸ Kinghorn (Fife), which consisted of the burgh, port, and royal manor of Kinghorn, together with all the royal lands, revenues, and forests in the constabulary of Kinghorn;⁹ and Pokelly (Ayr) which was composed of seven pieces of land in Kilmarnock parish (Ayrshire), together with the land of Nemphlar, some 25 miles distant in Lanark parish,

1. I.e. the crown's.

2. Great Seal, i, no. 549.

3. Ibid., i, no. 695.

4. Pokelly (Ayr), Findlater (Banf), Kinghorn (Fife), Balmaleddie (Kcdn), Lochleven (Knrs), Danyelstone (Lnrk), Mauldislie (Lnrk), Alyth (Prth), Kagnore (Stlg).

5. Scot.Rec.Off., MS.Morton, GD150/14, 1.

6. Great Seal, i, no. 493.

7. Ibid., i, no. 867.

8. Ibid., i, no. 754; Ordnance Survey 1", sheet 43.

9. Nat.Reg.Arch., no. 885, MS. Calendar of the Earl of Strathmore's muniments, s.d. 24:xii:1380.

Lanarkshire.¹ Pokelly (created 1392) is thus the first barony which can be shown to have been formed out of lands lying in more than one sheriffdom.² Apart from Kinghorn, all these new baronies were small, none being larger than a parish. But the only baronies which may actually be equated with parishes are Abernethy (Inverness), Glamis (Forfar), Kintore (Aberdeen), and Tannadice (Forfar). Of the other baronies, Kinghorn and Longforgan had the same names as parishes but bore no resemblance to them, while the rest had no direct connection with parishes at all.

Just as was the case between 1306 and 1371, most of the baronies which were in existence in 1371 seem to have gone through the early Stewart period without their lands being altered significantly. The most common cause of change in the territorial integrity of baronies was still the succession of heiresses. But more examples of the deliberate alteration of the lands of baronies can be found than before 1371. Several were reduced in size, when lands in them were either attached to other units or granted to be held independently and in chief;³ probably the most significant instance of this occurred in Dalziel (Lanark) where superiority over the land of Kidstone was granted to the earl of Douglas, and the lands were for some reason placed in the sheriffdom of Berwick.⁴ Other baronies were enlarged. Four pieces of land in Cruden parish (Aberdeen) were added to Belhelvie barony (Aberdeen) ten miles away.⁵ Ley,

1. Scot.Hist.Soc.Misc., v, 37-9, 71; Ordnance Survey 1", sheets 60, 61.

2. But see above, p. 159, for Skirling (Pbls), to which land in Lanarkshire was added by Robert I.

3. Cf. Great Seal, i, nos. 641, 655.

4. Ibid., i, no. 503.

5. Scot.Rec.Off., MS. Dalhousie, GD45/16/2321.

Cartland, and Fulwood, in the parish of Lanark, were attached to Crawford barony (Lanark) in 1382,¹ but later part of the original barony of Crawford was excepted from the tailzie made by James Lindsay, and thus split off from the barony on his death in 1397.² Corstorphine and Drylaw, on the outskirts of Edinburgh, were acquired by Adam Forrester and added to his newly-created barony of Netherliberton (Edinburgh) in 1398.³ And in 1380 land called the Heads, in the Lanarkshire barony of Braidwood, not only changed baronies but also sheriffdoms, being attached to Skirling, in Peeblesshire.⁴

Combinations of baronies into larger units may also be found. The adjacent baronies of Eassie and Nevay (Forfar) seem to have been held as one barony after they had both come into the possession of the Ogilvies of Auchterhouse.⁵ In 1404 the seven baronies held by the earls of Crawford in Forfarshire and the five baronies held by them in Perthshire were incorporated into two large baronies, respectively Glenesk⁶ and Alyth.⁷ In Argyll, the barony of Lochawe, the barony of Upper Cowal, the land of Glenorchy, and the land in Cowal held of the Stewards of Scotland, all possessed by the Campbells of Lochawe, were granted to be held together 'cum furca et fossa', presumably⁸ in one barony, although this was not stated in the charter. Finally, when the Douglas of Dalkeith regalties of Dalkeith and Morton were established, the lands were said to have

1. Great Seal, i, no. 696.

2. Ibid., i, no. 763.

3. Scot.Rec.Off., MS. Crown Office Writs, AD1/20.

4. Great Seal, i, no. 643.

5. Ibid., i, app. ii, nos. 1800, 1943, 1944.

6. Ibid., i, app. ii, no. 1833; the baronies were Clova, Downy, Earl's Ruthven, Ethiebeton, Glenesk, Guthrie, and Inverarity.

7. Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 25:xi:1404; the baronies were Alyth, Ballindoch, Baltrody, Megginch, and Meigle.

8. Hist.MSS.Comm., 4th report, app., p. 473, no. 5.

been united into baronies as well as into regalities;¹
 thus in 1412 lands were said to be 'olim jacentibus in
 baronia de Lyntone [Peebles] et modo in baronia de Dalkethe.'²

The construction of regalities like those of Dalkeith and Morton would have seriously affected the territorial integrity of the baronies they involved. Whole baronies included within such regalities³ would have been absorbed into the larger unit; while retaining their names and therefore their identities,⁴ they would have had little institutional independence. There was even greater dislocation when a regality included lands which were parts of baronies not belonging to the lord of regality. In a few cases, arrangements were made to remove such lands from their baronies, so that they could be held directly of the crown by the lord of regality.⁵ But whether or not this happened, the result was much the same. If part of a barony was held in regality by another lord, then the baron of that barony would have lost virtually all his control⁶ over the land in question. Examples of this, however, were not very numerous in the early Stewart period; the only regalities to include such lands were those of the

1. Morton Reg., ii, nos. 165, 174.

2. Great Seal, i, no. 932.

3. I.e. the Douglas, Douglas of Dalkeith, Angus, and Stewart regalities; see above, pp. 119-20.

4. Cf. the charter erecting the earldom of Morton in 1456, where all the Douglas of Dalkeith lands are named separately (Morton Reg., i, p. xlii).

5. E.g. in 1393 William More of Abercorn, in return for a payment of £20, resigned the superiority over 'Hawthornsyke', in Abercorn barony (Ltgw), in favour of James Douglas of Dalkeith, and it was incorporated in Dalkeith regality (ibid., ii, nos. 202-7).

6. Except that he could still demand wardship and relief (as happened with the Douglas of Dalkeith lands in Kinnoull barony (Prth): ibid., ii, nos. 153, 212, 213), unless the lands were held in blench farm (for blench farm, see below, pp. 188-90).

earls of Douglas¹ and the Douglasses of Dalkeith.²
 Nevertheless, they provide a good illustration of a trend
 which seems to have continued during the fifteenth and
 sixteenth centuries.³

Similarly, outside the regalities, a trend away from
 the relatively neat territorial pattern of baronies of the
 fourteenth century can be seen. In the early Stewart
 period, the new baronies rarely coincided with parishes; lands
 were added to and subtracted from existing baronies more
 frequently; baronies with lands in more than one sheriffdom
 appear; and individual baronies were combined into larger
 units, either large baronies or regalities.⁴ By 1424, this
 trend had not progressed very far. The majority of baronies
 were still probably small and compact; moreover, the
 separate baronies of Rowallan and Pokelly were created out
 of contiguous pieces of land held by the same lord,⁵ which
 shows that lords still preferred to have two barony courts
 rather than one, despite the loss in administrative con-
 venience. But again this trend, while only slight in the
 early Stewart period, continued and intensified during the
 rest of the fifteenth and sixteenth centuries.⁶ The result
 was 'considerable "tenurial heterogeneity", 'with 'no
 uniformity in the geographical extent of lands erected
in liberam baroniam'; 'lands scattered throughout several
 sheriffdoms might form part of one erection and be subject

1. Great Seal, i, app. i, no. 123.

2. Morton Reg., ii, nos. 165, 164, 177.

3. See above, p. 131; Dickinson, Carnwath, pp. xxix-xliv;
Retours, passim.

4. See above, pp. 179-80.

5. Great Seal, i, no. 835; Scot.Hist.Soc.Misc., v, 37-9, 71;
Ordnance Survey 1", sheet 60.

6. See Great Seal, ii, passim; Retours, passim.

to one baronial jurisdiction.¹ This trend, therefore, parallels on a smaller scale the developments taking place within the earldoms and 'territorial lordships';² it demonstrates that with the small estates just as with the large ones, the old territorial structure originally established in the twelfth century was breaking up.

NOTE: THANAGES

Thanages were a pre-feudal institution, but some of them survived into the early Stewart period and beyond.³ They were relatively small units of land, generally equivalent to parishes, and were held by thanes, of the crown or of earls, not for military service but in return for a fixed annual payment in cash or in kind. Thanes almost certainly held thanages 'cum furca et fossa, sacco et socca, tholl et theame et infangthef';⁴ for this reason, thanages have often been equated to baronies.⁵ Many of them actually did become baronies in the fourteenth century.⁶ However, it is likely that just as many did not: W.F. Skene listed 66 thanages,⁷ and of these only 29 can certainly be said to

1. Dickinson, Carnwath, pp. xxxvii-xxxviii. Dickinson implies that this had always been the case. But while the statement is true of the 16th century, the evidence given above shows that it cannot have applied to the 14th.

2. See above, pp. 46-51, 56-62.

3. Their early history is dealt with in G.W.S. Barrow, 'Pre-Feudal Scotland: Shires and Thanes', in The Kingdom of the Scots, pp. 7-68. See also Reid, 'Barony and Thanage', Eng. Hist. Rev., xxv, 161-99.

4. Barrow, op.cit., p. 41; Regesta William I, p. 50.

5. Especially by R.R. Reid: art.cit., pp. 179-82.

6. See Appendix II, below, pp. 346-97, where it is noted if a barony was originally a thanage.

7. Skene gave 2 lists of thanages (both incomplete), in Celtic Scotland, iii, Chapter VII, and in Fordun, ii, 416-7; they differ slightly, and the total of 66 has been obtained by amalgamating them.

to have been held in liberam baroniam before 1424. Twelve¹ probably remained simply as thanages, up to 1424 at least, and the rest are either termed merely 'land' in the fourteenth century or are not mentioned at all. Moreover, where thanages did become baronies, there was in several cases a clear difference between the lands of the old thanage and those of the new barony.² Thus it seem better to equate the thanages with the early feudal knights fees, which appear to have borne the same kind of relationship to the later baronies.³ Certainly the correspondence between thanage and barony was not so exact as it seemed to R.R.Reid, who argued that in the late middle ages thanages were simply baronies held in feu-farm.⁴ Cadzow (Lanark), for instance, was granted in liberam baroniam for a reddendo of £80, 22 chalders of wheat, and six chalders of oats;⁵ it was a barony, not a thanage. Of the thanages which had not become baronies by 1424, some, such as Cawdor (Inverness),⁶ were held cum furca et fossa; it is not clear if this was generally the case in the late middle ages.

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1. Cawdor, Cranach, Dingwall, Kilmalemnoch, Kinnaltie, Kinclaven, Glentilt, Menmuir, Morphie, and Scone. All are found called thanages, but not baronies, between 1306 and 1424.
 2. E.g. Aberchirder, Aberlemno, Alyth, Belhelvie, Formartine, and Kintore (see Appendix II, below, pp. 347-88, s.v.); with some others, it was only 'the crown's lands in the thanage' which were erected into the barony (cf. above, p. 158).
 3. See above, pp. 135-7.
 4. Reid, art.cit., p. 179; for feu-farm, see below, p. 189.
 5. Great Seal, i, no. 286.
 6. The Book of the Thanes of Cawdor, ed. C.Innes (Spalding Club, xxx, 1859), pp. 3-4.

CHAPTER IV. THE HIGHER NOBILITY AND THEIR ESTATES

The material available for studying the estates of the higher nobility in the early Stewart period is hardly adequate and not at all comparable with that available for fourteenth century England. It consists almost entirely of charters, which are of limited value. The main source is the documents issued by the crown, which have survived in far greater numbers than those of any noble family. At present the material collected for the forthcoming volume of The Acts of Robert II, Robert III, and the Dukes of Albany, Governors in the Regesta Regum Scottorum series contains¹ some 1,218 items. Of these, 561 deal with grants of land to laymen:² 364 grants by the crown, and 197 royal confirmations of grants by nobles. Among the nobility, the best-documented family is that of the earls of Douglas; this no doubt is because their estates were much wider than any other magnates', and therefore they would have made many more grants. One hundred and five documents issued by the first four earls of Douglas have been found and examined;³ 77 of them are grants of land to laymen.⁴ The other major family, so far as the survival of records is concerned, is the Douglasses of Dalkeith. The Morton Cartulary, printed as the second volume of the Registrum Honoris de Morton, was drawn up at the instigation of James Douglas of Dalkeith,⁵ and he also had four rolls listing his muniments, including one

1. Collected by Dr.A.L.Murray, to whom I am extremely grateful.

2. Precepts of sasine have been counted here only when they do not duplicate extant charters.

3. See the previous note.

4. See below, Appendix III, 'Noble Charters', pp. 398-404: List B.

5. Morton Reg., i, p. ix.

entitled 'Rotulus ad docendum ubi littere domini¹ invenientur;' in this respect he was probably unique among his contemporaries. The Morton Register contains 110 documents relating to James Douglas. The majority of them concern grants made to him: 53 individual grants are recorded.² But they also include 36 documents issued by him, of which twelve are charters granting land to laymen.³ In addition there are two wills drawn up by James Douglas, and the earliest surviving rental of a lay landlord, for the years 1376-8.⁴ The earls and earldom of Strathearn can also be examined. An account roll for Strathearn in 1380 has survived among the Exchequer records;⁵ this, taken in conjunction with rentals dating from the middle of the fifteenth century and with charters of land in the earldom from both during and before the early Stewart period, makes it possible to give a picture of the earldom at this time.⁶ Finally, a random selection of noble charters is to be found in the MS. Regesta material. Among the grants to laymen are 84 where the crown confirmed a noble's charter in the form of an inspeximus, which gives the full text of the charter being confirmed.⁷ These 84 charters include one or two from almost every magnate family. When they are added to those

1. Scot.Rec.Off., MS. Morton, GD150/77-80.

2. In many cases, each grant involves several documents: the grant, its confirmation, a precept of sasine, and so on.

3. See below, Appendix III, 'Noble Charters', pp. 398-404 : List C.

4. Morton Reg., ii, nos. 193, 196; i, pp. xlvii-lxvii.

5. Exch. Rolls, iii, 33-8.

6. See below, pp. 232-9.

7. See below, Appendix III, 'Noble Charters', pp. 398-404: List A. The MS. Regesta material also includes 25 inspeximus of noble charters which do not concern grants of land to laymen (e.g. annuities, or grants to the Church) (see ibid., List A, Part II), and 114 confirmations of grants to laymen where the original charter is not recited in full.

of the earls of Douglas and James Douglas of Dalkeith, they give a total of 167¹ charters granting land to laymen issued by early Stewart nobles.² Many more than 167 could be found, but this appears to be a representative selection; together with the royal charters, they provide the basis for an examination of the higher nobility's estates.³

SECTION 1: LAND TENURE

In the twelfth and early thirteenth centuries the Scottish system of land tenure was very similar to that of England, whence it was introduced. Because of this initial similarity, the same problems arose in the two countries as their feudal societies evolved. But in the late thirteenth century the formal frameworks of feudalism in Scotland and England began to change in different ways. Very little of the legislation concerning land tenure which was passed in England after 1250 had a counterpart in Scotland. Instead, Scotland developed its own rules and procedures, with the result that by the early Stewart period the Scottish system of land tenure was considerably different from the English. It would have appeared rudimentary and old-fashioned in English eyes, but to Scots it probably seemed much less complicated and more flexible than that of fourteenth century England. However, while the Scots and English land laws had become very different, it is likely that the developments

1. There are 6 duplications.

2. These are all given below, Appendix III, pp. 398-404 : List A Part I, List B Part I, and List C Part I.

3. Relevant material from outside this sample has of course also been examined.

in them affected the feudal societies of both countries in much the same way. This can probably be attributed to the fact that while different procedures were employed, they were intended to deal with basically similar problems.

There were two types of land tenure in late medieval Scotland: that where land was held ostensibly for the performance of some sort of military service, and that where the service was commuted for a payment of some kind. In the first, the service was normally knight service, although grants for archer service were also made;¹ here the usual feudal obligation of suit of court and the customary incidents, especially wardship, marriage, and relief, were involved. This was almost certainly the more common form of tenure in early Stewart Scotland. However, the military side of Scottish feudalism seems to have been relatively unimportant, and in the early Stewart period it is unlikely that the obligations to provide knights and archers on a feudal basis were enforced.² Early Stewart charters rarely mention knight or archer service; it is stipulated in only ten royal charters of the period,³ and in only two of the magnates'

1. Great Seal, i, nos. 455, 506, 549, 552; Aberdeen-Banff Antiquities, ii, 43-4; cf. Barrow, Robert Bruce, pp. 403-5.

2. A military obligation was attached to all land, but it was 'pre-feudal' rather than 'feudal'. For the medieval Scottish military system, see: Nicholson, Edward III and the Scots, pp. 5-6, 242; Highland Papers, ii, 227-45; Accounts of the Lord High Treasurer of Scotland, i, ed. T. Dickson (Edinburgh, 1877), ccxiv-ccxv; G. Dickinson, 'Some Notes on the Scottish Army in the first half of the Sixteenth Century', Scot. Hist. Rev., xxviii (1949), 133-45. Cf. Act. Parl., i, 552, and above, pp. 49-50. For knight service in the early feudal period see: Barrow, Kingdom of the Scots, chapter 10, esp. p. 286; and G. Neilson, 'Tenure by Knight Service in Scotland', Jurid. Rev., xix (1899), 71-86, 173-86.

3. I.e. the first 4 instances of archer service listed above, note 1, and 6 of knight service: Great Seal, i, nos. 395 (1/10 of a knight), 405 (2 kts.), 452 (1/3 kt.), 523 (1 kt.), 627 (1 kt.), and 718 (1 kt.).

charters which have been examined.¹ Instead, in most charters the reddendo clause simply runs 'faciendo inde servicia debita et consueta', a phrase which may probably be taken to imply tenure for military service.² Suit of court and the incidents, on the other hand, were much more important. Indeed from the fifteenth century onwards this tenure was usually described as tenure 'by ward and relief', or simply as 'wardholding'.³ Such terminology was coming into use in the early Stewart period; it appears in several charters, especially non-royal ones,⁴ while in retours the phrase 'per wardam et relevium' is commonly applied to this tenure.⁵

The second type of tenure includes tenure in 'albe firme' or blench farm, and in 'feodi firme' or feu farm.⁶ Blench farm was much more common in the early Stewart period. It is stipulated in 63 (17%) of the royal

1. Aberdeen-Banff Antiquities, ii, 43-4, where the under-tenant had to provide $\frac{1}{2}$ an archer in the king's 'common army'; and Hist.MSS.Comm., 15th report, app. viii, p. 8, no. 2, where 1 knight was required in the lord's army (see below, pp. 190, 319).

2. I.A.Milne, 'Heritable Rights', Introduction to Scottish Legal History, p. 153, citing Lord Stair. It would however be unwise to assume that so vague a phrase as 'service used and wont' invariably had such a precise meaning at this time (cf. Great Seal, i, no. 362; W.Fraser, The Scotts of Buccleuch (Edinburgh, 1878), ii, no. 376).

3. Milne, op.cit., p. 153.

4. Royal charters: Great Seal, i, nos. 610, 630, 908; MS.Regesta 1371-1424, s.d. ? :v:1405 (photo of original, MS. Marquis of Bute, no. 3). Magnate charters: Fraser, Douglas, iii, nos. 293, 330, 333, 335; Fraser, Sutherland, iii, no. 24; Morton Reg., ii, no. 187; Aberdeen-Banff Antiquities, iv, 457-8; Hist.MSS.Comm., 7th report, app., p. 706, no. 26; Scot.Rec.Off., MS. Acta Domini Consilii, vol. XIX, fo. 15, r. Cf. Fraser, Douglas, iii, no. 295; Morton Reg., i, p. xxxviii; ii, no. 200.

5. E.g. ibid., ii, nos. 83, 217; Fraser, Wemyss, ii, nos. 27, 32; Hist.MSS.Comm., 4th report, app., p. 506, no. 118; cf. Fraser, Menteith, ii, 292-3.

6. The general parts of this paragraph are based on 'Censor', 'Blench Holding', Jurid.Rev., xli (1929), 331-55, and xlii (1930), 151-78.

charters¹ and in 52 (31%) of the noble charters which have been examined.² Feu farm, in contrast, is rare; it occurs in only three of the royal charters and four of the noble ones.³ In both blench farm and feu farm a payment in money or in kind replaced feudal service, suit of court, and incidents. Generally in blench farm the payment was nominal: mostly one penny, but also spurs, gloves, arrows, and so on. The payment in feu farm was more substantial, possibly approximating to a rent for the land in question. But at this period a precise distinction between the two forms of tenure cannot be drawn, because occasionally a reddendo which was described as blench involved a large sum of money.⁴ Also, the distinction between blench-farm tenure and tenure for military service was not always clear cut. Some services or incidents might still be stipulated, and a blench-farm payment made for the rest.⁵ There was, for instance, the remarkable

1. MS. Regesta 1371-1424, passim (for reasons of space it has been impossible to give specific references for such statements). Only two of these blench-farm grants were made after 1406, and these may have repeated earlier grants; this suggests the dukes of Albany did not have the power to grant crown lands in blench farm.

2. See below, Appendix III, pp. 398-404: List A, nos. 1, 3, 4, 8, 9, 17, 18, 19, 20, 21, 23, 24, 25, 26, 32, 35, 37, 39, 42, 44, 50, 51, 53, 61, 63, 68, 84; List B, nos. 1, 3, 6, 17, 18, 23, 24, 25, 28, 29, 31, 33, 35, 36, 43, 44, 45, 46, 50, 55, 59, 63, 64, 67, 68; there are none in List C.

3. Great Seal, i, nos. 395, 606, 834, 903; Fraser, Southesk, ii, no. 42; Scot. Rec. Off., MS. Register House Charters, RH6/220; Nat. Reg. Arch., no. 885, MS. Calendar of Earl of Strathmore's muniments, s.d. 24:xii:1380. See also Great Seal, i, no. 572, and 'Censor', art.cit., pp. 342, 351.

4. Ibid., pp. 341-3. The largest blench payment is probably the 100 marks required by Robert I from Thomas Randolph for the Isle of Man (Great Seal, i, app. i, no. 32). Holyrood abbey held the Carse of Stirling of Robert III for £60, blench (Liber Cartarum Sancte Crucis, ed. C. Innes (Bannatyne Club, lxx, 1840), no. 107; app., nos. 16, 17).

5. 'Censor', art.cit., pp. 339-40.

requirement of 'one knight in our army in name of blench farm', made by the second earl of Douglas.¹ Lords sometimes substituted a blench-farm payment for all the services and incidents, with the exception of suit of court.² And several times where subinfeudation took place, the tenant held in blench farm of his lord, but owed service and suit of court to the crown.³

When land was held by military service, the most significant aspect of the tenure from the lord's point of view seems to have been the requirement from the tenant to perform suit of court.⁴ This is indicated by the fact that it was the feudal obligation which lords were least inclined to relax. It is specifically demanded in 34 (20%) of the selected noble charters.⁵ In 14 of the grants suit of court was the only obligation stipulated;⁶ in six more there was the statement that it was to be performed in lieu of all other services or exactions;⁷ and in four it was coupled with a blench or feu-farm payment.⁸ Thus in 24 (14%) of these grants by nobles, the lords were certainly or probably prepared to

1. Hist.MSS.Comm., 15th report, app. viii, p. 8, no. 2. Here the intention was presumably to demand personal military service, but to waive the suit of court and incidents.

2. E.g. Great Seal, i, no. 602; Act.Parl., i, 580; Fraser, Southesk, ii, 490-1.

3. E.g. Great Seal, i, nos. 437, 854; app. i, no. 155; Fraser, Douglas, iii, no. 323; Fraser, Menteith, ii, 264; Aberdeen-Banff Antiquities, ii, 43-4. For subinfeudation, see below, pp. 199-201.

4. For suit of court see Dickinson, Fife, pp. lxxii-lxxxvi, 402-5, and Carnwath, pp. lxxxviii-xci.

5. See below, Appendix III, pp.398-404 : List A, nos. 15,18, 22,30,31,36,45,46,48,52,56,60,61,69,71,72,74,75,77,83; List B, nos. 7,12,13,19,37,38,52,61,62,69,72,74; List C, nos. 1,12.

6. Ibid., List A, nos. 22,45,48,56,60,69,74,75,83; List B, nos. 37,38,52,74; List C, no. 12. The wording of these implies that suit of court was the only obligation placed on the lands in question.

7. Ibid., List A, nos. 15,30,36,71,72; List B, no. 61.

8. Ibid., List A, nos. 18,31,61; List B, no. 13.

give up their rights to military service and to the feudal incidents, but still insisted that suit of court be performed. It is not difficult to see why suit of court was important: without suitors to give judgments the seigneurial courts could not function. No lord would have wanted his court's judgment to be overturned because only one suitor was present, which was one of the grounds of an appeal by the bishop of Moray against a decision of the Inverness sheriff court in 1398.¹ The quality of the suitors would also have mattered. Three times a year a lord's 'chief pleas' were heard, and it was desirable for his more important tenants to be present at them;² this is the attendance stipulated in most charters. All who owed suit of court had to provide a suitor, but later records suggest that the actual presence of the tenant or of his attorney was also required,³ and in 1387 Adam Forrester of Corstorphine promised 'ad comparendum in propria mea persona vel per actornatum cum uno sectatore' at James Douglas's justiciar court at Dalkeith.⁴ The more important the men who attended or were represented, the greater the prestige that would attach to the lord, to his justice, and to any other business he might conduct in his court.⁵

Although the feudal incidents were more likely to be waived than suit of court, they were nevertheless valuable to lords. This is reflected in several grants of superiority,

1. Moray Reg., no. 179.
2. Dickinson, Carnwath, pp. lxxxviii-xc.
3. Dickinson, Fife, pp. lxxvii-lxxxii; Carnwath, pp. xc-xci.
4. Morton Reg., ii, no. 180.
5. Cf. Fraser, Douglas, iii, no. 363.

or overlordship, of an estate:¹ the worth of such grants must have lain in the incidents and proceeds of the courts. The main incidents occurred when the tenant of an estate died and his heir succeeded. On the tenant's death, the land was usually taken into the overlord's hands, and was not delivered to the heir until sasine was properly completed.² This applied whether the land was held for military tenure or in blench farm: a retour of 1424 stated that Rathoran in Lorne had been held for a pair of spurs by the late William Stirling, but had been in the hands of the lord of Lorne for the past 30 years because of the 'nonentry' of William's son and heir Lucas Stirling.³ However, tenants could avoid leaving this burden to their heirs, either by making a special arrangement with the overlord,⁴ or by enfeoffing their heirs in the lands during their own lifetime.⁵

Heirs who were adults and held by military tenure also had to pay relief. There was no legal limit on this, as there was in England, and the sums involved could be very large. David II charged 2000 marks for the relief of Strathearn;⁶ Robert III charged 700 marks for the relief

1. Great Seal, i, nos. 503, 743, 761, 792; Fraser, Buccleuch, ii, no. 17; Scot.Rec.Off., MS. Guthrie, GD188/Box 1/Bdle 1/1; cf. Act.Parl., i, 576, c. 6.

2. Fraser, Douglas, iii, nos. 54, 350; Morton Reg., ii, nos. 83, 217; cf. ibid., ii, no. 183. This was the equivalent of the English 'primer seisin' (J.M.W.Bean, The Decline of English Feudalism (Manchester, 1968), p.11), but it seems to have been enjoyed by lords as well as by the crown.

3. W.Fraser, The Stirlings of Keir (Edinburgh, 1858), no. 12. Generally the periods of 'nonentry' were very much shorter.

4. The tenants of 'Auchthandlane', in Kinnell barony (Frfr), paid the baron 40 shillings for immediate entry to the land, free of wardship, marriage, and relief (Fraser, Southesk, ii, nos. 47, 48); see also Fraser, Grandtully, i, no. 111*.

5. See below, pp. 204-7.

6. Fraser, Menteith, ii, 247.

of Strathbogie.¹ The relief of the earldom of Moray was fixed at £200,² that of the barony of Makerston (Roxburgh) at £90.³ In 1401 Alexander Leslie had to sell land for 200 marks to make up the relief of the earldom of Ross.⁴ On a smaller but probably equally oppressive scale, Hugh Campbell of Loudon had to pay £6.13.4 relief for the lands he held of Alan Lauder of Hatton,⁵ and the duke of Albany (as earl of Menteith) received 50 shillings as the relief of half the territory of Rhynd.⁶ When the heirs to land held by military tenure were minors, the overlords normally had the right to the wardship of the land in question, and also to control the marriage of the heirs. Whether or not the English institution of 'prerogative wardship', by which the wardship of all lands possessed by a tenant-in-chief belonged solely to the crown,⁷ existed in Scotland is extremely difficult to say. According to Regiam Majestatem⁸ it did, but the relevant passage is copied from Glanvill, and may not have been an accurate statement of Scottish practice. There is insufficient documentary evidence to settle this question.⁹

1. Act.Parl., i, 581.

2. Great Seal, i, no. 405.

3. Melrose Book, ii, 505.

4. Hist.MSS.Comm., 4th report, app., p. 494, no. 13.

5. Ibid., 5th report, app., p. 611. These cannot have been extensive, because Lauder himself did not possess much land.

6. Scot.Rec.Off., MS. Makgill, GD82/10.

7. Bean, Decline of English Feudalism, pp. 9-10.

8. Lord Cooper, Regiam Majestatem, pp. 154-5.

9. The only two possible cases of it in the Exchequer Rolls for this period are the wardships of 'land called Meigners' in the Melville's barony of Glenbervie (Kcdn) (Exch.Rolls, iii, 264, 275) and of the barony of Amisfield (Dmfs) (ibid., iv, 562, 600), which was perhaps held of the earls of Douglas (W.Fraser, The Annandale Family Book (Edinburgh, 1894), i, no. 18). On the other hand, the earl of Douglas had the right to wardship from Buittle and Preston (Galloway) which James Douglas of Dalkeith, a tenant-in-chief of the crown, held of him (Morton Reg., ii, no. 200).

To the crown, which was always lord and never tenant, the incidents were a source of both revenue and patronage. Some were retained in the crown's possession: seven out of 19 wardships mentioned in the Exchequer Rolls,¹ and twelve out of 19 reliefs.² Others were sold: seven more of the wardships referred to in the Exchequer Rolls;³ the relief of Dalrymple, Ayr, for 20 marks;⁴ and (to himself) the relief of William Hay of Errol's land, for 200 marks.⁵ But many more were granted away, or remitted. Malcolm Drummond, for instance, was given the 700 mark Strathbogie relief,⁶ James Douglas of Dalkeith the relief of Westerkirk and Staplegorton baronies (Dumfries),⁷ and Alexander Stewart of Badenoch the relief of the earldom of Lennox when it occurred.⁸ The son and heir of the earl of March was granted his own wardship, relief, and marriage,⁹ and so was Archibald Douglas lord of Galloway in the lands he might inherit from his wife Joanna Murray.¹⁰ Five of the wardships mentioned in the Exchequer Rolls were granted away,¹¹ as were four reliefs,¹² while three reliefs were fully remitted and another three reduced by half.¹³ In addition, at least 57 grants in blench farm, which permanently cancelled wardship and relief, were made

1. Exch. Rolls, ii, 430, 430; iii, 77, 264, 274; iv, 62, 68. The loss of almost all the sheriffs' accounts makes a thorough analysis of this impossible.

2. Ibid., iii, 77, 77, 274, 315, 429, 585; iv, 68, 68, 68, 285, 286, 288.

3. Ibid., ii, 363; iii, 77, 482, 650, 650; iv, 286, 286.

4. Hist. MSS. Comm., 5th report, app., p. 613.

5. Aberdeen-Banff Antiquities, iii, 134; Exch. Rolls, iv, 68.

6. Act. Parl., i, 581.

7. Morton Reg., ii, no. 183.

8. Great Seal, i, no. 557.

9. Ibid., i, no. 800.

10. Ibid., i, no. 401.

11. Exch. Rolls, ii, 605; iii, 229, 350, 559; iv, 285.

12. Ibid., iii, 269-70; iv, 44, 68, 130.

13. Ibid., iii, 267, 268; iv, 212, 285, 286, 288.

by Robert II and Robert III.¹

The attitude of the nobility to the incidents is more ambiguous, since they were both overlords and under-tenants. It was in their interest to exploit incidents owed them by their tenants, but to avoid those they owed to overlords. This is epitomized by James Douglas of Dalkeith. His marriage contract with the earl of Carrick stipulated that he should hold his lands in blench farm, as well as in regality;² this was also the case after 1401 with the lands which had been held of the earl of March,³ and a similar concession for his lands in Galloway was obtained from the fourth earl of Douglas.⁴ Further, the baron of Dundaff (Stirling) agreed to remit for life all service and exactions due from James Douglas's land of Dundaffhill;⁵ the baron of Kinnoull (Perth) did the same for 'Gannachy' and 'Petculane',⁶ and also waived the relief due after his death 'pro quadam satisfactiōe ... michi facta';⁷ and in return for £20 the baron of Abercorn (Linlithgow) gave up the superiority of 'Hawthornsyke', so that James Douglas could hold it of the crown, 'free of any demands'.⁸ In contrast, none of the grants made by James Douglas were in blench farm. They would all have involved the incidents,⁹ except for four to his sons,¹⁰

1. MS. Regesta 1371-1424, *passim*, and see above, pp. 188-90.

2. *Morton Reg.*, ii, nos. 162, 164, 165, 174, 177; *cf.* above p. 124.

3. *Great Seal*, ii, no. 993; after 1401 they were held in chief of the crown (*cf.* above, p. 51).

4. *Morton Reg.*, ii, no. 215.

5. *Ibid.*, ii, no. 112.

6. *Ibid.*, ii, no. 153.

7. *Ibid.*, ii, no. 213.

8. *Ibid.*, ii, nos. 202-7.

9. See below, Appendix III, pp. 398-404: List C, nos. 1, 2, 4, 5, 6, 8. No details are given in nos. 3 and 7, but it is likely that like the others they were for 'services used and wont'.

10. *Ibid.*, List C, nos. 9, 10, 11, 12.

and even in one of these James Douglas reserved to himself the incidents due from the tenants of the land which was granted.¹ Similarly, other nobles obtained remittances of incidents or grants in blench farm,² and also insisted on the incidents due them from their tenants.³ However, James Douglas of Dalkeith is probably not typical of the nobility as a whole. For instance, the earl of Douglas and the barons of Dundaff, Kinnoull and Abercorn all gave up their rights to incidents from the lands he held of them. And out of 77 grants of land to laymen made by the first four earls of Douglas, 25 were in blench farm,⁴ compared with 19 where military tenure is known to have been imposed.⁵ Similarly, there are 29 blench farm grants among the 84 noble charters which have been examined,⁶ as opposed to only four stipulating ward and relief or 'service used and wont';⁷ also the incidents were certainly or probably relaxed in 19 other charters.⁸ The lords who made these grants included the duke of Albany, the earls of Ross, Mar, Crawford, and Orkney, the countess of Mar, the lord of Galloway, James Lindsay of Crawford, Alexander Lindsay of Glenesk, Robert

1. See below, Appendix III, p. 403 : List C, no. 10.

2. E.g. from the crown; see the previous paragraph.

3. E.g. Morton Reg., ii, nos. 106, 200; Hist.MSS.Comm., 3rd report, app., p. 397, no. 9; ibid., 7th report, p. 706, nos. 26, 27; W.Fraser, Memoirs of the Maxwells of Pollok (Edinburgh, 1863), i, no. 10.

4. See below, Appendix III, pp. 398-404 : List B, nos. 1, 3, 6, 17, 18, 23, 24, 25, 28, 29, 31, 33, 35, 36, 43, 44, 45, 46, 50, 55, 59, 63, 64, 67, 68.

5. Ibid., List B, nos. 7, 9, 12, 14, 15, 19, 21, 22, 26, 41, 47, 48, 49, 56, 62, 69, 70, 72, 74.

6. Ibid., List A, nos. 1, 3, 4, 8, 9, 17, 18, 19, 20, 21, 23, 24, 25, 26, 32, 35, 37, 39, 42, 44, 49, 50, 51, 53, 61, 63, 66, 68, 84.

7. Ibid., List A, nos. 6, 52, 77, 78. There are also 14 cases where 'service used and wont' is stipulated, but where land changed hands by substitution, so that the service was due not to the grantor but to the overlord, generally the crown.

8. Ibid., List A, nos. 7, 14, 15, 18, 22, 30, 31, 36, 45, 48, 56, 60, 61, 69, 71, 72, 74, 75, 83.

Keith the marischal, Thomas Erskine, Patrick Graham, Malcolm Fleming, and Thomas Somerville. Clearly, therefore, the nobility did not have a uniform attitude to the incidents. The most reasonable conclusion is that they were worth having, but not essential. Many times it would have been of more immediate value for the lord to sell his right to them, or give it away as a special concession; the individual circumstances of each case would have been the determining factor.

The nobility's attitude to the transfer of land was probably similar. By the early Stewart period, Scotland had developed its own characteristic system of conveyancing.¹ Land could change hands in two ways. The first was subinfeudation; there was no equivalent to the English statute of Quia Emptores prohibiting subinfeudation in what English lawyers call fee simple. The second way was substitution: either A issued a charter granting the land to B to be held a me of the overlord; or, more usually, A resigned the land to his overlord in B's favour, and the overlord then granted it to B. The latter procedure is found² in twelfth century England, but it died out, whereas in

1. See Milne, 'Heritable Rights', Introduction to Scottish Legal History, chapter XIII, and H.H.Monteath, 'Heritable Rights from Early Times to the Twentieth Century', ibid., chapter XIV.

2. F.Pollock and F.W.Maitland, The History of English Law before the Time of Edward I (2nd edn., Cambridge, 1898), i, 345; ii, 231-2; but cf. below, p. 207, note 2.

Scotland it became commonplace.¹ From the point of view of the person alienating the land, subinfeudation was the preferable method: he could demand suit of court and the feudal incidents, or perhaps be paid extra for the privilege of blench farm tenure, while ultimately the lands might escheat. But subinfeudation was less satisfactory for the grantor's overlord, because it might mean he was unable to enforce his own rights to service and wardship.² Whichever method was employed, the lord's consent had to be obtained; a later rule was that tenants could alienate up to half their fees without their lords' permission, but this seems not to have applied in the early Stewart period.³

In practice in this period, despite the absence of any Scottish statute of Quia Emptores, substitution was the more common method of transferring land. The MS. Regesta material contains records of many conveyances made by tenants-in-chief of the crown: 189 grants by the crown of land which had been resigned to it, and 198 crown confirmations of grants made by nobles. Of the confirmations, 84 are in the form of

1. It is unclear what safeguards there were against abuses of this system. In 1401 it was enacted that a list of witnesses to the resignation should be included in the charter granting the land out again (Act. Parl., i, 576); this points to earlier malpractices. Once the resignation had taken place, the lord had sasine, and he did not have to grant the land out again immediately. The letters of resignation issued by the tenant and the lord's charter never state that the resignation was conditional, but this must have been understood, and is usually implied in preliminary documents arranging the transactions (e.g. Yester Writs, no. 30 (cf. no. 31); Morton Reg., ii, nos. 202-7; Fraser, Douglas, iii, no. 358). Sometimes the overlord took the initiative in obtaining the resignation, either by purchase (Hist. MSS. Comm., 4th report, app., p. 478, nos. 76, 77; Scot. Rec. Off., MS. Photocopies of Errol Charters, RH1/6/49), or by force, as David II did with the earl of Ross (Brieve Cronicle of Ross, pp. 33-8; Great Seal, i, nos. 311, 354).

2. Bean, Decline of English Feudalism, pp. 40-1.

3. See below, p. 203.

an inspeximus; examination of these shows 53 cases of land held directly of the crown changing hands, of which 41 were by subinfeudation and 12 by substitution.¹ Subinfeudation, therefore, was employed in just under half the charters which were confirmed by the crown in an inspeximus. It is likely that there was a similar proportion of subinfeudations and substitutions among the transactions which were confirmed in abbreviated form. If so, then among the known conveyances of land held of the crown there would be between 90 and 100 instances of subinfeudation, as opposed to between 200 and 220 of substitution - a ratio of at least two to one in favour of substitution. With land held of subject-superiors, substitution appears to have been even more prevalent, although this is difficult to prove statistically. Nine conveyances by undertenants are included in the MS. Regesta inspeximus charters, and they are all substitutions.²

Sixteen transfers of land by tenants of the earls of Douglas are recorded; 14 are substitutions, only two subinfeudations.³ There are no cases of subinfeudation by any tenants of James Douglas of Dalkeith, but four of them resigned lands to him to be granted to someone else.⁴ In general, subinfeudation by undertenants seems to be rare. Examples of it can be

1. See below, Appendix III, pp. 398-404: List A, nos. 3, 4, 6, 7, 8, 9, 14, 15, 19, 20, 22, 23, 24, 25, 26, 33, 34, 35, 39, 42, 44, 45, 47, 48, 50, 51, 53, 56, 59, 63, 67, 69, 70, 71, 73, 77, 78, 79, 83, 84 (subinfeudations); 5, 29, 41, 54, 55, 57, 58, 62, 64, 65, 81, 82 (substitutions).
2. Ibid., List A, nos. 16, 21, 30, 31, 36, 46, 52, 68, 74. This need not be significant, because there was no necessity for the crown to confirm a charter which had already been confirmed by the overlord.
3. Ibid., List B, nos. 5, 7, 13, 21, 23, 25, 40, 43, 50, 52, 56, 67, 68 (substitutions); 3, 39 (subinfeudations).
4. Ibid., List C, nos. 4, 5, 6, 8.

¹ found, but they are greatly outnumbered by substitutions, in the form both of grants a me and more commonly of resignations to the overlord.

Thus although subinfeudation survived in early Stewart Scotland its effects were limited. The extended hierarchy of tenure which it made possible would have been absent; usually the feudal chain contained just three links, crown, tenant-in-chief, and undertenant. As in England, but without the equivalent legislation, substitution had come to be the chief method of conveyancing, particularly where land was held of subject-superiors. Yet subinfeudation could still take place. This would have suited the greater nobles very well; it seems that they themselves retained the right to subinfeudate, but were mostly able to prevent their tenants from doing so.

It has been argued that in England the value of subinfeudation to the grantor lay in the feudal incidents which were owed to him.² In early Stewart Scotland, this was probably true with respect to James Douglas of Dalkeith,³ but the number of blench farm grants made by other nobles⁴ shows that it was not generally the case. Among the 41 instances of subinfeudation recorded in the MS. Regesta inspeximus charters,⁵ only five were grants for which incidents would have been due.⁶ In 33 of them, on the other hand, the grantor's right to the incidents was given up:

1. E.g. Fraser, Douglas, iii, nos. 330-2; Fraser, Pollok, i, no. 10; Hist.MSS.Comm., 7th report, app., p. 706, nos. 20, 26, 27; Scot.Rec.Off., MS. Register House Charters, RH6/242.
2. Bean, Decline of English Feudalism, pp. 5-6, and chapter I.
3. See above, pp. 195-6.
4. See above, pp. 189, 196-7.
5. See above, p. 199, note 1.
6. See below, Appendix III, pp. 398-404 : List A, nos. 6, 33, 47, 77, 78.

19 were grants in blench farm,¹ two in feu farm,² two in free marriage,³ and in ten suit of court alone was required.⁴ Similarly, out of 27 charters of subinfeudation issued by the earls of Douglas,⁵ only ten stipulated ward and relief or servicia debita;⁶ in the other 17 the incidents were waived.⁷ At first sight there is little point to subinfeudation when neither service nor incidents were owed. But a lord could not make such a grant by substitution, because then the service and incidents which he wished to relax would be those due to the overlord. Thus if a grantor intended to renounce service and incidents, the best way was by subinfeudation. This in theory would not harm the overlord; in the charter of confirmation the overlord's right to service and incidents due from the grantor would be reserved.⁸ This then seems to have been the main purpose and advantage of subinfeudation in early Stewart Scotland: not to allow a grantor to retain some profit from alienated land by means of the feudal incidents, but to enable him to sell or grant land with the privilege of its being free of the obligation to render service and incidents.

1. See below, Appendix III, pp. 398-404: List A, nos. 3,4,8, 9,19,20,23,24,25,26,35,39,42,44,50,51,53,63,84.

2. Ibid., List A, nos. 59,67.

3. Ibid., List A, nos. 7,14. No service or incidents was due for the first three generations after a grant in free marriage (Milne, 'Heritable Rights', Introduction to Scottish Legal History, pp. 148-9).

4. See below, Appendix III, pp. 398-404: List A, nos. 15,22, 45,48,56,69,71,72,73,83; cf. above, pp. 190-1.

5. These are charters where the full details are known; other grants by the earls are recorded in abbreviated form in royal confirmations, and have not been counted here.

6. See below, Appendix III, pp. 398-404: List B, nos. 9,12,14, 15,19,26,41,69,72,75.

7. Ibid., List B, nos. 1,3,17,18,20,24,28,31,35,36,37,38,59, 61,63,65,74.

8. A clause 'salvo servicie meo' or 'nostro' was invariably included in confirmation charters.

The number of conveyances which are recorded from the early Stewart period demonstrates that then landowners, especially tenants-in-chief of the crown, enjoyed considerable freedom to alienate land. Yet this was not absolute. The permission of the overlord was needed for alienations by either subinfeudation or substitution. Generally the permission was given, no doubt in return for a sum of money.¹ If the conveyance did not involve resignation and a new grant from the lord (a transaction which could hardly take place without the lord's consent), a preliminary licence to alienate and a subsequent charter of confirmation were required. Also, lords could give general consent to alienations in advance, by granting land to a tenant, his heirs, and his assigns; this meant the land could subsequently be alienated without the specific consent of the lord having to be obtained. The practice of granting land to a tenant and his assigns appeared in Scotland in the thirteenth century,² and was quite common in the early Stewart period: it is in 60 (17%) of the royal grants to laymen,³ and in 26 (16%) of the noble charters which have been examined.⁴

Nevertheless, permission to alienate was not given so readily as it was in fourteenth century England.⁵ The crown could refuse to licence alienations.⁶ And if the alienation took place without its consent, it could recognise

1. Cf. Panmure Reg., ii, 157, where in 1312 an overlord charged 30 marks for confirming a charter; the price may have been unusually high due to exceptional circumstances.

2. Milne, op.cit., p. 151.

3. MS.Regesta 1371-1424, passim.

4. See below, Appendix III, pp. 398-404: List A, nos. 1,5,8,11,16,23,26,29,30,39,52,55,63,70,76,82,84; List B, nos. 1,19,24,31,41,42,56,61,64.

5. Especially after 1327: Bean, Decline of English Feudalism, chapter II.

6. E.g. Aberdeen-Banff Antiquities, iii, 134; iv, 165.

the land, that is take it into its own possession, and even grant it to someone else.¹ In 1404 Robert III gave 'Garlet', in Kinnell barony (Forfar) to Walter Ogilvy because the baron of Kinnell had alienated it without royal licence.² Other examples of recognition due to unlicensed alienation include the barony of Cavers (Roxburgh), the thanage of Glendowachy (Banff), and certain lands in Strathearn which Robert II's son David earl of Strathearn had granted to Alexander Lindsay without having his father's permission.³ Thus although few actual licences to alienate have survived,⁴ obtaining one would appear to have been an essential preparation for the transfer of land held of the crown. The same is probably true of land held of subject-superiors.⁵ The need for licences and the threat of recognition would have been among the factors enabling lords to insist that alienations were made by substitution rather than subinfeudation. Subject-superiors, too, carried out recognitions because of unlicensed alienation: for example in 1398 the

1. I.F.Grant states that James I 'reintroduced' recognition (Social and Economic Development, p. 200); J.Girvan, that it took place mostly under James IV ('Feudal Law', Sources and Literature of Scots Law, p. 201-2); both are wrong.

2. Fraser, Southesk, ii, no. 56. This shows that the later rule that up to half a tenement could be freely alienated did not apply then; see also David II's recognition of land in Buittle from the earl of Douglas (Morton Reg., ii, no. 95).

3. Great Seal, i, app. i, no. 159; ibid., i, no. 734; Scot. Rec.Off., MS.Register House Charters, RH6/182.

4. Those that have include: Great Seal, i, nos. 584, 655; Morton Reg., ii, no. 128; Nat.Reg.Arch., no. 885, MS. Calendar of Earl of Strathmore's muniments, s.d. 11:xii:1375 (these are all incorporated in charters). It may be, as Professor Dickinson stated (Carnwath, p. xxix), that lords did not bother to obtain licences, but simply alienated land and then requested confirmation charters; however this seems unlikely because of the risk of recognition.

5. Morton Reg., ii, no. 200, and Scot.Rec.Off., MS.Register House Charters, RH6/182, are examples of licences granted by subject-superiors.

duke of Albany issued letters stating that when Robert Stewart of Innermeath repaid the purchaser the price of land which he held of Albany and which he had granted away by charter, Albany would then accept him as a tenant again.¹ Also, legislation in 1401 modified the procedure in cases of recognition, 'quia per voluntarias et occultas recognitiones terrarum factas per dominos superiores quam plures regis legii in suis feodis et hereditatibus perturbantur;² there were, however, several grounds for recognition,³ and so it is unlikely that the recognitions referred to in this statute stemmed solely from the unlicensed alienation of land.

Provided the overlord's consent was obtained, landowners could grant land to anyone they chose. This included their children, and there was no ban on enfeoffing their heirs, as there was in England.⁴ Grants from parents to children account for 61 (11%) of the royal⁵ and 26 (16%)⁶ of the selected noble charters. In many cases there was a straightforward conveyance of land from father to son, usually the eldest son, by either substitution or subinfeudation; William Cunningham of Kilmaurs and William Lindsay of Byres even went so far as to give their whole

1. Scot.Rec.Off., MS.Maitland Thomson Notebooks, GD212, no. 6, at back, p. 3; another instance of recognition by a magnate (again Albany) is given in Fraser, Wemyss, ii, no. 23.

2. Act.Parl., i, 575.

3. It could be carried out by lords in any dispute with tenants over lands or services.

4. Bean, Decline of English Feudalism, pp. 21-4; the ban was made in the Statute of Marlborough, 1267.

5. MS.Regesta 1371-1424, passim.

6. See below, Appendix III, pp. 398-404: List A, nos. 14, 21, 24, 25, 39, 43, 44, 47, 57, 58, 60, 62, 70, 74, 75, 77; List B, nos. 7, 25, 52, 68; List C, nos. 5, 8, 9, 10, 11, 12.

estates to their eldest sons.¹ However, it was possible for lords to endow their children without seriously reducing their own landed revenues. In Scotland a distinction was made between tenure in fee and mere possession of the usufruct or liberetenencium,² so that one person might hold an estate in fee and another have the liberetenencium of it. Accordingly, A could resign his land in B's favour, but in the lord's charter to B it would be stipulated that A should retain the liberetenencium for life. This gave parents a means of deferring grants to their children until after their own deaths. Whether or not this procedure was employed depended no doubt upon the individual family circumstances; it appears in about one-third of the grants made by parents to their children.³

In many cases, the purpose of these grants was to provide for younger sons, either immediately or after the father's death. Thus William Keith the marischal gave the forest of Cowie, in Kincardineshire, to his second son Robert; David earl of Crawford gave the barony of Newdosk (Kincardine) to his second son David; and Walter Oliphant gave the barony of Kelly (Fife) to his second son Walter.⁴ But lords sometimes granted the main family inheritance to their heirs. John Maxwell of Carlaverock, William Keith the marischal, and Margaret countess of Angus, all did so

1. Scot.Rec.Off., MS.Glencairn, GD39/1/11; Great Seal, i, app. i, no. 159.

2. Liberetenencium is usually translated by Scots lawyers and historians as 'liferent', but this term is ambiguous, and therefore has not been used here.

3. 28 out of 61 in the royal charters, 4 out of 24 in the selected noble ones.

4. Nat.Lib.Scot., MS.Ochertyre, Acc.6026, Box 4/1/2; Great Seal, i, no. 881; Anderson, Oliphants, no. 10.

but reserved the liberetenencium to themselves,¹ while William Cunningham and William Lindsay of Byres did so without reservation.² At first sight, the aim of enfeoffing heirs appears to be the evasion of the feudal incidents; that was why such grants were prohibited in England.³ However, this cannot have been so, because heirs who were enfeoffed in this way were still liable for the incidents. In 1393, when James Douglas of Dalkeith gave the baronies of Preston and Buittle in Galloway to his son and heir, his overlord, the earl of Douglas, reserved to himself the wardship or relief of the lands on James Douglas's death, and the right to levy distraint if necessary.⁴ In a similar transaction, James Douglas of Dalkeith made the same reservation with respect to one of his under-tenants.⁵ And when Thomas Corsby was granted the barony of Boon (Berwick) on his father's resignation, the crown charter stated that relief had to be paid when his father died.⁶ Instead, the explanation of this practice probably lies in the fact that when a landowner died, his land usually came into the overlord's hands, and the heir had to follow a complicated procedure in order to obtain sasine.⁷ This could be expensive

1. Great Seal, i, nos. 408, 475; Act.Parl., i, 565-6.
2. See above, p. 205 note 1.
3. Bean, op.cit., pp. 21-4.
4. Morton Reg., ii, nos. 200, 201.
5. Morton Reg., ii, no. 187.
6. Great Seal, i, no. 918.
7. See above, p. 192.

and take some time;¹ it was probably to avoid it that some lords granted the fee of their lands to their heirs, while reserving the liberetenencium for their own lives.

Lords could also make conveyances to themselves, by resigning land to their overlords for grants in their own favour.² This procedure enabled landowners to change the terms by which they held their land, and they employed it quite widely. Among the royal grants to laymen there are 79 (14%) to lords following their own resignations,³ while among the selected noble charters there are 15 (9%) instances of this.⁴ The procedure could be employed to obtain privileges. Seven of the new baronies which appeared during the early Stewart period were created in this way.⁵

Resignation and regrant was also used to convert tenure by military service into blench farm tenure; John Lyon originally held Glamis (Forfar) for the service of one archer, but in 1380 he resigned it to the crown and received it back to be held in blench farm, for two silver pennies.⁶ Most commonly, however, the procedure was used to set up jointures or tailzies (the Scottish form of entails). Almost half the grants to husbands and wives in jointure made in this period

1. E.g. it took 6 years for the 2nd earl of Angus to obtain official sasine of Liddesdale, and he was charged £40 a year for the period that it had been in the crown's hands (Fraser, Douglas, iii, no. 54). Another problem might have been that sasine was given to the wrong person; this seems to have happened in several cases, judging by an act of 1401 aimed at safeguarding the position of the rightful heirs (Act. Parl., i, 575).

2. This is similar to English practice; see McFarlane, Nobility, p. 270.

3. MS. Regesta 1371-1424, passim.

4. See below, Appendix III, pp. 398-404: List A, nos. 2, 17, 37, 61; List B, nos. 22, 44, 45, 46, 47, 48, 49, 55, 64, 70; List C, no. 1.

5. See above, pp 151-2.

6. Great Seal, i, no. 549; Nat. Reg. Arch., no. 885, MS. Calendar Earl of Strathmore's muniments, s.d. 30:i:1379/80.

1
 have this form; mostly the land was resigned by husbands,
 but wives who were landowners in their own rights did so too.²
 Also there are three instances of a father resigning land
 for a grant to himself and the heirs-male of his body,
 failing whom to his daughter and son-in-law in jointure.³
 The size of the jointure varied but could be substantial;
 in the cases of Duncan Wallace of Sundrum, Henry Douglas of
 Lugton, and James Sandilands of Calder it included practically
 all their estates.⁴ Similarly, many of the early Stewart
 tailzies were created by this method.⁵ A tailzie to the
 heirs of the body (sometimes to the heirs-male) invariably
 accompanied a grant in jointure. But apart from this, there
 was no uniformity to tailzies; they might apply to all or
 part of a lord's estates, and entail it on almost any
 combination of heirs, according to the needs and wishes of
 each individual landowner.⁶ However, although most of the

1. 43 out of 87 jointures in the royal and noble charters which have been examined. The rest were established when the lands were acquired by the husband for the first time.
2. 28 resignations by husbands, 12 by wives; strangely, none of the resignations by husbands occur in the noble charters.
3. Great Seal, i, nos. 461, 697, 862; in each case the father did not expect to have any sons. Fathers also endowed their daughters and sons-in-law with land more immediately; almost half the remaining jointures consist of resignations by a father for this purpose. E.g. the earl of March gave Mordington and Whittinghame to his daughter Agnes and James Douglas of Dalkeith (Morton Reg., ii, nos. 131, 132), and the 4th earl of Douglas granted Stewarton and other lands in Ayrshire to his daughter Elizabeth and John Stewart earl of Buchan (Great Seal, i, nos. 945-7). Thus in 14th century Scotland the practice of granting a marriage-portion in land had not died out, as it had in England (McFarlane, Nobility, p. 64); on the other hand, marriage-portions in money, generally paid over a number of years, are also common (e.g. Morton Reg., ii, no. 184; Hist.MSS.Comm., 3rd report, app., p. 388, no. 33; Aberdeen-Banff Antiquities, iii, 133-4).
4. Great Seal, i, nos. 464-5, 795-7, 759.
5. 65 out of 131 tailzies among the royal documents, and 6 out of 50 among the selected noble ones. The reason for the difference in proportions is unclear.
6. Tailzies are studied in more detail below, pp. 308-11.

jointures and tailzies which were established remained in force throughout the period, they were not immutable. Jointured or tailzied land could be resigned, just like any other. Kinneil barony (Linlithgow) was granted in jointure to John Hamilton and Jacoba Douglas in 1388, but in 1397 (during Jacoba's lifetime) was resigned by John Hamilton in favour of his eldest son.¹ John Caldecots held land tailzied on the heirs of his body; in 1379 his daughter resigned her place in the succession so that he could set up a jointure for his son and daughter-in-law.² And in 1363 Dalziel barony (Lanark) was given to Robert Stewart of Innermeath and the heirs of his body, yet in 1368 he sold it for £200 to Duncan Wallace of Sundrum.³ In this respect, therefore, the Scottish land law gave more flexibility than the English.⁴

The procedures outlined in the previous three paragraphs had the same effect for Scottish landowners as the device of the use (which was not known in Scotland) had in England. This is typical of the relationship between the two systems of land tenure.⁵ In Scotland the legal procedures were different, usually simpler and less rigid, but the end result was very similar; in the late fourteenth and early fifteenth centuries Scottish landowners could and did do much the same things with their lands as their English counterparts did. Yet there was one significant difference

1. Morton Reg., ii, no. 184; Hist.MSS.Comm., 11th report, app. vi, pp. 14-15, no. 7.

2. Scot.Rec.Off., MS. Register House Charters, RH6/175, 194.

3. Great Seal, i, no. 129; Fraser, Douglas, iii, no. 324.

4. Cf. McFarlane, Nobility, pp. 80-1, 270-2.

5. The comments on English land tenure are based on Bean, Decline of English Feudalism, McFarlane, Nobility, (especially chapters 1(iv), and 8), and G.A.Holmes, The Estates of the Higher Nobility in Fourteenth Century England (Cambridge, 1957), chapter II.

between the two tenurial systems. The Scottish landowner's freedom to do what he wished with his lands was not complete; his overlord's permission had to be acquired, through a licence, confirmation, or grant following resignation. Where land held of the crown was concerned, it seems that in all but a very few cases the necessary permission would have been given, presumably in return for a sum of money; thus tenants-in-chief would have had almost as much control over their lands as in England.¹ But in Scotland tenants-in-chief could also control what happened to the lands which were held of them by their under-tenants; this had not been the case in England since the Statute of Quia Emptores of 1290. Here, therefore, the Scottish system of land tenure at this period may be considered more beneficial to the interests of the tenants-in-chief, especially those with wide estates, than the English system was.

