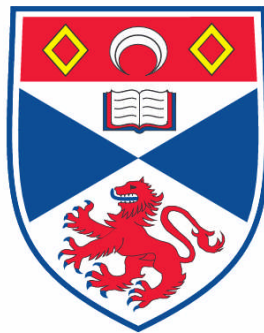


# **POLITICS AND THE FEUD IN LATE MEDIAEVAL SCOTLAND**

**Stephen I. Boardman**

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



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**POLITICS AND THE FEUD  
IN LATE MEDIAEVAL SCOTLAND**

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

**by**

**Stephen I. Boardman  
M.A. (St. Andrews)**

**1989**



# DECLARATION

I, Stephen Boardman, hereby certify that this thesis which is approximately 140,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

December 1989 ..... (S. Boardman)

I was admitted as a Research Student under Ordinance No. 12 in October 1985 and as a candidate for the degree of Ph.D. in December 1989; the higher study for which this is a record was carried out in the University of St. Andrews between 1985 and 1989.

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I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of Ph.D. in the University of St. Andrews, and that the candidate is qualified to submit this thesis in application for that degree.

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## ABSTRACT

From the mid-fifteenth century onwards, the Scottish aristocratic community made increasing use of formal bonds of lordship, service and friendship. The first section of this thesis examines the relationship between formal bonding and the pursuit of feud and tenurial disputes.

Written witnessed, bonds, particularly bonds of mutual friendship or defence, seem to have acquired a specific and, partly, symbolic role in the amicable arbitration of feud outwith formal courts of law. The bond was employed as a pledge for the good behaviour of previously hostile parties towards one another, guaranteeing the material terms of any settlement between them, and bolstering the newly-established state of non-aggression. Bonds used in this context were not primarily, designed to initiate long-term social and political cooperation between the contracting parties. The proliferation of bonds of friendship used in this way during the fifteenth century may perhaps be linked to the demands of royal courts for documentary evidence of amicable settlement.

Bonds of maintenance, and bonds of manrent or retinue, were also used extensively in the settlement of feud, and in consolidating strained, or new, tenurial relationships. Bonds of service given in return for grants of lands, were often connected to attempts to keep the tenure of disputed lands highly conditional, and were typically linked to liferent and/or reversionary grants. The linking of tenure with formal bonds of service also occurred in areas, and periods, where the granter of land had cause to seek assurances of political loyalty and support which were more binding than the oaths and ceremonies associated with routine acts of feudal conveyancing. The general

pattern suggests that, although all bonds of service appear to offer undefined open-ended service, the tenurial and political context in which these bonds were given did, on many occasions, define and limit the way in which maintenance or service was to be discharged. Bonds of all types were also used to obtain immediate political or military support in specific disputes.

The remainder of the thesis deals with the interaction between local feud and 'national' politics. An analysis of the rebellion of Prince James (later James IV) against his father, James III, during 1488, indicates that many individual noblemen and prelates committed themselves to the rebellion in pursuit of local feuds and ambitions. After James III's death at Sauchieburn, the ascendancy of Prince James' supporters within their own localities was confirmed by individual acts of royal patronage and by parliamentary legislation, a process which generated more feuds. The behaviour of the new regime, and its persecution of men who had remained loyal to James III during 1488, resulted in a major rebellion during 1489. The rebellion was eventually ended by negotiation, and by the new regime making several important concessions to rebel demands.

Apparently incomprehensible changes of allegiance by major noblemen during the period 1487-9 can be shown to have been perfectly consistent in terms of the smaller disputes in which they were directly involved.

An examination of the political career of James, Earl of Buchan suggests that violence remained a viable political tool for the fifteenth century nobility at both the local and national level, and, indeed, that the division between local and national politics was, in many cases, non-existent.

The final three chapters exhibit the effect of changes in royal policy and patronage in generating violence and feud within the localities, and the part this could play in provoking direct opposition to the crown. The importance of these tensions may have grown during the course of the fifteenth century as the amount of land, and the number of offices, under direct royal control grew through the forfeiture of several major landowning families and the annexation of their estates to the royal patrimony.

## **CHAPTER ONE**

### **Bonding, dispute and tenure**

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### Bonding, dispute and tenure

In her seminal analysis of the Scottish bond of manrent,<sup>1</sup> Dr. Jenny Wormald used the internal evidence of the bonds to examine and lay bare the basic cohesive forces that bound together Scottish noble society during the fifteenth and sixteenth centuries, the ties of kinship, lordship and service. The bonds themselves are seen as having a crucial stabilising influence, marking, and to some extent compensating for, the transition from an increasingly ineffectual Lord/Man relationship based on the tenure of land, to one in which the 'Lord' offered his personal good lordship and favour in return for the lesser man's service, a mutual exchange of good deeds. Bonding is thus seen as part of a general and positive process of social re-organisation.

Dr. Wormald also identified the use of the bond in the process of feud or dispute settlement, and it is this aspect with which the present section is concerned. The surviving fifteenth century bonds of retinue, manrent, maintenance and friendship exhibit a surprisingly high correlation with attempts to resolve disputes, to enlist support in specific conflicts, and to re-inforce weak feudal relationships, i.e. they are responses to short term and immediate political and tenurial problems, and can thus be seen to have had a specific, rather than a general, purpose. This may, in part, reflect an accident of survival, since bonds concerned with feud settlement, or with a difficult feudal relationship, were more likely to be retained. Indeed many of the bonds examined are only known of because they are mentioned, or engrossed, in other contracts such as decretal arbitrals,

court cases, or grants of land. The fifteenth century sample, then, gives only a partial impression of the use of the bond, but it does allow us to examine some undoubtedly important applications of the vernacular bond of service.

On 21st May 1446<sup>2</sup>, Alexander Seton, Earl of Huntly, Alexander, Lord Forbes, Alexander Irvine of Drum, John Forbes, Sir William Leslie, James Forbes, Alexander Irvine, James Skene and Gilbert Menzies delivered their arbitration on the "debates and claim of heirschip" between Alexander Forbes and his brother, Malcolm, both sons of the deceased Sir William Forbes of Kinaldie (Alexander Lord Forbes' brother). The arbiters concluded that Alexander was his father's lawful heir, and found Malcolm's claims to be of "na valour", and annulled them forever. In addition, Malcolm was to become "man" to Alexander for his lifetime, for which manrent Alexander was to give Malcolm the lands of "Meikle Warderis" (Meikle Wartle?) in the Earldom of Garioch, under a reversion of 280 merks, with Alexander discharging Malcolm of all services he would owe because of his manrent.

The arbiters, then, had arrived at a compromise solution by which Alexander's position and claim to superiority were to be formally acknowledged through the bond, while Malcolm retained and enjoyed actual possession of a portion of his father's estates, not by independent title, but as Alexander's man and feudal tenant. The desire for formal, written, binding expressions of loyalty to supplement and reinforce the new tenurial relationship between Alexander and Malcolm is understandable. The reversionary arrangement meant that Alexander Forbes' hereditary right to the lands of "Meikle Warderis" was secured, and that Malcolm Forbes was guaranteed some form of financial compensation for the abandonment of his claims, even if Alexander redeemed the lands of "Meikle Warderis" before the

termination of Malcolm's liferent. Interestingly, the services associated with Malcolm's bond of manrent were to be expressly discharged by Alexander, i.e. the bond was not designed to initiate a Lord/Man relationship in any meaningful sense. In the context of the dispute settlement, it is clear that the bond was to act as a guarantee of Malcolm's future behaviour towards Alexander's possession of their father's estates, the abandonment of Malcolm's own claims and, thus, the material terms of the compromise, by placing obligations of service onto Malcolm which precluded him from raising any action against his "Lord". A contractual form, used in other circumstances to initiate a positive exchange of lordship and service, was adapted to provide guarantees of the behaviour of once hostile parties towards one another.

The significance of the Kinaldie bond lies not in its idiosyncratic divergence from the general pattern of bond making, but in the fact that a significant number of contemporary bonds can be shown to have been used in a similar context of tenorial dispute and settlement.

On 3rd July 1445<sup>3</sup>, James II confirmed John Auchinleck, son of Sir James Auchinleck of that ilk, Knight, and Elizabeth Melville his spouse, in the lands of Glenbervie and Barras in Kincardinshire and "Cumry" in Aberdeenshire, following the resignation of Elizabeth and Egidia her sister (described as heiresses), in the King's hands, at Edinburgh. By an indenture, reached at Dundee on the last day of August 1445<sup>4</sup>, the same John Auchinleck (styled of Glenbervie) and James Auchinleck, his brother, came to an agreement with James Melville, brother to the deceased John Melville, Laird of Glenbervie, and Andrew and John Melville, his (James') sons. James Melville and his sons, Andrew and John, agreed to renounce all claims which they had to the



Lordship of Glenbervie, Meikle Barras, Ardbeadie and Inchmarlo in Kincardineshire, and other lands in Aberdeenshire, in favour of John Auchinleck of Glenbervie and Elizabeth (Melville) his wife, and James Auchinleck and Giles (i.e. Egidia Melville) his wife, and their heirs. The Melvilles further promised to make John Auchinleck "as sure as they can devise" in the possession of the above lands and to make "na plede or question" contesting John's claims. It was also "accordit" that James Melville and his sons would become men of "special retenew and houshald" to Sir James Auchinleck of that ilk, and to John his son, for all the days of their lives, because John Auchinleck "has given and be the present letteris gives to saidis James Melwile the landis of Arbady (Ardbeadie) for all the days of his life." On James Melville's death, the lands of Ardbeadie were to go to his son, Andrew, for his lifetime with Andrew "doing for thame such service as his father did of the lands to said Schir James and John his son." The lands of Inchmarlo were to be given to James Melville's other son, John, again in liferent.

John and James Auchinleck were, clearly, married to the grand-daughters and heiresses of line of John Melville of Glenbervie. In a royal charter of 12th February 1467<sup>5</sup> Egidia Melville, spouse of James Auchinleck, was described as the daughter and heir of the deceased Alexander Melville of Glenbervie, probably the only son of the John Melville of Glenbervie mentioned in the indenture of August 1445. Alexander Melville may well have pre-deceased his father. The indenture of 1445 thus marked the compromising of the Auchinlecks' claims to the entire Melville inheritance with those of the remaining male relatives of John Melville. It seems likely that the agreement, with its promises to abandon claims and to make no "plede or question", came at the end of a period of litigation. James Melville's

independent title (perhaps through a charter of entail) and claims to the Melville inheritance were abandoned in favour of accepting actual possession of certain portions of the disputed estates as "men" and tenants of the Auchinlecks. Significantly, the lands were to be held by the Melvilles in liferent, rather than in heritage, and Andrew Melville would only be accepted as the Auchinlecks' tenant in Ardbeadie, after his father's death, if he was prepared to do such services as his father had done and, presumably, give a written bond of good service on his entry into the lands. The settlement was designed to protect the Auchinlecks' hereditary title from further dispute, while allowing James Melville and his sons to remain in possession of Ardbeadie and Inchmarlo. The linking of tenure in liferent with the completion of a written bond of retinue service produced a relationship in which the Melvilles' tenancy of Ardbeadie and Inchmarlo was highly conditional, under constant review, and easily revoked if they failed to render the appropriate services, or re-opened their opposition to John and James Auchinleck's claims to Glenbervie and the other Melville estates. The rendering of written bonds of retinue service thus acted, primarily, as a guarantee of the Melvilles' own future behaviour towards James and John Auchinleck and gave an explicit acknowledgement of the Auchinlecks' previously contested superiority, and their right to demand a variety of services from the Melvilles as their "men" in Ardbeadie and Inchmarlo. A written bond of service and loyalty, giving documentary evidence of the Melvilles' obligations, was clearly considered to offer greater security for the terms of the compromise than the ceremonies of homage and fealty, on their own, would provide.

The Auchinlecks may well have obtained the lucrative marriages of the Melville heiresses through their association with the Earls of

Douglas. On 29th June 1444<sup>6</sup>, Sir James Auchinleck of that ilk witnessed a grant by William, Eighth Earl of Douglas, to Patrick Hepburn, issued in Castle Douglas. In August 1447<sup>7</sup>, Sir James witnessed an indenture between Archibald, Earl of Moray (the Earl of Douglas' brother), and James Douglas of Heriotmure.

The Melvilles do not appear to have maintained their position as tenants of John Auchinleck beyond the terms specified in the contract. On 29th April 1476<sup>8</sup>, at Aberdeen, William Cumming of Culter granted a letter of reversion to Elizabeth Melville and Sir John Auchinleck of Glenbervie and their heirs, to the lands of Ardbeadie and Inchmarlo in Banchory, which they had sold to Cumming for the sum of 160 merks. Andrew and John Melville, liferenters of Ardbeadie and Inchmarlo in 1445, may well have been dead by this date (given that their father was Elizabeth Melville's great uncle), and under the terms of the indenture of 1445 the lands would have reverted to the Auchinlecks.

Another interesting example of manrent being linked to tenure is found in 1447. On 23rd April 1447<sup>9</sup>, Gilbert Kennedy, son of Alexander Kennedy of Ardstinchar, bound himself to his "lovit master", Gilbert Kennedy, Lord of Dunure, and to his heirs male in "lele and trew... manred and servis of ratenew", and "failing thereof, that my heirs male will nocht and gaynstandis to be men to... Gilbert and his heirs male, and gife thare band of ratenew in... forme as is before written, to... Gilbert and his heirs male, gyfyit be askit at them, they beand of eld to mak the servis, the lands of Arnesen (Arnsheen)... which we have for the said manred shall return to the sad Gilbert Kenneydy, Lord of Dunure and... his heirs male, as freely as it was given from him to us..." On the same day<sup>10</sup>, Gilbert Kennedy gave his "wele belovffyd cusing Gilbert Kenydy, the son of Alexander Kenydy of Ardstyncheare", an obligation that whenever the 100 shillings' worth of the lands of

"Areneschene beys lachfully recoveryt of the sayd Gilbert Kenydy Alexanderson or... his ayres male or of Gibbon Kenydy" (Gilbert Kennedy's foster son) he (Kennedy of Dunure) would grant them 100 shillings' worth of land elsewhere in the Earldom of Carrick, or pay them £1,000 within a year after the recovery of Arnsheen. The two documents seem to suggest that possession of the lands of Arnsheen was possibly a matter of dispute between Gilbert Kennedy of Dunure and Kennedy of Ardstinchar. Kennedy of Dunure clearly envisaged a personal, written, bond of service being offered by Gilbert Kennedy's heirs on their entry to the lands of Arnsheen, presumably to act as an extra assurance for their loyalty and for the rendering of appropriate services for the Arnsheen lands. Much has been written about the decline in the efficacy of the feudal contract as a means of political and social organisation, as automatic inheritance, through several generations, eroded the ties of gratitude and the personal loyalty of the grantee to the granter, and as the ceremonies of homage and fealty became, increasingly, routine acts of conveyancing of limited social or personal significance. In all the examples discussed above, sasine and tenure were not granted automatically, but were dependent on the completion of a written bond of service and, presumably, adherence to its terms. In each case, the particular circumstances in which the lands were granted out explained the need to link tenure with a contractual bond, replacing ceremony with contract.

Gilbert Kennedy Alexanderson's bond to Gilbert Kennedy of Dunure was made against a background of prolonged feud within the Kennedy kindred. On 27th January 1385<sup>11</sup> Malcolm Fleming of Biggar granted a charter to Sir Gilbert Kennedy, eldest son of John Kennedy of Dunure, and Agnes Maxwell, his wife, and their heirs male, of the lands of Kirkintilloch and others in the barony of Lenzie. The detailed

destination of the Lenzie lands is interesting. Failing heirs male of Sir Gilbert and Agnes Maxwell, the lands were to descend to Gilbert Kennedy, described as Sir Gilbert's first born son, whom failing, John and Rolland Kennedy (Gilbert's younger brothers) in succession. Sir Gilbert Kennedy had clearly had these three sons by a previous marriage. Speculation that Gilbert, John and Rolland were illegitimate sons of Sir Gilbert may be correct, but the fact that they were named as heirs to the Lenzie lands should Sir Gilbert's marriage to Agnes Maxwell fail to produce male heirs suggests otherwise. By 1392, Sir Gilbert and his new wife had produced a son, James Kennedy, whose succession to the lands specified in Fleming's charter of 1385 appears to have been under some threat. On 16th September 1392<sup>12</sup> Sir Gilbert Kennedy of Dunure gave his obligation "pro me et heredes meas" to his son, James Kennedy, that he (Sir Gilbert) would not revoke the grant made to James and the heirs of Sir Gilbert and Agnes Maxwell, "matrem dicti Jacobi", by Malcolm Fleming of Biggar in 1385, under a penalty clause of £200 to be paid for the repair of the Kirk of Glasgow, and £200 to James. Sir Gilbert's obligation suggests that the descent of the Lenzie lands to James Kennedy and the heirs of Agnes Maxwell may have been contested by Sir Gilbert's sons by his previous marriage, and that Sir Gilbert's own attitude was equivocal. Significantly, Sir Gilbert bound himself and his heirs to uphold James' right to the Lenzie lands, implying that, in 1392, James Kennedy was not regarded as Sir Gilbert's principal heir. By 17th December 1400<sup>13</sup>, a dramatic change had occurred, with Sir Gilbert Kennedy resigning large parts of the Kennedy patrimony into the hands of his feudal superiors, to be returned to himself and Agnes Maxwell, his wife, in liferent, with detailed entails to James Kennedy and his

younger brothers, to the exclusion of Sir Gilbert's three sons by his first wife. On 17th December 1400, at Ayr, David, Earl of Carrick (Duke of Rothesay), eldest son of King Robert III, granted Sir Gilbert Kennedy and Agnes Maxwell, in liferent, the lands of Dunure (with the castle), the lands of Girvan and the lands of Glenapp after Sir Gilbert's resignation. After the death of Sir Gilbert and Agnes Maxwell, the lands specified above were to be held, in heritage, by James Kennedy, their son, whom failing, Alexander, Hugh, Thomas and David Kennedy (James' brothers, all sons of Sir Gilbert and Agnes Maxwell) and their heirs male, in succession. At Dundonald, on 2nd November 1404<sup>14</sup>, Robert III confirmed a further resignation by Sir Gilbert in favour of himself and his wife Agnes, in liferent, of the lands of Cassilis, Gultree and the two Kilmores (all in Carrick), again with an entail to James Kennedy, their son, and his above named brothers. In early 1406 the position of Agnes Maxwell's sons was further strengthened by two more resignations made by Sir Gilbert. On 27th January 1406<sup>15</sup>, Robert III granted to James Kennedy and Mary Stewart, his wife (the king's daughter), and their heirs male, whom failing Alexander, Hugh, John, Thomas and David Kennedy, James' brothers, and their heirs male in succession, the barony of Dalrymple in Kyle-Regis (King's Kyle) following on Sir Gilbert's resignation. On the following day<sup>16</sup>, Robert III, as tutor to his son James, Earl of Carrick, granted a charter on Sir Gilbert's resignation, declaring James Kennedy to be chief of his clan (or name), with the office of Bailie of Carrick, with the leading of the men of the Earldom.

By January 1406, then, James Kennedy, son of Sir Gilbert and Agnes Maxwell, had secured, by entail, the bulk of the Kennedy estates and offices, to the complete exclusion of his older half brothers. In addition, James had obtained a royal marriage, giving Robert III a

vested interest in maintaining his possession of the Kennedy estates, and the leading of the clan. The transformation is remarkable, given that in 1392 James Kennedy was clearly not regarded as Sir Gilbert's principal heir, and was having to seek securities for his heritable right of possession of the peripheral Lenzie estates, which seem to have been Sir Gilbert's dower lands on the occasion of his marriage to Agnes Maxwell. By 8th November 1408, James Kennedy was dead<sup>17</sup>, and the Scots Peerage puts forward an unreferenced claim that he was killed by his eldest half-brother Gilbert Kennedy, Sir Gilbert's firstborn son, who had been excluded from the Kennedy inheritance<sup>18</sup>. That the three sons of Sir Gilbert Kennedy, produced before the marriage to Agnes Maxwell, resisted the descent of the estates and offices and leadership of the clan to Agnes Maxwell's sons, is undoubted. In an indenture of 28th October 1454<sup>19</sup>, Gibbon Kennedy, the son and heir of Rolland Kennedy of Lefnoll, bound himself to Gilbert Kennedy of Dunure (James Kennedy's grandson), "my derrest master", and

"til his acris successouris of lyn or of tailze  
that, I na myn airis successouris of lyn or of  
tailze sal nocht mak na persuit of na clame na  
questioun, na persew to vex distroubul or  
inconvenient in the law or by the lawe, my Lord  
Gilbert Kennedy of Dunour"

in the forty merks worth of Kirkintilloch, the baronies of Dalrymple and Cassilis, the lands of Dunure, Girvan, Arnsheen, Glenapp and the office of "hed of kynschip" with "the ledyn of the men of Carrick" and the bailiary of the Earldom, with the keeping of the castle of Loch Doon, under a penalty of £6,000. Gibbon further bound himself that he, or his heirs, "sal renew this writ and obligacione and seil it quhen the forsaid my Lord Gilbert or his airis thinkis it spedful." The lands and offices specified in the indenture were those resigned by Sir Gilbert to James Kennedy and his brothers, in entail, in the period 1400-1406. Gibbon's claims to these lands rested on his father

Rolland's position as a disinherited elder half brother of James Kennedy. An anonymous late sixteenth century, chronicle of the Kennedy family<sup>20</sup> (apparently compiled by a member of the Kennedy of Bargany family), which is confused in both chronology and personnel (conflating two generations of the family) presents a strange apocryphal story regarding the disinheritance of Gilbert Kennedy. The chronicle asserts that James I (a mistake for Robert III)

"sent ane of his dochteris to this laird of Dunour to foster. At the quhilk tyme, the ladyis awin sone heffing mair credeitt in his moderis house nor hir stepsone, he being in luiff with this young lady gettis hir with bairne." The King, filled with rage, "culd find na better way nor to caus him mairie hir. And sa the laird of Dunour disereit his eldest sone, and maid his secund sone laird."

The chronicle account, although garbled, clearly had some basis in fact, with Agnes Maxwell's son James marrying into the royal house and replacing her three stepsons in the Dunure inheritance. James' royal marriage could not, however, have been the cause of the change in the descent of the Kennedy patrimony, since in December 1400, when the first entail of Dunure was made in favour of James and his brothers, Mary Stewart was still married to her first husband, George 1st Earl of Angus<sup>21</sup>, who was captured by the English at the battle of Homildon Hill on 14th September 1402 and died in captivity between that date and 27th January 1406.<sup>22</sup>

On 8th November 1408<sup>23</sup>, following the killing of James Kennedy by his half brother, Sir Gilbert Kennedy of Dunure entered into an indenture with Robert, Duke of Albany, Governor of Scotland, by which Sir Gilbert sought to secure the descent of the Dunure lands to John Kennedy, son of the deceased James Kennedy. The agreement recorded that "Schir Gilbert hase grantit to gif conjoyntfeftment til Dame Agnes Kenedy, his wife, for terme of hir lyfe of fourti pundis worth of land" including Dunure, Girvan and the patronage of the chapel of Maybole.



After the death of Sir Gilbert and his wife, the lands were to descend to John Kennedy, Sir Gilbert's grandson, with an entail to John's brothers Gibbon and James and their heirs male, whom failing to Alexander Kennedy (second son of Sir Gilbert and Agnes Maxwell), John's uncle and his brothers Hugh, John, Thomas and David. The lands were to be held of the Earl of Carrick and his heirs

"with sic service as the saide Schir Gilbert and his predecessors held thaim of the Erlis of Carrick in tyme bygane, and tharefore our saide lorde, the governor hase grantit and hase heucht lelely and trewly for him and his ayris forsaide, that he na his ayris sal nocht mak revocacioun of the saide conjoyntfeftment na taylze, na mak impediment na distroublance therein in tyme to cume be na way, for the quhilk consent and gude will the saide Schir Gilbert hare made his dwelling and speciale retenew with our sade lorde the governor and with his lauchtfull ayrs in pece and in were at al the gudely power for al the tyme of his lyfe, before al uthir dedelike persounis... the kyng anerly outtane." In addition, Sir Gilbert's heirs "the quhilkis sal succede to the forsaid landis be verteu of the said taillie, that thai salbe oblist of speciale dwelling and retenew til our saide lorde the governor, and til his lauchful ayris.. gif thai be lordis of Carrick, for al the time of thair lyfe.. as.. Schir Gilbert was oblist."

In the context of the dispute between Gilbert, Rolland and John Kennedy, and the sons of Sir Gilbert and Agnes Maxwell, the significance of Albany's "gude will", as governor of Carrick during James I's minority and imprisonment in England, is clear. Albany's promise to "nocht mak revocacioun" of the entail guaranteed John Kennedy's position as heir to the Dunure estates against the claims of John's half uncles, one of whom had recently killed John's father.

There may well have been an element of political reconciliation in the indenture of 1408, with Albany attempting to secure the allegiance and loyalty of a family closely connected to Robert III and his son James, Earl of Carrick (the future James I). The James Kennedy killed in 1408 was the son-in-law of Robert III, and the brother-in-law

of James, Earl of Carrick. Moreover, James Kennedy's marriage to Mary Stewart occurred at a time of political tension between Robert III and the Duke of Albany. James Kennedy and Mary Stewart received the barony of Dalrymple in conjunctfeftment on 27th January 1406, the month before Robert III sought to send his son, Prince James, Earl of Carrick, to France, apparently to protect him from the designs of Albany<sup>24</sup>. It may be that a formal guarantee of Albany's good will was required, because the Governor had, in fact, been supporting Gilbert Kennedy's claims in a bid to remove men attached to Robert III and his son from control of Clan Kennedy and the Earldom of Carrick. The indenture of November 1408 emphasised the service owed to the Earl of Carrick for the entailed lands. Sir Gilbert and his heirs were to provide "sic service as the saide Schir Gilbert and his predecessors held thaim of the Erlis of Carrick in tyme bygane." Since Albany was acting as Earl of Carrick during James I's minority, Sir Gilbert's obligation secured Kennedy recognition of Albany's control of Carrick, and the provision of appropriate services (both of which may have been withheld by the Kennedys after 1406 because of their attachment to Robert III and his son James). Sir Gilbert's bond of retinue, and those of his heirs in the Carrick lands, was thus to act as a contractual written guarantee for the provision of services and political support to the Kennedys' "new" feudal superior. Sir Gilbert's obligation to render services to the Earl of Carrick, as he had done previously, may also have been intended to invalidate the free regality which Robert III had created for Prince James on 10th December 1404<sup>25</sup> from the baronies of Renfrew, Cunningham, Kyle Stewart, the islands of Bute, Arran and the Cumbraes, the lands of Cowal and Knapdale, and the Earldom of Carrick with the lands of Kyle-Regis, and to bring Carrick and its chief family under the jurisdiction of

Albany's administration. Similarly, any of Sir Gilbert's heirs who occupied the Dunure lands "be verteu of the said taillie" would be "oblist of speciale dwelling and retenew" to Albany and his heirs. The rendering of bonds of retinue to Albany and his heirs was, however, only to be made "gif thai be lordis of Carrick" i.e. if Albany or his heirs were no longer the feudal superiors of the Kennedys in Dunure and the other entailed lands and, thus, no longer in a position to ensure the destination of the Dunure estate, the Kennedys' obligation of service would come to an end. The phrase "gif thai be lordis of Carrick" need not imply any sinister ambition on the part of the Duke of Albany against the position of Prince James, but rather reflects the reality of the tenurial situation in 1408. Robert, Duke of Albany was in effective control of the Earldom in 1408, and would remain so until James I's majority. Albany, in addition, was heir presumptive to the young prince (and the royal Earldom) if James should die without issue. The claim recognised the conditional nature of Albany's superiority in Carrick, and protected the Kennedys' position by ensuring that they would not be liable to offer bonds of service to Albany and his heirs if the governor and his offspring were replaced as the Kennedys' feudal superior in Carrick (as was quite likely) by James I.

The untimely death of James Kennedy seems to have inspired more familial discord, this time amongst the sons of Sir Gilbert Kennedy and Agnes Maxwell. The sixteenth century chronicle describes the events thus:

"the eldest brother James quha wes laird being deid, the freends conwenit to tak ordour quha sald be tutour: bot this broder, albeit youngest startt up, and drawing his sword said 'I ame best and wordiest, and I wilbe tutour.' This broder wes callit Alschunder."

After a while however, Alexander

"beganne to grou prowde, and it was feiritt that he  
sald have disereist his broder sone, and also he  
beganne to be ane tirrane abuiff his frends...  
whereupon they smothered him, leiffing behind him bot  
ane bastart sone."<sup>25a</sup>

The only Alexander Kennedy in James Kennedy's generation was not, in fact, the youngest of James' brothers but (according to the descent by entail) the second son of Sir Gilbert's marriage to Agnes Maxwell and, thus, a natural choice as John Kennedy's tutor. The assertions about Alexander's behaviour and his subsequent murder are uncorroborated by any external record sources. It is interesting to note however, that the Gilbert Kennedy who bound himself and his heirs in manrent to Gilbert Kennedy of Dunure in 1447, for the lands of Arnsheen, was the son of this Alexander Kennedy of Ardstinchur. Alexander Kennedy's attempts to usurp the Dunure inheritance may well explain why Gilbert Kennedy of Dunure (son of John Kennedy, and grandson of the James Kennedy killed in 1408) sought to link Gilbert Kennedy Alexanderson's tenure of Arnsheen with formal, written expressions of loyalty and service.

The varied uses of bonds of retinue, manrent, maintenance and friendship are well illustrated by the study of one fifteenth century noble family, the Campbells of Lochawe, and (from 1457) Earls of Argyll.

### The Campbell Bonds

The use of bonds of retinue and/or manrent as a means of supplementing and re-inforcing the oaths and ceremonies of homage and fealty found its fullest and most systematic expression in a series of charters granted by the Campbell, Lords of Lochawe (later Earls of Argyll) during the fifteenth century. An examination of the immediate

political and tenurial context in which the Campbells concluded bonds of maintenance and friendship also reveals a close correlation between these types of bond and the pursuit, or settlement, of particular disputes or feuds.

On 4th June 1414<sup>26</sup> Duncan Campbell, Lord of Lochawe, with the consent of his son and heir Celestine, granted to his "speciali consanguineo Reginaldo Malcolmi de Cragynis" (Craignish) and his heirs male "pro homagio et servicio ac speciali retinencia suis et heredum suorum masculorum", the five pennyland of "Barrewlathan" (Barrackan?), the five pennyland of "Corbarran" (Corranmore in the Craignish peninsula?), the five pennyland of Gartcharran (on Loch Craignish), the three pennyland of Arcraignish, the Isle of Reisa Mhic Phaidean, the five pennyland of Soroba, with the keeping of the castles of Craignish and Loch Avich, along with other lands in Duncan's Lordship of Lochawe. The charter specified that the above lands were to be held for the service of a galley of twelve oars. A precept of sasine of the same date<sup>27</sup> for the Craignish lands was directed by Duncan Campbell to "Alexander Johannis Cambell" his bailie of Craignish, again specifying that the lands were to be held by "homagio servicio ac speciali retinencia." The Craignish lands had been granted to the same Ronald Malcolmsen (Reginaldo Malcolmi) some two years previously, by Sir Colin Campbell of Lochawe, Duncan's father, on 18th June 1412<sup>28</sup>.

The phrase "speciali retinencia" was used, in the late fourteenth and early fifteenth century, to denote the duties and obligations of a feed retainer to his lord, the provision of services in exchange for a financial reward (usually in the form of an annual pension) under the terms of a written bond of retainership<sup>29</sup>. Lands held by special retinue presumably required the completion of a written bond and obligation of retinue service to the feudal superior at the entry of

successive heirs (as was suggested in the Kennedy of Dunure/Kennedy of Arnshean bond of 1447, outlined above). The linking of tenure with a bond of special retinue was, as outlined above, often indicative of a strained or altered tenurial/political relationship between the contracting parties. Such a change in the tenurial relationship between the Campbell lords of Lochawe and the Craignish family may partly explain why possession of the Craignish lands was connected with contractual bonds of loyalty and service.

On 16th August 1361<sup>30</sup> Christine, described as daughter and heiress of the deceased "Dugall de Craignish", resigned in favour of Colin Campbell, son of Archibald Campbell, Lord of Lochawe, her part of the barony of the deceased Alexander McNaughton (Christine's husband). Shortly thereafter, on 11th November 1361<sup>31</sup>, Christine resigned all her lands and barony in Craignish in favour of the same Colin Campbell, obliging herself and her heirs not to revoke or cancel the grant, under a penalty of 300 merks. On 15th March 1369<sup>32</sup>, David II issued a charter in favour of Archibald Campbell, son of Colin Campbell of Lochawe, confirming all grants and sales made to the family of the lands of Craignish, Melfort, Over Cowall and other lands by whoever they were made.

The lands of Craignish were thus acquired in the second half of the fourteenth century by the Campbells of Lochawe, through the descent of the estates to a sole female heiress. The male relatives of "Dugall of Craignish" would then have been placed into the position of either accepting Campbell overlordship, rendering the rents and military services due from the lands, and abandoning their own independent title and privileges, or contesting the Lord of Lochawe's rights to rent and service.

The manuscript history of the Craignish family, compiled by an Alexander Campbell in the first quarter of the eighteenth century, provides an entertaining, and entirely misogynistic, account of the morally reprehensible behaviour of Christine of Craignish, by which the superiority of the Craignish lands was lost to the Campbells of Lochawe<sup>33</sup>. Christine's father "Dugall" was claimed, in the chronicle history, to have had a brother Malcolm, who had a son Ronald, i.e. the Ronald Malcomson who was confirmed as the tenant of the Campbells of Lochawe in the Craignish lands in 1412-14. The chronicle asserts that the disposition of Christine's rights in Craignish to Colin Campbell of Lochawe in 1361 was "done to Defraud of her uncle and his succession, being the righteous heir male."<sup>34</sup> The Ronald Malcomson entered into Craignish in 1412-14 was, undoubtedly, the chief of kindred of the Craignish family (in a charter of 20th February 1447<sup>35</sup> by Duncan Campbell of Lochawe to Ronald Malcomson, the recipient was styled as head of the "Clandowill Craginche"), although it seems highly unlikely that he was the son of Dugall of Craignish's brother, since that would have required both Ronald and Malcolm, his father, to have enjoyed remarkably long lives. The Craignish chronicle complained that the Craignish Campbells' status had been changed by their acceptance of a position as tenants of the Campbells of Lochawe in Craignish,

"the former holding being from the King, to be now held of the Knight of Lochow, and to return to them failzieing of heirs male in a direct line, by which it seems collateralls were passed by."

The observation is accurate, in that the 1414 grant created a male fief, rendering a specified military service to the Lords of Lochawe, under strict feudal tenure.

Ronald Malcomson's position as chief of the kindred displaced from the superiority of the lands in which they were, from at the latest 1412, secured as tenants of the Lords of Lochawe, may give some

indication as to why tenure of the lands was linked to special retinue; as an extra assurance to the Campbells of Lochawe of the loyalty of the Craignish family, their acceptance of the change in status and their willingness to render the appropriate military services for their lands to their new superiors.

Overall, however, the linking of special retinue with tenure in Campbell of Lochawe charters was exclusively associated with guaranteeing the provision of galley service from the lands concerned.

On 29th January 1423<sup>36</sup>, at Dumbarton, Duncan Campbell, Lord of Lochawe, gave a charter to his "beloved" brother Duncan Campbell (elder) and his heirs male "pro homagio et servicio ac speciali retinencia" of the five pennyland of "Ardchastel", the five pennyland of Ardifuir, the five pennyland of Poltalloch, the pennyland of Benan, the lands of Crinan More and Crinan Beg, with the fishing of the river Add in the Lordship of "Ardyscchodynys". Once again, the lands were to be held for the service of a galley of twelve oars, and on the condition that a failure in the line of male heirs would entail a reversion of the lands to the superior or his heirs. All the lands specified are grouped around Loch Crinan, on the west coast of Argyll near Duntroon, opening into the sound of Jura (the descendants of this Duncan formed the cadet branch known as the Campbells of Duntroon). On 7th June 1466<sup>37</sup> Colin, 1st Earl of Argyll, Duncan Campbell of Lochawe's grandson, granted "Duncano, filio Johannis Duncani Cambell... pro homagio servicio ac speciali retinencia" all the lands outlined above. In addition to his "homagais, servicus et specialibus retinencius" Duncan Campbell of Duntroon was to serve the Earl of Argyll and his heirs "cum navi duodeum remoris" when the Earl and his heirs required. The Duncan Campbell of 1466 was, clearly, the grandson of the Duncan Campbell who had received the lands in 1423



(being described as the son of John, son of Duncan). On 9th June 1489<sup>38</sup>, Colin, Earl of Argyll, granted "Johanni filio Donaldi Campbel" and his heirs male "pro homagio et servicio ac speciali retinencia suis et heredum suorum masculorum" the pennylands around Loch Crinan, in a charter which again specified the provision of a galley of twelve oars.

As in the 1414 grant to Ronald Malcolmson of Craignish, the charters conveying lands to be held by special retinue contained very specific details as to the military service to be provided for the lands. The terms of a written bond of retainership, delivered to the superior at sasine taking by the heirs of the original tenant, may well have been designed to help guarantee galley service by, in effect, renewing the terms of the retaining contract in each generation.

The pennyland was an old established unit of land assessment (which, recent research suggests, might have been of Dalriadan origin), with an ancient role in providing naval forces for landowners in Argyll and the Western Highlands.<sup>39</sup>

On 10th May 1428<sup>40</sup> Sir Duncan Campbell of Lochawe granted Achdunan and various other lands in Over Cowal to Iain Campbell of Ardkinglas, who was Duncan's nephew (being the son of Colin, Duncan's brother). Iain (or John) was to perform, according to the compiler of the Argyll transcripts, 'special' homage and service for these lands, and maintain a galley of eight oars and one of six oars for the use of Sir Duncan and his heirs. The phrase "special homage" is, almost certainly, a misrepresentation of the special retinue clause since, on 22nd May 1550<sup>41</sup>, Queen Mary confirmed a charter of 10th May 1550 by which Archibald, Master of Argyll, granted ninety-four merks worth of land in the bailiary of Cowal to Colin Campbell of Ardkinglas, rendering "homagium et retinentiam specialem cum nave octo remorum et alia nave sex remorum, antique quantitatis et mesure." The bulk of the lands,

such as Achdunan, Glaschoine, Ardkinglas, Bhathaich-Bhain, Ardno, the two Laglingartens, lie on the east shore of Loch Fyne. The Loch Fyne lands granted out by Duncan Campbell in 1428 may have been, at that stage, fairly recent acquisitions for the Campbells of Lochawe. Certainly, David II's confirmation of all alienations made to the Campbells of Lochawe, granted in March 1369, made mention of lands gained in Over Cowal. It may be that these grants marked the creation of hereditary male fiefs, rendering preferential military services, out of territory acquired by the Lords of Lochawe during the late fourteenth century. The terms of the grants ensured that the Lords of Lochawe retained strict control over the descent of these newly acquired estates by stipulating that the lands could not be sold, or descend through female heiresses, to men with no personal loyalty to the Lochawe Campbells. Furthermore, the loyalty and service of the male heirs of the original grantee were secured by contractual, as well as ceremonial, bonds of personal loyalty.

On 23rd April 1431<sup>42</sup>, Duncan Campbell of Lochawe completed a bond of a very different nature with Sir John Scrymgeour, Constable of Dundee. In an indenture of that date concluded in Perth, Duncan agreed to exchange his lands of Menstrie in Clackmannan for Sir John's lands and rights of the barony of Glassary (between Lochawe and Loch Fyne). The indenture asserted that.

"athir of thir partis ar oblist and be thir present  
 lettris oblyss thaim thair airis ande thair  
 assigneis to manteine, folow and defende uthir and  
 to tak opin part in the contrary gyf ony wald vex  
 thaim or pled thaim in the rychtis of the saide  
 landis out takande the kyng alanerly."

The obligations of mutual defence were clearly related to the proposed exchange of lands, and they were required because the indenture of 1431 was, in fact, an attempt to resolve a long standing dispute between the two men over Sir John's Argyllshire estates. On 31st March 1427<sup>43</sup>,

James I ordered the recognition of the third of Glassary, "the quhilks or dobitabil betwix the Lorde Kambal and scher John Skrmgeour", and the lands of Ederline (near the Southern end of Lochawe) claimed by the Baron MacCorquodale. On 8th December 1427<sup>44</sup>, the King issued a citation ordering Duncan Campbell of Lochawe to appear before the King or his council in Edinburgh on 27th January 1428 to answer at the instance of John Scrymgeour, constable of Dundee. Campbell and the Baron MacCorquodale evidently failed to appear to answer the charges, for on 20th June 1428<sup>45</sup> James I ordered the appearance of Campbell and MacCorquodale at the first day of the next parliament or general council, to decide whether they or Sir John Scrymgeour should receive the third of Glassary and the lands of Ederline, held in the King's hands through recognition. The dispute was still running in March 1430<sup>46</sup> when the sheriff of Perth was ordered to hold an inquest to establish which of the contesting parties held the best right to the lands.

The indenture of 1431, then, was concluded in the context of dispute settlement, and the formal expressions of mutual defence and friendship were required to guarantee the adherence of both parties to the material settlement of the arbitration, and to preclude further physical or legal action by either party against the other. The bonds were meant to secure a state of non-aggression over one specific issue, rather than initiate a period of social and political co-operation. (This common use of the bond of friendship or mutual defence will be examined more fully in Chapter Two). By 10th July 1432<sup>47</sup>, the excambion had fallen through, and despite later attempts to arrange the exchange, Glassary remained a Scrymgeour possession.

In the year following the indenture with Scrymgeour, on 20th October 1432<sup>48</sup>, Sir Duncan Campbell of Lochawe granted his son

Colin Campbell (1st of Glenorchy), "pro ipsius et heredum suorum masculorum homagio servicio et speciali retinencia", all Duncan's lands in Glenorchy, and others in Lochawe (Inverinan, Fernoch, Sonachan and Ardbrecknish included), "cum servicio unis navis sexdecim remorum ad servicium Domini nostri Regis nostri et heredum nostrorum." Special retinue was, once again, identified with homage and fealty as one of the personal bonds between granter and grantee on which tenure was dependent. In addition, the grant again specified the galley service to be provided from the lands in question. The grant differed from the earlier special retinue grants, however, in that the lands granted did not lie on a sea coast, and the galley service was reserved for the use of the King, as well as the Lords of Lochawe. It seems almost certain that this grant was the result of a parliamentary statute enacted on 6th March 1430<sup>49</sup>, which ordained that all barons and lords having lands near the sea "in the west and on the northe" and

"namely fornent the ylis, that thai haf galayis, that is to say of ilk four merkis worth of lande, ane aire. Ande that is til understande of thaim that ar nocht feft of galayis befor, for thai that are infeft of befor sal kep and uphalde the galayis that thai are infeft of and haldyn to sustene be thare auld feftment"... "Ande the landis and lordschippis quhat ever thai be strekande endlang the cost syde and inwart in the lande vj myle sal contribute to the reparacioun ande sustentacioun of the said galayis."

It would seem that the demand for galley service from the Lochawe and Glenorchy lands was short lived; a precept and instrument of sasine from January 1434<sup>50</sup> failed to stipulate that the lands were liable to provide galley service to the crown, or that they were held by "speciali retinencia". A marginal addition to the copy, made by Herbert Campbell, of the October 1432 grant pointed out that the clause specifying galley service was omitted from the royal charter of confirmation.

Sir Duncan Campbell of Lochawe himself presided over the arbitration of a territorial dispute which invoked and articulated the concepts of good lordship and loyal service in order to secure a settlement. On 17th February 1433<sup>51</sup>, before a panel of arbiters headed by Duncan Campbell of Lochawe, an agreement was reached between "Robert Lawmanson" (Lamont) "Lorde of Inveryne" and his "deyr cosyn and man Ffynlo Ewynson, Lord of Ardlawmane" (Ardlamont in Cowal, on the southern tip of the peninsula between the Kyles of Bute and Loch Fyne). By the terms of the indenture, Robert remitted to Finlay "all rancour and malys claims and accionis" that he bore towards him, and obliged himself and his heirs to be "to the said Finlo and his ayris leyl and a gud lorde, as his lord and cheff of kyn aucht for to be to thar neyr cosyn and man". In return

"Fynlo is becumyn man to the said Robert and his ayris forever in lawte and servis against all dedlik, our maist dred soverane lorde the kyng and the stewart of Scotlande out ane alanerly."

The indenture then goes on to deal with the specific issues from which the dispute had arisen. Finlay Ewanson obliged himself and his heirs

"anens the superiorite at... Robert claims to haff of the land of the Arde [lawmonde] and Ardcalmisak", that he "salbe redy and weyl wylland to hald the said lands of the said Robert and his ayris under ward, raleff and mariage" whenever Robert obtained the King's "licens and gudwyl". Finlay and his heirs "na nan oder in thar name sal mak lete or impediment tharto but evare forder it at his and tharis gudly power" If Robert failed to obtain the King's consent, then he would, nevertheless, continue his "gud lordschippis and cosinage" towards Finlay and his heirs and, "mak na chalans na clam to the grounde rycht na to the superiorite of the saide lands of Ardlawmonde and Ardcalmisak". It was further agreed, that "gyff Duncan Gyllaspyson, nevo and ayr to the said Robert rafusis to be bundyn and oblesyt in lik maner and furm as the said Robert", then Robert would "wyrk in the contrar of the said Duncan... be the consal and ordinance of the said Lord Duncan Campbele". If, and when, Robert obtained the superiority, it was agreed that he would "chartyr the said Finlo and his ayris als sekyrly as... thar parte wyl ask to be

chartyryt be law and reson... ward, releff and marriage".

Finlay Ewanson, then, accepted Robert Lamont's position as feudal superior after a period of dispute, while maintaining himself and his heirs in actual possession of the disputed lands. The "good lordship" and "loyal service" to be provided by the contracting parties related specifically to their adherence to the terms of the compromise, and the new tenurial relationship arising from it. Finlay was to be secured as Robert's tenant, holding by ward, relief, and marriage, and his pledge of service acted as an explicit recognition of Robert's newly won superiority, indicated the abandonment of opposition to Robert's claims, and served to guarantee that he would render the appropriate services to Robert for his possession of Ardlamont and "Ardcalmissak", as any "man" should do to his "lord". If the bonds were to be written, then they could be produced in legal actions before royal or local, franchisal, courts, if either party failed to abide by the terms of the settlement and attempted to re-open the dispute. The bonds of lordship and service gave both proof of, and guarantees for, the cessation of hostilities and, although expressed in general terms, they would appear to have had no wider significance than securing the terms of the compromise, and buttressing the fragile feudal relationship which was its result.

The bonds of manrent and maintenance collected or issued by the heirs of Duncan Campbell of Lochawe during the fifteenth century exhibited a similar connection with specific disputes. The most significant territorial gain made by Colin Campbell, 1st Earl of Argyll (c.1457), Duncan Campbell of Lochawe's grandson, was that of the Lordship of Lorn, and a number of bonds of manrent, maintenance and friendship were associated with this acquisition.

On 11th December 1462<sup>52</sup> Colin, Earl of Argyll and Walter Stewart, brother and "apperande ayr" to John Stewart, Lord of Lorn, entered into an agreement by which the Earl of Argyll and his heirs would "help, supple, manteyne... defende" Walter and his heirs against any cancellation, or reversing of the

"talze mad be... Lord John Steward, Lord of Lorne til any man... except the said Walter Steward and his ayris". If John, Lord of Lorne did change the entail made in Walter's favour, then the Earl would "resist, help and supple as fer as law will... aganis al tham lyffis orde may, oure soverane lorde the Kyng and our soverane lady the quiyne with other lordis to quham he (Argyll) is bundyn obefor except and outlane, swa that in als fer as the said lord Erll may let thar sall na thing ga throu in preve nor in apertht (apert, i.e. openly) and... in all other materis, accionis, causis and querelis concerning lachfully the said Walter... but fraud ande gyll in maner as said is help, supple and defende... Walter in preve and apertht".

Argyll's maintenance, then, was to be concerned specifically with preventing John, Lord Lorn's application for a change to be made in the descent of his lands and lordships from taking effect. The Lordship of Lorn was held directly from the crown, and it was the young king (James III) who would have had to approve any revision of the entail, so that Argyll's ability to influence affairs at court and the granting of royal confirmations or charters was probably as important to Walter Stewart as the Earl's position as a powerful local magnate, whose lordship of Lochawe bordered the southern edge of the Lordship of Lorn. Argyll, indeed, was serving as the royal justiciar south of Forth during 1462.

The charters of entail which Walter Stewart sought to defend were presumably those of 20th June 1452<sup>53</sup>, by which James II confirmed to John, Lord Lorn the Lordship of Lorn, the barony of Innermeath and the barony of Redcastle, with a detailed entail to John's brothers, Walter, Alan, David and Robert, and their heirs, whom all failing,

John's uncle Archibald Stewart, . . . Sir James Stewart, and their heirs male. On the same day<sup>54</sup> the king confirmed the annexation of the lands of "Ennyrdonyn" (Innerdunning near Forteviot?) and "Baldenys" (Baldinnies) in Strathearn, the lands of "Coltrane" in Kinross, the lands of "Coldrane" (Coldrain?) and Maw (one mile south of Windygates), in Fife, and the lands of Kyldeny (Kildinny near the river Earn in Forteviot Parish?) to the barony of Innermeath, one of the baronies specified in the entail to John, Lord Lorn's male heirs. The entail of 1452 would seem to have been a direct attempt to prevent the breakup of the Stewart of Lorn patrimony amongst the three legitimate daughters of John, Lord Lorn. Isabel Stewart was married to Colin Campbell Earl of Argyll (from 1457), Duncan Campbell of Glenorchy was the son of Sir Colin Campbell of Glenorchy and Janet Stewart, while John, Lord Lorn's third daughter, Marion, was married to Archibald Campbell of Otter<sup>55</sup>. It is clear from the entail of 1452, and from the agreement of December 1462, that Colin Earl of Argyll did not simply acquire the Lordship of Lorn through his marriage to Isabel Stewart.

Argyll's bond of maintenance of 1462 seems to confirm traditional Stewart of Appin and MacLaren tales that John, Lord Lorn was attempting to make one of his illegitimate sons (probably Dougall Stewart, said to be a son of John, Lord Lorn and a daughter of the MacLaren Laird of Ardveich) his heir, to the exclusion of Walter Stewart and the other heirs of entail, shortly before his (Lord Lorn's) murder in Dunstaffnage Castle by an Alan McCoule (or MacDougall)<sup>56</sup>.

The price of Argyll's support for Walter Stewart's position as heir of entail was high. In the indenture of December 1462 Walter Stewart agreed that

"for the quhilkis supple, mantenans, defens and resisting of al and sundry..." Walter, as heir apparent to the Lord of Lorn "has geffyn ande grantit" that he "lellely and treuly sal geiff be



chartir saisinge and lachfull possessione heretably... als sikir as men of law can dewys, to the sade lord erll... a hundreth markis worth of lande lying within the Lordschip of Lorn, heretably, in blanchferm for a penny." Argyll and his heirs were to have "als mekil as is of landis lying betuix Aw (Lochawe) and etyffe (Loch Etive) with the halff of all the ficing of bath the watteris." The rest of the hundred merks worth of land was to be given by Walter to the Earl "begynande at Erdmaddy" (Ardmaddy) "or else in Benderloch, i.e. that part of Lorn between Loch Etive and Loch Creran "al togeder in maist comptent plasis to the said lorde erll" until "the laff of the hundreth markis worth of lande be fulllely, with thar alde pertinentis, outtrad and put in charter togeder."<sup>56a</sup>

Argyll's maintenance then, was bought by Walter's promise to assign over to the Earl (once Walter had become Lord of Lorn) a tract of land between Lochawe and Loch Etive which bordered Campbell's own Lordship of Lochawe. In addition to the Lorn lands, Walter Stewart agreed to give Argyll a blenchferm charter of twenty merks worth of land in Perthshire "callyt Kyldonyn (Kildinny) lyinge within the barony of Innermeth." Walter was to give the Earl "lachfull charter" of the

"sex skor of markis worth of lande in continent efter the sad Walter hass tane state and saising of the said Lordschip of Lorne be in heyland and lowlande".<sup>56b</sup>

If Walter failed to infeft Argyll in the promised lands, within forty days after he was served as Lord Lorn, then he (Walter) would be liable to pay a penalty of 4,000 merks. Finally, Argyll

"with the consent of esabeul stewarde countess of Eryyll his spous has gyffyn up all rycht and claym he and she has or may to the talzeat landis of Lorne... pertening now to the Lord of Lorn."<sup>56c</sup>

Argyll further promised to help and supple Walter in the defence of one third of the unentailed lands, i.e. the third of the unentailed lands due to Isabel Stewart Argyll's wife, as John, Lord Lorn's heiress of line, and the "laff of the untalzeit landis." Walter Stewart and Argyll, and their heirs were to be "till otheris in help, supple and consall for evermor aganis all dedly."

The situation in December 1462, then, was that John Stewart, Lord of Lorn, was about to revise the descent of the entailed lands of Lorn, Innermeath and Redcastle. Walter Stewart, the chief beneficiary of the entail of 1452, approached Colin, Earl of Argyll, a prominent figure at court, a powerful local magnate, and a man married to John Lord Lorn's daughter, in order to pre-empt any attempt to change the entail. Argyll's maintenance was bought by Walter promising huge concessions from the entailed Lorn and Innermeath lands, if and when Walter was secured as his brother's successor. The territorial consistency in Argyll's ambitions is striking; the terms of the indenture would have seen the entire southern portion of the lordship, between Loch Etive and Lochawe, on the northern border of Argyll's Lordship of Lochawe, pass into Campbell possession. In return for these concessions, Argyll and his wife Isabel abandoned any claims they might have pressed against the rest of the lands covered by the 1452 charter of entail, and gave over to Walter Stewart their rights to one third of the unentailed lands, while promising him their support in obtaining possession of the rest of the unentailed lands which were to pass to Duncan Campbell of Glenorchy (as son of Sir Colin Campbell of Glenorchy and Janet Stewart, Isabel Stewart's sister) and Archibald Campbell of Otter and his wife Marion Stewart, Lord Lorn's third daughter. Argyll's obligation of maintenance thus also acted as a guarantee that the Earl and his wife would not pursue their own claims against the terms of the entail.

Walter Stewart's willingness to surrender large areas of the Lordship of Lorn on the west coast in return for guaranteed possession of the scattered Perthshire, Aberdeenshire and Fife lands annexed to the Lordship of Lorn and the barony of Innermeath may, to some extent, reflect the difficulties experienced by the Stewart lords of Lorn in

their attempts to govern the highland areas of their lordship effectively (as well, of course, as the fact that Argyll's maintenance could only be secured by concessions in an area where Argyll had territorial ambitions). The most spectacular manifestation of these problems occurred in the year following the indenture between the Earl of Argyll and Walter Stewart. On 20th December 1463<sup>57</sup> John, Lord Lorn was killed by an Alan McCoule (or MacDougall) in Dunstaffnage Castle. The background to this assassination, and the general tenor of the relationship between the Stewart Lords of Lorn and the Clan MacDougall, lies outwith the scope of the present study, but does deserve a full scale analysis. A parliament of early 1464<sup>58</sup> complained of the slaughter of Lord Lorn by Alan McCoule, and urged the king to intervene in order to punish Alan for the death of John Stewart. Dunstaffnage Castle, which McCoule was occupying, was to be besieged when the weather permitted a campaign to be undertaken (a condition which would suggest that the parliament took place in the early months of 1464). Further, arrangements were made in the same parliament for a meeting to be held in Berwick on 5th March following, so that it seems likely that the parliamentary business was conducted on a date after 20th December 1463, and before 5th March 1464. There is no evidence to suggest that either Argyll, or Walter Stewart, had any direct hand in the death of John, Lord Lorn, and the parliament of January/February 1464 asked that royal letters should be sent to John MacDonald, Earl of Ross and Lord of the Isles, commanding him not to offer any support to Alan McCoule in Dunstaffnage, suggesting that Lord Lorn's death was not the direct result of the dispute over the revision of the entail of Lorn, Innermeath and Redcastle.

The arrangements between Argyll and Walter Stewart appear to have broken down almost immediately after John Lord Lorn's death. On 15th

May 1464<sup>59</sup> at Berwick Castle, Lord Erskine attempted to have the lands of Coldrain (lying between Loch Leven and Crook of Devon) released to him as pledge for Walter (now) Lord Lorn. Coldrain was one of the properties annexed to the barony of Innermeath in 1452, and the lands appear to have been recognosed by the young king because they were in dispute between Colin, Earl of Argyll and Walter Lord Lorn. On 1st July 1464<sup>60</sup>, the dispute over the Lorn lands led to the Earl of Argyll granting another bond of maintenance. On that date, Colin, Earl of Argyll and "Lord Campbell", and Colin Campbell of Glenorchy, took Thomas Rogerson of "Drumdrewin" in

"favouris, help, supple and maintenance in all and sundry richtwis and honest accions, querell and cause as oure speciale cousyng and man in al degre in the contrar and aganyis all utheris... and specially aganyis ony of thaim that pretendis thaim ayeris to the forsaied Lord of Lornis gudis and of all the lave of the forsaied lordis barnyis."

The bond of maintenance given by Argyll and Glenorchy thus had a very specific application. The bulk of the contract was concerned with the granting of a discharge by Colin, Earl of Argyll (acting for Isabel, Countess of Argyll, his wife), Duncan Campbell (son of Sir Colin Campbell of Glenorchy and Janet Stewart) and Marion Stewart as "aieris of umquhile John Stewart, Lord of Lorne", to Thomas Rogerson for the sum of twenty merks paid by Rogerson to them, in part payment of a wadset of eighty pounds made by him to John Lord Lorn, for the redemption of the lands of Ardchullarie, Runacraig and Immervoulin (all on the eastern shore of Loch Lubnaig) in Strathyre, in the Earldom of Strathearn. The original wadset had been made on 10th January 1463<sup>61</sup>, with Rogerson granting the above lands to John, Lord Lorn under a reversion of eighty six pounds thirteen shillings and four pence. Argyll, Duncan Campbell and Marion Stewart were clearly acting as if

John Lord Lorn's rights with regard to the Strathyre lands had fallen to them, as Lord Lorn's heirs, after his death. Thomas Rogerson, in making payment to the Earl, Duncan Campbell and Marion Stewart under the terms of the reversion, desired security that he would not be liable for payment to "thaim that pretendis thaim ayeris to the... Lord of Lornis gudis". After the general terms of the bond of maintenance, the indenture returned to the specific context in which the bond was to operate:

"... gife it happynis ony part of the forsaid some of four score of pundis to be recoveryt fra the said Thomas efter the payment maid to us... by ony of the... Lord of Lornys aieris in contrar of this wryt we... obliss us be thir letteris to mak it be reformyt and payt again to the said Thomas."

Argyll and Glenorchy's maintenance was clearly related to the financial transaction proceeding at the same time, with Argyll and Glenorchy binding themselves to assist Rogerson against any others claiming to be John, Lord Lorn's heirs, who may have sought to recover the redemption money due from Rogerson for the Strathyre lands. The indenture indicated a high level of uncertainty and dispute over the descent of John, Lord Lorn's lands, and the identity and respective rights of his heirs.

In the month following the bond of maintenance there were further indications of the breakdown in the relationship between Colin, Earl of Argyll and Walter, Lord Lorn, and their non-adherence to the terms of the indenture of December 1462. On 23rd August 1464<sup>62</sup> Walter Stewart, Lord of Lorn, attempted to break the sasine delivered to Isabel Stewart (Argyll's wife), Duncan Campbell and Marion Stewart, of the lands of "Latheris" (in the barony of King Edward, Aberdeenshire), but was prevented from doing so by William Stirling (of Keir?), Isabel Stewart's procurator. "Latheris" was one of the unentailed properties held by John, Lord Lorn, at the time of his death, and Isabel and Marion

Stewart, and Duncan Campbell (son of Janet Stewart), were clearly being served as Lord Lorn's legitimate heirs of line in the lands. The basis of Walter Lord Lorn's objection is unclear, but it may have been connected to the Earl of Argyll's non-compliance with the indenture of 1462, in which the Earl, with his wife's consent, had agreed to assign over to Walter any rights they had to one third of the unentailed lands belonging to John, Lord Lorn.

A court case of August 1465 makes it clear that Argyll and the female heiresses of John, Lord Lorn, were, in fact, also laying claim to lands included in the entail of 1452. On 16th August 1465<sup>63</sup> the Lords of Council, sitting in Stirling, gave judgement in an action between Colin, Earl of Argyll, Isabel his spouse, Marion Stewart and Duncan Campbell on the one part, and Walter Lord Lorn on the other, with regard to the recognition which had been made of the lands of Kildinny, Innerdunning and "Baldonyng" (Baldinnies ?), because of the disputes between the parties. Walter Lord Lorn failed to compear, and the Lords decided that the recognition should be relaxed and the lands given to Colin, Earl of Argyll, as procurator for Isabel Stewart, his wife. The decision of the Lords overturned the charters of entail granted to John Lord Lorn in June 1452, since all the above lands had been annexed to the barony of Innermeath on the same day that the barony itself was regranted as a male fief to John, Lord Lorn, with his brother, Walter, specified as the next heir by entail. (It seems, in fact, that Argyll was simply receiving the lands in pledge until the actual rights of the contesting parties were finally established).

Shortly before the court case of August 1465, on 9th April 1465<sup>64</sup>, Isabel Stewart, Duncan Campbell and Marion Stewart were each given sasine in one third of the lands of Dollar and Gloom, in the barony of Dunkeld, as heirs of line of John, Lord Lorn. Walter Lord Lorn's

response was vigorous to say the least. In April 1466<sup>65</sup> a curious Papal writ was directed to the Bishop of Lismore narrating that "Colini Cambel comitis Ergadie" and "Isabellis Stewart ejus uxoris" had complained to the pope that, after Isabel had been put in fee of the "turri loci de Glowm in territorio de Dolar" by the Bishop of Dunkeld, Walter Lord Lorn "et quidam alii laici ejus complices" had attacked, burnt and destroyed the tower of Gloom (now Castle Campbell), putting their souls at risk. The papal letter commanded the Bishop of Lismore (in whose diocese Walter Lord Lorn and his accomplices were said to reside) to force Walter to underly the law for the above offence, and to threaten him with the 'highest pain of the church' if he refused to comply.