The tenants-in-chief exercised their control over their under-tenants' lands in a variety of ways. Some, for example James Douglas of Dalkeith,² exploited the incidents that were due to them. Many of them, it has been suggested, safeguarded their rights to incidents by making their under-tenants alienate by substitution rather than by subinfeudation.³ Also, the third earl of Douglas and James Douglas of Dalkeith were probably not alone in insisting on their rights of wardship and relief when a tenant enfeoffed his son,⁴ nor the duke of Albany in recognoscing land that was alienated

1. Since Scottish tailzies were not so rigid as English entails (see above, p. 209), they could perhaps be considered to have had more control.

2. See above, pp. 195-6.

3. See above, pp. 199-200.

4. See above, p. 206.

without his licence.¹ On the other hand, tenants-in-chief on many occasions waived their rights to the incidents, particularly by making grants in blench farm,² and they also granted lands to tenants and their assigns,³ thus giving them freedom of alienation. Behind these apparent contradictions there is probably quite a consistent attitude on the part of the tenants-in-chief, similar to that of the crown.⁴ While the feudal incidents and the control over tenants' conveyancing were well worth having, it could also be worth while to grant them away, either in return for a sum of money or as a special concession. In this way the tenurial rights possessed by overlords in the early Stewart period may best be seen as marketable commodities, just as land itself was. They could be exploited, but they could also be sold or granted away. To the magnates of early Stewart Scotland, the immediate advantages to be gained from the latter course of action seems often to have outweighed the long-term considerations.

SECTION 2: MAGNATE ESTATES

The early Stewart higher nobility can be divided into three groups, according to the size of their estates. The first group consists of a few very great magnates, all earls or dukes, who dominated the country and would bear comparison with their contemporaries in England and France. Next, there is a larger, amorphous group, including the other earls, the lords of earldoms, most of the 'territorial lords', and one

1. See above, p. 204.
2. See above, pp. 189-90.
3. See above, p. 202.
4. See above, p. 194.

or two 'greater barons' who held an above-average amount of territory. Finally, the third group contained the less important 'territorial lords', together with the rest of the 'greater barons'.

In this period, the greatest Scottish landowners were the earls of Douglas. The core of the Douglas estates (in addition to the barony of Douglas itself) was the territory granted by Robert I to his companion James Douglas, entailed on the male line in 1342, and held by all four earls: chiefly the 'territorial lordships' of Lauderdale and Selkirk, and the baronies of Bedrule (Roxburgh), Buittle (Galloway), Romanno (Peebles), Westerkirk (Dumfries), Staplegorton (Dumfries),¹ and Heriot (Haddington).² There were also the unentailed lands; in the case of the first two earls these included the 'territorial lordships' of Jedworth and Liddesdale;³ the baronies of Drumlanrig (Dumfries), Kirkandrews (Dumfries), Cavers (Roxburgh), Rattray (Aberdeen), and Tillycoultry (Clackmannan);⁴ and the lands of the baronies of Coull (Aberdeen), North Berwick (Haddington), West Calder (Edinburgh), and Strathord (Perth),⁵ which were held of the earl of Fife. After 1388 these left the possession of the earls of Douglas, but their loss was more than compensated for by the personal lands of

1. Westerkirk and Staplegorton corresponded largely with the lordship of Eskdale.

2. Fraser, Douglas, iii, no. 290; Act.Parl., i, 557-8; and, for Heriot, which is not specifically named in the tailzie, Fraser, Douglas, iii, no. 289 and Great Seal, ii, no. 301.

3. Great Seal, i, app. i, nos. 36, 123, 154; Hist.MSS.Comm., Mar and Kellie suppl. report, p. 13.

4. Great Seal, i, nos. 504, 949; app. i, nos. 66, 123, 154; Hist.MSS.Comm., 15th report, app. viii, nos. 1-3; Mar and Kellie suppl. report, p. 13.

5. Great Seal, i, app. i, nos. 68, 123; app. ii, nos. 1223, 1396; Scot.Rec.Off., MS. Register House Charters, RH6/189.

Archibald the Grim, the third earl. In his own right he held the lordship of Galloway,¹ and through his wife Joanna Murray he held the wide estates of the Murrays of Bothwell and the Murrays of Drumsergart:² the baronies of Bothwell, Carmunnock, Crawfordjohn, Drumsergart, Strathaven (Lanark), Hawick, Sprouston (Roxburgh), Herbertshire (Stirling), Shanbothy (Clackmannan), Cortachy (Forfar), Aberdour (Aberdeen), Boharm (Banff), Petty (Elgin), Avoch, Brachlie, Eddirdovar, and Strathdearn (Inverness).³ His son the fourth earl added the 'territorial lordship' of Annandale, acquired after it had been forfeited by the earl of March in 1400.⁴ Thus the first two earls had four 'territorial lordships' and 16 baronies; the third earl, three lordships and 24 baronies; and the fourth earl, four lordships and 24 baronies. In addition, the earls possessed many other lesser pieces of land.⁵ However, it must be remembered that much of these Douglas lands were held of the earls by under-tenants: for example under the fourth earl all the territory in the north of Scotland together with the barony of Strathaven was held by his brother James Douglas of Balvenie,⁶ and other baronies which had been granted away included Buittle, Hawick,

1. Great Seal, i, nos. 329, 507.

2. Ibid., i, no. 401; Scots Peerage, iii, 161-3.

3. Great Seal, i, no. 901; app. i, no. 130; app. ii, nos. 445, 694, 969, 1406; ii, nos. 43, 255; Exch. Rolls, i, 582; Fraser, Douglas, iii, nos. 328, 338, 351, 365; Fraser, Menteith, ii, 281, no. 50; Fraser, Buccleuch, ii, no. 22; Wigtown Charters, no. 30; Moray Reg., p. 17; Origines Parochiales, ii, 526, 543.

4. Great Seal, i, no. 920.

5. References to some of these are given in Appendix III, 'Noble Charters', below, pp. 398-404; List B, nos. 2, 9, 10, 19, 23, 24, 26, 31, 37, 41, 50, 52, 58, 65. Also, the 1st and 2nd earls had the earldom of Mar and lordship of Garioch from 1374 to 1388, and the 4th earl had the lands of the earldom of March from 1400 to 1408 (Scots Peerage, vi, 585; iii, 152-5, 165, 272).

6. Great Seal, ii, nos. 40, 43, 49.

Herbertshire, Shanbothy, and Cortachy.¹ As the list shows, the Douglas estates were spread throughout the country. The greater part of them was in the Borders, where all their 'territorial lordships' lay, but it would probably be a mistake to consider that the earls' interests were concentrated solely on that region.

The only landowners who can be compared with the earls of Douglas are the leading members of the royal family: the earls of Carrick and Fife (dukes of Rothesay and Albany after 1398). David Stewart duke of Rothesay almost certainly had the Stewart family lands, as they were defined in 1404, two years after his death: the earldom of Carrick; the 'territorial lordships' of Kyle Stewart, Kyle Regis, Cunningham, and Renfrew; the islands of Bute, Arran, and the Cumbraes; Cowal and Knapdale in Argyll; and the baronies of Innerwick (East Lothian) and Ratho (Midlothian).² Carrick had belonged to David from 1390 on,³ and he seems to have been granted the other lands in 1398, at the same time as he was created duke of Rothesay.⁴ He was also given the earldom of Atholl in 1398.⁵ His father John Stewart earl of Carrick, who became king as Robert III in 1390, seems not to have held

1. Morton Reg., ii, nos. 83, 215; Fraser, Buccleuch, ii, no. 22; Fraser, Douglas, iii, nos. 338, 351; Great Seal, i, app. i, no. 130; ii, no. 1205; Cortachy was resigned in 1407, ibid., i, no. 901.

2. Hist.MSS.Comm., Mar and Kellie report, p. 7. In this document the lands are made into a regality for Robert III's sole surviving son, the 10-year old Prince James, and it is stated that they already belonged to James; the implication is that James had inherited them from his brother David duke of Rothesay 2 years earlier.

3. Handbk.Brit.Chron., p. 473.

4. Wyntoun, vi, 384.

5. Nat.Lib.Scot., MS. Adv., 34.6.24, p. 121.

Cunningham or Kyle Regis,¹ but he did have Carrick, Kyle Stewart, and the usufruct, at least, of the other Stewart lands;² he also possessed the earldom of Atholl and the barony of Kilbride (Lanark).³ For most of this period, therefore, the Firth of Clyde and the south-west as far as Galloway was dominated by the senior line of the house of Stewart.

The estates of Robert Stewart earl of Fife, the second surviving son of Robert II, were situated mostly in the centre of Scotland. He started his career as a landowner in 1361, when he married the heiress to the earldom of Menteith and became lord of Menteith; when his father became king ten years later he was made an earl.⁴ In 1372 he persuaded the countess of Fife, who was childless, to resign her earldom in his favour. The grounds for the resignation were a tailzie made by the countess's father some 50 years earlier,⁵ entailing the earldom upon the then earl of Menteith. With

1. This is implied by, e.g., Great Seal, i, nos. 478, 496. Cunningham was the personal territory of Robert II (ibid., i, no. 54); Kyle Regis was royal land, not included in the Stewartry until 1404.

2. It is difficult to say just how the Stewartry was held under Robert II. At first sight it would appear that Robert kept it. He spent a great deal of time at Bute (Exch. Rolls, ii, lxxxiv), and after 1371 issued several charters concerning lands in the Stewartry which were to be held 'de nobis et heredibus nostris senescallibus Scocie' (e.g. Great Seal, i, nos. 471, 540, 574, 606, 799). But there is no evidence that Robert II enjoyed any revenues from it, and throughout the reign John was always called the Steward. Moreover, although Robert II granted land in Kyle Stewart to be held of him and his heirs as Stewards of Scotland (ibid., i, no. 536), Kyle Stewart certainly belonged to John earl of Carrick (Hist. MSS. Comm., 3rd report, app., p. 387, no. 27; Great Seal, i, no. 397). Therefore the wording of Robert II's charters concerning other lands in the Stewartry does not prove that these were not actually held by his son John.

3. Regesta David II, Handlist, no. 464; Great Seal, i, no. 490. Morton Reg., ii, no. 106.

4. Handbk. Brit. Chron., p. 483.

5. Ibid., pp. 476-7; Barrow, Robert Bruce, p. 391; Fraser, Menteith, ii, 251, no. 35; Act. Parl., xii, 17-18.

Fife went the superiority over several baronies: Coull (Aberdeen), Cromdale (Inverness), 'Logyatray' (Perth), North Berwick (Haddington), Strathard (Perth), and West Calder (Linlithgow).¹ Robert Stewart also bought the baronies of Redhall (Edinburgh), Fortingall (Perth), and Glendochart (Perth) from Alexander Menzies,² and at some stage either he or his son Murdach was granted the thanage of Kinclaven (Perth).³ Murdach Stewart succeeded to these earldoms and estates in 1420.

The landed wealth of the earls of Carrick and Fife was clearly not so great as that of the earls of Douglas, however it was handsomely supplemented by payments from the royal revenues. Shortly after Robert II's accession, an annuity of 500 marks from the Edinburgh customs was settled on John Stewart earl of Carrick, and this was increased by £100 in 1381.⁴ David Stewart had even more: from 1392 on he was paid £640 a year from the customs receipts.⁵ They may, indeed, have received more than this. John seems to have been granted an annuity of £800 in 1389,⁶ while the terms of David's appointment in 1399 as lieutenant to run the country on behalf of his father imply that he was to be

1. Great Seal, i, no. 443; app. i, no. 68; app. ii, no. 1396; Morton Reg., ii, nos. 50, 52; Hist.MSS.Comm., 5th report, app., p. 626; Scot.Rec.Off., MS. Register House Charters, RH6/189; Nat.Lib.Scot., MS. Adv. 34.6.24, p. 244.

2. Great Seal, i, nos. 458, 562; app. ii, nos. 908, 1744. Redhall was subsequently alienated (Scot.Rec.Off., MS.

Glencairn, GD 39/1/13).

3. In the 1390s Murdach is styled 'of Kinclaven' (Great Seal, i, nos. 893, 901).

4. Exch.Rolls, ii, 393-iii, 239, passim; iii, 117, 170, 187.

5. Ibid., iii, 286-595, passim. The sum was not always paid in full.

6. Ibid., iii, 698, 239.

paid another 1000 marks a year.¹ But these sums do not compare with what Robert Stewart duke of Albany was receiving at the height of his career. Albany's official appointments brought him very large sums: his salary as guardian of the kingdom (1388-1392, 1402-1406) was 1000 marks a year,² and this increased to £1000 when he became regent in 1406.³ He was also paid 200 marks a year for being governor of Stirling castle (1373-1420),⁴ and £200 for being chamberlain (1382-1406).⁵ In addition, some time in Robert II's reign his brother the earl of Carrick gave him an annuity of 204 marks, in compensation for the land of Dull, in Atholl,⁶ and as Robert III granted him a further annuity of 200 marks in 1394.⁷ Thus when he was regent he was being paid about £1,400 a year, and over the whole of his career he must have received more than £35,000 from the revenues of the crown.⁸ Murdach Stewart was paid at a similar rate between 1420 and 1424.⁹

These annuities and other payments contrast sharply with what the earls of Douglas, not to mention the rest of

1. Act.Parl., i, 573. Rothesay was to be paid the same as Albany when the latter was guardian, 1388-1392, which was 1000 marks a year (ibid., i, 557). However the only payments to Rothesay recorded in the Exchequer accounts which might be associated with his office were sums totalling £253 paid from the Edinburgh customs in 1399 (Exch.Rolls, iii, 487).

2. Act.Parl., i, 557; Exch.Rolls, iii, 701, 238-317 passim, 589, 610.

3. Ibid., iv, 70-309, passim.

4. Great Seal, i, no. 554; Exch.Rolls, ii, 422-iv, 336, passim.

5. Ibid., iii, 661-703, 244-644, passim.

6. Ibid., iii, 372-iv, 335, passim.

7. Ibid., iii, 348-iv, 336, passim.

8. Of course much of this had to go towards his expenses as guardian and governor.

9. Ibid., iv, 338-377, passim.

the nobility, received. Neither the first nor the third earl of Douglas enjoyed any royal annuities. The second earl had simply a grant of 100 marks a year in 1371, raised to 200 in 1381;¹ the fourth earl had 200 marks a year from 1401 on as keeper of Edinburgh castle.² Thus so far as annuities are concerned, the earls of Douglas were in a much poorer position than either the earls of Carrick or the dukes of Albany; this to a certain extent cancels out their clear superiority in terms of landed possessions.

Rather more magnates can be placed in the second group; they are men whose estates were extensive by Scottish standards but were clearly not on the same level as those of the Carricks, Albanies, and Douglasses. First of all they include the rest of the earls, about seven at any given time.³ Next, in most years between 1371 and 1411 there were one or two lords of earldoms, who were the equals of the earls in all but rank.⁴ The same applies to at least six of the 'territorial lords'.⁵ The group is completed by a few of the 'greater barons', who also seem to have been just about as important as most of the earls. Compared with the first group, therefore, this one is not so clear-cut; its size fluctuated from year to year, but it would probably have contained between about ten and fifteen magnates at any one time.

Good examples of the earls in this group are provided

1. Exch. Rolls, ii, 393-iii, 191, passim; Great Seal, i, no. 646.
2. Exch. Rolls, iii, 515-iv, 341, passim.
3. The yearly totals fluctuate from 4 to 10: see below, Appendix I, 'Earls and Earldoms 1371-1424', p. 345.
4. See above, pp. 11-15, and below, Appendix I, pp. 343-5.
5. I.e., all but the Gordons lords of Strathbogie (Scots Peerage, v, 515-20) and the Stewarts of Lorne (ibid., v, 1-3), whose lands were not so extensive and compare much better with those of the 'greater barons'.

by the earls of Strathearn (who will be examined at more length later ¹), the earls of March, and the earls of Mar. At the beginning of Robert II's reign, George Dunbar tenth earl of March (1368-1422x1423) ² was probably the greatest landowner in the group. As well as the earldom of March, or Dunbar, in south-east Lothian and east Berwickshire, he had a large part of the inheritance of Thomas Randolph earl of Moray, his grandfather: ³ the 'territorial lordship' of Annandale, ⁴ the titular lordship of Man, ⁵ and the baronies of Blantyre (Lanark), Cumnock (Ayr), Glenken (Galloway), Mochrum (Galloway), Morton (Dumfries), Scoonie (Fife), and Tibbers (Dumfries). ⁶ Also, from 1387 on he ⁷ drew a £100 annuity from the Dunbar customs. He did not retain possession of all his estates during the period, however. At least five of his seven baronies were alienated ⁸ early in Robert II's reign, and his other lands were forfeited in 1400 when he renounced his allegiance and went to England. On his return in 1408, he recovered part of ⁹ the earldom of March, but lost Annandale to the earl of Douglas. ¹⁰ Nevertheless, for most of his career he must

1. See below, pp. 232-9.

2. Scots Peerage, iii, 270-3.

3. Ibid., iii, 260, 270.

4. Great Seal, i, no. 473.

5. Ibid., i, no. 553.

6. Ibid., i, nos. 149, 291; Fraser, Wemyss, ii, nos. 23, 24.

7. Exch. Rolls, iii, 203-499 passim; iv, 250, 278, 293.

8. Blantyre and Cumnock, to David Dunbar (Great Seal, i, no. 609). Mochrum was probably also granted to him, as all three baronies were subsequently held by the Dunbars of Cumnock (ibid., ii, no. 1064; Scots Peerage, iii, 261). Morton, to James Douglas of Dalkeith (Morton Reg., ii, nos. 100, 174). Tibbers, to John Maitland (Hist. MSS. Comm., 15th report, app. viii, pp. 32-3, nos. 54, 56).

9. Superiority over baronies in the earldom, like Gordon, Huntly, Mordington, and possibly Boon, was not restored to the earl (Great Seal, i, nos. 521, 905, 918; app. ii, no. 1769; ii, no. 993; Morton Reg., i, xlii; ii, no. 131; cf. above, p. 51).

10. Great Seal, i, no. 920.

have been both a wealthy and an influential magnate.

The same is true of the earls of Mar. In 1371 Earl Thomas (1332-1373xl374), was the major power in the north-east.¹ He held not only the earldom of Mar, but also the 'territorial lordship' of Garioch, inherited from his grandmother Christian Bruce in 1357.² In addition, he had the baronies of Clova (Forfar), Megginch (Perth), and Strathalvah (Banff).³ On his death in 1374 his lands went to William earl of Douglas, and subsequently to the latter's daughter Isabella; they were acquired in 1404 by Alexander Stewart (died 1435), illegitimate son of Alexander Stewart earl of Buchan, when he forced Isabella Douglas to marry him.⁴ In the intervening period the baronies of Clova and Megginch had been alienated,⁵ but Alexander received the rest of the Mar lands, together with the annuity of 200 marks which had originally belonged to the second earl of Douglas.⁶ Because he was illegitimate he should not have inherited his father's possessions, but he probably did take them over in 1406. By a compromise made in 1420 he and Duke Murdach, the governor, shared the rents of these lands, including the 'territorial lordship' of Badenoch and the baronies of Urquhart (Inverness) and Strathavon (Banff).⁷ This put

1. Scots Peerage, v, 583-4.

2. Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 5-6.

3. Ibid., pp. 3, 4, 13; Great Seal, i, nos. 153, 935; app. ii, no. 1830.

4. Handbk.Brit.Chron., p. 482; Scots Peerage, v, 587.

5. Great Seal, i, app. ii, no. 1830.

6. Hist.MSS.Comm., Mar and Kellie suppl. report, p. 13.

This annuity was probably all he enjoyed of the unentailed Douglas inheritance; all the lands involved went to the earl of Angus (Scots Peerage, i, 173): Jedworth forest is included in Isabella's charter to Alexander Stewart, but the earl of Angus held it later (Great Seal, i, no. 154; Raine, Coldingham, pp. 100, 101, 107).

7. Aberdeen-Banff Antiquities, iv, 181-2.

Earl Alexander in virtual control of the North of Scotland.¹

Among the 'territorial lords' the greatest was Archibald Douglas the Grim (lived c.1325-1400).² He started as a 'lesser noble',³ but climbed rapidly. In 1369 David II granted him the western half of Galloway; in 1372 he bought the eastern half (the earldom of Wigtown) from Thomas Fleming.⁴ Equally significant to him, no doubt, was Robert II's concession made as a reward for his diplomatic services in 1371: that after the death of his wife Joanna Murray he and his heirs should keep all her lands.⁵ This brought him some 17 baronies, formerly the possessions of the Murrays of Bothwell and of Drumsergart.⁶ Well before he became the third earl of Douglas, therefore, he was a very important territorial magnate, the equal of all but the greatest earls. Similarly, Robert II's third surviving son, Alexander Stewart, had a very prominent position between 1371 and his elevation to the rank of earl of Buchan in 1382.⁷ Robert II obviously intended him to be his representative in the Highlands: he was given the lordship of Badenoch⁸ and the barony of Strathavon (Banff)⁹ in 1371, and was made royal lieutenant north of the Moray Firth in 1372.¹⁰ In the 1370s¹¹ he acquired several other pieces of land in the north, and

1. Scotichronicon, ii, 500.

2. Scots Peerage, iii, 157-63.

3. Nicholson, Scotland, p. 169.

4. Great Seal, i, nos. 329, 507; Wigtown Charters, no. 7.

5. Great Seal, i, no. 401.

6. See above, p. 213.

7. Scots Peerage, ii, 262-3.

8. Great Seal, i, no. 558.

9. Ibid., i, nos. 559, 600; Scot.Rec.Off., MS. Register House Charters, RH6/167.

10. Great Seal, i, no. 556.

11. Chiefly, but temporarily, the barony of Belhelvie (Aberdeen) (ibid., i, no. 677; Scot.Rec.Off., MS.Dalhousie, GD45/16/2321); see also Great Seal, i, nos. 601, 674, 675, 676, 678.

had a close interest in the earldom of Ross for at least three years before he married its heiress in 1382.¹

The other 'territorial lords' included in this group are the lords of Nithsdale and the Isles. William Douglas lord of Nithsdale (c.1387-1392)² probably did not hold much land in Nithsdale, but had very sweeping administrative and judicial powers over the area.³ The land he did have consisted of the barony of Herbertshire (Stirling), and perhaps 100 librates in Roxburghshire, all held of his father the third earl of Douglas.⁴ This was supplemented by two annuities granted by Robert II: £40 in 1384, and £300 in 1387 when he married the king's daughter.⁵ His successor as lord of Nithsdale (c.1407-1420) was his son-in-law Henry Sinclair earl of Orkney.⁶ In Scotland, Sinclair had the barony of Roslin⁷ as well as Nithsdale and Herbertshire,⁸ but he did not receive either of William Douglas's annuities.⁹ In the west of Scotland, John McDonald lord of the Isles (1330-1387) and his son Donald (1387-1423) ruled as semi-independent potentates.¹⁰ By 1372, John had, on the

1. He had been in possession of the terce of Ross since 1379, the dowager countess being compensated by Robert II (Exch. Rolls, iii, 14, 44, 45).

2. Scots Peerage, iii, 163-4.

3. See above, pp. 61-2.

4. Fraser, Douglas, iii, no. 338; Great Seal, i, no. 770.

5. Ibid., i, nos. 752, 753; Exch. Rolls, iii, 134-281, 687-699, passim.

6. Scots Peerage, vi, 570-1; Handbk. Brit. Chron., p. 486. Scots Peerage, iii, 164, is incorrect in stating that William Douglas lord of Nithsdale was succeeded first by his son William. Henry Sinclair was styled lord of Nithsdale in 1411 and 1419 (Hay, Sainteclaires, pp. 59, 60) within the younger William Douglas's lifetime; clearly, therefore, the latter was not the son of Egidia Stewart, nor the heir to Nithsdale.

7. Ibid., pp. 41-2, 62; Great Seal, i, addenda, no. 2.

8. Hay, Sainteclaires, pp. 64-7.

9. Exch. Rolls, iv, passim; but he may have tried to claim them (ibid., iv, 75, 79, 112, 117).

10. Scots Peerage, v, 37-42.

mainland, Lochaber, Morar, Arisaig, Moidart, Knoydart, Kintyre, and half Knapdale, together with all the Western Isles except Skye and Lewis.¹ Donald tried to add the earldom of Ross, and with it Skye and Lewis, to his possessions; despite the battle of Harlaw (1411) and his subsequent submission to the duke of Albany at Lochgilphead in 1412, he probably succeeded in establishing control at least over Wester Ross and the two islands.²

Some of the 'greater barons' of the period probably had estates comparable with those of the earls and 'territorial lords'. There can be no doubt of this in the case of David Lindsay of Glenesk (lived c.1360-1407), who was created earl of Crawford in 1398.³ No extra lands were given to Lindsay at the time of his creation as earl,⁴ which indicates the significance of the position he held in the country; before his promotion he was probably the equal of most of the earls in all but rank. The majority of his lands lay in the east of Scotland, and had come to him from his father: chiefly the baronies of Downy, Ethiebeton, Glenesk, Inverarity (Forfar), Newdosk (Kincardine), and Baltrody (Perth).⁵ He himself added Guthrie (Perth), Urie (Kincardine) and the lands of Strathnairn (Inverness).⁶ He also drew quite a large amount in annuities: £58.6s.8d. from the burgh

1. Great Seal, i, nos. 551, 568, 569; Duncan and Brown, 'Argyll', Proc.Soc.Antiq.Scot., xc, 204-6.
2. Nicholson, Scotland, pp. 233-6, 315.
3. Scots Peerage, iii, 15-17.
4. See above, pp. 10, 45-6.
5. Great Seal, i, nos. 226, 315, 489, 523; app. i, no. 135; app. ii, no. 1313.
6. Scot.Rec.Off., MS. Guthrie, GD188/Box 1/Bdle.1/1; Great Seal, i, nos. 764, 792; Exch.Rolls, iii, 67; Nat.Reg.Arch., no. 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421. (Urie initially went to his younger brother, and was inherited by David on his death.)

fermes of Aberdeen, Crail, and Forfar,¹ and, after 1391,
 100 marks from the Aberdeen customs.² Then, in 1397,
 following a tailzie made some years earlier, he inherited
 from his cousin James the headship of the family of Lindsay
 and the main family estates, notably the baronies of Crawford
 (Lanark), Alyth (Perth), and Kirkmichael (Dumfries), plus
 another annuity of 100 marks.³ It was this inheritance which
 finally placed him among the leading magnates of the country,
 and a year later he was created earl.

Judging by the example of David Lindsay, the possession
 of ten or eleven baronies can roughly be equated to that of
 an earldom or 'territorial lordship'. If this is so, then
 two other barons can be placed in the middle group:

James Douglas of Dalkeith (whose estate, including eleven
 baronies, is examined later⁴), and James Douglas of Balvenie.
 The latter (lived c.1375-1443) was the younger son of the third
 earl of Douglas.⁵ His lands, which were mostly held from
 his brother the fourth earl, made up a very sizeable estate
 in the north: they included Balvenie in Mortlach barony
 (Banff), together with the baronies of Aberdour, Rattray
 (Aberdeen), Bonharm (Banff), Petty (Moray), Avoch, Brachlie,
 Edinrdovar, and Strathearn (Inverness).⁶ In the south, he
 had the castle and at least part of the barony of Abercorn
 (West Lothian),⁷ and also, probably before 1424, the barony

1. Great Seal, i, nos. 497, 498, 648; Exch. Rolls, iii, 126-639 passim.

2. Great Seal, i, nos. 811, 812; Exch. Rolls, iii, 251-629 passim.

3. Great Seal, i, no. 763; Exch. Rolls, iii, 411-625 passim.

4. See below, pp. 240-55.

5. Scots Peerage, iii, 172-3.

6. Great Seal, ii, nos. 43, 49.

7. Ibid., ii, no. 38; Fraser, Douglas, iii, no. 299.

of Strathaven (Lanark).¹ As with David Lindsay, this was an estate worthy of an earl; James Douglas did in fact become earl of Avandale in 1437.²

Although many of the other 'greater barons' were also important politically, when the extent of their estates is considered David Lindsay and the two James Douglases seem to have been exceptional. The rest of the 'greater barons', therefore, together with the Gordons lords of Strathbogie and the Stewarts lords of Lorne, can be taken as constituting the third group within the early Stewart higher nobility. As was shown in the last section of Chapter I, it is impossible to be certain about the names of all the nobles who should be placed in this group; an indication of the barons who can most reasonably be thought of as higher nobility is given in Table III, above.³ Similarly, the group's size is uncertain, although it would have contained more than half the higher nobility of the period; between 20 and 25 nobles at a time is probably the best estimate.⁴

Within this third group, the highest social status would have belonged to the Keiths, hereditary marischals of Scotland, and to the Hays, hereditary constables.⁵ At the beginning of the early Stewart period, William Keith (died 1410) held six baronies: Keith (Midlothian), Aboyne, Aden (Aberdeen), Strachan (Kincardine), Covington (Lanark), and Touchfraser (Stirling); he also had four davochs of land in Strathbogie, and the forest of Kintore in Aberdeenshire.⁶

1. Great Seal, ii, no. 40.

2. Handbk. Brit. Chron., p. 469.

3. See above, p. 37.

4. Cf. above, p. 38.

5. Scots Peerage, vi, 35-9; iii, 561-3.

6. Great Seal, i, nos. 86, 123, 213, 500, 884, 892, 893; app. i, no. 47; app. ii, no. 1362; Lord Saltoun, Frasers, i, 81; Exch. Rolls, i, 582; iii, 162.

In 1393 he acquired the barony and castle of Dunnottar (Kincardine) from William Lindsay of Byres, in exchange for his land of Struthers in Fife; Aboyne and Touchfraser, on the other hand, were alienated in 1407.¹ William's son Robert already possessed the barony of Troup (Banff)² when he inherited the Keith lands in 1410, so that at the end of the period he had six baronies and some other quite substantial pieces of land. In 1371 Thomas Hay (died 1406) had the three baronies of Errol, Caputh (Perth), and Slains (Aberdeen).³ These all went to his son William (died 1436) who added to them by buying the barony of Cowie from William Fraser of Philorth in 1413.⁴ The Keiths and the Hays are typical of the magnates in this group. So too are the Setons,⁵ whose lands included the baronies of Seton, Tranent, 'the Barns' (Haddington), and Winchburgh (Linlithgow):⁶ and the Grahams,⁷ who had the thanages of Kinabber and Old Montrose (Forfar)⁸ and the baronies of Dundaff (Stirling)⁹ and 'Malarnock' (Dumfries),¹⁰ together with several other pieces¹¹

1. Great Seal, i, app. ii, no. 1684; HistMSS.Comm., 3rd report, app. pp. 405, 409.

2. Great Seal, i, nos. 892, 893.

3. Ibid., i, no. 939; Scots Peerage, vi, 39.

4. Great Seal, i, no. 602; app. ii, nos. 762, 1296, 1674, 1841.

5. Lord Saltoun, Frasers, ii, nos. 7, 8.

6. Scots Peerage, viii, 571-4.

7. Great Seal, i, nos. 56, 436; app. i, nos. 42-5; app. ii, nos. 677, 1671; ii, no. 42. They probably were superiors of Elphinstone barony (Hdtn) as well (MS. Regesta Robert I, nos. 190, 191; W. Fraser, The Elphinstone Family Book (Edinburgh, 1897), i, 15.).

8. Scots Peerage, vi, 211-20.

9. Fraser, Southesk, ii, nos. 33, 34; Act. Parl., i, 536; HistMSS.Comm., 2nd report, app., p. 167, no. 24. Kinabber was held as a barony; perhaps Old Montrose was as well.

10. Ibid., 2nd report, app., p. 166, no. 4; Morton Reg., ii, no. 109; Great Seal, ii, no. 169. Dundaff was initially held of the earls of March, and was held in chief after 1400.

11. Ibid., ii, no. 168. 'Malarnock' was acquired in 1416.

of land in Perthshire and Stirlingshire.¹ Similarly, the
 Abernethies² had the baronies of Rothiemay (Banff), Redie
 (Forfar) and Plenderleith (Roxburgh), and the land of Saltoun
 in East Lothian;³ the Campbells,⁴ steadily amassing
 territory in Argyllshire, had five baronies (Lochawe,
 Craignish, Melfort, Upper Cowal, and Kilmun), along with
 Glenorchy and other lands.⁵

Most, but not all, of the magnates in this section of
 the higher nobility had similar estates. One exception is
 the family of Eglinton-Montgomery. Hugh Eglinton (died 1376)⁶
 only had one barony, Ardrossan (Ayr).⁷ The rest of his
 lands consisted of: Eglinton⁸ (probably the parish of that
 name), and Giffen in Kyle Stewart,⁹ both in Ayrshire;
 Allirton in Kilbride barony, Lanarkshire;¹⁰ Lochliboside in
 Renfrew;¹¹ Ormdale in Cowal, Argyllshire;¹² Cambusbarron,
 Inverallan, and Shiphauch in Stirlingshire;¹³ Bonnington,
 Cotraw, Norton, and Westhall, in Ratho barony, Midlothian;¹⁴
 and all the land forfeited by Michael Lardener.¹⁵ The only
 substantial territory in this list is Eglinton; the others

1. See, e.g., Great Seal, ii, nos. 165-9; Hist.MSS.Comm., 2nd report, app., pp. 166-7.

2. Scots Peerage, vii, 405-7.

3. Lord Saltoun, Fraser, ii, no. 54; Aberdeen-Banff Antiquities, ii, 227; Cal.Doc.Scot., iii, no. 1661; Great Seal, ii, no. 800.

4. Scots Peerage, i, 326-331.

5. Hist.MSS.Comm., 4th report, app., p. 473, nos. 1, 5; p. 476, nos. 45-9; p. 477, nos. 55-7.

6. Exch.Rolls, ii, 520.

7. Great Seal, i, nos. 51, 616; W.Fraser, Memorials of the Montgomerie Earls of Eglinton (Edinburgh, 1859), i, 15-17.

8. Ibid.

9. Great Seal, i, no. 536.

10. Ibid., i, no. 534.

11. Ibid., i, no. 606.

12. Scot.Rec.Off., MS. Register House Charters, RH6/166; Fraser, Eglinton, ii, no. 5.

13. Great Seal, i, no. 616.

14. Ibid., i, no. 544.

15. Ibid., i, no. 468.

are very small, and even when taken together with Eglinton and Ardrossan would hardly add up to an estate comparable in size to those of most of the other 'greater barons'.

Hugh Eglinton, however, has been included among the higher nobility because of his political importance, not the size of his possessions. His links with Robert Stewart were very close; from 1366 on he was the baillie of Cunningham;¹ most of his grants of land came from Robert, both before and after 1371; and in 1363 he married Robert's half-sister Egidia Stewart.² After Robert became king, Hugh Eglinton was probably one of the men closest to the crown: he was a member of the secret council in 1371,³ witnessed many of Robert II's charters,⁴ and was an auditor of the Exchequer.⁵ He was one of the few people outside the royal family to whom Robert II granted any land,⁶ and he also, in 1374, received a gift of 700 marks.⁷ Eglinton's heir was his son-in-law John Montgomery (died 1401) of Eaglesham, in Renfrew. He added the Eglinton inheritance to his own lands to form what later became the basis of the earldom of Eglinton.⁸ He and more especially his son, another John Montgomery (died 1427x1429) were also prominent figures in early Stewart Scotland;⁹ and their lands appear by 1423 to have been worth roughly the same as those of the other

1. Fraser, Eglinton, ii, no. 8 (1).

2. Scots Peerage, i, 15; ix, 80.

3. Act. Parl., i, 547.

4. Up to the end of 1376 there are 63 charters of Robert II surviving with witness lists; Hugh Eglinton witnessed 30 of them (MS. Regesta 1371-1424).

5. Exch. Rolls, ii, 385-497, passim.

6. MS. Regesta 1371-1424, passim; the only other significant non-royal recipient of grants was John Lyon of Glamis.

7. Exch. Rolls, ii, 463, 500; Fraser, Eglinton, ii, no. 15.

8. Scots Peerage, iii, 427-8, 502; HistMSS.Comm., 10th report, app. i, pp. 8-9, nos. 9, 10, 12-14; p. 24, no. 66.

9. Scots Peerage, iii, 427-31.

'greater barons'.¹ Nevertheless they still held just the
one barony of Ardrossan.²

The case of the Eglinton-Montgomery family shows that it is impossible to lay down any hard-and-fast rules about either the size of the 'greater barons'' estates or the preponderance of baronies in them. However, this family is probably an exception. Most of the other nobles who can fairly be thought of as 'greater barons' in this period held between three and six baronies each,³ together with other lesser pieces of land. This gives a rough means of comparing these barons' estates with those of the magnates in the other two groups. David Lindsay of Glenesk, James Douglas of Balvenie, and James Douglas of Dalkeith, all had about ten or a dozen baronies, and these, it has been argued, formed estates approximately equivalent to those of the earls and 'territorial lords'. It may therefore be suggested that magnates in the second group had about two to three times as much land as those in the third group. Further, it seems likely that the dukes of Albany, earls of Carrick, and earls of Douglas, in the first group, had about two to three times as much again. These ratios, of course, are only suggested very tentatively; they are derived chiefly from a brief examination of the major pieces of land held by the various nobles. But imprecise as they are, they do help to indicate the relative size of magnate estates, and, consequently, the probable power-relationships within the higher nobility in early Stewart Scotland.

1. They were assessed at 700 marks a year for James I's ransom (*Rot.Scot.*, ii, 242; cf. above, pp. 29-32).

2. Cf. *Hist.MSS.Comm.*, 10th report, app. i, p. 24, no. 66.

3. See above, pp. 28-9.

One further point may be considered here. In late medieval England, the top ranks of the nobility became steadily thinner, but equally steadily the wealth of the individual nobles increased.¹ Can the same process be found in early Stewart Scotland? With respect to the first group within the higher nobility, it can: the numbers of magnates in it fell from three to two with the death of the duke of Rothesay in 1402, while the dukes of Albany and earls of Douglas significantly increased their possessions and resources.² Among the other groups, there are two other spectacular examples of this tendency: Archibald Douglas lord of Galloway and Bothwell, and subsequently earl of Douglas,³ and David Lindsay of Glenesk, earl of Crawford.⁴ But these two magnates apart, it is doubtful whether the tendency is exhibited so clearly within either the second or the third group of nobility. In the second group, the number of earls and lords of earldoms at any one time increased noticeably during the period,⁵ while the number of 'territorial lords'

1. McFarlane, Nobility, pp. 15, 16; Holmes, Higher Nobility, p. 40.

2. See above, pp. 212-7. David duke of Rothesay's brother and heir James has not been counted here, because of his minority, captivity, and accession to the throne.

3. To his own lordship of Galloway he added first the inheritances of the Murrays of Bothwell and the Murrays of Drumsergart (through his wife), and then the major part of the inheritance of the earls of Douglas (through a tailzie of the Douglas lands). See above, pp. 212-3.

4. He had his father's lands (including part of the old Abernethy inheritance), his own acquisitions, and the estate of his cousin James Lindsay of Crawford (inherited through a tailzie of the Lindsay of Crawford lands.) See above, pp. 223-4, and Scots Peerage, iii, 10-16.

5. It increased spasmodically but quite steadily from 6 to 10; see below, Appendix I, 'Earls and Earldoms 1371-1424', pp. 343-5.

and 'greater barons' remained just about static.¹ Slightly more territory was probably in the hands of the magnates in this group at the end of the period than at the beginning, but this is chiefly accounted for by the rise in the number of earls. There is no fixed list of members for the third group, and so it is more difficult to examine. The only guide is given by the figures in Table I, 'Possession of Baronies', above: in both 1371 and 1424 the 'greater barons' (here taken to be those with three or more baronies apiece) made up 17% of the total baronage, and held 43% of the baronies.² Table I includes the possessions of David Lindsay of Glenesk, James Douglas of Balvenie, and James Douglas of Dalkeith, who have been placed in the middle, not the third, group. When they are omitted, the figures are 18 barons (14%) having 73 baronies (34%) in 1371, and 20 barons (15%) having 79 baronies (34%) in 1424. Thus on this reckoning the number of 'greater barons' and of their baronies both increased slightly, but hardly to any significant extent. Taking the higher nobility as a whole, therefore, between 1371 and 1424 it does not seem to have followed the late-medieval English pattern. Apart from Albany, the Douglasses, and David Lindsay, there is little evidence of 'the rich [getting] richer as they got fewer'.³ However, the early Stewart period is a relatively short one, just 54 years; a proper comparison of the Scottish and English nobilities in this respect would have to cover the whole of the late middle ages.

1. Isles and Douglas of Dalkeith, throughout the period; Badenoch and Galloway at the beginning; Lindsay of Glenesk in the middle; Nithsdale and Douglas of Balvenie towards the end. See above, pp. 23-5.

2. See above, p. 28.

3. McFarlane, op.cit., p. 16.

SECTION 3: THE STRATHEARN AND DALKEITH ESTATES

Two estates, both from the middle group, can be studied in more detail: the earldom of Strathearn, and the lands of James Douglas of Dalkeith. In the early Stewart period Strathearn was held first by David Stewart (earl 1371-1386x1389), the fourth surviving son of Robert II, then by his daughter Euphemia (d. 1415) and her husband Patrick¹ Graham (d. 1413), and finally by their son Malise Graham. Throughout the period it was a regality; in recognition of this, David Stewart, Euphemia Graham, and Patrick Graham all styled themselves earl or countess 'palatine'.² From about 1377 on David Stewart also had the title earl of Caithness, and probably held about a quarter of the land of that earldom;³ his daughter Euphemia resigned it in 1401.⁴ Earl David's lands were completed by the baronies of Urquhart (Inverness) and Lochleven (Kinross),⁵ neither of which were⁶ passed on to his successors.

Strathearn is typical of the old 'territorial' earldoms;⁷ its lands, which are depicted in Map VII, 'The Earldom of Strathearn',⁸ lay in southern Perthshire, and consist of the upper valleys of the rivers Earn, Almond, and Allan. They covered 16 parishes, from Balquhiddy in the west to Fowlis

1. Handbk. Brit. Chron., pp. 489-90. This is wrong in saying Earl David died 1382x1389; he lived until at least the end of 1385 (Edinburgh University Library, MS. Maitland Thomson Photos, no. 53; cf. Act. Parl. i, 553).

2. E.g. Great Seal, i, no. 634; Hist. MSS. Comm., 7th report, app., pp. 705-6, no. 16; Fraser, Menteith, ii, 276, no. 48.

3. Scots Peerage, ii, 319-22; Great Seal, i, no. 614.

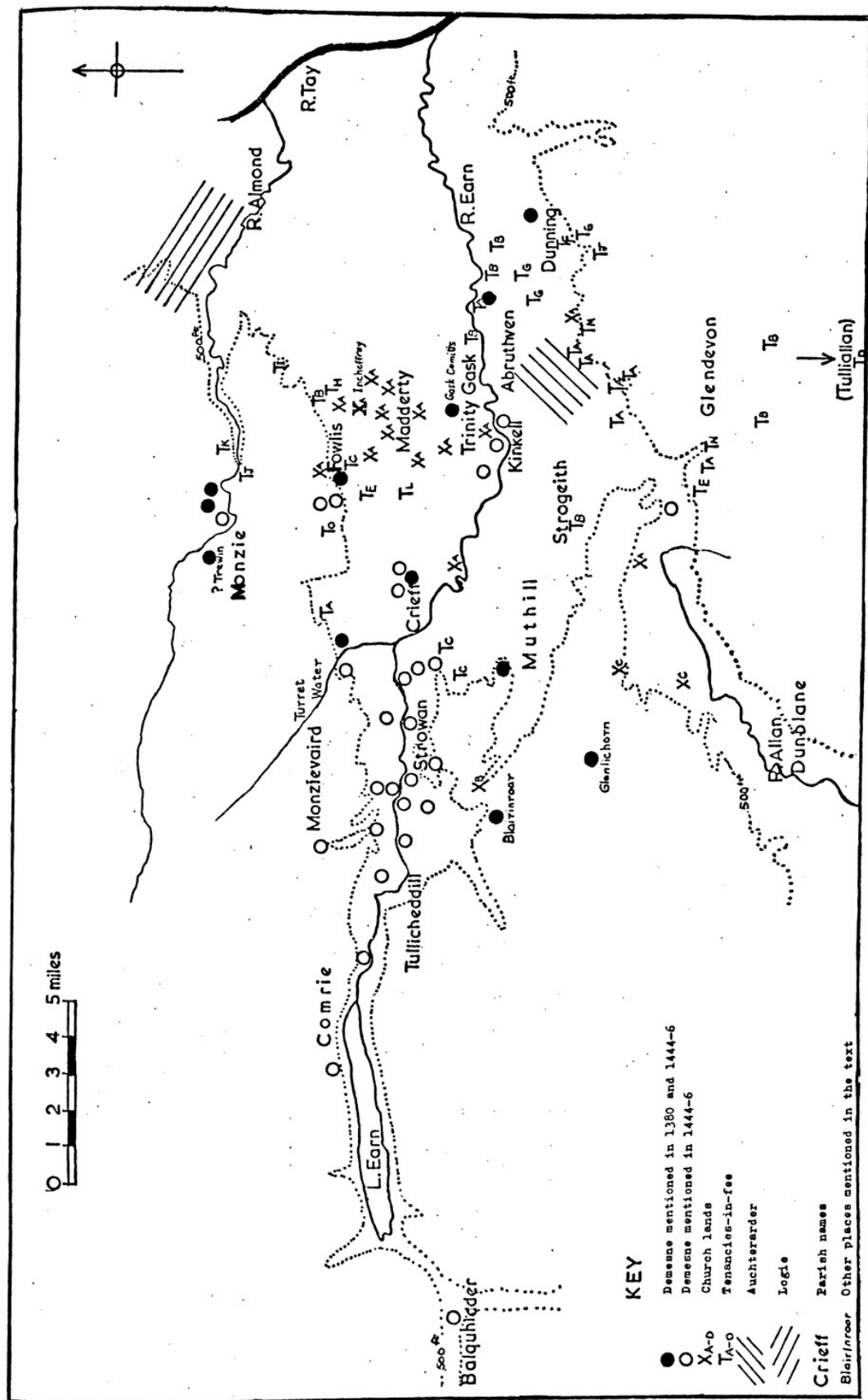
4. Handbk. Brit. Chron., p. 492.

5. Great Seal, i, nos. 537, 441; Scot. Rec. Off., MS. Morton, GD150/14, 1.

6. Act. Parl., i, 553; Aberdeen-Banff Antiquities, iv, 181-2; Great Seal, i, no. 796.

7. Cf. above, pp. 42-4.

8. On the following page.



MAP VII. THE EARLDOM OF STRATHEARN

Wester, Trinity Gask, and Dunning in the east.¹ But the earldom was not quite a neat geographical unit; it included as well one detached portion, the parish of Tulliallan, on the north shore of the Firth of Forth, between Clackmannan and Culross, about 20 miles away from the rest of the earldom.² Also, within the main area of the earldom there was the parish and barony of Auchterarder, which was never part of the earldom.³ And the land of Logy (now Logiealmond), to the north of the river Almond, was detached from the earldom in 1366 and erected into a separate barony.⁴

Auchterarder and Logie apart, all the territory within the boundaries of the earldom was possessed by the earls of Strathearn. It falls into the usual three categories of demesne, land held in fee by under-tenants, and land held by the Church. There were four ecclesiastical landlords in the earldom. The most important was Inchaffray abbey, founded by an earl of Strathearn and endowed by both earls and tenants of the earldom. Most of its lands lay within a radius of four miles from the abbey, in the parishes of Fowlis Wester, Madderty, and Trinity Gask.⁵ Next is Dunblane cathedral. Dunblane's charters have not survived, and it can only be shown to have held one small piece of land in Strathearn;⁶

1. The old parishes of Balquhiddier, Comrie, Tullicheddill (now in Comrie), Monzievaird, Strowan (now combined with Monzievaird), Muthill, Crieff, Monzie, Fowlis Wester, Madderty, Trinity Gask, Strogeith (now Blackford), Kinkell (now in Trinity Gask), Abruthven (now Aberruthven), Dunning, and Glendevon.

2. Fraser, Douglas, iii, no. 358; Great Seal, ii, no. 1644.

3. Lindores Cartulary, nos. XXII, XXIII; Scot.Rec.Off., MS. Drummond, GD160/17/2.

4. Fraser, Grandtully, i, no. 74*.

5. Charters ... relating to the Abbey of Inchaffray, ed. W.A. Lindsay, etc. (Scot.Hist.Soc., 1st ser., lvi, 1908), pp. 316-23. (Shown on Map VII as X_A.)

6. The land of Culloch, in Muthill parish (ibid., no. XCIX). (Map VII, X_B).

but it was closely associated with the earls of Strathearn, and if the parish of Dunblane was within the earldom may be assumed to have held it from the earls.¹ The other ecclesiastical landlords were the abbeys of Lindores and Culross,² both having small territories in the earldom.

In the early Stewart period, 15 tenancies-in-fee³ of the earldom can be identified.⁴ Most of them were very small, just one or two pieces of land; the only ones of any size were those held by the Grahams of Kincardine,⁵ the Murrays of Tullibardine,⁶ and the Drummonds of Concraig,⁷ together with the detached land of Tulliallan.⁸ As Map VII shows, they were all confined to the eastern half of the earldom; within this, however, they generally consisted of scattered

1. Cf. Inchaffray Charters, pp. xxxi-xxxiv, lvi; Lindores Cartulary, p. xxxviii.

2. Ibid., nos. XXV-XXVII; Great Seal, i, no. 825. (Map VII, Xc and Xp respectively.)

3. I.e. lands held in fee by under-tenants; the term is used to avoid confusion with tenancies in the demesne for which rent was paid.

4. These were lands held by: (A) Graham of Kincardine (Hist. MSS. Comm., 2nd report, app., pp. 166-7; Fraser, Menteith, ii, 283, 292); (B) Murray of Tullibardine (Hist. MSS. Comm., 7th report, app., pp. 705-7); (C) Drummond of Concraig (ibid., pp. 705-6; Fraser, Menteith, ii, 249; Scots Peerage, vii, 31-2); (D) Earls of Douglas/Edmonstone of that ilk (Fraser, Douglas, iii, nos. 346, 358); (E) Murray of Abercainey (Hist. MSS. Comm., 3rd report, app., p. 416); (F) Crombie of Pitcairns (ibid., 7th report, app., p. 706, no. 18); (G) Rollo of Duncrub (ibid., 3rd report, app., p. 406); (H) Gorthy of Gorthy (Inchaffray Charters, pp. lxxxi-lxxxii); (I) Douglas of Dalkeith/Douglas of Lugton (Morton Reg., ii, nos. 78, 95, 147); (J) Stewart ? of Rosyth (Fraser, Menteith, ii, 271); (K) Mowbray of Dalmeny (Hist. MSS. Comm., 7th report, app., p. 706); (L) Stirling of Keir (ibid., 10th report, app. i, p. 62, no. 4); (M) Sempill of Eliotstoun (Glasgow Reg., i, p. 275); (N) Maxwell of Pollok (Fraser, Pollok, i, nos. 11, 12); (O) Durie of that ilk (Inchaffray Charters, no. XCVI, and pp. lxxii, 288). These are marked on Map VII as T_A to T_O respectively.

5. Kincardine (in Stroeith) and 8 other pieces of land.

6. Tullibardine (in Stroeith) and 7 other pieces of land.

7. Concraig (in Muthill) and 6 other pieces of land.

8. Held by the earls of Douglas (probably as part of the Murray of Drumsergart lands (cf. above, p. 213); Maurice Murray of Drumsergart was earl of Strathearn 1344-6 (Scots Peerage, viii, 255-7).

lands, displaying no geographical coherence at all. Only six of the tenancies were held by men whose estates were situated entirely or mainly in Strathearn;¹ the rest belonged to lords who may be described as outsiders. Among the latter were three families from the higher nobility: the earls of Douglas,² the Douglasses of Dalkeith,³ and the Grahams of Kincardine. Most of these tenancies were established before 1371; the only ones to be created during the early Stewart period were Duncrub (in Dunning) for John Rollo in 1381,⁴ and Buchanty (in Fowlis Wester) for Robert Stewart of Rosyth in 1385.⁵ In this period few grants were made to existing tenants either; the only ones recorded are two to the Grahams of Kincardine,⁶ made by Earl Patrick (a cadet of that family) and his wife. It is unclear how most of these tenancies were held, but at least three of them were in blench farm.⁷ The Murrays of Tullibardine, on the other hand, held by military tenure but also had to render the pre-feudal levy known as 'cain' to the earls.⁸

The earls' demesne can be examined through the 1380

1. Murray of Tullibardine, Drummond of Concraig, Murray of Abercainey, Crombie of Pitcairns, Rollo of Duncrub, and Gorthy of Gorthy.

2. Holding Tulliallan (see above, p. 234, note 2, and p. 235, note 4); in 1402 it was granted to John Edmonstone of that ilk, and later it may have been resigned in Edmonstone's favour to the earl of Strathearn by the earl of Douglas (Fraser, Douglas, iii, no. 358).

3. James Douglas held Keillour (in Fowlis Wester) until 1375, when he resigned it to the earl in favour of his brother Henry Douglas of Lugton (Morton Reg., ii, nos. 78, 95, 147).

4. Hist.MSS.Comm., 3rd report, app., p. 406; Great Seal, i, no. 634.

5. Fraser, Menteith, ii, 271, no. 45.

6. Hist.MSS.Comm., 2nd report, app., p. 167, no. 29; Fraser, Menteith, ii, 283, no. 51.

7. Those held by Graham of Kincardine (ibid., ii, 292, no. 56), Douglas of Lugton (Morton Reg., ii, no. 147), and Maxwell of Pollok (Fraser, Pollok, i, nos. 11, 12).

8. Great Seal, i, no. 825; for 'cain' see Regesta Malcolm IV, p. 53.

¹
 account roll, together with some rentals from the mid-
 fifteenth century, when Strathearn was held in the crown's
²
 hands. Almost all the demesne was tacked, that is leased,
 in 1380, but some land round Fowlis was directly cultivated.
 Three famuli and four servants were employed on it, probably
 under the supervision of a 'granger'.³ Expenses for the
 year 1379-80 came to just under £18, but there is no indic-
⁴
 ation of what profit was gained. The rest of the demesne
 was divided into four sections: the shire of Dunning,
 accounted for by Cristinus Clerk, its mair; the shires of
 Fowlis and Crieff, accounted for by their mair John son of
 Gregory; the lands of Gask Comit⁵is, Trewin,⁶ Blairinroar,⁷
⁸
 and Glenlichorn, where the rents were levied by Maurice
⁹
 Drummond of Concraig, the steward of the earldom; and the
 land to the west of the Turret water, that is to the west of
 Crieff, where Ewen son of Donald was the receiver of the
¹⁰
 farms. The rental of Dunning was worth £53,¹¹ that of
 Crieff and Fowlis £72; the rents delivered by Maurice
 Drummond were £31, those delivered by Ewen son of Donald
¹²
 £117. The total value of the Strathearn demesne in 1380,
 therefore, was £273.

1. Exch. Rolls, iii, 33-8.

2. Ibid., v, 171-2, 202-4, 247-8.

3. Adam Tod, 'granagius' (ibid., iii, 35).

4. Ibid.

5. In Trinity Gask parish.

6. 'Treden' in the 1380 account; it may be 'Trewin' in the 1444-6 rentals, and this may be somewhere in Glenalmond, because later Dallich, in Glenalmond, was in Trewin barony (Retours, Perth, no. 255).

7. In Muthill parish.

8. In Muthill parish.

9. Exch. Rolls, iii, 33-4; cf. Fraser, Menteith, ii, 276, no. 48.

10. This territory is probably what was meant in the phrase 'receptorem firmarum acque de Toret' (Exch. Rolls, iii, 36).

11. These sums are given to the nearest £.

12. Ibid., iii, 33-6.

A rental was referred to in 1380, but no details of it were given; the only places in the demesne to be mentioned were those to which special circumstances applied. Rentals have survived, however, from 1441¹ onwards, and those from 1444 to 1446 have been examined. There is quite a close correspondence between these rentals and the 1380 account roll, and it is unlikely that the demesne changed much in the intervening years. The rentals give a list of some 50 place-names, of which about three-quarters have been identified and marked on Map VII. This shows the location of the demesne clearly. The earldom divides into western and eastern parts. The majority of the places named in the rentals are in the west, in the Highland parishes of Balquhiddier, Comrie, Tullicheddill, Monzievaird, and Strowan, but none of the tenancies-in-fee or church lands is in these parishes. In the twelve eastern parishes, on the other hand, demesne, tenancies, and church lands are intermingled. The four western parishes can be equated with the land to the west of Glen Turret in the 1380 account, where the rents were £117 out of £273, or 43% of the total. In the 1446 rental (the fullest one examined), the total rents for the earldom came to £381, of which the parishes of Balquhiddier, Comrie, Tullicheddill, Monzievaird, and Strowan contributed £202, which is 53% of the total.² Thus out of the 17 parishes in the earldom, the earls probably derived about half their rents from the five most westerly, Highland, ones; all the land which was not held in demesne, on the other hand, lay in the remaining

1. Exch. Rolls, v, 171-2, 202-4, 247-8.

2. Ibid., v, 247-8. Although the names of the parishes are not given in the rentals, the holdings are listed in a fairly clear geographical order, and enough of them have been identified to permit this calculation.

twelve easterly parishes.