In April 1466, in fact, a series of transactions involving the Lorn lands was concluded. On 8th April<sup>66</sup> Marion Stewart resigned her rights to one third of Kildinny, Baldinnies, Innerdunning and Balgowan (near Methven) in Perthshire, Coldrain and Maw (hill ?) in Fife, and Rothiebrisanne (near Fyvie) in Aberdeenshire to her brother-in-law Colin, Earl of Argyll, and Isabel Stewart his wife. Colin, Earl of Argyll, had thus attained control of two thirds of the Lorn inheritance decerned to have fallen to John Lord Lorn's daughters as heirs of line. On 29th April 1466<sup>67</sup> some form of settlement appears to have been reached between Argyll and Walter Lord Lorn. On that date, Walter Lord Lorn granted Argyll "pro ejus consiliis" the lands of "Kippane, le Muretoun et le Myretoun" in Perthshire, with Walter pledging the lands of the barony of Innermeath, and all other lands pertaining to him in the Kingdom of Scotland, as warrandice lands guaranteeing the grant. On the same day<sup>68</sup>, the Earl of Argyll gave Walter a charter of reversion of the above lands, to come into effect once Walter had paid the Earl the sum of £433. Lord Lorn also bound

himself to keep Argyll scaithless of any sums due from the lands of "Kippane" such as the terce of the widow of John, Lord Lorn<sup>69</sup>. The arrangements may well have been intended to compensate Argyll for Walter Stewart's attack on Dollar and the Tower of Gloom. Certainly the witnesses to Lord Lorn's charter of 29th April included Andrew, Lord Avandale, the chancellor, and David Guthrie the King's treasurer, and their presence in Perth may indicate that the settlement was made during a royal justice ayre.

The disputes between the Earl of Argyll and Walter Lord Lorn were eventually brought to a conclusion in 1469. On 30th November 1469<sup>70</sup> Colin, Earl of Argyll and Walter Lord Lorn entered into an indenture by which Walter agreed to resign the Lordship of Lorn into the King's hands, to be given in fee and heritage to the Earl. In return, Argyll would resign the disputed lands of Coldrain and Maw in Fife, Kildinny, Baldinnies and Innerdunning in Perthshire, Balgowan and "Ladboth" (also Perthshire), "Culcarny" (Cockairney ?) in Kinross, and Latheris and Rothiebrishbane (near Fyvie) in Aberdeenshire, to be given, in fee and heritage, to Walter Lord Lorn. Walter was also to be given the office of Coroner of Perth, and Argyll was to use his influence with the King to ensure that Walter remained a Lord of Parliament, to be styled "of Innermeath". The Earl also pledged that he would ensure that his wife and her sister would never take action against the terms of the indenture. Finally, the two men agreed that

"atour it is appoyntit that said lords shall be ilkane for uthir in all thar richtwis causis and querellis, and tak ane afald part ilkane with uthir, with thare men, kyn and frendis for all the days of thare life, and shall mak letteris of bandis".

The indenture provides a classic example of the context in which many bonds of friendship were formulated and concluded. The letters of friendship and mutual support between Argyll and Lorn were to be



issued at the end of a period of dispute between the two men, and, as such, their chief significance probably lay in the fact that they gave both parties a written, contractual guarantee of the good conduct of their former adversaries, symbolising the end of the state of feud and offering a surety for the personal safety of either party, and the safety of their lands and goods. The bonds thus also had the effect of securing the material settlement which had brought the dispute to a conclusion and, although expressed in terms of future co-operation, were essentially designed to suppress the existing conflict by placing the two parties into a bonded relationship which precluded the continuation of the feud. Interestingly, the indentures were concluded in Edinburgh, and the negotiations must have been carried out while the parliament of 20th November 1469<sup>71</sup> was sitting, perhaps in response to the fact that there were actions pending between Argyll and Walter Stewart in the judicial session associated with the parliament. One of the chief advantages in securing documentary proof of the cessation of hostilities, was that the bonds could be produced in court to prevent either party from re-activating the litigation (this aspect will be more fully examined in Chapter Two).

The agreement of 1469 was, in some ways, very similar to the proposed settlement of December 1462 between the same men. In 1462, Walter Stewart had been bound to give over the southern portion of Lorn to Argyll, in return for uncontested possession of the other entailed lands, and Argyll's assistance in obtaining control of John, Lord Lorn's unentailed properties. In 1469, Walter agreed to give over the entire Lordship of Lorn, in order to secure his title to the rest of the Lorn inheritance.

On 1st November 1469<sup>72</sup> further obligations were exchanged between the two men, promising the implementation of the terms of the indenture

concluded the previous day, under a penalty of 6,000 merks in the case of non-fulfilment. The indenture of 30th November 1469 had set a terminal date of 1st May 1470 for the completion of the exchange of Lorn for the various Perthshire, Aberdeenshire and Fife lands, and the transactions were, in fact, successfully carried through before this date. On 28th March 1470<sup>73</sup> Walter Lord Lorn's procurator received sasine of the Lordship of Lorn from the sheriff of Perth, in preparation for the transfer to the Earl of Argyll (perhaps indicating that Walter, Lord Lorn had never attained formal possession of Lorn after his brother's death because of the disputes with Argyll and the female heiresses of John, Lord Lorn). On 13th April 1470<sup>74</sup>, Walter (styled) Lord Innermeath offered further sureties that he would never contest the resignation of the Lordship of Lorn, and the infeftment made in the Earl's favour, under a penalty of 6,000 merks. On the following day<sup>75</sup> Walter formally resigned the lordship into the King's hands, and on 17th April<sup>76</sup> James III granted Colin, Earl of Argyll, and his heirs (specified in a detailed entail) a great seal charter of the Lordship. On 20th April 1470<sup>77</sup> Sir Colin Campbell of Glenorchy and his son, Duncan, bound themselves not to contest the resignation of the lands of Kildinny in favour of Walter Lord Innermeath, under a penalty of 6,000 merks. Although Kildinny was apparently in Lord Innermeath's hands by royal grant in April 1470, Walter Stewart did not receive sasine of Coldrain, Maw and Cockairney until 17th January 1471<sup>78</sup>, and of Rothiebrisdane until 8th April 1471<sup>79</sup>.

One of the first grants made by Colin, Earl of Argyll, in his new capacity as Lord of Lorn, involved the special retinue clause examined earlier. On 20th June 1471<sup>80</sup> Argyll gave a charter of the eight pennyland of the two Lerags and the four pennyland of Dunach (both on Loch Feochan) in his Lordship of Lorn to "Alano Somorleti

Johannis" and his heirs male, whom failing to return to the Earl. The lands were to be held by Alan and "suorum heredum masculorum predictorum" for "homagiis, serviciis et specialibus retineniis" and for the service of a galley of eight oars. Once again, the special retinue clause was associated with the provision of galley service, from a male fief granted out under strict feudal tenure, from lands carrying an ancient obligation of naval service. Whether or not vernacular written bonds of special retinue were actually given at sasine taking is unclear, since no such bonds survive, and the phrase may have been, simply, a charter style, implying a special obligation of personal military service and loyalty from the grantee. Alan, son of Somerled, son of John has been identified as a member of the powerful family of MacDougall of Dunollie, who acted as bailies of the Lordship of Lorn under John Stewart, Lord of Lorn<sup>81</sup>. Alan's possession of Lerags and Dunach was, in fact, short-lived. On 20th October 1478<sup>82</sup>, "Alane Sorlesoun McCoule" brought an action against Colin, Earl of Argyll, requiring the Earl to uphold Alan's possession of "Lereage" in the Lordship of Lorn, according to the terms of Argyll's charter. It would appear that Alan had been displaced by a Duncan and Dougall Campbell who claimed to have had a tack of the lands (presumably from the Earl). It was decided that Argyll was not obliged to defend Alan because the Earl had not been called to defend the lands when the tack had been recovered before the Lords of Council. A protest of the same date by Sir John Culquhoun, as Alan's procurator (this is probably why the charter of 1471 ended up in the Colquhoun of Luss Collection), makes it clear that Lerags had been, in fact, part of an excambion agreement between Alan and Argyll.

The linking of special retinue to the tenure of lands to be held by galley service of the Earls of Argyll continued into the 1480's.

On 10th December 1481<sup>83</sup> Colin, Earl of Argyll granted "Donaldo Johannis McDugal Cragnich" and his heirs male "pro suo homagio fideli servicio et speciali retinentia", the seven and a half merks worth of the lands of Barrichbeyan (on the west coast of Argyll, at the northern end of the Craginish peninsula, opposite the Isle of Shuna) in the Lordship of Craginish. The reddendo included

"servicia debita et consueta de tantis terris cum pertinenciis unanum Nave sex remorum, necnon cum vardinis et releviis et maritagiis".

Donald, son of John MacDougall of Craginish was a descendant of the Ronald Malcolmson of Craginish who, in 1414, had been bound in special retinue to Sir Duncan Campbell of Lochawe, for a grant of various pennylands in the Lordship of Craginish. The Earl of Argyll seems to have granted Donald the lands of Barrichbeyan following the death of Duncan "McIgeil", the baron of Barrichbeyan. On some date before 30th June 1486<sup>84</sup> Donald's son, John, married "Effreta McIgeil" one of the daughters and co-heiresses of Duncan, baron of Barrichbeyan. On 10th May 1492<sup>85</sup> Effreta and her sisters, Catherine, Marion and Finola resigned their rights in Barrichbeyan into the hands of Colin, Earl of Argyll for a new infeftment to be made to Donald, son of John MacDougall Craginish, some eleven years after Donald had obtained a charter of Barrichbeyan. On 24th October 1492<sup>86</sup> Colin, Earl of Argyll instructed his son, Archibald Campbell, Master of Argyll and Lorn, as the Earl's bailie of Craginish, to give "heretable stait and possession" of the five pennyland of Barrichbeyan to

"John Donaldi McKoule Craginischeson" or "his lauchful attourney, sauffand ilka mannis rycht, resauwand first from him sikyr souerte to do to us at accordis of justice for his said land".

The obligation to provide galley service for the lands of Barrichbeyan remained a part of Barrichbeyan charters into the seventeenth century. In June 1652<sup>87</sup> for example, Alexander Campbell of Barrichbeyan received

sasine of the five pounds worth of lands of Barrichbeyan, under the terms of a precept issued by the Earl of Argyll, with the stipulation that he should render the usual services, with a galley of six oars when required, to be held by ward, relief, marriage and special "manrent".

The Earl of Argyll's grant of Barrichbeyan in 1481, and that of Lerags and Dunoch in 1471 thus fitted into the general pattern of tenure by special retinue established by the Earl's grandfather in the early fifteenth century, in that they created theoretically indivisible, hereditary, male fiefs, rendering specified military services, from lands in which there had been a recent tenurial change. The tenants of these lands were to be bound in special retinue to the Earl of Argyll and his heirs, apparently as a supplement to the traditional ceremonies of homage and fealty. Whether the special retinue clause actually entailed the rendering of contractual bonds of service, on the entry of successive heirs is unclear.

On 10th August 1495<sup>88</sup> Archibald 2nd Earl of Argyll, (Colin, Earl of Argyll's son), and Patrick Blackadder of Tulliallan the brother of Robert Blackadder, Archbishop of Glasgow, exchanged letters of maintenance and manrent as the result of an arbitration to end a dispute between the two men over the office of bailie of the abbey of Culross. The bonds were, quite clearly, a means of securing the terms of the settlement and were not motivated by Argyll's desire to recruit Blackadder into his affinity, or Blackadder's determination to place himself under the Earl's political and social protection.

The arbitration took place at Stirling, and was conducted by Robert Lundy of Balgonie and Andrew Forman as 'amicable compositors' especially "anent the balzery of Culroß". The arbiters

had seen a letter of tack granting the office to Patrick Blackadder for nineteen years, and they therefore ordained that

"Patrick and his ayris salbe deputis and none utheris to the sade erle... for all the terme and tyme of nyntene yeris". Argyll was to ensure that the tenants of the Abbey lands would obey Patrick, and, in addition, the "Erle... sal be gude and thankfull lordis, maisteris and defendouris to the sade Patrick and his ayris in thare heretage, takis, stedyngs, malyngis, rentis... as a lord suld do till his man, endurand the said nyntene yeris"

i.e. Argyll's maintenance, although expressed in very general terms, was only to be effective for the period in which Blackadder was to be the Earl's deputy in the bailiary of Culross, and clearly amounted to an obligation to defend Blackadder's occupation of that particular office. It is obvious from the terms of the arbitration that the chief threat to Blackadder's possession of the bailiary was, in fact, Argyll himself, so that the Earl's bond of maintenance acted, in effect, as a guarantee of the Earl's own behaviour towards Blackadder, and his (Argyll's) adherence to the terms of the settlement.

The obligations of lordship were invoked, the duties of support and assistance that should be rendered by a lord to his man were articulated and formalised in a written, witnessed bond, in order to give Blackadder greater security, as Argyll's depute, in the office of bailie. - The arbitration also specified that the

"sade Patrik and his ayris salbe gude and thankful servandis to the sade erle and his ayris, he defendand thaim as said is". The seal of the Abbey was to be attached to "the sade letter... to the sade Patrik and his ayris, of maintenance, supple and defending of the sade Patrik and his ayris in the peceable, brokyng and joysing of the sade office" and "lykewis the sade Patrik for him and his ayris sal gif his letter of manrent and service to the said Erle."

The exchange of manrent and maintenance was, in this situation, being used in exactly the same way as the professions of good lordship and loyal service in the 1432 settlement between Robert Lamont and

Finlay Ewanson. Clearly, bonds given as part of dispute arbitration were not motivated by a desire to recruit retainers or to enter a lord's service, but were intended to secure a state of non-aggression and future peace between contesting parties. Arbitrated settlements, by their very nature, depended for their success or failure on the conduct of the contracting parties towards one another after the arbitration had taken place, and written bonds of manrent, maintenance and friendship offered honourable and contractual guarantees of the behaviour of the disputants towards their opponents, which helped to underpin the material arrangements associated with the arbitration.

The linking of bonding with arbitration is well attested in the unpublished records of the decisions and acts of James IV's Lords of Council after 1500. On 14th November 1512<sup>89</sup> Sir Alexander McCulloch of Merton and an Alexander McCulloch "familiar servitor to our soverane lord" came to an agreement "in presens of oure soverane lordis hienes and at the requist of the samyn" which was entered into the Acts of the Lords of Council on the following day, "to haf the strenght thereof in tyme tocum". By the agreement, Alexander McCulloch was to make Sir Alexander his assignee in the ward of the Lordship of Cardoness and all other lands that had pertained to the deceased Ninian McCulloch of Cardoness along with the marriage of Ninian's heir or heirs. In return for this, Sir Alexander was to pay Alexander 800 merks and give his daughter Margaret in marriage. The indenture concluded that

"Alexander sall in all tyme to come tak trew and afauld parte with the sade Schir Alexander in all and sundri his just and honest qurrellis aganis quhatsuever persones, our soverane lord except alanerlie and sall gif his speale band therapon".

The service to be provided by Alexander McCulloch under the terms of the bond may have been part of the material settlement between the two men, but the bond also served as a surety that Alexander would not, in

the future, contest Sir Alexander's claims to Cardoness. The very direct involvement of James IV, and the use of the King's "good lordship" in bringing about the settlement, is interesting. Alexander McCulloch was described as James IV's "servitor", but it seems as if Sir Alexander McCulloch was, also, a man with a close personal relationship with the King. On 24th April 1500<sup>90</sup> Sir Alexander was described as the King's "lovit familiar Knicht", and in September 1512<sup>91</sup>, the month before the settlement outlined above, he received an exemption from the sheriff of Wigtown and the steward of Kirkcudbright because he was captain of Linlithgow for James IV, and was "occupyt and remanis of the Kingis command in his continuale service". Both men were, it seems, royal familiars, and James IV had used his personal lordship and influence to bring the dispute to an end.

On 27th February 1509<sup>92</sup> Robert Callendar of "Dowrater" brought an action before the Lords of Council against Archibald Callendar, his uncle (described as the son of the deceased Robert Callendar of "Duratour"), for the wrongful occupation of the lands of "Litill Mukrauch" in the Earldom of Lennox. The Lords of Council decided that Robert should have heritable possession of the lands, regardless of the infeftment in liferent made to Archibald by Archibald's deceased father, because the dead man had been

"bund to mak na alienacion of any part of his heretage and als he beand interditit be our soverane lordis letteris in the menetye quhen he made the sade alienacion".

It would seem that Robert Callendar, junior, was the grandson of Robert Callendar of "Duratour", and that his father must have died during the lifetime of Robert senior. The deceased Robert Callendar seems to have made dispositions in liferent to his surviving son Archibald, to which Robert junior, as hereditary heir of line, objected. On the



same day as the judgement was given, Robert Callendar and Archibald, his uncle, presented an indenture to be recorded in the acts of the Lords of Council which had obviously been formulated and concluded shortly before the action between the two men came before the royal court<sup>93</sup> (an interesting example of the arbitration that took place under the shadow of the formal network of royal justice). By the indenture, it was agreed that

"after the lordis has gevin thare decret and deliverance" Robert would "of his awin fre motif... infest said Archibald Callendar his eme in lifrent be chartir and sesing of al and hale the said landis of litil mokrach... for al the dais of his (Archibald's) lif, in his fee, the said Archibald sal gef ane letteris of manrent to the said Robert fer all the dais of his lif".

The infestment, and the bond of manrent, were to be exchanged within twenty days. In addition, Archibald was bound to pay the

"twa part of the malis of the said landis of the termes of Witsunday and Mertinmas last bypast, with oitheris dewteis and profetis tharof".

Archibald Callendar was thus to be confirmed in life rent of the disputed lands to be held of his nephew by manrent. The general terms of a bond of manrent would have assured Robert Callendar of an incontrovertible recognition of his superiority in the lands and acted as a pledge to perform due services and render appropriate rents. In this context, tenure connected with the completion of a vernacular, written, bond of service was clearly seen as offering the feudal superior greater security that his title and rights would be respected. In presenting the disputed lands as a "fee" given for manrent service, for Archibald's lifetime, Robert ensured that the lands could be easily reclaimed if Archibald failed in any aspect of his manrent service.

One final example emphasises the use of tenure by manrent service in the context of dispute settlement (more examples are given in Appendix One).

On 30th August 1508<sup>94</sup> Sir Robert Menzies of that ilk and John Menzies, son and heir of the deceased Robert Menzies of Comrie (near Keltneyburn in the Appin of Dull?), came to an agreement by which Sir Robert remitted the sums due to him from John Menzies, as heir to Robert Menzies of Comrie. The indenture explained that Sir Robert had obtained judgement against Robert Menzies of Comrie before the Lords of Council, and that a part of Robert's lands of Comrie had been appraised by the sheriff of Perth, and sold to Sir Robert in payment of the debt. By the agreement of 1508, Sir Robert Menzies became bound to infeft John Menzies in the appraised lands, heritably "to be halden of the said Schir Robert" and his heirs by the service of ward, relief and manrent. John Menzies was to render a letter of manrent for himself, and his heirs, to Sir Robert and his heirs. In addition, Sir Robert remitted to John the relief due for John's entry into the lands and any "byrun" mailles that Sir Robert could claim, in return for which John would pay the sum of forty merks. Finally, John or his heirs were bound not to sell or alienate any part of the lands of Comrie without Sir Robert's express consent. (A similar stipulation appeared in other, near contemporary Menzies charters<sup>95</sup>, and seems to have been aimed at preventing possession of any Menzies lands falling into the hands of the Campbells of Glenorchy, or their clients the MacGregors of Glenstrae, who were exerting considerable territorial pressure on Menzies.) If John or his heirs failed to abide by the above terms, then they would pay to Sir Robert and his heirs the eighty merks remitted by him, and a further eighty merks for damages.

The debt for which Robert Menzies' lands of Comrie had been appraised was established before the Lords of Council on 15th March 1505<sup>96</sup>. The Lords ordered Comrie to repay certain sums to Menzies of that ilk, including sixty merks for the burning of certain houses

within Sir Robert's barony of Weem. It is possible (although unlikely) that this incident occurred during the destruction of Weem Castle and the general harrying of Sir Robert's estates in September/October 1502 by Neil Stewart of Fortingall (see below - Chapter Eight). Certainly, Sir Robert pursued Neil Stewart of Fortingall for damages resulting from the attack on Weem on the same day as he obtained judgement against Robert Menzies of Comrie<sup>97</sup>.

John Menzies, Robert Menzies of Comrie's heir, was thus to hold the lands of Comrie by "manrent service", i.e. by the terms of a written, witnessed, contractual obligation that articulated the way in which a 'man' should behave towards his lord. Tenure of the lands of Comrie seems to have been linked to John's adherence to the terms of the bond, precisely because Robert Menzies of Comrie, John's father, had failed to render loyal and faithful service as Sir Robert's tenant in these lands.

FOOTNOTES CHAPTER: ONE

1. J. Wormald, Lords and Men in Scotland: Bonds of Manrent 1442-1603 (Edinburgh, 1985).
2. S.R.O., Dalhousie Muniments, GD45/26/5, A.B.IU, iii, 404-5.
3. S.R.O., Cunningham of Craigans Inventory, GD148/Box 1/No. 11.
4. S.R.O., Lord Forbes Collection, GD52/1043.
5. R.M.S., ii, No. 905.
6. Ibid., No. 557.
7. Ibid., No. 301.
8. Ibid., No. 1484. A confirmation under the great seal made in July/August 1481.
9. S.R.O., Ailsa Muniments, GD25/1/35.
10. S.R.O., Bargany Muniments, GD109/1103.
11. S.R.O., Ailsa Muniments, GD25/1/20; R.M.S., ii, 874.
12. S.R.O., Ailsa Muniments, GD25/1/24.
13. S.R.O., Ailsa Muniments, GD25/1/25.  
R.M.S., ii, No. 380.
14. S.R.O., Ailsa Muniments, GD25/1/27.  
R.M.S., ii, No. 378.
15. S.R.O., Ailsa Muniments, GD25/1/28.  
R.M.S., ii, No. 403.
16. S.R.O., Ailsa Muniments, GD25/1/29.  
R.M.S., ii, No. 379.
17. S.R.O., Ailsa Muniments, GD25/1/31. An indenture of 8th November 1408 where James Kennedy is described as deceased.
18. S.P., ii, 449.
19. S.R.O., Ailsa Muniments, GD25/1/59 (copy).
20. R. Pitcairn, Historical and Genealogical account of the principal families of the name of Kennedy from an original Ms. (Edinburgh, 1830), 6; N.L.S. Adv. Mss. 33.3.28. f.150. An early seventeenth century copy of the original manuscript edited by Pitcairn.
21. Fraser, Douglas, iii, 38 (No. 45). An indenture of 24th May 1397 between King Robert III and Margaret, Countess of Mar and Angus, for the marriage of George Douglas, Lord of Angus, to one of the King's daughters.  
Ibid., 41-2 (No. 48). A grant by Robert III to George, Earl of Angus and his wife Mary Stewart (the King's daughter) dated 9th November 1397.

22. S.P., i, 173.
23. S.R.O., Ailsa Muniments, GD25/1/31.
24. A. Grant, Independence and Nationhood: Scotland 1306-1469 (London, 1984), 184; R. Nicholson, Later Middle Ages, 226-7.
25. H.M.C. Report Mar and Kellie, i, 7.
- 25a. R. Pitcairn, Kennedy, op. cit., 5-6.
26. S.R.O., Register House Transcripts, RH1/2/87.  
An eighteenth century transcript of the original, given in to the records office by Rev. W.H. Gillies of Kenmore in July 1925.  
Argyll Transcripts, ii, Pt. i (Photocopy held in the Department of Scottish History, University of Glasgow), hereafter cited as A.T.; O.P.S., ii, Pt. i, 97, 125.
27. S.R.O., Register House Transcripts, RH1/2/87.  
A.T., ii, Pt. i, 4th June 1414.
28. O.P.S., ii, Pt. i, 97, 125.  
A.T. ii, Pt. i, 18th June 1412.
29. e.g. E.R., iii (1379-1406), 49, where Thomas Erskine receives a fee for his "retinencia et servicio suo domino nostro regi"; 280, "John Montgomeri de Eglisbam percipient pro suo servicio et speciali retinencia regi"; 294, "William de Lindsay pro homagio et servicio suo et speciali retinencia suo domino regi". See E.R., iii, 7612, and E.R., iv. 761.
30. S.R.O., Register House Transcripts RH1/2/87; S.H.S. Misc. IV, 292.
31. S.R.O., Register House Transcripts, RH1/2/87; H.M.C. Report, iv, Appendix, 477; S.H.S. Misc. iv, 292; O.P.S., ii, Pt. i, 96-7.  
The exact date of the grant is uncertain; the Register House Transcript and the Historical Manuscripts Commission Report specify only the year, 1361. The Scottish History Society Miscellany and the Origines Parochiales, in very brief descriptions of the document, give a date of Martinmas Day (11th November), 1361. The original is almost certainly still in Inveraray Castle.
32. H.M.C. Report, iv, Appendix 477; O.P.S., ii, Pt. i, 97.
33. S.H.S. Misc. iv, 216-220.
34. Ibid., 219.
35. Ibid., 293.
36. S.R.O., John MacGregor Collection, GD50/184/26/(8) (Transcript); N.L.S., "Genealogical material collected by George Crawford". Adv. Mss. 35.4.15: Crawford claimed that the original charter was held by the Campbells of Duntroon, but the document is not in the Duntroon charters (GD116) deposited in the S.R.O.: A.T., ii, Pt. i, 29th January 1423 (citing Crawford).
37. S.R.O., Duntroon Charters, GD116/1/255.

38. Ibid., GD116/1/256.
39. Alexis R. Easson "Ouncelands and Pennylands", ed. L.J. MacGregor and B.G. Crawford, University of St. Andrews, St. John's House Papers No. 3 (1985), 1-9.
40. A.T., ii, Pt. i, 10th May 1428. Said to have been taken from transcripts in the Ardkinglas Inventory at Inveraray; Crawford, Peerage, 16n. Where the original was then said to be in the hands of a Thomas Yule (of Darleith?).
41. R.M.S., iv, No. 467.
42. S.R.O., Scrymgeour-Wedderburn Writs, GD137/3703; Highland Papers, ii, 165-171.
43. S.R.O., Scrymgeour-Wedderburn Writs, GD137/3692; Highland Papers, ii, 152-7.
44. S.R.O., Scrymgeour-Wedderburn Writs, GD137/3693; Highland Papers, ii, 158-9.
45. S.R.O., Scrymgeour-Wedderburn Writs, GD137/3694; Highland Papers, ii, 159-160.
46. S.R.O., Scrymgeour-Wedderburn Writs, GD137/3696; Highland Papers, ii, 161.
47. Ibid., ii, 174.
48. S.R.O., Breadalbane Collection, GD112/1/5 (16th century copy); S.R.O., Register House Transcripts, RH1/2/199. (A copy made by Herbert Campbell delivered into the S.R.O. in 1932). Herbert Campbell claimed the original was held in Castle Menzies; Highland Papers, iv, 199.
49. A.P.S., ii, 19.
50. S.R.O., Register House Transcripts, RH1/2/202 (1), Highland Papers, iv, 202.
51. N.L.S., Lamont Papers, Ch. No. 7364 (Recorded in a transcript of 25th May 1481).
52. S.R.O., Register House Charters, RH6/No. 372.
53. R.M.S., ii, No. 573.
54. Ibid., No. 574.
55. A.T., iii, 20th June 1501. A charter by Archibald 2nd Earl of Argyll to his beloved cousin "Mariota" Stewart, daughter of John Stewart of Lorn, and to Colin Campbell, her son by Archibald Campbell of Otter.
56. John, H.J. Stewart and Lt. Col. Duncan Stewart, The Stewarts of Appin (Edinburgh, 1880), 75-7.
- 56 S.R.O., Register House Charters, RH6/No.372.  
a,b,c.

57. Arch.Scotica, iii, 321. "Obitus Johannis Stewart Domini de Lorne apud Dunstaffnicht" (from the Dean of Lismore's Chronicle).
58. A.P.S., xii (General Index), Supplements, 31.
59. Atholl Muniments, Blair Castle, Blair Atholl, Box 7/Parcel IV/No. 4.
60. Ibid., Box 2/Parcel XVI/No. 3.
61. Laing Chrs., 39 (No. 51); S.R.O. John MacGregor Collection, GD50/7/p.11 (copy).
62. Atholl Muniments/Box 7/Parcel VII/Latheris No. 1. S.R.O., John MacGregor Collection, GD50/1/35 (copy).
63. A.T., ii, Pt. ii, 20th August 1465.
64. H.M.C. Report, iv, Appendix, 483 (Nos. 187-9).
65. S.R.O., Breadalbane Collection, GD112/Box 66/Bundle 1/Item 1.
66. Atholl Muniments, Box 7/Parcel IV/ No. 6; R.M.S., ii, No. 877, 10th May 1466 (James III's grant of the Perthshire lands resigned by Marion Stewart to the Earl of Argyll and Isabel Stewart).
67. R.M.S., ii, No. 876. Royal Confirmation, dated 7th May 1466.
68. S.R.O., John MacGregor Collection, GD50/1/38 (copy).  
The original of the document must be in the Atholl Muniments at Blair Castle - a brief search of the muniments failed to locate it.
69. A.T., ii, Pt. ii, 29th April 1466.
70. H.M.C. Report, iv, Appendix 474 (No. 9); O.P.S., ii, Pt. i, 111 A.T., ii, Pt. ii, 30th November 1469.
71. A.P.S., ii, 93.
72. Atholl Muniments/Box 7/Parcel IV/No. 7; H.M.C. Report iv, Appendix 474 (No. 10); O.P.S., ii, Pt. i, 111.
73. A.T., ii, Pt. ii, 28th March 1470; O.P.S., ii, Pt. i, 111.
74. H.M.C. Report iv, Appendix 474 (No. 11); O.P.S., ii, Pt. i, 111-2.
75. H.M.C. Report iv, Appendix 474 (No. 12); O.P.S., ii, Pt. i, 112.
76. R.M.S., ii, No. 989; H.M.C. Report iv, Appendix 474 (No. 13); O.P.S., ii, Pt. i, 112.
77. H.M.C. Report iv, Appendix 474 (No. 14); O.P.S., ii Pt. i, 136.
78. Atholl Muniments/Box 7/Parcel IV/No. 9.
79. Ibid., Box 7/Parcel IV/No. 10.



80. Strathclyde Regional Archives, Mitchell Library, Glasgow, Colquhoun of Luss Collection, T-CL/Bundle LXXXII/No. 11; Fraser, Colquhoun Cartulary, ii, 420 - where the clause is mistranslated as "the special services retained by the granter".
81. S.R.O., Breadalbane Collection, GD112/5/4; R.C.A.H.M. (Argyll), ii, 112, 197; O.P.S., ii, Pt. i, 103.
82. A.D.C., i, 16.
83. S.R.O., John MacGregor Collection, GD50/25/(1). An abridged copy of the genealogy of the family of Craignish. At the end of the genealogy is entered an article by Herbert Campbell, from the Oban Times of Saturday 1st July 1922, in which the original charter is recorded; A.T., ii, Pt. ii, 10th December 1481, where the clause is mistranslated as "special manrent".
84. S.H.S. Misc., iv, 283.
85. Ibid., 258.
86. S.R.O., Miscellaneous Accessions, GD1/205/1; S.R.O., Register House Transcripts, RH/2/297.
87. Herbert Campbell (ed.), Abstracts of the Particular Register of Sasines for Argyll, Bute and Dumbartonshire (Edinburgh 1933), i, No. 360.
88. S.R.O., Cardross Writs, GD15/153.
89. S.R.O., Court of Session Records (A.D.C.), CS5/xxiv/f.11v-12r.
90. R.S.S., i, No. 518.
91. Ibid., No. 2430.
92. S.R.O., Court of Session Records (A.D.C.), CS5/xx/f.160r.
93. Ibid., f.161r.
94. S.R.Q., John MacGregor Collection, GD50/186/4/8 (copy).
95. Ibid., GD50/186/4/16, 22nd February 1519: William Menzies gives an obligation to Sir Robert Menzies that he would not give tacks, nor set in assedation, any of the twelve merkland of Roro in the barony of Menzies, which he held of Sir Robert to "nane berand surname of Campbell nor to the chief of the Clan Gregor".
96. S.R.O., Court of Session Records (A.D.C.), CS5/xvi/f.255.
97. Ibid.

## CHAPTER TWO

### Bonds of Friendship and Feud Settlement

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In recent years, English and Scottish historians have highlighted the arbitration of disputes within the local community by the lords, kin, friends and neighbours of contesting parties as the chief means by which feuds and disputes were settled, plaintiffs compensated, peace restored, and order maintained. The operation of this informal network of justice and arbitration (the way of "luf" and friendship) ran independently of, but complemented, the workings of the formal courts of law, the King's central civil and criminal courts, the itinerant justiciars and the local franchisal courts, so that contesting parties had a choice between the way of "luf" and the way of "law". On 12th September 1465<sup>1</sup>, for example, Gilbert 1st Lord Kennedy and Gilbert Kennedy of Bargany entered into an indenture by which they would jointly pursue "landis that salbe recoveryt fra the said adversaris ordir be luf or law".

A study of fifteenth century bonds of friendship reveals that many were given and exchanged as a routine and symbolic part of the settlement of feud by the way of "luf" and friendship, acting as written, witnessed pledges of each party's future conduct towards the other. The bonds served to formalise and guarantee the cessation of hostilities, to secure the adherence of both parties to the material settlement of the arbitration, and to preclude further physical or legal action by either party against the other. The obligations of friendship, co-operation, kinship and mutual love were articulated and set down precisely because the relationship between the contracting parties was one of hostility and antagonism. In the context of

dispute arbitration, both sides required assurances of their adversary's good faith and future behaviour, because it was on these features that the success of an arbitrated settlement depended. In these cases, the manifestation of "friendship" would appear to have been the abandonment of physical violence and/or litigation over a specific issue, rather than a lifetime of social and political co-operation (even if this was the ideal expressed). In some cases, a series of bonds was concluded, corresponding to the arbitration of a particular dispute, the subsequent breakdown of the arbitrated settlement, and the re-imposition of a state of "luf", i.e. non-aggression through further arbitration. Other bonds of friendship (like many bonds of maintenance) were concluded in order to secure support, or particular services, in a specific dispute, and the "friendship" so contracted would manifest itself according to the context in which the obligations were given.

The use of the bond of friendship as a written, witnessed, supplement to, and guarantee of, the amicable arbitration of feud, is well illustrated by a number of settlements made in the central and eastern highlands, in the aftermath of the forfeiture of John MacDonald, Earl of Ross and Lord of the Isles, on 1st December 1475<sup>2</sup>.

On 10th July 1476<sup>3</sup> John, Lord of the Isles, made his submission to James III, and renounced his possession of the Earldom of Ross, the lands of Knapdale and Kintyre, and the offices of sheriff of Inverness and Nairn. Five days later, on 15th July 1476<sup>4</sup>, John bound himself and his heirs never to intromit with the resigned lands and offices in the future. The exchequer rolls make clear that John must, also, have resigned his lifegrant of the lands of Urquhart and Glenmoriston to the crown in July 1476. In an account for the above lands, rendered by William Gordon (as depute for the Earl of Huntly) on 5th July 1477<sup>5</sup>, it

was specified that the Earl of Huntly owed the crown £100 for the fermes of Urquhart and Glenmoriston for the last year of his account (i.e. from July 1476) and that before that date, the lands had been assigned to "*domino insularum, tunc comiti Rossie, pro custodia castri ejusdem*". On 18th February 1478<sup>6</sup>, James III re-appointed George, Earl of Huntly as his bailie of the lands of Pettie, Brachlie, Strathnairn, Urquhart and Glenmoriston for the space of five years, after the expiry of a similar commission already granted him.

John, Lord of the Isles, had obtained control over the lands of Urquhart and Glenmoriston (both on the western shore of Loch Ness) in the reign of James II. At some stage during the period 1451-2<sup>7</sup> John MacDonald occupied the castle of Urquhart, which was claimed to be a royal fortress. On 31st July 1455<sup>8</sup> the lands of Urquhart and Glenmoriston, worth £100 yearly, and described as the King's property were "*in manibus domini comitis Rossie, super quo eciam consulendus est rex*". Four days later, on 4th August 1455<sup>9</sup>, the castle and lordship of Urquhart were specified as properties inalienably annexed to the royal patrimony. By July 1456<sup>10</sup> James II and John Earl of Ross appear to have reached a compromise solution over Urquhart and Glenmoriston, with an exchequer account of that month recording that the fermes of the lands of Glenmoriston and Urquhart had been granted to the Earl of Ross "*pro vita sua*". Thereafter, the Earl appears to have enjoyed uninterrupted control of Urquhart and Glenmoriston until his forfeiture in 1475<sup>11</sup>.

The account rendered by the Earl of Huntly, as bailie of Urquhart and Glenmoriston, at Linlithgow on 7th July 1478<sup>12</sup> revealed that James III had granted Huntly a fee of 100 merks from Urquhart and Glenmoriston<sup>13</sup>. The fee was Huntly's reward for his campaigning against John, Earl of Ross, in Ross and Lochaber, during 1475. In a

letter of 24th October 1477<sup>14</sup>, James III promised to grant Huntly, in heritage, 100 merks' worth of royal land in the north of the kingdom for the Earl's

"gret lawbor, travel and expenssis... in the recovering to ws of the erledome of Rosse, and expulsion of oure rebellis and tratouris being in the sammyn..."

It was noted that the royal letter had been presented by Huntly to the auditors of exchequer in July 1478, in order to prove his right to withhold 100 merks worth of the yearly rental of Glenmoriston and Urquhart. The remaining rents of Glenmoriston, i.e. thirty three pounds, six shillings and eight pence, owed to the King after the Earl's fee had been allowed, were also remitted to the Earl by the auditors of July 1478, because the lands of Glenmoriston were "waste". Similarly, the account of 5th July 1479<sup>15</sup> confirmed that Huntly had been granted, in heritage, 100 merks' worth of land in Urquhart and Glenmoriston, while the remainder due to the crown was, once again, remitted because of the waste condition of Urquhart and Glenmoriston which had made it impossible for the Earl to assedate the lands. The auditors stipulated that Huntly was to assedate or occupy the lands, and that they would not remit the sums due again<sup>16</sup> (although they appear to have done so the following year<sup>17</sup>).

Clearly, the Earl of Huntly's attempts to bring in the crown rents of Glenmoriston and Urquhart were meeting with some resistance. The nature of that resistance is revealed in a decret arbitral of 26th March 1479<sup>18</sup>. On that date, George, Earl of Huntly, presided over an arbitration conducted by Alexander Gordon of Midmar (the Earl's brother), Duncan Grant of Freuchie, Sir James Ogilvy of Deskford, John Grant (Duncan's son and heir), Alexander MacKintosh of Rothiemurchus and David Ogilvy of "Tolmade", on the "diversis querelis, debatis, controversiis ac ingratitudinibus" between Duncan MacKintosh,

Captain of Clan Chattan and his brothers Allan and Lachlan on the one hand, and Hugh Rose. Baron of Kilravock on the other. The judgement of the arbiters, was that Hugh Rose of Kilravock should only deal with the setting and assedation of the lands of Urquhart and Glenmoriston, with the consent and advice of Duncan and his brothers, (to prevent the repetition of certain "unkindnesses" inflicted on Duncan MacKintosh by Rose), and that he (Hugh) should take account of previous contracts between himself and the Clan Chattan. Duncan MacKintosh and his brothers submitted the question of possession of the lands of Urquhart and Glenmoriston to the Earl of Huntly who, with their "consent", confirmed Hugh Rose in the lands

"sub modo et forma prius inter dictum dominium  
comitem et dictum Hugonem habitis".

The arbitration was conducted in the royal castle of Inverness, of which Huntly was keeper.

It would seem that Hugh Rose of Kilravock was the Earl's assignee in the lands of Glenmoriston and Urquhart following on from the forfeiture of John, Earl of Ross and Lord of the Isles in 1475. Rose's possession of the lands, (whether of the portion given to Huntly as his fee, or that part meant to deliver rents to the crown or both is unclear), and the manner in which he was sub-letting them, had clearly aroused the anger of Clan Chattan. The March 1479 arbitration appears to have been ineffective in securing Clan Chattan's acceptance of Rose's position in Urquhart and Glenmoriston. On 25th July 1481<sup>19</sup>, at Perth, Duncan MacKintosh, Captain of Clan Chattan, bound himself that

"incontinent eftir that, cum to the presens of  
ane... mychty lorde, George, Erle of Huntly, myn  
singular lorde"

that he (Duncan) would abide by the decision of the Earl and the council which was with him "the tyme of the bande makin betuex me ande... Huchown" (Rose), as to whether the terms of the bond had been

broken by MacKintosh. If the Earl and his council determined that Duncan had broken the terms of his bond, then Duncan agreed to make amends according to the Earl's judgement. Duncan also bound himself, his sons, brothers, cousins, kin, friends, allies, "party and inherendis", that all the lands, tacks, mailings and "profeittis" which had been possessed by Hugh Rose of Kilravock, his sons, brothers, etc. when the first bond was made, would remain in their hands

"unto the tyme of the delyverans of myn forsaide lorde and his fornemmyt consaill, gif thai haf rycht to the forsaidez takis or nocht".

Two months after Duncan's pledge to underly the Earl of Huntly's judgement, on 23rd September 1481<sup>20</sup>, at Croy, Farquhar MacKintosh, Duncan MacKintosh's son and heir, bound himself, with his father's consent, to Hugh Rose of Kilravock, and his

"sonnis, his broder, kyne and party, in afauld help, suple, manteinans and defense, in all actionis causis and querellis thai haiff adou, for all the dayis off my lywe".

Farquhar was to "byid at the consall off... Huchone Rois barone, and his sonnys" and Hugh, his son (also Hugh), and the baron's brothers William and Alexander would be "princiapill of my consall". Farquhar also promised that if "Ewyne Makachtane" came before Duncan MacKintosh (Farquhar's father) and himself, and submitted to an arbitration of his disputes with Hugh Rose, then he (Farquhar) would raise no objections. If Ewan would not submit to arbitration then Farquhar pledged himself to take

"afould part wyth the said baron, his barnis and party, aganis the said Ewyne and his party".

In addition, Farquhar was obliged to deliver to the Baron and his family all their lands and tacks with which he had intromitted "befoir the makyne off this bond", and was bound not to disrupt their occupation of any tacks in the future "as our bond proportis", i.e.



Farquhar MacKintosh's bond of defence was explicitly seen as a guarantee of Farquhar's non-aggression. The obligation also contained an interesting clause, narrating that if the Baron were to

"get takis or roumys in ony placis, sa that my roumys be nocht meneyst, I bind and oblys me wyth all my power to help, suplie, manteyne and defend to the utrest...".

The arrangement may be reflected in the fact that, in the following year<sup>21</sup>, Hugh Rose of Kilravock resigned his lands and bailiary of Urquhart and Glenmoriston into the Earl of Huntly's hands, and instead took on the equally unappealing task of keeping the royal fortress of the Redcastle, in the Black Isle, as the Earl's deputy.

Farquhar MacKintosh's bond of friendship, defence and maintenance was thus formulated and granted against the background of a long running dispute between Clan Chattan and the Baron of Kilravock over Glenmoriston and Urquhart, and this fact obviously determined most aspects of the bond's application and significance. The pledges of friendship and defence acted, first and foremost, as sureties for Farquhar's behaviour towards Rose and his kin, as a guarantee of their personal safety, and as an assurance for their unmolested occupation of the contentious tacks. The bond was designed to secure a pacification of the feud between the two men, rather than to initiate a period of positive social and political co-operation. Farquhar's obligation to support Kilravock against Ewan "Makachcane" (MacEachainn - i.e. son of Hector) MacLean, amounted to a promise to abandon and renounce Clan Chattan's previous policy of assisting Ewan in resisting the Baron's claims in Urquhart and Glenmoriston. Ewan "MacEachainn" MacLean was the chief of that branch of the Clan Gillean who came to be known as the MacLeans of Kingairloch. Ewan MacLean's father, and Ewan himself, were reputed to have acted as constables of Urquhart Castle and the Lordship of Urquhart for the MacDonald Lords of the Isles before

John MacDonald's forfeiture in 1475<sup>22</sup>. Ewan MacLean was thus forced to defend his position in Urquhart against the intrusion of Hugh Rose of Kilravock, the assignee of the new superior of Urquhart and Glenmoriston, George, Earl of Huntly. The manuscript history of the MacKintoshes seems to indicate that the MacLeans of Urquhart had become members of to the Clan Chattan confederacy in the lifetime of Malcolm MacKintosh, Farquhar's grandfather, and this position of dependency undoubtedly explains why the MacKintoshes supported Ewan MacLean's struggle against the encroachment of the Baron of Kilravock into the Lordships on the western shore of Loch Ness<sup>23</sup>.

At least one prominent member of Clan Chattan, Lachlan MacKintosh of Gallovie (in Badenoch), brother of Duncan MacKintosh, Captain of Clan Chattan (and Farquhar's uncle) failed to abide by the terms of the bonds between themselves and the Baron of Kilravock. Lachlan MacKintosh had been involved in the arbitration of 26th March 1479, and had given his consent to the Earl of Huntly's granting of Urquhart and Glenmoriston to Hugh Rose. In addition, Duncan MacKintosh's declaration of 25th July 1481, of his readiness to underly the judgement of the Earl of Huntly and his council, included the clause

"Ande also... Lane Maktoiche, brodir germane to the saide Duncane, bindis me rychtswad in al poynttis".

The clause may refer to either Allan or Lachlan, Duncan's brothers. If Lachlan was the brother specifically bound in July 1481, then the bond of friendship contracted by Lachlan with Donald Angus MacKintoshson on 15th May 1482<sup>24</sup> becomes even more remarkable.

The bond between Lachlan and Donald was incorporated within an indenture which laid the basis for an attack, by Donald, on Rose's castle of Kilravock. The indenture began with a fairly flimsy excuse for the attack on Rose, narrating that it was

"in sum part knawin be part of the eldest off the lande, that Huchone the Rois... sulde haff na tityll off richt to the castell off Kilrawok, na to the grunde it standis on".

The Rose family appears to have acquired the lands of Kilravock in the early fourteenth century<sup>25</sup>. Permission to construct a tower house within the barony of Kilravock was granted by John, Earl of Ross, to Hugh Rose, Baron of Kilravock, on 18th February 1461<sup>26</sup>, and it may be that Rose's choice of site for the tower house was in some way contentious. (The site of the house was less than a mile from the MacKintosh dwelling at Croy, where Farquhar MacKintosh rendered his bond in September 1481.) Lachlan MacKintosh's agreement with Donald, son of Angus, specified that Donald should

"in all possibill hast... tak the castell off Kylrawok, ande syne deliver the castell to the saide Lauchlane, sa that he cum to resquew him in hast,... till ressave the castell quhen it beys takyn".

After Donald had captured the castle, Lachlan was to appoint him as its keeper and constable (holding of Lachlan)

"als lang as it may be brukyt ande joyssit be ony maner off way, other be the law or by the law".

For his fee as constable, Donald was to receive various lands around the castle, and properties between the castle and the Kirk of Croy, to be held for as long as the castle "may be brukyt and joyssit". Donald was also to receive ten merks worth of land, for his lifetime, in Pettie or Strathnairn. If Lachlan

"caus or gerrys... Donalde be ony maner of meyne, [to] deliver the... castell, eftir that it be takyng, to the saide barone off Kylrawok"

then he (Lachlan) would secure Donald in ten pounds worth of land, as his fee, in liferent. Arrangements were made for Donald's marriage to Lachlan's daughter, Margaret, and, finally, Donald became

"lleill ande trew sone in service and in all thingis to the saide Lauchlane as till his carnell fader for all the dayis off his lyf, ande the said Lauchlane

is becummyn lleill and trew fader in all defence,  
 help and supple, for all the dayis off his lyf to  
 the saide Donalde, as a carnell fader sulde be till  
 his sone".

Donald sealed the agreement with the procured seal of Rose of Kilravock's near neighbour, William Thane of Cawdor, with whom Rose had been in chronic feud from 1475 (see below), and who concluded a bond of friendship with Rose, in the following month, on 21st June<sup>27</sup>. The ties of artificial kinship created between Lachlan and Donald served as bonds of good faith, ensuring that the immediate business of the indenture would be carried through, with each party discharging their obligations. Certainly, Lachlan's maintenance and protection would become a matter of vital importance for Donald, once the attack on Kilravock had been successfully undertaken.

The projected assault on Kilravock was carried out on some date before the death of Hugh Rose of Kilravock in 1494<sup>28</sup>. On 3rd March 1498<sup>29</sup>, during a justice ayre at Bervie in Kincardineshire, James IV issued letters charging "Donald Angusson (the man bound to Lachlan MacKintosh in 1482), Bachane Dow McCowltan, Robert Makgillereach and Duncan Williamson" to answer the summons made against them by Hugh Rose of Kilravock (son and heir of the deceased Hugh Rose of Kilravock) for the

"wranguis distructioun of the hede hous of his tour  
 of Kilrawok, the grete hall of... samyn..., kichin,  
 baikhous, brewhous" and for damages and expenses  
 "extending be gude estimatioun to ane hundredth  
 pundis with the mare... the quhilk tour and place  
 was taken be the saidis personis and thair complices  
 under traist, and the counstable and wacheman therof  
 slaine, and the said umquhile Huchone takin in his  
 bed, and his housis and place byrnt and destroyt".

The charge does not specify when the attack took place, but a date close to the conclusion of the indenture of 25th May 1482 is likely. Lachlan MacKintosh and Donald Angusson may have taken advantage of the Earl of Huntly's departure from the north, during the summer of 1482,

to assist James III against an English invasion, in order to execute the capture of the Baron of Kilravock and his castle. Huntly, Hugh Rose of Kilravock's chief patron, was in fact at Reidpath near Lauder, on 21st July 1482<sup>30</sup>, i.e. the day before the seizure of James III by the Earls of Buchan and Atholl (the king's half uncles) at Lauder<sup>31</sup>.

On 17th September 1490<sup>32</sup> Duncan MacKintosh and Farquhar, his son, became bound, once again, to "stand in afauld, suple, mantenens and defens with Huchone the Rois baron of Kylraok" and his son, who were both similarly obliged to Duncan and Farquhar

"eftir the tenor of ane band maid befor betuix the forsaidis parteis befor ane nobyl and mychty lord, their lord, Jorge erll of Huntlie... and many uthris nobilis, knychtis and skyaris...".

The reference is clearly to the arbitration of 26th March 1479, suggesting that formal bonds of friendship had been exchanged at that point, as honourable and contractual personal repudiations of the state of feud, ensuring that neither party would continue the dispute through physical violence or litigation, but would abide by the terms of the settlement by "luf", i.e. Huntly's amicable arbitration. The events of July - September 1481 indicate that the Clan Chattan, despite the arbitration of 1479, had continued to support Ewan MacLean's claims in Urquhart against those of Hugh Rose (whose quarrels they were bound to defend), and that the Baron of Kilravock had pursued the MacKintoshes for this breach of their contractual obligation of friendship towards him (the advantages of documentary proof of the Clan Chattan's obligations towards Rose of Kilravock are manifest in this situation). It seems likely that the renewal of the bonds in 1490 was designed to deal with a further breakdown in the relationship between Hugh Rose and Duncan MacKintosh. The 1490 bond also included arrangements for the marriage of Hugh Rose junior to a daughter of Farquhar MacKintosh. The marriage was to be concluded with the advice

of a panel of six men, including Lachlan MacKintosh of Gallovie, the man who had organised the attack on Kilravock Castle.

The MacKintoshes were also involved in the exchange of bonds of friendship and manrent with other local landowners during the 1490's, which were clearly designed to pacify feud, and supplement arbitration.

On 18th September 1492<sup>33</sup>, at Darnaway, Sir Alexander Dunbar of the Westfield (Keeper of Darnaway<sup>34</sup>), and Sir James Dunbar of Cumnock (Alexander's son), came to an agreement with Farquhar MacKintosh, son and heir of Duncan MacKintosh, Captain of Clan Chattan, "haifand power of the said Duncane", by which Alexander and Duncan were bound to

"obserf and keip kyndness and brethirheid to utheris  
as carnale brethire suld do, for all the dayis of  
thair lyffis",

and Farquhar was to become "sone and man" to Sir Alexander for his lifetime, and "bruther" to Sir James. In addition, Farquhar and his heirs were to be "bundin sonis and men for evir" to Sir James and his heirs. In return for Farquhar's "manrent, brotherheid and service", Sir Alexander Dunbar, with the consent of his son Sir James, agreed to

"give fra him and his airis to the said Farchar and  
his airis for evir the towne of Durris... lyand in  
the barony of Cardale..." (Kirdell).

It is unclear whether Sir Alexander was to enter Farquhar as his tenant in Darris, holding of Sir Alexander and his heirs as superiors, or if Farquhar and his heirs were to be given rights of property and possession. The indenture specified that if Sir Alexander planned to "sell the laif of the landis of the Baronie of Cardale", then Farquhar and his heirs would be given first refusal. The agreement also proposed certain marriages between the two families, which were to be finalised by a panel of four men, Gavin Dunbar, Dean of Moray, and Alexander Sutherland, vicar of Inverness, on behalf of Sir James Dunbar, and Alexander of the Isles of Lochalsh and John Grant of Freuchie for

Farquhar, with Andrew Stewart, Bishop of Moray, as "ovirsman". Both parties promised to

"ryiss, supple, manteyne, and defend ilkane utheris, thair men, kyn, freindis, pairty, purches and awerdance, in all... actionis, caussis and querrelis...",

excepting only their allegiance to the King, and their bonds of manrent to George, Earl of Huntly, and Alexander, Lord Gordon, "thair superiouris". Bonds made by both men to John Grant of Freuchie were also excepted, and a bond between Sir James Dunbar and Alexander Innes of that Ilk was "outtayn... onto the tym that it be understandyn be the law ane breyk betwix thame". If there were any disputes between the Dunbars and the Clan Chattan in the future, then these were to be arbitrated by a panel of eight, named, men. The exchange of bonds was witnessed by, amongst others, a number of Clan Chattan adherents, William Alanson, Doule Makgilliecallum, Charles Auchaneson, "Ferchar" Auchaneson, Donald Makfaill, Gylleis Makfaill and Paul Makalaster.

The lands of "Durriss" (Darris) lie around six miles south of Inverness near the eastern shore of Loch Ness. Although the rhetoric involved in the exchange of bonds gave the impression of the formation of a positive political and social alliance between the Dunbars and Clan Chattan, it is evident that the rendering of obligations of mutual defence and manrent was designed to suppress a feud between the two families over the lands of Darris. On 27th October 1495<sup>35</sup>, James IV granted the lands of Darris, Drumdarris, and others, to David Dunbar (Sir Alexander Dunbar of the Westfields's son - mentioned in the 1492 agreement), following on the resignation of Sir Alexander Dunbar. The resignation and re-grant would seem to indicate that Sir Alexander had failed to deliver the lands of Darris to Farquhar MacKintosh as had been promised in 1492. On 26th January 1498<sup>36</sup>, David Dunbar brought an action before the Lords of Council against Farquhar MacKintosh,

"Gilleis McFaile, Donald McGilweane, Fercquhare Auchanesone, Auchane McRury and Alexander Makalester" for the wrongful occupation of the lands of Darris during the previous year, and for withholding the year's rent due from the lands, amounting to twenty pounds. The Lords of Council found in David Dunbar's favour, and ordered the defendants to remove themselves from the lands, and to pay Dunbar appropriate damages. It is interesting to note that "Gilleis McFaile" and Farquhar "Auchaneson", two of those accused of the illegal occupation of Darris, had witnessed the 1492 indenture in Darnaway Castle. On the same day<sup>37</sup>, Sir Alexander Dunbar of the Westfield, David's father, also brought an action against Farquhar MacKintosh (clearly contravening Sir Alexander's pledge to defend Farquhar as his "sone and man") for the illegal occupation of Darris for a period of eight years preceding the Martinmas term prior to the date of the summons issued against Farquhar by Dunbar. As the summons appears to have been issued on 29th September 1496 (detailed as the ninth year of James IV's reign), Duncan and Farquhar MacKintosh must have been in de facto possession of, and withholding Alexander Dunbar's rents from, the lands of Darris from around 1488, i.e. some four years before the 1492 agreement by which Sir Alexander was bound to "give fra him" the town of Darris, in favour of Farquhar MacKintosh, in return for Farquhar's manrent.

The nature of the 1492 compromise thus becomes clearer. Farquhar MacKintosh was to receive full legal title to lands which he and his father had occupied for four years, in violation of Sir Alexander's legitimate rights. By the terms of the agreement, Dunbar had effectively given up contesting the MacKintoshes occupation of Darris (and in this situation, it is easy to see why Farquhar required binding sureties of Sir Alexander and Sir James Dunbar's future behaviour).



In return for Sir Alexander's concession, Farquhar was to render a written, witnessed, contractual bond of loyal service. The service and good behaviour of Farquhar and his heirs was no doubt meant to compensate Dunbar for the loss of Darris and, since tenure was linked to adherence to the terms of the bond, any future misbehaviour on the part of Clan Chattan would have allowed Sir Alexander and his heirs to reclaim the lands resigned by them.

Given the court cases of January 1498, it is obvious that the agreement of 1492 foundered completely, and that possession of Darris remained a matter of dispute. The Lords of Council delivered judgement in Sir Alexander Dunbar's favour, and ordered Farquhar MacKintosh to repay £160 (i.e. eight years' rents from Darris) to Dunbar. On the following day, 27th January 1498<sup>38</sup>, Alexander, Lord Gordon, and Hugh Fraser of the Lovat, became surety before the Lords of Council that David Dunbar (styled) of Darris "salbe harmless and skathles" at the hands of Farquhar MacKintosh, under a penalty of £500, indicating that the Lords thought it likely that David's claims in Darris would be violently resisted by MacKintosh. Both the above cases were judged during a royal judicial tour of the north in the early months of 1498. On 8th January 1498<sup>39</sup> James IV had left Aberdeen, travelling north, and had arrived in Inverness by early February<sup>40</sup>, so that the business conducted by the Lords of Council on 26th and 27th January must have occurred in Inverness, or in one of the burghs between Inverness and Aberdeen.

The dispute over Darris made no further recorded appearances before the Lords of Council, but on 20th June 1499<sup>41</sup> another attempt was made to arbitrate the disagreement. On that date, Sir James Dunbar of Cumnock and Farquhar MacKintosh (by this stage) Captain of Clan Chattan, chose certain arbiters, with Andrew Stewart,

Bishop of Moray as "oversman" to confirm and ratify an earlier agreement (presumably that of 1492). The arbiters decided that Sir James should obtain a resignation of the town of Darris from his brother David Dunbar, into the King's hands, and should then secure Farquhar in the lands by charter and sasine, in heritage "for service made and to be made". In return for the grant, Farquhar would

"at the sasine taking... give to Sir James and his heirs a letter of manrent for him and his heirs in best form". (Essentially an exact confirmation of the terms of the settlement of 1492).

Once again the exact nature of the tenurial arrangement is unclear. It is uncertain whether Farquhar MacKintosh was to hold Darris directly of the King, or as a tenant of Sir James Dunbar. If the latter was the case, then the significance of Farquhar's offering a bond of manrent at sasine taking is obvious, in that the bond gave greater security than the traditional ceremonies associated with acts of conveyancing, that Farquhar and his heirs would behave as good tenants, delivering the relevant services, feudal casualties and rents as Dunbar's "men" in Darris. More arrangements were made for marriages between the two families and, as in the 1492 agreement, an arbitration panel was set up to deal with any disputes between the two men in future. (The significance of these clause types will be examined below).

The Dunbar/MacKintosh feud would appear to have been the cause of the disturbance known as the first hership of Pettie which occurred, certainly, on a date before 26th April 1502 and, probably before 22nd June 1500. On 26th April 1502<sup>42</sup> Alexander, 3rd Earl of Huntly bound himself to William Alanson Young, Findlay Reoch in Dalcross, and others, who had made the Earl their assignee to half the goods

"taken fra thaim out of the landis of Petty and Geddes be James of Dunbar of Cumnok, knyght David Dunbar (of Darris), his bruthir, and thar complices"

that he would pursue the Dunbars "to the wtter end of law" and would return to the aggrieved tenants "the tothir half of samekill gudis as we opteyne be the law".

On the same day Huntly was bound in a similar manner to Hugh Rose of Kilravock, who was acting on behalf of several named tenants of the Halhill (now Castle Stuart), Fisherton and "Hurlehurst" (all in the Lordship of Pettie), whose lands had been raided by Sir James and David Dunbar of Darris. Two years before these obligations, on 22nd June 1500<sup>43</sup>, Alexander, Lord Gordon (later 3rd Earl of Huntly) had been given a three year tack of various lands in the Lordships of Pettie and Strathnairn, including Fisherton and "Halhill". The Dunbars' attack on Pettie (undated in Huntly's bonds) may, thus, have been directed against the Earl of Huntly, but it is possible that the raid actually dated from the 1490's when Farquhar MacKintosh was in effective control of the Lordship of Pettie. On 4th July 1503<sup>44</sup> an account for the Lordships of Pettie and Brackley noted fifty four pounds owed from the lands occupied by

"Ferquhardum Mackintoische de dicto anno nonagesimonono (1499) in feodo suo extendentibus ad £54 ex tollerancia regis".

Farquhar was also shown to have taken up twenty seven pounds worth from the fermes of Pettie and Brackley in the lifetime of the deceased Robert Lundy, formerly the King's comptroller, who died before 15th July 1501<sup>45</sup>. The lands formerly occupied by Farquhar were described (in 1501) as now being in the Earl of Huntly's hands, presumably referring to the assedation of 22nd June 1500, and confirming that Farquhar MacKintosh and his assignees had occupied the lands raided by Sir James Dunbar immediately before the Earl of Huntly obtained possession. Even if the foray did occur after June 1500, it seems likely that the targets would have been the members and adherents of Clan Chattan occupying the Lordship. (Clan Chattan, in fact, appears

to have maintained a fairly continuous hold on the Lordship of Pettie, regardless of royal approval, for most of the period 1455-1500).

The Bonds exchanged in 1492 and 1499, then, were not designed as assurances of untargeted social and political co-operation between kindreds who were on good terms (there would be little point in articulating the duties of friendship in contractual form, if these obligations were already being discharged). Instead, the rhetoric and concepts of brotherhood, mutual defence and service were invoked in order to pacify feud, and to buttress the state of "luf" entered into by formerly hostile parties, when they submitted their disputes to "amicable" arbitration.

Darris never, apparently, found its way into the possession of Farquhar MacKintosh as the settlements of 1492 and 1499 proposed. On 26th October 1509<sup>46</sup>, at Elgin, David Dunbar of Darris, sold the lands of Darris to William Paterson, rector of Boleskin.

The exchange of bonds of friendship and mutual defence as a routine part of feud settlement, as a way of formalising the new state of "luf" and amity existing between previously hostile parties, was also exhibited in a series of transactions between Hugh Rose, Baron of Kilravock, and William, Thane of Cawdor, during the 1470's and 1480's.