The division of the earldom into western and eastern parts is also apparent in the administrative organisation revealed by the 1380 account roll. In the west, which was all demesne and had no tenancies-in-fee, the earls' local officer was a receiver, whose duties presumably were chiefly to do with collecting rents. In the east, however, there were two mairs, one for Dunning and one for Crieff and Fowlis. Mair was the term used of a general executive officer, and his tasks usually extended beyond rent collection to police duties, assistance with courts, and giving sasine to those who held land in fee.¹ Above both receiver and mairs there was the steward of the earldom, an office which Earl David granted heritably to Malcolm Drummond of Concraig.² He would have been responsible for running the regality court of the earldom, and also for its general administration; in 1380, too, some of the rents were paid directly to him. Finally, the earl's chief financial officer was his secretary John Rollo. Rollo received most of the revenue of the earldom from its collectors, used it to pay both the standing expenses and the occasional ones, and passed the rest on either to Earl David himself or to his servant William Herwart.³ As secretary, John Rollo would probably also have run the regality's chapel, or chancery, which issued its own

1. Dickinson, Fife, pp. lxii-lxvi. However, precepts of sasine were addressed in 1402 to the steward or mair of fee of Strathearn (Hist.MSS.Comm., 7th report, app., p. 706, no. 18; a mair of fee had a heritable office, and was entitled to certain fees), and in 1424 to Alexander Loutfute, mair of Strathearn (Fraser, Menteith, ii, 292, no. 56).

2. Ibid., ii, 276, no. 48.

3. Exch.Rolls, iii, 35-8; for Rollo, who was an Edinburgh burgess, see Scots Peerage, vii, 181-2.

briefes and dealt with retours of land in the earldom.¹

The Douglas of Dalkeith estate was very different from the earldom of Strathearn. Instead of occupying a clearly-defined geographical area, it consisted of 33 units of land scattered fairly evenly over southern Scotland. Table VIII and Map VIII, both called 'The Douglas of Dalkeith Estate', list these units and give their location. As the map shows, their greatest concentration was in Lothian and Peeblesshire, where there were 14 units, including five baronies, within a 25-mile radius. The focal point of the estate was clearly Dalkeith. About half the surviving documents issued by James Douglas were dated there,⁴ and none of the rest were dated at places held by him. Out of the 33 units of land, James Douglas held only 13 of the crown,⁵ but these included seven of his eleven baronies, and so represent nearer a half than a third of his estate. The proportion increased later, as first 'Hawthornsyke' in Abercorn barony,⁶ and then Morton barony, Mordington barony, and Whittinghame, came to be held of the crown in chief.⁷ The other lands were held of 14 different superiors, including the earls of Fife, Douglas, March, and Strathearn, the Steward, the lord of Galloway, Lindsay of Crawford, Graham of Kincardine, and Fleming of Biggar.⁸

There were eleven baronies in the 33 units of land. A

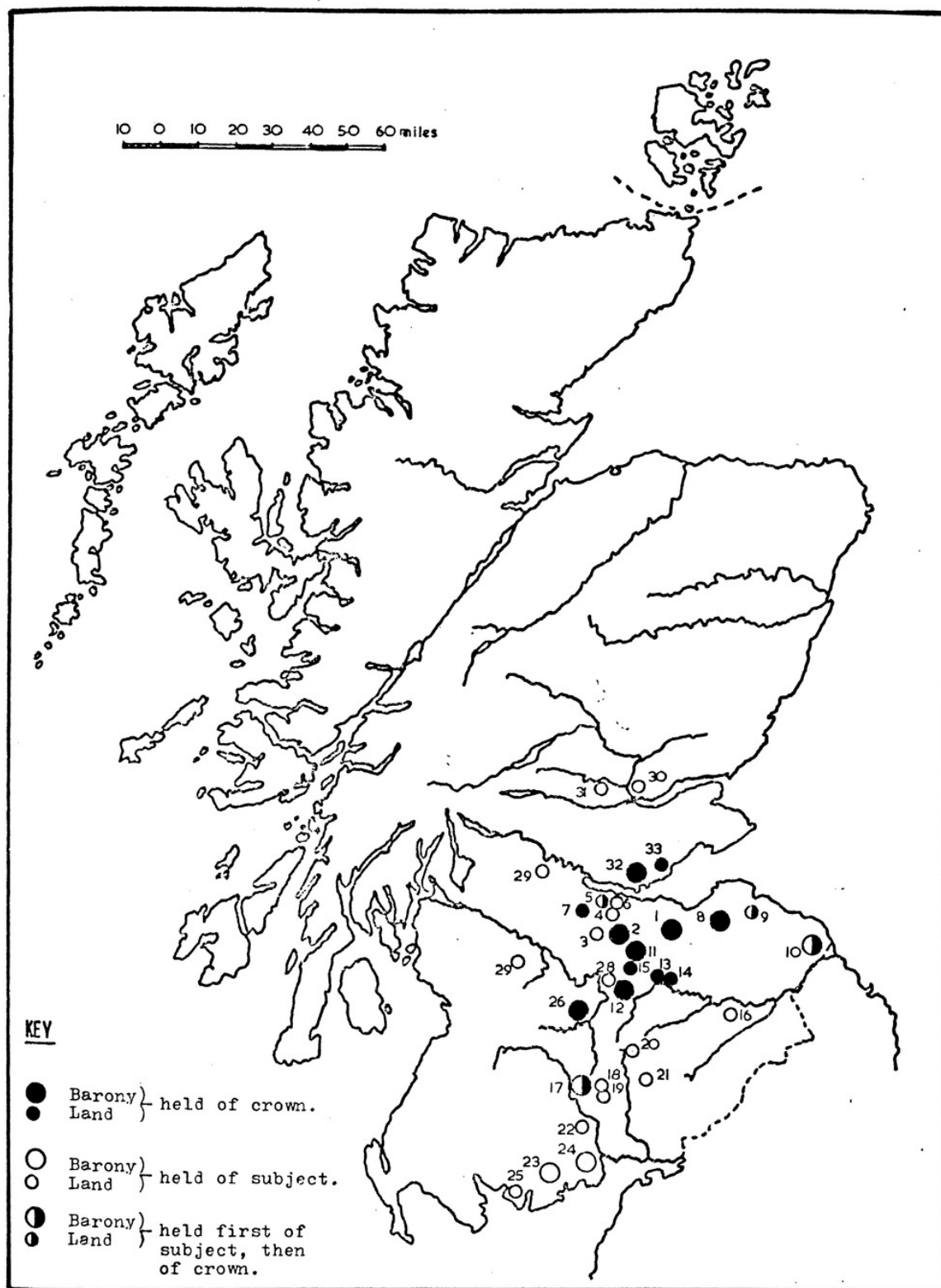
1. See above, p. 114, and Fraser, Menteith, ii, 276, no. 56.
2. I.e. granted in a single charter and held as a single tenancy; they might include several separate pieces of land.
3. On the following two pages.
4. See below, Appendix III, 'Noble Charters', pp. 403-4 : List C, nos. 2, 4, 5, 6, 8, 9, 10, 12, 15, 16, 17, 20, 24, 25, 26, 27, 32, 34, 35.
5. See Table VIII, nos. 1, 2, 7, 8, 11, 12, 13, 14, 15, 22, 26, 32, 33.
6. Morton Reg., ii, nos. 202-7; cf. above, p. 195.
7. Great Seal, ii, no. 993; cf. above, p. 51.
8. See Table VIII, nos. 3, 4, 6, 16, 18, 19, 20, 21, 23, 24, 25, 27, 28, 29, 30, 31.

TABLE VIII. THE DOUGLAS OF DALKEITH ESTATE (A)

Baronies held by James Douglas are given in capital letters; lands held in regality by him are underlined.

Land	Barony	Shire	Superior	Tenants-in-fee	Value
1. <u>DALKEITH</u>	DALKEITH	Edbr.	Crown	Part: James Douglas jun., from 1387	
2. <u>CALDERCLERE</u>	CALDERCLERE	Ltgw.	Crown		
3. <u>Dechnont</u> , <u>Howden</u>	West Calder	Ltgw.	E.Fife		
4. <u>Bonnington</u> , <u>Drumcross</u> , <u>Barns</u> , etc.	Bathgate	Ltgw.	Steward	Part: (a) Robert Clerk, until 1373; (b) Andrew Ormiston; (c) John Livingstone	
5. <u>'Hawthornsyke'</u>	Abercorn	Ltgw.	Mure, until 1394, then crown		
6. <u>Newton</u> , <u>Duddingston</u>	Abercorn	Ltgw.	Janet Gourlay (leased)		
7. <u>Heron Isle</u>		Ltgw.	Crown		
8. <u>GARMILTON-</u> <u>DUNNING</u>	GARMILTON- DUNNING	Hdtn.	Crown	? All: David son of Peter, from 1380	
9. <u>Whittinghame</u>	Edom. March	Hdtn.	E.March until 1400, then crown		
10. <u>MORDINGTON</u>	MORDINGTON	Bwck.	E.March until 1400, then crown		£16
11. <u>LINTON-</u> <u>RODERICK</u>	LINTON- RODERICK	Pbls.	Crown	Part: (a) Graham of Kincardine; (b) Pacock of Whitefield; (c) Fraser of Lovat / Forrester of Corstorphine; (d) James Douglas of Robertson, from 1411	£23
12. <u>KILBUCHO</u>	KILBUCHO	Pbls.	Crown	Part (a) Thriepland / Andrew son of John; (b) Normaville / Hay of Errol (temporarily); (c) Janet Graham, until 1390	£92
13. <u>Esshiels</u>		Pbls.	Crown		£20
14. <u>'Qwyllt'</u> , <u>'Fethane'</u>		Pbls.	Crown	All: Chapel in Dalkeith church, from 1377	£10
15. <u>Lochurd</u>	Kirkurd	Pbls.	Crown	All: Chapel in Dalkeith castle, from 1384	£ 8
16. <u>Alanroule</u>		Rxbr.	Egidia, 2nd wife		
17. <u>MORTON</u>	MORTON	Dmfs.	E.March until 1400, then crown		£51
18. <u>Garvald</u> , <u>'Dafoble'</u>	Kirkmichael	Dmfs.	? Lindsay of Crawford		£35
19. <u>Crunzeanton</u> , <u>'Molyn'</u> , etc.	Kirkmichael	Dmfs.	? Lindsay of Crawford		£20
20. <u>Moffat</u> , <u>Grandton</u> , etc.	Annandale	Dmfs.	E.March / E.Douglas		£24
21. <u>Hutton-sub-</u> <u>Mora</u>	Annandale	Dmfs.	E.March / E.Douglas	Part: John and William Caldecots	
22. <u>'Auchentrib'</u> , <u>'Dalruscan'</u> , <u>'Robertmore'</u>		Dmfs.	Crown		
23. <u>BUITTLE</u>	BUITTLE	Gway.	E.Douglas	Part (40 marklands): James Douglas jun., from 1393	£71
24. <u>PRESTON</u>	PRESTON	Gway.	E.Douglas	All: James Douglas jun., from 1393	£23
25. <u>Borgue</u>	Galloway	Gway.	Lord of Galloway	? All: William Douglas, brother	
26. <u>ROBERTON</u>	ROBERTON	Lnrk.	Crown	Part (20 marklands): William Cresswell for life, from 1372	
27. <u>'Cothragwell'</u>	Kilbride	Lnrk.	Stewart of Kilbride	All: Henry Douglas of Lugton, from c. 1375	
28. <u>Edmonstone</u>	Biggar	Lnrk.	Fleming of Biggar		
29. <u>Dundauffhill</u>	Dundauff	Stlg.	Graham of Kincardine		
30. <u>'Gannachy'</u> , <u>'Petculane'</u> , etc.	Kinnoull	Prth.	Erskine of Kinnoull	All: William Douglas, son, from 1401	£33
31. <u>Keillour</u> (until 1375)	Edom. of Strathearn	Prth.	E.Strathearn		
32. <u>ABERDOUR</u>	ABERDOUR	Fife	Crown		£34
33. <u>Woodfield</u> , <u>Tyry</u> , etc.		Fife	Crown		£19

This table is based on Morton Reg., ii, passim.



MAP VIII. THE DOUGLAS OF DALKEITH ESTATE (B)

The numbers on the map correspond to those of the units of land in Table VIII.

means of assessing the significance of these baronies in relation to the whole estate is given by the rental which has survived from the years 1376-8.¹ This rental deals with seven baronies and nine other units of land in James Douglas's permanent estate.² Their value came to £483 a year.³ The rents from the baronies ranged from £92 down to £16; their total value was £307, giving an average of £44 a barony. The largest amount of rent from the other pieces of land was £35, and the smallest £6; with these the total value was £169 and the average £16. If the respective average figures are applied to the whole of James Douglas's estate, they give a total of some £484 for the eleven baronies, and £352 for the 22 other units of land. This is a crude calculation, but it serves to indicate that not only were James Douglas's baronies much more valuable individually than the ordinary pieces of land, but also that the revenues from all his baronies would have amounted to well over half (probably about 60%) of his income from land. Moreover the profits from the barony and regality courts are also likely to have been substantial.⁴

The way in which the Douglas of Dalkeith estate was built up is unusual, because it seems largely to have been acquired by purchase. This was done not by James Douglas himself but

1. Morton Reg., i, pp. xlvii-lxvii.

2. See Table VIII, nos. 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 23, 24, 30, 32, 33. It also includes the land of Tibbers (Morton Reg., i, pp. liii-lv). This was granted by the 10th earl of March to John Maitland, husband of his sister Agnes (Hist.MSS.Comm., 15th report, app. viii, p. 32, no. 54), and Agnes subsequently married James Douglas (Scots Peerage, vi, 348), so Tibbers was probably her terce of the Maitland lands (the charter granting it to Maitland shows it was not her jointure).

3. The sums are to the nearest £. The values of the individual units of land are given in Table VIII, above, p. 241. Tibbers was worth another £20.

4. Cf. above, p. 133, and below, p. 260.

by his uncle William Douglas of Liddesdale (d. 1353).¹

William Douglas inherited very little, did not gain anything by marriage, and received nothing from the crown except the earldom of Atholl, which he exchanged with Robert Stewart for the lordship of Liddesdale.² The majority of his lands were granted him by their previous owners, some by resignation to the crown but most by subinfeudation; these may probably be regarded as purchases made by William Douglas.³ James

Douglas received much of his uncle's lands in three stages: he was granted Aberdour barony in 1351,⁴ inherited Dalkeith and Kilbucho baronies under the terms of a tailzie made by his uncle,⁵ and gained Calderclere, Linton, Robertson, Buittle, and Preston baronies together with several other pieces of land following the death without children of Mary, William Douglas's only child.⁶ This accounts for 17 out of the 33 units of land listed in Table VIII,⁷ including eight of James Douglas's eleven baronies. The rest he acquired himself.⁸ On his first marriage, to a daughter of the earl of March, he had from the earl the lands of Mordington barony and Whittinghame,⁹ and, as his wife's terce from a previous

1. Scots Peerage, vi, 339-42.

2. Ibid., vi, 340-1; this was a substantial grant, but Liddesdale did not go to James Douglas, and so it has not been counted here.

3. Ibid., vi, 339-42, gives a good summary of his acquisitions. It is impossible to say whether they came to him through grants for his martial prowess, as the Scots Peerage states, or more prosaically through purchase; the latter seems more likely in most cases.

4. Morton Reg., ii, no. 71.

5. Ibid., ii, no. 70.

6. Scots Peerage, vi, 342, 345 (she was a much more substantial heiress than is implied there); cf. Morton Reg., ii, nos. 83, 89.

7. See above, p. 241, Table VIII, nos. 1, 2, 3, 4, 11, 12, 13, 15, 18, 20, 22, 23, 24, 26, 28, 30, 32.

8. It is uncertain how nos. 5, 6, 14, and 25 were acquired.

9. Morton Reg., ii, nos. 131, 132.

marriage, the lands of the barony of Tibbers;¹ on his second, to Robert II's half-sister Egidia, she herself granted him Alanroule, in Roxburghshire,² and he enjoyed revenues from the terces of her previous two marriages.³ From the crown, in the person of David II, he was given Garmilondunning barony, Dundaffhill in Stirlingshire, four pieces of land in Kirkmichael barony, Dumfriesshire, and three pieces of land in Fife.⁴ Robert earl of Strathearn granted him Keillour in Strathearn,⁵ and he bought Hutton-sub-Mora in Annandale for £40 in 1374⁶ and the 'Heron isle' in loch Lithgow in 1379.⁷ He received no land from the crown after 1371, but what he did obtain, between 1378 and 1386, was the privilege of regality over the major part of his estate, and at the same time the right to hold it in blench farm.⁸ After 1407 he also held Buittle and Preston baronies and the land of Borgue, in Galloway, in regality and blench farm, of the earl of Douglas.⁹

Having thus acquired and inherited one of the largest baronial estates in the country, James Douglas clearly set out to make the most of it. His business-like policy over the feudal incidents has already been described: he induced other lords to relax the incidents which he owed to them, but at the same time was careful to insist on his own right to

1. See above, p. 243, note 2.
2. Morton Reg., ii, nos. 166, 167.
3. To James Lindsay of Crawford (d. c. 1358), and Hugh Eglinton of Ardrossan (Scots Peerage, i, 15). For references to the terces from these marriages, see Exch. Rolls, iii, Index, sub nomine James Douglas of Dalkeith; Morton Reg., ii, no. 170; Scot. Rec. Off., MS. Register House Charters, RH6/197.
4. Morton Reg., ii, nos. 73, 81, 74-6, 91.
5. Ibid., ii, no. 78.
6. Ibid., ii, nos. 143, 144.
7. Ibid., ii, no. 168.
8. Ibid., ii, nos. 164, 165, 174, 177; cf. above, pp. 119, 121. The lands held in regality are marked in Table VIII, above, p. 241.
9. Morton Reg., ii, no. 215.

incidents from tenants, and, unlike many other landlords,¹ did not grant any land in blench farm. He has been considered a generous benefactor to the Church,² and his wills include numerous bequests to it,³ but in his lifetime his generosity appears rather restricted. The church of St. Nicholas in Dalkeith received most attention; he founded chaplaincies there in 1372 and 1377, and erected it into a collegiate church with six chaplaincies in 1406.⁴ In addition he established a chaplaincy in the chapel of Dalkeith castle in 1384, set up a hospital for the poor in Dalkeith in 1396, and gave or more probably sold five acres in Linlithgow to the Carmelites of Linlithgow to build a convent.⁵ These benefactions were endowed chiefly from his property in Peebles, and cost him his lands of Lochurd, 'Qwylt', and 'Fethane' (worth £18 a year⁶) and about £40 a year in annuities from other lands.⁷ The grants he made to laymen, apart from members of his own family, were even more limited. There are only two possible cases of his granting land which he held himself: ten librates in Drumcross, in Bathgate barony, to Andrew Ormiston for life, and the land of Garmiltondunning, near Haddington, to David son of Peter, a burgess of

1. See above, pp. 195-7.

2. E.g. in Scots Peerage, vi, 346-7, and Nicholson, Scotland, p. 271.

3. Morton Reg., ii, nos. 193, 196.

4. Ibid., ii, nos. 125, 151, 278.

5. Ibid., ii, nos. 176, 208, 210-11.

6. Their value in the 1376-8 rental (ibid., i, pp. xlvii, li); but, while 'Qwylt' and 'Fethane' were worth £10, his charter (ibid., ii, no. 151) stated they should pay just two marks.

7. These were mostly annual rents held by James Douglas, and are not included in the total of his income from land.

Haddington.¹ The latter grant was 'probably a sale.'² Possibly more characteristic of him are two other grants he made of land which was already held of him by an under-tenant. In 1377 he paid Alice Thriepland £5 to resign Thriepland, in Kilbucho barony, to him, and then gave it to Andrew son of John for 'homage and bodily service'; Alice however retained the profits of the land for life.³ Similarly, in 1378 Robert Normaville agreed to resign Flemington, also in Kilbucho, in return for eight marks a year; the recipient of Flemington is not known, but it may have been Thomas Hay the constable.⁴ Another example of the kind of bargain James Douglas struck is the apparently rather one-sided exchange he made with William Dalziel of Elyok in 1388: he leased his land of 'Bychows' which had come to him through his second marriage, to Dalziel for six marks a year, and in return received Dalziel's land of 'Balybucht' in Morton barony for nothing.⁵

With respect to his family, James Douglas's record was mixed. Family-consciousness is exhibited in the tailzies which he set up for about half his estate. Dalkeith was tailzied on the heirs-male of his body, with remainder first to his nearest heir-male with the surname Douglas, and then to his heirs-general; Calderclere, Kilbucho, Linton, and Preston, to the heirs-male of his body and then to his four brothers and their heirs-male in turn, with reversion to his

1. Morton Reg., ii, nos. 149, 169; both charters are recorded only in royal confirmations, and full details of them are not given.

2. James Douglas was given Garmiltondunning in 1360 following its escheat from its previous lord (ibid., ii, no. 73); he himself therefore held the land, and is unlikely to have granted it out before 1379.

3. Ibid., ii, nos. 146, 150.

4. Ibid., ii, nos. 159, 160.

5. Ibid., ii, no. 185.

heirs-general; and Mordington and Whittinghame to the heirs of the body of himself and Agnes Dunbar.¹ During his lifetime three of his four sons and two of his brothers received grants of land from him. He made his only recorded resignation of land, of Keillour in Strathearn, to his brother Henry Douglas of Lugton in 1375, and also granted him Cothragwell in Kilbride barony by subinfeudation.² Another brother, William, got Borgue in Galloway in 1371.³ His younger legitimate son, William, was given his lands in Kinnoull barony in 1401,⁴ and his elder illegitimate son James Douglas of Robertson received lands in Linton barony in 1413; in the latter case however James Douglas kept the liberetenencium to himself.⁵ His eldest son James was given Dalkeith castle and toun, together with Cowden in Dalkeith barony, in 1387,⁶ and also the lands of Preston barony and about a third of Buittle barony in 1393;⁷ in these grants the courts and the homage and incidents due from tenancies-in-fee were reserved to James Douglas senior. A charter of Robert III confirmed the grant of Dalkeith castle and toun, together with 'quinque centum marcatis terre'.⁸ If this whole grant was in fact made, it was a very extensive one indeed, more than a third of James Douglas's estate; there is no record of what this land was, nor how it was to be held.⁹ Otherwise James Douglas's

1. Morton Reg., ii, nos. 97, 139, 140, 131, 132.

2. Ibid., ii, nos. 147, 147, 217.

3. Scots Peerage, vi, 343.

4. Morton Reg., ii, no. 212.

5. Ibid., ii, no. 218.

6. Ibid., ii, no. 199.

7. Ibid., ii, no. 201.

8. Ibid., ii, no. 198; Great Seal, i, no. 840.

9. Such a grant has several parallels (cf. above, pp. 204-6); if it was made, then James Douglas senior would almost certainly have retained the liberetenencium to himself, as he did with Buittle and Preston.

grants to his family were not very large, and the reservations to himself in them seem characteristic of him. His daughters were well looked after; the contracts he made with their prospective husbands provided them with substantial jointures.¹ His elder legitimate daughter's marriage-portion² was £400 or £20 a year,³ her younger sister's, about £200. However, in his will he left his younger daughter a gold circlet worth 40 marks, in payment of 'illius summe pecunie marito ipsius Jacoba per me debita pro maritagio ejusdem.'⁴ This points to a harsher side of his dealings with his family. It is also indicated by the complaint made in 1401 to the duke of Rothesay by the widow of Henry Douglas of Lugton, that James Douglas (who had the wardship of her son) was not allowing her to have her terce from her husband's lands.⁵ Moreover, the only bequest to his second wife in his will was a jewelled clasp which she had given him, 'dum tamen de Jocalibus ulterius non querat aut calumpniat.'⁶

The tenancies known to have been held in fee of James Douglas by under-tenants are noted in Table VIII.⁷ These

1. Morton Reg., ii, nos. 172; i, p. xxxviii; ii, no. 124.
2. Ibid., ii, nos. 172, 173.
3. Ibid., i, p. xxxviii; he promised to pay the Old Extent assessment (cf. below pp. 258-60) of all the lands held by the husband (John Hamilton of Cadzow) in demesne, together with half the assessment of the lands held by ward and relief, in a lump sum of 100 marks and then 50 marks a year until it was paid. The estimation of the Hamilton estate for James I's ransom in 1424 was 500 marks (Cal.Doc.Scot., iv, no. 952); James Douglas is unlikely to have paid so much, but the terms of payment suggest it would have been at least 200 marks.
4. Morton Reg., ii, no. 193 (p. 172).
5. Act.Parl., i, 582.
6. Morton Reg., ii, no. 193 (p. 174).
7. See above, p. 241.

are not numerous, and even although the list of them is far from complete ¹ it seems unlikely that tenancies-in-fee accounted for very much of James Douglas's estate. Most of it was probably held in demesne. ² The 1376-8 rental shows that as with Strathearn the great majority of the demesne was tacked or leased out. One hundred and twenty-four holdings are listed from the eight ³ baronies and nine other pieces of land; only five were 'in manu domini' (three probably only temporarily), ⁴ and with three others the lord had the option of taking them to his own use. ⁵ In almost every case the rents were for cash, although from Kilbucho two sheep, two pigs, and 18 hens were due, and from Aberdour four chalders of oats, 16 bolls of barley, four sheep, and 24 hens. ⁶ Four days service had to be performed for each of nine cottar-holdings in Kilbucho; ⁷ otherwise there is no mention of labour-service. Two of the tenants had their holdings on condition that they built houses. ⁸ All the tacks, with eleven exceptions, were for one year apiece; of the exceptions, five were for two, five for three, and one for four years, ⁹ and with most of these the annual rent went up each year. ¹⁰ About half the holdings were tacked to individuals, the rest to

1. E.g. there were no known tenancies in Buittle or Preston, yet James Douglas senior reserved the homage and incidents from the tenants of these baronies to himself when granting them to his son (Morton Reg., ii, no. 201).

2. Ibid., i, pp. xlvii-lxvii. Unfortunately this rental, while spanning three years, only deals with one year's rents.

3. I.e. including Tibbers (cf. above, p. 243 note 2).

4. Morton Reg., i, pp. 1, lv, lxii, lxvi.

5. Ibid., i, pp. liv, lvi.

6. Ibid., i, pp. xlviii-l, lxiii-lxv.

7. Ibid., i, pp. xlvii-xlviii.

8. Ibid., i, pp. li, lxiv.

9. Ibid., i, pp. li, liii, lv, lvi, lvii, lix, lx, lxiii, lxv, lxvi.

10. E.g. £1.6s.8d., £1.12s.0d., £1.16s.0d. (ibid., i, p. liii).

combinations of up to ten tenants. Most of the tenants had just one holding or one share of a holding each, but some had more: in Buittle barony Gilbert son of Gilbert paid £8 13s. 0d. rent for two holdings of his own and a share of three others, and he also held the mill.¹ The rents varied from a few shillings up to the £16 which Patrick Paxton paid for the whole demesne of Mordington barony.² In all, rents from 238 tenants are recorded in the rental; 39 tenants paid less than £1, 185 paid between £1 and £5, 11 paid between £5 and £10, and three paid more than £10. The average rent was just under £2 per tenant. The total value to James Douglas of the lands and baronies recorded in this rental was £503; these lands were probably just over half his whole estate.

Most of the rental consists simply of lists of places, names, and sums of money. But there are a few passages dealing with holdings to which special circumstances applied, and these give some indication of the economic conditions of the time. There are a few cases of tacks for more than a year, and in most of these the rents went up.³ But the rises were in the order of 20% to 35% over three or four years; it is extremely unlikely that these reflect any general trend in rents in this period. Much more probably, these are examples of what were later called 'improving leases', where an initially low rent was set. A better indication of the movement of rents is given by some other passages. In Morton, Thomas Morton did not surrender the mill of Morton on the expiry of his lease, and therefore had to pay the same as in

1. Morton Reg., i, pp. lviii-lxi.

2. Ibid., i, p. lxiii; this tack was for 3 years, and the rent rose to £17.6s.8d., and £18.13s.4d.

3. See above, p. 250, notes 9-10.

the previous year.¹ Similarly, several other tenants had to pay the old rents, either because they had not appeared to surrender their lands or because they could not find pledges that they would pay their rent.² The implication is that it was a disadvantage to have to pay the old rent, or in other words that the new rent was lower. Two more passages illustrate the landlord-tenant relationship. Martin McCubyne had some land in Kirkmichael barony at the old rent, 'quam tenentes dicunt esse viiili. et dominus x li.'; the total of £8 was eventually agreed on.³ Patrick McRe's rent for 'Auchnacht' in Tibbers was 6s. 8d., but 'more if he can be asked for more.'⁴ These passages suggest that the rents were not fixed simply by the landlord and his officers, but represented a compromise between landlord and tenant. If James Douglas's tenants were like the Scottish peasants encountered by the French knights and their servants in 1385,⁵ they are likely to have been able to stand up for themselves. In general, conditions for tenants were probably quite favourable.⁶ The years in which the rental was drawn up come

1. Morton Reg., i, p. lvii.

2. Ibid., i, pp. liii, liv, lv, lxii.

3. Ibid., i, p. lviii.

4. Ibid., i, p. lv; he was quite wealthy, having two other holdings for a rent of £4.7s.4d. (p. lvi), so perhaps he had taken over 'Auchnacht' from a previous, poorer, tenant.

5. Some of the 1385 expeditionary force to Scotland sent their servants out to forage; these were attacked by the local peasantry, and some of them killed (Jean Froissart, Chroniques, ed. S. Luce, etc. (Société de l'Histoire de France, 1869-1967, in progress), xi, 217, 254.

6. The short leases meant insecurity of tenure (Nicholson, Scotland, p. 261), but this is unlikely to have been such a problem as in the later 15th and 16th centuries (Grant, Social and Economic Development, pp. 254-6). Entry-fines, or grassums, are unlikely to have been the reason behind the short leases; only one grassum is mentioned in the rental, and it is a sum of only £2, for land that was tacked at £20 (Morton Reg., i, pp. lii, xlix). Later, grassums were much heavier (Grant, op. cit., pp. 255-6).

in the middle of the late-medieval demographic slump.

Scotland was hit by the Black Death,¹ so the economic situation there is likely to have been broadly similar to that of the rest of western Europe. In most areas of western Europe at this time, the widespread leasing of the demesne was common, and so were short-term leases; but the level of rents was declining, and landlords were experiencing some difficulty in finding tenants for their lands.² The Douglas of Dalkeith rental appears to exhibit all these features. However, it is an isolated survival; in the absence of any comparable evidence it is impossible to reach any general conclusions about the state of Scottish agriculture.³

Very little information is available about the administration of James Douglas's estate. It would have been run from Dalkeith; the place-dates of the documents issued by James Douglas indicate that he stayed mainly there or in Edinburgh, and did not travel round his possessions.⁴ The creation of regalities brought some formal organisation to the estate. Two separate regalities were erected in 1377, and three more in 1382.⁵ They were then combined into two large regalities in 1386, classified according to tenure.⁶ All the lands which James Douglas held of the crown (including land in Bathgate, held of the Stewards of Scotland) was erected into the barony and regality of Dalkeith; most of the land held of subject-

1. Scotichronicon, ii, 347; perhaps the attack was less severe than elsewhere (Nicholson, Scotland, pp. 148-9)

2. Duby, Rural Economy, pp. 312-31; Holmes, Higher Nobility, pp. 90-2, 114-20; M. McKisack, The Fourteenth Century (Oxford, 1959), pp. 331-41.

3. Cf. below, pp. 258-63, for some other comments on this subject.

4. See above, p. 240.

5. Morton Reg., ii, nos. 164, 165, 174.

6. Ibid., ii, no. 177.

superiors was erected into the barony and regality of Morton.¹ James Douglas clearly used the institutions of these large baronies and regalities to introduce some centralisation into his estate. His son James Douglas of Robertson was granted lands 'olim jacentes in baronia de Lyntone et modo in baronia de Dalkethe', for which three suits of court to Dalkeith and attendance 'ad duo itinera nostra justiciarie singulis annis ibidem tenenda'² was required. Adam Forrester had to render suit to the justiciar ayre at Dalkeith for his lands in Linton too;³ despite its name, this justiciar ayre was a central court, not a peripatetic one.⁴ Centralisation is also indicated in the 'uniform policy'⁵ of estate management revealed by the 1376-8 rental, where all the units,⁶ including Tibbers which was only temporarily in the estate,⁷ were dealt with in the same way. However the rents and holdings must obviously have been arranged locally, by the lord's local officials.⁸ In most estates, the main local officials, and the links between local and central administrations, were the baillies; they had charge of all legal and economic affairs.⁹ The only known official of the Douglas

1. The lands of these regalities are marked in Table VIII, above, p. 241.

2. Morton Reg., ii, no. 218.

3. Ibid., ii, no. 180.

4. As the government's justiciar ayre still was.

5. Nicholson, Scotland, p. 261.

6. With the one exception of Mordington, where the whole demesne was tacked to one person (Morton Reg., i, p. lxiii).

7. See above, p. 243.

8. Careful examination of the actual rent roll (Scot.Rec.Off., MS.Morton, GD150/41) would be worth while; the answers to questions such as how is it constructed, and is it all in the same handwriting, would shed some more light on the administration of the estate.

9. In noble estates, the term baillie is more common than mair (cf. above, p. 239); see Dickinson, Carnwath, pp. lxxviii-lxxxi, and for a list of a baillie's duties, Great Seal, ii, no. 369.

of Dalkeith estate is William Monypenny, baillie of Dalkeith¹ in 1421² and probably for many years before that. It is uncertain whether he was baillie of the original barony of Dalkeith or of the large regality and barony of Dalkeith created in 1386.³ But all baronies had baillies,⁴ and so, probably, did any other substantial pieces of land.⁵ It seems most likely, therefore, that James Douglas would have had baillies for at least the larger units of land in his estate. Often, like William Monypenny,⁶ baillies belonged to the lesser nobility.⁷ No doubt their day-to-day functions were carried out by deputies or by subordinate officers,⁸ who would have lived on the lands for which they were responsible.

It is difficult to say how typical the Strathearn and Douglas of Dalkeith estates were. In their different ways, they both had more unity than the majority of estates in this period. Strathearn was one of the last earldoms to keep its 'territorial' or 'provincial' character.⁹ The Douglas of

1. Scot.Rec.Off., MS. Edmonstone of Duntreath, GD97/2/4.

2. He witnessed most of James Douglas's charters after 1384 (Appendix III, below, pp. 403-4 : List C, nos. 9,10,11,12, 27,32) and also his two wills (Morton Reg., ii, nos. 193, 196).

3. He appears as baillie in respect to land in Dalkeith itself.

4. Dickinson, Carnwath, pp. lxxviii-lxxxi; for baillies in the individual baronies and lordships in the earldom of Douglas see Appendix III, below, pp. 401-2 : List B, nos. 4, 5,15,30,34,51,79.

5. E.g. Tulliallan, in Strathearn, held by the earls of Douglas: Scot.Rec.Off., MS. Erskine of Cardross, GD15/334, 335.

6. Who was the second son of Thomas Monypenny of Pitmillie, the husband of James Douglas's granddaughter, and the father of the first Lord Monypenny (Scots Peerage, vi, 276, 350).

7. The Douglas baillies (above, note 4) included William Maitland, William Lindsay, John Mortimer, James Gledstanes, and William Gledstanes, all from noble families. Some baillies were greater men: Hugh Eglinton was baillie of Cunningham, John Montgomery, baillie of Kilbride (Fraser, Eglinton, ii, nos. 8 (1), 29).

8. Dickinson, Carnwath, pp. lxxxv-lxxxvii; Grant, Social and Economic Development, pp. 296-8.

9. See above, pp. 42-8.

Dalkeith estate, in contrast, was one of the first of the scattered baronial estates where most of the individual components were united into large baronies and regalities.¹ Also, the attitude of James Douglas of Dalkeith to his estate was possibly more consistent and business-like than that of many of his contemporaries. On the other hand, the widespread leasing of the demesne was probably common by this period.² And the high proportion of demesne within the estate is also to be found in the territorial lordship of Liddesdale and in the baronies of Staplegorton and Westerkirk (in Dumfriesshire), for which surveys dating apparently³ from the middle of the fourteenth century have survived. Moreover, the other magnate estates probably had the same kind of very simple administrative systems. They would all have been run from the centre by the lord and his council,⁴ and in the localities by various baillies, mairs, and subordinate officials.⁵ Yet simple or rudimentary as these organisations were, they were probably efficient enough. In England, K.B.McFarlane wrote, 'if the inheritances of the Anglo-Norman lords had been compact baronies or counties confined to one area their government might have presented few difficulties and called for little in the way of a trained administrative personnel.'⁶ Early medieval

1. See above, pp. 179-80.

2. B.Webster, Scotland from the Eleventh Century to 1603 (Sources of History, 1975), p. 84.

3. The demesne was 85% of the total extent of Liddesdale, 56% of Staplegorton, and 40% of Westerkirk (Morton Reg., i, pp. lxviii-lxxiv).

4. Cf. below, pp. 326-7.

5. Cf. Dickinson, Carnwath, pp. lxxviii-lxxxvii; Grant, op.cit., pp. 296-8.

6. McFarlane, Nobility, p. 138; cf. Stenton, First Century, pp. 65-7.

Scotland did have comparatively compact baronies and earldoms; because of this, even as late as the fourteenth and early fifteenth centuries the relatively uncomplicated nature of the Scottish magnate estates was reflected in the simplicity of their administrative systems.

SECTION 4: MAGNATE FINANCES

The study of magnate finances in early Stewart Scotland is hampered by two major problems. First, the available sources are probably even more exiguous than for any other aspect of early Stewart noble society: with the exception of the earldom of Strathearn account roll and the Douglas of Dalkeith rental, no detailed information about either the revenues or the expenditure of the nobility has survived. Secondly, during the period the currency was debased considerably.¹ Between the 1360s and 1424 the weight of silver in the coinage was reduced by half; this probably resulted in a general inflation of around 100% over the early Stewart period.² These two problems make it extremely difficult to reach any conclusions about magnate finances. Nevertheless, some discussion of them is possible. To begin with, the main sources of revenue available to the higher nobility during the early Stewart period will be reviewed. After that, some tentative figures for magnate incomes will be suggested

1. Despite the debasement, the term 'sterling' was still used in Scotland for some years after 1371, and the change to 'usualis moneta Scocie' was slow and haphazard. Moreover, many references to money have neither term. It has therefore been thought best to give all sums of money as '£.s.d.', 'pounds', and 'marks', rather than '£.s.d. Scots', 'pounds Scots', and 'merks', although the latter terms are strictly speaking more appropriate for the period after 1400.

2. More details are given in the Note 'Scottish Money in the Early Stewart Period', below, pp. 283-4.

and some general comments on their financial position made.

The higher nobility's main source of revenue was their land. There is little direct evidence about the form which this revenue took. One minor noble, Alexander Home of Dunglass, had fields sown with his own grain to the value of £136.16s.8d. as late as 1424.¹ But it is likely that the higher nobility, with their wider, more scattered, estates, had leased out the majority of their demesnes before then. This was the case with the Strathearn and Douglas of Dalkeith estates,² and it is also indicated by many references in charters to annuities or pensions payable from the revenues or rents of certain pieces of land.³

Evidence about what was happening to rents from land in the period is chiefly to be found in the Old Extent and True Value assessments. Old Extent was a valuation of the whole country for various fiscal purposes made in the thirteenth century; True Value was the current valuation.⁴ A country-wide survey recording both figures was carried out in 1366,⁵ and records of the assessments for individual pieces of land are contained in the retours which have survived from the period. The Old Extent of the 21 sheriffdoms for which complete returns were made⁶ came to £44,856, but their True Value was only £23,106. Thus in 1366 land valuations were only half those of the thirteenth century. This decline is

1. Hist.MSS.Comm., 12th report, app. viii, p. 87.

2. See above, pp. 237, 250.

3. E.g. Great Seal, i, nos. 454, 722, 819, 877-80, 890, 897; Fraser, Douglas, iii, nos. 31, 371; Hist.MSS.Comm., 4th report, app. p. 494, no. 7; Mar and Kellie suppl. report, p. 15.

4. T.Thomson, Memorial on Old Extent, ed. J.D.Mackie (Stair Soc., x, 1946), pp. 143-50, 216-7.

5. Act.Parl., i, 499-501.

6. In Argyllshire the True Value returns are not complete.

paralleled in most other countries of western Europe, and much of it can be attributed to the general economic situation, especially the population fall resulting from the Black Death.¹

After 1366, the relationship between current valuations and Old Extent changed, with the valuations given in retours coming steadily closer to the Old Extent figures. One territory worth £4 Old Extent was valued at £2.3s.4d. in 1398 and at £3.1s.8d. in 1413; in another, the Old Extent was £10, and the valuations in 1400 and 1418 were £5.6s.8d. and £6.12s.4d.² Several other early Stewart retours give the current value as the same as the Old Extent; the earliest which has been found is that of 'Cothragwell' in Kilbride barony (Lanarkshire) in 1409.³ Valuations of land roughly doubled, therefore, between 1366 and 1424. But against this must be set the halving of the weight of the coinage over the same period, and the ensuing inflation.⁴ It is possible that the rise in valuations may be entirely explained by currency debasement, and that in 1424 land values in real terms were no higher than in 1371, and well below those of the thirteenth century. However, the reduction in the weight of the coinage was no greater than the rise in the valuations. Thus no matter what significance is attached to the currency debasement, it seems certain that the valuations did not fall any lower than the 1366 levels, even if they are expressed in

1. Cf. Duby, Rural Economy, pp. 312-31; Holmes, Higher Nobility, p. 114.

2. Aberdeen Reg., i, 201-2, 214-5, 202-3, 217 (cited in Thomson, Old Extent, p. 222).

3. Morton Reg., ii, no. 217; also Hist.MSS.Comm., 4th report, app., p. 506, no. 118; Fraser, Carlaverock, ii, 423; Aberdeen Reg., i, 218; and H.McKechnie, 'Early Land Valuations', Jurid.Rev., xlii (1930), 73-4.

4. See below, pp. 283-4, Note; cf. Thomson, Old Extent, pp. 225-6.

amounts of silver. This of course does not mean that noble incomes from land were stable during the early Stewart period. They were subject to two opposing pressures: the demographic slump and agricultural depression, which tended to reduce rents; and the inflation caused by the currency debasement, which would have pushed rents upwards. The result was no doubt great confusion and tension on most estates; the extremely short leases of one year at a time found in the Douglas of Dalkeith rental may well have been seen by both lord and tenants as the only way of dealing with this situation.

The valuations of 1366 and those of the retours presumably reflect the level of rents. It is however unsafe to assume that they show how much a piece of land was actually worth. In a retour dated 1367 for Buittle barony, half Preston barony, and 'Garvalde' and 'Dafoble' in Kirkmichael barony, all inherited by James Douglas of Dalkeith, the Old Extents were £100, £26.13s.4d., and £40¹ respectively, and the current valuations £40, £10, and £20¹. But in 1376-8 the yearly rents of these lands came to £71², £23², and £35², figures which are much closer to the Old Extent rating than to the True Value of 1367³. Also, when James Douglas agreed that his second daughter's marriage-portion should be the value of his future son-in-law's lands, he calculated their value by Old Extent, not by the True Value which would have been less⁴. It therefore seems likely that in the 1370s and 1380s the amounts of rents were rather nearer the Old Extent

1. Morton Reg., ii, no. 83.

2. But it is unclear if the $\frac{1}{2}$ barony of Preston of 1367 corresponds with the Preston of 1376-8.

3. Ibid., i, pp. lvii-lxi.

4. Ibid., i, p. xxxviii.

ratings than the current valuations suggest. In that case, in the 1420s, when the current valuations had risen to be roughly the same as the Old Extent assessments, the sums of money actually being received in rents may well have been considerably higher than either the Old Extents or the current valuations.

Magnates' estates also provided revenue in other ways. Some would have come from the feudal incidents of lands held by under-tenants.¹ Much more, probably, would have been derived from judicial profits, especially from barony and regality courts. There is no way of assessing how much these were worth in early Stewart Scotland. But in estates in fourteenth century England where lords enjoyed similar franchises, judicial profits seem to have come to between 10 and 15% of total revenue from lands;² a similar figure is likely for early Stewart Scotland, except in the regalities, where it may have been higher.

Rents would also have been supplemented from nobles' own flocks and herds. In 1389 the countess of March pastured 1,000 sheep, under two shepherds, at Cockburnspath.³ In 1424 Alexander Home of Dunglass possessed 2,560 sheep and 251 head of cattle.⁴ The wool from his sheep would have filled about nine sacks,⁵ and at a price at that time of around £10 a sack,⁶ would have brought him in about £90. Among the higher nobility, almost 17 sacks of wool belonging to John Lyon of Glamis were exported in 1382;⁷ they would have come

1. See above, pp. 191-7.

2. Holmes, Higher Nobility, pp. 97, 144-7, where the profits of courts, although not given completely, are 14% of the total revenues of the Clare estate in 1334-9. Clare was heavily enfranchised, and in this respect was possibly more like a Scottish magnate estate than a typical English one.

3. Cal.Doc.Scot., iv, no. 392.

4. Hist.MSS.Comm., 12th report, app. viii, p. 87.

5. Taking 280 fleeces to the sack (Exch.Rolls, ii, p. xc).

6. Ibid., iv, 684; cf. below, pp. 283-4, Note.

7. Ibid., iii, 89, 97, 98.

from some 4,750 sheep, and, taking the price of wool then as nearer £4,¹ would have been worth approximately £65.² Thus John Lyon's income from land of around £400 a year would have been supplemented by 15% from his exports of wool. This does not take into account wool belonging to him which was not exported. Indications of other magnates' wool exports are given by remissions of custom recorded in the Exchequer Rolls. In several years between 1394 and 1401 David Lindsay probably exported all his wool free of custom;³ the amounts were between 20 and 30 sacks a year, worth somewhere between £150 and £300, or again roughly 20% of his income from land.⁴ From 1384 to 1388 James second earl of Douglas had the custom on 240 sacks of wool remitted;⁵ the average of 60 sacks a year at £5 a sack gives an annual value of £300 to this wool, which may not have been all that the earl exported. From 1390 on Robert earl of Fife had an allowance of 16 sacks of wool and two lasts of hides free of custom;⁶ his actual exports were more than this for most of the period, for in 1382 the custom of 26 sacks 14 stones of wool and 200 wool-fells was remitted.⁷ Other magnates who had remission of custom on some at least of their wool exports include the fourth earl of Douglas (42½ sacks in 1410), James Douglas of Balvenie (20 sacks in 1405), John Maxwell (eight sacks in

1. See below, pp. 283-4, Note.

2. This was the assessment of the Lyons of Glamis made in 1423 for the purposes of James I's ransom (Rot.Scot., ii, 242, and see below, pp. 272-5).

3. 1394, 1398, 1400, 1401: Exch.Rolls, iii, 385, 435, 522, 536.

4. Taking the 1423 hostage assessment of 1,000 marks sterling for the earl of Crawford (Rot.Scot., ii, 242), and bearing in mind the likely effects of the currency debasement.

5. Exch.Rolls, iii, 117, 150, 189.

6. Ibid., iii, 244, 331, 362, 389, etc.

7. Ibid., iii, 95; however, after 1406 Albany's wool exports do not always come to 16 sacks (ibid., iv, 77, 198, 220, 246, etc.).

1394), and Patrick Graham (six sacks in 1394),¹ while in 1392 the earl of March exported 27 sacks, and in 1397 23,² without paying custom to the custumars of Dunbar. These figures show the amounts of wool which magnates were exporting; it should be remembered that they may well have had other wool which they sold inside Scotland.³ For some nobles at least these wool exports were part of a wider commercial enterprise. In 1405 the earl of Douglas had an English safe-conduct for a ship of his to trade between Scotland, Normandy, and La Rochelle, and in 1408 he had safe-conducts for three ships, trading in England and Flanders.⁴ Other magnates whose ships and merchants are mentioned in English records include the duke of Albany, the earl of Orkney, John Montgomery of Ardrrossan, and Alexander Stewart earl of Mar; the last-named⁵ probably used his ships chiefly for piracy.

In England, while incomes from land remained static or fell between about 1350 and 1450, the nobility made great profits out of the war with France, through booty, ransoms, conquered territories, and the diversion of wages and expenses into their own pockets.⁶ The situation was very different for the Scottish nobility. Money could be made out of Scotland's war with England, but not to the same extent. There was no English territory to be conquered; indeed in the first part of the early Stewart period Scots magnates were chiefly concerned with regaining their own lands in the

1. Exch. Rolls, iv, 130; iii, 618, 342, 347.

2. Ibid., iii, 291, 413.

3. This indicates that despite the probable leasing of much of their demesnes (see above, pp. 256, 258), Scottish magnates did directly exploit some of their lands, by using them for sheep-farming.

4. Cal. Doc. Scot., iv, nos. 697, 764-5.

5. Ibid., iv, nos. 324, 697, 743, 744; Rot. Scot., ii, 134, 193; Balfour-Melville, James I, p. 43; Nicholson, Scotland, pp. 231, 267-8.

6. McFarlane, Nobility, chapter II.

extreme south of Scotland.¹ Moreover, the Scots crown did not pay its armies;² the only magnates who could profit from the war at their own government's expense were those who conducted Border negotiations and March days, for the costs of which quite considerable sums were paid.³ Raiding the north of England did provide large amounts of booty, but Border raiding was a two-way process, and Border nobles who engaged in raids probably had their own lands plundered in retaliation.⁴ There was a similar balance with ransoms; here the Scots nobility did well in the 1380s, especially as a result of Otterburn,⁵ but over all the period they probably paid out much more than they received, because so many leading nobles were captured at Nesbit in 1401⁶ and at Homildon in 1402.⁷ While some individual nobles may have done well out of the warfare with England during the early Stewart period, it is therefore unlikely that the higher nobility as a whole did so. Probably the only certain source of profit stemming from the war was the payments made to some

1. By a settlement of 1369, the English held southern Berwickshire, Teviotdale and other areas of Roxburghshire, and part of Annandale in Dumfriesshire. This was eroded in the 1370s and '80s, and finally overrun by the Scots in 1384 (except for the towns of Berwick, Roxburgh, and Jedburgh) (*Rot.Scot.*, i, 938-9; ii, 29-30, 38-9; *Cal.Doc.Scot.*, iv, nos. 223, 231, 260, 295, 318; *Wyntoun*, vi, 288-9, 298-9; *Scotichronicon*, ii, 397, 400; B.Webster, 'The English Occupation of Dumfriesshire in the Fourteenth Century', *Dumfries-Galloway Trans.*, 3rd. ser., xxxv (1958), 75; J.A.Tuck, 'Richard II and the Border Magnates', *Northern History*, iii (1968), 36).

2. Nicholson, *Scotland*, p. 49.

3. See *Exch.Rolls*, ii-iv, Indices, s.v. 'Marches, Days of'.

4. For Border raiding see Tuck, *art.cit.*, pp. 27-52, esp. 27-33; and D.Hay, 'Booty in Border Warfare', *Dumfries-Galloway Trans.*, 3rd ser., xxxi (1954), 145-66.

5. J.Campbell, 'England, Scotland and the Hundred Years War in the Fourteenth Century', *Europe in the Late Middle Ages*, ed. J.R.Hale, etc. (London, 1965), p. 211; *Cal.Doc.Scot.*, iv, nos. 308, 312, 315, 393, 395, 418, 420, 424.

6. *Scotichronicon*, ii, 433.

7. *Ibid.*, ii, 435; *Cal.Doc.Scot.*, iv, p. 403; *Hist.MSS.Comm.*, 10th report, app. vi, p. 78.

nobles by the French crown. The first earl of Douglas, his son James, Robert Erskine, and Nicholas Erskine of Kinnoull, received pensions and presents in the 1370s,¹ while in 1385 a subsidy of 32,760 gold francs was distributed among 18 nobles, most of them from the higher nobility.²

Warfare in Europe offered more opportunities for enrichment than warfare at home. Many Scots nobles took service abroad, and probably found it very lucrative. Several, including John Swinton later lord of Mar, served in English armies during the 1370s;³ others, including William Douglas lord of Nithsdale, went crusading in Prussia in the 1370s and 1380s.⁴ In 1402 the earl of Crawford entered the service of the duke of Orleans at a fee of 1,000 francs a year;⁵ in 1408 the earl of Mar campaigned in Flanders in the service of the duke of Burgundy.⁶ The fourth earl of Douglas also had a contract with the duke of Burgundy, made in 1413, to bring 4,000 men to the duke's service when required.⁷ In addition, Douglas contracted in 1421 to serve Henry V of England with 400 men in return for £200 a year.⁸ But neither of Douglas's

1. Campbell, *op.cit.*, pp. 207-8.

2. Rymer, *Foedera*, vii, 484. The nobles were the earl of Douglas (7,500 francs), earl of Carrick, lord of Galloway (5,500), earl of March (4,000), earl of Fife (3,000), James Lindsay of Crawford (2,000), the earl of Moray (1,000), William Keith (700), David Lindsay of Glenesk, Thomas Erskine, William Lindsay of Byres, William Cunningham (500), Thomas Hay, Malcolm Drummond (400), Henry Douglas of Lugton, John Johnstone (100), and Henry Preston (60).

3. *Cal.Doc.Scot.*, iv, nos. 217-21, 254.

4. *Hist.MSS.Comm.*, 11th report, app. vi, p. 211, no. 130 (5); *Scotichronicon*, ii, 416; *Rot.Scot.*, ii, 4, 13.

5. *Inventaire chronologique des documents relatifs à l'histoire d'Ecosse conservés aux Archives du royaume à Paris*, ed.

A.Teulet (Abbotsford Club, xiv, 1839) p. 34; Francisque-Michel, *Les Écossais en France, Les Français en Écosse* (Paris, 1862), i, 101-2 (for the amount of the fee).

6. *Wyntoun*, vi, 424-35; R.Vaughan, *John the Fearless* (London, 1966), p. 55.

7. *Ibid.*, p. 260.

8. Rymer, *Foedera*, x, 123-4.

contracts was kept; in fact he died in 1424 at Verneuil fighting for Charles VII of France against the Anglo-Burgundian army.¹ He was then the leader of a 6,000-strong Scottish force which had been sent to France five years earlier under his eldest son the self-styled earl of Wigtown and John Stewart earl of Buchan.² This expedition gave the Scots nobles³ their best chance to profit from the Hundred Years War. However, it is doubtful whether they did so. As allies of the French king they were unable to plunder in the way the English did;⁴ the wages paid by Charles VII were low and irregular;⁵ their victory at Baugé did not bring many ransoms;⁶ and although the leading Scots nobles had been granted wide estates by Charles VII, these were not retained after Verneuil.⁷ In general, therefore, warfare abroad, like warfare at home, cannot be seen as a major source of enrichment for the early Stewart higher nobility as a whole.

1. Scotichronicon, ii, 463.

2. Ibid., ii, 458-9; Nicholson, Scotland, pp. 249-50. Bower's figure of 7,000 troops is largely supported by French evidence (G. du Fresne de Beaucourt, Histoire de Charles VII, vol. i (Paris, 1881), p. 320, note; P. Contamine, Guerre, Etat et Société à la Fin du Moyen Âge (Paris, 1972), p. 254).

3. Apart from Buchan and the Douglasses, mostly lesser nobles or younger sons of magnates, judging by the names given in W. Forbes-Leith, The Scots Men-at-Arms and Life-Guards in France (Edinburgh, 1882), i, 153-6 (which collects most of the chronicle evidence, but must be used with caution), and in Contamine, op.cit., Index, s.v. 'Écossais'.

4. McFarlane, Nobility, pp. 32-34; but they did their best to emulate the English: Beaucourt, op.cit., i, 432-3, and cf. Contamine, op.cit., pp. 247-50.

5. Rymer, Foedera, x, 163; Beaucourt, op.cit., i, 433; and Contamine, op.cit., chapter X, for Charles VII's military finance.

6. McFarlane, Nobility, p. 32.

7. E.g. the duchy of Touraine and the county of Longueville, granted to the earl of Douglas and his son (Scots Peerage, iii, 166-9, 176); the descendants of John Stewart of Darnley kept his seigneuries of Aubigny and Concessault, but settled in France (ibid., v, 346-7).

The final major source of income for the higher nobility consisted of annuities and pensions from the crown.¹ Some of these were granted out of royal revenues from land,² but most of them were paid either out of the customs and burgh farm receipts, or directly by the chamberlain. A few hereditary annuities to nobles had been instituted by Robert I and David II and continued to be paid throughout the period,³ but the great majority of them started after 1371. Robert II granted about 50 annuities, Robert III about 30; most were hereditary in theory,⁴ although not always so in practice. No new annuities can be found after 1406; their creation must have been outside the powers of the dukes of Albany.⁵ Leaving aside payments to the earl of Carrick, duke of Rothesay, and duke of Albany,⁶ the annual amounts paid to laymen in the annuities recorded in the

1. A few great lords also received annuities from other nobles. E.g. Alexander earl of Mar had £40 a year, and Herbert Maxwell 40 marks, from the 4th earl of Douglas; Walter Haliburton had £40 from William Ruthven of that ilk; Walter Ogilvy of Auchterhouse had £20 from David Lindsay of Glenesk; and James Douglas of Dalkeith had 200 marks a year for six years from the 1st earl of Douglas (Hist.MSS.Comm., Mar and Kellie suppl. report, p. 15; Fraser, Carlawerock, ii, no. 22; Great Seal, i, nos. 897, 819; Morton Reg., ii, no. 129).

2. These were usually annual payments due from the person who held the land of the crown, rather than from lands held in demesne by the crown. E.g. the £60 due from Holyrood abbey for Carse (Stirling) was granted to David Fleming of Biggar (Great Seal i, no. 807; see also ibid., i, nos. 519, 533, 547, 757).

3. E.g. 100 marks to the Lindsays of Crawford, £20 to Alexander Cockburn, and £10 to the heirs of Richard son of Ralph (Exch. Rolls, ii-iv, Indices, s.v.).

4. These have been found in the MS. Regesta 1371-1424 material, and in the Exchequer Rolls, vols. ii-iv; see also below, p. 320.

5. Similarly, no grants of land were made after 1406. Thus the main sources of government patronage were cut off. This may help to explain the 'plundering' of the customs which was carried out by several magnates, especially the earl of Douglas, after 1406. Although sums of money were taken illegally from the custumars, the 'plunderers' generally issued receipts. The dukes of Albany turned a blind eye; did they tacitly give their approval, using this as the only means of government patronage available? (For details, see Exch. Rolls, iv, pp. lvii-lxiv.)