On 8th November 1475<sup>47</sup>, at Cawdor, William, Thane of Cawdor and Hugh Rose, Baron of Kilravock agreed to submit to the arbitration of James Innes of that ilk and other named arbiters, in Elgin, on 19th November following,

"all slauchteris, debattis, injuris ande contraverssis, that haf beyne betwix thame, thar men and parteis in tymes bygane, and quhow that thai sall stande in fawore and frendship for evir in tymes to cum".

There is no extant record of the results of any arbitration conducted in November 1475, but in the following year, on 5th September 1476<sup>48</sup>,

an agreement was concluded. On that date, William, Thane of Cawdor, and his brothers, entered into a complicated series of bonds with Hugh Rose of Kilravock and his son (also Hugh) in the Cathedral Kirk of Elgin, under the direction of David Stewart, Bishop of Moray. It was decided that, in compensation for the slaughter and other crimes inflicted on William, Thane of Cawdor, by Hugh Rose junior, and for the "gude of pece, incressyng of luff ande tendirness and perpetuall frendeschype" between the parties, Hugh, Baron of Kilravock, was to become "sone for all the days of his lyff" to the Thane, who would be

"as luffyt fadir ande takyn hym as sone, ande ilk  
ane of thame sall helpe, supple ande defende utheris  
in all actionez... as sone aucht to do to fadyr ande  
fadir to sone".

Hugh Rose junior was to become the Thane's "leylle trew ande fathfull man" for the lifetime of the Baron of Kilravock "fre but ony fee" and would "helpe and supple" the Thane in all his quarrels, but would be free to find a Lord whom he "sall haff to mastir withoute contriry sckath or prejudyce to... his manrent...". The Thane was to be obliged to maintain Hugh "as mastir sulde to his man". After the decease of Hugh, Baron of Kilravock, Hugh Rose junior would become the Thane's son, while Hugh junior's first born son would become bound to the Thane in manrent, and would marry one of the Thane's daughters without receiving marriage goods from the Thane. In return for this "sonrent, manrente ande mariage" the Thane

"remyttit and hartfullie forgewyn the rancour of his  
hart all sclauchteris... done to hyme, his brethir,  
kyne, men ande party"

by Hugh Rose junior. It would seem that the Thane's bonds of fathership and maintenance were to act, essentially, as safe conducts for the Baron and his son, as honourable and contractual pledges, guaranteeing that the Thane would no longer pursue revenge against the Baron and his son through violence or litigation. Hugh Rose of

Kilravock and Hugh junior had, thus, symbolically placed themselves under the Thane's "protection", entering into a relationship which precluded mutual hostility and aggression. In addition, Hugh Rose junior's manrent seems to have formed part of the material compensation given to the Thane, in that the Thane was to receive freely from Rose, an obligation of service for which he (the Thane) would normally have had to pay a fee. The effectiveness of these extensions of kinship or lordship to reconcile formerly hostile parties and suppress feud is uncertain, since each parties overriding loyalties remained with their own kin, and established lords.

Despite the numerous ties established by the settlement of 1476, the Thane of Cawdor and the Baron of Kilravock were, once again, in dispute by 1482. On 17th May 1482<sup>49</sup>, James III sent letters to George, Earl of Huntly, commanding the Earl to release an (unnamed) son of the Baron of Kilravock from the custody of William, Thane of Cawdor. The Baron's son was to find surety

"that the perty (the Thane) sall be scaithles of him  
bot as law will, and that he sall underly our lawis  
befor you for ony crime that his party sall put to  
him".

The King's letter was endorsed "ex deliberatione dominorum consilii" indicating that it would seem to have been issued on the basis of a judgement obtained by Hugh Rose of Kilravock, before the Lords of Council. The terms of the King's letter make it apparent, that the Thane was not indulging in a gratuitous act of kidnap, but had imprisoned Rose's son to ensure his appearance in a court of law to answer for some unspecified crime against the Thane. Two days before the King's letter was issued, Cawdor's seal had been used by Donald Angusson MacKintosh to attest the indenture with Lachlan MacKintosh of Gallovie by which Donald was contracted to seize Hugh Rose's castle of Kilravock.

On 21st June 1482<sup>50</sup>, at Forres, another arbitration was concluded between Cawdor and Rose, dealing with "all debatis" between the two men "syn the tyme of the making of ane bande of freindschipe". The arbiters decided that the

"first band of frendschiipe, faderschiipe, soneschipe and manrent... sal stande, halde and remaine in siclike strinth... as thai var in tyme of thar first making and be keptit and observit inviolabilie". Any injuries suffered by either side since the making of the first agreement were to be remitted, .."And in taking of perfytt luf and cherite ilkane has gevin till utheris the kys of tendirnes and pece".

The physical ceremony described here, which indicated mutual forgiveness, reconciliation, and the repudiation of the state of feud between the two men, had a contractual equivalent and guarantee in the exchange of letters of friendship. Interestingly, William, Thane of Cawdor, despite the renewal of his obligations of maintenance, defence and mutual help in June 1482, seems to have omitted to inform his "son and man", the Baron of Kilravock, of the impending attack on Kilravock tower, of which the Thane was probably aware, given that his seal was used in the indenture of May 1482 between Donald Angusson and Lachlan MacKintosh.

The hypothesis that the rendering of letters of friendship was a well established and customary aspect of feud arbitration receives further support from the analysis of an agreement of 1492. On 16th May 1492<sup>51</sup> Laurence, Lord Oliphant, Sir William Murray of Tullibardine and John Haldane of Gleneagles had their feud with John, Lord Drummond, arbitrated by a panel of Perthshire lairds, presided over by William Elphinstone, Bishop of Aberdeen, Colin, Earl of Argyll (the Chancellor) and Robert Lord Lyle, the King's justiciar. (The Murray/Drummond feud is examined in great detail in Chapter 4). The bulk of the arbitration dealt with the ownership and possession of

various tacks and liferents in the Stewartry of Strathearn (an office in dispute between Sir William Murray and John, Lord Drummond). It was stipulated by the arbiters that

"all the saidis pertiis sall stand in afald kyndness, tenderness and freindship to utheris" and "never ane of thame persew nor folow utheris civily or criminally in tyme to cum for ony manner of accionis... movit betwix thaim", to the date of the arbitration, "in the lau nor by the lau..., but that ilkane of thaim sall furthir help and supple utheris".

With regard to any slaughters or burnings committed by either party (including the burning of the Kirk of Monzievaird by David Drummond, Lord Drummond's second son, in 1489), if any "partii" was required to find surety to the justiciar to "assyth" or compensate his adversaries, then a panel consisting of the Bishop of Dunblane, the Chancellor, Lord Oliphant, Lord Drummond and Sir William Murray would

"ordain amends to be made to the friends, as for letteris of slanis and friendship, according to the use in siclike thingis". Finally, "all personis belonging to awther of the partiis that are not here now present, athir pertii sal ressave utheris in favoiris, kyndnes and frendship".

The indenture was concluded in the Bishop of Aberdeen's dwelling in Edinburgh.

The obligations of mutual defence and friendship which the arbitration sought to impose on the contesting parties were, clearly, intended to bring the feud, and the litigation associated with it, to a conclusion. The settlement, in fact, gives an explicit indication of the way in which these obligations were to be discharged, in that neither party was to "persew nor folow utheris civily or criminally in tyme to cum" but rather "ilkane of thaim sall further help and supple utheris" i.e. the bonds created between the parties were to guarantee the cessation of hostilities - physical acts of violence and litigation before the royal courts - rather than the mutual exchange of good



deeds. For an arbitration to have any validity, the contracting parties had to have assurances that their adversaries would abide by its terms, and would not continue or re-open litigation over issues with which the arbitration had dealt. Formal bonds of friendship offered honourable guarantees of each party's future conduct towards one another, and, since they were written, witnessed legal contracts, they could be produced before a royal court to prevent either party pursuing claims against the other which had been dealt with by arbitration. Bonds of friendship thus offered documentary proof that a cessation of hostilities had been secured, and that material grievances between the parties had been, or were to be, settled outwith the law by the way of "luf" and arbitration.

Many fifteenth century bonds of friendship can be shown to have followed this general pattern. On 9th June 1494<sup>52</sup> Gilbert Hay of Delgaty and John Cheyne of Esslemont concluded a marriage contract and bond of friendship. By the agreement, Henry Cheyne, John's son, and Marjorie Hay, Gilbert's daughter, were to be married. In addition, both parties were

"in al tym to cum stand to othir in tender and herty luffe, freindschip, lautie and kyndnes fer al the dayis of thair lyfe" and "to stand for othir in al thair honest and leful actiounis aganis al othir personis".

Although the bond itself gives no indication of the fact, Gilbert Hay of Delgaty and John Cheyne of Esslemont had been involved in a long running dispute over the damages incurred by both men during the rebellion of 1489. (The political significance of the Cheyne/Hay feud in relation to the rebellion is discussed in Chapter Five). On 6th July 1492<sup>53</sup>, William Hay of Ardendraught (Gilbert Hay's father) brought an action against Henry Cheyne of Esslemont and John Cheyne, his son, for the destruction of the "place" of Ardendraught (on Cruden Bay?),

and for the spoliation of a number of "inside" goods. On 7th February 1493<sup>54</sup>, Alexander, Lord Gordon (who had headed the attack on Ardendraught), and John Cheyne, as procurators for themselves, Henry Cheyne of Esslemont, and their men, tenants and servants, came to a partial agreement, before the Lords of Council, with William, Earl of Erroll and Gilbert Hay (of Delgaty), son and heir of the Laird of Ardendraught. A case brought before the Lords on 21st February 1493<sup>55</sup> confirmed that Gilbert Hay's own lands of Delgaty had also been subject to an attack by Lord Gordon's adherents in 1489. William, Earl of Erroll, William Hay of Ardendraught (Gilbert's father), and others, had responded by attacking and destroying Henry Cheyne's dwelling of Esslemont, raiding his lands, and burning his crops, for which actions they were pursued by Henry Cheyne before the Lords Auditors on 22nd June 1493<sup>56</sup>. The relationship between Gilbert Hay and John Cheyne immediately prior to the contracting of their bond of friendship was thus one of feud and protracted litigation.

The location and date of the bond's completion is interesting. The indenture was finalised in Edinburgh on 9th June 1494. On the same day<sup>57</sup>, a judicial session of the Lords of Council opened in Edinburgh, and it seems likely that the two north-eastern lairds were in Edinburgh to pursue their claims against each other through the royal courts but instead settled their differences through the way of "luf", entering an amicable agreement which was confirmed and ratified by letters of friendship. In the context of recent, and impending, litigation before the King's council, a written witnessed bond provided not only a surety of the other party's behaviour but also irrefutable proof of the suspension of litigation which could be produced to prevent the re-activation of lawsuits.

Another interesting exchange of obligations of mutual defence involved William Hay of Lochloy (three miles north east of Nairn) and Thomas Cumming of Altyre (four miles south of Forres). In an indenture of 25th July 1476<sup>58</sup>, at Edinburgh, the two men ,

becaußof certane debatis and controversies that hais bene betuix thame and thar frendis in tymes bigane, and for frendschip favoris and kindnes to be had betuix thame and thare frendis in tyme tocum, that ther suld be ane band of tenderneß betuix thame thar airis and frendis for evermar.

The exchange of bonds of friendship was thus explicitly equated with the suppression of a feud between the two men. The indenture then ran through every conceivable way of expressing each party's obligations towards one another in the future. The two men were bound

"athir to uthir in thar lele and anefald kindness, furthering, help, supple, maintenance and defens of all richtwiß actionis and querellis", they would "Ride, gang and laboure with... thar kyn, frendis, men... in the furthirring, helping, suppleing, maintenance and defens of utheris", and would give to each other their best council, concealing any council the other "schauis to him, and revele it to na person". The two men excepted their allegiance to the King, "and to the lordis that thai or any ane of thaime ar bundin to in thar service and manrent, for thar tyme".

The elaborate and formulaic expressions of mutual support were accompanied by an accommodation between the two men over lands in Moray. On 19th August 1476<sup>59</sup>, Thomas Cumming of Altyre was given sasine in the lands of Dallas (six miles south east of Forres), which had been resigned by William Hay of Lochloy into the hands of James III, by virtue of a charter under the great seal, and a precept of sasine of 29th July 1476 (i.e. four days after the contracting of the bond of friendship). William Hay of Lochloy had made arrangements for the resignation of his lands of the barony of "Dolas Michael" in the Earldom of Moray into the King's hands on 15th (July? - the document is badly damaged) 1476<sup>60</sup>. The two Moray lairds may have been in

Edinburgh in order to have the disputes between them judged by the Lords Auditors, who had commenced their judicial session on 3rd July 1476<sup>61</sup>. As in the agreement between Gilbert Hay and John Cheyne, it would appear that arbitration and settlement by "luf" was encouraged by the prospect of an imminent judgement before the royal courts. Thomas Cumming had had an interest in Dallas since 15th December 1460<sup>61</sup>, when he had been granted possession of the "messuage" and mansion of William Hay's barony of Dallas in feufarm (an interesting early example of a private feufarm charter) for an annual rent of six merks, and it would appear to have been some form of dispute over these lands which preceded the settlement of July 1476. It is also possible that the agreement was connected to James III's reconciliation with John, Lord of the Isles, during July 1476.

One of the most striking examples of the association between feud arbitration and the granting of bonds of friendship dates from the 1460's, and involved Gilbert 1st Lord Kennedy and Robert 1st Lord Fleming.

On 15th February 1462<sup>62</sup>, in the justiciary court of Dumbarton, held by Colin, Earl of Argyll, the King's justiciar south of Forth, an Alexander Bruce, as procurator for Robert, Lord Fleming, objected to the service of the brieves of mortancestor purchased by Gilbert, Lord Kennedy, "contra et adversus" Lord Fleming in the forty merks' worth of land of Kirkintilloch, in the barony of Lenzie. The use of the brieve of mortancestor has been the subject of a recent detailed study<sup>63</sup>. The brieve was employed when the pursuer had never enjoyed possession of, or taken sasine in, the disputed property, but rather claimed the lands on the basis of their having been held, in heritage, by an ancestor (in Kennedy's case, his grandfather, Sir Gilbert Kennedy), to whom the pursuer was nearest lawful heir. The brieve was served in

the justiciary court, rather than the local sheriff court. An undated document in the Fleming of Wigtown collection<sup>64</sup> makes it clear that Lord Fleming claimed possession of the lands of Kirkintilloch, on the basis that they had fallen as escheat to him (as superior of the barony of Lenzie) on the forfeiture of Sir John Kennedy, Gilbert's elder brother. Sir John Kennedy appears to have been imprisoned c.1431 by James I for an unspecified treason; he was certainly being held in Stirling Castle in 1434<sup>65</sup>.

The dispute between the two men resurfaced on 1st March 1465<sup>66</sup>, at Dumbarton, on which date it was "appoyntit and finaly concordit" between Robert, Lord Fleming and Malcolm Fleming, his son and heir apparent, and Gilbert Lord Kennedy and John Kennedy, his son and heir, that

"foralsmekle as the said Lord Kennedy purchest a brefe... aganes the said Lord Flemyng of fourti marcis worth of land of kirkintulloch, callit the Estyrmanys, the Westyrmanys, scherra (Schirva), Bar... (Barhill), Wester Gartshore liand in the barony of Llenyhe... for concorde amyte and frendship betwix the said lordis..." and to "cesse al debatis the sade lords has compromittit and bundyn, thaim thare ayris etc..."

to the arbitration of John, Lord Lindsay of the Byres, Sir Robert Livingstone of Drumry, Sir John Ross of Hawkhead, Sir Archibald Dundas of that ilk, Mr David Guthrie, the King's Treasurer, James Fleming of the Bord, Thomas Ogilvy of Clova, Alexander Bruce of Airth (possibly Fleming's procurator in 1462), and George Greenlaw, an Edinburgh burgess. The arbiters and the contesting parties were to gather in the Tolbooth of Edinburgh on Friday, 26th April "next to cum" to

"delivyer conclude and end... quhilk of the said partis has maste richt to the... fourti marcis worth of land...". After the decret was given, the party failing to gain title to the lands "sal never he na his ayris nor successouris be herd in jugement na law in tyme to cum"

while the party granted possession of the Kirkintilloch lands would compensate his adversary with a payment of 300 merks. Moreover,

"said lordis and thare... sones oblißis and bindis  
tham ilkane til other for al... lyvis in frendschip,  
favouris and hartly kindness in sic manere as thai  
thare frendis thinkis maste convenient, and lettres  
to be made".

The indenture concluded with arrangements for Malcolm Fleming to marry John Kennedy's eldest daughter, and for John Kennedy's eldest son to marry Malcolm's eldest daughter. The indenture was witnessed by Andrew, Lord Avandale, Chancellor, Lord Livingstone (Chamberlain), Lord Hamilton, Lord Kilmaurs, John, Lord Sommerville, Robert Lord Lyle, Gilbert Kennedy of Bargany, William Edmonstone of Duntreath, Sir John Culquhoun of that ilk (comptroller), and John Lennox. The presence of the Chancellor, and other royal officials, in Dumbarton suggests that the decision to put the matter to amicable arbitration was taken during the course of a justice ayre which would otherwise have made judgement on the contesting claims. The advantages of informal arbitration over the procurement of a final judgement before a formal royal court, which would then have to be enforced against the will of the, still hostile, defeated litigant, have been thoroughly examined by Dr. Wormald<sup>67</sup>. In this case, it seems that the decision to submit the dispute to mutually chosen arbiters was not wholly voluntary, in that it appears to have been made in order to prevent the case proceeding before the royal justiciars, i.e. the threat of imminent judgement exerted pressure on the contesting parties to bring about a settlement by the way of "luf".

The significance of an exchange of letters of friendship between opponents entering into an arbitration over a specific dispute is obvious. The bonds would serve to formalise and guarantee the new state of "luf" (i.e. the cessation of hostilities) and ensure the

adherence of both parties to the terms of the arbitration, by providing binding expressions of each party's future conduct towards the other which, if adhered to, would have made the perpetuation of the dispute impossible. Once again it should be noted that bonds granted in this context offered not only an honourable pledge, but also documentary proof of the suspension of litigation.

The agreement of March 1465 carried an additional clause which narrated that John Kennedy, Lord Kennedy's son, who had not been present when the compromise had been reached "for the mare securite hereof", had set his seal to the indenture and given his bodily oath to "observe, kepe, and fulfill" its terms, in Edinburgh, on 26th April 1465, i.e. the day assigned for the meeting of the arbiters. On the same day<sup>68</sup>, Robert, Lord Fleming, and his son Malcolm, in the presence of John, Lord Lindsay of the Byres, and the other arbiters named in the compromise of 1st March (with the exceptions of Sir Robert Livingstone of Drumry and Sir John Ross of Hawkhead), agreed to abide by a decreet to be given by the arbiters over all the claims, quarrels and debates concerned with the Kirkintilloch lands. On the same day<sup>69</sup>, Gilbert, Lord Kennedy, had a public transcript made of the charter of 27th January 1385<sup>70</sup> by which Malcolm Fleming of Biggar granted the forty merks' worth of land of Kirkintilloch, in Fleming's barony of Lenzie, to Sir Gilbert Kennedy (Gilbert, Lord Kennedy's grandfather) and Agnes Maxwell, his spouse, and their heirs male, obviously for use in the arbitration.

The results of the arbitration of April 1465 are unrecorded, but by 14th October 1465, Kennedy and Fleming were, once again, in dispute in the justiciar court of Dumbarton, as Lord Kennedy sought to have his brieve of mortancestor served. Two notarial instruments<sup>71</sup> of that date recorded that David Rede, Robert Lord Fleming's procurator,

protested that the brief of mortancestor purchased by Gilbert Lord Kennedy against Lord Fleming should not be put to the examination of an assise because Lord Fleming had not been properly summoned, and the sheriff and his suitors were partial and were working to have the decret made against Lord Fleming. Further, it was claimed that the sheriff had served the "pretended" summons in the company of many of his kinsmen armed "in modo guerre", and was confiding in Lord Kennedy, Lord Fleming's adversary in the cause, and giving him help and counsel against Lord Fleming. A third instrument was taken<sup>72</sup>, narrating that

"I, David Rede, forspekar to my Lorde Robert Lorde Flemyn that her I sayis to the dempstar of this court that this dome gaff, that the dome that you haf now giffyn is ill, fals, stinkande and rotyn in the selff... and be this reson, for you has giffyn it express agane the curs of common lau and the ordour of lau, and protests for ma ressonys to be... giffyn up and allegit for my said lord flemyn qwhen". A lawful remedy was available.

The dispute over the lands of Kirkintilloch was thus still running when, on 10th February 1466<sup>73</sup>, Robert, Lord Fleming entered into an indenture with Gilbert, Lord Kennedy and Sir Alexander Boyd of Drumcoll by which the contracting parties were

"bundyn and oblist thaim selff thair kyn, frendis and men to stand in afald kindnes, supple and defencis ilkane til odiris in al thair causis and querrell leifful and honest movit and to be movit for al the dais of thair lyffis in contry and agains al maner of personis that leiff or dee may...".

Prior bonds contracted by both parties to a number of peers were excepted. The bond has traditionally been seen as a means by which Kennedy and Sir Alexander secured the support of Lord Fleming for their governance of the young James III and, indeed, the bond contained a number of specific provisions which support this view. Fleming, for instance, was obliged to be "of special servis and cunsail" to the King for as long as Lord Kennedy and Sir Alexander remained "special



servandis and of cunsal to the kyng". It was further ordained that Fleming

"sal nodir wit, consent nor assent til a raf, nor tak away the kyngis person fra the saidis Lord Kennedy and schir Alexander", and that if he obtained "wit of sic thyng to be don... he sal warn the saidis Lord Kenedi and Sir Alexander or thair doaris in do tym... and tak sic part as thai do". In return, if "ony vakand to fal in the kyngis handis at is a resonable and a meit thyng for the said lord flemyngis servis that he salbe furdiret thar to for his revarde, and gyf thar happynis a largis thyng to fal sic as vard, releiff, mariagis or offis as is met for hym, the said Lord Flemyng sall haff it for a resonable composicion befor udiris". Finally, Lord Kennedy and Sir Alexander agreed to take Thomas Somerville and Walter Tweedy in "special matenans, supple and defencis" for "Lord Flemyngis sak and for thair servis don and to be don next thair awyn mastiris that thai ar men to of befor".

The exchange of bonds was not, however, the only transaction concluded between Lord Fleming and Lord Kennedy on 10th February 1466. On the same day<sup>74</sup> as the bonds of mutual assistance were drawn up, Lord Fleming and Lord Kennedy entered into an indenture dealing with the dispute between the two men over the lands of Kirkintilloch. Both sections of the indenture are still extant, one held in the Fleming of Wigtown collection in the National Library, and the other in the Ailsa Muniments in the Records Office. By the terms of the agreement

"alssone as it salbe sene expedient that oure soverane the King set his justice are in Dumbertane, the said Robert Lorde Fleming salcum thare, and in esy frendeful and gudely wis, withoute any impediment or stopping, bot ordourly and frendefully suffir ane assise to pass apon thir lands... lying within the barony of Lenzie".

The assurances that Fleming would not impede, or object to, the serving of the briefes were clearly required after the events of October 1465. Fleming's bond of friendship would also, of course, help to regulate his behaviour during the serving of Kennedy's briefes. It was further stipulated that within two days

"that the sadis landis be fundin be the said assise to pertene to the said Gilbert, Lorde Kennedy, the said Robert sal gif til him, his aris or assignais... state and possessioun of the sadez landis".

If Gilbert, Lord Kennedy, thought it "mare expedient" to pursue the lands in Fleming's barony court of Lenzie, then

"he (Fleming), sal in lyhe wis suffir the said assiþ to procede in tendir and esy wis without stoppin of him as said is".

Lord Kennedy's confidence in the decision of the Dumbartonshire assize probably reflected the fact that the assize of October 1465 had found in his favour. Robert, Lord Fleming was also bound to "heretably infeft" Lord Kennedy in the lands of his (Fleming's) barony of Tankerton, with Lord Kennedy delivering to Robert three letters of reversion for the lands "to be put in divers placis for the securite of the said Robert". As long as Gilbert, Lord Kennedy, his heirs and assignees remained

"unvexit, inquiet or undistrublit in the law or by the law be... Robert his aris, assignais or ony utheris on his behalfe in the sadis landis of Estir Maynis, Westir Maynis, Schirray badcol, bar and Westir Gartschore (the forty merks worth of land of Kirkintilloch)... the said Gilbert, Lorde Kennedy sal nocht intromit with the sadis landis of the baronny of Tankertone".

If Kennedy or his heirs were challenged in possession of the Kirkintilloch lands, then they were to have "recors to the lands of the barouny of tankertone... as thare propir fee and heretage...". The grant of Tankerton was thus to act as a material surety for Robert, Lord Fleming's good behaviour, and his compliance with the terms of the compromise. If Lord Kennedy or his heirs were threatened in their possession of the Kirkintilloch lands, then they would immediately take heritable possession of Fleming's barony of Tankerton. In accordance with these terms, Robert Lord Fleming gave Gilbert Lord Kennedy a charter of the barony of Tankerton, and issued a precept of sasine in

his favour on the day the indenture was concluded, 10th February 1466<sup>75</sup>. Gilbert, Lord Kennedy, clearly desired further sureties of Lord Fleming's adherence to the compromise, and had a notarial instrument made recording Lord Fleming's oath on the gospels to fulfil the indentures and appointments. (The oath was made in Lord Kennedy's chambers in Stirling Castle, and was witnessed by Alexander Boyd of Drumcoll - the other party in the bond of friendship - Walter Tweedy and Thomas Somerville of Batelaw)<sup>76</sup>. Somerville and Tweedy appear to have been adherents of Lord Fleming, and the stipulation that both Kennedy and Sir Alexander Boyd should take these men in maintenance may have been a device to ensure that Kennedy and Boyd did not take action against them for the support they had rendered to Fleming.

Despite the professions of mutual assistance and friendship which accompanied the settlement of 10th February 1466, Kennedy and Fleming certainly did not stand in "afald kindnes" to one another when Lord Kennedy attempted to have the briefes of mortancestor served on 15th April 1466. A notarial instrument of that date<sup>77</sup>, taken in the Chapel of Kirkintilloch, recorded the protest of Robert, Lord Fleming, that he had been travelling from his castle of Cumbernauld with his household retainers to appear at the justiciary court of Dumbarton, where he had been summoned by Gilbert Lord Kennedy over the lands of "Westirmaniß, Estirrmaniß, Shirivay, Badcoll, Bare and Westirgartshor", when he was informed that Lord Kennedy, his adversary, had arrived in Dumbarton with an "exercitu et multitude magna vivoris", for which reason Fleming could not appear personally before the justiciary court, but only through his procurators. It would seem that Lord Kennedy was not prepared to rely solely on Fleming's bond of friendship to ensure that the assize would proceed without disruption. Lord Kennedy's concern, in February 1466, to take numerous assurances of Lord Fleming's

behaviour during the assize proved to be well founded. Notarial instruments, taken by both sides, recorded that Gilbert Lord Kennedy appeared with his procurators (including Alexander Boyd of Drumcoll, the other party bound in friendship to Fleming on 10th February 1466) in the justiciary court, and produced indentures attested by the seal and signature of Lord Fleming (clearly the agreement of February 1466), and requested that an assize should decide on the possession of the Kirkintilloch lands according to these letters. Lord Fleming's procurator, David Reid, entered various protests requesting that the issue should not be put to an assize and, when these were rejected, declared to the justiciars that since

"ye will nocht differ till myne exceptionis of law quhilk I haff proponit as the forme and ordor of law will... bot as ye will a pon will and a pon na law procede be ane assise in contrary of my lord flemyng quhilk is nother... somonde attatchit na otherwais lawchfully adjornait to answer befor your.... I as procuratour... to my said Lord Robert lord flemyng in defawt of law and justice nocht keppit to my said Lord... declynis your jugis and all the membris of your court and protestis that qwhatever be in this court wardit, decreetit... be ane assise... turn nocht to my said lord.<sup>78</sup> ony maner of way in prejudice in tym cummyng".

Lord Fleming had thus broken his promise to "suffir the... assiþ to procede in tendir and esy wis without stoppin of him", and his obligations of friendship and assistance. A notarial instrument in the Ailsa Muniments records the decret of the assize in Lord Kennedy's favour<sup>79</sup> and included a stipulation that John Colquhoun of that ilk, Sheriff of Dumbarton, was to deliver sasine of the lands to Lord Kennedy. Two days after the assize, on 17th April 1466<sup>80</sup>, Gilbert, Lord Kennedy, was given sasine in the Kirkintilloch lands, as heir to Sir Gilbert Kennedy of Dunure his grandfather, by John Colquhoun. On the same day<sup>81</sup> Robert, Lord Fleming, and his son Malcolm came to the chief messuage of Kirkintilloch and broke the "intrusion callyt a

sessyng" given to Lord Kennedy "throw the deliverance of a pretendit assise, procedande agane the law...". The terms of the bond of friendship, which should have guaranteed the abandonment of litigation between the two parties had thus failed to secure the terms of the settlement by "luf" concluded in February 1466. An account rendered by John Colquhoun of that ilk, Sheriff of Dumbarton, on 17th June 1471<sup>82</sup>, mentioned a sum of £826 owed by Robert, Lord Fleming and Gilbert, Lord Kennedy for various amercements "between" them, indicating that the dispute had escalated into violent exchanges through which both men had incurred financial penalties.

Another example of the use of bonds of friendship in feud arbitration was found in the aftermath of the 1489 rebellion. On 22nd October 1490<sup>83</sup>, in the presence of the Lords of Council, Robert Lord Lyle and Matthew Stewart (son and heir to John, Earl of Lennox) appeared as procurators for the Earl, and became bound, in his name, with Sir John Sempill of Elliotston, to abide by a decret to be given by Robert, Bishop of Glasgow, William Bishop of Aberdeen, John Hepburn, Prior of St. Andrews, William, Lord St. John, John Lord Glamis, Mr. Archibald Whitelaw, Mr. Alexander Inglis, John Ross and Mr. Richard Lawson. The named arbiters would render their judgement for the "good reule" of the country before the following Monday evening, on all debates and quarrels between the parties, their kin and friends. The Lennox/Sempill feud and its importance in the politics of the rebellion of 1489 is examined in Chapter Five.

The arbiters named in October 1490 were all prominent members of the royal administration, office holders and/or regular judges on the Lords of Council. The panel contained no relatives, friends, neighbours or associates of the contesting parties, and would appear to have been imposed on Lennox and Sempill. It may be for this reason

that the arbitration was unsuccessful. Certainly, by 19th March 1491<sup>84</sup>, John Sempill of Elliotston was pursuing Matthew Stewart, James Stewart, George Stewart and their accomplices for the spoliation of certain goods, and for the destruction of Sempill's house of Southannan. The Lords continued the case until 28th April. On 22nd March 1491<sup>85</sup>, the procurators of Matthew Stewart and John Sempill of Elliotston agreed to the continuation of "all summondis" between Lennox, Matthew Stewart and "thare folkis", and John Sempill's men, until the third day of the next Parliament i.e. 1st May. The suspension of litigation was made "in hop of concord", since both parties were to

"abid and underly the consale, ordinance... of viij personis of all debatis, comitt or done be ony of the said partiis to utheris... to the day of the making of this continacioun".

Lord Lyle and the laird of Hawkhead were to be two of the arbiters, with the other six to be chosen by Lyle and Hawkhead with the advice of the contesting parties. The arbitration was to take place on the Thursday following, in Glasgow.