6. See above, pp. 216-7.

Exchequer Rolls were as follows: under Robert II, around £550 in the 1370s, rising to around £750 in the early 1380s and to about £1,100 in 1388 and 1389; under Robert III, around £1,000 in the 1390s, rising to about £1,300 after 1402; and under the dukes of Albany, officially between £1,200 and £1,300, falling to about £900 in the 1420s, but with many annuities not being paid in full after 1415. In Robert II's reign, when the crown's annual revenue averaged around £8,000, these sums could easily be afforded, especially after 1377¹ when the payments to England of David II's ransom ceased. But after 1390 the receipts of the customs (the main source of royal revenue) fell to about £5,000 a year under Robert III and to as little as £2,500 in the 1420s.² The annuities thus became a much greater and eventually insupportable burden on the government's finances, although there is no evidence of any serious problems until the last few years of the period.³

By far the largest yearly payments to lay magnates went to the earl of Carrick and dukes of Rothesay and Albany. They had, respectively, at least 500 marks a year, £640 a year, and (after 1406) £1,400 a year.⁴ But these were abnormal, for the most part either salaries for offices or (in Rothesay's case) a settlement to meet household expenses; therefore they have not been included in the general discussion of annuities. The only persons outside the immediate royal circle to receive comparable amounts were William Douglas of Nithsdale, between 1388 and 1390, and Walter

1. Nicholson, Scotland, p. 194. The instalments were 4,000 marks a year.

2. The figures for annuities and revenue have been calculated from Exch. Rolls, ii-iv, passim.

3. Cf. Nicholson, op.cit., pp. 254-5, 258.

4. See above, pp. 216-7.

Haliburton of Dirleton between 1403 and 1421. After he married Robert II's daughter in 1388 William Douglas had annuities totalling £340, but they were discontinued following his death in 1392.¹ Walter Haliburton had his annuity by virtue of his marriage to the duke of Rothesay's widow, who possessed Rothesay's £640 a year in jointure; the whole £640 was never paid to them, but they did get large sums ranging from £79 up to 500 marks, and averaging just under £200 a year.² Apart from these, only six annuities were worth £100 a year or more:³ those paid to Robert Erskine, Thomas Erskine, and their heirs (£100, rising to £153.13s.4d.),⁴ James Douglas, the second earl, and his heirs (200 marks),⁵ the earls of Crawford (£190.13s.4d.),⁶ the fourth earl of Douglas (200 marks),⁷ the tenth earl of March (£100),⁸ and the first Dunbar earl of Moray (£100).⁹ All these annuities were exceptional, however. The great majority of annuities involved sums of less than £50; those recorded each year in the Exchequer Rolls average between £25 and £35. Among these, the smallest paid to magnates were 20 marks, to Duncan

1. See above, p. 222.

2. Exch. Rolls, iii, 591 - iv, 320, passim.

3. In some cases 2 or more separate annuities paid to a single person have been added together.

4. £100 paid from 1373 on, £53.13s.4d. paid after 1380; both went to the same person after 1385 (ibid., ii, 415 - iv, 364, passim).

5. Paid from 1381 on (it was 100 marks 1373-1380). After 1388, 1/3 of it went to his widow and her husband John Edmonstone until 1410; the rest to his sister Isabella countess of Mar and her husband Alexander Stewart earl of Mar (ibid., ii, 364 - iv, 375, passim).

6. See above, pp. 223-4.

7. Paid from 1400 on, ostensibly for being keeper of Edinburgh castle (Exch. Rolls, iii, 515 - iv, 340, passim).

8. Paid 1387-1400 and 1414-1420 (ibid., iii, 203 - iv, 293, passim).

9. Paid 1380-1384 from the Aberdeen customs, and thereafter from customs in Moray, for which accounts are not given in the Exchequer Rolls (ibid., iii, 68, 90, 113).

Wallace (in 1373)¹ and to Robert Stewart of Innermeath (from 1386 to 1391).² Between 1371 and 1424, 41 annuities of 20 marks or over occur in the Exchequer Rolls; of these, some 19 went to men who may certainly or probably be regarded as higher nobles. In addition to the ten annuities already mentioned, there were payments of 100 marks to Murdach Stewart of Fife (after 1393), £40 to Malcolm Drummond (1394-1402), 50 marks to Walter Stewart, later earl of Atholl (1398-1402), 40 marks to William Lindsay of Byres (1392-1420), William Stewart of Jedworth (1390-1401), and John Montgomery of Ardrossan (1391-1399), and £20 to John Swinton lord of Mar (1381-1402), James Douglas II of Dalkeith (after 1403), and Alexander Ogilvy of Auchterhouse (after 1404).³ A few other magnates, like Walter Haliburton, acquired annuities through their wives; Alexander Stewart earl of Mar, for instance, eventually received the second earl of Douglas's 200 marks,⁴ while James Douglas of Dalkeith had a third of the Lindsay of Crawford annuity during his second marriage.⁵ On the other hand, most of the annuities were only paid for parts of the period. It is thus likely that at any one time between a quarter and a third of the early Stewart higher nobility were enjoying annuities from the crown, ranging in size from 20 marks to £340, and averaging £83.

A starting-point for estimating the size of magnate incomes in the early Stewart period is provided by the figures already given for the Strathearn and Douglas of Dalkeith estates. The rents collected in Strathearn during 1379-80

1. Exch. Rolls, ii, 436; he died after receiving only one payment.

2. Ibid., iii, 152-281, passim.

3. For these, see ibid., iii, iv, Indices, s.v.

4. Ibid., iii, 643; iv, 39-375, passim.

5. Ibid., iii, 114-385, passim.

came to £273.¹ The yearly rent of about half the Douglas of Dalkeith estate in the years 1376-8 was £483, and a rough calculation suggests that the total amount would have been somewhere between £800 and £900.² Some figures for one other estate, the earldom of Mar, are also available. In 1363 the earldom of Mar and presumably the lordship of Garioch were taken temporarily into the crown's hands, and the next year the earl of Mar received 1,000 marks 'ex convencione facta inter ipsum et dominum nostrum regem super terris comitatus de Mar,' while the king received 500 marks.³ In 1381 the dowager countess of Mar leased her terce from Mar and Garioch to William earl of Douglas and Mar for 200 marks.⁴ And in a retour of 1438 half the earldom of Mar and lordship of Garioch was stated to be worth 1,000 marks.⁵ These references give sums of 1,500 marks, 600 marks, and 2,000 marks as the value of Mar and Garioch. The second sum is probably well below the actual value of the earldom and lordship,⁶ but the other figures seem quite reasonable, bearing in mind the downward movement in the currency during the intervening period.⁷

The only other figures for noble incomes to survive from the period are those of the hostages for James I's ransom. In 1423 and 1424 assessments of 'possessionibus et redditibus temporalibus'⁸ of 35 proposed and actual hostages

1. See above, p. 237.

2. See above, p. 243 (Tibbers is excluded here).

3. Exch. Rolls, ii, 164.

4. Fraser, Douglas, iii, no. 36.

5. Thomson, Old Extent, p. 227. This was both the Old Extent value and the current valuation.

6. The dowager countess was the earl of Douglas's mistress (Scots Peerage, i, 171), and presumably was allowing him a handsome profit on the transaction.

7. See below, pp. 283-4, Note.

8. Rot. Scot., ii, 241; Rymer, Foedera, x, 303.

were made. No doubt the assessments were based on the nobles' regular income from land; possibly the figures were simply those of their rents, but other revenues from land and annuities may have been taken into account.¹ The assessments were almost certainly made in sterling,² which in the 1420s was worth about twice as much as the Scottish currency, but corresponded to the Scottish currency of the period between 1367 and 1390.³ Therefore, if it is assumed that in real terms incomes from land were fairly static between 1371 and 1424, the figures for the hostages' incomes may be applied as they stand to the first half of the early Stewart period, but probably need to be doubled to convert them to the Scottish money of the 1410s and 1420s.

In the ransom arrangements, incomes for 35 nobles are given, ranging from 1,500 marks a year to 200 marks.⁴ Not all the figures are reliable. Some are surely too low: for example the 600 marks given for the earl of Angus, who possessed the baronies of Abernethy (Perth), Bunkle (Berwick), and Kirriemuir (Forfar), together with about a third of the Douglas inheritance, including the 'territorial lordship' of

1. There is no way of telling; it is suggested that the figures are just those of rents because these would be the most readily available, and because the figures for Strathearn and the Douglas of Dalkeith possessions agree with those already worked out for these estates (cf. below, p. 273).

2. They were to cover the value of the instalments of the ransom, which was in sterling, and they were recorded in English documents. Two to one was the official exchange rate in England at that time.

3. See below, pp. 283-4, Note.

4. The assessments were: Campbell, Douglas of Dalkeith, 1,500 marks; earl of Atholl, 1,200; earl of Crawford, earl of Moray, Erskine, 1,000; earl of March, Haliburton, Hay, Keith, 800; Montgomery, 700; earl of Angus, Fleming, Gray, Hay of Yester, Lyon, Seton, 600; earl of Strathearn, Abernethy, Boyd, Dunbar of Cumnock, Dunbar of Frendraught, Hamilton, Kennedy, Lindsay of Byres, 500; Gordon, Livingstone, Maitland, Ruthven, Sandilands, 400; Campbell of Loudon, Lyle, Oliphant, 300; Menzies, Ogilvy of that ilk, 200.

Liddesdale;¹ or the 400 marks for Alexander Seton of Gordon, which is 300 marks lower than the relief charged in 1395 for the 'territorial lordship' of Strathbogie, part of the Gordon estate.² Similarly, the 1,500 marks given for Duncan Campbell of Lochawe appears too high; most of his lands belonged to his grandfather Gillespie Campbell, and Gillespie's estate was only part of the lands in Argyllshire that were valued in 1366 at £600 Old Extent and at 200 marks True Value.³ On the other hand, Malise earl of Strathearn and James Douglas II of Dalkeith were among those assessed in 1423, at 500 marks and 1,500 marks respectively. Both figures tally well with the sums of £273 and £800-900 derived from the rentals of the two estates.⁴ There are also some general reasons for believing the 1423-4 assessments to be quite accurate. They were probably made centrally, and so would have been fairly consistent. Individual hostages, perhaps, would not have wished to be seriously underassessed, lest they might appear poor in comparison with their fellows, or with English nobles; nor overassessed, lest they might be unable to find hostages of equal value when they wanted to return to Scotland. Further, there had been enough contact between Scots and English in the period before 1424 for the wealth of several at least of the hostages to have been known in England. The lists include, for example, John Montgomery of Ardrossan, and the sons of George earl of Angus,

1. See above, p. 212, and below, Appendix II, 'Barons and Baronies 1371-1424', pp. 387, 357, 376. In the mid-14th century Liddesdale alone was valued at £292 (Morton Reg., i, pp. lxviii-lxxiv).

2. Act. Parl., i, 581.

3. Ibid., i, 500. Even allowing for the rise in valuations between 1366 and 1424, the figure of 1,500 marks seems exaggerated.

4. See above, pp. 237, 243.

Thomas earl of Moray, Thomas Erskine, William Seton, and James Douglas II of Dalkeith, all of whom had been captured by the English at the battle of Homildon in 1402 and had subsequently been ransomed.¹ For these reasons it seems that most of the 1423-4 figures can be taken as reasonably accurate, giving at least a guide to the size of Scottish noble revenues in the early Stewart period.

The hostage assessments may be related to the groups into which the higher nobility were divided on the basis of territorial possessions.² The third group, mostly 'greater barons', corresponds roughly to those barons who were assessed at 500 marks or more³ (except James Douglas II of Dalkeith), plus Alexander Seton of Gordon.⁴ Their assessments ranged from 400 marks for Seton of Gordon, to 1,500 marks for Duncan Campbell, but both these figures are unlikely.⁵ A better indication of the income of these nobles is given by the average, 670 marks; several of them, however, probably had more than that. The middle group of nobles corresponds to the six earls assessed in 1423-4 and James Douglas II of Dalkeith. Here there is much the same range of incomes - 500 to 1,500 marks - but the average is higher, at almost 950 marks. This again seems a reasonable amount, although it is rather lower than the figure suggested above for the earls of Mar.⁶ The average is brought down by the figures for the earl of Angus, which seems improbably low,⁷ and the earl of Strathearn; Strathearn's assessment fits the 1380

1. *Scotichronicon*, ii, 435.

2. See above, pp. 211-229.

3. Cf. above, pp. 30-2.

4. Who counts as a 'territorial lord' (of Strathbogie).

5. See above, p. 273.

6. See above, p. 271.

7. See above, p. 272.

figures, so it must have been a relatively poor earldom. None of the first group - the dukes of Rothesay and Albany and the earls of Douglas - were assessed in 1423-4, but their estates were much wider than any other nobles'; at a conservative estimate, a figure of around 3,000 marks or £2,000¹ a year seems likely for these magnates' incomes from land. As has been said, these figures are in sterling. It therefore seems likely that as they stand they give a guide to noble incomes during much of Robert II's reign, but that they must be doubled in order to reflect the nominal levels of incomes at the end of the early Stewart period.

Two comparisons place these figures in perspective. First, there are H.L.Gray's calculations of an average income of £865 (including annuities) or £768 (excluding annuities)² for 51 English lay barons in 1436. These are higher than the Scottish averages for 1423-4, but only by about a half to³ a third as much, which seems quite a reasonable differential. Indeed the estimate of the average income of the middle group of Scottish magnates, mostly earls, at around 950 marks, is close to the sum of 1,000 marks seemingly regarded as the minimum income for an English earl during most of the fourteenth century.⁴ Secondly, there is the estimate for the thirteenth century Anglo-Scottish baron Roger de Quincy

1. Cf. above, pp. 212-8.

2. H.L.Gray, 'Incomes from Land in England in 1436', Eng.Hist. Rev., xlix (1934), 619.

3. Gray's figures have been criticised as too low (C.D.Ross and T.B.Pugh, 'The English baronage and the income tax of 1436', Bulletin of the Institute of Historical Research, xxvi (1953), 1-28), but the figures for the earls of Mar suggest that the Scottish 1423-4 assessments were possibly rather low as well. Richard duke of York is omitted from Gray's calculations, but this is balanced in the Scottish figures by the omission of the duke of Albany and the earl of Douglas.

4. Holmes, Higher Nobility, p. 4.

given by Dr. G.G.Simpson. De Quincy had an income of between £900 and £1,000 from his estate, £500 coming from his English lands and £400 from his Scottish ones. With between £900 and £1,000 a year, de Quincy was probably one of the four wealthiest magnates in Scotland.¹ In the early Stewart period, such an income would have been a very big one, but there were perhaps slightly more magnates with the same or with a larger amount, drawn entirely from estates in Scotland.² These comparisons suggest, therefore, that the Scottish higher nobility were not quite so well-off as their English counterparts (although the gap between them was not very wide), but that they were as rich and possibly richer than the Scottish magnates of the previous century.

It is impossible to be certain whether with incomes at these levels the early Stewart higher nobility was in a healthy financial position or not, because the evidence available about noble expenditure is even more meagre than evidence about incomes. For what it is worth, it may be noted that in 1379 the account of the secretary and financial agent of the earl of Strathearn was £40.10s.9d. overspent, and in 1380 the overexpenditure had risen to £51.14s.4d.³ More generally, it appears likely that magnates did not have large sums of money at their disposal. Payments of large sums were usually made by instalments. When marriage portions were in cash they were generally spread over several

1. G.G.Simpson, 'An Anglo-Scottish Baron of the Thirteenth Century: The Acts of Roger de Quincy' (Edinburgh Univ. Ph.D. thesis, 1965), pp. 214-6.

2. E.g. the dukes of Rothesay and Albany, the earls of Douglas, Archibald Douglas lord of Galloway, the earls of Mar, James Douglas of Dalkeith.

3. Exch.Rolls, iii, 36-8.

¹ years; also, they often took the form of grants of land
² rather than money. When William Seton bought the marriage
 of the Gordon heiress, he paid for it with an annuity of 50
³ marks; when the earl of Moray bought the land of Fochabers
 for £100 he paid over two years; ⁴ when James Douglas of
 Dalkeith bought the superiority of 'Hawthornsyke' for £20, he
 paid over three six-month terms; ⁵ when Archibald McDowell was
 charged £90 for the relief of Maxton barony (Roxburgh), he
⁶ paid over three years. To meet their reliefs, indeed,
 magnates sometimes had to sell land. Alexander Leslie earl of
 Ross raised 200 marks towards his relief by selling land in
 Kincardine barony (Kincardine), ⁷ and also, perhaps, resigned
 his right to Fithkill barony (Fife) for the same purpose. ⁸
 Similarly the 'much-needed' £200 for which Thomas Erskine sold
 land in the barony of Dun (Forfar) may well have gone to his
 relief. ⁹ Another example of the use of land to meet financial
 obligations is provided by James Lindsay of Crawford, who was
 captured at Otterburn and exchanged for Ralph Percy; he
 compensated Henry Preston, one of Percy's captors, with the
 barony of Formartine (Aberdeen). ¹⁰ James Dunbar of Frendraught
¹¹ also had to sell some land in order to raise money, in 1424.

1. E.g. Morton Reg., i, p. xxxviii; ii, nos. 162, 173; Fraser, Pollok, i, no. 26. This however was the practice in England as well (McFarlane, Nobility, pp. 87-8), so it may not be very significant.
2. See above, p. 208, note 3.
3. Great Seal, i, no. 898. The marriage was probably valued at 500 marks.
4. W. Fraser, The Chiefs of Grant (Edinburgh, 1883), iii, no. 21.
5. Morton Reg., ii, no. 202; cf. above, p.
6. Melrose Book, ii, no. 505.
7. Hist. MSS. Comm., 4th report, app., p. 494, no. 13.
8. Ibid., p. 494, nos. 9, 10.
9. Fraser, Southesk, ii, no. 44.
10. Great Seal, i, no. 801; Scots Peerage, iii, 12.
11. MS. Regesta 1371-1424, s.d. 22:ii:1424 (original is MS. Viscount Arbuthnot, Bdle.2, no. 18).

Nevertheless it was extremely rare for magnates to sell all or a major part of their estates. One who did was Thomas Fleming second earl of Wigtown. In 1372 he sold his earldom of Wigtown to Archibald Douglas lord of Galloway for £500 'in mea magna et urgente necessitate ... persoluta';¹ the following year he wadset, or mortgaged, his barony of Kirkintilloch (Dumbarton) to William Boyd of Kilmarnock for £80;² and he may have sold his remaining land of Fullwood (Lanarkshire) to James Lindsay some time before the end of 1381.³ Two other less important men, who may just be counted as 'greater barons', also sold large pieces of land. In 1374 Alexander Menzies of Redhall leased the baronies of Redhall (Edinburgh) and Glendochart (Perth) to the earl of Fife, and resigned them in Fife's favour the following year;⁴ in 1374, too, he resigned the barony of Durisdeer (Dumfries) in favour of Robert Stewart of Innermeath;⁵ and his remaining barony, Fortingall (Perth) was probably granted away too.⁶ Similarly, in 1413 William Fraser of Philorth arranged to sell the baronies of Cowie and Durris (Kincardine) to William Hay the constable 'for a soume of sylver beforehand in my mykle myster' to me payit';⁷ Cowie was certainly sold, but Durris seems eventually to have been retained.⁸ Fraser also sold other

1. Wigtown Charters, no. 7.

2. Great Seal, i, no. 477.

3. Ibid., i, no. 696. This was a grant by the crown, so Fullwood may have escheated on Fleming's death; but he is referred to as alive in a document dated September 1382 (ibid., i, no. 740).

4. Ibid., i, nos. 458, 562.

5. Ibid., i, no. 457.

6. Ibid., i, app. ii, nos. 908, 1744.

7. I.e. 'in my great need'.

8. Lord Saltoun, Frasers, ii, no. 10.

9. Ibid., ii, no. 8; Great Seal, ii, no. 161; Scots Peerage, vii, 431.

pieces of land in 1411 and 1418.¹ A few magnates, therefore, appear to have been impoverished in this period.² They were however almost certainly exceptions: no other magnates had to part with sizeable areas of land, and this indicates that the higher nobility's financial position was basically quite healthy. Moreover, the lands which were sold were almost all purchased by magnates; thus some at least of the higher nobility could afford to buy land. They could also afford to lend money on mortgages: many of the recorded wadsets involve lesser nobles mortgaging their lands to magnates,³ while there are hardly any examples of magnates themselves mortgaging their own lands.⁴ From this it may be suggested that if any nobles were in a poor position financially, it was the lesser landowners rather than the higher nobility.

Castle-building provides a further guide to the higher nobility's financial state. A long list of castles built or substantially altered by the early Stewart higher nobility

1. Aberdeen-Banff Antiquities, iii, 534; ibid., ii, 379.
2. Thomas Fleming had no issue (Scots Peerage, viii, 524), and Alexander Menzies' only legitimate child was a daughter (Lord Saltoun, Fraser, ii, no. 32) although he did have a brother, John Menzies of Weem (Hist.MSS.Comm., 6th report, app., pp. 690-1; their sales of land need not therefore signify impoverishment (cf. McFarlane, Nobility, pp. 55-6). But Fleming's wadset and Menzies' leases do suggest they were in need of money. William Fraser did have a son, who succeeded him (Scots Peerage, vii, 432).
3. E.g. Great Seal, i, no. 616; Hist.MSS.Comm., 2nd report, app., p. 167, no. 26; ibid., 4th report, app., p. 477, no. 70; Scot.Hist.Soc.Misc., v, 30, no. 13; Fraser, Carlaverock, ii, no. 23.
4. Apart from Thomas Fleming, the only examples found are Patrick Dunbar of Cumnock (Scot.Rec.Off., MS. Register House Charters, RH6/228) and (possibly) Malcolm Fleming of Biggar (Great Seal, i, app. ii, no. 1970).

could be drawn up,¹ and it seems safe to say that almost all the magnates of the period would have engaged in some building operations. These included the extensive rebuilding of the great thirteenth-century castles of enceinte at Bothwell and Dirleton,² and the construction of large castles of the keep-gatehouse type at Tantallon and Doune.³ But nearly all the castles of this period are tower-houses, which were rather more modest structures. It has been stated that the building of tower-houses was at least partly 'the inevitable result of conditions and requirements of impoverishment'.⁴ However among the builders of tower-houses were King David II at Edinburgh castle,⁵ King Robert II at Dundonald in Kyle Stewart,⁶ Archibald Douglas lord of Galloway at Threave in Galloway,⁷ and Malcolm Drummond lord of Mar at Kindrochit in Mar.⁸ These men could have afforded to build in any style they wished. Moreover, Dundonald and Kindrochit were built on top of earlier types of castles, while Archibald Douglas

1. Among the castles which they built are: Doune, by the duke of Albany (S.H.Cruden, The Scottish Castle (Edinburgh, 1960), pp. 84-7); Tantallon, by the 1st earl of Douglas (Royal Commission on the Ancient Monuments of Scotland, East Lothian Inventory, no. 106); Hermitage, by the 1st or 2nd earl of Douglas (ibid., Roxburgh, no. 63); Newark, by the 4th earl of Douglas (ibid., Selkirk, no. 44); Threave, by Archibald Douglas lord of Galloway (Cruden, op.cit., pp. 115-8); Kindrochit, by Malcolm Drummond lord of Mar (W.D.Simpson, The Earldom of Mar (Aberdeen, 1949), p. 44 and fig. 21); Dalkeith, by James Douglas of Dalkeith (Morton Reg., ii, no. 89, and Roy.Comm.Anc. Mon., Midlothian, no. 76); Mugdock, by the Grahams of Kincardine (ibid., Stirling, no. 207); Neidpath, by the Hays of Yester (ibid., Peebles, no. 519); Dunottar, by William Keith the marischal (D.MacGibbon and T.Ross, The Castellated and Domestic Architecture of Scotland (Edinburgh, 1887-92), i, 562-8), and Ardtornish, by John McDonald lord of the Isles (ibid., iii, 122-3).

2. Ibid., i, 93-108, 114-6, 435-9.

3. Cruden, op.cit., pp. 84-90.

4. Ibid., pp. 108-9.

5. Roy.Comm.Anc.Mon., City of Edinburgh, pp. 15-18, and fig. 59.

6. Cruden, op.cit., pp. 120-2.

7. Ibid., pp. 115-8.

8. Simpson, op.cit., p. 44.

and Malcolm Drummond held two of the greatest thirteenth-century castles of enceinte, Bothwell and Kildrummy. Their decisions to build tower-houses must therefore have been deliberate, and can hardly be put down to poverty. Instead, it may be suggested that the fourteenth century wars had shown that there was little point in building a first-class castle capable of withstanding a major siege. Such castles were not only held by the English for long periods during the Wars of Independence, they were also destroyed or slighted when recaptured by the Scots.¹ This was less likely to happen to tower-houses, because they were not designed for use in full-scale warfare.² Instead, their functions were 'ad obviandum tribulationibus et inimicitiis tirannorum dicti regni et ad custodiam personarum et bonorum suorum', as William Keith the marischal put it in the 1390s.³ These functions were well fulfilled by the tower-houses. At the same time, they provided a considerable degree of domestic comfort,⁴ and also, with their height, were important status-symbols.⁵ These reasons, rather than impoverishment, must lie behind the building of tower-houses in this period. Moreover, the numbers in which they were built, together with the many modifications of older castles, show that this was a period of extensive building by the higher nobility, and are a good testimony of their wealth. No figures are

1. Cf. Jedburgh castle, held by the English from 1346 to 1409, and promptly destroyed by the Scots following its recapture (*Scotichronicon*, ii, 444).

2. J.G.Dunbar, *The Historic Architecture of Scotland* (London, 1966), pp. 37-8. (Although brief, the account of late-medieval castles given here appears the most satisfactory.)

Cf. Cruden, *op.cit.*, pp. 108-9, 140.

3. Hist.MSS.Comm., 3rd report, app., p. 409.

4. Dunbar, *op.cit.*, pp. 37, 41, 46-7; cf. Cruden, *op.cit.*, p.140.

5. W.M.MacKenzie, *The Medieval Castle in Scotland* (Edinburgh, 1927), pp. 180-2.

available for the cost of magnates' tower-houses, but £758 was spent building 'David's Tower' in Edinburgh castle between 1367 and 1383.¹ This was similar to many other tower-houses of the period; they probably therefore cost about the same amount.

A final impression of the higher nobility's wealth is given by the wills drawn up by James Douglas of Dalkeith in 1390 and 1392.² Both wills have long lists of valuable possessions. To his son and heir, James Douglas left the following:³ a complete set of plate armour for jousting, his second best horse,⁴ a clasp with a ruby in the middle and ten gold buttons, a gold circlet, a large gold collar, two new gilt belts (one recently brought from Paris), all his pearls, a sapphire pin, his best ring with a sapphire in it, a ring depicting Christ, a cross made from the True Cross, a gilt reliquary containing hair of St. Mary Magdalene, his best gilt cup weighing over 18 lb. troy, a silver basin weighing over 15 lb., his twelve best silver dishes weighing almost 22 lb., a silver charger weighing over four pounds, twelve silver spoons weighing almost two and a half pounds, his best bed, a red bed, all his books of the statutes of Scotland and of romance, and everything else from his possessions that the heir ought to have. The remainder of the legacies included three more sets of armour,⁵ two jewelled clasps (one worth 40 marks), a gold circlet worth 40 marks,

1. Exch. Rolls, ii, p. cix.

2. Morton Reg., ii, nos. 193, 196.

3. The two wills are almost identical; the following details are taken from the later one.

4. His best horse and its arms were to be sold to help pay for his funeral.

5. The rest of his armour was to be kept in Dalkeith castle.

a gold brooch, two more gilt belts, six rings,¹ his second best gilt cup weighing eight pounds, twelve more silver plates, a large quantity of clothing made from cloth of gold, silk, and fur, books of grammar and logic,² and £228 in various cash bequests. In 1390 all his possessions were valued at £1,265.2s.1d., after deducting £294 for his debts; in 1392 their value came to £1,267.15s.3d., after allowing for debts. James Douglas's wills show that, although his belongings were hardly comparable in value to those of the great English magnates,³ he must nevertheless have lived in some splendour. They therefore help to confirm the impression of the higher nobility's finances given by the other evidence discussed here: during the early Stewart period the higher nobility were, on the whole, in quite a comfortable financial position; while they clearly did not enjoy the great riches of many of their English counterparts, equally clearly they were far from being poverty-stricken.

NOTE: SCOTTISH MONEY IN THE EARLY STEWART PERIOD

In the 1360s the weight of the Scots groat was officially 72 grains of silver, but it tended to be less; in 1367 its weight was reduced to 61-4/11 grains; after 1390 it was officially 46-1/11 grains, but was actually about 40; and at the end of the period it only weighed between 28 and 30 grains.⁴ This meant that there was roughly a 50% devaluation

1. 2 with rubies, 2 with sapphires, one with an emerald, and one depicting St. Christopher.

2. These were to go to his illegitimate son John.

3. Cf. McFarlane, Nobility, pp. 88-92, and Rymer, Foedera, ix, 272-80, for the will (dated 1415) of Henry lord Scrope, which lists rather more jewels, plate, etc., than James Douglas's.

4. I.H. Stewart, The Scottish Coinage (2nd edn., London, 1967), pp. 31, 35-9.

in relation to English money: the English groat weighed 72¹ grains from 1351 to 1412, and 60 grains from 1412 to 1464.

The currency debasement probably resulted in a doubling of most prices. In 1409 the abbot of Dunfermline stated 'all things are dearer than they were in times past'.² Wool cost roughly twice as much at the end of the period as at the beginning, going up from between £4 and £5 to £10 a sack.³ Cattle and sheep prices behaved similarly:⁴ a cow cost 6s.8d. in 1367, 4s.11d. in 1372, and 13s.4d. in 1424, while a sheep cost on average 1s.2¹/₄d. in 1372, 1s.7d. and 1s.3d. in 1380,⁵ 1s.3d. in 1384,⁶ and from two to three shillings in 1424.⁷ With these commodities, the rise in price seems equivalent to the fall in the weight of the money, and so if the prices were expressed in amounts of silver, they would appear quite stable. The prices of grain, on the other hand, seem not to have moved in the same way. A chalder of oatmeal cost £1.17s.2d. in 1370 and £1.8s.0d. in 1374, and a chalder of oats was £1 in 1424; a chalder of wheat cost £2.1s.4d. and £2.4s.8d. in 1372, and it was £2.13s.4d. in 1424. If these isolated figures are typical, then they suggest grain prices were fairly static (at least over a long period); but if the currency debasement is taken into account they appear to have fallen by about half.

1. G.C.Brooke, English Coins (3rd edn., London, 1950), pp. 126, 135, 142, 148.

2. Nicholson, Scotland, p. 268, citing Dunfermline Reg., no. 399.

3. In the 1360s it was between £4 and £5 (Exch.Rolls, ii, pp. xxxviii-xxxix, lxxxix-xc); in 1390 only £2.8s. (but 240 wool-fells were £3.10s.: ibid., iii, 219); in 1436, £10 (ibid., iv, 684).

4. Unless otherwise noted, the prices given here are taken from ibid., ii, pp. xcix-c, for the 1360s and 1370s, and from Hist.MSS.Comm., 12th report, app. viii, p. 87, for 1424.

5. Exch.Rolls, iii, 41, 653.

6. Ibid., iii, 107-8.

7. 3s. for ewes, 2s. for rams and 'barren sheep'.

CHAPTER V. ASPECTS OF NOBLE SOCIETY.

SECTION 1: SOCIAL MOBILITY

Scotland is no exception to the apparent rule that medieval nobilities suffered rapid turnovers in personnel.¹ This may be demonstrated first by considering the easily-recognisable members of the higher nobility: the earls, lords of earldoms, and 'territorial lords'. In 1371 there were 14 families of earls, lords of earldoms, and 'territorial lords', and during the period another 14 new families of earls and lords appeared, making 28 in all.² With eleven of these families, their earldoms or lordships left the male line some time between 1371 and 1424; this is a rate of 40% over 54 years, or about 20% per generation. Only five families remained in possession of their earldoms and lordships for the whole of the early Stewart period.³ The reason for earldoms and lordships leaving the male lines of particular families in this period were forfeiture, bankruptcy, and the problems of inheritance.⁴ The first two are rare. Thomas Fleming second earl of Wigton⁵ was the only person to sell an earldom or lordship, in 1372; George Dunbar tenth earl of March was the only one to suffer forfeiture, in 1400, and he was restored to his earldom in 1408.⁶ The loss of their

1. Cf. McFarlane, *Nobility*, pp. 142-176; E. Perroy, 'Social Mobility among the French Noblesse in the Later Middle Ages,' *Past and Present*, xxi (1962), 25-38.

2. See below, Appendix I, 'Earls and Earldoms 1371-1424', pp. 343-5.

3. Albany-Fife-Menteith, Galloway-(Douglas), Lennox, Sutherland, and the Isles.

4. Also in 1406 the earldom of Carrick came into the crown's hands on the accession of James I, and was not granted out to the king's son, as had happened in 1390 and with Strathearn in 1371.

5. See above, p. 278.

6. *Scots Peerage*, iii, 271-2.

earldoms and lordships by the male lines of all the other families was due to the failure by individual earls or lords to leave legitimate sons to succeed them. Although ten of the 17 earldoms were entailed before or during the early Stewart period, only four (Douglas, Crawford, Buchan after 1406, and Ross, in theory, after 1415) were held in what English lawyers call tail-male.¹ All the other earldoms, and most of the lordships,² could descend to either male or female heirs according to the basic rules of primogeniture.³ Thus when an earl or lord had daughters but no sons, the earldom or lordship would leave the male line of the family; this would also happen if he was childless, and had sisters but no brothers. In the period, there were six cases where an earldom or lordship left the male line of a family because the earl or lord had daughters but no sons,⁴ and four where this happened because he had no children at all.⁵ Failure to produce sons, therefore, was clearly the major cause of the turnover in personnel among the earls, lords of earldoms, and 'territorial lords' at this time.

The numbers of earls and lords were however more than maintained, with the appearance of 14 new families between 1371 and 1424. As the preceding paragraph shows, there were plenty of heiresses available at this time, and it is not surprising that the heads of eight of the new families rose to their

1. See below, Appendix I, pp. 343-5.

2. Probably all except Lauderdale and Selkirk, which were among the Douglas possessions entailed in 1342.

3. With limitation to the heirs of the body of a particular earl or countess in the case of the earldoms held in fee tail.

4. Lorne (c.1371); Nithsdale (c.1390), Ross (1372), Ross (1402), Strathbogie (1408), and Strathearn (1386x1389).

5. Douglas, 1388 (sister as nearest relative; it did not go to the nearest legitimate heir-male James Douglas of Dalkeith, but, because of the 1342 tailzie, to Archibald Douglas lord of Galloway, who was illegitimate), Mar, 1374 (sister), Mar, 1391 (daughter of countess suo jure by previous marriage), Mar, 1402 (wife, countess suo jure, and then to her second husband).

rank through marriage.¹ The other six all owed their elevation to straightforward creations or grants by the crown. Inheritance apart, there were thus just two ways to reach the status of earl, lord of an earldom, or 'territorial lord': by marrying an heiress, or by getting a grant from the crown. Who were the men who advanced in these ways? Two of those who received grants of earldoms or lordships were sons of Robert II, Alexander Stewart (of Badenoch and Buchan) and Walter Stewart (of Caithness and Atholl);² two others, illegitimate sons of earls and sons-in-law of the king, George Douglas (of Angus)³ and William Douglas (of Nithsdale); one, John Dunbar (of Moray), was the younger brother of the earl of March and a grandson of the first earl of Moray; and the last, David Lindsay (of Crawford), was one of the most important barons of the period. Clearly at this time such grants only went to men who already belonged to leading magnate families. Three of the men who married heiresses had similar backgrounds: Henry Sinclair (of Nithsdale) already had the Norwegian earldom of Orkney; Alexander Stewart (of Mar) was the illegitimate son of the earl of Buchan and a grandson of Robert II; and Malcolm Drummond (of Mar), the brother of Robert II's queen, should almost certainly be included

1. 2 of the 10 heiresses did not bring earldoms, or lordships of earldoms, to their husbands. Douglas (1388) left a sister, but the earldom was entailed on a male heir; Ross (1402) left a daughter who did not marry (Scots Peerage, iii, 153-4, vii, 242-3).

2. He was granted Caithness in 1401 on the resignation of the countess, Euphemia Graham, and Atholl in 1403x1404 (Handbk. Brit. Chron., pp. 472, 469).

3. George Douglas's mother, too, was the countess suo jure of Angus.

among the 'greater barons'.¹ The other five were rather less prominent. Three came from greater baronial families, but were younger sons: Patrick Graham (of Strathearn), Walter Leslie (of Ross), and Alexander Seton (of Strathbogie, i.e. Gordon).² Finally, there were John Stewart of Innermeath (became lord of Lorne) and John Swinton (of Mar);³ both were the heads of their families, but cannot be said to have been higher nobles before their marriages. There would thus appear to have been slightly more opportunity for social advancement through marriage to an heiress than through a royal grant. However, recruitment to the ranks of earl, lord of an earldom, or 'territorial lord' does seem to have been largely restricted to families which already belonged to the higher nobility.

Did the rest of the higher nobility follow the same pattern of extinction and recruitment? The impossibility of making a list of 'greater barons' rules out any accurate statistical analysis. However, the question can be considered reasonably satisfactorily by using the names given in Table III, above.⁴ To discuss extinctions, the main requirement is a list of 'greater barons' at the beginning of the period; for recruitment, a list for the end. Table III provides these lists: first, from the first two columns, the names

1. He was also the nephew of Margaret Logy, David II's queen. The Drummonds do not appear to have been particularly prominent at the beginning or end of the period, but they held three baronies, and under Robert III Malcolm Drummond was probably a very important figure (Act.Parl., i, 581-2; Hist.MSS.Comm., Mar and Kellie suppl. report, p. 11; Exch. Rolls, iii, 667, 674, 402, 387-496 *passim*; Aberdeen-Banff Antiquities, iv, 162; Balfour-Melville, James I, p. 15; Scots Peerage, vii, 37-9).

2. Ibid., vi, 214; vii, 239, 271; viii, 572.

3. Ibid., v, 1; G.S.C.Swinton, 'John of Swinton,' Scot. Hist. Rev., xvi, (1919), 261-79.

4. See above, p. 37.

of 34 nobles who held three or more baronies in 1371 or witnessed the tailzie of the crown in 1373; secondly, from the last two columns, the names of 29 who held three or more baronies in 1424 or who were assessed at 500 marks or more for James I's ransom in 1423 and 1424. Both lists are probably too large, and not all the men in them should be considered as higher nobility in the early Stewart period; on the other hand, it is likely that they contain almost all the 'greater barons' of the time, and so provide a very useful sample for discussion.

Taking extinctions first, out of the 34 families listed for 1371-2, there are seven cases where the head of the family died without sons before 1424 and as a consequence his estates left the male line.¹ This gives a failure rate of about 21% over 54 years, which is not so high as that suffered by the earls and lords,² but is still quite severe.

1. Eglinton (Scots Peerage, iii, 428), Giffard (ibid., viii, 422), Leslie (1372 lord of Ross; ibid., viii, 241-2), Mortimer (ibid., iv, 272; Scot.Rec.Off., MS.Maitland Thomson Transcripts GD212/11/1, s.d. 20:vi:1377), Mure of Abercorn (Scots Peerage, v, 391; Great Seal, i, no. 697), Valence (ibid., i, app. ii no. 1268; Hist.MSS.Comm., Mar and Kellie suppl. report, p. 10; Edinb.Univ.Lib., MS.Maitland Thomson Photos, no. 56), and Wallace (Scots Peerage, i, 506; Great Seal, i, nos. 464, 465). James Lindsay of Crawford also died without sons, but most of his estate was entailed, and went to his nearest male relative, his cousin David Lindsay of Glenesk (ibid., i, no. 763; Scots Peerage, iii, 10-14). Details of the families which did survive to 1424 are given in the Scots Peerage, except for: Cockburn (see T.H.Cockburn-Hood, The House of Cockburn of that Ilk (Edinburgh, 1888)), Dischington (Great Seal, i, no. 293; addenda, no. 1; ii, nos. 812, 1288), McDowell (J.Burke, History of the Commoners of Great Britain and Ireland (London, 1836), iii, 430-2), Menzies (Hist.MSS.Comm., 6th report, app., pp. 690-1), and Strachan (McFarlane's Gen. Colls., ii, 266-8). The family of Mowat of Fearn was in existence in 1410 (Great Seal, i, no. 929) but had disappeared by 1450 (ibid. ii, nos. 393, 1191).

2. Just over a third of the families of earls and lords met the same fate. This includes earls and lords who reached that rank after 1371; if these are excluded, the figures for failures of male heirs to earldoms are 6 out of 13, or just under half.

With six of these families, the succession came to daughters, mostly a single one, but in the case of the unfortunate Hugh Giffard of Yester as many as four; in the seventh, that of Duncan Wallace of Sundrum, he was succeeded by his two sisters and their husbands. These figures, of course, do not take into account families which rose to prominence after 1371, but whose estates left the male line before 1424, such as Danyelstone of that ilk.¹ The threat of female succession, therefore, must have been a grave one for all the higher noble families of this period; that many of them were conscious of it is shown by the number of tailzies that were drawn up in the period,² and by the appearances in charters of clauses restricting the descent of lands to those who bore a particular surname and arms.³

However the failure to produce sons was not the only factor which might remove a family from the ranks of the higher nobility. It might suffer forfeiture, it might lose its lands through financial difficulties, or it might simply suffer such a decline in political significance that it clearly could no longer be counted as part of the higher nobility. Between 1371 and 1424 no 'greater barons' suffered forfeiture.⁴

1. In 1371 the family of Danyelstone of that ilk held the barony of Kilmaronock (Dumbarton); their lands of Mauldislie (Lanark) and Danyelstone in Renfrew were created into baronies in 1374 and 1393 respectively. Robert Danyelstone (died 1396x1397) left two daughters. (See Great Seal, i, nos. 493, 867; app. ii, nos. 1144, 1190; Exch. Rolls, ii, 14-iii, 425 passim; Hist.MSS.Comm., 3rd report, app., p. 388, no. 41.)

2. See below, pp. 308-11. One of these tailzies kept the Crawford estate in the possession of the Lindsays (see below, pp. 305, 308); the other tailzies did not have much effect in this period, but were very significant in the later 15th and 16th centuries.

3. See below, pp. 308.

4. The only men of baronial rank to be forfeited were John and Richard Sinclair, of Deskford and Findlater (Banff) respectively, who were put to the horn and forfeited (Great Seal, i, no. 823).

Two sold off all, or part, of their lands: Alexander Menzies¹ of Redhall, and William Fraser of Philorth. The sale of their lands must denote the descent of Menzies and Fraser into the lesser nobility. A clear decline in status also took place with the families of Cockburn, Dischington, Mowat, and Oliphant. In the 1360s and 1370s Alexander Cockburn was prominent in royal service, and married the heiress of the Vieuxponts of Langton;² he partitioned his estates among his children, with the result that his position was not maintained by his descendants.³ William Dischington likewise rose to national importance under David II;⁴ but, except for witnessing the tailzie to the crown in 1373, he seems to disappear completely from public life after Robert II's accession. No doubt he was one of David II's 'new men'⁵ whose position did not survive the change of dynasty; the Dischingtons of Ardross continued as a minor noble family.⁶ Walter Oliphant can be said to have entered the higher nobility in the early 1360s, when he married Elizabeth Bruce, the sister of King David; as a result of the marriage his lands were erected into six baronies.⁷ However, after his death the Oliphants should probably be classed again with

1. See above, pp. 278-9.

2. See, e.g., Great Seal, i, nos. 127, 189, 231, 264; Act. Parl., i, 505, 506, 508, 534, 549, 580.

3. Cockburn-Hood, House of Cockburn, passim. His successor, Alexander Cockburn II, however, was keeper of the Great Seal, 1390-5 (Handbk. Brit. Chron., p. 175; Great Seal, i, nos. 795-872, passim). Cf. McFarlane, Nobility, p. 277.

4. He was steward of David II's household (Exch. Rolls, ii, 112, 164), sheriff of Fife (ibid., ii, 358), and justiciar north of the Forth (Brieve Chronicle of Ross, p. 36). See also Great Seal, i, nos. 217, 293, 327; Act. Parl., i, 495, 506, 531-4, 537.

5. Cf. Webster, 'David II' Trans. Roy. Hist. Soc., 5th ser., xvi, 127.

6. W. Wood, The East Neuk of Fife (2nd ed., Edinburgh, 1887), pp. 213-8.

7. See above, p. 149.

the lesser nobles; although they kept five of their six baronies, in 1424 their lands were only assessed at 300 marks¹ for the purpose of James I's ransom, and it seems that no member of the family played any part in the politics of the period.² Finally, the Mowats of Fearn (Forfar) were never a very important baronial family. They did have three baronies in 1371, but one of them was resigned to the crown in 1378,³ and after that they can in no way be regarded as 'greater barons'. Out of this sample of 34 baronial families, therefore, 13, or 38%, had either failed to maintain their estates in the male line or had fallen significantly in social status during the 54 years of the early Stewart period. This indicates that within the baronial section of the higher nobility there was almost as great a turnover in personnel as there was among the earls and lords.

Examination of the 'greater barons' at the end of the period confirms this impression. From the list of 29 noble families derived from Table III twelve⁴ can be said to have risen significantly in status since 1371. This again⁵ suggests a rate of turnover of about 40% in half a century.

1. Cal.Doc.Scot., iv, no. 952.

2. Scots Peerage, vi, 536-8.

3. Inverlunan (Frfr), resigned for a grant to two of Robert II's illegitimate sons (Great Seal, i, nos. 669, 731); in return, Mowat had an annuity of £20 (Exch.Rolls, ii, 621), and also a tailzie of his remaining 2 baronies to his illegitimate son (ibid., i, nos. 663, 670).

4. Douglas of Balvenie, Dunbar of Cumnock, Dunbar of Frendraught, Fleming of Biggar, Gray, Haliburton, Hay of Yester, Lindsay of the Byres, Lyon, Montgomery, Ogilvy of Auchterhouse, and Somerville.

5. However it must be noted that this list of 29 nobles for 1423-4 is not based on the same material as the list of 34 nobles for 1371-3 discussed in the preceding two paragraphs, and it is therefore impossible to make any straight comparison between the two lists.

The most spectacular rise was that of John Lyon,¹ who in some ten years came from almost complete obscurity to be a highly important magnate. His rise came about as a reward for his services to the crown, and was probably resented by some of the older nobility, for he was murdered by James Lindsay of Crawford in 1382. He started as a fairly humble government official; in 1369, as 'clericus domini nostri regis' he was one of the auditors of the Exchequer.² In 1370 he became keeper of the Privy Seal, in 1377 chamberlain, and in 1380 deputy governor of Edinburgh castle;³ in 1376 he married Robert II's daughter Joan.⁴ During his career he acquired a very large estate, including the five baronies of Glamis (Forfar), Tannadice (Forfar), Longforgan (Perth), Belhelvie (Aberdeen), and Kinghorn (Fife).⁵ Of these, Longforgan⁶ and Belhelvie had been resigned in Lyon's favour by their previous owners, but the other three baronies were created out of the crown's own resources. Glamis and Tannadice thanages had originally been alienated by David II,⁷ but had reverted to the crown. Kinghorn, which included the burgh, port, manor, and all the royal land in the constabulary of Kinghorn, was one of the very few grants out of the royal patrimony made by Robert II.⁸

However, during the early Stewart period the Lyons of Glamis were the only family to enter the higher nobility

1. Scots Peerage, viii, 263-9.
2. Exch. Rolls, ii, 339.
3. Handbk. Brit. Chron., pp. 185, 179; Exch. Rolls, iii, 54, 87.
4. Scots Peerage, viii, 268.
5. See above, p. 150.
6. I.e. the 2nd barony of Longforgan, created out of about a third of the original unit (see below, Appendix II, 'Barons and Baronies 1371-1424', p. 390); it was resigned by John Lyon in 1379 (Great Seal, i, no. 641).
7. Great Seal, i, no. 172.
8. MS. Regesta 1371-1424, passim.

solely as a result of service to the crown. David Fleming's close relationship with Robert III probably helped the Flemings of Biggar to progress,¹ but here other factors must be taken into account. In 1371 they held the baronies of Biggar and Thankerton (Lanark);² they acquired Kirkintilloch (Dunbarton) from Thomas Fleming, the former earl of Wigtown,³ and on his death became the senior branch of the family; and they gained Monycabbo (Aberdeen) through the marriage of David Fleming to its heiress.⁴ Apart from the Lyons and to a lesser extent the Flemings, royal service did not help social advancement so far as the 'greater barons' are concerned.⁵ One other family, the Ogilvies of Auchterhouse,⁶ appear to have risen significantly through purchase. To the family estate of Auchterhouse and Eassie baronies (Forfar), Alexander Ogilvy added the barony of Nevay (Forfar), resigned by William Cunningham of Kilmaurs in about 1403;⁷ his son Patrick acquired Midmar barony (Aberdeen) from John Brown of Midmar in 1422,⁸ and also had a grant of Monblary in Strathhalvah barony (Banff) from the earl of Mar in 1417.⁹ In addition, however, Patrick Ogilvy gained the barony of Doune (Banff) when he married the daughter and heiress of

1. Scots Peerage, viii, 527-9; Great Seal, i, no. 833; app. i, no. 156.

2. Exch. Rolls, iii, 162, 164; Wigtown Charters, nos. 11-19, 249.

3. Great Seal, i, no. 740.

4. Scots Peerage, viii, 530; Wigtown Charters, no. 20.

5. This may well be because during the early Stewart period most of those prominent in royal service (e.g. the Erskines, Lindsays, Keiths, Hays, James Douglas of Dalkeith, Archibald Douglas lord of Galloway, or Hugh Eglinton) were already members of the higher nobility in 1371.

6. Scots Peerage, i, 109.

7. Great Seal, i, app. ii, no. 1800; subsequently Nevay was probably amalgamated with Eassie (ibid., i, app. ii, nos. 1943, 1944).

8. Ibid., ii, no. 114.

9. Nat. Lib. Scot., MS. Adv., 31.6.3, p. 76.

Alexander Keith of Grandon in 1413.¹

The other nine baronial families in this sample who rose in status did so as a result of family patronage or advantageous marriages. The outstanding example of family patronage is James Douglas of Balvenie, who received extremely wide estates from his brother the fourth earl of Douglas.² Similarly, the tenth earl of March granted David Dunbar (seemingly his brother) the baronies of Cumnock (Ayr),³ Blantyre (Lanark), and probably Mochrum (Galloway); and William Lindsay was given the barony of the Byres (Haddington) by his brother Alexander Lindsay of Glenesk,⁴ and the barony of Chamberlainnewton (Roxburgh) by his nephew James Lindsay of Crawford.⁵ At the same time, William Lindsay's marriage to the heiress of the baronies of Abercorn (Linlithgow) and Airth (Stirling)⁶ played an equally important part in the rise of his family. The improvement in the fortunes of the remaining families under discussion here was almost entirely due to marriages. John Montgomery married the heiress of Hugh Eglinton of Ardrossan, Andrew Gray the heiress of Roger Mortimer of Foulis (Perth), Alexander Dunbar the heiress to the barony of Frendraught (Aberdeen), and William Hay of Lochorwart the eldest of the four daughters of Hugh Giffard of Yester.⁷ Thomas Somerville of Carnwath (Lanark) and Linton (Roxburgh) was given the barony of Cambusnethan (Lanark) as the dowry of Janet Stewart, daughter

1. Great Seal, ii, no. 109.

2. See above, p. 224.

3. See above, p. 219, note 3.

4. Great Seal, i, no. 248.

5. Ibid., i, no. 636; cf. i, no. 481; app. i, no. 159.

6. Ibid., i, no. 697; app. i, no. 159.

7. Scots Peerage, iii, 428; iv, 272; vi, 301; viii, 422-3.

(but not heiress) of Alexander Stewart of Darnley.¹
 Finally, in what was perhaps one of the most spectacular marriages of the period, Walter Haliburton of Dirleton (Haddington) became the second husband of Mary Douglas duchess of Rothesay: this brought him no land, but instead from 1404 until her death in 1421 he drew about £200 a year from the annuity of £640 which had been granted to his wife's first husband David duke of Rothesay.²

Judging by this examination of the list of 29 baronial families, therefore, recruitment to the baronial section of the early Stewart higher nobility took place in four ways: through marriage, family patronage, service, and purchase, with marriage far outweighing the other three. None of the marriages except Haliburton's were brilliant; instead, the impression given is of landowners making good, but seldom outstanding, marriages for themselves and their children, which would add one or perhaps two baronies to the family possessions. It also seems that this recruitment came from relatively high up the social scale. Apart from John Lyon, the nobles who rose significantly all started off in baronial, or even magnate, houses. Six³ came from the respectable, but lesser, landowning classes, increased their estates through marriage (or in one case purchase), and therefore qualified to be considered as likely members of the higher nobility. The other five⁴ were cadets of magnate families, and established themselves as probable magnates in their

1. Scots Peerage, viii, 7-8; Great Seal, i, no. 828.

2. See above, p. 269.

3. Gray, Haliburton, Hay of Lochorworth, Montgomery, Ogilvy of Auchterhouse, and Somerville.

4. Douglas of Balvenie, Dunbar of Cumnock, Dunbar of Frendraught, Fleming of Biggar, and Lindsay of Byres.

own rights, either, again, by marrying well, or as a result of grants made from within their family circles. Of course this second point is a slightly artificial one. It derives in part from the arbitrary nature of the criteria used for including nobles in Table III: possession of three or more baronies, or assessment at 500 marks or more for James I's ransom.¹ Nevertheless, it probably reflects the pattern of social mobility of the time accurately enough. With no clear division between higher and lower nobles the bottom layer of the higher nobility would obviously be fluid, and so this rather limited type of social movement would be bound to occur.

Some conclusions about social mobility in relation to the early Stewart higher nobility as a whole can now be suggested. To begin with, it is quite clear that within a fairly stable social structure there was a high rate of turnover so far as individual nobles and families are concerned. Equally clearly, however, the extent of the mobility was limited. Most of it can loosely be described as internal: the majority of the nobles who moved up the social scale were either already members of the higher nobility, or cadets of families which belonged to it. And where there was recruitment from outside, it was from only just outside; none of the new magnate families except for Lyon had to rise very far to enter the higher nobility. Further, much of this limited mobility was the result of two related factors: most of the magnate families which disappeared did so because they failed to produce male heirs: most of the new magnate families rose through marriages with

1. See above, pp. 28-32.

heiresses. No other factors were nearly so important. There was little 'selling out', and even less 'buying in'. More significantly, even the influence of the crown in this respect was relatively small. Hardly any magnate families declined because the crown forfeited or ignored them; similarly, only a few rose as a result of royal patronage.

However, it should be pointed out that the contrast between marriage and purchase or patronage was not always clear-cut, because the marriage of an heiress could easily be the subject of either purchase or patronage. For example, Walter Haliburton junior may have been an adherent of the fourth earl of Douglas, which would explain why he was able to marry the fourth earl's sister, Mary Douglas duchess of Rothesay, in 1403.¹ John Swinton was also close to the Douglasses, and was possibly rewarded with the marriage of the first earl's widow, the countess suo jure of Mar.² Another act of patronage was almost certainly the grant in 1408 by the governor, the duke of Albany, of control over the marriage of the Gordon heiress to Walter Haliburton senior of Dirleton, his son-in-law. Haliburton sold the right to choose Elizabeth Gordon's husband to William Seton of that Ilk, in return for either 500 marks or an annuity of 50 marks a year.³ Seton then made Elizabeth marry his second son, Alexander Seton;⁴ in this way he can be said to have bought a substantial estate for one of his children. The crown of course controlled the marriages of all the

1. Exch. Rolls, iv, pp. lviii, lxi, lxii; Scots Peerage, iv, 334; cf. Fraser, Douglas, iii, no. 334; but see also below, p. 336.
2. Swinton, 'Swinton', Scot. Hist. Rev., xvi, 270-1.
3. Great Seal, i, no. 898; Scots Peerage, iv, 334.
4. Ibid., iv, 518-9; Great Seal, i, no. 905.

heiresses of its tenants-in-chief,¹ and even Robert earl of Fife expected to have to pay his brother Robert III for permission to marry his son Murdach to the daughter and only child of Duncan earl of Lennox in 1392.² Ironically, when Robert II married his youngest son Walter to the heiress of David Berclay of Brechin, it cost him at least 400 marks in compensation to Thomas Erskine, to whom the Berclay wardship and marriage had been granted previously.³ Later, Thomas Erskine was given the wardship and marriage of one of the Valence heiresses as well.⁴ In general, although details of such transactions rarely survive from the early Stewart period, it is very likely that the marriages of most of the other heiresses of the time were granted or marketed in this way. Accordingly, when a family rose into the higher nobility as a result of marriage to an heiress, it may well have been the case that that marriage was acquired through purchase, or was a gift from the crown or some other great lord. Thus the conclusions reached in the preceding paragraph have to be modified slightly, but without in any way reducing the supreme importance of heiresses as agents of social mobility in early Stewart Scotland.

SECTION 2: FAMILIES AND KINSHIP

The subject of this section is the extended noble family, interpreted widely to cover all cadet branches and indeed everyone with a particular surname. The best known Scottish examples of such families are of course the Highland clans,

1. Unless, that is, they held their lands in blench farm; see above, pp. 188-90.

2. Fraser, Lennox, ii, no. 33.

3. Exch. Rolls, ii, 433; Scots Peerage, ii, 224.

4. Hist. MSS. Comm., Mar and Kellie suppl. report, p. 10.

but similar groupings are also to be found in the South, especially on the Borders. The extended noble family is one general feature of Scottish medieval and early modern society¹ to which great importance is usually attached by historians. Here, therefore, its significance in the early Stewart period will be examined.

During the early Stewart period, two family networks were predominant: the Stewarts and the Douglasses. The Stewarts must be considered the greatest of all Scottish families, and in this period they were at their peak; not only did they have the crown, they also came to dominate the upper levels of noble society almost completely.² In particular they turned the earldoms into a Stewart preserve. The process started under David II, and by 1371 four earldoms (Atholl, Carrick, Menteith, and Strathearn) and three 'territorial lordships' (Renfrew, Kyle Stewart, and Cunningham)³ were in the hands of Robert Stewart and his two eldest sons. Under Robert II, much more territory was acquired by his family: in the 1370s the earldoms of Fife and Caithness and the 'territorial lordship' of Badenoch,⁴ in the 1380s the earldoms of Buchan and Ross.⁵ After about 1386, Strathearn left the male Stewart line,⁵ but this was compensated for in 1404 when a Stewart gained the earldom of

1. Nicholson, Scotland, pp. 206-7; Barrow, Robert Bruce, p. 7; Grant, Social and Economic Development, pp. 51-2, 177-8, 198; Donaldson, Scottish Kings, pp. 48-9; G. Donaldson, Scotland: James V to James VII (Edinburgh, 1965), pp. 12-14.
2. For the Stewart genealogy up to this time see Scots Peerage, i, 13-18, and i, 147-51, 169-71, 436-9; ii, 259-61, 285-6; iv, 145-50; v, 1-3, 344-7; viii, 259-61.
3. Handbk. Brit. Chron., pp. 469, 473, 483, 489; and see above, pp. 214-6.
4. Handbk. Brit. Chron., pp. 477, 471, 487; Great Seal, i, no. 558.
5. Handbk. Brit. Chron., pp. 489-90.

Mar and lordship of Garioch;¹ also, Ross had been lost by about 1390, but was regained in 1415.² Thus for most of the early Stewart period Robert II's sons and grandsons held at least six, and for much of the time eight, of the 17 Scottish earldoms, together with five 'territorial lordships' and a large number of baronies.³ This 'Stewartisation'⁴ of the earldoms was largely the result of Robert II's policy of providing for his sons. It is customary to criticise the policy; Robert II is said to have dissipated royal resources by it, and to have stored up serious political problems for his successors.⁵ In fact the crown's possessions, as they were bequeathed by David II, were not used for the endowment of Robert II's sons. Atholl, Carrick, and Strathearn came to the Stewarts under David II;⁶ Caithness and the lordship of Badenoch were escheats;⁷ marriages brought Menteith, Buchan, Ross, and Mar;⁸ while Fife was gained and Ross regained by persuading the respective countesses to resign them.⁹ Moreover, had he not endowed his sons, Robert II's political problems would have been greatly increased; and in doing so he was following the same policy as that of his contemporaries in England and France.¹⁰

1. Handbk.Brit.Chron., p. 482.

2. Ibid., p. 487.

3. For lordships and baronies held by members of the royal family see Appendix II, 'Barons and Baronies 1371-1424', below, pp. 346-97, passim.