The arbitration seems to have failed, or to have been delayed, for it was not until 16th March 1492<sup>86</sup> that Robert Lord Lyle and Sir John Ross of Hawkhead (the two principal arbiters named before the Lords in March the previous year) delivered on the compromise entered into by John, Earl of Lennox and John (now) Lord Sempill. On that date, in Renfrew, Lyle, Ross, Sir John Chalmer of Gaitgirth, Sir Adam Muir of Caldwell, John Maxwell (heir to the laird of Nether Pollock), Constantine Dunlop of that ilk and Mr. Nicholas Ross as judges "evenly chosen" between John, Earl of Lennox and Master Matthew Stewart for themselves, their men, kin and friends, and Sir John, Lord Sempill and his supporters, decided that Lennox and Matthew Stewart, his son

"sal tak schir Jhon, Lord Sympill in hartly kyndness and fawris, and to remyt and forgeff rancour, heivenes and all unkyndnes done be hym or be his

frendis to thaim or tharis in tymes bygane". Lord Sempill was to be similarly bound, and both parties were to "stand in hartly band and kyndnes as efferis, kepand all thar honouris, and bandis to be maid thar apon, ilk ane to tak part with othir in all accionis and quharelis to be muffyt, leffull and honest...".

The granting of bonds of friendship as a stipulation of arbitration was clearly not motivated by a mutual and voluntary desire to form a social and political alliance, but acted as a symbol and guarantee of reconciliation and forgiveness and, as a corollary of this personal reconciliation, the abandonment of feud and litigation. Those present at the arbitration were to be put "in hartly tendernes incontinent", and those covered by the arbitration but absent "sall be put in hartly tendernes and frendschip als sone as thai may gudly be comprehendyt". The ceremonies involved in placing the feuding parties into a state of peace are unclear, though certain physical acts are mentioned in other fifteenth century settlements. The Thane of Cawdor and Rose of Kilravock, for example, exchanged the "kys of tendirnes and pece" while, later in James IV's reign, the Earl of Glencairn and the Earl of Eglinton were put into a state of tenderness by a handshake<sup>86a</sup>. These physical acts of reconciliation were paralleled and confirmed by the exchange of letters of friendship which placed the parties into a new relationship which precluded the continuation of the feud.

The arbitration of March 1492 also made arrangements for the amicable settlement of any future trouble between the two men's adherents, and stipulated that with regard to spoliations, "herschipsis" or "skathis" "done be owdyr of the parteis or thar folkis", that the Earl and his son should

"content and ples thar awn tenandis and men and to kep the parteis skathlas befor the justis and the law of satisfaccioun".

Lord Sempill was similarly required to "keip thaim skathlas, thar men, kin and frendis". This would seem to be a prime example of men choosing "local" informal justice in preference to the ineffective and complicated justice offered by the royal courts. How far, however, was the framework of royal justice, and the threat of judgement, responsible for bringing about the arbitration? On two occasions, the arbitration of the Lennox/Sempill feud was arranged before the Lords of Council, with an accompanying suspension of the lawsuits. On 27th January 1492<sup>87</sup> the King's justices were in Ayr, and it seems likely that cases of criminal damage or slaughter involving Lennox and Sempill and their adherents would have come before the justices as they moved on to Glasgow. The clause regarding the law of satisfaction indicates that both parties required safeguards against continued actions by the other for the recovery of proven claims of criminal damage in royal courts, and documentary evidence of the cessation of hostilities, such as that provided by bonds of friendship, gave just such safeguards.

The settlement of the Lennox/Sempill feud appears to reflect the terms of the third article passed in the Parliament of February 1490<sup>88</sup>, a Parliament concerned with ensuring political compromise and stability after the rebellion of 1489. The statute stipulated that

"tuching luf amite and frendship to be maid amangis all our soverane lordis lieges". It was "thocht expedient by the thre estatys that the king and his counsel shall put his autorite by the avise of his said consale to mak all persons and partees be at frendship and concord. And quhat persone or persons that refusis in his default to here a ressonable and honorable concord of his party, that the Kings highness put sharp justice on the parties which are obstinate, through the which his highness may cause them to be in hartlye amyte, frendship and quiet, with punicion according to the laws of his realme".

Here, the framework of royal justice was seen as a means to bring contesting parties to "friendship and concord." "Sharp" justice was



only to be used against those who were "obstinate" i.e. refused to submit to a "reasonable and honourable concord". Even then, the application of the King's justice would have the aim of bringing an end to the dispute by placing the parties in "heartly amity friendship and quiet...". The termination of feud through amicable settlement was thus explicitly seen as the chief, and thoroughly desirable, aim of the application of royal justice, and it is interesting to note in many of the cases studied above that arbitration was entered into, not simply as a preferable alternative to the pursuit of an opponent by law, but as part of a direct choice between imminent judgement and a cordial settlement. The relationship between judgement and arbitration requires more analysis than can be devoted to it in this present study. It may be, however, that the increase in the granting of letters of slains and bonds of friendship (in the context of feud arbitration) during the course of the fifteenth century reflected the demand of formal courts for written witnessed documents. The effect of both these documents, apart from the honourable guarantees they gave of the contracting parties' behaviour, was to prove that the state of feud had come to an end, that material grievances between the parties had been, or were to be, settled outwith the law, and that further litigation on these issues should not be permitted.

Bonds of Friendship were also granted in order to secure the support of allies in dealing with certain immediate political problems. On 3rd July 1480<sup>89</sup>, for example, George, fourth Lord Seton and Sir Oliver Sinclair of Roslin bound themselves in a "true bond of laute, friendschip and kyndness". Seton was to assist Sinclair

"in speciall in the peaceable brooking and joising of his lands of Roslyne, Pentland and Pentland Moir, Morton and Mortonhall, Harbarschyre, Lasland, Dyriart and Ravenscraig" in accordance with Sinclair's infefment. Further, Lord Seton would be ready "to raise and come too him" with "our kin

and friends in his supply" whenever he was required, and Sir Oliver and his friends were to hae "free entry and issue" in Seton's "strenths and castles" whenever they desired.

The lands in which Seton was bound to defend Sir Oliver had been gifted to the latter (described as son of William, Earl of Caithness and Marjory Sutherland, his wife) on 10th December 1476<sup>90</sup>, following on the resignation of the Earl, who was to retain the liferents. The grant effectively disinherited William Sinclair, Sir Oliver's elder half brother, the son of the Earl and his first wife, Elizabeth Douglas, daughter of Archibald, 4th Earl of Douglas<sup>91</sup>. Sir Oliver was the first born son of the Earl's second marriage to Marjory Sutherland, and another son of this marriage (also William) was gifted the lands of the Earldom of Caithness, on his father's resignation, on 7th December 1476<sup>92</sup>, three days before Sir Oliver received the bulk of the Lothian and Fife properties. The disinheritance of William elder may have reflected his mental state, since, on 17th April 1482<sup>93</sup>, an inquest found William "incomposmentis", and a waster of lands and goods, and he was said to have been in that condition for sixteen years (back to c.1466).

Sir Oliver was obviously anticipating some action by his disinherited elder brother (and his son, Henry) against the estates held by Oliver under the terms of the 1476 grant; indeed, it seems likely that William and Henry were laying claim to the Lothian and Fife properties before Sir Oliver obtained Lord Seton's bond of friendship. On 9th February 1481 (27)<sup>94</sup> William Sinclair, described as son and heir of the deceased William, Earl of Caithness, Lord Sinclair, and his son, Henry, came to an agreement with Sir Oliver Sinclair of Roslin, by which Oliver resigned to William and his son the lands of Cousland (Lothian), Dysart and Ravenscraig (near Kirkcaldy), while William and Henry renounced all rights they had to the barony of Roslin, the lands

of Pentland, and the other Lothian estates. Further, Oliver was bound to "do worship and honour to the said William as accords him to do to his elder brother" in the future. If there should be debates between William and his other brother (William) over the Earldom of Caithness, then Oliver would

"stand evenly and neuter betwixt them, as he should do betwixt his brothers, and take no partial part with either of them".

Interestingly, Nisbet asserts that the agreement had the seals of the Archbishop of St. Andrews (William Scheves), Andrew Stewart, Lord Avandale (Chancellor), and Colin, Earl of Argyll attached. The partition of the Sinclair estates thus seems to have taken place under the guidance of the King's most trusted councillors.

William Sinclair, and his son Henry, were thus entered into possession of the Fife properties (and Cousland in Lothian) assigned by William's father to Sir Oliver in 1476, apparently being given sasine in 1480 and 1481<sup>95</sup>. William Sinclair's possession was further strengthened by Sir Oliver's pledge to "do worship and honour to the said William as accords him to do..." which would seem to preclude his continued opposition to William's occupation of the Fife lands. That tensions remained between the two branches of the family over possession of the Lothian properties is indicated by an agreement of 15th April 1504<sup>96</sup> between William, Lord Borthwick and Oliver Sinclair of Roslin, and his son George, "Lord of Fee" of the baronies of Roslin and Pentland. The settlement asserted that Lord Borthwick should enter to certain lands in the baronies of Roslin and Pentland, as heir to his father or grandfather, holding of Sir Oliver as liferenter and George, his son, as fear. Lord Borthwick declared that

"he has tane nane entraies of Henry Lord Synklar and disclammys ony othir immediat superior bot the saidis Sir Oliver and his sone".

Henry Lord Sinclair, was the son of William Sinclair. On 26th January 1489<sup>97</sup> Henry Sinclair was recognised, in Parliament, as "chief of yat blude", for which reason he was to have the title Lord Sinclair from thence forward (a ratification clearly reflecting the difficulties experienced by this, the senior branch of the Sinclair family, in asserting their authority over the sons of William, Earl of Caithness' second marriage).

Seton's bond of friendship was thus a response to an immediate and tangible threat to Sir Oliver's occupation of the lands gifted to him in 1476. Seton, as a powerful Lothian lord, would have been well placed to defend Sinclair's baronies of Pentland and Roslin.

Bonds of Friendship then, were not conceived and formulated in a political and social vacuum. They were often clearly intended to deal with matters of immediate and pressing concern. The bonds seem to have acquired a routine and symbolic role in the ratification and upholding of feud settlement, the professions of mutual defence acting as guarantees of each party's abandonment of the feud. More of the bonds given in this context are likely to survive, because they were often engrossed in other documents, and because the contracting parties had a very real interest in preserving these obligations. These bonds were clearly not designed to bring about long term re-organisations in local political and social structures, i.e. they were not pre-planned and conscious means of affinity building, or of the division of spheres of influence, but were responses to the existence of a hostile relationship, and were meant to secure a basic state of non-aggression between the contracting parties. It would seem that in many of the cases outlined above, the submission to arbitration and the exchange of bonds was, to some extent, a means of avoiding formal judgement before a royal court, and the element of

coercion is perhaps indicated by the fact that many of the arbitrations failed to bring about a satisfactory settlement, and that the bonds of behaviour were often ignored, and the feud re-activated. Aside from this role in feud arbitration, bonds of friendship (like the bonds of maintenance studied in Chapter Three) were also used to secure the support of men and kindreds in the pursuit of specific disputes, having the effect of widening the circle of those involved in the feud.

**FOOTNOTES CHAPTER: TWO**

1. S.R.O., Ailsa Muniments, GD25/Section 1/No. 91.
2. A.P.S., ii, 111.
3. Ibid., 113.
4. S.R.O., Register House Charters, RH6/457.
5. E.R., viii, 415.
6. S.R.O., Gordon Castle Muniments, GD44/13/5/3.
7. Chron. Auchinleck, 16, 44; E.R., v, 313, 380, 405, 421, 441, 655.
8. E.R., vi, 68.
9. A.P.S., ii, 42.
10. E.R., vi, 221.
11. Ibid., 376, 514, 650; vii, 123, 410; viii, 183.
12. Ibid., viii, 513.
13. Ibid., 515.
14. S.R.O., Gordon Castle Muniments, GD44/13/5/2; Spalding Misc., iv, 134-5.
15. E.R., viii, 599.
16. Ibid., 601.
17. Ibid., ix, 36-7.
18. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 139-40.
19. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 143-4.
20. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 144-6.
21. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 149-50. The Earl of Huntly discharged Rose of an obligation given by him for the mails of the lands of Urquhart and Glenmoriston "quhilkis the said Huchone has in tak of us".
22. A.M. Sinclair, The Clan Gillean (Charlottetown, 1899), 276-280; S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 131, where in a deed of 2nd June 1440 "Hector Tarlackson" (Ewan MacLean's father) is described as "senescallum de Urchard."
23. A.M. MacKintosh, The MacKintoshes and Clan Chattan (Edinburgh 1903), 78, where the head of Clan Thearlich is reported to have given "his bond of manrent for his family and posterity to Malcolm" (MacKintosh).
24. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 146-8. The S.R.O. collection contains both parts of the indenture.

25. Family of Rose, 113-5.
26. S.R.O., Rose of Kilravock, GD125/2/5; Family of Rose, 135.
27. Cawdor Bk., 64-7.
28. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 140-2.
29. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 166.
30. H.M.C. Report, xii, Mss. of the Earl of Home, Appendix, Part 8, 139.
31. Huntly's presence at Lauder would seem to invalidate arguments that the bulk of the Scottish host were encamped at the Burgh Muir near Edinburgh when the King was abducted.
32. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 152-3.
33. Collectanea de Rebus Albanicis (Iona Club, 1847), 83-86, where the original is said to be in the Westfield Charter Chest, Scrabster Muniments.
34. E.R., x, 37, 83, 189, 279, 349, 438, 522, 581.
35. R.M.S., ii, No. 2282.
36. A.D.C., ii, 94.
37. Ibid.
38. Ibid., 95.
39. T.A., i, 375.
40. Ibid., 376.
41. C. Fraser-MacKintosh, Invernessiana (Inverness 1875), 179-180.
42. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 176-8.
43. R.S.S., i, No. 542.
44. E.R., xii, 127.
45. Ibid., xi, 297.
46. R.M.S., ii, No. 3393.
47. S.R.O., Rose of Kilravock, GD125/Box 14; Family of Rose, 137-8; Cawdor Bk., 60-1.
48. Cawdor Bk., 60-1.
49. Ibid., 63-4.
50. Ibid., 64-7.



51. Atholl Muniments, Blair Castle, Blair Atholl, Box 1/Parcel 1/No. 22.
52. A.B. Ill., ii, 353.
53. A.D.C., i, 243.
54. Ibid., 275-6.
55. Ibid., 289.
56. A.D.A., 183.
57. A.D.C., i, 320. In addition, on 16th October 1495 (Erroll Charters No. 143) John Cheyne of Esslemont issued letters of slains to various named Hays, for the death of John's brother Alexander.
58. N.L.S., Deposit 175, Gordon Cumming Papers, Section 2/Box 92; H.M.C. Report vi, Appendix, Part 1, 687.
59. N.L.S., Deposit 175, Gordon-Cumming Papers, Section 1/Box 1/Item 17.
60. Ibid., Section 2/Box 92.
61. Ibid., Section 1/Box 1/Item 7.
62. N.L.S., Miscellaneous Accession No. 3142, Fleming of Wigtown, Ch. No. 15558.
63. H. McQueen and A. Borthwick, 'Three Fifteenth Century Cases', Juridical Review (1986).
64. N.L.S., Miscellaneous Accession No. 3142, Fleming of Wigtown, Ch. No. 16632.
65. E.R., iv, 591; S.P., ii, 449.
66. N.L.S., Miscellaneous Accession No. 3142, Fleming of Wigtown, Ch. No. 15559.
67. Dr. J. Wormald, 'The Blood Feud in early modern Scotland', in Disputes and Settlements, ed. J. Bossy (Cambridge, 1983), 101-144.
68. N.L.S., Miscellaneous Accession No. 3142, Fleming of Wigtown, Ch. No. 15562.
69. S.R.O., Ailsa Muniments, GD25/1/88.
70. Ibid., GD25/1/20.
71. N.L.S., Miscellaneous Accession No. 3142, Fleming of Wigtown, Ch. No. 15563 and No. 15564.
72. Ibid., Ch. No. 15565.
73. Ibid., Ch. No. 15560.
74. Ibid., Ch. No. 15561; S.R.O., Ailsa Muniments, GD25/1/97.

75. S.R.O., Ailsa Muniments, GD25/1/100 (Charter); Ibid., GD25/1/101 (Precept of Sasine).
76. Ibid., GD25/1/98.
77. N.L.S., Miscellaneous Accession No. 3142, Fleming of Wigtown, Ch. No. 15566.
78. Ibid., Ch. Nos. 15567-70.
79. S.R.O., Ailsa Muniments, GD25/1/102.
80. Ibid., GD25/1/103.
81. N.L.S., Miscellaneous Accession No. 3142, Fleming of Wigtown, Ch. Nos. 15572-75.
82. E.R., viii, 8-9.
83. A.D.C., i, 153.
84. Ibid., 186.
85. Ibid., 188.
86. Fraser, Lennox, ii, 142.
- 86a. Cawdor Bk., 64-7; S.R.O., Court of Session Records (A.D.C.), CSS/xix/f137.
87. R.S.S., i, No. 9.
88. A.P.S., ii, 218.
89. N.L.S., Miscellaneous Scotica Curiosa, Adv. Mss. 22.2.18., f.45v - 46r (Transcript - compiled c.1730); G. Seton, A History of the Family of Seton (Edinburgh, 1896), i, 104.
90. R.M.S., ii, Nos. 1270-1.
91. S.P., ii, 333.
92. R.M.S., ii, No. 1267.
93. S.P., ii, 333-4.
94. Nisbet, Heraldry, i, 119-20.
95. E.R., ix, 680 (Cousland), 681 (Ravenscraig, Wilston, Carberry and Dubbo).
96. S.R.O., Sinclair of Roslin Writs, GD350/31/19. (Held in West Register House).
97. A.P.S., ii, 213.

### CHAPTER THREE

#### Bonds of Maintenance and Feud

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As has been suggested in Chapters One and Two, the exchange of bonds of manrent and maintenance often took place in the context of dispute arbitration. The obligations of maintenance of "good lordship" given in such a situation became, in effect, a guarantee of a "Lord's" future conduct towards his "man" and, where a tenurial relationship was established, a guarantee of undisturbed tenure. In addition, it was seen (in the Argyll and Albany bonds of maintenance and good lordship for example) that bonds of maintenance could often be related to obtaining assistance in specific disputes. The present chapter is intended to examine these two uses of the bond of maintenance more fully.

On 15th May 1468<sup>1</sup>, at Dalkeith, James 1st Earl of Morton and Hugh Douglas of Granton (three miles north-northwest of Moffat in Annandale) exchanged bonds of maintenance and manrent. The bonds were given as part of an indenture by which Hugh Douglas obliged himself to the Earl that he (Hugh) would abandon all claims he had to the Lordship of Dalkeith. The lands of Moffat (Annandale) and Borgue (Kirkcudbright) were to be excepted from this promise, since the Earl was to "secure him (Hugh) therein in securest wise". The Earl bound himself to be a

"good lorde to him, supple, mantane and defend him  
and all his persons to the lands of Moffet and borg  
in Galway ande never make clame... to them".

The Earl's good lordship and maintenance, was seen, explicitly, in terms of the abandonment of action against Hugh Douglas over the lands of Moffat and Borgue rather than the provision of ill defined, general protection and assistance.

Hugh Douglas' obligation to renounce his claims to the Lordship of Dalkeith is interesting. Hugh Douglas of Granton was, in fact, James 1st Earl of Morton's cousin. On 3rd September 1473<sup>2</sup> James III confirmed a charter made by the deceased James, Lord of Dalkeith (James, 1st Earl of Morton's grandfather) in favour of Henry Douglas, his son, of the lands of Borgue, and the lands of Moffatdale in Dumfriesshire, i.e. Corehead (near the Devil's Beef Tub), Granton and Moffat. The lands were to descend to the legitimate male heirs of Henry Douglas by Margaret Douglas, his wife. Hugh Douglas of Granton was the eldest son produced by this marriage.

The relationship between the Earl and his cousin was, undoubtedly, affected by the fact that Henry Douglas, Hugh's father, had disputed possession of the castle and Lordship of Dalkeith with the Earl's father during the 1440's. James Douglas, Lord of Dalkeith, the Earl's father, seems to have been incapable of looking after his own affairs for, on 22nd May 1441<sup>3</sup>, James Gifford of Sheriff Hall (James Douglas' brother-in-law) was appointed as his curator for nineteen years. By the following year it was obvious that Henry Douglas was contesting possession of the Lordship of Dalkeith with his incapacitated brother for, on 6th December 1442<sup>4</sup>, James II recognosced the Lordship of Dalkeith to end the feud between James and Henry, and the great slaughter, spoliations and wasting of the King's lieges arising from the dispute. Some three years later, on 1st July 1445<sup>5</sup>, Henry Douglas was styled "Henrico, Domino de Dalkethe", in an instrument recording the parliamentary forfeiture of James, Earl of Angus. On 2nd January 1452<sup>6</sup>, James, Lord of Dalkeith and Henry Douglas, his brother, jointly issued a feufarm charter of lands in the Lordship of Dalkeith. In 1456<sup>7</sup>, Hugh Douglas of Granton was described as "filium quondam Henrici Douglas de Dalkeith". It seems that for at least a part of the period

1441-1456, Henry Douglas had been acknowledged as Lord of Dalkeith. The indenture of 1468 between the Earl of Morton and Hugh Douglas indicated that Hugh, as Henry's son, still entertained pretensions and claims to the Lordship of Dalkeith, against the title of James, 1st Earl of Morton. The indenture was, thus, an attempt to reconcile Hugh and James and the primary purpose of the exchange of bonds of manrent and maintenance was not to obtain the provision of certain services by Hugh, in return for the Earl's protection, but the abandonment of their mutual claims against each other. Morton's bond of maintenance should, thus, have guaranteed his cousin unmolested possession of Moffat and Borgue, with the expressions of good lordship serving as a surety of Morton's own behaviour towards Hugh, rather than indicating the Earl's willingness to defend Hugh Douglas against other parties. Similarly, Hugh Douglas' bond of manrent, of loyal service, would preclude him from continuing to press claims to the Lordship of Dalkeith against the Earl of Morton, as his "lord". Whether Hugh Douglas ever rendered any of the positive services implied in the bond of manrent to Morton is unclear. A recent study of the household and retinue of the Earls of Morton by C.A. Kelham<sup>8</sup> concluded that the majority of the surviving bonds of manrent collected by James 1st Earl of Morton were concerned with feud settlement, or were directly related to tenure, and that the individuals so bound to the Earl did not provide significant household service, or form part of the earl's wider affinity.

The attempt to reconcile Hugh Douglas of Granton and the Earl of Morton appears to have encountered some difficulties, for the terms of the settlement were repeated some six years later.

On 24th May 1474<sup>9</sup>, at Dalkeith, Hugh Douglas (styled) of Borgue gave a second letter of manrent to "Lord James erle of Mortoun, Lord of Dalkeith" by which he became

"man in speciale manrent and service, reteneu and hushald... al the days of my lyfe"

to the Earl. Seen in the context of the dispute between the two men, over the Lordship of Dalkeith, the formulaic provisions of the bond take on a new significance. Hugh would never see Morton or his heirs "... scayth, deid, disworschip no disherysyng" without warning them "tymysly thereof" and would "... defend hym and his ayris at al my power...". Some three days after rendering the bond to Morton, on 27th May 1474<sup>10</sup>, Hugh Douglas gave a quitclaim to the Earl and his heirs of "... all maner of rycht, titil of rycht or clame..." which Hugh or his heirs had, or might have, to the Lordship of Dalkeith. Hugh also promised that he, or anybody in his name, would never initiate legal action against Morton and his heirs "... in Jugement no wythout, in prive no in apert..." nor "murmour no blasphemye thaim in prive...". Further, Hugh revoked and annulled all instruments and charters he had in relation to the Lordship of Dalkeith. If Hugh failed to adhere to these terms by continuing to lay claim to the Lordship, then he would be liable to pay substantial damages to the Earl, the King, and various cathedral kirks (amounting to £30,000 in all) before he could be "... herd in Jugement upon the said play in contrar the said Lord". The inclusion of the King as one of the parties to whom payment should be made if the contract was broken was an interesting feature, found in many similar indentures, by which the crown was drawn (through financial self interest) into becoming a guarantor and enforcer of private contracts and settlements.

Hugh Douglas' bond of manrent thus offered James, Earl of Morton an additional safeguard that Hugh would not contest possession of the

Lordship of Dalkeith with the Earl, or his heirs, in the future, by placing Hugh in a formal (and largely symbolic) lord/man relationship with the Earl, a relationship which prohibited legal action or physical violence between the two men. Both Hugh Douglas' bonds of service accompanied, and helped to guarantee, renunciations of his claims to Dalkeith. The royal confirmation, issued on 3rd September 1473, of the charter made by James Douglas, Lord of Dalkeith (the Earl's grandfather) to Henry Douglas, Hugh's father, may indicate that the Earl had continued to assert a right to these lands, despite his obligation of maintenance to Hugh in 1468, in order to encourage Hugh to abandon his claims to Dalkeith.

The struggle of James, Earl of Morton to recover and consolidate his father's estates, and to re-establish the predominance of the main line over those of his uncles, was reflected in another contract of friendship in which the Earl was involved. On 30th June 1466<sup>11</sup>, at Linlithgow, James, Earl of Morton entered into a marriage contract by which his son, John Douglas, was to marry Elizabeth Graham, daughter of David Graham of Fintry. David, his father (Robert Graham of Fintry), and his uncle, Patrick Graham, Bishop of St. Andrews, became bound to pay the Earl 1,000 merks for the marriage. In addition, the Bishop and David Graham were obliged with

"thar frendschipe and alia" to "support, supple, manteine and defend" the Earl, in all his "lachful" quarrels, especially in the "Recovering of his heritage haldin fra him". If, by way of the "...supple of the said Reverende fadir, Robert and David, thare frendschipe..." Morton recovered "be waye of Justice the landis of Mortone and Qwhittyniame" then the Earl would remit to them 500 merks of the dowry. Further, if Morton "... may, be coursable brevis of the Kingis chapell, help, supple and supportatione" of the Bishop, Robert and David "... recover the lands of Kincavile... and the Barony of Butill in Galwaye...", then the Earl would remit the remaining 500 merks of the dowry.



The contract thus secured the support of the bishop and his kinsmen for the Earl's claims to a number of properties, and offered them substantial financial incentives (in the form of remittances from the dowry) for the successful pursuit of these claims. Patrick Graham, Bishop of St. Andrews, has been tentatively identified as a member of the Kennedy faction who were running James III's minority government in the summer of 1466<sup>12</sup>. The usefulness of the Grahams' assistance to Morton can only be seen in terms of the influence exerted at court by Patrick, Bishop of St. Andrews. Certainly, the Grahams were not a powerful kindred in any of the localities in which Morton sought to obtain lands. Within a month of the conclusion of the indenture, Robert, Lord Boyd seized control of the young James III, ousting the Kennedy faction from power. The Boyd coup may well have removed Patrick Graham from his position of influence, and made Morton's pursuit of his heritage more difficult.

Of the lands specified in the 1466 indenture, Morton and Whittingehame were in the hands of the Earl of Morton's half uncle, Sir William Douglas. Sir William's possession of the barony of Morton, in Nithsdale, and the lands of Whittingehame (East Lothian), arose from his position as the only son produced between James Douglas, Lord of Dalkeith (James 1st Earl of Morton's grandfather) and Janet Borthwick, James' second wife. On 13th October 1439<sup>12</sup> James Douglas, Lord of Dalkeith resigned the lands of Whittingehame into the King's hands, to be returned to James, and his spouse, Janet Borthwick, in conjunctfeftment, to be held by them for their lifetimes, and, after their decease, to descend to their legitimate heirs. Early next year, on 25th February 1440<sup>14</sup>, the barony and castle of Morton, in Nithsdale, were also granted in conjunctfeftment to James Douglas and Janet Borthwick, to descend to their heirs, following on James' resignation.

Morton and Whittingehame would appear to have been the dower lands used by James to secure his marriage to Janet Borthwick, but the grants may also have been influenced by the mental state of the Lord of Dalkeith's eldest son, James. The 1466 indenture clearly indicates that James, 1st Earl of Morton, was unwilling to accept his grandfather's alienation of Morton and Whittingehame.

On 14th March 1458<sup>15</sup>, in parliament, as James, Lord of Dalkeith was about to be created Earl of Morton, William Lord Borthwick entered an objection on behalf of his sister, Janet, Lady Dalkeith (the widow of the Earl's grandfather) and her son, William Douglas, narrating that the lands of Morton belonged to Janet and William in heritage, and that the creation of the Earldom should not prejudice their rights. The chancellor replied that the Earldom was to take its name from Morton, in the barony of Calderclere, rather than the barony of Morton in Nithsdale. There were further indications, in the October 1459 parliament<sup>16</sup>, of attempts to remove Janet Borthwick and William Douglas from the lands of Morton and Whittingehame. Eventually, on 12th January 1474<sup>17</sup>, Sir William Douglas of Whittingehame resigned his rights to the barony of Morton into the hands of Alexander, Duke of Albany, the superior, in favour of James, Earl of Morton, and on 9th February 1474<sup>18</sup> sasine was delivered to the Earl's son and heir Sir John Douglas by the Duke of Albany's bailie.

James, Earl of Morton's indenture with Patrick Graham, Bishop of St. Andrews, was thus a contract meant to secure immediate support for Morton's claims in a specific dispute. Graham's assistance had a tangible financial value to Morton, who was prepared to remit sums owed to him for his son's marriage if Graham's influence at court led to the Earl obtaining possession of Morton and Whittingehame.

Two further bonds of manrent delivered to the Earl of Morton, one by James Gifford of Sheriff Hall on 10th May 1482<sup>19</sup>, and another by James Livingston of Manerston on 2nd November 1486<sup>20</sup>, were also associated with the termination of long running disputes between the Earl and the individuals concerned. The dispute between the Earl and Livingstone of Manerston is particularly interesting in illustrating a long term disagreement between a superior and his tenant over the conditions under which land was to be held.

### The Angus Bonds

The bonds of manrent/retinue received by the Earls of Angus during the second half of the fifteenth century, and the bonds of maintenance granted by them, form an interesting study group which exhibits the multiplicity of contract types with which the exchange of manrent and maintenance could be associated.

The earliest recorded bond of retinue collected by George, 4th Earl of Angus was granted on 24th May 1452<sup>21</sup>, and is mentioned in an indenture between George, Earl of Angus, and Sir Archibald Douglas of Cavers, Sheriff of Roxburgh, and his (Archibald's) son William. By the indenture, the Earl was bound to grant the custody of his castle of Hermitage, in the Lordship of Liddesdale, with the bailiary of the lands of Liddesdale, and the "... governance of the men of the said contre", to Sir Archibald for his lifetime. In return for this lifegrant, Archibald and William were obliged that they would

"kep the said castell of Hermitage and governe the bailyhery... and the men, to the behufe and profit of the said Lord erle and his airis... al the tyme fornemmit, and nouthet reset, nor suffer to be reset in the said castell, persouns or persoun of quhatsumever degre... that ar enmyis or odious to the said Lord erle and his airis".

Archibald was also bound to allow Angus and his heirs "fre entre and ische in... castell at all tymes, witht mony or few". If Archibald died before his son William, William was obliged to hand over the castle to Angus or his heirs "without obstacle or againestanding...". If William predeceased his father, then Archibald was bound to ensure that

"after his (Archibald's) decess, the said castell sall frely be deliverit to the said lord erle or his airis". Finally "the saidis Schir Archibald and William ar becummyn men, and be thir lettres becummys men of speciale retinew to the... lord erle... for all the tyme forsaid... againe all that lefe or de may, for all the tyme of the said Schir Archibaldis lif..." and the Earl "... byndis him... to supple, maynetene and defende... Schir Archibald and William, his sone... lik as a lord aucht to supple and defende his cousingis and men".

The bonds of maintenance and special retinue exchanged between Angus and the Douglasses of Cavers would thus appear to have been directly linked to the grant of Hermitage and the bailiary of Liddesdale to Sir Archibald, and were to be effective only for the term of Sir Archibald's life grant. The obligations of lordship and defence, and those of loyal service, expressed in the bonds referred to, and bolstered, the tenorial relationship established by the indenture. Why was this grant, in particular, subject to these conditions and sureties of personal service and loyalty? In Chapter One it was suggested that recent feud could explain the connection of tenure with formal bonds of retinue service, or, in the case of the Argyll galley service bonds, that certain regional conditions, or some aspect of the lands to be granted out, required the granter to obtain additional guarantees of loyalty and service. A strategically vital border castle, and the bailiary of the lordship it controlled, may have fallen into this second category, in that the custody of Hermitage, and the exercising of the bailiary, required a

high level of personal military/judicial activity on Sir Archibald's part, forms of service which were not adequately comprehended and guaranteed in the oaths and ceremonies accompanying routine acts of feudal conveyancing. A more compelling explanation, however, may have been the political situation in which the Earl granted Hermitage to Sir Archibald.

Some three months before the indenture, on 22nd February 1452<sup>221</sup>, William, 8th Earl of Douglas had been murdered in Stirling Castle by James II and his retainers. The intervening months had seen both the King and James 9th Earl of Douglas (the murdered Earl's brother) attempting to attract support. On 21st April 1452<sup>232</sup>, William Douglas of Cavers, Sir Archibald's son, received a grant from James II "pro ejus fideli servitio" of forty merks worth of land in Fife. The indenture with Angus would appear to identify both Archibald and William Douglas, even more firmly, with the royalist interest. The need for bonds invoking exclusive service and loyalty from a man to whom the Earl of Angus was entrusting possession of the strategically important castle of Hermitage, during a period of open political conflict between the Earl of Angus and the Earl of Douglas, is understandable. The very specific provision that Douglas of Cavers would not

"suffer to be reset in the... castell persouns... of  
quhatsumever degre... that ar enmyis or odious to  
the... Lord erle..."

may have been directly aimed against the 9th Earl of Douglas and his associates. The linking of tenure with bonds of retinue thus bound Archibald Douglas of Cavers in a contractual obligation of loyalty and service which, if broken, would have allowed the Earl to reclaim possession of Hermitage and the Bailiary of Liddesdale. The conditional nature of Cavers' occupation of the offices was underlined

by the fact that the Earl's grant was one of life rent, under conditions which expressly forbade the automatic transfer of the lands and offices to William Douglas, Archibald's son, on Archibald's death, indicating that Angus sought to maintain a high level of control over the behaviour of his assignees in the bailiary.

Interestingly, the castle of Hermitage was also associated with an exchange of manrent and maintenance between Archibald, 5th Earl of Angus (George 4th Earl of Angus' son), and David Scott of Buccleuch, in 1472. On 9th February 1470<sup>24</sup>, Archibald, Earl of Angus granted David Scott of Buccleuch the governance of Hermitage Castle for nineteen years. On 24th February 1472<sup>25</sup> David Scott, son and heir of David Scott of Buccleuch entered into an indenture with the Earl, Elizabeth Countess of Angus, and James Lord Hamilton, by which the younger David was to marry Archibald's sister, Jane. David elder, and his son, were to have the bailiary of Liddesdale, Ewesdale, Eskdale, and the custody of Hermitage Castle for thirteen years, and the lands "... lyand aboute the hous..." that William Douglas of Cavers had had for maintaining the castle. For this grant, the

"... forsaid David and his sone bindis and oblissis thaim in manrent and service unto... Lord Erle for al the tyme that other of thaim has the balzery of the Lordschippis... and the keping of the Ermtage..."

There then followed a series of conditions, similar to those imposed in 1452, regulating the Scotts' governance of Hermitage and the bailiaries,

"... to the avale and profet of my Lord of Angus, in settin of the landis, raising of the malis..."

and guaranteeing Angus' right of entry to the castle. The Earl, for his part, was bound to

"... mantene, supple and defend thaim... as his lettreis of mantenans... proportis".

Further, and suggesting that the Earl may not have been entirely happy with the Scotts' position as his tenants in Hermitage Castle and the designated bailiaries, Angus was bound to pay Scott or his son 400 merks in compensation if he (Angus) failed to support Scott or his son

"... sa that he sufferis thaim nocht for the termys  
abuf writin... to browke..."

the castle and the lordships.

The Scotts' obligation of manrent service was thus related, explicitly, to their tenure of Hermitage and the bailiaries, and was to be effective

"... for all the tyme that other of thaim has the  
balzery of the lordschapis..."

The bond was granted in order to ensure that David Scott and his son would render the services due to the Earl, detailed in the indenture, acting as an oath of good administration.

The Scotts' manrent was, thus, tenure-led rather than service-led, in that the obligations of loyal service related specifically to the Scotts' behaviour as custodians of Hermitage and their exercise of the various border bailiaries, i.e. the offices and lands were not a fee by which Angus hoped to secure a general obligation of political and social loyalty from the Scotts. This may reflect the fact that custody of the border lordships and castles retained wide administrative duties and functions, and involved a high level of personal military, policing and judicial activity. Contractual bonds of special retinue and loyalty, linked to possession of these important offices, would help to ensure that the Scotts discharged all these varied functions, and that they would use the considerable power vested in them to uphold the Earl's interests in the areas given over to their control. The nature of the offices granted out may thus have encouraged Angus to take additional sureties for the behaviour of his

assignees. The fact that Angus avoided giving either the Douglasses of Cavers or the Scotts of Buccleuch an hereditary title to the bailiaries, but rather made grants of fixed terms, meant that continuing tenure depended on adherence to the terms of the contractual bonds of service.

Overall, we lack the background details necessary to explain satisfactorily the immediate context of the 1452 and 1472 grants made by the Earls of Angus.

More striking is the indenture of 7th December 1457<sup>26</sup> concluded between George, 4th Earl of Angus, Lord Douglas, and Warden of the East and Middle Marches, and Andrew Ker of Cessford. By the indenture, the Earl agreed to make Ker his bailie of the Lordship of Jedworth forest for "... al the dayis of the said lord and Androis lyfis...", and would ensure that his men resident within the lordship would obey Ker in the exercise of the office. Why Angus' adherents may not have been inclined to accept Ker as bailie will be seen below. In addition, Ker would be given the manor of Lintalee (near Jedburgh) as his residence, but he would not be allowed to lease any lands without the Earl's permission, nor receive any of the Earl's rents, but would allow the officers of the lordship to deal with the collection of these incomes. Further, Ker was obliged that he would

"... minister" the office "... for al the said tyme for the said lordis worschip and his avale, and the profyt of the cuntre...".

In return for the grant of the bailiary, Ker was to become man to Angus "... before al that lyf or de may" for his lifetime, in accordance with a previous bond of service he had made to Angus. In return, the Earl was to give Ker a bond of maintenance. Once again the liferent of the bailiary of an important border lordship, held of the Earl of Angus, was associated with the rendering of a formal obligation of service.



The conditions imposed on Ker's exercising of the office of Jedworth indicated a high, and justified, level of distrust on Angus' part. The need to articulate and make explicit Ker's duties and obligations towards Angus, both in the indenture and in the bonds which were to be given in exchange for tenure, is understandable given the fact that Andrew Ker was a committed adherent of the recently forfeited James, 9th Earl of Douglas. Ker's loyalty and good behaviour towards Angus, both in his capacity as Bailie of Jedworth forest and, more generally, as a powerful border chief, were by no means guaranteed.

In the year before the indenture, on 14th April 1456<sup>27</sup>, Andrew Ker of Altonburn (and Cessford), had been tried, and acquitted, in the wardenry court of Selkirk, held by George, Earl of Angus, Lord of Douglas, Liddesdale and Jedworth Forest, warden of the East and Middle Marches, of the "... tresonabill in bryngyng of the Inglismen..." to Eckford, Crailing, Grahamslaw and Jedburgh. Of these lands, Crailing and Jedburgh were within the Lordship of Jedforest (Eckford and Grahamslaw may have been), of which Ker became bailie in the following year. In addition, Ker was accused of co-operating with the "English"

"... in tresonabill maner in illyng of the kyngis legis..." and helping "... comun traturis in thare tresonabyll dedis and the haffand art and part of thaim; alsua endytyd for a comun tratur..."

and being involved in the burning and harrying of Eckford.

Ker no doubt came under suspicion because of his associations with the forfeited Earl of Douglas. In an indenture and bond of mutual maintenance exchanged between Andrew Ker and Sir Robert Colville of Oxnam on 10th June 1453<sup>28</sup>, both men excepted their allegiance to the king "... and to the erle of Douglas...", and made arrangements for their mutual support if

"... ony of thaim happins to be off the cuntre or...  
hafe sic materis that he... nedways pass of the  
cuntre...".

The possibility that Andrew Ker would "... pass of the realm of Scotland..." was also mentioned in a reversionary arrangement made between Ker and Colville, in Jedburgh, on the same day as the bonds of mutual defence<sup>29</sup>. On 12th May 1451<sup>30</sup>, Andrew Ker of Altonburn was among the lairds included in a safe conduct issued by Henry VI of England, in favour of William, 8th Earl of Douglas, Sir James Douglas, Archibald, Earl of Moray and Hugh, Earl of Ormond, during a period of open conflict between the Earl of Douglas and the King<sup>31</sup>. In addition, Ker witnessed a charter of 28th March, 1453<sup>32</sup>, issued in Castle Douglas, by James 9th Earl of Douglas in favour of Mark Haliburton. The bonds of June 1453, indicating Ker's possible departure from Scotland coincided with James, 9th Earl of Douglas and his brothers, the Earls of Moray and Ormond and Lord Balvenie, along with Lord Hamilton and Lord Livingstone, obtaining safe conducts for four and three years from Henry VI<sup>33</sup>, ostensibly for a journey to Rome. Shortly before James II's final assault on the Douglasses, on 9th February 1455<sup>34</sup>, at Peebles, Andrew Ker witnessed a grant of various Lanarkshire lands by James, Earl of Douglas, in favour of James, Lord Hamilton.

Ker, then, may be identified as a firm adherent of the last two Earls of Douglas, who was suspected of co-operation with raids into Scotland by various "traitors" and Englishmen, in the mid-1450's. The stipulation that Ker should exercise the office of Bailie of Jedforest for the "... profyt of the cuntre..." would seem to be a direct response to Ker's activities in support of the forfeited Earl of Douglas. Ker's bond of service, then, was to act as a surety for his behaviour as bailie and, although tied to this one office, was probably

intended to secure a wider obligation of exclusive political loyalty to Angus and, thus, by implication, a renunciation of Ker's adherence to the Earl of Douglas. The bond was extracted from Ker as a guarantee of good conduct, regulating his future behaviour, precisely because his allegiance to Angus, as the King's representative on the borders, was uncertain. By tying the grant of the bailiary to a bond of good behaviour, Angus also made clear that possession of the office could be revoked if Ker's behaviour violated the terms of his bond. Angus' bond of maintenance acted as a guarantee of Ker's tenure of the office of bailie, but also ensured that Ker would no longer be pursued by Angus (as March Warden) or by his adherents, for his (Ker's) attachment to the Earls of Douglas. Angus was now to exercise the obligations of lordship and defence on Ker's behalf, the bonds symbolically bringing Ker under the Earl's protection and reconciling the former adversaries. Andrew Ker's suspicions that many of Angus' men would not look upon his exercise of the Bailiary of Jedforest with any great enthusiasm is understandable, given the fact that they probably suspected him of involvement in the various raids detailed in the 1456 acquittance. The Scotts of Buccleuch, for instance, held the lands of Eckford<sup>35</sup>, one of those noted as having been raided before April 1456, and were committed supporters of James II in his struggle with the Earl of Douglas<sup>36</sup>. Both Walter Scott of Kirkurde, and David Scott his son, witnessed the indenture of December 1457.

On 5th March 1471<sup>37</sup> Andrew Ker was, once again, on trial, this time in the Tolbooth of Edinburgh before the King's justiciars south of Forth, accused of

"... art and part of advice and assistance in traitorous inbringing of James Douglas, traitor, from England within Scotland and... specially in the last battle between the English and Scots, where the Laird of Rutherford and other of the King's lieges

were taken, wounded and slain by the treasonable assistance and deception of the said Andrew...'.<sup>37</sup>

Ker was also indicted for his part in Robert, Lord Boyd's seizure of James III in 1466, and for offering his counsel to the proposed killing of Andrew, Lord Avandale, the Chancellor. The last charge is interesting, since Andrew Stewart, Lord Avandale, had been one of James II's courtiers personally involved in the killing of William, 8th Earl of Douglas (Ker's Lord) in Stirling Castle in February 1452. Andrew Ker may well have been suspected of compliance in any assassination attempt on Lord Avandale, precisely because he was duty bound to revenge the death of his lord the eighth Earl of Douglas. Ker submitted himself to the judgement of an assise composed mostly of border lairds, headed by Archibald 5th Earl of Angus and the Earl of Crawford and was, once again, acquitted.

The description of the charges against Ker do not allow us to date accurately the inroads of James Douglas, the forfeited Earl of Douglas, or the "last battle" between the English and Scots. It is uncertain whether the reference to the Laird of Rutherford indicates that Rutherford was killed during the battle. If the Scots Peerage is accurate, James Rutherford of that ilk was a Warden of the Marches in 1457<sup>38</sup>, and did not die until 1493<sup>39</sup>. If Rutherford's wounding or capture is referred to, then the occasion may well have been one of James Douglas' border raids in the early 1460's, during one of which Douglas appears to have captured the Earl of Crawford<sup>40</sup>.

The use of the bond of manrent as a surety for good behaviour and good conduct may also explain the bond given by George Turnbull of Bedrule (on the water of Rule, near Jedburgh) to George, Earl of Angus, on 16th April 1456<sup>41</sup>. The barony of Bedrule had pertained to William, 8th Earl of Douglas, and was one of the possessions confirmed to him on 7th July 1451<sup>42</sup> by James II. The bond by Turnbull was rendered only

two days after the Earl of Angus had held the wardenry court in Selkirk which had acquitted Ker of various treasonable activities. We may speculate that Turnbull granted his manrent to Angus while the latter was on a judicial/political tour of the borders to deal with, and receive the submission of, known Douglas adherents.

A bond of personal loyalty and exclusive service to Angus, as James II's March Warden and political representative on the borders, helped to ensure that Ker and Turnbull would not support the activities of the forfeited Earl of Douglas, while Angus' maintenance effectively brought these men within the King's peace and signalled the end of legal/military action against them, since the Earl was the crown's chief judicial/military official in the region. A similar motivation may have lain behind the bond of manrent given by James Tweedie of Drumelzier, at Lanark, to James II on 8th March 1455<sup>43</sup>, as the King moved against the Douglasses and their adherents. The deed recorded that

"James of Twedy of Drummellioure is becummyn til us of speciale manrent ande service for al the dayis of his lyve, and is oblist... that his house of Drummellioure sal be redy til us ande oure lieutenant... also oft ande quhen as emplexis us...". The King, in return, obliged himself that he would "... mainteine, supple and defend him ande his saide house as we walde do oure castellis ande housis, and supple and defend him in al his actionis, causis ande querellis lauchful..."

and assured Tweedy that the royal lieutenant would redeliver possession of Drumelzier to him, once he had left the stronghold. The exchange of maintenance and manrent may simply have been designed to secure the support of a border laird, and the use of his strategically important castle, for James II's campaign against the Douglasses. But if James Tweedy was a natural and enthusiastic ally of the King, willing to allow royal forces to use his stronghold, it is difficult to see why both parties required formal, written assurances of this fact,

and of their future behaviour towards one another. The answer must lie in the fact that James Tweedy of Drumelzier was regarded as a Douglas adherent. In the month before James Tweedy's bond to the King, Walter Tweedy, James Tweedy's son and heir, had witnessed a charter by James, 9th Earl of Douglas issued on 9th February 1455<sup>44</sup>, at Peebles. With royal forces at Lanark operating against men associated with the Earl of Douglas, James Tweedy may well have felt that it was opportune to place himself under James II's protection, giving the King a formal pledge of service which ensured that Drumelzier would not be held against royal forces, and would be available for their use (Thus ensuring that the royal army did not take any direct action against Drumelzier.) The royal bond of maintenance guaranteed that James II would defend Tweedy and Drumelzier against any attacks from the Earl of Douglas and, perhaps more importantly, that Tweedy, and his possession of Drumelzier, would not be threatened by royal forces. The need for Tweedy to have an explicit assurance that custody of Drumelzier would be freely returned to him after any occupation by royal officials implied a level of distrust between the contracting parties.

The rendering of bonds of manrent as part of a general process of political reconciliation, offering honourable guarantees of each party's future behaviour, and their adherence to the terms of a wider settlement, is also seen in the bonds of manrent received by James II and James III from, respectively, James 9th Earl of Douglas in 1453<sup>45</sup> and Alexander, Duke of Albany on 16th March 1483<sup>46</sup>. On both occasions, the rendering of bonds of manrent was associated with the settlement of serious political discord between the two monarchs and the named magnates.

The exchange of bonds of manrent and maintenance between Archibald, 5th Earl of Angus, and George Hume of Wedderburn and his brother, Patrick Hume, on 17th November 1470<sup>47</sup>, illustrates a rather different application of maintenance. By the indenture, Angus promised to

"... help, supple, manteine and defend... George and Partrik, in the brouking... of landis of Kymbirgeame... in the barony of Boncle... Schirefdome of Berwic..."

The Earl of Angus was, in fact, baron of the regality of Bunkle and thus superior of the lands in which he was bound to defend George and Patrick. The indenture stipulated that if the lands remained in Angus' hands because of the failure of the entry of the lawful heirs, then George and Patrick were to receive the lands in liferent. Further,

"gif... the lauchful ayeris... haldin of the said Lord erle as ourlorde..." failed "... to enter into thaim" then the Earl would heritably infeft George, Patrick and their heirs in the lands, "... haldin of hym (Angus) and his ayeris... as umquhile Johnne Synclare of Hirdmanstoune... held the said landis." If the lawful heirs were forfeited, or made "... ony caus of forfaultor..." by which the lands would have fallen into Angus' hands, as superior of the barony, then Angus agreed to pursue the process, and then to infeft George and Patrick in the lands "... gif it hapnis thaim nocht to be infeft of before be the said lord erle...". In addition, Angus promised never to "... gif nor sele na confirmacioun to William Synclare, son to... umquhile Johnne Synclare of Hirdmanstoun, na till his ayeris, of that pretendit gift... that... William allegit or allegis that... umquhile Johnne Synclare gafe to him... of Kymbirgeame..." nor to ratify a confirmation "... made of before to the said William of the... landis, in the time of his (Angus') nonage, the quhilk he revokit solempnitly at his cumyng till age...". George and Patrick Hume then bound themselves "... for the quhilk appointmentis and condicciouns to be... kepit be the said Lorde erle..." to "... becummys men to the said Archibald erle of Angus..." for their lifetimes "... of the quhilkis thai sall gif thair lettris of manrent in the best wys...".

Finally, it was stipulated that George and Patrick were to pay Angus 100 merks, forty pounds of which sum was to be paid over immediately "... at the seling of thir indentouris...". It is significant that Angus, as the granter of maintenance, received a "fee" for his services, while George and Patrick received nothing more than Angus' pledge of assistance.

On 11th March 1463<sup>48</sup>, William Sinclair, son of John Sinclair of Herdmanstone, received sasine in the lands of Kimmerghame on the basis of a precept issued by his father on 6th March. The grant is, undoubtedly, the "pretendit gift" referred to in the indenture between the Earl of Angus and the Humes in 1470. Despite William Sinclair's grant, on 7th April 1467<sup>49</sup> Marion Sinclair was retoured as one of the lawful heirs of John Sinclair, her grandfather, in the half lands of Kimmerghame, in the regality of Bunkle, by an inquest held in the Tolbooth of Berwick by Adam Hepburn of Dunsyre, Sheriff of Berwick. The lands were described as having been in the hands of Archibald, Earl of Angus, as superior, since John Sinclair's death on 20th December 1466. Marion Sinclair, daughter of John Sinclair (who must have predeceased his father - also John) and her sister, Margaret, were married to Patrick and George Hume. Marion and Margaret, as heiresses to their grandfather, were clearly attempting to ignore or invalidate John Sinclair senior's charter of 1463 to his surviving son William, their uncle, in order that the lands of Kimmerghame should fall to them as joint heiresses. On 20th March 1469<sup>50</sup>, in St. Giles Kirk, in Edinburgh, Marion and Margaret Sinclair, daughters of the deceased John Sinclair of Polwarth, son of the deceased John Sinclair of Herdmanstone, and their husbands George and Patrick Hume, had a public transumpt made of a charter of confirmation made by James I on 9th May 1429, confirming a charter of 2nd January 1379 by Margaret Stewart, Countess



of Mar, to John Sinclair, Lord of Herdmanstone, of her lands in Kimmerghame. The transumpt was, presumably, to be produced in a legal action, in Edinburgh, in order to prove the validity of the sisters' claims to the Kimmerghame lands.

On 15th May 1470<sup>51</sup>, Archibald, Earl of Angus, granted to George and Patrick Hume charters conveying, to each of them, one half of the lands of Kimmerghame. The lands were described as being in the Earl's hands through the death of John Sinclair of Herdmanstone - ignoring the 1463 grant to William Sinclair - as superior of the regality of Bunkle. It seems that Archibald, Earl of Angus, reached his majority in mid-1470<sup>52</sup>, and that his revocation invalidated a confirmation which had been given, during his minority, of the 1463 grant to William Sinclair. The Earl's bond of 27th November 1470, to

"... supple, maneteine and defend, at all his gudely power, the saidis George and Patrik, in the brouking and pesable joising of the landis of Kymbirgeame...",

was thus issued in the context of recent, and ongoing, litigation over these lands between the Humes and William Sinclair.

By 15th May 1471<sup>53</sup> the dispute had been brought before the Lords Auditors. On that date, William Sinclair (styled of Herdmanstone), brought an action against George and Patrick Hume, and their spouses Marion and Margaret (William's nieces), over the lands of Kimmerghame. George and Patrick entered an exception that the case should not "... resort nor be determit before the lordis auditouris of complaintis..." because it concerned fee and heritage and that it ought to be remitted to the judge ordinary (i.e. the Earl of Angus, who was bound to maintain the Humes' cause). The protest was clearly an attempt to have the matter decided before the Earl of Angus, where the Humes could expect a favourable result. The case was continued to 3rd August, because there were

"diverß of the lordis auditouris allegit be bath the partiis to be suspect to thaim"

and the remainder were "to wayke" to deliver judgement. There was no sederunt recorded for 15th May, so that we cannot identify, with certainty, any of the suspect parties. The sederunt for 13th May 1471<sup>54</sup> included the Bishops of Ross and Orkney, Master John Otterburn, Master Gilbert Rerik, Lords Lindsay, Hailes, Borthwick, Glamis, Walter Stewart, James Ogilvy, William Bonar and Alexander Fowlis. None of these men can be proven to have had links with either George and Patrick Hume, or William Sinclair.

The case resumed before the Auditors on 9th August 1471<sup>55</sup> with William Sinclair pursuing his nieces for the "spoliation" of Kimmerghame for three years (suggesting that the Humes had gained possession of Kimmerghame in 1468). The action was

"... referrit be the lordis of parliament to be determit before the juge ordinare becauß it is fee and heretage...".

Despite the judgement, William Sinclair remained determined not to have the case judged by the Earl of Angus. On 13th August<sup>56</sup>, the Auditors asserted that, with regard to the dispute between William Sinclair and his nieces over Kimmerghame, which had been remitted to the judge ordinary, that

"forsamekle as it is complenzeit be the said William Sinklare, that the erle of Anguß, quhilk is juge ordinare to him and his partii in the said action, is parciale to him and suspect of the law..."

the King should summon the Earl and both the parties before his council, and

"... gif it be considerit and knawin that the erle of Anguß is suspect of law to outhir of the partiis..."

then the King would either take the action before himself and his council, or appoint an unbiased judge. The royal intervention in

local jurisdiction was, clearly, an ad hoc response to a specific complaint.

The results of the examination of Angus' fitness to try the case are unrecorded, but the King and the Lords of Council maintained an interest in the Earl's conduct. A notarial instrument of 2nd May 1472<sup>57</sup> narrated that William Nevin, the King's messenger, had entered the Earl of Angus' lodging in Edinburgh, and given him letters from the King requiring the Earl's reply. Angus replied that the King's letters had ordered him to hold a court, on a "certain day" for

"administering of justice between William Sinclair of Herdmanstone and his opponent, which day ... he could not, or was unwilling to keep..."

It would seem that, although James III was prepared to allow Angus to judge the case, the court would be held at a time specified by the King, presumably so that royal representatives could be present to ensure a just process.

The dispute between Sinclair and the Humes reappeared in the judicial records on 5th August 1473<sup>58</sup>, when Patrick Hume was summoned before the Lords of Council for "deforcing" a royal officer who had been attempting to distrain Hume's goods for a sum of money to be paid to the Laird of Herdmanstone for the mails of the lands of Kimmerghame. Patrick was cleared of the deforcement because the King had issued letters under the Privy Seal to stop the distraint, and had then issued further letters under the signet which

"... for certane resonable cauß adnullit the said lettres under the preve seele..." and ordained that the "... first decree" given by the Lords should be put to execution. The second set of letters had not been "... publist nor schewin to the partiis..."

so that Patrick had not been guilty of deforcement. New letters were to be issued for Patrick's distraint, and for executing the

"... decrete gevin be the lordis of before for the lard of hirdmanstone..."

Clearly, the Kimmerghame issue had been decided before the Lords Auditors on some date between 2nd May 1472, and 5th August 1473, in Sinclair's favour. The confused issuing and annulling of letters of distraint following the Lords' judgement indicates a powerful clash of interests in, and around, the royal court, and it was significant that the final letters ordering Hume's distraint to proceed were issued under the King's personal signet. In a remarkable document of 18th March 1475<sup>59</sup> James III with the consent of "oure haill counsail" confirmed the grant made by John Sinclair of Herdmanstone, of the lands of Herdmanstone and Carfrae, to his son William. The King "of oure specale favor and grace..." promised never to revoke the gift and to give a confirmation when he reached twenty five. Finally, "anent the debait of... Kimmerghame" between William Sinclair and the Humes, the King promised to "kepe favorable justis to the said William of the said mater" and to ensure that the decreets of the Lords of Council were fulfilled "in safere as we may be lau and justis of oure Realme". The young King and the Earl of Angus were thus thoroughly committed to opposing positions in the dispute over Kimmerghame.<sup>59</sup>

On 14th January 1485<sup>60</sup> there was a strange postscript to the Hume/Sinclair dispute when John Sinclair of Herdmanstone (probably William's son) brought an action against George Hume of Wedderburn and Patrick, his brother, for the "takin" of the house of Herdmanstone, and for occupying the lands in disobedience of royal letters commanding them to deliver the house to John. George and Patrick were found to have done wrong in occupying the house by "... violence and force..." and were to return it to John Sinclair. The brothers were also ordered to ward themselves in Blackness castle within fifteen days for disobeying the royal letters. The Humes seem to have ignored the decret of the Lords of Council for, on 31st January<sup>61</sup>, the Lords

ordered that royal officers should pass to Haddington, Edinburgh and Lauder to warn George Hume of Wedderburn, Patrick Hume his brother, and various named Humes, Nesbits, Lummysdens, Bells and Chirnsides (to the number of twenty-two) to restore Herdmanstone to John Sinclair, within three days "... undir pain of rebelloun and puttin of thaim to the horne...". The hiatus in judicial records between 1485 and 1488 means that we cannot follow the course of the dispute, but it is clear that John Sinclair retained possession of Herdmanstone, Carfrae and Wester Pencaitland<sup>62</sup>, while the Humes gained possession of Polwirth and Kimmerghame<sup>630</sup>. The H.M.C. report on the Milne-Holme manuscripts<sup>641</sup> narrates an apocryphal traditional tale in which George and Patrick Hume were said to have rescued their brides from their uncle (William Sinclair) who had imprisoned them in Herdmanstone Castle in order to prevent the lands being carried out of his possession through the heiresses' marriages. George and Patrick besieged Herdmanstone until they reached an accommodation with the evil uncle. (The tale may conflate the attack on Herdmanstone with the earlier disputes over the Kimmerghame lands.) David Hume of Godscroft, writing his history of the family of Hume of Wedderburn in 1611<sup>65</sup>, narrated that William Sinclair resigned all the rights he had to possession of his father's lands, except for the Lothian lands in which William's dead brother (John Sinclair) had never taken sasine. The rest of the Sinclair inheritance in the Earldom of March (including Kimmerghame), was partitioned between Marion and Margaret Sinclair and their spouses. Godscroft's description matches the eventual division of the inheritance between William Sinclair and his heirs, and Marion and Margaret Sinclair and their husbands and heirs, in that William Sinclair retained the Lothian properties, while the Humes divided the Polwirth and Kimmerghame lands between themselves.

The Earl of Angus' bond of maintenance of November 1470 was thus an explicit pledge that the Earl, as baron of Bunkle, would never support William Sinclair's claims to the lands of Kimmerghame against those of George and Patrick Hume. The 100 merks promised to Angus for his assistance would seem to indicate that one of the Earl's concerns was to profit from his position as judge ordinary.

The granting of maintenance as an indication of a willingness to assist in specific disputes, spurred more by the desire for financial profit than for the procurement of reciprocal services from a lesser man, was a feature found in other Angus contracts.

On 29th May 1493<sup>66</sup>, Archibald, Earl of Angus, Chancellor of Scotland, promised to be a "gude Lord" to Master Hugh Douglas, Dean of Brechin,

"... in, al acciouns lefule, and honest causis and querelis concernyng him..." and to "... fortyfye the said Maister Hewis querele at all his gudlie power, and witht his kyn, men, and frendis, quhen ever he is requirit be the said Maister Hew...".

The remainder of the indenture explains exactly how the Earl's good lordship was to manifest itself. Angus, as Chancellor, was to obtain the

"... Kyngis favouris and licence... to persew al heretage within the realme of Scotland that the said Maister Hew may be heretor to..."

except lands in the royal patrimony. In addition, Angus was bound that if any benefice "... vakis in the courte..." he would attempt "... at all his power at the Kingis hand..." to have Hugh promoted. The price of Angus' support and good lordship, was that as soon as Hugh "enteris be law to the landis of Avandale..." he would resign the lands to Angus and his heirs in heretage. Hugh was to retain the liferent of Avandale unless Angus "... be his labour" caused Hugh to be promoted to a benefice, in which case Hugh was to assign the liferent to Angus.

Essentially, the indenture was the basis for a speculative enterprise by which Hugh Douglas' claims were to be assigned over to Angus for prosecution, with Angus retaining the heritable title to the lands of Avandale if these lands were won by Hugh's claims, in return for which Angus would use his influence at court to reward Hugh with promotion to a benefice. The aim of the indenture was not the formation of an enduring Lord/Man relationship but, rather, mutual profit.