4. Nicholson, Scotland, p. 187.

5. See, e.g., ibid.; Donaldson, Scottish Kings, p. 46; Grant, Social and Economic Development, pp. 174, 207-8.

6. Handbk.Brit.Chron., pp. 469, 473, 489.

7. Scots Peerage, ii, 319-21; vi, 295-7; Badenoch in the earlier 14th century was part of the earldom of Moray (Great Seal, i, app. i, no. 31).

8. Handbk.Brit.Chron., pp. 483, 471, 487, 482.

9. Scots Peerage, iv, 13-14; vii, 242-3.

10. McFarlane, Nobility, pp. 156-7; Lewis, Later Medieval France, pp. 190-4.

The house of Stewart was not limited to Robert II and his sons. The nearest cadet branch at this time was the Stewarts of Railston, Robert II's half-brother and his descendants.¹ They can hardly be said to have been higher nobles, but nevertheless were fairly prominent, especially as sheriffs of Perth.² Of greater significance were the lines descended from John Stewart of Bunkle, the brother of Robert II's great-grandfather, who had been killed at Falkirk in 1298. The main line of this branch of the Stewarts had the earldom of Angus after 1329, but it ended in a female in 1364, and with her Angus left Stewart hands.³ Two junior lines, Darnley and Innermeath, did survive into the early Stewart period, and in turn produced a cadet branch, Jedworth and Rosyth respectively.⁴ Of these, the Stewarts of Innermeath raised themselves to the higher nobility when they acquired the lordship of Lorne through marriage;⁵ while William Stewart of Jedworth should probably also be counted among the higher nobility from about 1390 until his death in 1402.⁶ The Stewarts of Darnley and Rosyth were respectable, fairly important baronial families, but not in the magnate class. Taken together, these five cadet branches, like the family of Robert II itself, testify to the remarkable fecundity of the Stewarts, that was in the next two centuries to distribute the surname Stewart so widely among the

1. Scots Peerage, i, 14-15.
2. Exch. Rolls, iii, 82, 667, 675, 683.
3. Scots Peerage, i, 13, 169-71.
4. Ibid., i, 13; v, 344-6; v, 1.
5. Ibid., v, 1-2.
6. Ibid., iv, 146-9, and above, p. 35.

1

landowning classes of Scotland.

In 1371 there were three main branches of the Douglasses: the senior line, represented by William, the first earl of Douglas, and his son James; the 'Galloway' line, in the person of Archibald 'the Grim' lord of Galloway, the illegitimate son of Robert I's companion James lord of Douglas; and the 'Lothian' line, which had established itself in the early thirteenth century, had included one of the major figures of the first half of David II's reign, William Douglas of Liddesdale, and was headed in 1371 by James Douglas of Dalkeith.

2

In 1389 the first two Douglas lines merged, when Archibald lord of Galloway succeeded to the earldom after the death of the second earl. But before this happened, three more cadet branches had been produced. The most important was that of Angus: the first Douglas earl of Angus was George, illegitimate son of the first earl of Douglas and Margaret Stewart countess of Angus; he was recognised as lord of Angus in 1389 and as earl in 1398.

3

The other two branches stemmed from the illegitimate sons of the second earl, and were established when the baronies of Drumlanrig and Cavers were granted to them.

4

The third earl's children also formed short-lived cadet branches: his second son was James Douglas of Balvenie, one of the greatest barons of the early fifteenth century, while his illegitimate son William was made lord of Nithsdale by

1. E.g. in the index to the Scots Peerage, the surname Stewart occupies 42 columns, compared with, say, Hamilton's 36 and Douglas's 35. In M.Stuart and J.B.Paul, Scottish Family History (Edinburgh, 1930), there are 140 entries for various Stewart families outside the peerage.

2. Scots Peerage, iii, 146-67; vi, 338-48.

3. Ibid., i, 171-3, and above, p. 14.

4. Scots Peerage, iii, 157; Hist.MSS.Comm., 15th report, app. viii, pp. 8-9, nos. 2-3; ibid., 7th report, app., p. 727, no. 4.

Robert II.¹ The 'Lothian' line produced several cadet branches too,² of which the family of Lochleven was the most significant. By 1424,³ therefore, the Douglas family network had also spread considerably. In addition to the Douglas earls of Douglas and Angus, there were the Douglasses of Dalkeith and Balvenie in very prominent positions within the higher nobility, and at least three other important Douglas families in the rest of the baronage.

There were only two families in any way comparable to the Stewarts and Douglasses: the Dunbars and the Lindsays. The senior line of the Dunbars was headed by the earls of March;³ the main cadet line, in this period, was that of the earls of Moray, formed when Robert II granted Moray to John Dunbar, brother of the tenth earl of March, in 1372.⁴ Two more brothers of the tenth earl founded the families of Cumnock, which possessed the baronies of Cumnock (Ayr), Blantyre (Lanark), and Mochrum (Galloway),⁵ and the family of Bele.⁶ In the early fifteenth century there were also the Dunbars of Frendraught, formed when the younger son of the first Dunbar earl of Moray married the heiress to Frendraught (Banff); their son was a hostage for James I, when his income was assessed at 500 marks.⁷ At this time, therefore, two or perhaps three branches of the Dunbars may be counted within the higher nobility in addition to the earls of March. The higher nobility during the first part of the early Stewart period would also have included three

1. Scots Peerage, iii, 163-4, 172-3; and above, p. 61.

2. Scots Peerage, vi, 364-5.

3. Ibid., iii, 260-79.

4. Ibid., vi, 298-304.

5. Ibid., iii, 261, and above, p. 219, note 3.

6. Scots Peerage, iii, 260.

7. Ibid., vi, 301, 304-6; Cal.Doc.Scot., iv, no. 952.

branches of the Lindsays: the families of Crawford, Glenesk, and the Byres. The three lines were descended from the three sons of the David Lindsay who sealed the Declaration of Arbroath in 1320.¹ As with the Douglasses, the first two lines merged in 1397, when on the death without sons of James Lindsay of Crawford his cousin David Lindsay of Glenesk inherited his estate, and a year later became earl of Crawford.² The third line, the Lindsays of Byres survived the early Stewart period, and steadily increased their importance; grants from their kinsmen and two advantageous marriages built up their possessions, and by the 1390s they can safely be said to be among the higher nobility.³ The first earl of Crawford's brothers, William of Rossie and Walter of Kinneff, also produced junior families, but these were less important.⁴

These four families provide good examples of the extended noble family in Scotland. However, to find other similar examples in this period is difficult. Admittedly other magnate families did have cadet branches, and four other junior lines can be found within the higher nobility at this time: the Leslie earls of Ross, Grahams earls of Strathearn, Setons of Gordon, and Hays of Yester were all cadets of their respective families.⁵ However all except the Hays of Yester originated after 1371, from the younger sons or brothers of other magnates. The same is true of most of the other cadet

1. Scots Peerage, iii, 10-15.

2. Ibid., iii, 12, 15-16.

3. Ibid., v, 391-2, and above, p. 295.

4. Scots Peerage, iii, 14.

5. I.e. the Leslies of that ilk, Grahams of Kincardine, Setons of that ilk, and Hays of Errol (ibid., vii, 271; vi, 214; viii, 572-3; viii, 416-7).

branches which had baronial status.¹ In the early Stewart period, cadets of magnate houses which did not belong to the immediate family — younger sons or first cousins — of the heads of their houses seem to be very rare. In 1371 the only magnate families with significant cadet branches which had been established for more than two generations were the Campbells, the Hays, and the Maxwells.² Because of this it is very hard to think of early Stewart Scotland as being covered by a network of extended noble families. Instead, the country contained two very great family groupings, and two more fairly large ones; but all the other noble kins appear to have been extremely small and insignificant by comparison. This is a conclusion which casts doubt, at least for the early Stewart period, on that analysis of Scottish late-medieval noble society which stresses the importance of the wide kinship group.

When the subject is considered in more general terms, a similar result appears. The most obvious embodiment of the wider concept of the family is the Scottish clan. There were certainly clans in the Highlands during the early Stewart period; two of the earliest references to clans date from the 1390s: all 'Clanquevill' was outlawed in 1392 after the battle at Glasclune,³ while 'Clankay' and 'Clanquele'⁴ took part in the famous clan fight at Perth in 1396.

Throughout the period it is possible to speak of 'the innate

1. For these see Appendix II, below, pp. 346-97, and the relevant entries in the Scots Peerage.

2. The cadet branches were Campbell of Loudon, Hay of Yester, and Maxwell of Pollok (*ibid.*, i, 320-1 and v, 490-1; viii, 416-7; vi, 470-1).

3. Act. Parl., i, 579.

4. Scotichronicon, ii, 420; Wyntoun, vi, 377.

clannishness of the Highlander',¹ which was then turning southern families like the Gordons, Frasers, and Grants into Highland clans.² Yet even in this respect the concept of the family had not reached its fullest form of development. In the late fourteenth and early fifteenth centuries the clans seem to have been rather loosely organised, and are not necessarily to be equated with widespread families. The 'clan system', which is often described in histories of Scotland, belonged properly to the sixteenth century, after the forfeiture of the lordship of the Isles and the disintegration of the territorial earldoms like Ross, Moray, and Atholl had taken place.³ In the south, the nearest approach to a clan was the Kennedy family:⁴ in 1372 Robert II confirmed John Kennedy of Dunure in his position as 'capud progeniei sue', or 'Kenkynolle'.⁵ This confirmation is probably not unique among southern landowners,⁶ but it is the only one made to an important baronial family. Although in the north many baronial families developed into clans, in the south no other Scottish nobles ever claimed to have been granted such a specific headship over their kin; the

1. Grant, Social and Economic Development, p. 499.

2. Ibid., pp. 499-501, for Grant; Scots Peerage, iv, 518-29, and v, 518-26, for Gordon and Fraser.

3. Grant, op.cit., pp. 478-516. This whole section, 'The Development of the Clan System', is probably the best account of the clans in the late middle ages. But for the Highlands in general in the early Stewart period, much of G.W.S. Barrow, 'The Highlands in the Lifetime of Robert the Bruce', The Kingdom of the Scots, pp. 362-83, is also relevant. See above, pp. 46-51, for the decline of the territorial earldoms.

4. Indeed in 'Robertson's Index' there is an entry, probably c. 1344: 'carta anent the clan of Muntercasduff, John McKennedy captain thereof' (Great Seal, i, app. ii, no. 914; cf. Scots Peerage, ii, 444).

5. Great Seal, i, nos. 508, 509. 'Kenkynolle' or 'Ceanncinneal' means head of the tribe or clan (Scots Peerage, ii, 424, note).

6. Three similar confirmations were probably made by David II in c. 1344, to Gilbert McGillolane, Michael McGorth, and John McKennedy (Great Seal, i, app. ii, nos. 912-4).

Kennedies may therefore be taken as being exceptional.

But while Lowland Scots did not form clans, in the late middle ages they did develop an idea which was very similar. This was that the family, in its widest sense, should be thought of as covering all those people who had the same surname and bore the same heraldic arms.¹ The idea can be seen taking shape in the fourteenth century. One of its earliest expressions is in the tailzie of the Keith lands and office of marischal, first made under Robert I and confirmed in 1407,² where the reversion was to heirs-male with the surname and arms of Keith. Similarly, in the mutual tailzie made in the 1380s by the Lindsay cousins the ultimate destination of the main Lindsay estates was to 'propinquioribus de sanguine suo cognomen et arma portantibus de Lindesai legitimis quibuscunque.'³ The tailzie of the earldom of Crawford made by the second earl in 1421 also had this clause.⁴ Lochawe and most of the other Campbell lands were entailed in the same way in 1407;⁵ so too was the Grahams' barony of Dundaff (Stirling) after 1422.⁶ During the rest of the fifteenth century tailzies like these became increasingly common.⁷

Nevertheless, so far as the early Stewart period is concerned, the significance of this development must not be exaggerated. Relatively few tailzies made during this period

1. Nicholson, Scotland, p. 207.

2. Great Seal, i, no. 884; app. i, no. 47; cf. ibid., i, nos. 818, 939.

3. Ibid., i, nos. 762, 763.

4. Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421.

5. Hist.MSS.Comm., 4th report, app., p. 473, no. 5.

6. Great Seal, ii, no. 169.

7. E.g. ibid., ii, nos. 1045, 1064, 1191, 1214, 1534, 1595 (all cited by Nicholson, Scotland, p. 207).

contained reversions to persons bearing the family surname and arms. For example, Dundaff was only one of the territories tailzied by William Graham of Kincardine. He constructed four separate tailzies to govern the descent of most of his lands. The tailzie controlling Dundaff was to the heirs-male of his body, with reversion to the nearest legitimate heir-male of the surname and arms of Graham; of the other tailzies, one was to the heirs-male of his body,¹ one to the heirs-male of his second marriage,² and one to the heirs, male or female, of his second marriage,³ but in all three the ultimate reversion was simply to his heirs-general. Thus if all the lines of William Graham's sons died out (this is unlikely, because he had seven), Dundaff would have gone to one of his brothers' families, while the other lands would have gone to the families of one or other of his daughters. In three out of the four tailzies, therefore, William Graham's daughters took precedence over his brothers. This demonstrates that Graham attached more significance to his immediate family, including his daughters, than he did to the wider concept of all those with the surname and arms of Graham. The other tailzies made in the period show that this was generally the case. There are 131 instances of tailzies among the surviving documents issued by the crown between 1371 and 1424.⁴ In only nine (7%) of them was the ultimate reversion to heirs-male of the same surname and arms as the

1. Great Seal, ii, no. 165.

2. Ibid., ii, no. 167.

3. Ibid., ii, no. 168.

4. MS. Regesta 1371-1424, passim. Of these, 87 were in what English lawyers call fee tail, being tailzies to the heirs of a landowner's body, or of a particular marriage in the case of jointures (cf. above, pp. 207-8). Mostly there was an ultimate reversion to heirs-general. These provide no evidence of any consciousness of the male-line concept of the family; quite the reverse.

person who established the tailzie.¹ Thirty-three tailzies, on the other hand, were in what English lawyers call tail-male, with ultimate reversion to heirs-general² or to the crown.³ In these tailzies, land was entailed to the heirs-male of the body of the noble who established the tailzie,⁴ failing whom sometimes to his brothers and very occasionally to his first cousins or nephews, and the heirs-male of their bodies.⁵ It is extremely rare for any more distant relatives to be specifically included in such tailzies.⁶ Instead, after the heirs-male of the original noble's body and perhaps those of his brothers, cousins, and nephews, the lands in question would go to his heirs-general, or occasionally to the crown. If this happened, the estates would leave the original family,

1. Great Seal, i, nos. 502, 653, 762, 763, 919; ii, no. 169; Hist.MSS.Comm., 4th report, app. p. 473, no. 5; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 2:iii:1423-4; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres Muniments, s.d. 28:xii:1421. It is possible that a similar reversion was intended in the tailzie noted in Calendar of the Laing Charters, ed. J.Anderson (Edinburgh, 1899), no. 83.

2. In 23 cases: Great Seal, i, nos. 464, 465, 578, 628, 663, 670, 808, 861; ii, nos. 20, 165, 167, 378, 1411; Morton Reg., ii, no. 140; Yester Writs, no. 33; Laing Charters, no. 94; Scot.Rec.Off., MS. Register House Charters, RH6/244; ibid., MS. Crown Office Writs, AD1/19; ibid., MS. Ailsa, GD25/1/28; ibid., MS. Bruce of Clackmannan, GD235/1, no. 4; ibid., MS. Bruce of Kennet, GD11/5; ibid., MS. Glencairn, GD39/1/14. Cf. also Great Seal, i, no. 920.

3. In 5 cases where the landowner was the king's son or grandson (ibid., i, nos. 530, 559; Hist.MSS.Comm., 4th report, app., p. 495, no. 16; Scot.Rec.Off., MS. Morton, GD150/14, 1; MS. Regesta 1371-1424, s.d. ? :v:1405 (photo of original, MS. Marquis of Bute, no. 3)); in three cases where the grant was one of regality (Morton Reg., ii, nos. 164, 165; Scot.Rec.Off., MS. Mar and Kellie, GD124/1/525); and in 2 other cases (Great Seal, i, no. 478; Scot.Rec.Off., MS. Guthrie of Guthrie, GD188/Box 1/Bdle 1/1).

4. With various preferences among his sons, depending on whether the main estate was being tailzied, or a separate piece of land given to a younger son.

5. E.g. Great Seal, i, nos. 628, 663, 670; Morton Reg., ii, no. 140; Scot.Rec.Off., MS. Ailsa, GD25/1/28.

6. Ibid., MS. Glencairn, GD39/1/14, and Laing Charters, no. 94 (both tailzies of the main Cunningham estate) are examples of this.

probably passing to a female line, and possibly being partitioned. This indicates that although many nobles were worried enough about the prospects of female succession to have part or all of their estates entailed on heirs-male, at the same time if they left no male heirs from within their own immediate family circle, they would prefer to be succeeded by a close relative in a female line rather than a distant one in a male line.¹ This attitude is similar to that found among many of the English nobility in the same period,² and it indicates that in early Stewart Scotland the nobility as a whole did not have a particularly strong attachment to the notion of the extended noble family which included all collateral branches no matter how distant from the main line.

What little evidence there is about other aspects of magnate attitudes to the family in the early Stewart period gives the same impression. For example, there are no indications of any feudal relationships between the main and the cadet branches of noble families. Where families did have significant cadet branches, the latter did not hold their lands of the heads of their houses. It was extremely rare for a lord to grant either land or annuities to any but his closest male relatives.³ And judging by the evidence of the witness lists to noble charters, the only male relatives regularly in attendance on magnates belonged to the magnates'

1. This was even more obviously so in the 87 (66%) cases of tailzies in fee tail; see above, p. 309, note 4.

2. Cf. McFarlane, *Nobility*, pp. 72-3, 270-2.

3. No links of this kind can be found between the Campbells of Lochawe and those of Loudon, nor between the Hays of Errol and those of Yester. John Maxwell of Pollok did receive some land in Kilbride barony (Lanark) from Robert Maxwell of Carlaverock (Fraser, *Pollok*, ii, no. 10), but this was more probably a purchase designed to increase the land held by the Maxwells of Pollok in Kilbride (cf. *ibid.*, i, nos. 16, 17, 19, 20, 22, 27) than an example of family patronage.

own immediate families: brothers, children, and occasionally first cousins or nephews.¹ In contrast, the term consanguineus was frequently applied to witnesses who did not have the grantor's surname, which shows that it was quite common for magnates to be in the company of female-line relatives. This again can hardly have been any different from the situation in most other late medieval societies.

In general, therefore, it seems difficult to accept that wide family networks formed out of cadet branches in the male line can have played a significant part in the history of early Stewart Scotland. It is much more likely that at that time family consciousness operated within much narrower limits, normally extending only as far as brothers, children, first cousins, and nephews. If there was any wider concept of the family, it is almost certain to have included relatives in the female line as well; such a concept could only have been very loose, because there was so much intermarriage within the nobility. It would thus have been very different from the clans and kinship groups based on surnames which are to be found at a later period.

It must be admitted however that exceptions to some of the arguments given above are to be found in the two great families of Stewart and Douglas. In both cases, cadets² did witness charters, received grants of land and

1. E.g. of the noble charters in List A of Appendix III (below, pp. 398-400), 76 are witnessed; in only 8 cases (nos. 14, 29, 33, 63, 70, 72, 92, 98) do the witness lists include men who were probably more distant relatives.
 2. For Stewart witnesses (for the earls of Carrick and Fife) see e.g. Hist.MSS.Comm., 6th report, app., p. 691, no. 11; Melrose Book, ii, no. 483; Great Seal, ii, no. 187; Fraser, Wemyss, ii, nos. 13, 23; Scot.Rec.Off., MS. Maitland Thomson Notebooks, GD212, no. 10, pp. 25-6; for Douglas witnesses, see e.g. below, p. 336.

annuities,¹ and generally may be taken as belonging to the entourage of the head of their house. But whether this is to be ascribed to particularly strong Stewart or Douglas family feeling is questionable. Certainly it would be unwise to speak of any Stewart or Douglas family block at this period. The main Stewarts (the earls of Carrick and the dukes of Albany) and the earls of Douglas did have wide networks of personal and feudal relationships — hardly surprisingly, since they were the greatest Scottish magnates of the period — but within them there were very few men with their own surnames.² Judging by its history, the Douglas family was far from tightly-knit. In the early Stewart period there is no firm evidence of any links between the first two earls of Douglas and Archibald lord of Galloway;³ and although James Douglas of Dalkeith did enter into a bond of retinue with the first earl, allowed his son and grandson to be hostages for the fourth earl, and witnessed some of the fourth earl's charters,⁴ his ties with the earl of March and with Robert III (both as earl of Carrick

1. E.g. Great Seal, i, no. 447; Fraser, Buccleuch, ii, no. 22; Morton Reg., ii, no. 129.

2. E.g. for the entourage of the 4th earl of Douglas, see below, pp. 335-40; for that of Alexander Stewart earl of Mar, see below, pp. 329-32; for that of the earl of Fife and duke of Albany, see below, pp. 326-7, notes, and the witnesses to Appendix III (below, pp. 398-400), List A, nos. 17, 18, 42, 57, 61, together with the last four charters cited above, p. 312, note 2.

3. E.g. in the 1388 campaign in England he was in the earl of Fife's army, not the earl of Douglas's (Scotichronicon, ii, 404). Throughout his career Archibald 'had his own way to make and never seems to have been aligned in politics with his cousin. He was a man who was to raise himself to a great position by loyal service to two kings' (Webster, 'David II', Trans.Roy.Hist.Soc., 5th ser., xvi, 127). It was this service that brought him his great territorial gains (cf. above, p. 221).

4. See below, pp. 336-7.

and as king) were probably just as close.¹ Earlier, William Douglas of Liddesdale (James Douglas of Dalkeith's uncle) had defrauded the main Douglas line of the lordship of Liddesdale, and in 1353 he was killed by the lord of Douglas;² later, in the second half of the fifteenth century the rise of the Douglas earls of Angus was largely at the expense of their kinsmen the earls of Douglas.³ As for the Stewarts, there was probably only one issue that could have united them: the Stewart possession of the crown. They would obviously have resisted any attempt by any other family to seize the crown, had such an attempt ever been made. But otherwise there was little unity shown by the sons and grandsons of Robert II. There was clearly ill feeling between the earls of Carrick and Fife;⁴ the latter was largely responsible for the death of David duke of Rothesay;⁵ and it seems that only Robert II had good relations with Alexander earl of Buchan.⁶ After 1424 this ill feeling and rivalry was turned into a full-scale family feud by James I; having ruined most of the other lines of Robert II's sons, he himself was assassinated at the instigation of Walter earl of Atholl, the youngest son of Robert II.⁷ In such a situation the

1. His first wife was the earl of March's sister, and he married his son and heir to a daughter of the earl of Carrick (Scots Peerage, vi, 348, 350; cf. Morton Reg., ii, no. 162). He held several pieces of land of the earl of March (*ibid.*, ii, nos. 100, 131, 132), and was a constant witness to Robert III's charters (MS. Regesta 1371-1424, Robert III, *passim*). His son and heir James was retained by David earl of Carrick and duke of Rothesay (Morton Reg., ii, no. 214).

2. Scots Peerage, vi, 340-1.

3. *Ibid.*, i, 175-6.

4. Cf. Nicholson, Scotland, pp. 199-201, 204, 213-6.

5. *Ibid.*, pp. 221-2.

6. See e.g. the references to Alexander Stewart in the record of the 1384 council-general (Act. Parl., i, 551-3).

7. Brown, 'Magnates', The Scottish Nation, p. 52; Nicholson, Scotland, pp. 321-4.

lesser Stewart lines could either have taken sides, or more probably have opted out of any conflicts and given their¹ allegiance to the crown.

On the whole, therefore, the extended noble family does not seem to have been a particularly significant feature of higher noble society during the early Stewart period, even where the Stewarts and Douglasses are concerned. The ties of family and kinship were probably no more important in Scotland at that time than in most other western European societies. And they were almost certainly much less important than the personal ties between lords and men discussed in the following section. In this respect the early Stewart period appears to differ considerably from many other periods of Scottish history, especially the later fifteenth and sixteenth centuries, when the idea that the family or kinship group included all who bore a particular surname and arms had much wider currency. Why this should have been so is uncertain; to explain it would probably require an examination of noble society during the whole of the period from the Wars of Independence to the Union of the Crowns.

SECTION 3: LORDS AND MEN

Early Stewart Scotland had a complex framework of lord-man relations, with several kinds of social ties existing side by side. To begin with, there were vestiges of the pre-feudal social organisation, especially the concept that all the inhabitants of a particular area were the men of the

1. A course followed, for example, by William Stewart of Jedworth (Scots Peerage, iv, 147-8).

lord of that area, no matter what their tenurial relationships with him were. This may be seen in the Highland clans,¹ and also in the 'army of an earldom'.² All those who lived inside the bounds of an earldom were supposed to follow the earl to war, whether or not they were his tenants. This rule still applied in the earlier fourteenth century,³ and it was one of the issues in a dispute between the earl and bishop of Moray in 1389.⁴ There is no certain evidence that the army of an earldom was ever raised during the early Stewart period, but the fullest accounts of military operations within Scotland, those undertaken against marauding armies of Highlanders at Glasclune in 1392 and at Harlaw in 1411, do show a locally-based organisation not dissimilar to the army of an earldom. At Glasclune, on the Perthshire-Angus border, the force was led (in the absence of an earl of Angus) by the most important local landowner, David Lindsay of Glenesk, together with the sheriff of Forfar Walter Ogilvy of Auchterhouse, and it was composed of east Perthshire and Angus barons and gentry.⁵ At Harlaw in Garioch, the Highlanders were opposed by Alexander Stewart earl of Mar and lord of Garioch, 'cum potestate de Mar et Garioch, Angus et Mernis';⁶ again, all those known to have followed Mar came

1. For the clans see Grant, Social and Economic Development, chapter IX.

2. See above, pp. 49-50.

3. Melrose Book, i, no. 351.

4. Moray Reg., no. 169. The concept probably applied to the 'territorial lordships', too. In 1367 Robert Stewart appointed Hugh Eglinton baillie of Cunningham, with the 'ductione omnium hominum habitantium in eadem' (Fraser, Eglinton, ii, no. 8 (1)).

5. Wyntoun, vi, 371-4; as well as Lindsay and Ogilvy, there were Patrick Gray of Longforgan, Walter Lichton, and 'Carncors, Forfare, and Guthery, / And Wilzame Yonge of Auchtyrlawny', all from the same area.

6. Scotichronicon, ii, 445.

from Aberdeenshire, Kincardineshire, and Angus.¹

A further example of this kind of social relationship may perhaps be found in the 'territorial lordship' of Annandale. Although this was a creation of the feudal period, it was very similar to the pre-feudal earldoms and lordships, and the 'territorial-cum-feudal loyalty' of its inhabitants has been stressed for the late thirteenth and early fourteenth centuries.² At that time, one of the Annandale gentry families was the Carruthers.³ In 1349 David II, as lord of Annandale, granted land in it to William Carruthers; the charter was witnessed by John Carruthers, 'cancellario nostro vallis Annandie'.⁴ In 1375 Roger Carruthers received more land in Annandale from the then lord, George Dunbar earl of March.⁵ And in 1411, after Annandale had been forfeited by the earl of March and granted to the fourth earl of Douglas, Simon Carruthers, 'the earl's esquire', resigned all his lands in Annandale to the earl for regrant, in the justiciar ayre of Annandale held at Lochmaben.⁶ It seems that the relationship between the Carruthers and their lords was not so much personal or tenurial as territorial: as inhabitants of Annandale they were the men of the lords of Annandale,

1. Alexander Ogilvy of Auchterhouse, sheriff of Forfar, James Scrymgeour of Dundee, Alexander Irvine of Drum (Abdn), Thomas Maule of Panmure (Frfr) (given as 'Thomas Murray' by Bower, but see Panmure Reg., ii, 187), William Abernethy heir to Rothiemay (Banff) and Redie (Frfr), Alexander Straton of Lauriston in Kincardineshire, George Ogilvy heir to Ogilvy (Frfr), James Lovel and Robert Melville, two Angus lairds (A.J.Warden, Angus or Forfarshire (Dundee, 1885), v, 5, and iv, 312), Alexander Stirling (?), William of Tulidell, a tenant of the bishop of Aberdeen (Aberdeen Reg., i, 215), and Alexander Keith of Grandon, son of the marischal and a tenant of the earl of Mar (Scots Peerage, vi, 37).

2. Barrow, Robert Bruce, p. 30.

3. Great Seal, i, nos. 92, 93.

4. Hist.MSS.Comm., 15th report, app. viii, p. 55, no. 109.

5. Ibid., 6th report, app., p. 710, no. 2.

6. Fraser, Douglas, iii, no. 363.

whoever these might be. Among those present at the justiciar ayre at Lochmaben in 1411 were Humphrey Jardine and Robert Herries; these, too, were members of old Annandale families¹ which had first settled there under the early Bruce lords.

Secondly, in early Stewart Scotland there were no restrictions on subinfeudation so long as the overlord's consent was obtained.² Accordingly, it was not impossible for lords to make heritable grants to their men in return for homage and service, just as in the twelfth and thirteenth centuries. And although the great majority of subinfeudations were doubtless nothing more than conveyances of land resulting from sales,³ there are a few instances where the particular wording of the documents or the actual relationship between the parties involved indicate that it was probably the lord's intention to make a feudal infeoffment. For example, in 1385 the second earl of Douglas issued a precept of sasine to the baillie of Strathalvah barony (Banff)⁴ which ran:⁵

'Quia concessimus ad instanciam carissime matris nostre domine Margarete, comitisse de Douglas et de Marr, nostrum consensum et assensum ad infeodandum Johannem de Bentlay in decem libratis terre infra baroniam de Strathalueyn sibi et heredibus suis de corpore suo exeuntibus, pro suo servicio matri nostre antedictae impenso et impendendo; vobis mandamus quatenus, quandocunque placuerit dicte domine matri nostre dictum Johannem infeodare in dictis decem libratis terre, ad ipsius mandatum, eidem Johanni saisinam hereditariam secundum formam carte sue inde confecte exhibeatis: Detinentes has literas vobis pro warranto; ea tamen conditione ut dicte terre teneantur de domina matre nostra per homagium et servitium, wardam et relevium.'

1. Barrow, Robert Bruce, p. 30. This was the only time these two men witnessed a charter of the earl (cf. below, p. 336).

2. See above, pp. 197-204.

3. Cf. above, pp. 197-201.

4. Strathalvah was part of the possessions of the earls of Mar, of which the earl of Douglas may then have been acting as overlord on his mother's behalf (cf. Handbk. Brit. Chron., p. 482).

5. Fraser, Douglas, iii, no. 295.

This must surely refer to a grant by the countess of Douglas and Mar to one of her men, rewarding him for his service. Similarly, feudal service and nothing else was required by the second earl of Douglas from his illegitimate son William, to whom he granted Drumlanrig barony (Dumfries) to be held in fee and hereditary and in blench farm, by performing the service of one knight in the earl's army in lieu of all other obligations.¹ In 1365 Thomas earl of Mar granted the land of Echt, in Mar, to 'his knight' Laurence Gillebrand, to be held of the earls of Mar by Gillebrand, his wife, and the heirs of their bodies, for one suit a year to the court of the earldom of Mar.² And in 1404 Isabella Douglas countess of Mar gave land in feu farm for £3.6s.8d. a year to William Chalmers of Findon, 'pro certis beneficiis suis nobis impensis et impendis pro suo consilio et auxilio nobis impendendis'.³ Despite the fact that in these grants the reddendos generally do not conform to the standard feudal pattern, there is little doubt that they are all cases of heritable enfeoffments by lords of their men, with the aim on the lords' part of obtaining and rewarding service. They thus provide examples from early Stewart Scotland of lord-man relationships similar to those of the classic feudal period.

Next, there were many instances of fiefs-rentes in early Stewart Scotland. A fief-rente was a grant in feudal form of an annual sum of money; this was to be held of the grantor in fee, and often in hereditary, for homage and service. Fiefs-rentes were common in much of western Europe from the

1. Hist.MSS.Comm., 15th report, app. viii, p. 8, no. 2.
 2. G.F.Browne, Echt-Forbes Family Charters (Edinburgh, 1923), no. III (confirmed by Robert II in 1377).
 3. Scot.Rec.Off., MS. Register House Charters, RH6/220.

thirteenth to the early fifteenth centuries.¹ In early Stewart Scotland the main source of fiefs-rentes was the crown, up to 1406.² Some 50 grants of annuities to laymen from Robert II, and some 30 from Robert III, are recorded;³ the great majority of them may be counted as fiefs-rentes. In many of them, the annuity was said to be held until it was replaced by a grant of land; thus 'lip-service' was paid to the original feudal concept'.⁴ No doubt this was usually 'a mere form of words',⁵ but there is at least one case of an annuity being cut by half because the recipient had been granted land.⁶ Almost all these early Stewart fiefs-rentes were granted in hereditary; in practice, however, they were often cancelled on the death of the person to whom they were initially granted.⁷ It is hardly surprising that most fiefs-rentes in early Stewart Scotland were granted by the crown, because it probably had much more cash than land at its disposal for granting away.⁸ Some fiefs-rentes created by nobles have been found, however: for example an annuity of £40 from Bothwell given by the fourth earl of Douglas to Alexander Stewart earl of Mar,⁹ one of £20 from Newdosk (Kincardine) and Glenesk (Forfar) given by David Lindsay of Glenesk to Walter

1. B.D.Lyon, From Fief to Indenture (Cambridge, Mass., 1957).

2. No grants of this type were made by the dukes of Albany as governors.

3. See above, p. 267.

4. Nicholson, Scotland, p. 212.

5. Ibid.; cf. Lyon, op.cit., pp. 67-8.

6. Scot.Rec.Off., MS. Society of Antiquaries' 'Carte Varie', GD103/2/11, p. 30.

7. E.g. those enjoyed by William Douglas of Nithsdale, Malcolm Drummond, John Swinton, Robert Stewart of Innermeath, William Fenton, and John Cragy (Exch.Rolls, ii-iv, Indices, s.v.).

8. Cf. above, p. 268. Before 1371, Robert I and David II had probably granted away most of the crown's territorial possessions. Apart from escheats and forfeitures there are hardly any grants of crown land among the MS. Regesta 1371-1424 materials.

9. Hist.MSS.Comm., Mar and Kellie suppl. report, p. 15.

Ogilvy of Auchterhouse,¹ and, probably, one of £40 from Ballerno (Edinburgh) given by William Ruthven of Ballerno to Walter Haliburton of Dirleton.²

Finally, many lord-man relationships were based on 'bonds of retinue'.³ These may be seen as the forerunners of the 'bonds of manrent', which appeared after 1440, and which were the characteristic instruments of lord-man relations in late-fifteenth and sixteenth century Scotland.⁴ Bonds of retinue were indentures or contracts for life or for a period of years, similar to those common at this time in England and France,⁵ by which one man entered another's service and retinue in return for protection and some sort of material benefit. A good illustration of the reciprocal nature of the arrangement is given by a bond between the fourth earl of Douglas and Herbert Maxwell heir to Carlaverock, dated 1407, in which the earl promised to pay Herbert and his heirs 40 marks a year, and 'Alswa we oblych vs to supowelle and defende the forsayde Syr Harbarte in all hiis ryghtwys cause, als we awe to do to our man and our kosyn'.⁶ Although hardly any of these bonds have survived, retaining was probably a very common practice. In the council-general of January 1399 it was ordained that everyone had to assist and obey the king's lieutenant (the duke of Rothesay) 'nocht agaynstandande ony

1. Great Seal, i, no. 819.

2. Ibid., i, no. 897.

3. Nicholson, Scotland, pp. 212-3.

4. For bonds of manrent see J.M.Brown, 'Bonds of Manrent in Scotland before 1603' (Glasgow Univ. Ph.D. thesis, 1974). The earliest recorded bond of manrent is dated 18 Jan. 1442 (ibid., pp. 41, 496).

5. See K.B.McFarlane, 'Bastard Feudalism', Bull.Inst.Hist.Res., xx (1943-5), 161-80, and P.S.Lewis, 'Decayed and Non-Feudalism in Later Medieval France', Bull.Inst.Hist.Res., xxxvii (1964), 157-178.

6. Fraser, Carlaverock, ii, no. 22.

condiciouns of retenewis'.¹ Thus it seems safe to assume that where charters or letters-patent are found granting land or annuities in return for retinencia, a bond of retinue had been entered into by the two parties; this may also sometimes have been the case even where retinencia is not mentioned in the actual document.²

Bonds of retinue could be associated with either grants of land or with annuities. Clear references to three bonds in which service was rewarded by grants of land have been found. One is a charter of William Lindsay of Byres, dated 1397, granting the land of 'Pettyndrieche' in Stirlingshire to William Elphinstone of that ilk in fee and heredity.³ Elphinstone was described as the son and heir of the late William Elphinstone 'militis nostri'; he was granted the land with a tailzie to his heirs-male, in return for performing suit of court, and 'pro sua retinencia speciali nobiscum pro toto tempore vite sue facta'. To complicate matters, Lindsay kept the lifetenancy of the land to himself.⁴ This then is a feudal infeoffment for service, with part of the grant being deferred until after the grantor's death, and with a bond of retinue almost certainly being included in the transaction. Secondly there is an indenture made in 1408⁵ between the earl of Moray and Alexander Comyn of Altyre. The earl agreed to the marriage of his sister Euphemia to Alexander Comyn, and promised to grant 20 marklands in the barony of Glencharny (Inverness) to them and their heirs.

1. Act. Parl., i, 573.

2. Cf. below, pp. 323-4, 340.

3. Fraser, Elphinstone, ii, 226-8.

4. Cf. above, p. 205.

5. Aberdeen-Banff Antiquities, iv, 175-6.

'And the forsaide Alexander is oblist to be lele man and trew for all the days of his live to the forsaide Erll agayne all dedelike [except the king] And als it is accordit that fra the tyme of the vssay of his terme with Alexander Stewart erll of Mar / that is to say . v . yeris efter the making of this indentur that he sal entir than into the seruice of the forsaide Erll And als it is accordit that qwil the date that the Lord of the Ilys haffis tak [i.e. leases] of the Erll of Murreff of Glencherny that the forsaide Erll of Murreff sal mak to the forsaide Alexander Cumyne fra the vssay of his terme that he haffis of the Erll of Mar . xx . markis worth of land withtin the schirrefdome off Elgyne or Fores And als the forsaide Alexander is oblist for to serue the Erll off Murreff lelily and trewly to the vssay of the Erll of Marris terme outtakand anerly the Erll of Marr seruice agayne al vther as is beforsaide And the forsaide Erll is oblist to mak him resonable reward efter his seruice as his consale ordanys ...'

This indenture is both a marriage contract, in which a maritagium in land was to be granted, and a bond of retinue; it also shows a man moving from one lord to another.

In both the above cases the bond of retinue was linked with what was otherwise an ordinary grant of lands by subinfeudation. It may well be that many other seemingly normal grants by subinfeudation were also accompanied by such bonds,¹ which have subsequently disappeared. This is particularly likely where the grant was one for life. The third bond to which reference has been found probably involved a grant for life. It was made with the second earl of Crawford by Patrick Gray of Broxm~~o~~mouth in 1413,²

1. E.g. if the earl of Moray's grant to Alexander Comyn of land in Glencharny was ever made, the charter would no doubt have taken the usual, unremarkable, form of a grant in jointure to the earl's sister and brother-in-law. Comyn's obligations would have been adequately described by the routine phrase 'pro servicio suo impenso et impendendo', and there need not have been any indication that this was to be understood literally.

2. Scots Peerage, iv, 271, quoting from the MS. Draft Inventory of Gray Writs in the Lord Lyon's Office, Edinburgh, no. 9. The original may be among the Gray MSS. at Darnaway castle, but it has not been located.

'whereby he became "man of special retinue to the said Earl for his lifetime, none outtaken but amity and allegiance to the King, for which he shall have as his fee of the said Earl the town of Elith [in Alyth barony, Perthshire], with the brew lands, the deraland, the fleshans, the smithy land," and the mill of that town.'

In other cases of life-grants, such as that by the countess of Angus to Richard Comyn of 20 marklands in Kirriemuir barony in 1389 'pro suo bono consilio et servicio nostris impenso et impendendo',¹ it is quite probable that the recipient was retained by the grantor in much the same way as Patrick Gray was.

As with the fiefs-rentes, most of the annuities associated with bonds of retinue were granted by the crown. These are annuities said to be 'pro servicio et retinencia suis', or 'pro speciali retinencia sua in pace et in guerra'. Under Robert II, both James Douglas of Liddesdale, later second earl of Douglas, and Thomas Erskine were retained in 1380 in the service of the king and his eldest son.² This practice spread after 1390; under Robert III, the earl of Fife and duke of Albany, his son Murdach Stewart, the earls of Atholl, Crawford, and Moray, John Montgomery, William Lindsay of Byres, William Stewart of Jedworth, William Danyelstone, John Remorgny, Alexander Ogilvy of Auchterhouse, and William Cockburn of Skirling, were all retained in the same way.³ Similar grants by magnates are rare, although it is unlikely that the practice was restricted to the crown. A few instances of annuities granted by magnates which were

1. Fraser, Douglas, iii, no. 41.

2. Great Seal, i, no. 646; Exch. Rolls, iii, 49. Douglas was paid 200 marks, Erskine 50 marks.

3. Great Seal, i, nos. 869, 868; Exch. Rolls, iii, 437; Great Seal, i, no. 812; Exch. Rolls, iii, 340, 281; Great Seal, i, nos. 849, 842; Exch. Rolls, iii, 292, 363, 597, 635. The last two were retained in 1404, for service to Robert III and his surviving son James; the others owed service to the king and David earl of Carrick and duke of Rothesay.

linked to bonds of retinue have been found. In 1372 the first earl of Douglas and James Douglas of Dalkeith made an indenture, agreeing¹

que le dit monsieur J[ames] ad fait sa demeaneie et retinace pour tout le terme de sa vie od viij homes des armes et xvj archeris si bien de pese come de guerre encontre toutz viuantez horprise le legance nostre sieur le Roi od le dit Count pour la quele retinace et deuour le dit Count donera a dit monsieur Jamis vic marce desterlingis destre payez as termes suiz escriptes au chastel de D[ouglas ?] a fest du Pentecost prochein ensuyant le date du cestes cent marce et al fest de Saynt Martin prochein ensuiant le dit Pentecost cent marce et ensi de terme en terme tancques les dites vi cent marces soient enterment paie'.²

Some time in Robert III's reign David earl of Carrick and duke of Rothesay gave James Douglas junior of Dalkeith £40 a year 'pro retinencia sua'; and in 1390 Andrew Leslie of that ilk retained his cousin Andrew Leslie of Syde for 20 marks a year from the baronies of Leslie or Cushny (Aberdeen).³ These contracts were all for life, but short-term ones were made as well: according to his indenture with the earl of Moray,⁴ Alexander Comyn of Altyre was in the earl of Mar's service in 1408, and was to remain in it until 1413, so presumably he had been retained by the earl of Mar for a certain number of years. Records of short-term contracts, however, were even less likely to be preserved than ones for life.⁵

From the above account of the institutional framework of lord-man relations it is clear that early Stewart Scotland had its own version of the whole complex of social ties and connections which in late medieval England is generally

1. Morton Reg., ii, no. 129.

2. Ibid., ii, no. 214.

3. Hist.MSS.Comm., 4th report, app., p. 494, no. 7.

4. Aberdeen-Banff Antiquities, iv, 175-6.

5. Cf. McFarlane, Nobility, p. 104: in England 'it is possible that good parchment was rarely wasted on short term contracts.'

known as 'bastard feudalism'.¹ The term 'bastard feudalism' is not so appropriate for early Stewart Scotland, however, because there fairly straightforward feudal grants are still to be found; instead, the phrase 'decayed and non-feudalism' used of late medieval France by Mr.P.S.Lewis² probably describes the Scottish situation better. But no matter what the precise institutional links between lords and men may have been, there can be no doubt that the Scottish magnates in the early Stewart period were the focal points of networks of dependencies containing men of all social classes, just as in England at the same time.

Early Stewart magnates would have received much the same service from their men as their English counterparts did. In domestic matters the lord's men made up his household,³ managed his estates, and assisted with his legal affairs.⁴ The more prominent members of his entourage would have sat on his council.⁵ Information about magnate councils in Scotland at this time is very slight, but it is likely that most magnates had them, at least on an ad hoc basis. Robert earl of Fife and duke of Albany certainly did: on 18 June he confirmed certain charters 'cum consilio nostro ad hoc specialiter convocato';⁶ and on 27 October 1389, as guardian of the kingdom, he and his council settled the quarrel

1. McFarlane, 'Bastard Feudalism', Bull.Inst.Hist.Res., xx, 161-80.

2. Lewis, 'Decayed and Non-Feudalism', Bull.Inst.Hist.Res., xxxvii, 157.

3. See the Strathearn account roll (Exch.Rolls, iii, 33-8) for some details of the earl of Strathearn's household in 1380.

4. Cf. Holmes, Higher Nobility, p. 75; in Scotland, while they did not act as feoffees to use, they did probably often act as attorneys when land was resigned to overlords or to the crown.

5. Cf. ibid., pp. 76-8.

6. Fraser, Wemyss, ii, no. 14. The lay witnesses to the confirmations were Thomas Sibbald, James Valence, Alan Erskine, John Boswell, and John Glen, who all held land in Fife.

between the earl and bishop of Moray.¹ Another reference to a magnate council is from 1387, when James Lindsay of Crawford and his council dealt with a case involving land-ownership;² the earl of Moray's council appears in his 1408 indenture with Alexander Comyn;³ and the council of Isabella Douglas countess of Mar is mentioned in 1402.⁴ In many other instances, no doubt, indications of the membership of magnates' councils are given by the witness lists to their charters.

The more important the men who sat on their councils or witnessed their charters, the greater would have been the prestige of the particular magnates. The same applied to the overall size of their entourages,⁵ and so whenever they travelled through the country or went abroad, they would

1. Moray Reg., no. 169. This council was probably a mixture of his council as earl of Fife, and his council as guardian; it contained John Swinton lord of Mar, David Lindsay of Glenesk, James Fraser (? of Frendraught), Alexander Lindsay (David's brother), John Hay (? of Naughton), George Leslie (later of Fithkill), Thomas Sibbald, Robert Livingstone of Drumry, John Lindsay of Wauchope, John Brown, John Remorgny, Walter Tulach (deputy chamberlain to the earl), and William Chalmers of Findon (Abdn). Some of these were northern landowners, but at least 5, Erskine, Hay, Leslie, Sibbald, and Livingstone, were from Fife.

2. Aberdeen-Banff Collections, pp. 273-4; it consisted of his uncle Walter Lindsay of Byres, Gilbert Graham, George Leslie (later of Fithkill), John Maxwell (? of Calderwood), William Newbigging, and Robert Livingstone (? of Drumry). Leslie and (probably) Livingstone appear on both Lindsay's council in 1387 and the earl of Fife's in 1389.

3. Aberdeen-Banff Antiquities, iv, 176; see above, p. 323.

4. Aberdeen Reg., i, 207. But her council included the duke of Albany, the earl of Crawford, 'et plurium aliorum de consilio nostro speciali', so it was probably not a permanent council.

5. Cf. McFarlane, Nobility, p. 106: in England a lord's 'motive for having a retinue was once again largely display'. 'Entourage' seems a safer term for noble followings in early Stewart Scotland than 'retinue', since although retaining was probably quite common, it was by no means the only way in which lords obtained followers.

have been accompanied by as many of their men as possible.¹ This may have been too many for the well-being of the countryside; in 1397 it was enacted 'that na man rydand or gangande in the countre lede ma persons with hym bot thaim that he will mak ful payment for'.² Some idea of the size of magnate entourages, at least on journeys outside Scotland, is given by their English safe conducts: the number of followers mentioned varied from 120 down to only six, but the majority of them were for companies of about 40 persons.³ George earl of March took 100 followers when he went to England to purchase provisions in 1387, 30 when he went on pilgrimages in 1387 and 1390, and 80 when he defected in 1400.⁴ The English safe conduct issued in 1382 to James Lindsay of Crawford after his murder of John Lyon was for 100 persons.⁵ In 1390, David Lindsay of Glenesk had a safe conduct for 29 persons, of whom two were knights and the rest esquires, valets, and grooms;⁶ Walter Stewart of Brechin (later earl of Atholl) had one for 40 knights and their servants in 1391;⁷ and Thomas Dunbar earl of Moray had one for 24 knights and esquires and their servants in 1412.⁸ In 1406, Alexander

1. Some of a lord's men would of course have to stay behind, to look after the lord's affairs in his absence (cf. *ibid.*, pp. 109-12; Holmes, *Higher Nobility*, p. 75).

2. *Act. Parl.*, i, 570.

3. See *Cal.Doc.Scot.*, iv, nos. 254-915, *passim*, and *Rot.Scot.*, i, 952 - ii, 235, *passim*. William Douglas of Drumlanrig had 120 followers in 1412, John Lyon II of Glamis 6 in the same year (*Cal.Doc.Scot.*, iv, nos. 828, 824); both are probably exceptional cases.

4. *Ibid.*, iv, no. 372; *Rot.Scot.*, ii, 86-7; *Cal.Doc.Scot.*, iv, nos. 417, 551. He would not have had his whole entourage with him in 1400, because lords were unable to oblige their men to renounce allegiance to the crown, which is what he did. A list of the names of 41 servants of the earl in 1407 is given in *ibid.*, iv, no. 734.

5. *Rot.Scot.*, ii, 46.

6. *Cal.Doc.Scot.*, iv, no. 404.

7. *Ibid.*, iv, no. 433.

8. *Ibid.*, iv, no. 826.

1

Stewart earl of Mar went to the English court

'Withe ane honest cumpany,
Rycht weil arayit [and] dayntely.
Ten knyghttis thai ware, ore ma,
And othire gentillis gret alssua,
Clerkis and othire of gret wertu,
Off howshald and of his retenew
Sexty hors withe him, ore ma.'

The next year he took a similar company, including four knights and 24 esquires, to France and Flanders, where he fought for the duke of Burgundy at Liège.²

It is possible to describe part at least of the earl of Mar's entourage, because the names of 17 of the more prominent members of it are recorded in Wyntoun's Chronicle, five from 1406 and twelve from 1407.³ Two of them were close relatives of the earl: his brother Andrew,⁴ and his nephew John Sutherland heir to the earldom of Sutherland.⁵ Two others, Alexander Forbes of that ilk and Alexander Irvine of Drum, may be loosely described as the earl's retainers; each had a grant of land in Mar from the earl 'in return for his faithful service for the whole of his life'.⁶ John Menzies, who according to Wyntoun was the earl's 'bannaowre', or standard bearer,⁷ would presumably have been one of his retainers as well.

1. Wyntoun, vi, 420. This is wrongly dated in Wyntoun; his safe conduct, for 70 persons, was dated 1406 (Rot.Scot., ii, 179).

2. Wyntoun, vi, 422-36; Vaughan, John the Fearless, p. 55.

3. Wyntoun, vi, 421, 430-5.

4. Who also had a grant of land in Strathalvah (Bnff) from the earl (Great Seal, i, no. 935).

5. Scots Peerage, viii, 330.

6. Great Seal, ii, no. 56; Aberdeen-Banff Antiquities, iv, 453. Forbes also held other land in Mar, witnessed charters of the earl in 1419 and 1424, and was present when he received Mar from Isabella Douglas in 1404 (*ibid.*, iv, 457-8, 181; Aberdeen-Banff Collections, p. 555; Aberdeen-Banff Antiquities, iv, 168). Irvine was killed at Harlaw (Scotichronicon, ii, 445); his successor also witnessed the charters in 1419 and 1424.

7. Wyntoun, vi, 432; his identity is not known.

Of the others, William Cranston of that ilk,¹ Walter Lindsay of Kinneff,² and Alexander Keith of Grandon,³ were all tenants of the earl of Mar; Cranston was also associated with Alexander Stewart in 1402, before he acquired the earldom.⁴ Three more, William Hay of Naughton in Fife, James Scrymgeour of Dundee, and John Bothwell, were all in the earl's company on at least one other occasion,⁵ and may well have been in his service. No further links can be found between the earl and the remaining six men named by Wyntoun;⁶ but since the available evidence is so slight, this does not mean that they were not connected with him in some way. The names of a few other men in the earl's service but not known to have accompanied him in 1406 and 1407 may be suggested. Among them are another brother,⁷ James Stewart, and William and

1. Scots Peerage, ii, 587; held land in Cavers (Rxbr) of the earls of Mar (Scot.Rec.Off., MS. Cranston of Gorehouse, GD134, vol. of misc. charters, no. 2; Great Seal, i, no. 638).
 2. Brother of the first earl of Crawford (Scots Peerage, iii, 14); held land in Mar (Aberdeen-Banff Antiquities, iv, 183; cf. iii, 517).

3. Third son of the marischal, and was at Harlaw with the earl of Mar (Scots Peerage, vi, 37); held Glendowachy (Bnff) of the earls of Mar (Nat.Lib.Scot., MS. Adv., 31.6.3, p. 75).

4. Hist.MSS.Comm., Mar and Kellie suppl. report, p. 13.

5. Hay was one of 7 attorneys appointed by Walter Lindsay in 1423 for resigning his land to the earl; of the others, one was the earl's son, one was his brother, and at least 2 were his esquires, so it seems likely that all 7 belonged to the earl's entourage (Aberdeen-Banff Antiquities, iv, 183).

Scrymgeour was killed at Harlaw (Scotichronicon, ii, 445); one of Walter Lindsay's attorneys in 1423 was John Scrymgeour, who may have been his successor (Scots Peerage, iii, 306); and after 1424 a David Scrymgeour received land from the earl and witnessed a charter (Aberdeen-Banff Antiquities, iv, 433; Hist.MSS.Comm., Mar and Kellie suppl. report, p. 16). John Bothwell witnessed a charter of the earl in 1424 (Aberdeen-Banff Antiquities, iv, 181).

6. These are: Walter Bickerton of Luffness (Hdtn), William Cockburn of Skirling (Pbls), Elias Kinnimond of that ilk (in Fife), Alexander Lyle, from Angus, John of Ceres (in Fife), and Gilbert Hay (who was knighted by William Hay of Naughton, and so was probably a relative).

7. Great Seal, ii, no. 56; Aberdeen-Banff Antiquities, iv, 453.

Thomas Chalmers, barons of Findon (Aberdeen); William had a grant of land from Isabella Douglas countess of Mar for his special service,¹ and he and his successor Thomas continued in Alexander Stewart's service.² Duncan Forbes canon of Aberdeen and Thomas Brisbane esquire are similarly found³ serving both Isabella Douglas and Alexander Stewart.

Patrick Ogilvy of Auchterhouse inherited the lands held of the earl by Alexander Keith of Grandon, and himself received further grants of land from the earl;⁴ his son and heir⁵ Alexander witnessed one of the earl's charters in 1430.

Alexander Comyn of Altyre was a retainer of the earl in 1408,⁶ when he owed five more years service. Others in the earl's entourage included two burgesses of Aberdeen, Robert Davidson and Thomas Roule;⁷ three esquires, George Inchmartine, David Tulloch,⁸ and Thomas Lyn; and perhaps, towards the end of his life, Alexander Seton of Gordon, although the latter was an important magnate in his own right.⁹ Of the 31 apparent associates of the earl of Mar named here, about half had some connection with Aberdeenshire; but most of the others

1. Scot.Rec.Off., MS. Register House Charters, RH6/220; see above, p.

2. Great Seal, ii, no. 56; Aberdeen-Banff Antiquities, iv, 453; Aberdeen-Banff Collections, p. 555.

3. Hist.MSS.Comm., Mar and Kellie suppl. report, p. 14; Nat. Lib.Scot., MS. Adv. 31.6.3, pp. 75, 76; Aberdeen-Banff Antiquities, iii, 578-9.

4. Nat.Lib.Scot., MS. Adv., 31.6.3, p. 76; Aberdeen-Banff Antiquities, iii, 578-9.

5. Ibid., iii, 577.

6. Ibid., iv, 176; cf. above, p. 323.

7. Great Seal, ii, no. 56; Aberdeen-Banff Collections, p. 555; Aberdeen-Banff Antiquities, iv, 177-8, 453; Hist.MSS.Comm., Mar and Kellie suppl. report, p. 16. Davidson was provost of Aberdeen, and fought at Harlaw.

8. Ibid.; Aberdeen-Banff Collections, p. 555; Aberdeen-Banff Antiquities, iii, 517, 577; cf. ibid., iv, 183.

9. Aberdeen-Banff Collections, p. 555 (a grant of land to Seton); Hist.MSS.Comm., Mar and Kellie suppl. report, p. 16 (witness); Aberdeen-Banff Antiquities, iii, 577 (witness); cf. ibid., iii, 517.

came from Angus, Fife, and Lothian, which shows the earl's influence extended well outside his earldom. What kind of ties they all had with the earl is impossible to say. Eight of them, however, held most of their possessions of the crown but also held some lands of the earl of Mar;¹ their connections with the earl may well have been based on the normal feudal relationship between under-tenant and overlord.

A similar survey, based on his charters and his wills, can be made for James Douglas of Dalkeith. They show that the most prominent members of his entourage were his own family, especially his brothers William of Borgue, Henry of Lochleven, and Nicholas.² Apart from the members of his family, James Douglas's wills contain legacies to several laymen.³ There were bequests of jewels to his own lords, the earls of Douglas and March, and to one of his sons-in-law, John Livingstone of Callendar. Otherwise the legacies were in cash: £20 to William Kincardine, £10 to John Gibson,⁴ £6.13s.4d. to Alexander Graham, £3.6s.8d. to Henry Brown and John Sheringlaw, £1 to six others, and 13s.4d. to 'Gilfulane'. These were probably legacies to his servants, with the amounts reflecting their importance. Some of the men who received them also witnessed his charters.⁵ Fifteen charters and both

1. I.e. Alexander Forbes, Alexander Irvine, William Cranston, Walter Lindsay, Alexander Keith, William Chalmers, Patrick Ogilvy, and Alexander Seton of Gordon.

2. They all received substantial legacies and witnessed many of his charters.

3. Morton Reg., ii, nos. 193, 196. What follows is based on the first will; there are some insignificant differences between it and the second one. No account has been taken of legacies to clergymen, e.g. James Douglas's chaplains.

4. He seems to have been a merchant who operated on James Douglas's behalf, bringing goods back from abroad for Douglas. See e.g. ibid., ii, pp. 174, 181.

5. See Appendix III, 'Noble Charters', below, pp. 403-4: List C, where the witnessed charters are noted. Only the lay witnesses to the charters are discussed here.

wills were witnessed; the witness-lists are analysed in Table IX.

TABLE IX. WITNESSES TO JAMES DOUGLAS OF DALKEITH'S CHARTERS

Times	Names of Witnesses
11	Nicholas Douglas (brother)
10	Henry Douglas of Lochleven (brother), William Monypenny
9	William Douglas of Borgue (brother)
8	
7	Robert Livingstone of Drumry
6	
5	Andrew Ormiston
4	Thomas Douglas (brother), James Douglas of Strathbrok (nephew), John Brown, Henry Brown
3	James Douglas (son and heir), James Douglas of Aberdour (illegitimate son), John Livingstone of Callendar, William Kincardine
2	James Tweedy, William Abernethy, John Crichton of that ilk, Alexander Graham
1	James Douglas of Robertson (illegitimate son), Andrew Livingstone, Richard Brown, Walter Tweedy, and 12 others

This shows that Henry Brown, William Kincardine, and Alexander Graham, three of his more important servants, each witnessed a few of his charters. But the most frequent witnesses (outside his own family) were William Monypenny and Robert Livingstone, neither of whom received legacies. Monypenny¹ was baillie of Dalkeith, and was married to James Douglas's² granddaughter, but he was probably an independent landowner³ in his own right. So was Robert Livingstone,⁴ who seems

1. Scot.Rec.Off., MS. Edmonstone of Duntreath, GD97/2/4.

2. He married the daughter of Philip Arbuthnot, who in turn had married James Douglas's illegitimate daughter Margaret (Scots Peerage, vi, 276-7).

3. He was the younger son of Thomas Monypenny of Pitmillie; some of the Monypenny of Pitmillie lands were held by his son, and so had presumably been granted to him (*ibid.*, vi, 276-7).

4. A Robert Livingstone witnessed 6 charters in 1377 and 1378, while Sir Robert Livingstone of Drumry witnessed one in 1401. Despite the time-lag, these were probably the same person. In his wills, James Douglas renounced the marriage of Robert Livingstone, which David II had granted him. Livingstone may therefore have been a ward of James Douglas, and have spent an early part of his life in his service. Robert Livingstone

indeed to have been the same Robert Livingstone who was on James Lindsay's council in 1387 and the earl of Fife's in 1389.¹ Thus while these were both important members of James Douglas's entourage, they are unlikely to have been permanent members of his household. It may be suggested, therefore, that the sums of money bequeathed in James Douglas's wills were mostly intended to go to permanent members of his household. The others who witnessed significant numbers of his charters, Monypenny, Livingstone,² Andrew Ormiston,³ and John Brown, may perhaps loosely be considered his retainers. No formal ties based on grants of land or annuities or bonds of retinue have been found between James Douglas and any of these men, with the single exception of Andrew Ormiston. Some time before 1377, Ormiston was given ten librates in Drumcross (Bathgate barony) for life; James Douglas's actual charter has not survived, but it was clearly a grant of land in return for personal service.⁴ There is one other, similar, grant among James Douglas's

(p. 333, n.4, cont.) was probably the cousin of John Livingstone of Callandar, who married James Douglas's elder legitimate daughter (Scots Peerage, v, 423-6). Whether there were any other connections between the Livingstones and this branch of the Douglases is uncertain. The territory of Livingstone lies beside the barony of Calderclere and the lands of Dechmont and Howden (Ordnance Survey 1", sheet 61), which were possessed by James Douglas, and were held by an ancestor of his in the early 13th century (Morton Reg., i, p. xxxiii); but whether in the late 14th century the Livingstones still had any ties with the territory of Livingstone is not known.

1. See above, p. 327.

2. He was dead by 1382 (when his land of Drumcross was pledged to someone else: Morton Reg., ii, no. 173), 8 years before the first will was made.

3. He was a knight (ibid., ii, no. 212), and, with Henry and Richard Brown, may have belonged to the family of Brown or Broun of Coulston (Hdtn); a John Brown held Coulston in 1361 (Nat.Reg.Arch., 336, MS. Calendar of Coulston muniments, no. IV).

charters: he procured the resignation of Threepland in Kilbucho barony and in 1377 gave it in fee and hereditary to Andrew son of John, 'pro homagio et corporali servicio suo'.¹ Andrew son of John, however, is not mentioned in any other documents relating to James Douglas.

Finally, the greatest network of dependencies of any early Stewart magnate may briefly be examined: that of the fourth earl of Douglas. A starting-point is provided by the names of those who were hostages for the earl during his visits to Scotland between 1406 and 1408 to arrange his ransom;² these may be presumed to be men who were particularly close to the earl. In the English safe conducts, seven lists of hostages are given;³ their names and the number of times each one occurs in the lists are shown in Table X.⁴ The names of the hostages may be compared with the names of the laymen who witnessed the earl's charters. There are witness-lists to 35 of the earl's charters,⁵ and these are analysed in Table XI.⁶ When the two tables are considered together, it becomes possible to suggest the names of the core, at least,

1. Morton Reg., ii, nos. 146, 150.

2. He was captured by the English at Homildon and then at Shrewsbury, and did not gain his freedom until 1409, when he failed to return from a visit to Scotland. (Nicholson, Scotland, pp. 223-4, 230). The hostages he left were subsequently ransomed (William Douglas, grandson of James Douglas of Dalkeith, was ransomed for 1,000 marks sterling 5 years later: Rot.Scot., ii, 205); presumably he reimbursed them (cf. Balfour-Melville, James I, p. 44).

3. Ibid., ii, 177, 180-1, 182, 186; Cal.Doc.Scot., iv, nos. 707, 736, 752. These are for proposed hostages; it does not mean that all those named actually became hostages, not that Douglas made 7 separate visits to Scotland.

4. On the next page.

5. See Appendix III, 'Noble Charters', below, pp. 401-3 : List B, where the witnessed charters are noted. Only lay witnesses are discussed here. The witnesses to the 6 charters granted to Simon Carruthers on one day (ibid., List B, nos. 44-9) have only been counted once; otherwise the witnesses would have seemed to have been with the earl on 6 separate occasions.

6. On the next page.

TABLE X. HOSTAGES FOR THE FOURTH EARL OF DOUGLAS

Times	Names of Hostages
6	Archibald Douglas (son and heir), James Douglas (son), James Douglas (jun.) of Dalkeith (or his eldest son), Simon Glendenning
5	John Montgomery of Ardrossan, John Seton heir to Seton, William Sinclair of Hermiston
4	William Douglas of Drumlanrig
3	Herbert Maxwell heir to Carlaverock, John Herries
2	James Douglas of Balvenie (brother), William Douglas of Nithsdale (nephew), John Stewart son of the duke of Albany, William Graham of Kincardine, William Abernethy, William Borthwick, John Edmonstone, William Hay of Yester
1	Earl of Orkney, earl of Crawford's heir, Archibald Douglas of Cavers, Alexander Gordon of Stichill. Walter Haliburton

TABLE XI. WITNESSES TO THE FOURTH EARL OF DOUGLAS'S CHARTERS

Times	Names of Witnesses
10+	William Borthwick of that ilk (19)
9	James Douglas of Balvenie (brother), William Hay of Yester, William Crawford
8	John Seton of that ilk
7	William Douglas of Drumlanrig, William Sinclair of Hermiston
6	William Douglas of Nithsdale (nephew), James Douglas of Dalkeith, John Edmonstone, John Sinclair
5	John Forrester of Corstorphine
4	Earl of Orkney, Adam Hepburn, Alexander Hume, William Muirhead, John Murray, Thomas Murray, William Stewart of Castlemilk
3	Archibald Douglas (son and heir), John Montgomery of Ardrossan, John Swinton, William Borthwick (jun.), James Dundas, John Herries, Robert Ramsay
2	Earl of Buchan, William Graham of Kincardine, Robert Maxwell of Carlaverock, Alexander Gordon of Stichill Simon Glendenning, and 4 others
1	Duke of Albany, earls of Angus, March, Mar, and 49 others

of the earl's following. It would obviously have contained his sons Archibald and James, his brother James of Balvenie,¹ and his nephew William of Nithsdale, together with his more

1. The illegitimate son of his half-brother William Douglas lord of Nithsdale (cf. above, p. 222, note 6).

distant relatives William Douglas of Drumlanrig,¹ James Douglas of Dalkeith,² and the latter's eldest son James. Apart from his own family, the man closest to the earl was clearly William Borthwick of that ilk,³ who witnessed 54% of the charters and was twice named as a hostage. No-one else seems to have been quite so significant, but the earl appears to have had close ties with several major nobles, such as John Seton, John Montgomery, William Hay of Yester, and Herbert Maxwell of Carlaverock, and with many other lesser men, including especially Simon Glendenning, William Crawford, William Sinclair of Hermiston, John Sinclair, John Edmonstone, and John Herries. However, as the witness lists in particular show, the earl's social circle was very widespread. In all, 88 witnesses are named, of whom 53 occur once only; few of them apart from Borthwick can be said to have been in regular attendance upon the earl. This suggests that the earl did not have a permanent entourage,⁴ but rather a wide network of followers, of whom a few would be in his company at any one time.

The basic tie linking the earl of Douglas with his followers was doubtless the fact that he was the greatest magnate in the country (apart from the duke of Albany) and his service was bound to be very lucrative. This probably prompted several men, for example John Seton and Herbert

1. The illegitimate son of the 2nd earl of Douglas (Scots Peerage, iii, 157; vii, 112-4).

2. It is uncertain whether, when James Douglas (jun.) agreed to be a hostage and to send his son as one, he was acting on his own behalf or on his father's. Cf. above, p. 313.

3. It is unclear when he died and his son, another William, succeeded (Scots Peerage, ii, 95), but they both witnessed a charter in Nov. 1417 (Hist.MSS.Comm., 7th report, app., p. 728, no. 5), and all the other Douglas charters witnessed by William Borthwick of that ilk are certainly or probably earlier than that.

4. At least not so far as nobles and gentry are concerned.

Maxwell, to enter it early in their careers, before they succeeded to their own estates.¹ But in many cases more formal connections can be found. Several of the hostages and witnesses were the earl's tenants.² Four were officers of the earl: Herbert Maxwell was made steward of Annandale in 1410;³ Simon Glendenning was hereditary baillie of Eskdale;⁴ John Edmonstone was baillie and had a grant of the lands of Tulliallan in Strathearn;⁵ and William Crawford was deputy keeper for the earl of Edinburgh castle, for which office the earl granted him land in Stirlingshire.⁶ The earl made many other grants of lands and privileges to his followers; for instance in 1401 John Montgomery received Dunlop in Cunningham,⁷ in 1402 William Sinclair's tenure of Carfrae in Lauderdale was converted to blench farm,⁸ in 1407 James Douglas of Dalkeith's lands in Galloway were erected into a regality,⁹ in the same year William Douglas of Drumlanrig was granted the barony of Hawick (Roxburgh),¹⁰ and in 1414

1. Neither succeeded until about 1410 (Scots Peerage, viii, 572-3; vi, 474), by which time they had both been hostages for the earl, and Seton had witnessed three of the earl's charters. No concrete ties between Seton and the earl have been found; for Maxwell, see below, and p. 340.

2. E.g. the earl of Orkney, James Douglas of Dalkeith, William Sinclair of Hermiston, and William Crawford (Fraser, Douglas, iii, nos. 338, 351; Morton Reg., ii, nos. 200, 215-6; Hist. MSS. Comm., Home of Wedderburn report, nos. 590, 591; Fraser, Douglas, iii, no. 342).

3. Great Seal, ii, no. 242.

4. Fraser, Douglas, iii, no. 58; G.T. Clindening, The House of Glendonwyn (Adelaide, 1942), parts I and II, paras. 3 and 4.

5. Fraser, Douglas, iii, nos. 346, 358; Scot. Rec. Off., MS. Erskine of Cardross, GD15/334, 335.

6. Exch. Rolls, iii, 591 - iv, 252, passim; Fraser, Douglas, iii, no. 336; he quarrelled with the earl in 1416 or 1418, however, and was driven out of the castle (Scotichronicon, ii, 449).

7. Fraser, Douglas, iii, 344.

8. Hist. MSS. Comm., Home of Wedderburn report, no. 591.

9. Morton Reg., ii, nos. 215-6.

10. Fraser, Buccleuch, ii, no. 22.

William Hay of Yester received land in Galloway.¹ In all, 19 of the earl's grants appear to have been made as a reward for or in return for service.² In addition to the ones already mentioned, these included grants to Alexander Gordon of Stichill,³ to the earl's esquires James Dundas,⁴ Gilbert Grierson,⁵ Alexander Mure,⁶ and William Towers,⁷ to his 'familiar' Michael Ramsay,⁸ to his secretary Mr. Alexander Cairns provost of Lincluden,⁹ and to his mistress Christian Ramsay for her life and then to her sons 'inter nos et eam mutuo concubitu procreato seu procreando'.¹⁰ All these grants were in fee and heredity;¹¹ although most of them were to be held in blench farm, they may therefore be counted as feudal grants of land. In contrast, annuities are the subject of only three of the earl's charters. One annuity, of £40 to the earl of Mar, was probably intended to secure his friendship rather than his service;¹² another, to 'our lufit squyer and

1. Fraser, Douglas, iii, no. 367; this had been resigned by its previous owner, but the earl may have procured the resignation (cf. above, p. 198, note 1).

2. These are grants of land which were not resigned by previous owners, and which do not appear to have been purchases from the earl. See Appendix III, below, pp. 401-3 : List B, nos. 24, 26, 28, 31, 35, 37, 38, 41, 55, 59, 60, 61, 63, 65, 72, 74, 75, 76, 77.

3. Fraser, Douglas, iii, no. 354; cf. no. 357.

4. Great Seal, ii, no. 119.

5. Fraser, Douglas, iii, nos. 362, 382.

6. Scot. Rec. Off., MS. Register House Charters, RH6/249A.

7. Hist. MSS. Comm., 7th report, app., p. 728, no. 5. Other men called the earl's esquires include Simon Carruthers, John Cranston, Alexander Home, David Home of Wedderburn, and Thomas Graham (Fraser, Douglas, iii, nos. 363, 365; Great Seal, ii, nos. 119, 189).

8. Ibid., ii, nos. 71, 72.

9. Hist. MSS. Comm., 11th report, app. vi, p. 209, no. 129.

10. Fraser, Douglas, iii, no. 60.

11. In one and perhaps two cases, life-tenure of land was changed to tenure in heredity (Great Seal, ii, no. 71; Scot. Rec. Off., MS. Register House Charters, RH6/249A).

12. Hist. MSS. Comm., Mar and Kellie suppl. report, p. 15. There is no evidence of Mar serving Douglas in any capacity; he only witnessed one charter of Douglas's (Fraser, Douglas, iii, no. 373).

allie' Alexander Hume, was a temporary payment of £20 a year¹ for looking after the earl's lands and rents of Coldingham; the third, of 40 marks to Herbert Maxwell, is the only one² connected with a bond of retinue, and it was probably³ replaced by a grant of land after a few years. So far as the fourth earl of Douglas is concerned, therefore, lord-man relations appear to have been mainly based on the classic feudal concept of grants of land in return for service.

The first part of this section indicated that many different types of social relationship were to be found in early Stewart Scotland, but that, except where the crown was concerned, those based on land-tenure of some sort were probably the most common. The surveys of the followings of the earl of Mar, James Douglas of Dalkeith, and the fourth earl of Douglas appear to confirm this. No doubt this is partly due to the nature of the evidence: charters granting land are much more likely to survive than documents granting annuities or recording contracts made between individuals. But even so, where references to bonds of retinue between nobles have been found, these as often as not involve grants of land. It is difficult therefore to resist the conclusion that in early Stewart Scotland lord-man relations operated chiefly through grants and possession of land. Two reasons may be suggested

1. Fraser, Douglas, iii, no. 298; this was to be paid out of the annual sum of £100 due from Coldingham. This was normally paid to the earl of March; it only went to Douglas while he held the earldom of March, during March's defection to England.
2. Fraser, Carlaverock, ii, no. 22; this may be counted as a bond of retinue, although retinencia is not specifically mentioned. See above, pp. 321-4.
3. The annuity was to be paid until Maxwell was granted 20 librates in Clydesdale, Nithsdale, or Galloway; by 1419 Maxwell held 'Grenane', in Galloway (ibid., ii, no. 25), which may well have been substituted for the annuity.

for this. First, there was no Scottish equivalent to the English Statute of Quia Emptores. The prohibition in England of subinfeudation made the growth of a system of relationships based on indenture and money payments 'inescapable';¹ this was not the case in Scotland. Secondly, in Scotland the nobility, while not impoverished, did not have the same wealth at their disposal as their English counterparts, and so in many cases it would have been more convenient for them to grant land to their servants and followers rather than sums of money;² this is a situation similar to that generally found in the classic feudal period.

However, it must be remembered that the social relationships found in Scotland between 1371 and 1424 were not always identical to those of the classic feudal period. In many cases the grants which lords made to their men were in blench farm or for suit of court alone, rather than for knight service and incidents. Such grants neither defined the service owed to the lord nor afforded him the opportunity of profiting from wardship, relief, and marriage. Because no formal service was required, the lord would be unable to levy distraint upon his men if the latter ceased to serve him. Thus these grants are virtually complete alienations of territory, equivalent to a cash grant of a lump sum rather than to an annuity. They may therefore be compared with the indenture between the first earl of Douglas and James Douglas of Dalkeith, where James Douglas was to receive 600 marks³ over three years, but owed service for life; there are also parallels with some of the arrangements between lords and

1. Holmes, Higher Nobility, p. 83.

2. Cf. above, pp. 276-7.

3. Morton Reg., ii, no. 129; see above, p. 325.

men found at about the same time in France.¹ With such grants there is no way of enforcing the obligation on the man to render service. No doubt it was in response to this problem that the written contracts or bonds between lords and men appeared, first as bonds of retinue, and then much more widely as bonds of manrent.

The social relationships of early Stewart Scotland were also different from those of the later fifteenth and sixteenth centuries, the period of the bonds of manrent. The great majority of bonds of manrent did not involve any tangible grants; in only about 10% of them did the man receive land² from the lord, and in even fewer cases did he receive money. The bonds of manrent therefore demonstrate that after the middle of the fifteenth century the basis of lord-man relationships had altered significantly.³ Here then, as in many other aspects of noble society, early Stewart Scotland may be considered to have been in the middle of a transitional period. The ties between lords and men were changing from those of classic feudalism to the non-feudal ones which were predominant after about 1450. Between 1371 and 1424, aspects of both the earlier and the later systems are to be found, existing independently and - in the bonds of retinue, which seem to have been peculiar to the early Stewart period - in conjunction with one another.

1. Lewis, 'Decayed and Non-Feudalism', Bull.Inst.Hist.Res., xxxvii, 158-9.

2. Brown, 'Bonds of Manrent', pp. 54-5, 204, and Appendix A, passim.

3. Ibid., chapter IV.

7. DOUGLAS *1358-1384: EARL - William Douglas.
 *1384-1388: EARL - James Douglas.
 1388-1389: probably not held by an earl.
 *1389-1400: EARL - Archibald Douglas (I).
 *1400-1424: EARL - Archibald Douglas (II).
 The main lands of the earls of Douglas were tailzied
 in 1342, in tail-male (Fraser, Douglas, iii, no. 290).
8. FIFE 1359-1371x1372: COUNTESS suo jure - Isabella.
 *1371x1372-1420: EARL - Robert Stewart.
 *1420-1425: EARL - Murdach Stewart.
 Between 1398 and 1425 the earl of Fife was also duke of
 Albany.
9. LENNOX 1364-1388x1392: lord - Walter Faslane.
 *1388x1392-1425: EARL - Duncan.
 Tailzied 1392, in fee tail (Great Seal, i, no. 862).
10. MAR *1332-1373x1374: EARL - Thomas.
 1373x1374-1384: earl, but held with Douglas.
 1384-1388: earl, but held with Douglas.
 1388-1391: lord - John Swinton.
 1391-1402: lord - Malcolm Drummond.
 1402-1404: countess suo jure - Isabella Douglas.
 1404-1405: lord - Alexander Stewart.
 *1405-1435: EARL - Alexander Stewart.
 Tailzied 1404, in fee tail (Hist.MSS.Comm., Mar and Kellie
 supplementary report, p. 13).
11. MARCH *1368-1400: EARL - George Dunbar (I).
 1400-1408: forfeited, in the crown's hands.
 *1408-1422x1423: EARL - George Dunbar (I).
 *1422x1423-1435: EARL - George Dunbar (II).
12. MENTEITH *1371-1371x1372: EARL - Robert Stewart.
 1371x1372-1420: earl, but held with Fife.
 1420-1425: earl, but held with Fife.
13. MORAY 1367-1372: not held as an earldom.
 *1372-1391x1392: EARL - John Dunbar.
 *1391x1392-1415x1422: EARL - Thomas Dunbar (I).
 *1415x1422-1425: EARL - Thomas Dunbar (II).
 Tailzied 1325, in tail-male; this lapsed in 1367.
 Tailzied again, 1372, in fee tail (Great Seal, i, app. i,
 no. 31; ibid., i, no. 405).
14. ROSS *1336-1372: EARL - William.
 1372-1382: lord - Walter Leslie.
 1382-1394x1395: COUNTESS suo jure - Euphemia.
 1382-1392: lord - Alexander Stewart.
 *1394x1395-1402: EARL - Alexander Leslie.
 1402-1415: COUNTESS suo jure - Euphemia Leslie.
 1415-1424: earl, but held with Buchan.
 Tailzied 1370, in fee tail; tailzied again, 1415, in
 tail-male (Great Seal, i, no. 354; Hist.MSS.Comm.,
 4th report, app., p. 495, no. 16).

15. STRATHEARN *1371-1386x1389: EARL - David Stewart.
 1386x1389-1406: COUNTESS suo jure - Euphemia Stewart.
 *1406-1413: EARL - Patrick Graham.
 *1413-1425: EARL - Malise Graham.
16. SUTHERLAND *1370-1408x1427: EARL - Robert Sutherland.
 *1408x1427-1460: EARL - John Sutherland.
17. WIGTON *1367-1372: EARL - Thomas Fleming.
 1372 onwards: in the lordship of Galloway;
 not held as an earldom.
 Tailzied 1341, in tail-male; this lapsed in 1372
 (Great Seal, i, app. i, no. 119).

The number of dukes, earls, and lords of earldoms in each year was as follows.

1371:	9	earls;	1	lord.
1372:	10	earls;	1	lord.
1373:	8	earls;	2	lords.
1374:	7 or 8	earls;	2	lords.
1375-1381:	7	earls;	2	lords.
1382:	8	earls;	2	lords.
1383-1385:	8	earls;	1	lord.
1386:	7 or 8	earls;	1	lord.
1387:	7 or 9	earls;	1	lord.
1388:	7 or 9	earls;	1 or 2	lords.
1389-1391:	7 or 8	earls;	2 or 3	lords.
1392-1393:	8	earls;	2	lords.
1394:	7 or 8	earls;	2	lords.
1395-1396:	9	earls;	2	lords.
1397:	10	earls;	1	lord.
1398-1402:	2 dukes; 9	earls;	1	lord.
1403:	1 duke; 9	earls.		
1404:	1 duke; 9	earls;	1	lord.
1405:	1 duke; 10	earls.		
1406:	1 duke; 10 or 11	earls;	1	lord.
1407-1408:	1 duke; 9	earls;	1	lord.
1409-1410:	1 duke; 10	earls;	1	lord.
1411-1424:	1 duke; 11	earls.		

APPENDIX II

BARONS AND BARONIES 1371-1424

This Appendix lists the baronies (including 'territorial lordships') which have been found in lay hands between 1306 and 1424, together with the names, where they are known, of the individuals or families who held them of the crown during the early Stewart period; they may be assumed to have held them in liberam baroniam unless otherwise stated, or unless the barony was partitioned. Where the lands of a barony were held by an under-tenant of a subject-superior, this has generally been noted only if the under-tenant held them in liberam baroniam or with baronial powers of criminal jurisdiction.

Dukes, earls, 'territorial lords', and 'greater barons' (here taken to be those appearing more than once in Table III, 'Likely "Greater Barons",' above, p. 37), are given in capital letters. The statement that a barony was held by 'DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS' signifies that it was part of the Murray of Bothwell or Murray of Drumsergart estates, and was held first by Archibald Douglas lord of Galloway and (after 1389) 3rd earl of Douglas, and then by his son Archibald the 4th earl (cf. above, p. 214).

The baronies are arranged alphabetically under sheriffdom: these are the medieval sheriffdoms, and do not necessarily correspond to the modern shires. If a barony had the same name as the parish in which its caput was situated, this is shown by '(parish)'; otherwise the location of the caput is given (where it is known), except in the cases of 'territorial lordships' and a few of the large Highland baronies such as Lochaber (cf. above, pp. 175-6). The parishes named are the medieval ones, listed in Cowan, Parishes. Where the creation-charter of a barony has survived, its date and a note of the lands it comprised are given. If a barony was included in a regality at any time, or if it was originally a thanage, this has also been noted.

SHERIFFDOM OF ABERDEEN

1. ABERDOUR (parish).
1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
c.1408-1424: held of them by JAMES DOUGLAS OF BALVENIE.
(Fraser, Douglas, iii, nos. 328, 355; Lord Saltoun, Frasers, ii, nos. 17-19; Great Seal, ii, no. 43).
2. ABOYNE (parish; thanage).
1371-1407: KEITH, MARISCHAL.
1407-1424: JOHN STEWART EARL OF BUCHAN.
(Great Seal, i, app. ii, nos. 732, 1362; ibid., i, no. 893).
3. ADEN (in Deer parish).
1371-1424: KEITH, MARISCHAL.
(Great Seal, i, no. 884; app. i, no. 47).
4. BALGOWNY (in Aberdeen St.Machar parish).
1371-1424: uncertain.
Land in Balgowny barony was granted in 1408.
(Great Seal, i, no. 907).

5. BALHALGARDY (in Logie-Durno parish).
Created 1358, by the earl of Mar; consisted of all the earl's lands of Balhalgardy, 'Bundys', 'Knockynglas', Inveramsay, half Drumdurno, Pitscurry, Pittodrie, and Newlands, in Logie-Durno parish (Act.Parl., i, 524; Ordnance Survey 1", sheet 40).
In the lordship of Garioch and held of the earls of Mar.
1371-1424: ERSKINE OF THAT ILK.
(Act.Parl., i, 524; Aberdeen-Banff Collections, pp. 537-40; Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 15, 19).
6. BANCHORY-DEVENICK (parish).
1371-1424: Meldrum (subsequently of Fyvie); held in feu-farm of Arbroath abbey.
(Aberdeen-Banff Collections, pp. 271-3).
7. BELHELVIE (parish; thanage).
Created 1324; consisted of the toun of the thanage of Belhelvie, and the lands of upper and lower Westerton, Keir, and Eigie, in the thanage of Belhelvie (Great Seal, i, app. i, no. 7; Ordnance Survey 1", sheet 40).
1371-1379: William Fotheringham.
1379-1380: ALEXANDER STEWART LORD OF BADENOCH.
1380-1424: LYON OF GLAMIS.
(Great Seal, i, app. ii, no. 1404; ibid., i, nos. 677, 678; Scot.Rec.Off., MS.Dalhousie, GD45/16/2321; ibid., MS. Register House Charters, RH6/202).
8. CLUNY (parish).
? c.1371: WILLIAM EARL OF SUTHERLAND.
1371-1424: uncertain.
According to the terms of Earl William's charter it ought to have reverted to the crown on his death, between Feb. 1370 and June 1371. It belonged to the LORDS OF GORDON by 1436.
(Great Seal, i, app. i, no. 121; ii, no. 314).
9. COUL AND O'NEILL (parishes: Coul, and Kincardine O'Neill).
Partly in regality 1354-1388.
1371-1424: EARLS OF FIFE AND DUKES OF ALBANY (ISABELLA COUNTESS OF FIFE until 1389).
1399-1424: held of them by JOHN STEWART EARL OF BUCHAN.
1371-1388: part at least was held by the first 2 EARLS OF DOUGLAS, in regality.
(Great Seal, i, app. i, nos. 68, 123, 155; Hist.MSS.Comm., 5th report, app., p. 626).
- (CRIMOND (parish): see Rattray, no. 30).
10. CRUDEN (parish).
1371-1424: uncertain; probably not held baronially.
There is a reference to land in Cruden barony in 1403.
(Great Seal, i, no. 942; cf. Aberdeen-Banff Collections, pp. 379-81).

11. CUSHNIE (parish).
 1371-1424: LESLIE OF THAT ILK.
 (Great Seal, i, nos. 453, 808; Hist.MSS.Comm., 4th report, app., p. 494, no. 7).
12. DRUM (in Dalmayock or Drumoak parish).
 Created 1323; consisted of all the crown's forest of Drum outside the royal park, except for the lands granted to Alexander Burnett (Facsimiles of the National Manuscripts of Scotland (London, 1867-71), ii, no. XXVIII).
 1371-1424: Irvine of Drum.
 (Nat.MSS.Scot., ii, no. XXVIII; Great Seal, i, nos. 774, 939; ii, no. 1865).
13. DRUMBLADE (parish).
 1371-1403: uncertain.
 1403-1424: partitioned between William Fenton and Thomas Chisholm.
 (Great Seal, i, no. 942).
14. FEDDERATE (in Deer parish).
 1371-1424: uncertain.
 It was called a barony in 1373; possibly it was partitioned, and was partly held by a branch of the house of Meldrum.
 (Exch.Rolls, ii, 363, 426; Nat.Reg.Arch., 885, MS. Calendar of Earl of Strathmore's muniments, s.d. 8:iv:1373 and 17:vi:1379).
15. FINDON (in Banchory-Devenick parish).
 ?1371-1424: Chalmers of Findon.
 (Great Seal, i, no. 923; Aberdeen-Banff Collections, pp. 272-3).
16. FORBES (parish).
 1371-1424: Forbes of that ilk.
 (Aberdeen-Banff Antiquities, iv, 372, 386-7).
17. FORMARTINE (in Fyvie parish; thanage).
 Created 1366; consisted of half the thanage of Formartin (Great Seal, i, no. 253).
 ? c.1371: WILLIAM EARL OF SUTHERLAND; he was granted it hereditarily in 1366, but it was not held by his descendants.
 c.1371-c.1376: in the crown's hands.
 c.1376-c.1382: JOHN STEWART EARL OF CARRICK.
 c.1382-1391: JAMES LINDSAY OF CRAWFORD.
 1391-1420: Henry Preston.
 1420-1424: partitioned between Forbes of Tolquhoun and Meldrum of Fyvie.
 (Great Seal, i, nos. 253, 801; Act.Parl., xii, 18; Exch. Rolls, ii, 427, 498-9; Aberdeen-Banff Collections, pp. 352-3).
18. FOVERAN (parish).
 1371-1424: Turing of Foveran.
 (Hist.MSS.Comm., Mar and Kellie report, p. 6; Great Seal, i, app. ii, no. 1247; ii, no. 265).

19. FRENDRAGHT (parish: Forgue or Frendraught).
 1371-c.1404: Fraser of Frendraught.
 c.1404-1424: DUNBAR OF FRENDRAGHT.
 (Great Seal, i, app. ii, no. 1713; Aberdeen-Banff Collections, pp. 523-4; Aberdeen-Banff Antiquities, iii, 587-8; Scots Peerage, vi, 301).

20. GARIOCH ('territorial lordship').
 Regality.
 1371-1424: EARLS OF MAR.
 (Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 5-6, 13, 14).

21. KELLIE (in Methlick parish).
 Created in 1328; consisted of the lands of Kellie, Logyrone, Tullidesk, Salclude, 1/3 of Newburgh, Aldyngate, Hoyach, Lasgueowner, and Carngall, which are scattered throughout the old parishes of Methlick, Deer, Ellon, Foveran, Peterugie, and Turriff (Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 3-4; Ordnance Survey 1", sheets 30, 31, 40).
 1371-1424: partitioned.
 A: 1371-c.1416: Janet Keith and (to 1404) THOMAS ERSKINE OF THAT ILK.
 c. 1416-1424: ERSKINE OF THAT ILK.
 B: uncertain.
 (Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 3-4; Exch.Rolls, iv, 288; Aberdeen-Banff Antiquities, iii, 141-2; Scots Peerage, v, 596-600; vi, 33-5).

22. KINEDDAR (parish).
 1371-1415: EARLS OF ROSS.
 1415-1424: JOHN STEWART EARL OF BUCHAN.
 (Great Seal, i, nos. 300, 737; app. ii, no. 1977; Aberdeen-Banff Antiquities, ii, 380, note).

23. KINTORE (parish; thanage).
 Created 1375; consisted of all the crown's lands of the thanage of Kintore, except Thaynstoun and all the other tenancies-in-fee (the tenancies, apart from Thaynstoun, were subsequently added to the barony) (Great Seal, i, nos. 627, 718).
 1375-1424: EARLS OF MORAY.
 (Great Seal, i, nos. 627, 718; Aberdeen-Banff Antiquities, iii, 231-2).

24. LESLIE (parish).
 In the regality of the bishops of St.Andrews.
 1371-1424: LESLIE OF THAT ILK; held of the bishops of St.Andrews.
 (Hist.MSS.Comm., 4th report, app., p. 494, no. 7; Aberdeen-Banff Collections, 545-8; Great Seal, ii, no. 754).

25. LITTLE CULTER (parish: Peterculter).
 1371-1424: Comyn of Culter.
 (J.Allardyce, The Family of Burnett of Leys (New Spalding Club, xxii, 1901), pp. 7-8, 15; app., no. IV).

26. MIDMAR (or MIGMAR) (parish).
 1371-1422: Brown of Midmar.
 1422-1424: OGILVY OF AUCHTERHOUSE.
 (Act.Parl., i, 506; Great Seal, ii, no. 14).

27. MONYCABBO (in Aberdeen St.Machar parish).
 1371-c.1400: Strachan of Monycabbo.
 c.1400-1424: FLEMING OF BIGGAR.
 (Great Seal, i, app. ii, nos. 1299, 1927; Wigtown Charters, no. 20; Aberdeen-Banff Antiquities, iii, 200-1; Scots Peerage, viii, 530).

28. MURTL (in Peterculter parish).
 1371-1382xl388: John Crab.
 1388-1424: Chalmers of Findon.
 Both Crab and the Chalmers leased it, with baronial jurisdiction, from the bishops of Aberdeen.
 (Aberdeen Reg., i, 143, 155, 183, 205, 224).

29. PHILORTH (parish).
 1371-1375: WALTER LESLIE LORD OF ROSS.
 1375-1424: Fraser of Philorth.
 (Great Seal, i, app. ii, no. 1585; Lord Saltoun, Frasers, ii, no. 13).

30. RATTRAY (in Crimond parish).
 Created 1324; regality 1354-1424; consisted of the demesne lands of Ratray with its port, the churchland of Crimond, and the lands of Crimongorth, Crimonbell, 'Kindolos', 'Carnglas', 'Rothnathie' (? Rathen; cf. Retours, Aberdeen, nos. 178, 513), and Tullykera, which are in the parishes of Crimond, Lonmay, and possibly Rathen (Great Seal, i, app. i, no. 66; Ordnance Survey 1", sheet 31).
 1371-1424: EARLS OF DOUGLAS.
 c.1424: held of them by JAMES DOUGLAS OF BALVENIE.
 (Great Seal, i, app. i, nos. 66, 123; ii, nos. 43, 625.
 Robert I's grant of Ratray, however, was to the father of the 1st earl of Douglas, and therefore it should have gone to his heir-general Isabella Douglas countess of Mar, not to the 3rd and 4th earls. Among the lands of Mar granted by Isabella to Alexander Stewart in 1404 was the barony of Crimond (Hist.MSS.Comm., Mar and Kellie suppl. report, p. 13). But there is no evidence that either Isabella or Alexander actually held a barony of Crimond (cf. Jedburgh, no. 368), and it is clear that by 1424 the barony of Ratray was held by James Douglas of Balvenie of the 4th earl of Douglas (Great Seal, ii, nos. 43, 625)).

31. ROTHYNORMAN (in Fyvie parish).
 1371-1424: LESLIE OF THAT ILK.
 (Hist.MSS.Comm., 4th report, app., p. 493, nos. 5, 6; Great Seal, i, no. 808; app. ii, no. 1789).

32. SKENE (parish).
Created 1317; consisted of all the crown's lands of Skene and loch Skene (Aberdeen-Banff Antiquities, iii, 313).
1371-1424: Skene of that ilk.
(Aberdeen-Banff Antiquities, iii, 313, 315).
33. SLAINS (parish).
1371-1424: HAY, CONSTABLE.
(Great Seal, i, nos. 602, 672; Aberdeen-Banff Antiquities, iii, 132-3).
34. STRATHBOGIE ('territorial lordship').
1371-1408: GORDON OF THAT ILK.
1408-1424: SETON OF GORDON.
(Great Seal, i, nos. 566, 905; app. ii, nos. 45, 1901).

SHERIFFDOM OF ARGYLL

35. BENDERLOCH (in Ardchattan parish).
Created 1329; consisted of all the land of Benderloch and the tenancy of Gilcalme MacGilleevnan, except the land held by Arthur Campbell (Highland Papers, vol. iv, ed. J.R.N.MacPhail (Scot.Hist.Soc., 3rd ser., xxii, 1934), 196-7).
In the lordship of Lorne.
1371-1424: LORDS OF LORNE, as part of the lordship.
(Highland Papers, iv, 194; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 29:iv:1388).
36. COWAL.
Regality, 1404-1424.
1371-1424: STEWARDS OF SCOTLAND
(Hist.MSS.Comm., Mar and Kellie report, p. 7; Great Seal, i, no. 574; Scot.Rec.Off., MS. Register House Charters, RH6/166 and 180; ibid., MS. Bruce of Ker, GD240/Box 9/Bdle 1/1).
37. CRAIGNISH (parish).
1371-1424: CAMPBELL OF LOCHAWA.
(Hist.MSS.Comm., 4th report, p. 477, nos. 55, 57-9).
38. 'GEREAG' (location uncertain).
Created 1306x1329; consisted of the 6 penny lands of 'Gereag', 4 d. lands of 'Gelachcarchen', 4 d. lands of 'Ardowran', and the penny lands of 'Strengchroschian', 'Fynglennan', 'Lochane', 'Dernglek', 'Garbech', and 'Garcowaell' (Great Seal, i, app. i, no. 107)
1371-1424: uncertain.
It was granted by Robert I to Gillespie son of Walter.
(Great Seal, i, app. i, no. 107).
39. GLENBREAKERY (in Kilcolmkill parish).
Created 1323; consisted of the lands of Glenbreakery, which are in south Kintyre, together with Ailsa Craig. (Nat.Lib.Scot., MS. Adv., 34.3.25, p. 206).
1371-1424: ? McDONALD OF THE ISLES, as part of Kintyre, ^{q.v.}
(Great Seal, i, app. ii, no. 350, note; Nat.Lib.Scot., MS. Adv., 34.3.25, p. 206).

40. THE ISLES ('territorial lordship'; partly in the sheriffdom of Inverness).
1371-1424: McDONALD OF THE ISLES.
(Great Seal, i, no. 551; Highland Papers, i, 76-7).
41. KILMUN (parish).
1371-1424: CAMPBELL OF LOCHAWE.
It is in Cowal, and was therefore ? held of the Stewards of Scotland.
(Hist.MSS.Comm., 4th report, app., p. 476, nos. 45-9).
42. KINTYRE.
1371-1376: ? STEWARDS OF SCOTLAND, or ? McDONALD OF THE ISLES.
1376-1424: McDONALD OF THE ISLES.
(Great Seal, i, no. 569; app. i, no. 114; app. ii, no. 1066; Act.Parl., i, 500; Duncan and Brown, 'Argyll', Proc.Soc.Antiq.Scot., xc, 204).
43. KNAPDALE.
1371-1424: partitioned.
A: Regality 1404-1424.
1371-1424: STEWARDS OF SCOTLAND.
B: 1371-1376: probably in the crown's hands.
1376-1424: McDONALD OF THE ISLES.
(Act.Parl., i, 500; Hist.MSS.Comm., Mar and Kellie report, p. 7; Duncan and Brown, 'Argyll', Proc.Soc.Antiq.Scot., xc, p. 203; Great Seal, i, no. 569).
44. LOCHAWE (parish, also called Kilchrenan).
Created 1315; consisted of all the land of Lochawe and Ardscoodinch, which are the adjoining parishes of Kilchrenan and Kilmartin (Great Seal, i, app. i, no. 106; Origines Parochiales, ii, 120-2, 91).
1371-1424: CAMPBELL OF LOCHAWE.
(Great Seal, i, app. i, no. 106; Hist.MSS.Comm., 4th report, app., p. 473, nos. 1, 5).
45. LORNE ('territorial lordship')
c.1371: McDOUGLAL OF LORNE.
c.1371-1424: STEWART OF INNERMEATH AND LORNE.
(Great Seal, i, app. ii, nos. 1136, 1182; Act.Parl., i, 500; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 29:iv:1388; Great Seal, i, nos. 883-941, passim).
46. MELFORT (parish, also called Kilmelfort).
1371-1424: CAMPBELL OF LOCHAWE.
(Hist.MSS.Comm., 4th report, app., p. 477, nos. 56, 57).
47. UPPER COWAL (in Lochgoilhead parish).
1371-1424: CAMPBELL OF LOCHAWE.
(Hist.MSS.Comm., 4th report, app., p. 473, no. 5; p. 477, no. 57).

SHERIFFDOM OF AYR

48. ALLOWAY (parish).
Created 1324; consisted of the 5 penny lands of Alloway, Corton, and Carcluie, which are in the parish of Alloway (Great Seal, i, app. i, no. 64; Ordnance Survey 1", sheet 67).
1371-1424: Burgh and burgesses of Ayr.
(Great Seal, i, app. i, no. 64).
49. ARDROSSAN (parish).
Created 1306x1324; consisted of all the lands of Ardrossan, including 6 tenancies, and the land and tenement of Lynn, which is just over the north-western boundary of Ardrossan parish (Great Seal, i, no. 51; Ordnance Survey 1", sheet 59).
1371-1376: HUGH EGLINTON OF ARDROSSAN.
1376-1424: MONTGOMERY OF ARDROSSAN.
(Great Seal, i, nos. 51, 616; Fraser, Eglinton, i, 15-17; Hist.MSS.Comm., 10th report, app. i, pp. 8-9, nos. 12-14).
50. CUMNOCK (parish).
Created 1368; consisted of all the lands of Cumnock (Great Seal, i, no. 291).
1371-1375: GEORGE DUNBAR EARL OF MARCH.
1375-1424: DUNBAR OF CUMNOCK.
(Great Seal, i, nos. 291, 609; Scot.Rec.Off., MS. Register House Charters, RH6/228).
51. CUNNINGHAM ('territorial lordship').
Regality 1404.
1371-1424: STEWARDS OF SCOTLAND (? 1371-1424 held by ROBERT II himself).
(Great Seal, i, nos. 54, 478; Hist.MSS.Comm., 10th report, app. i, pp. 9-10, no. 16; ibid., Mar and Kellie report, p. 7).
52. DALMELLINGTON (parish).
1371-c.1390: DUNCAN WALLACE (d. 1373x1376) and his widow.
c.1390-1424: Cathcart of that ilk.
(Great Seal, i, no. 465; ii, nos. 89, 90, 3638).
53. DALRYMPLE (parish).
1371)
1371-1376): partitioned between Adam Dalrymple's heirs.
1371/1376-1424: KENNEDY OF DUNURE.
(Great Seal, i, nos. 529, 660; ii, no. 403).
54. GLENSTINCHER (in Colmonell parish).
In the earldom of Carrick.
1371-1424: uncertain.
In 1416, half the upper barony of Glensticher, commonly called Dalquharron, was granted to Fergus Kennedy by John McGillelan.
(Hist.MSS.Comm., 5th report, app., p. 614; cf. Great Seal, ii, no. 381).
55. GROUGAR (in Kilmarnock parish).
1371-1424: Logan of Restalrig.
(Great Seal, ii, nos. 1411, 1951).

56. KILMARNOCK (parish).
Created 1306x1329; consisted of all the lands of Kilmarnock, Bonnington, and Hartshaw, which John Balliol held in demesne; Godfrey Ross's lands of West Kilbride and Ardneil; 7 acres held by Robert Ross in Ardneil; and William More's land in Dalry. These are in the parishes of Kilmarnock, Dalry, and West Kilbride (Great Seal, i, no. 46; Ordnance Survey 1" sheets 59, 67).
1371-1424: Boyd of Kilmarnock.
(Great Seal, i, nos. 46, 492; ii, nos. 102, 153).
57. KILMAURS (parish).
1371-1424: CUNNINGHAM OF KILMAURS.
(Great Seal, i, app. i, no. i; app. ii, no. 1873; Scot. Rec.Off., MS. Glencairn, GD39/1/11 and 14).
58. KYLE REGIS ('territorial lordship').
Regality, 1404.
1371-1390: ? in crown's hands.
1390-1404: CROWN, or STEWARDS OF SCOTLAND.
(Great Seal, i, nos. 496, 529, 660; ii, no. 403; Hist. MSS.Comm., Mar and Kellie report, p. 7).
59. KYLE STEWART ('territorial lordship').
Regality 1404.
1371-1424: STEWARDS OF SCOTLAND.
(Hist.MSS.Comm., 3rd report, app., p. 387, no. 27; ibid., Mar and Kellie report, p. 7; Great Seal, i, nos. 397, 536, 890).
60. LARGS (parish).
Created 1306x1329; consisted of all the land which John Balliol held in Largs (Great Seal, i, no. 52).
1371-1424: Sempill of Eliotstoun.
(Great Seal, i, no. 52; ii, no. 2882)
61. 'LOCHMERTENAN' (location uncertain).
1371-1424: uncertain.
There is a reference to land in the barony of Lochmertenan in c.1325.
(Great Seal, i, app. ii, no. 349).
62. LOUDON (parish).
Created 1318; consisted of all the lands of Loudon and Stevenston, which is also a parish, about 15 miles distant from Loudon (Great Seal, i, no. 38; Ordnance Survey 1", sheets 59, 67).
1371-1424: Campbell of Loudon.
(Great Seal, i, nos 38, 890; Hist.MSS.Comm., 5th report, app., p. 611).
63. OCHILTREE (parish).
1371-1385x1424: Stewart of Ochiltree.
1385x1424-1424: Colville of Oxnam.
(Morton Reg., i, pp. xxxv-xxxvii; Act.Parl., i, 553-4; Great Seal, ii, nos. 267, 302).

64. **POKELLY** (in Kilmarnock parish).
Created in 1392; consisted of Pokelly, Gree, Drumboy, Clunch, Clonherb, Darclaboch, and 'Bagraw', in Kilmarnock parish, and Nemphlar in Lanark parish, Lanarkshire (Scot.Hist.Soc.Misc., v, 39, no. 23; Ordnance Survey 1", sheets 60, 61).
1392-1424: Mure of Rowallan.
(Scot.Hist.Soc.Misc., v, 39, no. 23; Great Seal, ii, no. 253).
65. **ROWALLAN** (in Kilmarnock parish).
Created in 1391; consisted of all the lands of Rowallan (Great Seal, i, no. 835).
1391-1424: Mure of Rowallan.
(Great Seal, i, no. 835).
66. **SUNDRUM** (in Coylton parish).
Created in 1370; consisted of the lands of Sundrum, Drumfearn, and 'Sywyld', all in Coylton parish (Great Seal, i, no. 356; Ordnance Survey 1", sheet 67).
1371-c.1390: DUNCAN WALLACE (d. 1373x1376) and his widow.
c.1390-1424: Cathcart of that ilk.
(Great Seal, i, nos. 356, 465; ii, no. 90).

SHERIFFDOM OF BANFF

67. **ABERCHIRDER** (parish; thanage).
Created 1370; consisted of all the crown's lands of the thanage of Aberchirder, together with the crown's land of Blairshinnoch, 6 miles distant to the north (Great Seal, i, no. 339; Ordnance Survey 1", sheet 30).
1371-1372: WALTER LESLIE.
1372-1424: LORDS AND EARLS OF ROSS.
(Great Seal, i, nos. 339, 316, 621; Innes, Innes, pp. 73-4).
68. **BOHARM** (parish).
1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
c.1424: held of them by JAMES DOUGLAS OF BALVENIE.
(Great Seal, ii, no. 43; Moray Reg., nos. 23, 31, 33).
69. **BOYNE** (in Inverboyndie parish; thanage).
Created 1369; consisted of all the crown's lands of the thanage of Boyne (Great Seal, i, no. 240).
1371-1424: Edmonstone of that ilk.
(Great Seal, i, no. 240; ii, no. 1644).
70. **DESKFORD** (parish).
?1371-1424: Sinclair of Deskford.
1390: Deskford was forfeited and granted to the earl of Moray, but it returned to the Sinclairs before 1420.
(Great Seal, i, no. 823; ii, no. 245; Moray Reg., p. 475; Aberdeen Reg., ii, 147; Scots Peerage, iv, 17).

71. FINDLATER (in Cullen parish).
 Created 1381; consisted of the lands of Findlater and the Grieveship of Cullen (Great Seal, i, no. 698).
 1381-1390: Richard Sinclair.
 1390- ? : JOHN DUNBAR EARL OF MORAY.
 ? -1424: probably restored to Sinclair of Deskford and Findlater (cf. Deskford, above).
 (Great Seal, i, nos. 260, 698, 823; ii, no. 245; Scots Peerage, iv, 17).
72. GLENDOWACHY (or DOUNE) (in Gamrie parish; thanage).
 1371-1382: ? in crown's hands.
 1382- ? : lands of thanage held by JOHN LYON OF GLAMIS.
 ? -1407: ISABELLA DOUGLAS COUNTESS OF MAR.
 1404-1413: Alexander Keith of Grandon (held of Isabella countess of Mar until 1407).
 1413-1424: OGILVY OF AUCHTERHOUSE.
 (Great Seal, i, no. 734; app. i, nos. 5, 154; ii, no. 109; Nat.Lib.Scot., MS.Adv., 31.6.3, p. 75).
73. INVERUGIE (parish; this is a detached portion of the sheriffdom of Banff, just north of Peterhead).
 1371-1424: Keith of Inverugie.
 (Aberdeen-Banff Collections, pp. 422-3; Aberdeen-Banff Antiquities, ii, 400-1).
74. 'KILSAURLE' (location uncertain).
 ? 1371-1424: Hay of Tullibody.
 (Great Seal, ii, no. 73).
75. MORTLACH (parish).
 1371-1424: uncertain.
c. 1424: Balvenie, in Mortlach barony, was held by JAMES DOUGLAS OF BALVENIE of the 4th EARL OF DOUGLAS.
 (Great Seal, ii, no.43)
76. ROTHIMAY (parish).
 Created in 1345; consisted of all the lands of Rothimay, which had belonged to David of Strathbogie (Lord Saltoun, Frasers, ii, no. 54).
 1371-1424: ABERNETHY OF SALTOUN.
 (Lord Saltoun, Frasers, ii, no. 54; Great Seal, ii, no. 800).
77. STRATHALVAH (or MONBLARY) (parish: Alvah).
 1371-1424: EARLS OF MAR.
 (Hist.MSS.Comm., Mar and Kellie suppl. report, pp. 6, 13; Great Seal, i, no. 935; Aberdeen-Banff Antiquities, iii, 576-9; Nat.Lib.Scot., MS. Adv., 31.6.3, p. 76).
78. STRATHAVON (parish, also called Inveravon).
 1371-1406: ALEXANDER STEWART LORD OF BADENOCH AND EARL OF BUCHAN.
 (Or ? 1371-1390 held by Robert II himself).
 1406-1424: probably in the hands of ALEXANDER STEWART EARL OF MAR, who agreed to divide the profits of it with the Duke of Albany in 1420.
 (Great Seal, i, no. 559; Aberdeen-Banff Antiquities, iv, 181-2).

79. TROUP (in Gamrie parish).
 c.1371-1410: Robert Keith of Troup (married the heiress to Troup, but the date of the marriage is not known).
 1410-1424: KEITH, MARISCHAL.
 (Great Seal, i, no. 939; Scots Peerage, vi, 38-9).

SHERIFFDOM OF BERWICK

80. BOON (in Legerwood parish).
 1371-1424: Corsby of Boon.
 ? held of the earl of March up to 1400.
 (Great Seal, i, no. 918).
81. BUNKLE (parish).
 Regality 1397.
 1371-1424: EARLS OF ANGUS.
 (Great Seal, i, no. 667; app. ii, no. 1754; Act.Parl., i, 565-6).
82. GORDON (parish).
 1371-1408: GORDON OF THAT ILK.
 1408-1424: SETON OF GORDON.
 (1371-1400, held of the earl of March).
 (Scot.Hist.Soc.Misc., v, 30, no. 19; Great Seal, i, no. 905; app. ii, no. 1769).
83. HUNTLY (in Gordon parish).
 1371-1408: GORDON OF THAT ILK.
 1408-1424: SETON OF GORDON.
 (1371-1400, held of the earl of March).
 (Great Seal, i, no. 905).
84. KIMMERGHAM (in Edrom parish).
 Created 1306~~x~~1329; consisted of all the land of Kimmergham (Great Seal, i, no. 5).
 Probably incorporated in Bunkle (q.v) by 1371, and therefore probably held in regality after 1397.
 1371-1424: EARLS OF ANGUS.
 (Great Seal, i, no. 5; Hist.MSS.Comm., Home of Wedderburn report, nos. 582, 583; Fraser, Douglas, iii, nos. 69, 101).
85. LANGTON (parish).
 1371-1424: COCKBURN OF LANGTON.
 (Great Seal, i, nos. 232, 233; ii, no. 3422; Act.Parl., i, 580).
86. LAUDERDALE ('territorial lordship').
 Regality 1354.
 1371-1424: EARLS OF DOUGLAS.
 (Fraser, Douglas, iii, no. 290; Great Seal, i, app. i, no. 123; app. ii, no. 1817; Act.Parl., i, 557-8).
87. LEGERWOOD (parish).
 1371-1424: STEWARDS OF SCOTLAND.
 (1371-1400, ? held of the earl of March).
 (Hist.MSS.Comm., 5th report, app., p. 611; Great Seal, i, no. 373; Regesta Malcolm IV, no. 183).

88. MORDINGTON (parish).
 Incorporated into the regality and barony of Morton in 1382.
 1371-1400: EARLS OF MARCH.
 1372-1400: held of them by JAMES DOUGLAS OF DALKEITH, with courts of life and limb.
 1400-1424: DOUGLAS OF DALKEITH.
 (Great Seal, i, no. 521; app. ii, no. 214; ii, no. 993; Morton Reg., ii, nos. 131, 174).

SHERIFFDOM OF BUTE

89. ARRAN.
 Regality 1404.
 1371-1424: STEWARD OF SCOTLAND.
 (Act.Parl., i, 500; Hist.MSS.Comm., Mar and Kellie report, p. 7).
90. BUTE.
 Regality 1404.
 1371-1424: STEWARDS OF SCOTLAND.
 (Act.Parl., i, 500; Hist.MSS.Comm., Mar and Kellie report, p. 7).

SHERIFFDOM OF CLACKMANNAN

91. ALLOA (parish).
 Created 1368; consisted of the crown's lands of Alloa, Gaberston, the park of Clackmannan, Ferryton, 'Brenhalgh' in Clackmannan forest, and the meadow and isle of Clackmannan; these were all close to one another, but not adjoining (Act.Parl., i, 531; Ordnance Survey 1", sheet 55).
 Regality 1398.
 1371-1424: ERSKINE OF THAT ILK.
 (Act.Parl., i, 531; Hist.MSS.Comm., Mar and Kellie suppl. report, p. 11).
92. 'SHANBOTHY' (location uncertain).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 (The lands were held of them by Stewart of Rossyth).
 (Great Seal, i, app. i, no. 130; ii, no. 1205).
93. TILLYCOULTRY (parish).
 1371-1371x1374: EARLS OF MAR.
 1371x1374-1388: EARLS OF DOUGLAS.
 1388-1413: uncertain.
 1413-1424: JOHN STEWART EARL OF BUCHAN.
 (1386-1401: the lands were held by JOHN SWINTON LORD OF MAR).
 After 1388, the superiority should have gone to Isabella Douglas countess of Mar and then to George Douglas earl of Angus. But Robert Stewart duke of Albany granted it to his son John in 1413, and stated that he had held it under Robert III; perhaps he, as earl of Fife, was the ultimate superior of the barony.
 (Great Seal, i, nos. 504, 949; app. i, no. 154; Scot.Rec. Off., MS. Register House Charters, RH6/165).

94. TULLIBODY (in Clackmannan parish).
 1371-1424: Hay of Tullibody.
 (Great Seal, i, no. 118; app. ii, nos. 1425, 1742; ii, no. 73; Fraser, Grandtully, i, nos. 107*-110*).

SHERIFFDOM OF DUMBARTON

95. CARDROSS (parish).
 1371-1424: uncertain; ? in the crown's hands, or possibly those of the EARLS OF LENNOX.
 It was referred to as a barony in 1327 and in c.1403.
 (Great Seal, i, app. i, no. 90; app. ii, nos. 367, 1796; Hist.MSS.Comm., 2nd report, app., p. 167, no. 18).
96. KILMARONOCK (parish).
 1371-1399: Danyelstone of that ilk.
 1399-1424: CUNNINGHAM OF KILMAURS.
 (Great Seal, i, app. ii, nos. 1144, 1190; ii, no. 2416; Hist.MSS.Comm., 3rd report, p. 388, no. 41; T.F.Donald, 'The Dennistouns of Dennistoun', Scot.Hist.Rev., xv (1918), p. 242).
97. KIRKINTILLOCH (or LENZIE) (parish).
 1371-1382: THOMAS FLEMING EARL (until 1372) OF WIGTON
 1382-1424: FLEMING OF BIGGAR.
 (The lands were held by the Flemings of Biggar from 1372).
 (Great Seal, i, nos. 80, 416, 477, 491, 740; Wigtown Charters, nos. 12, 22).

SHERIFFDOM OF DUMFRIES

98. AMISFIELD (in Tinwald parish).
 1371-1424: Charteris of Amisfield; held the lands at least.
 The superiority perhaps belonged to the EARLS OF DOUGLAS.
 (R.C.Reid, The Family of Charteris of Amisfield (Dumfries, 1938), pp. 11-12; Fraser, Annandale, i, no. 18).
99. ANNANDALE ('territorial lordship').
 Regality 1306x1329, probably 1324.
 c.1371: ? JOHN LOGY OF THAT ILK.
 c.1371-1409: EARLS OF MARCH.
 1409-1424: EARLS OF DOUGLAS; actually in Douglas hands from 1400.
 (Fraser, Grandtully, ii, no. 73*; Great Seal, i, nos. 473, 800, 920; app. i, no. 34; Scot.Hist.Scoc.Misc., v, 27, no. 17; Nat.Lib.Scot., MS. Adv., 34.1.10, vol. i, pp. ii, iii).

100. BRIDBURGH (in Dalgarno parish).
Created 1319; consisted of 2 penny lands in the toun of Bridburgh (MS. Regesta Robert I, no. 145; cf. Great Seal, i, app. ii, no. 295).
1371-1424: Kirkpatrick of Closeburn.
(Great Seal, i, no. 919; app. ii, no. 295; ii, no. 1007; R.C.Reid, 'The Early Kirkpatricks', Dumfries-Galloway Trans., 3rd ser., xxx (1952), 78-81).
101. BUITTLE (parish).
Created 1325; consisted of the whole parish of Buittle except Corbietoun and the lands of Patrick McGilbothin (Great Seal, i, app. i, no. 37).
In the lordship of Galloway and held of the lords. Regality, 1354 and 1407.
1371-1424: EARLS OF DOUGLAS.
Held of them by DOUGLAS OF DALKEITH, as a regality after 1407.
(Great Seal, i, app. i, no. 37; Act.Parl., i, 557-8; Morton Reg., ii, nos. 83, 200, 215-6).
102. CARLAVEROCK (parish).
1371-1424: MAXWELL OF CARLAVEROCK.
(Great Seal, i, no. 541; app. i, nos. 57, 61; app. ii, no. 1081; ii, no. 1362).
103. CLOSEBURN (parish).
1371-1424: Kirkpatrick of Closeburn.
(Great Seal, i, no. 919; ii, no. 1007; Reid, 'Kirkpatricks', Dumfries-Galloway Trans., 3rd ser., xxx, 79-81).
104. DALSWINTON (in Kirkmahoe parish).
The original barony was partitioned in 1321-1325.
A: created 1325, out of 3/4 of the original barony.
1371-1424: Stewart of Dalswinton.
(Great Seal, i, app. ii, nos. 323, 1260; ii, nos. 48, 663; Fraser, Carlaverock, ii, 418).
B: created 1321, out of 1/4 of the old barony; the land of Druncoll and the demesne of Dalswinton.
1371-1424: Boyd of Kilmarnock.
(This was probably not held as a separate barony by the Boyds).
(Great Seal, i, app. ii, nos. 306, 315; ii, no. 1327; Scots Peerage, v, 141).
105. DRUMLANRIG (in Durisdeer parish).
Regality, 1354-1388.
1371-1373x1374: EARLS OF MAR (the lands were held of them in regality by WILLIAM EARL OF DOUGLAS).
1373x1374-1388: EARLS OF DOUGLAS.
1384x1388-1424: the lands were held in free barony by Douglas of Drumlanrig.
(In his grant to William Douglas of Drumlanrig, the 2nd earl of Douglas kept the superiority; this should have gone to George Douglas earl of Angus, but there is no evidence that it did).
(Great Seal, i, app. i, nos. 123, 154; Hist.MSS.Comm., 15th report, app. viii, nos. 1-4).

106. DURISDEER (parish).
 1371-1374: Alexander Menzies of Redhall.
 1374-1424: STEWART OF INNERMEATH AND LORNE.
 (? 1388-1424, lands held by Stewart of Rosyth).
 (Great Seal, i, no. 457; Fraser, Douglas, iii, no. 31; Scot.Rec.Off., MS. Maitland Thomson Notebooks, GD212, no. 6, at back, p. 2; Scots Peerage, v, 1-2; cf. Great Seal, ii, no. 3840).
107. ENOCH (in Durisdeer parish).
 1371-1424: Menzies of Weem.
 (Great Seal, i, no. 585; app. ii, no. 1335; Hist.MSS. Comm., 6th report, app., p. 691, nos. 10, 12, 16).
108. GALLOWAY ('territorial lordship').
 Regality (cf. above, pp. 115-6, 126-7).
 1371-1372: partitioned.
 A: DOUGLAS LORD OF GALLOWAY.
 B:(i.e. the earldom of Wigton): FLEMING EARL OF WIGTON
 1372-1424: DOUGLAS LORD OF GALLOWAY, EARLS OF DOUGLAS.
 (c.1410-1424 the western half (the 'earldom of Wigton') was held of them by ARCHIBALD DOUGLAS, eldest son of the 4th earl of Douglas).
 (Great Seal, i, nos. 200, 329, 507; app. i, no. 119; Fraser, Douglas, iii, nos. 57-63).
109. GLENCAIRN (parish).
 1371-1399: Robert Danyelstone of that ilk.
 1399-1424: CUNNINGHAM OF KILMAURS.
 (Great Seal, i, no. 362; ii, no. 2416; Donald, 'Dennistouns', Scot.Hist.Rev., xv, 242).
110. GLENKEN (in Dalry parish).
 Created 1368; consisted of all the lands of Glenken (Great Seal, i, no. 291).
 In the lordship of Galloway.
 1371-?1400: GEORGE DUNBAR EARL OF MARCH.
 ?1400-1424: EARLS OF DOUGLAS, LORDS OF GALLOWAY.
 (Great Seal, i, no. 291; cf. Cowan, Parishes, p. 44).
111. KIRKANDREWS (parish).
 Created 1306xl329; consisted of all the land of Kirkandrews, which had belonged to John Wake (Great Seal, i, no. 33).
 Regality 1354.
 1371-1424: EARLS OF DOUGLAS.
 (Great Seal, i, app. i, no. 123; app. ii, nos. 293, 504; Fraser, Douglas, iii, no. 68).
112. KIRKMICHAEL (parish).
 Regality 1376.
 1371-1397: LINDSAY OF CRAWFORD.
 1397-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (Great Seal, i, nos. 590, 763; ii, no. 226).

113. 'MALARNOCK' (location uncertain).
 ?1371-1416: Fraser of Ewesdale.
 1416-1424: GRAHAM OF KINCARDINE.
 (Great Seal, ii, nos. 46, 168).
114. MORTON (parish).
 Regality 1382; included several other baronies after that date.
 1371-1400: GEORGE DUNBAR EARL OF MARCH.
 1371-1400: held of him by JAMES DOUGLAS OF DALKEITH, with courts of life and limb, and in regality after 1382.
 1400-1424: DOUGLAS OF DALKEITH.
 (Great Seal, i, no. 149; app. ii, no. 564; ii, no. 993; Morton Reg., ii, nos. 100, 174).
115. NEW FOREST (location uncertain).
 Created 1366; consisted of the whole New Forest (Great Seal, i, no. 258).
 In the lordship of Galloway and held of the lords.
 1371-1373: WALTER LESLIE LORD OF ROSS.
 1373-1376: JAMES LINDSAY OF CRAWFORD.
 1376-1424: Maxwell of Pollok.
 (Great Seal, i, nos. 258, 446, 576).
116. NITHSDALE ('territorial lordship').
 1371-c.1388: in the crown's hands.
 c.1388-c.1392: WILLIAM DOUGLAS LORD OF NITHSDALE.
 c.1392-1424: EGIDIA DOUGLAS, and her husband HENRY SINCLAIR EARL OF ORKNEY AND LORD OF NITHSDALE.
 (See above, pp. 59-63).
117. PRESTON (in Kirkbean parish).
 In the lordship of Galloway and held of the lords.
 Regality 1407.
 1371-1424: EARLS OF DOUGLAS.
 Held of them by DOUGLAS OF DALKEITH, in regality after 1407.
 (Great Seal, i, app. ii, no. 1349; Morton Reg., ii, nos. 83, 140, 200, 201, 215-6).
118. SANQUHAR (parish).
 1371-1424: Crichton of Sanquhar (? just $\frac{1}{2}$ the barony).
 (Great Seal, i, no. 27; app. i, no. 56; app. ii, no. 1116; ii, no. 233; Fraser, Carlaverock, ii, 420; Scot.Rec.Off., MS. Register House Charters, RH6/232).
119. STAPLEGORTON (parish).
 In the lordship of Eskdale.
 Regality 1354.
 1371-1424: EARLS OF DOUGLAS.
 (Great Seal, i, app. i, no. 123; Act.Parl., i, 557-8; Morton Reg., ii, no. 25).

120. SNADE (in Glencairn parish).
 Created 1306xl329; consisted of the lands of Snade, the park and demesne land of 'Baliferne', 'Achinracheny', Kirkpatrick, Logan, Bardarroch, and Strath, all in the barony and parish of Glencairn (Great Seal, i, no. 31; Ordnance Survey 1", sheet 74).
 1371-1373: McLachlan of Snade.
 1373-1424: Cunningham of Belton.
 (Great Seal, i, no. 31; ii, no. 1514; Yester Writs nos. 30, 31, 33).
121. TERREGLES (parish).
 Regality 1367.
 1371-1424: Herries of Terregles.
 (Fraser, Carlaverock, ii, 410, 414; Great Seal, i, no. 192; ii, no. 668).
122. TIBBERS (in Durisdeer parish).
 1371-1424: EARLS OF MARCH (they lost the superiority over most of the barony in 1400).
 1371-1424: most of the lands were held by Maitland of Tibbers; after 1400 of the crown, and probably as a barony.
 (Great Seal, i, no. 149; Hist.MSS.Comm., 15th report, app. viii, nos. 54, 56, 57).
123. TORTHORWALD (parish).
 Created 1321; consisted of all the land of Torthorwald, namely the demesne, the common, the whole toun, and 3 husbandlands in the toun of Roucan (Great Seal, i, app. i, no. 58).
 1371-1398xl412: Kirkpatrick of that ilk.
 1398xl412-1424: partitioned, among the three daughters of Duncan Kirkpatrick, and their husbands William Carlyle, Thomas Graham, and Gilbert Grierson.
 (Great Seal, i, app. i, no. 58; Hist.MSS.Comm., 15th report, app. viii, no. 101; Reid, 'Kirkpatricks', Dumfries-Galloway Trans., 3rd. ser., xxx, 75-7).
124. URR (parish).
 In the lordship of Galloway.
 1371-1424: partitioned: uncertain.
 In 1324, $\frac{1}{2}$ Urr was granted to Thomas Randolph earl of Moray, and so was ? inherited by the earls of March. In c.1341, $\frac{1}{2}$ Urr was granted to Andrew Buttergask, and presumably escheated. In 1459, $\frac{1}{2}$ Urr was held by Herries of Terregles. Since it is in Galloway, the superiority probably belonged to the lords of Galloway and earls of Douglas.
 (Great Seal, i, app. ii, nos. 211, 840; ii, no. 668).
125. WESTERKIRK (parish).
 In the lordship of Eskdale.
 1371-1424: partitioned.
 A: Abbey of Melrose.
 B: EARLS OF DOUGLAS, in regality from 1354.
 (Great Seal, i, app. i, nos. 14, 123; Morton Reg, ii, no. 27; Act.Parl., i, 557-8).

SHERIFFDOM OF EDINBURGH

126. BALERNO (in Currie parish).
 1371-1424: Ruthven of that ilk.
 (Great Seal, i, nos. 577, 897; app. ii, no. 1689;
 ii, no. 1442).
127. CRICHTON (parish).
 1371-1424: Crichton of that ilk.
 (Great Seal, i, no. 280; app. ii, no. 1894; ii, p.6,
 note, and no. 234).
128. CURRIE (or LONG HERMISTON) (parish).
 1371-1424: partitioned.
 A: Dischington of Ardross.
 B: 1371-c.1405: Maitland ? of Thirlstane.
 c.1405-1424: ? Winton.
 C: uncertain; ? Edmonstone of that ilk, who had
 1/3 of Currie in 1496.
 (Great Seal, i, no. 294; app. ii, nos. 1688, 1786, 1920;
 ii, 2323; Act.Parl., i, 532; vii, 160).
129. DALHOUSIE (parish, also called Cockpen).
 1371-1424: Ramsay of Dalhousie
 (Scot.Rec.Off., MS. Dalhousie, GD45/16/305; Great Seal,
 ii, no. 602).
130. DALKEITH (in Lasswade parish).
 Regality 1378; included several other baronies after
 1386.
 1371-1424: DOUGLAS OF DALKEITH.
 (Great Seal, i, no. 335; Morton Reg., ii, nos. 97, 165,
 177, 209).
131. GLENCORSE (in Lasswade parish).
 1371-1424: uncertain.
 Land in Glencorse barony was held by the
 lord of Douglas in 1354.
 (Great Seal, i, app. i, no. 123).
132. GOGAR (parish).
 1371-1424: ? Menzies of Weem.
 (Hist.MSS.Comm., 6th report, app., p. 691, nos. 10, 19).
133. GOURTON (location uncertain).
 1371-1424: Preston of Craigmillar.
 (Scot.Rec.Off., MS.Register House Transcripts, RH1/1,
 s.d. 6:i:1342; Great Seal, i, app. i, no. 111; ii,
 no. 26).
134. LOCHORWORTH (parish, also called Borthwick).
 1371-1424: HAY OF LOCHORWORTH AND YESTER.
 (Cal.Doc.Scot., iii, p. 332; Yester Writs, nos. 39, 61A).
135. LUGTON (in Lasswade parish).
 Created 1381; consisted of the lands of Lugton (Great
 Seal, i, no. 695).
 1381-1424: Douglas of Lugton and Lochleven
 (Great Seal, i, nos. 695, 795; Morton Reg., ii, no. 217;
 Scot.Rec.Off., MS.Register House Charters, RH6/252).
136. MELVILLE (in Lasswade parish).
 1371-1424: Melville of Melville.
 (Fraser, Buccleuch, ii, no. 11; Newbattle Reg., no. 221).

137. NETHERLIBERTON (in Liberton parish).
Created 1384; consisted of the lands of Netherliberton (Scot.Rec.Off., MS. Crown Office Writs, AD1/25).
1384-1424: Forrester of Corstorphine.
(Scot.Rec.Off., MS. Crown Office Writs, AD1/25, 26, 29; Great Seal, i, no. 885; ii, no. 7).
138. PENCAITLAND (parish).
1371-1424: MAXWELL OF CARLAVEROCK.
(Fraser, Carlaverock, ii, 409-10, 416-7, 429-30).
139. PENICUIK (parish).
1371-1424: Penicuik of that ilk.
(Great Seal, i, app. ii, no. 1917; ii, no. 3173; Scot.Rec.Off., MS. Clerk of Penicuik, GD18/1).
140. RATHO (parish).
Regality 1404.
1371-1424: STEWARDS OF SCOTLAND.
(Hist.MSS.Comm., Mar and Kellie report, p. 7; Great Seal, i, nos. 535, 544; app. i, no. 89).
141. REDHALL (in Hailes parish).
1371-1376: Menzies of Redhall.
1376-c.1391: ROBERT STEWART EARL OF FIFE.
c.1391-1396: MURDACH STEWART OF FIFE.
1396-1424: CUNNINGHAM OF KILMAURS.
(Great Seal, i, nos. 458, 562; app. ii, nos. 1409, 1736, 1873, 1975; ii, no. 25; Hist.MSS.Comm., 3rd report, app., p. 388, no. 33; Scot.Rec.Off., MS. Glencairn, GD39/1/13).
142. RESTALRIG (parish).
1371-1424: Logan of Restalrig.
(Great Seal, i, no. 200; app. i, no. 157; ii, no. 132; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 14:x:1414).
143. ROSLIN (in Lasswade parish).
1371-1424: SINCLAIR OF ROSLIN, EARLS OF ORKNEY.
(Hay, Sainteclaires, pp. 41-2, 62; Great Seal, i, addenda, p. 651, no. 2).

SHERIFFDOM OF EDINBURGH, HADDINGTON CONSTABULARY

144. THE BARNES (in Haddington parish).
Created 1322; consisted of all the land called the Barnes beside Haddington (Great Seal, i, app. i, no. 43).
1371-1424: SETON OF THAT ILK.
(Great Seal, i, app. i, no. 43; app. ii, no. 1671; ii, nos. 206, 3032; G.Seton, A History of the Family of Seton (Edinburgh, 1896), ii, 845).
145. BALLENCRIEFF (in Aberlady parish).
1371-1424: uncertain.
Land in Ballencrieff barony was held by DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
(Great Seal, i, app. i, no. 124; Fraser, Douglas, iii, nos. 60, 380)

146. BOLTON (parish).
 1371-1388: COCKBURN OF LANGTON.
 1388-1424: Cockburn of Ormiston and Bolton.
 (Great Seal, i, nos. 232, 233; Act.Parl., i, 580;
Cockburn-Hood, Cockburn of that ilk, p. 38).
147. THE BYRES (in Haddington parish).
 1371-1424: LINDSAY OF BYRES.
 (Great Seal, i, no. 248; app. i, nos. 136, 159).
148. COULSTON (in Haddington parish).
 1371-1424: Broun of Coulston
 (Nat.Reg.Arch., 336, MS. Calendar of Coulston muniments,
 nos. IV, V, VI).
149. DIRLETON (parish).
 1371-1424: HALIBURTON OF DIRLETON.
 (Act.Parl., i, 552-3; Great Seal, i, no. 897; app. i,
 no. 159; Scots Peerage, iv, 332-3).
150. DUNCANLAW (in Yester parish).
 ? c. 1371: GIFFARD OF YESTER (cf. Yester, no.162).
c.1371- 1424: partitioned among the 4 co-heiresses of
 Hugh Giffard and their families:
 A: HAY OF LOCHORWORTH AND YESTER.
 B: Boyd of Kilmarnock.
 C: McDOWELL OF MAKERSTON.
 D: Maxwell of Tealing.
 (Great Seal, i, no. 925; app. i, no. 39; ii, nos. 521,
 757; Yester Writs, nos. 19, 32, 37, 71, 853).
151. ELPHINSTONE (in Tranent parish).
 1371-1424: SETON OF THAT ILK.
 (MS. Regesta Robert I, nos. 190, 191; Great Seal, i,
 app. ii, no. 259; Fraser, Elphinstone, i, 15).
152. GARMILTON-DUNNING (? Garleton, in Haddington parish).
 Regality, 1382; incorporated in the regality and barony
 of Dalkeith in 1386.
 1371-1424: DOUGLAS OF DALKEITH.
 (Morton Reg., ii, nos. 73, 174, 177; Great Seal, i,
 no. 631).
153. HERIOT (parish).
 1371-1424: EARLS OF DOUGLAS.
 (Fraser, Douglas, iii, no. 289; Great Seal, ii, no. 301).
154. INNERWICK (parish).
 Regality 1404.
 1371-1424: STEWARDS OF SCOTLAND.
 (The lands were held 1371-1389 by the countess
 of Angus, and 1389-1424 by Hamilton of
 Innerwick).
 (Hist.MSS.Comm., Mar and Kellie report, p. 7; Fraser,
Douglas, iii, nos. 33, 340, 341; Great Seal, ii, no.
 499).
155. KEITH (parish).
 1371-1424: KEITH, MARISCHAL.
 (Great Seal, i, no. 884; app. i, no. 47).

156. LUFFNESS (in Aberlady parish).
 1371-1424: ? Bickerton of Luffness.
 (Great Seal, i, app. ii, nos. 748 (and note), 1898;
 ii, nos. 438, 780).
157. MORHAM (parish).
 ? c.1371: GIFFARD OF YESTER (cf. Yester, no. 162).
 c.1371-1424: partitioned among the 4 co-heiresses of
 Hugh Giffard and their families:
 A: HAY OF LOCHORWORTH AND YESTER.
 B: Boyd of Kilmarnock.
 C. McDOWELL OF MAKERSTON.
 D. Maxwell of Tealing.
 (Great Seal, i, no. 925; app. i, no. 39; ii, nos. 521,
 757; Yester Writs, nos. 19, 32, 86).
158. NEWTON (parish).
 1371-1377: Robert and Margaret Swinton.
 1377-? 1424: Newton of Newton.
159. NORTH BERWICK (parish).
 Regality 1354-1388.
 1371-1424: EARLS OF FIFE, DUKES OF ALBANY.
 1371-1388: held of them in regality by EARLS OF
 DOUGLAS.
 (Act.Parl., i, 555-6; Scot.Rec.Off., MS. Register
 House Charters, RH6/189; Great Seal, i, app. i, no.
 123; Fraser, Douglas, iii, no. 40).
160. SETON (in Tranent parish).
 1371-1424: SETON OF THAT ILK.
 (Great Seal, i, app. ii, no. 1677; ii, nos. 42, 432;
Seton, Seton, ii, 844-5).
161. TRANENT (parish).
 Created 1306x1329; consisted of all the land in Tranent
 which had belonged to Alan la Suche, and his husbandlands
 in the toun of Niddrie (Great Seal, i, no. 56).
 1371-1424: SETON OF THAT ILK.
 (Great Seal, i, nos. 56, 436, 898; app. i, no. 45;
Seton, Seton, ii, 844-5).
162. YESTER (parish).
 c. 1371: GIFFARD OF YESTER.
 (either: Hugh Giffard, who died 1355x1375;
 or: Nigel Cunningham of Belton and his wife
 Joanna Giffard, who held it and the other
 Giffard lands in 1375. This Joanna Giffard
 was either the eldest daughter of Hugh Giffard.
 in which case she and Cunningham must have
 been divorced before 1386, when a Joanna
 Giffard was married to Thomas Hay of Lochor-
 worth; or the widow of Hugh Giffard, holding
 the estates in jointure (was she perhaps the
 'John Douglas son to James lord Douglas' of
Robertson's Index, to whom Hugh Giffard
 granted all his lands in c.1346: Great Seal,
 i, app. ii, no. 1068).)

162. (continued).

c.1371-1424: partitioned among the 4 co-heiresses of Hugh Giffard and their families.

A: HAY OF LOCHORWORTH AND YESTER.

B: Boyd of Kilmarnock.

C: McDOWELL OF MAKERSTON.

D. Maxwell of Tealing.

(Yester Writs, nos. 1-3, 26, 32, 34, 35, 55).

SHERIFFDOM OF EDINBURGH, LINLITHGOW CONSTABULARY

163. ABERCORN (parish).

1371-c.1382: WILLIAM MORE OF ABERCORN.

c.1382-1424: LINDSAY OF BYRES.

(Great Seal, i, nos. 170, 697; app. i, no. 159; app. ii, no. 815).

164. BARNBOUGLE (or DALMENY) (parish).

1371-1424: Moubray of Barnbogle.

(Fraser, Menteith, ii, 247, no. 31; Scot.Rec.Off., MS. Register House Charters, RH6/157; Great Seal, ii, nos. 118, 146).

165. BATHGATE (parish).

1371-1424: STEWARDS OF SCOTLAND.

(Great Seal, i, no. 911; app. i, no. 89).

166. CALDERCLERE AND KINGSCAVIL (parish).

Created 1316; consisted of all the lands of Calderclere and Kingscavil, which is about 8 miles north, in Linlithgow parish (Great Seal, i, no. 59; Ordnance Survey 1", sheet 61).

Regality 1378; incorporated into the regality and barony of Dalkeith in 1386.

1371-1424: DOUGLAS OF DALKEITH.

(Great Seal, i, nos. 59, 628; Morton Reg., ii, nos. 165, 177).

167. CARRIDEN (parish).

1371-1424: COCKBURN OF LANGTON.

(Great Seal, i, nos. 232, 233; ii, no. 1156; Scot. Rec.Off., MS. Register House Charters, RH6/179; Act.Parl., i, 580).

168. KINNEIL (parish).

1371-1424: HAMILTON OF CADZOW.

(Great Seal, i, app. i, no. 48; app. ii, no. 1747; Hist.MSS.Comm., 11th report, app. vi, pp. 12-16, nos. 2, 7, 12; Act.Parl., ii, 59).

169. STRATHBROCK (parish, also called Uphall).

1371-1424: partitioned.

A: Keith of Inverugie.

B: Sutherland of Duffus.

(Great Seal, i, nos. 228, 830; ii, no. 227; Scots Peerage, iii, 191-2).

170. WEST CALDER (or CALDER-COMITIS) (parish).
 Regality, 1354-1388.
 1371-1424: EARLS OF FIFE, DUKES OF ALBANY (ISABELLA
 COUNTESS OF FIFE UNTIL 1389).
 1371-1388: held of them by EARLS OF DOUGLAS, in regality
 1371-1424: the lands were held of them by Sandilands
 of Calder.
 (Great Seal, i, app. i, nos. 68, 123; ii, 3363; Fraser,
Douglas, iii, nos. 18, 44, 49; Nat.Lib.Scot., MS. Adv.,
 34.6.24, p. 244).
171. WINCHBURGH (in Kirkliston parish).
 1371-1424: SETON OF THAT ILK.
 (Regesta William I, nos. 200, 390; Great Seal, ii, no.
 42; Seton, Seton, ii, 844-5).

SHERIFFDOM OF ELGIN

172. DUFFUS (parish).
 In the earldom of Moray and held of the earls.
 1371-1424: partitioned.
 A: Sutherland of Duffus.
 B: Keith of Inverugie.
 C: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
 DOUGLAS (held of them c.1424 by JAMES
 DOUGLAS OF BALVENIE).
 (Moray Reg., pp. 326-7; Scots Peerage, iii, 191-2;
Great Seal, ii, no. 49).
173. PETTY (parish).
 In the earldom of Moray and held of the earls.
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
 DOUGLAS.
 c. 1424 : held of them by JAMES DOUGLAS OF BALVENIE.
 (Moray Reg., p. 17; Scots Peerage, ii, 122-31; Great
 Seal, ii, no. 49).

SHERIFFDOM OF FIFE

174. ABERDOUR (parish).
 Regality 1382; incorporated into the regality and
 barony of Dalkeith in 1386.
 1371-1424: DOUGLAS OF DALKEITH.
 (Great Seal, i, no. 252; Morton Reg., ii, nos. 72, 174,
 177).
175. ARDROSS (in Kilconquhar parish).
 1371-1424: Dischington of Ardross (held at least part,
 and probably all, the barony).
 (Great Seal, i, no. 293; p. 651, addenda, no. 1;
 ii, no. 812).
176. BALMBREICH (in Flisk parish).
 1371-1424: LESLIE OF THAT ILK.
 (Great Seal, i, nos. 808, 854; app. ii, no. 1274;
 Fraser, Southesk, ii, no. 59).
177. CARNOCK (parish).
 1371-1424: Ramsay of Dalhousie.
 (Great Seal, i, no. 886; app. ii, no. 765; Scot.Rec.
 Off., MS. Dalhousie, GD45/16/45).

178. CERES (parish).
 1371-1424: partitioned among the families of the 3 co-heiresses of David Ovyot.
 A: 1371-1424: Scott of Balwearie.
 B: 1371-1424: Kinnimond of that ilk.
 C: 1371-c.1400: Menzies of Weem.
 c.1400-1424: Cairncross of Balmashannar.
 (Great Seal, i, nos. 109, 927; app. ii, nos 1812, 1964; ii, nos. 239, 1163, 3427; Hist.MSS.Comm., 6th report, app., p. 691, no. 10).
 (The description of the lands of Balcaly and Kyngerrok in Ceres as baronies (Great Seal, i, no. 927) is almost certainly a scribal error).
179. CLEISH (parish).
 1371-1424: partitioned.
 c.1371: uncertain.
 ? c.1424: A: Meldrum.
 B: Winton.
 C: Barclay.
 (Great Seal, i, app. ii, nos. 1717, 1919, 1973; ii, nos. 1040, 2896).
180. CRAIL (parish).
 1371-1424: uncertain; probably in the crown's hands.
 (Great Seal, i, nos. 495, 816; app. ii, nos. 766, 932, 994).
181. CROMBIE (parish).
 1371-1424: partitioned.
 A: 1371-1392: Allan Erskine of Inchtute.
 1392-1424: Valence.
 (This was 1/3 or 1/4 of the barony)
 B: uncertain; ? c.1424, Winton, Lindsay of Crombie, or Barclay.
 (Great Seal, i, nos. 211, 467, 872; app. ii, nos. 1919, 1972, 1973; ii, no. 1447; Edinburgh Univ.Lib., MS. Maitland Thomson Photos, no. 56).
182. FITHKILL (parish, also called Leslie).
 1371-1399: EARLS OF ROSS.
 1399-1424: Leslie of Fithkill.
 (Great Seal, i, no. 742; Hist.MSS.Comm., 4th report, app., p. 494, nos. 9, 10).
183. GLASSMOUNT (in Kinghorn parish).
 Created 1328; consisted of all the lands of Glassmount (Fraser, Wemyss, ii, no. 162).
 1371-1424: partitioned, probably between the families of 2 of the 3 co-heiresses of Michael Wemyss of that ilk:
 A: Boswell of Balmuto.
 B: Livingstone of Drumry.
 (Fraser, Wemyss, ii, no. 162; Great Seal, ii, nos. 638, 3229; Scots Peerage, viii, 480).
184. INVERKEITHING (parish).
 1371-1424: uncertain; ? in the crown's hands.
 (Great Seal, i, no. 769; app. i, no. 85; app. ii, nos. 1119, 1251, 1879).

185. KELLIE (parish, also called Carnbee).
 1371-1378: OLIPHANT OF ABERDALGIE.
 1378-1424: Oliphant of Kellie.
 (Anderson, Oliphants, nos. 7, 10).
186. KILBRACKMOND (in Kilconquhar parish).
 Created 1369; consisted of all the lands of Kilbrackmond
 (Great Seal, i, no. 327).
187. KINGHORN (parish).
 Created 1380; consisted of the burgh, port, and royal manor of Kinghorn, together with all the royal lands, revenues, and forests in the constabulary of Kinghorn (Nat.Reg.Arch., 885, MS. Calendar of the Earl of Strathmore's muniments, s.d. 24:xii:1380; Great Seal, ii, no. 449).
 1371-1424: LYON OF GLAMIS.
 (Nat.Reg.Arch., loc.cit.; Great Seal, ii, no. 449).
188. KINNEAR (location uncertain).
 1371-1424: Kinnear of that ilk.
 (Great Seal, i, no. 653; Scot.Rec.Off., MS. Register House Charters, RH6/244).
189. LEUCHARS (parish).
 1371-1424: partitioned, ? as follows:
 A: EARLS OF FIFE AND MENTEITH, ? as EARLS OF MENTEITH.
 1376-1424: most of this held of them by Ramsay of Colluthy, cum furca et fossa, etc.
 B(1): Wemyss of Reres.
 B(2): 1371-c.1397: Hay of Tullibody.
 c.1397-1424: Wemyss of Reres.
 B(3): Monypenny of Pitmillie.
 (A: Great Seal, i, nos. 447, 886; Fraser, Southesk, ii, 490-1; Edinburgh Univ. ib., MS. Maitland Thomson Photos, no. 41.
 B: Great Seal, i, app. i, no. 131; app. ii, nos. 488, 497, 764, 1734, 1742, 1806, 1960; ii, nos. 779, 1039; Scot.Rec.Off., MS. Henderson of Fordell, GD172/121).
190. LOCHORE (in Ballingry parish).
 1371-1424: partitioned.
 A: Valence.
 B: probably divided between the families of 2 of the 3 co-heiresses of Michael Wemyss of that ilk:
 (1): Boswell of Balmuto.
 (2): Livingstone of Drumry.
 (Fraser, Wemyss, ii, nos. 3, 4, 47, 48, 161; Liber Cartarum Prioratus Sancti Andree, ed. C.Innes (Bannatyne Club, lxix, 1841), pp. 2-5; Scots Peerage, viii, 480).
191. NAUGHTON (in Balmerino parish).
 1371-1424: partitioned.
 A: Hay of Naughton.
 B: Murray of Culbean.
 (Great Seal, i, app. ii, no. 1705; ii, nos. 238, 241, 3828; Fraser, Grant, iii, no. 23; Scots Peerage, iii, 558).

192. PITCONNOCHIE (location uncertain).
 ?1371-1400: Allan Erskine of Inchture.
 1400-1424: partitioned.
 A: John Glen.
 B: Wemyss of Reres.
 (Fraser, Wemyss, ii, no. 27; Great Seal, ii, nos. 2885, 3215).
193. RERES (in Kilconquhar parish).
 1371-1424: EARLS OF FIFE AND DUKES OF ALBANY.
 1374-1424: most of the lands were held of them by Wemyss of Reres.
 (Great Seal, i, no. 870; app. ii, no. 971; Fraser, Wemyss, ii, no. 11).
194. ROSYTH (parish).
 1371-1424: partitioned.
 A: Stewart of Rosyth.
 B: Marshall of Rosyth.
 C: Valence.
 (Great Seal, i, no. 888; app. ii, no. 1268; ii, no. 115; Hist.MSS.Comm., Mar and Kellie suppl. report, p. 10; Scot.Hist.Soc.Misc., v, 32, no. 20; Edinburgh Univ. Lib., MS. Maitland Thomson Photos, no. 56; Scots Peerage, v, 1).
195. SCOONIE (parish).
 1371-1424: uncertain; ? held by EARLS OF MARCH, of EARLS OF FIFE.
 (Fraser, Wemyss, ii, nos. 23, 24).

SHERIFFDOM OF FORFAR

196. ABERLEMNO (parish; thanage).
 Created 1326; consisted of all the crown's demesne land in the thanage of Aberlemno, which was probably 2/3 of the whole thanage (Great Seal, i, app. i, no. 80; cf. ibid., app. i, no. 78).
 1371-1424: Wellhome of Aberlemno.
 (Nat.Lib.Scot., MS. Adv., 34.6.24, p. 243).
197. ARDLER (in Kettins parish).
 Created 1370; consisted of the whole land of Ardler and Baldowie, both in Kettins parish (Great Seal, i, no. 344; Ordnance Survey 1", sheet 49).
 1371-1424: Blair of Ardblair.
 (Great Seal, i, no. 344; app. ii, no. 1867; ii, no. 1063).
198. AUCHTERHOUSE (parish).
 ? 1371-1424: OGILVY OF AUCHTERHOUSE.
 (Great Seal, i, no. 819; ii, no. 41).
199. AUCHTERTYRE (in Newtyle parish).
 Created 1365; consisted of the lands of Auchtertyre and Balcraig, both in Newtyle parish (Anderson, Oliphants, app., no. 3; Ordnance Survey 1", sheet 50).
 1371-1424: OLIPHANT OF ABERDALGIE.
 (Anderson, Oliphants, app., no. 3; Scots Peerage, vi, 551).

200. BRECHIN (parish).
 1371-1371x1378: Barclay of Brechin.
 1371x1378-1424: WALTER STEWART OF BRECHIN, EARL OF
 ATHOLL.
 (Great Seal, i, no. 652; Exch.Rolls, ii, 433).
201. CLOVA (parish; thanage).
 Incorporated in the barony of Glenesk in 1404.
 1371-1403: EARLS OF MAR.
 (The lands were held of them 1386-1401 by
 John Swinton of that ilk, LORD OF MAR
 1388-c.1391).
 1403-1424: EARLS OF CRAWFORD.
 (Great Seal, i, no. 131; app. ii, nos. 1830, 1833;
 Hist.MSS.Comm., Mar and Kellie suppl. report, p. 3;
 Scot.Rec.Off., MS. Register House Charters, RH6/165;
 Nat.Reg.Arch., 237, MS. Inventory of Crawford and
 Balcarres muniments, s.d. 28:xii:1421).
202. CORTACHY (parish).
 1371-1409: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
 DOUGLAS.
 1409-1424: WALTER STEWART EARL OF ATHOLL.
 (Great Seal, i, no. 910; app. ii, no. 445; Fraser,
Menteith, ii, 230, no. 23).
203. CRAIG AND GLENISLA (parish: Glenisla).
 ?1371-1424: Ogston of that ilk.
 (Fraser, Southesk, ii, no. 57; Great Seal, ii, no.
 2777; Scot.Rec.Off., MS. Scrymgeour of Wedderburn,
 GD137/Box 40B/Bdle. 2/ s.d. 18:vii:1382).
204. DOWNY (in Tannadice parish; thanage).
 Created 1306x1329; consisted of all the crown's thanage
 of Downy (Scot.Rec.Off., MS. Yule, GD90/1/21).
 Incorporated into the barony of Glenesk in 1404.
 c.1371: WILLIAM EARL OF SUTHERLAND.
 c.1371-1372: in the crown's hands.
 1372-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (Great Seal, i, nos. 403, 498; app. i, nos. 120, 149;
 app. ii, no. 1833; Nat.Reg.Arch., 237, MS. Inventory
 of Crawford and Balcarres muniments, s.d. 28:xii:1421).
205. DUN (parish).
 1371-1392: ERSKINE OF THAT ILK.
 1392-1424: Erskine of Dun.
 (Hist.MSS.Comm., Mar and Kellie suppl. report, p. 9;
Great Seal, i, nos. 564, 861; Fraser, Southesk, ii,
 no. 55).
206. DUNDEE (parish).
 1371-1424: Scrymgeour of Dundee.
 (Inventory of Documents relating to the Scrymgeour
Family Estates, ed. J.M.Thomson (Scot.Rec.Soc., xlii,
 1912), no. 624; Great Seal, i, nos. 655, 831; ii, no.
 2004).

207. EARL'S RUTHVEN (in Ruthven parish).
 Incorporated into the barony of Glenesk in 1404.
 1371-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (Great Seal, i, no. 153; app. ii, no. 1833; ii, no. 2802; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).
 (In Great Seal, i, no. 153, it is called the barony of Ballindoch and Ruthven in Forfarshire; Ballindoch, however, was later a separate barony, in Perthshire: see no. 321).
208. EASSIE (parish).
 Probably amalgamated with Nevay (no. 231) after c. 1403.
 ?1371-1424: OGILVY OF AUCHTERHOUSE.
 (Great Seal, i, app. ii, nos. 1943, 1944; ii, no. 41; Fraser, Menteith, ii, 224, no. 19).
209. ETHIEBETON (in Ethie parish).
 Incorporated into the barony of Glenesk in 1404.
 Probably is the barony of 'Athy' referred to in 1369.
 (Great Seal, i, no. 236).
 1371-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (? held by them of EARLS OF ANGUS).
 (Great Seal, i, app. ii, nos. 13, 1313, 1833; ii, no. 3489; Fraser, Douglas, iii, no. 24; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).
210. FEARN (parish).
 1371-?1424: Mowat of Fearn.
 (Great Seal, i, nos. 663, 929; app. ii, no. 1752).
211. FETHIES (in Farnell parish).
 1371-1424: uncertain.
 It was called a barony in 1399.
 (Fraser, Southesk, ii, no. 50).
212. FORMALE (in Lintrathen parish).
 ?1371-1423: Jardine of Burghfield.
 1423-1424: Ogilvy of Lintrathen.
 (Scot.Rec.Off., MS. Airlie, GD16/3/8).
213. GASK (? in Kettins parish).
 1371-1424 (up to 1413, ?): Ard and Chisholm of Erchless.
 (Great Seal, i, no. 942).
214. GLAMIS (parish; thanage).
 Created 1373; consisted of all the crown's lands of the thanage of Glamis, including the tenancies
 (Great Seal, i, no. 549).
 1373-1424: LYON OF GLAMIS.
 (Great Seal, i, no. 549).

215. GUTHRIE (parish).
 Incorporated into the barony of Glenesk in 1404.
 1371-1388: uncertain; lands ? held by Guthrie of Guthrie.
 1388-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (Scot.Rec.Off., MS. Guthrie of Guthrie, GD188/Box 1/Bdle 1/1; Great Seal, i, app. ii, no. 1833; Nat.Reg. Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).
216. GLENESK (in Edzell parish).
 Included several other baronies after 1404.
 1371-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (Great Seal, i, no. 762; app. i, no. 135; app. ii, no. 1833; Act.Parl., i, 530; Nat.Reg.Arch., loc.cit.).
217. INVERARITY (parish).
 Incorporated into the barony of Glenesk in 1404.
 1371-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (Great Seal, i, nos. 315, 337, 873; app. ii, nos. 1833, 1931; Nat.Reg.Arch., loc.cit.).
218. INVERLUNAN (parish, also called Lunan).
 1371-1378: Mowat of Fearn.
 1378-1424: Stewart of Lunan.
 (Great Seal, i, no. 669; app. ii, no. 918; ii, no. 1253).
219. KELLIE (in Arbirlot parish).
 c.1371: John Stewart of Kellie.
 1371x1402-1424: Ochterlony of Kellie.
 (Great Seal, i, app. ii, nos. 222, 789; ii, no. 282; Panmure Reg., ii, 183-4, 193; Scot.Rec.Off., MS. Dalhousie, GD45/27/74; Warden, Angus or Forfarshire, ii, 370).
220. KETTINS (parish).
 1371-1424: uncertain.
 At least part was held by OGILVY OF AUCHTERHOUSE.
 (Great Seal, i, app. i, no. 2; ii, no. 1396; Fraser, Menteith, ii, 224, no. 19).
221. KINBLETHMONT (in Inverkeillor parish).
 1371-?1424: Mowat of Fearn.
 (Great Seal, i, nos. 670, 794; app. ii, no. 1752).
222. KINNABER (in Montrose parish; thanage).
 Created 1326; consisted of the demesne and tenancies of the thanage of Kinnaber, together with 3 marklands in Kinabber, between the land of Alexander Allardyce and that of Hugh Fleming (Fraser, Southesk, ii, no. 33).
 1371-1424: GRAHAM OF KINCARDINE.
 (Fraser, Southesk, ii, no. 33; Hist.MSS.Comm., 2nd report, app., pp. 166-7, nos. 1, 33; Act.Parl., i, 536; Great Seal, ii, no. 167).
223. KINNELL (parish).
 1371-1424: Fraser of Lovat.
 (Fraser, Southesk, ii, nos. 47-9, 56; Great Seal, i, no. 923; app. ii, no. 1965).

224. KINNETLES (parish).
 1371-1424: uncertain.
 In 1416 Alexander Strachan was granted the
 lands of the barony of Kinnetles by John
 Annand of Aylis, to be held of the crown.
 (Scot.Rec.Off., MS. Lintrose, GD68/1/1).
225. KIRRIEMUIR (parish).
 Regality 1397.
 1371-1424: EARLS OF ANGUS.
 (Act.Parl., i, 565-6; Great Seal, i, app. ii, no. 1754;
Fraser, Douglas, iii, no. 302).
226. LINTRATHEN (parish).
 ?1371-1414: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
 DOUGLAS.
 1414-1424: Ogilvy of Lintrathen (held the lands, at
 least, of the crown).
 (Scot.Rec.Off., MS.Airlie, GD16/3/6).
227. LOGIE (parish, also called Logie-Montrose).
 1371-1424: uncertain.
 In 1408 David Panetar of Montrose was
 granted land in the barony of Logie on the
 resignation of David Logie of Cragoch.
 (Great Seal, i, no. 896).
228. LOUR (in Restennet parish).
 1371-1424: LESLIE OF THAT ILK.
 (Great Seal, i, no. 808; ii, no. 814; cf. Fraser,
Douglas, iii, no. 3).
229. LUNDIE (parish).
 1371-1424: Lyle of Duchal.
 (? held of DOUGLAS OF GALLOWAY AND BOTHWELL,
 EARLS OF DOUGLAS).
 (Great Seal, i, app. ii, nos. 1370, 1762; ii, nos.
 112, 1860).
230. 'MURLETTRE' (location uncertain).
 1371-1424: ? Wallace of Riccarton.
 (Great Seal, i, no. 363).
231. NEVAY (parish).
 Probably amalgamated with Eassie (no. 208) after c.1403.
 1371-c.1403: CUNNINGHAM OF KILMAURS.
 c.1403-1424: OGILVY OF AUCHTERHOUSE.
 (Great Seal, i, app. ii, nos. 1800, 1873, 1944).
232. NEWTYLE (parish).
 Created 1317; consisted of all the lands of Newtyle
 and Kinpurney, both in Newtyle parish (Anderson,
Oliphants, app., no. 1; Ordnance Survey 1", sheet 50).
 1371-1424: OLIPHANT OF ABERDALGIE
 (Anderson, Oliphants, app., nos. 1, 4).
233. OGILVY (in Glamis parish).
 1371-1424: Ogilvy of that ilk.
 (Great Seal, ii, no. 112; Regesta William I, no. 140).

234. PANMURE (in Panbride parish).
 1371-1424: Maule of Panmure.
 (Great Seal, i, app. i, no. 133; ii, no. 1889;
Panmure Reg., ii, 167-8, 178-86).
235. REDCASTLE-ON-LUNAN (in Inverkeillor parish).
 1371-1424: ? partitioned.
 A: STEWART OF INNERMEATH AND LORNE.
 B: ? EARLS OF DOUGLAS.
 (Great Seal, i, nos. 273, 274, 515; app. i, no. 76;
 app. ii, nos. 774, 1127).
236. REDIE (in Tannadice parish; included the thanage of Kinnalty).
 ?1371-1424: ABERNETHY OF SALTOUN.
 (Aberdeen-Banff Antiquities, ii, 227; Great Seal, i, app. ii, no. 1706; ii, no. 800).
237. ROSSIE (in Craig parish).
 ?1371-1424: Rossie of that ilk.
 (Great Seal, i, app. ii, no. 1801; ii, no. 1610).
238. STRATHDICTY (parish, also called Mains).
 Regality 1397.
 1371-1424: EARLS OF ANGUS.
 (Great Seal, i, app. ii, no. 1754; ii, nos. 195, 1081).
239. TANNADICE (parish; thanage).
 Created 1375; consisted of all the crown's land of the thanage of Tannadice, including tenancies (Nat.Reg.Arch., 885, MS. Calendar of the Earl of Strathmore's muniments, s.d. 4:x:1375).
 1375-1424: LYON OF GLAMIS.
 (Nat.Reg.Arch., loc.cit.; Exch.Rolls, ix, 667).
240. TEALING (parish).
 c.1371: GIFFARD OF YESTER (cf. Yester, no. 162).
 1371-1424: partitioned among the 4 co-heiresses of Hugh Giffard and their families:
 A: HAY OF LOCHORWORTH AND YESTER.
 B: Boyd of Kilmarnock.
 C: McDOWELL OF MAKERSTON.
 D: Maxwell of Tealing.
 (Yester Writs, no. 6; Great Seal, i, no. 925; ii, nos. 521, 757).
241. TURIN (in Rescobie parish).
 Created 1365; consisted of the lands of Turin and Drimmie, both in Rescobie parish (Act.Parl., i, 526-7; Ordnance Survey 1", sheet 55).
 1371-1424: OLIPHANT OF ABERDALGIE.
 (Act.Parl., i, 526-7; Great Seal, ii, no. 2826).

SHERIFFDOM OF INVERNESS

242. ABERNETHY (parish).
 Created 1384, when it was made a regality; consisted of all the lands of Abernethy (Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 7:x:1384; cf. Great Seal, i, no. 790, which reads baroniam for regalitem).
 ? in the earldom of Moray, and held of the earls.
 1384-1406: ALEXANDER STEWART EARL OF BUCHAN.
 1406-1424: uncertain; probably ALEXANDER STEWART EARL OF MAR (cf. Badenoch, no. 246).
 (Great Seal, i, no. 790).
243. ABERTARFF (parish).
 ? in the earldom of Moray, and held of the earls.
 1371-1424: uncertain.
 c.1394, it was held by Alexander McDonald of Lochaber, a son of the lord of the Isles.
 (Moray Reg., no. 272).
244. THE AIRD (in Kiltarlity parish).
 ? in the earldom of Moray, and held of the earls.
 1371-1424: partitioned.
 A: Fraser of Lovat.
 B: Fenton of Baikie.
 C: Chisholm of Erchless.
 (Great Seal, i, no. 942; ii, no. 178; Moray Reg., nos. 285, 286, 288; Scots Peerage, v, 519-20).
245. AVOCH (parish).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 c.1424: held of them by JAMES DOUGLAS OF BALVENIE.
 (Great Seal, i, app. ii, nos. 694, 1082; ii, no. 43).
246. BADENOCH ('territorial lordship').
 Regality 1371.
 1371-1406: ALEXANDER STEWART LORD OF BADENOCH, EARL OF BUCHAN.
 1406-1424: probably in the hands of ALEXANDER STEWART EARL OF MAR, who agreed to divide the profits of it with the Duke of Albany in 1420.
 (Great Seal, i, no. 558; ii, no. 76; Moray Reg., pp. 472-3; Aberdeen-Banff Antiquities, iv, 181-2).
247. BONA (parish).
 In the earldom of Moray.
 1371-1424: uncertain; ? EARLS OF MORAY.
 It was called a barony in 1387.
 (Moray Reg., nos. 168, 272).
248. BRACHLIE (parish).
 ? in the earldom of Moray, and held of the earls.
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 c.1424: held of them by JAMES DOUGLAS OF BALVENIE.
 (Great Seal, ii, no. 43; Scots Peerage, ii, 122).

249. CARDALE (? in Daviot parish).
 In the earldom of Moray and held of the earls.
 ?1371-1424: partitioned.
 A: ?1371-c.1424: Graham of Cardale.
 c.1424: Hay of Lochloy.
 B: 1371-1424: uncertain; in 1414 it was held
 by Nicholissa de Cardale.
 (Moray Reg., pp. 475-6; Cawdor Book, pp. 5-6; Great Seal, ii, nos. 156, 194).
250. CROMDALE (parish).
 ? in the earldom of Moray and held of the earls.
 1371-1424: EARLS OF FIFE AND DUKES OF ALBANY (ISABELLA
 COUNTESS OF FIFE until 1389).
 (Nat.Lib.Scot., MS. Adv., 34.6.24, p. 244).
251. EDDIRDOVAR (parish, also called Killearnan).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
 DOUGLAS.
 c.1371: held of them by JAMES DOUGLAS OF BALVENIE.
 (Great Seal, ii, no. 43; Origines Parochiales, iii, 526).
252. GLENCARNIE (in Duthil parish).
 In the earldom of Moray and held of the earls.
 1371-1391: Gilbert of Glencarnie.
 1391-1424: EARLS OF MORAY.
 (Great Seal, i, no. 116; app. i, no. 31; Fraser, Grant,
 iii, nos. 16-20).
253. LOCHABER.
 1371-1424: McDONALD OF THE ISLES.
 (Great Seal, i, nos. 568, 520, 525; app. ii, no. 859).
254. NAIRN.
 Created 1306x1329; consisted of the land of Nairn,
 which used to be a sheriffdom, including all tenancies
 and baronies in it, and the burgh of Nairn (Great Seal,
 i, app. i, no. 8).
 In the earldom of Moray and held of the earls.
 1371-1424: EARLS OF ROSS.
 (Great Seal, i, app. i, nos. 8, 31; app. ii, no. 1976).
255. SKYE ('territorial lordship').
 1371-1424: EARLS OF ROSS
 1402-1424: actual control probably belonged to
 McDONALD OF THE ISLES.
 (Great Seal, i, nos. 354, 742; cf. Nicholson, Scotland,
 pp. 233-7).
256. STRATHDEARN (in Moy parish).
 ? in the earldom of Moray and held of the earls.
 ?1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
 DOUGLAS.
 c.1424: held of them by JAMES DOUGLAS OF BALVENIE..
 (Great Seal, ii, no. 43).

257. THORBOLL (in Lairg parish).
 Created 1360, by the earl of Sutherland; consisted of 16 davochs of land - 3 of Thorboll, and 13 others which have not been identified (Fraser, Sutherland, iii, no. 19).
 In the earldom of Sutherland.
 1371-1424: Sutherland of Duffus.
 (Fraser, Sutherland, iii, nos. 19, 26, 28; Great Seal, i, no. 132).
258. URQUHART (parish).
 1371-1386x1389: EARLS OF STRATHEARN.
c.1385 : leased to ALEXANDER STEWART EARL OF BUCHAN.
c.1389-c.1420: uncertain; probably held by the EARL OF BUCHAN for a time, but seems to have been in the crown's hands in c.1398.
c.1420-1424: probably in the hands of ALEXANDER STEWART EARL OF MAR, who agreed to divide the profits with the Duke of Albany in 1420.
 (Great Seal, i, no. 537; Act.Parl., i, 553, 571; Aberdeen-Banff Antiquities, iv, 181-2).
259. WICK, or AULDWICK (parish).
 1371-1424: ? partitioned:
 A: Sutherland of Duffus.
 B. Keith of Inverugie.
 (Great Seal, i, app. ii, no. 1707; Origines Parochiales iii, 773; Scots Peerage, iii, 190).

SHERIFFDOM OF KINCARDINE

- (ABERLETHNOTT (parish, also called Marykirk; thanage):
 see Kincardine, no. 267, and Balmaleedie, no. 261).
260. ALLARDYCE (in Arbuthnot parish).
 ?1371-1424: Allardice of that ilk.
 (Great Seal, i, app. ii, no. 1084; ii, no. 68).
261. BALMALEEDIE (in Aberlethnott parish).
 Created 1383; in Kincardine (Aberlethnott) barony; consisted of all the lands of Balmaleedie, 'Balmathenache' Halton, and Smithyhill, which lie within a 5-mile radius in the parishes of Aberlethnott and Garvock
 (Great Seal, i, no. 754; Ordnance Survey 1", sheet 43).
 1383-?1424: Patrick Inverpeffer, burgess of Dundee, and ? his heirs.
 (Great Seal, i, nos. 680, 754).
262. COWIE (in Fetteresso parish; thanage).
 1371-1415: Fraser of Philorth.
 1415-1424: HAY, CONSTABLE.
 (Great Seal, i, app. ii, nos. 1050, 1978; Lord Saltoun, Frasers, ii, nos. 6-8).

263. DUNNOTTAR (parish).
 ?1371-c.1393: LINDSAY OF BYRES.
 c.1393-1424: KEITH, MARISCHAL.
 (Great Seal, i, app. ii, nos. 1682, 1684; Hist.MSS.
 Comm., 3rd report, app., pp. 405, 409).
264. DURRIS (parish; thanage).
 Created 1369; consisted of all the crown's lands of
 the thanage of Durris (Great Seal, i, no. 325).
 1371-c.1424: Fraser of Philorth.
 c.1424: Fraser of Durris.
 (Great Seal, i, no. 325; ii, no. 161; Lord Saltoun,
Frasers, ii, nos. 6-8; Scots Peerage, vii, 431).
- (FETTERCAIRN (parish; thanage): see Kincardine, no. 267).
265. GLENBERVIE (parish).
 1371-1424: Melville of Glenbervie.
 (Great Seal, i, no. 212; app. ii, no. 1792; ii, no. 905).
266. INVERBERVIE (in Kinneff parish).
 1371-1424: uncertain.
 The barony of Inverbervie is mentioned in 1360.
 (Hist.MSS.Comm., 7th report, app., p. 705, no. 12).
267. KINCARDINE (in Fordoun parish; thanage).
 Created 1369 by the combination of 3 baronies:
 A: KINCARDINE (created 1345; consisted of the
 crown's thanage of Kincardine with the
 castle, manor, and park);
 B: ABERLETHNOTT (created 1345; consisted of
 the crown's thanage of Aberlethnott);
 C: FETTERCAIRN (created 1345; consisted of the
 crown's thanage of Fettercairn).
 (Great Seal, i, no. 338; app. i, no. 120).
 1371-1372: WALTER LESLIE.
 1372-1424: EARLS OF ROSS.
 (Great Seal, i, nos. 338, 754; app. ii, no. 1976;
 ii, no. 281; Hist.MSS.Comm., 4th report, app., p.
 494, no. 13).
268. KINNEFF (parish).
 1371-1424: partitioned; uncertain.
 In c. 1405 it was perhaps granted to the
 earl of Crawford, but it is not included in
 the 1421 tailzie of Crawford lands.
 (Act.Parl., i, 536; Great Seal, i, app. ii, nos. 1803,
 1922, 1930; Nat.Reg.Arch., 237, MS. Inventory of
 Crawford and Balcarres muniments, s.d. 28:xii:1421).
269. 'MONEYTHIN' (location uncertain).
 1371-1424: ? Sibbald, or ? Norri, of 'Moneythin'.
 (Fraser, Southesk, ii, nos. 37, 38; Great Seal, i,
 no. 302).

270. NEWDOSK (parish; thanage).
 Created 1366; consisted of all the crown's land in the thanage of Newdosk (Great Seal, i, no. 226).
 1371-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 1407-1424: held of them by Lindsay of Newdosk.
 (Great Seal, i, nos. 226, 881; Nat.Reg.Arch., 237, MS. Inventory of Craford and Balcarres muniments, s.d. 28:xii:1421).
271. STRACHAN (parish).
 Created 1316; consisted of all the lands of Strachan, Eslie, 'Achincrosk' (? Affrusk) (just outside Strachan parish, in Banchory-Ternan), and 'Balbrody' (McFarlane, Geneal.Colls., ii, 317; Ordnance Survey 1", sheet 1371-1424: KEITH, MARISCHAL.
 (Great Seal, i, nos. 123, 213, 500; ii, no. 276).
272. THORNTON (in Aberlethnott parish).
 1371-1424: ? Strachan of Thornton.
 (McFarlane, Geneal.Colls., ii, 266-7).
273. TULLYBOYLE (in Banchory-Ternan parish).
 1371-1424: Comyn of Culter.
 (Allardice, Burnett of Leys, pp. 7-8, 15-16; app., no. IV; Great Seal, ii, no. 3814).
274. URIE (in Fetteresso parish).
 1371: partitioned:
 A: Thomas Rate.
 B: Matthew Eychles.
 1371-1390: Thomas Rate.
 1390-1397x1398: Alexander Lindsay of Baltrody.
 1397x1398-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
 (Great Seal, i, nos. 314, 410, 720, 792; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).

SHERIFFDOM OF KINROSS

275. LOCHLEVEN (in Kinross parish).
 Created 1381; consisted of Lochleven castle and loch, Kinross toun, and 15 other pieces of land distributed through the sheriffdom of Kinross (Scot.Rec.Off., MS. Morton, GD150/14, 1).
 1381-1386x1389: DAVID STEWART EARL OF STRATHEARN.
 1386x1390-1424: Douglas of Lugton and Lochleven.
 (Scot.Rec.Off., MS. Morton, GD150/14, 1 and j; Great Seal, i, nos. 441, 796; ii, no. 763).

SHERIFFDOM OF LANARK

276. BIGGAR (parish).
 1371-1424: FLEMING OF BIGGAR.
 (Fraser, Menteith, ii, 139; Wigtown Charters, nos. 4-6, 9, 11-15).
277. BLANTYRE (parish).
 Created 1368; consisted of all the lands of Blantyre (Great Seal, i, no. 291).
 1371-1374: GEORGE DUNBAR EARL OF MARCH.
 1374-1424: DUNBAR OF CUMNOCK.
 (Great Seal, i, nos. 291, 609; ii, nos. 65, 66).
278. BOTHWELL (parish).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 (Great Seal, i, no. 401; app. ii, nos. 1406, 1862; Hist.MSS.Comm., 7th report, app., p. 728, no. 5; ibid., Mar and Kellie suppl. report, p. 15; Fraser, Menteith, ii, 281).
279. BRAIDWOOD (in Carluke parish).
 1371-c.1380: Monfode of Skirling.
 c.1380-1424: Stewart of Craigie.
 (Great Seal, i, no. 643; app. ii, nos. 600, 601; ii, no. 1531; Origines Parochiales, i, 116, 182).
280. CADZOW (parish).
 Created 1306x1329; consisted of all the lands of Cadzow (Hist.MSS.Comm., 11th report, app. vi, p. 13).
 1371-1424: HAMILTON OF CADZOW.
 (Hist.MSS.Comm., 11th report, app. vi, pp. 13-15; Great Seal, i, no. 591; app. ii, no. 1749).
281. CAMBUSNETHAN (parish).
 1371-1391: Stewart of Darnley.
 1391-1424: Somerville of Carnwath.
 (Great Seal, i, no. 828; app. ii, no. 1010; ii, no. 1291)
282. CARLUKE (parish).
 1371-1424: uncertain.
 It was called a barony in 1374).
 (Great Seal, i, no. 493).
283. CARMUNNOCK (parish).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 (Exch.Rolls, i, 582; iii, 162-4; Fraser, Menteith, ii, 281).
284. CARNWATH (parish).
 1371-1424: Somerville of Carnwath.
 (Origines Parochiales, i, 127; Great Seal, ii, no. 15; Scot.Rec.Off., MS. Mar and Kellie, GD124/1/419).
285. COVINGTON (parish).
 1371-1424: KEITH, MARISCHAL.
 (Great Seal, i, no. 884; app. i, no. 47; Exch.Rolls, i, 582; iii, 162).

286. CRAWFORD (parish).
Regality 1398.
1371-1424: LINDSAY OF CRAWFORD, EARLS OF CRAWFORD.
(Great Seal, i, nos. 696, 763; app. ii, no. 1810).
287. CRAWFORDJOHN (parish).
1371-1424: partitioned.
A: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
B: Barclay, ? of Kilbirnie.
(Exch. Rolls, i, 582; Great Seal, ii, nos. 255, 464, 819, 2490, 2491).
288. CULTER (parish).
1371-1424: partitioned.
A: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
B: Menzies of Weem.
(Great Seal, i, no. 326; ii, no. 464: Hist.MSS.Comm., 6th report, app., p. 691, nos. 10, 13, 18).
289. DALZIEL (parish).
1371-c.1390: DUNCAN WALLACE (d. 1373xl376) and his widow.
c.1390-1397: Sandilands of Calder.
1397-?1424: Dalziel of Dalziel.
(Great Seal, i, nos. 464, 503, 759; Fraser, Douglas, iii, no. 324; Laing Charters, no. 83).
290. DANYELSTONE (in Kilmalcolm parish).
Created 1393; consisted of all the lands of Danyelstone and Finlaystone, which are about 4 miles apart, in Kilmalcolm parish (Great Seal, i, no. 867; Ordnance Survey 1", sheet 60).
1393-1399: Robert Danyelstone of that ilk.
1399-1424: partitioned.
A: Maxwell of Calderwood.
B: CUNNINGHAM OF KILMAURS.
(Great Seal, i, no. 867; Origines Parochiales, i, 87).
291. DOUGLAS (parish).
Created 1306xl329; consisted of the whole lands and tenancies of Douglas and Carmichael, which are contiguous parishes (Great Seal, i, no. 77; Ordnance Survey 1", sheets 61, 68).
Regality 1354.
1371-1424: EARLS OF DOUGLAS.
(Great Seal, i, no. 77; app. i, no. 123; Act.Parl., i, 557-8).
292. DRUMSERGART (parish).
1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
(Fraser, Menteith, ii, 281; Origines Parochiales, i, 61-2).
293. HARTSIDE (parish, also called Wandel).
1371-1424: Jardine of Applegirth.
(Great Seal, i, app. ii, no. 1014; ii, no. 2049).

294. KILBRIDE (parish).
Regality 1390x1398.
1371-1371x1388: JOHN STEWART EARL OF CARRICK.
1371x1388-?1424: James Stewart of Kilbride.
(Morton Reg., ii, no. 106; Great Seal, i, no. 490;
app. ii, no. 1775; Exch.Rolls, iii, 164; Scot.Hist.
Soc.Misc., v, 40).
295. LAMINGTON (parish).
1371-1424: Baillie of Lamington.
(Great Seal, i, app. i, no. 126; ii, no. 2187; Scot.
Rec.Off., MS. Maitland Thomson Transcripts,
GD212/11/1, s.d. 2:iii:1423-4).
296. MACHAN (parish).
1371-1424: HAMILTON OF CADZOW.
(Great Seal, i, no. 72; app. ii, nos. 1731, 1749; Hist.
MSS.Comm., 11th report, app. vi, p. 12, no. 1, p. 15,
no. 10).
297. MAULDISLIE (in Carluke parish).
Created 1374; consisted of all the lands of Mauldislie,
Law, and Kilcadzow, all in Carluke parish (Great Seal,
i, no. 493; Ordnance Survey 1", sheet 61).
1374-1399: Danyelstone of that ilk.
1399-1424: partitioned.
A: CUNNINGHAM OF KILMAURS.
B: Maxwell of Calderwood.
(Great Seal, i, no. 493; ii, nos. 9, 10, 2181; Laing
Charters, no. 100).
298. PETTINAIN (parish).
1371-1424: Murray of Pettinain (? only held half the
barony).
(Great Seal, i, app. ii, nos. 278, 1155, 1210, 1227;
ii, nos. 72, 78).
299. RENFREW ('territorial lordship'; separate sheriffdom
after c.1414).
Regality 1404.
1371-1424: STEWARDS OF SCOTLAND.
(Regesta Malcolm IV, nos. 87, 184; Hist.MSS.Comm.,
Mar and Kellie report, p. 7; Dickinson, Fife,
pp. 364-5).
300. ROBERTON (parish).
Regality 1382; incorporated into the regality and
barony of Dalkeith in 1386.
1371-1424: DOUGLAS OF DALKEITH.
(Morton Reg., ii, nos. 69, 123, 174, 177).
301. STONEHOUSE (parish).
1371-1424: uncertain; partitioned, ? as follows:
A: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
DOUGLAS.
B: Mowat of Stonehouse.
(Great Seal, i, no. 136; app. i, no. 140; app. ii, nos.
904, 1730, 1750, 1916; ii, nos. 38, 601).

302. STRATHAVEN (parish).
 1371-c.1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 c.1424: JAMES DOUGLAS OF BALVENIE
 (Great Seal, i, app. ii, nos. 822, 853; ii, no. 40; Fraser, Menteith, ii, 281; Scot.Rec.Off., MS. Register House Charters, RH6/249A and 250).
303. SYMINGTON (parish).
 1371-1424: ? Symondton of that ilk.
 (Great Seal, i, nos. 78, 638; Origines Parochiales, i, 145).
304. THANKERTON (parish).
 ?1371-1424: FLEMING OF BIGGAR.
 (Wigtown Charters, no. 249; Exch.Rolls, iii, 162, 164).
305. WALSTON (parish).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 1371-1424: held of them by ERSKINE OF THAT ILK.
 (Scot.Rec.Off., MS. Acta Dominorum Concilii, vol. XIX, p. 336; Origines Parochiales, i, 132).
306. WISTON (parish).
 1371-1424: Sandilands of Calder.
 (Great Seal, i, no. 759; app. ii, nos. 966, 1686).

SHERIFFDOM OF PEEBLES

307. BROUGHTON (in Stobo parish).
 1371-1424: partitioned.
 A: 1371-1424: Haldane of Broughton.
 B: 1371-c.1405: uncertain.
 c.1405-1424: Mowat of Stonehouse.
 (Great Seal, i, no. 912; app. ii, nos. 771, 1916; ii, no. 3036; Buchan and Paton, Peeblesshire, iii, 249-51).
308. DRUMMELZIER (in Stobo parish).
 Created 1326; consisted of all the lands of Drummelzier (Hist.MSS.Comm., 9th report, app. ii, p. 239).
 1371-1424: Tweedie of Drummelzier.
 (Hist.MSS.Comm., 9th report, app. ii, p. 239; Great Seal, i, app. ii, no. 772; ii, no. 3568).
309. KILBUCHO AND NEULANDS (parishes).
 Regality 1378; incorporated into the regality and barony of Dalkeith in 1386.
 1371-1424: DOUGLAS OF DALKEITH.
 (Morton Reg., ii, nos. 70, 164, 177; Great Seal, i, no. 628).
310. KIRKURD (parish).
 1371-1389: probably not held baronially.
 1389-1424: Scott of Kirkurd.
 (Fraser, Buccleuch, ii, 15-16).

311. LINTONRODERICK (parish).
Regality 1382; incorporated into the regality and barony of Dalkeith in 1386.
1371-1424: DOUGLAS OF DALKEITH.
(Great Seal, i, nos. 628, 932; Morton Reg., ii, nos. 174, 177).
312. MANOR (parish).
1371-1395: uncertain; ? partitioned, and not held baronially.
1395-1424: Inglis of Manor.
(Great Seal, i, app. i, no. 96; app. ii, nos. 917, 1700, 1723; Fraser, Buccleuch, ii, no. 24; Buchan and Paton, Peeblesshire, iii, 548-52).
313. OLIVERCASTLE (in Peebles parish).
1371-1424: partitioned.
A: HAY OF YESTER.
B: FLEMING OF BIGGAR.
(Scots Peerage, viii, 419, 524; Great Seal, ii, nos. 210, 995; Wigtown Charters, nos. 400, 406).
314. ROMANNO (in Newlands parish).
Regality 1354.
1371-1424: EARLS OF DOUGLAS.
(Great Seal, i, app. i, nos. 38, 123; app. ii, no. 1817; Fraser, Douglas, iii, no. 290; Act.Parl., i, 557-8).
315. SKIRLING (parish).
1371-1381: Monfode of Skirling.
1381-1424: Cockburn of Skirling.
(Great Seal, i, no. 643; app. ii, no. 600; Origines Parochiales, i, 184; Buchan and Paton, Peeblesshire, iii, 213-4, 216-7).
- SHERIFFDOM OF PERTH
316. ABERDALGIE (parish).
Created 1365; consisted of the lands of Aberdalgie and Dupplin, both in Aberdalgie parish (Anderson, Oliphants, pp. 7-8, note; Ordnance Survey 1", sheet 49).
1371-1424: OLIPHANT OF ABERDALGIE.
(Anderson, Oliphants, pp. 7-8, note; Great Seal, ii, no. 2826).
317. ABERNETHY (parish).
Regality 1397.
1371-1424: EARLS OF ANGUS.
(Scot.Rec.Off., MS. Register House Charters, RH6/198; Act.Parl., i, 565-6; Great Seal, i, app. ii, no. 1754; ii, no. 945).

318. ALYTH (or ABERBOTHRIE) (parish; thanage).
Created 1375; consisted of all the lands of Aberbothrie, resigned by James Lindsay, the site of the royal castle of Invercuiche, and all the lands in the thanage of Alyth resigned by John Welhome and John Balcasky, all in Alyth parish (Great Seal, i, no. 610; Ordnance Survey 1", sheet 49).
Included several other baronies after 1404.
1375-1424: LINDSAY OF CRAWFORD, EARLS OF CRAWFORD.
(Great Seal, i, nos. 610, 630, 763; app. ii, no. 1832; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 25:xi:1404; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).
319. AUCHTERARDER (parish; thanage).
Created 1328; consisted of all the crown's land of Auchterarder together with the revenues of the burgh (Scot.Rec.Off., MS. Drummond, GD160/17/2).
1371-1424: DRUMMOND OF STOBHALL AND CARGILL.
(Scot.Rec.Off., MS. Drummond, GD160/ nos. 14/1, 14/2, 17/2, 117/13; Great Seal, ii, no. 1549; Scots Peerage, vii, 34-9).
320. BALHOUSIE (in Perth parish).
?1371-1424: Eviot of Balhousie.
(Scot.Rec.Off., MS. Maitland Thomson Notebooks, GD212, no. 6, p. 41).
321. BALLINDOCH (in Alyth parish).
Incorporated into the barony of Alyth in 1404.
1371-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
(Great Seal, i, no. 153; ii, no. 1191; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 25:xi:1404).
(Cf. Earl's Ruthven, no. 207).
322. BALTRODY (in Kilspindie parish).
Incorporated into the barony of Alyth in 1404.
1371-1374: MARGARET ABERNETHY, DOWAGER COUNTESS OF ANGUS.
1374-1424: LINDSAY OF GLENESK, EARLS OF CRAWFORD.
(Great Seal, i, nos. 489, 612; app. ii, no. 1832; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 25:xi:1404; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).
323. BAMFF (in Alyth parish).
1371-1424: Ramsay of Bamff.
(J.H.Ramsay, Bamff Charters (Oxford, 1915), nos. 1, 6, 7, 14).
324. CAIRNIE (in Moneydie parish).
?1371-1396: LINDSAY OF CRAWFORD.
1396-1424: Leslie of Fithkill.
(Great Seal, i, no. 190; app. ii, no. 1759; Hist. MSS.Comm., 4th report, app., p. 494, no. 8).

325. CAPUTH (in Little Dunkeld parish).
 ?1371-1424: HAY, CONSTABLE.
 (Great Seal, i, app. ii, nos. 1674, 1841; ii, no. 1942).
326. CARGILL (parish).
 1371-1424: DRUMMOND OF STOBHALL AND CARGILL.
 (Scot.Rec.Off., MS.Drummond, GD160, nos. 14/1, 14/4, 117/13; Exch.Rolls, ii, 298; Scots Peerage, vii, 34-9).
327. COLLACE (parish).
 1371-1413: uncertain.
 1413-1424: ? partitioned.
 A: Fenton of Baikie.
 B: Chisholm of Erchless.
 (Great Seal, i, no. 942; ii, no. 220).
328. CLUNIE (parish).
 1371-1424: uncertain.
 It was called a barony in 1409.
 (Great Seal, i, no. 917).
329. 'EASTER CARDNEY' (location uncertain; ? in Clunie parish).
 Created 1374; consisted of all the land of Easter Cairnie (Great Seal, i, no. 482).
 1374-?1424: John Ross (? of Halkhead) and his heirs.
 (Great Seal, i, no. 482).
330. ERROL (parish).
 1371-1424: HAY, CONSTABLE.
 (Great Seal, i, app. ii, no. 1296; ii, no. 1050; Aberdeen-Banff Antiquities, iii, 132-3).
331. FINGASK (in Kilspindie parish).
 1371-1424: Dundas of that ilk.
 (M.I.Dundas, Dundas of Fingask (Edinburgh, 1891), p. 7; Great Seal, ii, no. 120).
332. FORTINGALL (parish).
 1371-c.1382: Alexander Menzies.
 c.1382-c.1395: uncertain.
 c. 1395-1424: ? EARLS OF FIFE AND DUKES OF ALBANY.
 (Great Seal, i, app. ii, nos. 908, 1744; Lord Saltoun, Frasers, ii, no. 32).
333. FOULIS (parish: Fowlis-Easter).
 1371-1377: Mortimer of Foulis.
 1377-1424: Gray of Foulis.
 (Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 20:vi:1377; Great Seal, ii, no. 827).
334. GASK (parish, also called Findogask).
 Created 1365; consisted of the lands of Gask (Anderson, Oliphants, no. 8).
 1371-1424: OLIPHANT OF ABERDALGIE.
 (Anderson, Oliphants, no. 8; cf. Scots Peerage, vi, 544).

335. GLASCLUNE (in Lundeiff parish)
 1371-1424: Herring of Glasclune.
 (Great Seal, i, no. 350; ii, no. 1995).
336. GLENDOKART (in Killin parish).
 1371-1375: Alexander Menzies.
 1375-?1424: EARLS OF FIFE, DUKES OF ALBANY.
 (Great Seal, i, nos. 458, 562, 605; app. ii, no. 476).
337. INCHTURE (parish).
 1371-c.1400: Alan Erskine of Inchturc.
 c.1400-1424: partitioned.
 A: Kinnaird of that ilk.
 B: uncertain.
 (Great Seal, i, nos. 210, 624; app. ii, no. 1866; ii, no. 1663; McFarlane's Geneal.Colls., i, 53-4; Scot. Rec.Off., MS. Rossie Priory, GD48/2).
338. 'KERCOW' (location uncertain).
 1371-?1424: Berclay of 'Kercow'.
 (Fraser, Grandtully, i, no. 4).
339. KINNAIRD (in Inchturc parish).
 1371-1424: Kinnaird of that ilk.
 (Regesta William I, no. 135; Hist.MSS.Comm., 5th report, app., p. 620; Scot.Rec.Off., MS. Dalhousie, GD45/16/3041; Great Seal, ii, no. 237).
340. KINNOULL (parish).
 1371-1424: Erskine of Kinnoull.
 (Great Seal, i, no. 246; Morton Reg., ii, nos. 212, 213).
341. LOGY (in Monzie parish).
 Created 1366, when it became a regality as well; consisted of all the land of Logy, resigned by the earl of Strathearn (Fraser, Grandtully, i, no. 74*).
 1371-1424: Logy of that ilk.
 (Fraser, Grandtully, i, nos. 74*, 76*, 79*-82*, 86*, 89*)
342. 'LOGYATRAY' (location uncertain).
 1371-1424: EARLS OF FIFE AND DUKES OF ALBANY (ISABELLA COUNTESS OF FIFE until 1389).
 (Morton Reg., ii, no. 52; Fraser, Douglas, iii, no. 39; Nat.Lib.Scot., MS. Adv., 34.6.24, p. 244).
343. LONGFORGAN (A) (parish; 2/3 of the original fee).
 1371-1424: Gray of Broxmouth and Foulis.
 (Great Seal, i, no. 452; app. ii, nos. 648, 649; Hist. MSS.Comm., 3rd. report, app., p. 410).
344. LONGFORGAN (B) (1/3 of the original fee).
 Created 1377; consisted of all that part of Longforgan barony called the Bruce part (Nat.Reg.Arch., 885, MS. Calendar of the Earl of Strathmore's muniments, s.d. 6:v:1377).
 ? only a barony between 1377 and 1379.
 1377-1379: JOHN LYON OF GLAMIS.
 In 1379 the land was resigned and granted to Alan Erskine of Inchturc, but was not to be held baronially.
 (Nat.Reg.Arch., loc.cit., s.d. 6:v:1377 and 14:vii:1377; Great Seal, i, nos. 744, 641).

345. MEGGINCH (parish).
 Incorporated into the barony of Alyth in 1404.
 1371-1403: EARLS OF MAR.
 1403-1424: EARLS OF CRAWFORD.
 (Scot.Rec.Off., MS. Drummond, GD160/114/2; ibid., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 25:xi:1404; Great Seal, i, no. 880; app. ii, no. 1830; Maitland Misc., i, 358; Nat.Reg.Arch, 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).
346. METHVEN (parish).
 1371-1404: in the crown's hands (part of Robert Stewart's personal possessions before 1371).
 1404-1424: WALTER STEWART EARL OF ATHOLL.
 (Great Seal, i, nos. 351, 422, 597, 613; app. ii, nos. 222, 1766 (note); Maitland Misc., i, 371).
347. MEIGLE (parish).
 Incorporated into the barony of Alyth in 1404.
 1371-c.1397 or 1404: Meigle of that ilk.
 c.1397 or 1404-1424: EARLS OF CRAWFORD.
 (Great Seal, i, nos. 690, 721; app. ii, nos. 1748, 1829; Maitland Misc., i, 358; Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 25:xi:1404; Nat.Reg.Arch., 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 28:xii:1421).
348. MEIKLEOUR (in Little Dunkeld parish).
 1371-1424: Mercer of Meikleour.
 (Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/2, s.d. 1362; Fraser, Grandtully, i, no. 79*; Great Seal, ii, no. 286).
349. MUIRTON (in Blairgowrie parish).
 ?1371-1423: Hay of Naughton.
 1423-1424: Blair of Ardblair.
 (Scot.Rec.Off., MS. Maitland Thomson Notebooks, GD212, no. 33, at back, pp. 33-4).
350. MURTHLY (in Little Dunkeld parish).
 ?1371-1424: Abercrombie of that ilk.
 (Fraser, Grandtully, i, no. 111*).
351. POWGAVIE (in Inchtute parish).
 ? c.1371: GIFFARD OF YESTER (cf. Yester, no. 162).
 c.1371-1424: partitioned among the 4 co-heiresses of Hugh Giffard and their families:
 A: HAY OF LOCHORWORTH AND YESTER.
 B: Boyd of Kilmarnock.
 C: McDOWELL OF MAKERSTON.
 D: Maxwell of Tealing.
 (Great Seal, i, no. 925; ii, nos. 757, 913; Yester Writs, nos. 6, 270).

352. RAIT (parish).
Created 1368; consisted of all the crown's lands of Rait (Great Seal, i, no. 288).
1371-1424: Bruce of Clackmannan.
(Great Seal, i, no. 288; app. ii, no. 1704; ii, no. 1114; Scot.Rec.Off., MS. Bruce of Clackmannan, GD235/1, no. 4).
353. STRATHORD (in Auchtergaven parish).
Regality 1389.
1371-1424: EARLS OF FIFE AND DUKES OF ALBANY (ISABELLA COUNTESS OF FIFE until 1389).
1371-1388: held of them by EARLS OF DOUGLAS.
(Fraser, Grandtully, i, no. 113*; Great Seal, i, app. ii, nos. 1177, 1223; Fraser, Southesk, ii, no. 42; Nat.Lib.Scot., MS.Adv., 34.6.24, p. 244).
354. 'TORSOPY' (location uncertain).
1371-1424: uncertain; ? EARLS OF LENNOX.
In 1356 land in the barony of 'Torsopy' was granted by the earl of Lennox.
(Fraser, Lennox, ii, no. 213).

SHERIFFDOM OF ROXBURGH

355. BEDRULE (parish).
Regality 1354.
1371-1424: EARLS OF DOUGLAS.
(Fraser, Douglas, iii, no. 290; Great Seal, i, app. i, no. 123; Act.Parl., i, 557-8).
356. CAVERS (parish).
Regality 1354-1388.
1371-1388: EARLS OF DOUGLAS (initially held of the EARLS OF MAR).
1388-c.1404: ISABELLA DOUGLAS COUNTESS OF MAR.
c.1404-1424: Douglas of Cavers.
In 1405 the barony was recognosced by Robert III and granted to David Fleming of Biggar, because Isabella Douglas had alienated it without royal permission; but Fleming died in 1406, and after that it was held by Douglas of Cavers.
(Great Seal, i, app. i, nos. 123, 154, 156; ii, no. 2122; Fraser, Douglas, iii, no. 37; Scot.Rec.Off., MS. Register House Charters, RH6/154; Hist.MSS.Comm., 7th report, app., p. 727, no. 4).
357. CAVERTON (in Eckford parish).
1371-1424: STEWARDS OF SCOTLAND.
(Great Seal, i, app. i, no. 88; Hist.MSS.Comm., 14th report, app. iii, pp. 13-14, no. 17).
358. CESSFORD (in Eckford parish).
1371-1376: Sinclair of Hermiston.
1376-c.1416: Sinclair of Cessford.
c.1416-1424: Cockburn of Skirling.
(Great Seal, i, no. 586; app. ii, no. 286; Hist.MSS.Comm., 14th report, app. iii, p. 15, no. 24).

359. CHAMBERLAINNEWTON (in Hawick parish)
 1371-1380: ? LINDSAY OF CRAWFORD.
 1380-1424: LINDSAY OF BYRES (possibly initially held
 just the lands, of Lindsay of Crawford).
 (Great Seal, i, no. 636; app. i, no. 159; ii, no. 2376).
360. CLIFTON (in Morebattle parish).
 1371-1424: McDOWELL OF MAKERSTON.
 (Great Seal, i, no. 460; app. ii, no. 1929).
361. CRAILING (parish).
 1371-1424: uncertain; probably partitioned (cf.
 Hounam, no. 367).
 In 1367, Crailing and Hounam baronies were
 granted to John Crichton, ? 2nd son of
 the lord of Crichton.
 (Nat.Lib.Scot., MS.Adv., 34.3.25, pp. 100-2; Scots
Peerage, iii, 55-6; cf. Great Seal, i, no. 548).
362. ECKFORD (parish).
 1371-1424: uncertain; probably in the crown's hands,
 as part of Robert II's personal possessions.
 (Great Seal, i, app. i, no. 88; cf. Fraser, Buccleuch,
 ii, no. 21).
363. EDNAM (parish)
 1371-1373: ERSKINE OF THAT ILK.
 1373-1384x1390: in the crown's hands.
 1384x1390-1424: Edmonstone of Ednam.
 (Act.Parl., i, 561-2; Exch.Rolls, ii, 434, 460, 501;
 iii, 79, 92, 666; Great Seal, ii, nos. 61, 2323;
 Hist.MSS.Comm., 11th report, app. vi, p. 210, no.130(4)).
364. FAIRNINGTON (in Old Roxburgh parish).
 1371-1371x1398: uncertain.
 1371x1398-1424: Maitland of Fairnington.
 (Act.Parl., vii, 160; Exch.Rolls, iv, 598).
365. HASSENDEAN (parish).
 Created 1306x1329; consisted of all the land of
 Hassendean (Great Seal, i, no. 13).
 1371-1371x1399: ? Cunningham of Hassendean.
 1371x1399-1424: CUNNINGHAM OF KILMAURS.
 It was held for the service of half a knight,
 which suggests that only half the original
 fee was erected into a barony. This might
 explain why in 1409 William Cunningham was
 styled 'superior dominus dimidietatis
 baronie de Hassidene'; or perhaps the barony
 had been partitioned earlier.
 (Great Seal, i, nos. 13, 922; Scot.Rec.Off., MS.
 Glencairn, GD39/1/14).
366. HAWICK (parish).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF
 DOUGLAS.
 1400x1407-1424: held of them by Douglas of Drumlanrig.
 (Great Seal, i, app. ii, no. 1244; Fraser, Buccleuch
 ii, nos. 22, 28).

367. HOUNAM (parish).
 c.1371: ? John Crichton, ? 2nd son of the lord of Crichton.
 c.1424: partitioned, among the 4 daughters of Katherine Lauder.
 (Nat.Lib.Scot., MS. Adv., 34.3.25, pp. 100-2; Hist. MSS.Comm., 12th report, app. viii, pp. 120-1, no. 113; ibid., 14th report, app. iii, p. 18, no. 31; Scots Peerage, iii, 55-6).
368. JEDBURGH ('territorial lordship').
 Regality 1354-1388.
 1371-1388: EARLS OF DOUGLAS.
 1388-1397x1408: ISABELLA DOUGLAS COUNTESS OF MAR.
 1397x1408-1424: EARLS OF ANGUS.
 (Great Seal, i, app. i, nos. 36, 38, 123, 154; Fraser, Douglas, iii, no. 69).
369. LIDDESDALE ('territorial lordship').
 Regality 1354-1388.
 1371-1388: EARLS OF DOUGLAS.
 1388-1400: ISABELLA DOUGLAS COUNTESS OF MAR.
 1400-1424: EARLS OF ANGUS.
 (Great Seal, i, app. i, nos. 123, 154; Fraser, Douglas, iii, nos. 51, 54, 64, 65).
370. LINTON (parish).
 1371-1424: SOMERVILLE OF CARNWATH.
 (Great Seal, ii, no. 88; Origines Parochiales, i, 432-3).
371. LONGNEWTON AND MAXTON (parish: Maxton).
 1371-1424: in the crown's hands, as part of Robert II's personal possessions.
 The lands of Longnewton were held by Alan Stewart of Ochiltree (1371-1377) and by Douglas of Lugton (1377-1424).
 The lands of Maxton were held by DUNCAN WALLACE OF SUNDRUM and his widow (1371-c.1385) and by Colville of Oxnam (c.1385-1424).
 In neither case were they held baronially.
 (Great Seal, i, app. i, no. 88; ibid., i, nos. 464, 797; ii, no. 417; Scot.Rec.Off., MS. Morton, GD150/11; Morton Reg., i, pp. xxv-xxvii; Act.Parl., i, 553-4).
372. MAKERSTON (parish).
 1371-1424: McDOWELL OF MAKERSTON.
 (Great Seal, i, nos. 459, 722; app. ii, no. 1929).
373. MAXWELL (parish).
 1371-1424: MAXWELL OF CARLAVEROCK.
 (Great Seal, i, no. 469; ii, no. 1362; Origines Parochiales, i, 445-9).
374. MINTO (parish).
 1371-1390: Turnbull of Minto.
 1390-1424: Stewart of Jedworth and Dalswinton.
 Turnbull probably only held 1/3 of the lands of Minto; the other 2/3 were acquired by William Stewart shortly after 1390.
 (Great Seal, i, nos. 814, 850; app. ii, nos. 1034, 1679; ii, no. 663).

375. NISBET (in Crailing parish).
 1371-1424: in the crown's hands, as part of Robert II's personal possessions.
 The lands were held by ERSKINE OF THAT ILK, but not baronially.
 (Act.Parl., i, 561-2; Great Seal, ii, no. 1890; Hist. MSS.Comm., Mar and Kellie suppl. report, p. 18).
376. OXNAM (parish).
 1371-1385x1390: DUNCAN WALLACE OF SUNDRUM (d. 1373x1376) and his widow.
 1385x1390-1424: Colville of Oxnam.
 (Great Seal, i, nos. 464, 814; app. ii, no. 1350; ii, no. 417; Act.Parl., i, 553-4; Rot.Scot., ii, 278).
377. PLENDERLEITH (in Oxnam parish).
 Created 1328x1329; consisted of all the land of Plenderleith (MS. Regesta Robert I, no. 349).
 1371-1424: ABERNETHY OF SALTOUN.
 (Cal.Doc.Scot., iii, no. 1641; Great Seal, ii, no. 800; Scots Peerage, vii, 404-5).
378. SPROUSTON (parish).
 Regality since Alexander III's reign.
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 (Wigtown Charters, no. 30; Great Seal, i, app. ii, no. 1244; ii, nos. 84, 475).
379. WILTON (parish).
 1371-1424: partitioned.
 A: Wardlaw of Wilton.
 B: uncertain; ? descendants of 'John fitz Margaret', perhaps Langland of that ilk.
 (Great Seal, i, no. 17; app. ii, nos. 804, 1844; ii, no. 441; Origines Parochiales, i, 325-6).
380. YETHOLM (parish).
 1371-1424: McDOWELL OF MAKERSTON.
 The lands were probably partitioned:
 A: McDOWELL.
 B: Charteris of Cagnore.
 C. ? Haldane of Brochtoun.
 (Great Seal, i, nos. 460, 912; app. ii, nos. 292, 1929; ii, nos. 50, 1359).

SHERIFFDOM OF SELKIRK.

381. SELKIRK FOREST ('territorial lordship').
 Regality 1354.
 1371-1424: EARLS OF DOUGLAS.
 (Great Seal, i, app. i, nos. 38, 123; app. ii, no. 232; Fraser, Douglas, iii, no. 290; Act.Parl., i, 557-8).

SHERIFFDOM OF STIRLING

382. AIRTH (parish).
 1371-c.1382: William More of Abercorn.
 c.1382-1424: LINDSAY OF BYRES.
 (Great Seal, i, no. 697; app. i, no. 159; ii, no. 2341).
383. AIRTHBISSET (in Airth parish).
 Called a barony in 1421 and subsequently, but probably not held baronially. The lands were held by:
 1371-c.1390: DUNCAN WALLACE OF SUNDRUM (d.1373x1376) and his widow.
 c.1390-1424: Sandilands of Calder.
 (Great Seal, i, nos. 221, 464; ii, nos. 67, 1874).
384. ALVA (parish).
 1371-1424: Menteith of Kerse.
 (Act.Parl., i, 564; Fraser, Keir, no. 5; Great Seal, ii, no. 1897).
385. CALLANDER (parish; thanage).
 1371-1424: Livingstone of Callander.
 (Scot.Hist.Soc.Misc., v, 16, no. 10; Great Seal, i, nos. 897, 902; ii, no. 508).
386. DUNDAFF (in St.Ninian's parish).
 1371-1424: GRAHAM OF KINCARDINE.
 (1371-1400, held of the earls of March).
 (Morton Reg., i, p. xxxiv; ii, nos. 42, 109, 112; Great Seal, ii, no. 169).
387. HERBERTSHIRE (or DUNIPACE) (parish: Dunipace).
 1371-1424: DOUGLAS OF GALLOWAY AND BOTHWELL, EARLS OF DOUGLAS.
 It was held of them by:
 1388-c.1407: WILLIAM DOUGLAS OF NITHSDALE (d. c.1390) and his widow.
 1407-1424: SINCLAIR OF ROSLIN EARLS OF ORKNEY.
 (Great Seal, i, app. ii, no. 969; ii, no. 1270; Fraser, Douglas, iii, nos. 338, 351; Hist.MSS.Comm., 7th report, app., p. 706, no. 20).
388. KAGNORE (in St.Ninian's parish).
 Created 1408; consisted of the lands of Kagnore and the loch (Scot.Rec.Off., MS. Edmonstone of Duntreath, GD97/1/4).
 1408-1424: Charteris of Kinfauns.
 (Scot.Rec.Off., MS. Edmonstone of Duntreath, GD97/1/4; Great Seal, ii, no. 671).
389. KINCARDINE (parish).
 1371-1424: DRUMMOND OF STOBHALL AND CARGILL.
 (Great Seal, i, no. 899; Scot.Rec.Off., MS. Drummond GD160, nos. 14/1, 117/13; Scots Peerage, vii, 34-9).

390. LECKIE (in St.Ninian's parish).
Created 1306xl329; consisted of half the land of Leckie, nearer the land of Buchanan (i.e. Wester)(Great Seal, i, no. 90).
1371-1424: Malcolm son of Duncan, and his son Murdach of Leckie.
(Fraser, Lennox, ii, nos. 212, 214; Great Seal, i, no. 580; ii, no. 263).
391. MANUEL (in Falkirk parish).
1371-1424: partitioned.
A: 1371-1372: Christian Crousure.
1372-1424: Somerville of Carnwath.
B: c.1371: uncertain.
c.1424: Crawford of the Farm (of Rutherglen)
(Great Seal, i, no. 543; ii, nos. 3, 14).
392. STRATHGARTNEY (in Aberfoyle parish).
1371-1385: ROBERT STEWART EARL OF FIFE AND MENTEITH.
1385-1424: Logy of that ilk.
(Fraser, Grandtully, i, nos. 71*, 79*, 81*, 83*; Act.Parl., i, 524-5).
393. TOUCHFRASER (in St.Ninian's parish).
Created 1306xl329; consisted of all the land of Touchfraser (Great Seal, i, no. 86).
1371-1407: KEITH, MARISCHAL.
1407-1424: JOHN STEWART EARL OF BUCHAN.
(Great Seal, i, nos. 86, 892).
394. WEST KERSE (in Kippen parish).
1371-1424: Menteith of Kerse.
(Act.Parl., i, 564; Fraser, Keir, no. 5; Great Seal, ii, no. 3801).

SHERIFFDOM OF WIGTON

395. CARNESMOLE (parish, also called Kirkinner).
In the lordship of Galloway.
1371-1424: uncertain; probably held first by the EARL OF WIGTON and then by DOUGLAS LORDS OF GALLOWAY, EARLS OF DOUGLAS.
It was called a barony in 1326 and 1372.
(Great Seal, i, no. 527; app. ii, no. 320).
396. MOCHRUM (parish).
Created 1368; consisted of all the lands of Mochrum (Great Seal, i, no. 291).
In the lordship of Galloway; held first ? of the earl of Wigton and then of the lords of Galloway and earls of Douglas.
1371-? c.1375: GEORGE DUNBAR EARL OF MARCH.
? c.1375-1424: DUNBAR OF CUMNOCK.
(Great Seal, i, no. 291; ii, no. 1064; Scots Peerage, iii, 261).

APPENDIX III

NOBLE CHARTERS

The lists are arranged chronologically, List A by the date of the crown's inspeximus charter. The letter W indicates that the charter includes a witness list. In List A the name of the grantor is given.

LIST A: CHARTERS CONFIRMED BY THE CROWN IN THE FORM OF AN INSPEXIMUS

PART I: Grants of land to Laymen

1. Great Seal, i, no. 431 (Robert Stewart earl of Strathearn).
2. Scot.Rec.Off., MS. Wester Falside, GD1/402/4 (William Seton of that ilk). W
3. Act.Parl., xii, 17-18 (William earl of Ross). W
4. Great Seal, i, no. 437 (William earl of Ross).
5. Ibid., i, no. 507 (Thomas Fleming earl of Wigtown). W
6. Ibid., i, no. 517 (James Douglas of Dalkeith; duplicates List C, no. 2).
7. Ibid., i, no. 521 (George earl of March). W
8. Scot.Rec.Off., MS. Henderson of Fordell, GD172/121 (John Hay of Tullibody). W
9. Scot.Rec.Off., MS. Clerk of Penicuik, GD18/1 (David Penicuik). W
10. Great Seal, i, no. 491 (Robert Erskine of that ilk). W
11. Ibid., i, no. 477 (Thomas Fleming earl of Wigtown).
12. Ibid. (William Boyd of Kilmarnock).
13. Ibid., i, no. 616 (Hugh Eglinton of Ardrossan).
14. Ibid., i, no. 563 (Laurence Hay of Eskyndy). W
15. Browne, Echt-Forbes Charters, no. III (Thomas earl of Mar). W
16. Great Seal, i, no. 652 (Walter Stewart of Brechin).
17. Nat.Reg.Arch., no. 237, MS. Inventory of Crawford and Balcarres muniments, s.d. 21:x:1379 (Robert earl of Fife). W
18. Fraser, Southesk, ii, no. 40 (Robert earl of Fife). W
19. Scot.Rec.Off., MS. Mar and Kellie, GD124/1/419 (Thomas Somerville of Carnwath). W
20. Scot.Rec.Off., MS. Cranston of Gorehouse, GD134, vol. of misc. charters, no. 2 (Thomas earl of Mar). W
21. Aberdeen-Banff Antiquities, ii, 43-4 (Alexander Lindsay of Glenesk). W
22. Laing Charters, no. 70 (Walter Leslie lord of Ross). W
23. Fraser, Southesk, ii, no. 45 (Thomas Erskine of that ilk). W
24. Fraser, Menteith, ii, 264 (Patrick Graham of Kincardine). W
25. Fraser, Douglas, iii, nos. 338, 339 (Archibald Douglas lord of Galloway).
26. Great Seal, i, no. 798 (William Faffyngton of Malcolmston). W

27. Scot.Rec.Off., MS. Register House Charters, RH6/166 (William More of Abercorn).
28. Great Seal, i, no. 553 (George earl of March).
29. Ibid., i, no. 814 (John Turnbull of Minto). W
30. Fraser, Southesk, ii, no. 49 (Hugh Fraser of Lovat). W
31. Great Seal, i, no. 834 (Alexander Murray of Culbin). W
32. Ibid., i, no. 854 (Norman Leslie of that ilk).
33. Ibid., i, no. 824 (Henry Sinclair earl of Orkney). W
34. Ibid., i, no. 844 (Andrew Murray of Ballynbruch). W
35. Fraser, Eglinton, ii, no. 24 (Malcolm Fleming of Biggar). W
36. Fraser, Douglas, iii, no. 297 (James Lindsay of Crawford). W
37. Scot.Rec.Off., MS. Maitland Thomson Transcripts, GD212/11/1, s.d. 8:i:1396/7 (William Meigle of that ilk). W
38. Scot.Rec.Off., MS. Register House Charters, RH6/205 (Walter Stewart of Railston).
39. Scot.Rec.Off., MS. Wigton, GD101/405 (Malcolm Fleming of Biggar). W
40. Fraser, Douglas, iii, no. 46 (James Sandilands of Calder). W
41. Scot.Rec.Off., MS. Register House Transcripts, RH1/1/2, s.d. 4:viii:1398 (William More of Abercorn). W
42. Great Seal, i, app. i, no. 155 (Robert duke of Albany). W
43. Nat.Lib.Scot., MS. Adv., 34.3.8, p. 157 (Alexander Stewart of Darnley). W
44. Scot.Rec.Off., MS. Bruce of Kennet, GD11/7 (Robert Bruce of Clackmannan).
45. Hist.MSS.Comm., 11th report, app. vi, p. 24, no. 38 (David Fleming of Biggar). W
46. Aberdeen-Banff Collections, pp. 289-90 (John Bonneville). W
47. Aberdeen-Banff Antiquities, iii, 362-3 (Alexander Fraser of Philorth).
48. Hist.MSS.Comm., 4th report, app., p. 494, no. 13 (Alexander Leslie earl of Ross). W
49. Act.Parl., vii, 159 (Archibald 4th earl of Douglas; duplicates List B, no. 25).
50. Fraser, Southesk, ii, no. 55 (John Erskine of Dun). W
51. Nat.Lib.Scot., MS. Adv., 31.6.3, p. 75 (Isabella countess of Mar). W
52. Fraser, Southesk, ii, no. 57 (John Ogston of Craig). W
53. Aberdeen-Banff Antiquities, iv, 457-8 (Isabella countess of Mar). W
54. Great Seal, i, app. i, no. 157 (John Herries of Terregles). W
55. Ibid., i, no. 875 (Thomas Maitland of Halsington). W
56. Ibid., i, no. 885 (John Forrester of Corstorphine). W
57. Scot.Rec.Off., MS. Register House Charters, RH6/213 (Robert duke of Albany).
58. Great Seal, i, no. 890 (Joanna Keith of Galston). W
59. Ibid., i, no. 903 (John Dolas of Easterleckie). W
60. Ibid., i, no. 881 (David earl of Crawford). W
61. Ibid., i, no. 886 (Robert duke of Albany). W
62. Ibid., i, no. 884 (William Keith, marischal). W
63. Ibid., i, no. 900 (Walter Haliburton of Dirleton). W
64. Ibid., i, no. 893 (William Keith, marischal).
65. Ibid., i, no. 892 (William Keith, marischal).

66. Fraser, Douglas, iii, nos. 351, 352 (Archibald 4th earl of Douglas; duplicates List B, no. 36). W
67. Scot.Rec.Off., MS. Register House Charters, RH6/220 (Isabella countess of Mar). W
68. Ibid., RH6/226 (Archibald 4th earl of Douglas; duplicates List B, no. 43). W
69. Great Seal, i, no. 923 (Hugh Fraser of Lovat). W
70. Ibid., i, no. 929 (William Mowat of Loscragy). W
71. Ibid., i, no. 931 (Henry Sinclair earl of Orkney). W
72. Ibid., i, no. 934 (Walter Haliburton of Dirleton). W
73. Ibid., i, no. 932 (James Douglas of Dalkeith; duplicates List C, no. 12). W
74. Scot.Rec.Off., MS. Maitland Thomson Notebooks, GD212, no. 6, at back, pp. 3-4 (Euphemia Leslie countess of Ross).
75. Great Seal, i, no. 939 (Robert Keith, marischal).
76. Fraser, Carlaverock, ii, 418-9 (John Stewart of Dalswinton).
77. Scot.Rec.Off., MS. Acta Domini Concilii, vol. XIX, fo. 15, r. (William Cunningham). W
78. Fraser, Sutherland, iii, nos. 24, 25 (Robert earl of Sutherland).
79. Fraser, Douglas, iii, no. 60 (Archibald 4th earl of Douglas; duplicates List B, no. 65).
80. Nat.Lib.Scot., MS. Adv., 31.6.3, pp. 76-7 (Reginald Irvine of Mames). W
81. Scot.Rec.Off., MS. Airlie, GD16/3/8 (Alexander Jardine of Burghfield).
82. MS. Regesta 1371-1424, s.d. 22:ii:1423/4 (photo. of original, MS. Viscount Arbuthnot, bdle. 2, no. 18) (James Dunbar of Frendraught).
83. Fraser, Elphinstone, ii, 226-8 (William Lindsay of Byres). W
84. Fraser, Grandtully, i, no. 111* (Thomas Abercromby of that ilk). W

PART II: Other grants (to the Church, Annuities, etc.)

85. Great Seal, i, no. 428 (John Kennedy of Dunure).
86. Ibid., i, no. 483 (Archibald Douglas lord of Galloway).
87. Ibid., i, no. 492 (Thomas Fleming earl of Wigtown).
88. Calendar of the Writs of Munro of Foulis, ed. C.T. McInnes (Scot.Rec.Soc., lxxi, 1940), no. 13 (Walter Leslie lord of Ross).
89. Fraser, Douglas, iii, no. 30 (William earl of Douglas; duplicates List B, no. 78). W
90. Great Seal, ii, no. 2128, note (William earl of Douglas; duplicates List B, no. 85). W
91. Ibid., i, no. 682 (John Crab, burgess of Aberdeen).
92. Ibid., i, no. 819 (David Lindsay of Glenesk). W
93. MS. Regesta 1371-1424, s.d. 31:i:1391/2 (photo. of original in Edinburgh Public Library) (Robert Danyelstone of Finlaystone). W
94. Holyrood Book, pp. 226-7 (David Fleming of Biggar). W
95. Melrose Book, ii, 476-7 (Robert Logan of Restalrig).
96. Scot.Rec.Off., MS. Lawson of Cairnmuir, GD120/76 (Archibald 3rd earl of Douglas; duplicates List B, no. 89). W
97. Glasgow Reg., i, no. 319 (David Fleming of Biggar). W
98. Holyrood Book, no. 108 (David Fleming of Biggar). W

99. Registrum Monasterii S. Marie de Cambuskenneth,
ed. W. Fraser (Grampian Club, iv, 1872),
no. 189 (David Fleming of Biggar). W
100. Registrum Monasterii de Passelet, ed. C. Innes
(Maitland Club, xvii, 1832), pp. 80-2
(Hugh Wallace of Craigie). W
101. Great Seal, i, no. 877 (David earl of Crawford). W
102. Ibid., i, no. 878 (David earl of Crawford). W
103. Ibid., i, no. 879 (David earl of Crawford). W
104. Ibid., i, no. 880 (David earl of Crawford). W
105. Ibid., i, no. 882 (David earl of Crawford). W
106. Registrum Episcopatus Brechinensis, ed. C. Innes
(Bannatyne Club, cii, 1856), i, no. 24
(John Erskine of Dun). W
107. Scot. Rec. Off., MS. Yule, GD90/1/32 (William
Lindsay of Byres). W
108. MS. Regesta 1371-1424, s.d. 20:vi:1414 (photo. of
original in Dundee Burgh Archives) (David
Aberchirder, burgess of Dundee). W
109. Glasgow Reg., ii, no. 324 (Robert Lauder). W

LIST B: CHARTERS, ETC., OF THE FIRST FOUR EARLS OF DOUGLAS

PART I: Grants of land to laymen

(William, 1st Earl of Douglas, 1358-1384)

1. Fraser, Douglas, iii, no. 323. W
2. Hist.MSS.Comm., 7th report, app., p. 705, no. 11. W
3. Ibid., Home of Wedderburn report, no. 589. W
4. Ibid., 11th report, app. vi, p. 208, no. 125.
5. Ibid., app. vi, p. 208, no. 126 (cf. Great Seal, i,
no. 434).
6. Hist.MSS.Comm., Home of Wedderburn report, no. 590.
7. Fraser, Douglas, iii, no. 293. W
8. Scot. Rec. Off., MS. Register House Charters, RH6/169.
9. Fraser, Douglas, iii, no. 330. W
10. Great Seal, i, no. 637.
11. Ibid., i, no. 638.
12. Fraser, Douglas, iii, no. 333. W
13. Fraser, Southesk, ii, no. 42. W
14. Scot. Rec. Off., MS. Register House Charters, RH6/155. W

(James, 2nd Earl of Douglas, 1384-1388)

15. Fraser, Douglas, iii, no. 295.
16. Scot. Rec. Off., MS. Register House Charters, RH6/165.
17. Hist.MSS.Comm., 15th report, app. viii, p. 8, no. 2. W
18. W. Fraser, Memorials of the Earls of Haddington
(Edinburgh, 1889), ii, no. 282. W
19. Fraser, Douglas, iii, no. 335.
20. Carte Monalium de Northberwic, ed. C. Innes (Bannatyne
Club, lxxxiv, 1847), p. xxxvii. W

(Archibald, 3rd Earl of Douglas, 1389-1400)

21. Fraser, Buccleuch, ii, no. 20.
22. Fraser, Pollok, i, no. 18.
23. Fraser, Douglas, iii, no. 342. W

(Archibald, 4th Earl of Douglas, 1400-1424)

24. Fraser, Douglas, iii, no. 374. W
25. Act. Parl., vii, 159.

26. Fraser, Douglas, iii, no. 344. W
27. Ibid., iii, no. 343.
28. Ibid., iii, no. 345. W
29. Hist.MSS.Comm., Home of Wedderburn report, no. 591.
30. Ibid., 11th report, app. vi, p. 209, no. 128.
31. Fraser, Douglas, iii, no. 346. W
32. Great Seal, i, no. 876.
33. Morton Reg., ii, no. 215. W
34. Fraser, Douglas, iii, no. 350.
35. Fraser, Buccleuch, ii, no. 22. W
36. Fraser, Douglas, iii, no. 351. W
37. Ibid., iii, no. 353. W
38. Ibid., iii, no. 354. W
39. Ibid., iii, no. 355.
40. Nat.Lib.Scot., MS. Adv., 34.1.10, vol. i, pp. ii-iii.
41. Fraser, Douglas, iii, no. 356. W
42. Ibid., iii, no. 357. W
43. Scot.Rec.Off., MS. Register House Charters, RH6/226. W
44. Fraser, Douglas, iii, no. 363. W
45. Ibid., iii, no. 363 (1). W
46. Ibid., iii, no. 363 (2). W
47. Ibid., iii, no. 363 (3). W
48. Ibid., iii, no. 363 (4). W
49. Scot.Rec.Off., MS. Crown Office Writs, AD1/33. W
50. Great Seal, ii, no. 112. W
51. Fraser, Douglas, iii, no. 365.
52. Ibid., iii, no. 366. W
53. Scot.Rec.Off., MS. Erskine of Cardross, GD15/336, 337.
54. Scot.Rec.Off., MS Airlie, GD16/3/6.
55. Great Seal, ii, no. 70. W
56. Fraser, Douglas, iii, no. 367. W
57. Hist.MSS.Comm., Home of Wedderburn report, no. 592.
58. Fraser, Pollok, i, no. 27.
59. Great Seal, ii, no. 119. W
60. Scot.Rec.Off., MS. Register House Charters, RH6/249A.
61. Hist.MSS.Comm., 7th report, app., p. 728, no. 5. W
62. Fraser, Douglas, iii, no. 373. W
63. Ibid., iii, no. 387.
64. Fraser, Carlaverock, ii, no. 25. W
65. Fraser, Douglas, iii, no. 60.
66. Ibid., iii, no. 401.
67. Great Seal, ii, no. 13. W
68. Scot.Rec.Off., MS. Register House Charters, RH6/261. W
69. Great Seal, ii, no. 189. W
70. Fraser, Douglas, iii, no. 360. W
71. Ibid., iii, no. 361. W
72. Ibid., iii, no. 362. W
73. Hist.MSS.Comm., 6th report, app., p. 710, no. 4. W
74. Fraser, Douglas, iii, no. 382. W
75. Great Seal, ii, no. 85. W
76. Hist.MSS.Comm., 11th report, app. vi, p. 209, no. 129. W
77. Ibid., app. vi, p. 210, no. 130 (7).

PART II: Other documents (Indentures, grants to the Church,
Annuities, etc.)

(William, 1st Earl of Douglas, 1357-1384)

78. Fraser, Douglas, iii, no. 23. W
79. Ibid., iii, no. 25.
80. Melrose Book, ii, 461-2. W
81. Morton Reg., ii, no. 129.
82. North Berwick Charters, no. 25.

83. Melrose Book, ii, no. 502. W
84. Fraser, Douglas, iii, no. 36.
85. Great Seal, ii, no. 2182, note. W
- (James, 2nd Earl of Douglas, 1384-1388)
86. Melrose Book, ii, no. 491. W
- (Archibald, 3rd Earl of Douglas, 1389-1400)
87. Morton Reg., ii, no. 200.
88. Fraser, Carlaverock, ii, no. 33.
89. Scot.Rec.Off., MS. Lawson of Cairnmuir, GD120/76. W
- (Archibald, 4th Earl of Douglas, 1400-1424)
90. Fraser, Carlaverock, ii, no. 21. W
91. Fraser, Douglas, iii, no. 298.
92. Scot.Rec.Off., MS. Erskine of Cardross, GD15/334, 335.
93. Fraser, Carlaverock, ii, no. 22.
94. Fraser, Douglas, iii, no. 52.
95. Fraser, Menteith, ii, 277-9.
96. Aberdeen-Banff Antiquities, iv, 85-6.
97. Fraser, Douglas, iii, no. 359.
98. Hist.MSS.Comm., Mar and Kellie suppl. report, p. 15.
99. Fraser, Douglas, iii, no. 349.
100. Scot.Rec.Off., MS. Erskine of Cardross, GD15/338.
101. Fraser, Douglas, iii, no. 57. W
102. Ibid., i, no. 371.
103. Great Seal, ii, no. 12. W
104. Melrose Book, ii, no. 507.
105. Great Seal, ii, no. 242.

LIST C: CHARTERS, ETC., OF JAMES DOUGLAS OF DALKEITH

PART I: Grants of land to laymen

1. Morton Reg., ii, no. 111. W
2. Ibid., ii, no. 126 (also Great Seal, i, no. 517).
3. Morton Reg., ii, no. 149 (also Great Seal, i, no. 657). W
4. Morton Reg., ii, no. 150. W
5. Ibid., ii, no. 156. W
6. Ibid., ii, no. 158. W
7. Ibid., ii, no. 169 (also Great Seal, i, no. 631).
8. Morton Reg., ii, no. 187. W
9. Ibid., ii, no. 199. W
10. Ibid., ii, no. 201. W
11. Ibid., ii, no. 212. W
12. Ibid., ii, no. 218 (also Great Seal, i, no. 932). W

PART II: Other documents (Indentures, grants to the Church, Annuities, etc.)

13. Morton Reg., ii, no. 107.
14. Ibid., ii, no. 129.
15. Ibid., ii, no. 143.
16. Ibid., ii, no. 146.
17. Ibid., ii, no. 151. W
18. Ibid., ii, no. 152 (also Great Seal, i, no. 668).
19. Morton Reg., ii, no. 153.
20. Ibid., ii, no. 159. W
21. Ibid., ii, no. 162.
22. Ibid., ii, no. 166. W
23. Ibid., ii, no. 167. W
24. Ibid., ii, no. 170.
25. Ibid., ii, no. 172.

26. Morton Reg., ii, no. 173
 27. Ibid., ii, no. 176
 28. Ibid., ii, no. 186
 29. Ibid., i, p. xxxviii
 30. Ibid., ii, no. 200
 31. Ibid., ii, no. 202
 32. Ibid., ii, no. 208
 33. Ibid., ii, no. 210
 34. Ibid., ii, no. 211
 35. Ibid., i, p. xl
 36. Ibid., ii, no. 278.
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BIBLIOGRAPHY

(A) MANUSCRIPT SOURCES

1. Edinburgh, Scottish Record Office, Register House. Most of the manuscripts used in this thesis are to be found in the collections of private muniments in the Gifts and Deposits (GD) category, together with the collection of Register House Charters. Transcripts of charters still in private hands (especially those made by J.Maitland Thomson, in GD212) have also been used. Documents from the following collections have been cited:

- MS. Register House Charters, RH6
- MS. Supplementary Register House Charters
- MS. Register House Transcripts, RH/1
- MS. Photocopies of Errol Charters, RH1/6
- MS. Vatican Transcripts, RH2/6/1
- MS. Crown Office Writs, AD1
- MS. Acta Domini Concilii, vol. XIX
- MS. Ailsa, GD25
- MS. Airlie, GD16
- MS. Bruce of Clackmannan, GD235
- MS. Bruce of Ker, GD240
- MS. Bruce of Kennet, GD11
- MS. Clerk of Penicuik, GD18
- MS. Cranston of Gorehouse, GD134
- MS. Dalhousie, GD45
- MS. Drummond, GD160
- MS. Edmonstone of Duntreath, GD97
- MS. Erskine of Cardross, GD15
- MS. Glencairn, GD39
- MS. Guthrie of Guthrie, GD188
- MS. Haldane, Brown, and Co., GD255
- MS. Henderson of Fordell, GD172
- MS. Lawson of Cairnmuir, GD120
- MS. Lintrose, GD68
- MS. Makgill, GD82
- MS. Maitland Thomson Notebooks and Transcripts, GD212
- MS. Mar and Kellie, GD124
- MS. Morton, GD150
- MS. Polwarth, GD157
- MS. Rossie Priory, GD48
- MS. Scrymgeour of Wedderburn, GD137
- MS. Society of Antiquaries, GD103
- MS. Wester Falside, GD1/402
- MS. Wigton, GD101
- MS. Yule, GD90

2. Edinburgh, National Register of Archives (Scotland), in the Scottish Record Office, West Register House.

- MS. Inventory of Crawford and Balcarres muniments (Nat. Reg.Arch., 237)
- MS. Calendar of Broun of Coulston muniments (Nat.Reg. Arch., 336)
- MS. Calendar of Earl of Strathmore's muniments (Nat.Reg. Arch., 885)

(These are extensive calendars or full transcripts of original manuscripts at Crawford Priory, Coulston House, and Glamis Castle.)

3. Edinburgh, National Library of Scotland.
 MS. Adv., 31.6.3
 MS. Adv., 34.1.10
 MS. Adv., 34.3.8
 MS. Adv., 34.3.25
 MS. Adv., 34.6.24
 (These are transcripts made by 17th and 18th century scholars;
 many of the charters transcribed are now lost.)
 MS. Acc., 2006
 MS. Acc., 6026 (Ochtertyre muniments)
4. Edinburgh, Edinburgh University Library.
 MS, Maitland Thomson Photographs (of charters in private
 hands)
5. Regesta Regum Scottorum.
 The MS. text of volume V in this series, The Acts of Robert I,
 ed. A.A.M.Duncan, and the MS. material collected for
 volume VII, The Acts of Robert II, Robert III, and the
Dukes of Albany, Governors, ed. A.L.Murray (cited as
 MS. Regesta 1371-1424) have been used; references to items
 included in them are given when the original has not been
 consulted. I am extremely grateful to Professor Duncan
 and to Dr.Murray for their kind assistance.

(B) PRINTED SOURCES

(I) PRIMARY SOURCES

For convenience, the abbreviated forms of titles used in the
 text are given here.

Aberdeen-Banff Antiquities Illustrations of the Antiquities
of the Shires of Aberdeen and Banff, ed. J.Robertson and
 G.Grub (Spalding Club, ix, xvi, xxviii, xxxi, 1847-69)

Aberdeen-Banff Collections Collections for a History of the
Shires of Aberdeen and Banff, ed. J.Robertson (Spalding
 Club, v, 1843)

Aberdeen Reg. Registrum Episcopatus Aberdonensis, ed.
 C.Innes (Maitland Club, lxiii, 1845)

Act.Parl. The Acts of the Parliaments of Scotland, ed.
 T.Thomson and C.Innes (Edinburgh, 1814-75)

Allardyce, Burnett of Leys J.Allardice, The Family of
Burnett of Leys (New Spalding Club, xxii, 1901)

Anderson, Oliphants J.Anderson, The Oliphants in Scotland
 (Edinburgh, 1879)

Arbroath Book Liber S.Thome de Aberbrothoc, ed. C.Innes
 and P.Chalmers (Bannatyne Club, xc, 1848, and cvii, 1856)

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