The timing of the indenture between Angus and Hugh Douglas is significant. On the following day, 30th May 1493<sup>67</sup>, a parliament opened in Edinburgh. The parliamentary business included a revocation by the young King James IV (well before his perfect age), by which the cancellation of all grants made by his father after 2nd February 1488 was confirmed<sup>68</sup>, and grants made in "... our youtheid and unperfite age in hurt and prejudice of the croun..." were similarly annulled. There then followed a sweeping revocation of all royal grants made during the reign of James III, and James IV's minority. The indenture of 29th May between Archibald, Earl of Angus, Chancellor, and Hugh Douglas, clearly anticipated the revocation, and the possibilities it raised for the recovery of Hugh's "heritage". Hugh Douglas, Dean of Brechin, was the son of Hugh Douglas, Earl of Ormond (executed in May 1455 following his capture at Arkinholm) and, thus, the direct heir male of Ormond's brothers, William 8th Earl, and James 9th (and last) Earl of Douglas, Lord Avandale. Hugh was, potentially, heir to all the lands forfeited by the Douglasses in 1455 which had not been absorbed into the royal patrimony, including those of Avandale.

In a very similar contract between the two men on 24th January 1497<sup>69</sup>, Angus repeated his promises to "... be gud lord to... Maister Hew" and to support him with his kin, men and friends, and to try to

obtain a benefice. For Angus' "gud lordschip..." Hugh agreed that if he obtained

"be law..." the lands of "... Glenquhome, Patynane, Gledstanis, or any uthir landis pertenande to the erllis of Douglas or erll James, Lord Awendaill or his father, erll of Ormonde...", in the sheriffdoms of Lanark, Peebles "... or any uthir schirefdom wythin the realme of Scotlande..."

he (Hugh) would immediately resign the lands in favour of the Earl, reserving to himself the liferents. Essentially, the quarrels in which Angus was bound to maintain Hugh were those concerning the recovery of the Douglas lands which had not been annexed to the crown, and in which Angus himself was to be infeft if the claims were successfully pursued.

The scale of Angus' judicial/financial speculation is impressive, but there are no indications that any of Hugh's claims were successfully pursued. In essence, Angus' "gud lordshcip" may be equated with the Earl's ability, as Chancellor, to influence judicial processes during a period of royal minority. Angus' favour was bought by Hugh Douglas promising to assign over the hereditary right to any lands obtained through the Earl's support. Angus was not interested in Hugh Douglas' reciprocal service, but in achieving some profit from his position of influence. Angus' bonds of maintenance, both at the local level as baron of Bunkle, and in connection with his position as Chancellor were, primarily, contracts by which the Earl bound himself to assist in specific disputes, in expectation of substantial territorial/financial gain.

#### Safeconduct and Assistance



Other exchanges of manrent and maintenance exhibited the use of maintenance as both a pledge of positive assistance, and a guarantee of non-aggression.

On 10th April 1470<sup>70</sup>, in an indenture between George, Lord Gordon and Alexander Seton, his brother, for the

"... stanchyng of all debatis and contraversiis betuix thaim and thare airis in tyme cummyng..."

especially with regard to the lands formerly belonging to the deceased Giles Hay (Alexander's mother), Alexander Seton bound himself and his heirs never to claim the lands of "Culsavertie", Enzie and Boyne. In return for this promise, George, Lord Gordon, agreed to infeft his brother in 100 merks' worth of the lands of Gordon or Huntly (the Gordons' Berwickshire estates) until Alexander Seton obtained the barony of Tullibody in Clackmannanshire, and was infeft by Drummond of Stobhall in the lands of Drip. Lord Gordon also agreed to resign Touchfraser in his brother's favour. In addition, Lord Gordon was bound to support Seton in recovering lands which had belonged to Giles Hay, Alexander's mother,

"... as he suld do til his broder and man, and at the said Alexander sall keip his service to the said lorde, his brodyr, and... the said lorde to kep gude and afald lordschip to hym, as the letters of lordschip and manrent maid betuix thame of before proportis..."

George, Lord Gordon's lordship, then, was very explicitly concerned with protecting Alexander Seton's position as heir to Giles Hay. The reference to bonds of lordship and service made "... of before..." may indicate that the bonds had been concluded during an earlier compromise between the same two parties, at Stirling, on 3rd February 1465<sup>71</sup>, which will be examined below.

Alexander Seton and George, Lord Gordon were half brothers, Alexander Seton being the elder. On, or around, 8th January 1427<sup>72</sup>

Egidia or Giles Hay, the daughter and heiress of John Hay of Tullibody, married Alexander Seton of Gordon (later 1st Earl of Huntly). On that date, James I granted Seton and Giles Hay, whom Alexander was to marry, the lands of the barony of Tullibody, with the lands of the forest of Boyne and Enzie, and the barony of "kilsaurle" in Banffshire, following on from Giles' resignation, to be held by Alexander and Giles and their lawfully procreated heirs, whom failing to Giles' lawful heirs. Clearly, by the terms of this grant, all the above lands should have passed to Alexander Seton, the son of Alexander Seton and Giles Hay. By the late 1430's, however, it was clear that Alexander Seton senior's marriage to Giles Hay had been dissolved, and that attempts were under way to secure George Seton (later George Gordon, 2nd Earl of Huntly), Alexander Seton's first born son by his second marriage to Elizabeth Crichton, not only in the bulk of the Gordon inheritance, but also in parts of the Tullibody inheritance. Alexander Seton junior's position was made even more vulnerable by the actions of his mother. On 26th November 1438<sup>73</sup>, Giles Hay, Lady Tullibody, granted her beloved cousin (and ex-husband) Sir Alexander Seton of Seton, son to the Lord of Gordon, for his counsel and "auxilio" all the lands of the barony of Tullibody, and the lands of Enzie and Boyne, i.e. the lands which should have passed to Giles' son, Alexander. Why Giles Hay assigned the greater part of her inheritance to her ex-husband in 1438 is unclear. A sixteenth century chronicle of the family of Seton asserted that:

"The said Alexander Seytoun, first erle (of Huntly) forsaide, quha mareit the said Gelis Hay, had sic moyanis (influence) of the said Gelis, that sche resignit all hir landis in heritage to remane wyth hir said husband and his airis..." and that after his second marriage "...this Alexander, erle forsaide, gat on the said (Elizabeth) Crichtoun ane sone, callit George, to quham the said Erle Alexander... gaif all his landis and maid him his successour to the erldome of Huntlie, and... sum menis be

persuasioun of the said (Elizabeth) Crichton, his  
spous, and moder to the said George, quha was ane  
wyse woman..."<sup>74</sup>.

The chronicle gives an accurate description of the disinheriting of Alexander Seton, Giles' son. On 3rd April 1441<sup>75</sup>, Alexander Seton of Gordon resigned his lands into the King's hands, and received a charter of entail by which the Lordships of Gordon and Strathbogie, the lands of Aboyne, Glentanner, Glenmuick (Aberdeenshire) and Panbride (Angus) were to be held by Sir Alexander in liferent, and after his death were to pass to George Seton, his son by Elizabeth Crichton and George's male heirs. Alexander Seton, George Seton's elder half brother, was thus carefully excluded from the descent of Sir Alexander Seton's estates. The use of the charter of entail as a means of bypassing sons of defunct marriages has already been seen in connection with the Kennedy bonds discussed in Chapter One. Elizabeth Crichton, Sir Alexander's second wife, was a daughter of Sir William Crichton who had become Chancellor in 1439<sup>76</sup>. Sir Alexander may well have been encouraged to make changes to the descent of his estates in order to secure his marriage to Elizabeth.

Aside from the Gordon estates, it is clear that, under the terms of Giles Hay's resignation, Sir Alexander Seton (hereafter cited as Alexander, Earl of Huntly) continued to make dispositions of the Tullibody inheritance which prejudiced the rights of his first born son as outlined in the 1427 charter to Sir Alexander on his marriage to Giles Hay.

In 1437<sup>77</sup>, Seton made a grant of lands in Tullibody to Andrew Gray of Broxmouth. On 15th February 1509<sup>78</sup>, the Lords of Council were dealing with the recognition of the barony of Tullibody. One of the pieces of evidence presented before them (and engrossed in the judicial records) was a charter by Alexander, Earl of Huntly, of

13th September 1446 to Sir George Crichton of Cairns, of the lands of the mains of Tullibody. Sir George Crichton was a cousin of the Earl of Huntly's father-in-law, William, Lord Crichton. Alexander, Earl of Huntly was thus providing lands for the kinsmen of his second wife, from the inheritance of his first wife's son. On 1st March 1458<sup>79</sup> James II confirmed a charter of entail of the Earldom of Huntly, to Alexander, Earl of Huntly, by which the lands of the Earldom were to be held in liferent by the Earl and, after his death, were to descend to George Gordon and his heirs, whom failing, George's brothers germane Alexander (i.e. the second son of the Earl by Elizabeth Crichton) and William. Among the lands included in the charter of entail were those of the forest of Enzie (and, presumably, Boyne), part of the Tullibody inheritance brought to the Earl of Huntly by the marriage to Giles Hay.

The disinheritance of Alexander Seton thus formed the background to an indenture of 3rd February 1465<sup>80</sup> between George, Lord Gordon and Alexander. By the terms of the indenture it was agreed that Lord Gordon would not hinder Alexander Seton's entry to any lands which had belonged to Alexander's mother, but would assist him "... in als fer as he may witht his worschip...". The promise of assistance applied especially to the recovery of the lands of Tullibody (which Alexander, Earl of Huntly, had assigned to Crichton of Cairns), but not to the lands of forest of Enzie and Boyne, the lands included in the 1457 entail of the Earldom of Huntly in George's favour, which would remain heritably with George, Lord Gordon. Alexander Seton was bound not to disturb George in possession of the above lands (which suggests that, as heir of line to Giles Hay, this is precisely what Alexander had been doing prior to the agreement), in return for which George would infeft Alexander in the lands of Touchfraser and Drip in Stirlingshire. As a part of these lands were held by James, Lord Livingstone, and Sir

John Colquhoun of that ilk under lifegrants from Alexander, Earl of Huntly, Lord Gordon promised to grant his brother warrandice lands of equivalent value in the Lordship of Gordon (Berwickshire) until Alexander gained entry to the Stirlingshire lands.

Essentially, Alexander Seton's powerful claims to the lands of Enzie and Boyne were to be bought out by his brother, in exchange for other, peripheral, Gordon possessions in Stirlingshire and Berwickshire, and the promise of assistance in recovering the lands of Tullibody. The indenture of 1470 simply reconfirmed these arrangements. In the context of the disputes over the Tullibody inheritance, the bonds of service and maintenance would appear to have had a limited role. Seton's personal bond to become his brother's "man" placed on him (and gave Lord Gordon a written, witnessed guarantee of) an obligation never to assist or plan any hurt to his "lord", or to menace his possessions, which would, if adhered to, have prevented Seton disputing Gordon's possession of Enzie and Boyne in the future. Lord Gordon's bond of lordship was a guarantee that he would render support to Seton's attempts to recover Tullibody, and the maintenance was offered in the knowledge that Alexander Seton could re-activate his claims to Enzie and Boyne if Lord Gordon failed to defend Alexander's position.

The indenture of 10th April 1470 was associated with a number of charters which sought to implement the terms of the agreement. On 11th April 1470<sup>81</sup>, Alexander Seton, described as the son of Alexander, Earl of Huntly, received a charter of the lands of "Kilsaurle", Enzie, Boyne and Tullibody, resigned by the Earl. On 21st May 1470<sup>82</sup>, James III granted a charter to George, Lord Gordon, of the lands of "Culsawarty", Enzie and Boyne, resigned by Alexander Seton of Tullibody. Alexander Seton had, on receiving Enzie, Boyne and

Tullibody from his father, immediately resigned the Banffshire lands in favour of his brother, while retaining Tullibody, thus giving Lord Gordon undisputed possession of the Banffshire estates. On 13th April 1470<sup>83</sup>, Alexander Seton of Tullibody granted a bond of reversion to George, Lord Gordon, renouncing his infeftment in the lands of East Gordon (Berwickshire) as soon as Lord Gordon granted him Touchfraser in Stirlingshire. On 11th April 1470<sup>84</sup>, George, Lord Gordon, granted his brother a charter of the adjoining lands of Wester Gordon, presumably under a similar reversionary agreement. Alexander Seton's tenure of the warrandice lands in Berwickshire during the early 1470's appears to have allowed the powerful and ambitious Hume family to become established as tenants of the Earls of Huntly in their Berwickshire estates. The entry of the Humes to Huntly's Berwickshire lands saw the granting of a number of bonds of manrent from the Humes to their new feudal superiors, manrent often directly linked to liferent entry into the lands, perhaps taken in an effort to ensure that the Humes continued to acknowledge the Earl's superiority. On 21st July 1482<sup>85</sup>, for example, at Redpath near Lauder, George, Earl of Huntly constituted Alexander Hume bailie for life of the Earl's lands of Gordon and Fogo, with a lease of Fogo for life, for a yearly rental of forty merks, for which lease and bailiary Alexander Hume was bound in manrent service to the Earl.

Lord Gordon's "good lordship" was required on several occasions by Alexander Seton of Tullibody in rejecting the legitimate claims of the heirs of Sir George Crichton of Cairns to the lands of Tullibody.

On 18th October 1488<sup>86</sup>, James Crichton, son and heir of the deceased Sir James Crichton of Cairns, approached George, Earl of Huntly in St. Giles' Kirk in Edinburgh, and requested that the Earl should give him sasine of the mains, mill and lands of the

"Nethertowne" of Tullibody, i.e. the lands granted by Alexander, 1st Earl of Huntly, to Sir George Crichton (James' grandfather?) in 1446. The Earl, who was bound to maintain Alexander Seton's claims to Tullibody, replied that the lands did not belong to him either in property or superiority, and that he had never taken sasine in them (which was true) so that he could not give sasine to Crichton.

The next recorded clash between the Crichtons and Alexander Seton of Tullibody occurred on 29th March 1501<sup>87</sup> before the Lords of Council, with George, Earl of Huntly once again rendering assistance to Alexander Seton. George, Earl of Huntly, by that stage Chancellor of Scotland, was not a regular attender on the bench of the Lords of Council, but he was present on 24th March, and his presence caused anxiety to John Crichton's procurator, Andrew Lord Gray. Gray, as forsppeaker for John Crichton, son and heir of James Crichton of Strathurd (and Cairns), entered a protest that the lords' judgement should not prejudice Crichton's claims, since the principal judge was the lord Chancellor, and the action involved his son (Alexander, Lord Gordon, who was acting as Seton's procurator). Lord Gray also asserted that the Chancellor should have warranted Crichton in the disputed lands, but instead stood with Alexander Seton's procurators "... contrar him...". Gray was, presumably, asking Huntly to defend John Crichton as heir to Sir George Crichton in the lands which had been gifted to Sir George by Alexander, 1st Earl of Huntly, the Chancellor's father. The court records narrated that all Gray's objections were rejected, and that the process was stopped "... alanerly..." by the King's letters, instructing the Chancellor and the Lords of Council to abandon the case until the King was called for his interest. The letters were served by James Henryson, the King's advocate, but must have been applied for some time before the case by

Lord Gray, who had raised the exception that the case should not proceed on the basis that the crown had an interest.

George, Earl of Huntly, died on, or about, 8th June 1501<sup>88</sup>, at Stirling. On 10th October 1502<sup>89</sup>, Alexander Seton of Tullibody (described as Giles Hay's son) became bound in manrent to his nephew, and the new head of the Gordon family, Alexander, 3rd Earl of Huntly, excepting his (Seton's) allegiance to the Earl of Bothwell. The bond may have been intended to guarantee Seton's continued compliance with the terms of the 1465 and 1470 agreements following George, Earl of Huntly's death, as well as more positive services. The terms of the earlier agreements had needed to be re-confirmed by both parties on 23 June 1496<sup>90</sup>.

Whether Seton's bond of manrent was accompanied by a grant of maintenance from the new Earl is unclear, but within three months Alexander, Earl of Huntly, was discharging the duties of Lordship by defending Seton's possession of Tullibody. On 26th January 1503<sup>91</sup>, William Lord Graham became surety before the Lords of Council for the Abbot of Scone (tutor to John Crichton, son of Sir James Crichton of Cairns) that the Abbot would "... hold firm and stable..." in the action between himself and the Earl of Huntly. On 11th December 1503<sup>92</sup>, Sir Adam Crichton, a kinsman of John Crichton, requested an instrument to be made, recording that he had requested the Earl of Huntly to aid in the defence of John Crichton (as the man who should have defended the 1446 grant of the Mains of Tullibody), and that the Earl had refused. Alexander, Earl of Huntly, also had an instrument made, narrating that he was taking part only as a procurator for Alexander Seton of Touchfraser (elder), and not on his own account, thus effectively repeating his father's position in October 1488 that the lands of Tullibody had never been in the possession, either in



property or superiority of George 2nd Earl or Alexander 3rd Earl of Huntly, so that the Earls could defend neither Crichton nor Seton as overlord of Tullibody. On the same day, Alexander Seton of Tullibody, described as son and heir of Giles Hay, Lady of the lands of Tullibody, and her nearest and lawful heir, brought an action against John Syme, a sheriff depute of Clackmannan, and the inquest which had served a brief purchased by John Crichton on the lands of "Nethir Tulybody" and the mains of Tullibody. Clearly, the Crichtons had organised enough local support to have John Crichton served as heir (probably to his great grandfather) in the disputed lands. The Lords of Council decreed that the sheriff depute had behaved unjustly in allowing a Robert Cairns younger onto the inquest. Robert was "... a geveir of partial consale to said John Crichton and his party...". The decret of the inquest was, therefore, annulled.

The maintenance offered by the Earls of Huntly was, then, directed towards fulfilling the terms of the 1465 indenture. It would appear that the chief aim of binding Alexander Seton in manrent to George 2nd Earl of Huntly in 1465 was the suppression of Seton's claims to Enzie, Boyne and Kilsaurle, although this fact does not necessarily discount the development of a positive relationship between the Earls of Huntly and the Setons of Tullibody in the wake of their agreement.

A similar agreement was concluded, in Edinburgh, on 22nd January 1478<sup>93</sup>, between John Stewart, Earl of Atholl and Neil Stewart of Fortingall. The bulk of the indenture was concerned with settling

"... all questions and debatis movit be the said Lord Erlle aganis the said Neill" and "... specially anent the desyring of the said Neilis takkis, officis and rowmis...". It was agreed that the Earl "... sal never in tyme cuming laboure nor ger laboure for the takkis nor officis of... Neillis... quhilkis his (Neil's) fader broukitt of before in priva nor in apart and sal have na eye therto in tyme cuming...". For this "... gude lordschip..."

to be done by the Earl to Neil, Neil became "... man  
to the said Erle for all the dais of his life...".

Atholl's good lordship was thus explicitly equated with his promise not to molest or threaten Neil Stewart in the disputed tacks and offices. A bond of maintenance offered Neil a formal, written, witnessed guarantee of the Earl's future conduct towards him. In pledging to become Atholl's man, Neil Stewart excepted his allegiance to the king, the Queen, the Chancellor (Lord Avandale), and the Earl of Huntly, but would give Atholl his "... letres of manrent", in return for which the Earl would give Neil "... letres of maintenance for all the said Neillis lif...". Neil's son, Alexander, was to be married to Christian, Atholl's daughter. Finally, it was agreed "... anent the balezery of Strabrawin (Strathbraan)..." that Atholl "... consentit that... Neill be deput to him incontynent...", until the marriage was completed, after which Atholl was to give the bailiary to Alexander Stewart (Neil's son), or whichever of Neil's sons were married to Atholl's daughter. The indenture specified that Neil Stewart was to remain neutral in any future "... controversiis" between the Earl of Huntly and the Earl of Atholl and that, at times of royal hosting, Neil would "... remane with the said Lord Erle of Athole and undir his baner...". Neil's bond of manrent would thus seem to have guaranteed Atholl compensatory service, in return for the Earl's abandonment of his claims to the bailiary of Strathbraan. The agreement concluded with a series of penalty clauses.

Two days after the exchange of manrent and maintenance, on 24th January 1478<sup>94</sup>, James III confirmed, under the great seal, three letters of assedation, under the privy seal, of the crown lands of the Appin of Dull, Glen Quoich, Glenlyon, Strathbraan and Rannoch, with the office of bailiary over all the lands, granted on 4th May 1473 to John Stewart of Fortingall (Neil's father) and Neil Stewart, for the period

of nineteen years, in favour of Neil Stewart. The Earl of Atholl would appear to have made some attempt to have the tack of Strathbraan, with the office of bailie, made over to himself following the death of John Stewart on 10th December 1475<sup>95</sup>, in contravention of the nineteen year assedation to John and Neil Stewart. Although the exchange of manrent and maintenance between Atholl and Stewart of Fortingall was part of a dispute settlement, there are indications that the two men did subsequently develop a very close relationship (see Chapter Eight).

The equation of maintenance with the abandonment of feud was seen at its most explicit in an indenture of 4th September 1486<sup>96</sup>, once again conducted in Edinburgh, between John, Lord Maxwell and Cuthbert Murray of Cockpool.

The indenture attempted to end a dispute between the Maxwells and the Murrays which had first been recorded in the previous year when, on 22nd April 1485<sup>97</sup>, Robert, Lord Maxwell had given assurances to the King's messenger for himself, John Maxwell, Steward of Annandale (Maxwell's grandson and heir), Thomas Kirkpatrick of Closeburn, Edward Maxwell of Tinwald and Robert Charteris of Amisfield in favour of Cuthbert Murray of Cockpool and Sir Adam Murray his brother, and their kin and friends "... at command of our sovereign lords lettres...", stipulating that they (the Murrays) would not be harmed by Maxwell and his men. Maxwell's assurance was to last until midsummer, but was dependent on Maxwell receiving a similar assurance from the Murrays. Lord Maxwell also agreed to pursue justice in Edinburgh on 30th May.

A settlement of the Maxwell/Murray feud did not, in fact, occur until 4th September 1486.<sup>97a</sup> On that date an indenture was concluded by which it was agreed that Cuthbert Murray, his sons, brothers and kin

were to appear at the market cross of Edinburgh or Dumfries in linen clothes

"... in most lowly manner they could, and ask from said lord (John, Lord Maxwell), kin and friends forgiveness..."

for the slaughter of Master John Maxwell, John Lord Maxwell's uncle, during a confrontation between the two kindreds at Blackshaws (equidistant from Cockpool and Caerlaverock). Further, Cuthbert Murray was to bind himself and his heirs in special manrent and service to Lord Maxwell and his heirs forever, excepting Murray's allegiance to the King and Andrew, Lord Avandale. Sir Adam Murray, Cuthbert's brother, and John and Charles Murray, Cuthbert's sons, were also to be bound in manrent and service to Maxwell. Maxwell was also bound to deliver letters of maintenance to Cuthbert and his kin if Cuthbert could prove that Master John Maxwell was slain against Cuthbert's will. Maxwell's maintenance was specifically seen as a symbol and guarantee of Maxwell's forgiveness, the extension of the duties of protection and defence to include Maxwell's former adversaries and, implicitly, the abandonment of the pursuit of Cuthbert Murray and his kin through violence or litigation in revenge for Master John Maxwell's death. Maxwell's pledge of maintenance would thus act as an honourable guarantee of Cuthbert Murray's safety. Similarly, the bonds of manrent granted by Cuthbert and his sons and brothers to Maxwell would act as sureties for the Murrays' future behaviour. The agreement stipulated that all other persons that were "... in that field..." were to be bound to Lord Maxwell, "... at his pleasure in manrent and service all the days of their lives...", indicating that many of those who had been in arms against Maxwell at Blackshaws were now to render formal bonds of service which, if adhered to, would have prevented a

repetition of their action. Both the Maxwells and the Murrays were to grant "sufficient" letters of slains for the deceased of both parties.

The letter of slains was a document which acknowledged the receipt of a sufficient assythment or compensation for the death of a kinsman. It was typically issued by the four heads of kin of the deceased man, to men involved in his slaughter, on the payment of appropriate compensation. The letter of slains was both an honourable contract, guaranteeing the safety of those involved in the killing once assythment had been made, and a legal document which indemnified the recipient against future action before the royal justiciars. A letter of slains (undated) issued by Roland Caldwell of Todrick, John Bannantyne, Cuthbert Lord Kilmaurs and Sir John Auchinleck<sup>98</sup> as the four heads of kin of the deceased John Caldwell is typical. The bond acknowledged the receipt of compensation from Andrew Cunningham, brother of the laird of Cunninghamhead and others, for the death. The four heads of kin were bound by the terms of the document that they would never, in the future,

"follow, clame, nor challance furthur than this assythment amendis and kinbute... noder in jugement nor out of jugement." Cunningham and his men were to be received in "... hartlie frentship and kindnes for ewer, and shall not countenance, harm, slauchter ar deid of these people..."

As Dr. Wormald has pointed out, remissions for slaughter, granted by the royal justiciars, were usually dependent on producing proof that the family of the deceased man had been assythed, and letters of slains provided documentary evidence, which could be used to validate or obtain remissions, and to prevent any further pursuit by the kin of the deceased<sup>98a</sup>.

The final example of the significance of a bond of maintenance in the immediate context in which it was made, dates from 1478. On 19th August 1478<sup>99</sup>, at Drum, Alexander Cumming "... son and aperand air..."

to William Cumming of Culter, and Alexander Irvine of Drum entered into an indenture which narrated that William Cumming of Culter, Alexander's father

"... schappis him of ewill emaginacion and fals suggestion, to annale and desariss" Alexander of "... auld heritage and new conquestis...". Alexander Irvine "... as cheif to... Alexander Cummyrn, for the resistens and agane standying of the... fals suggestion... of... William Cummyrn..." became bound to "mantene and defende the said Alexander..." in his heretage, and to "... fortify him batht late and air in jugement and outwith as he sald defend his man and kynnisman...".

In return for Irvine's maintenance, Cumming was to give Irvine 100 merks, forty pounds of which was to be included in Cumming's marriage goods (presumably arrangements were being made for Cumming to marry one of Irvine's daughters), with the remaining forty merks being allowed to Cumming as his fee.

Cumming was obliged to "... gif his letteris of manrent and retenew for all the daies of his lif... to... Alexander of Irwin as for fee pait beforhande."

It was also agreed that after William Cumming's death, and Alexander Cumming's entry to the lands of the barony of Tulyboy and Culter, that he (Alexander Cumming) would infeft Alexander Irvine or his heirs in these lands (perhaps under some form of reversionary arrangement). Irvine's maintenance, then, was to be directed towards defending Alexander Cumming's position in a dispute between Cumming and his father, with Irvine receiving substantial material incentives to successfully support Alexander's cause..

Alexander Irvine, sheriff depute of Aberdeen<sup>100</sup>, is referred to, in later documents, as Alexander Cumming's uncle, and this relationship may explain why Alexander Cumming turned to Irvine for assistance.

The "new conquests" referred to in the indenture, may have been the half lands of "Kyndrocht" and "Andiale", in the barony of King

Edward. On 11th April 1475<sup>101</sup> James III confirmed a charter by Thomas Cumming of "Pullane" to William Cumming, Lord of Culter, of these lands. The King Edward lands, and those of Inverallochy, eventually came into the possession of William Cumming (Marchmond Herald), Alexander Cumming's brother. It seems clear that William Cumming of Culter was attempting to provide for William Cumming junior, to his eldest son's evident displeasure. On 18th January 1504<sup>102</sup>, William Cumming of Inverallochy, Marchmond Herald, and Margaret Hay, his spouse, were confirmed by James IV in the lands of Inverallochy, with the half lands of "Kindrocht" and "Andiale" in conjunctfeftment. The lands were to descend, after their decease, to their daughters, whom failing they were to fall to William's nephew, Alexander Cumming of Culter, son of the Alexander Cumming involved in the 1478 indenture with Alexander Irvine. It was the fate of the lands and castle of Inverallochy which proved to be the most serious source of friction between Alexander Cumming and his brother, William.

On 10th April 1483<sup>103</sup>, William Cumming of Culter

"... dominus terrarum de Innverelloghy..." for  
 "filiali dilectione..." and by the "... matura  
 avisatione prehabita utilitate mea et plurium  
 amicorumque meorum in hac parte undique previsa et  
 diligenter considerata..."

granted his son, William Cumming, the King's macer, the lands of Inverallochy and the "Fortre de Innverury" (modern Fortrie near Inverurie?) in the barony of King Edward, for William's services, especially in recovering William Cumming elder's lordship and lands of Inverallochy, detained and kept from Cumming by Alexander and James Cumming his sons and their accomplices (including, perhaps, Alexander Irvine of Drum), and returned to him by William younger. The charter was given in Aberdeen, and was witnessed by William, Earl of Erroll, Mr. Gilbert Hay of Urie, and various Aberdeen burgesses.

Alexander Cumming would thus appear to have taken direct action in order to maintain his claims to Inverallochy, and to have been displaced by his brother William. The date of the actions over Inverallochy is uncertain. The presence of William, Earl of Erroll, as a charter witness is interesting; the Earl seems to have been attempting to bring the dispute between the sons of William Cumming to an end, and may have been intervening in support of William Cumming junior.

Seven days after William Cumming's grant of Inverallochy, on 17th April 1483<sup>104</sup>, at Erroll's Castle of Slains, Alexander Irvine of Lonmay (two miles south-east of Inverallochy Castle) became bound in manrent to William, 3rd Earl of Erroll, for seven years (Alexander Irvine of Lonmay, was the son and heir of Alexander Irvine of Drum), at the end of which period, Irvine was to continue his manrent, with his fee being considered by a nominated panel of six men.

The bond was, undoubtedly, connected to the events of 30th April 1483<sup>105</sup>, in the Parish Kirk of Ellon. On that date, William Cumming of Culter appeared before William, Earl of Erroll, and bound himself to abide by the counsel and will of the Earl and his "near friends" in all debates concerning himself, and especially in the quarrel between himself and his eldest son and heir, Alexander Cumming. William Cumming further obliged himself that he would not disinherit his son "of old heritage..." without the Earl's consent, and revoked all alienations "... made in his son's prejudice...". The witnesses included Mr. Gilbert Hay of Urie, Alexander Irvine (of Lonmay), bound in manrent to the Earl thirteen days previously, Henry Cheyne of Esslemont, Mr. John Hay rector of Croudane, and Alexander Irvine of Beltie. Irvine's bond of manrent may have been tied up with the submission of the dispute between the Irvines (and Alexander Cumming)



and William Cumming to Erroll's arbitration. On 3rd June 1504<sup>106</sup>, William, Master of Erroll, received a bond of manrent in similar circumstances from Alexander Bannerman of Waterton, on the same day that Alexander bound himself to abide by William's arbitration of a dispute between Bannerman and John Cheyne of Esslemont, an Erroll adherent, a dispute in which the Master of Erroll had been taking an active role against Bannerman<sup>107</sup>.

Alexander Irvine of Lonmay's bond of manrent, and William Cumming's submission, would seem to have indicated that both men were prepared to allow Erroll to arbitrate, on the basis of his lordship, over both parties and to abide by his decision. The result of Erroll's arbitration is unknown, but the Earl had witnessed and, presumably, approved of William Cumming of Culter's grant of Inverallochy to his son on 10th April 1483, indicating that Erroll probably favoured William Cumming junior's continued occupation of Inverallochy.

In a defaced grant, issued in Aberdeen sometime in the period 12th May 1483 - 12th March 1484<sup>108</sup>, Alexander Cumming, described as son and heir of the deceased William Cumming of Culter, granted his uncle (and the man bound to maintain Alexander's claims to the Culter patrimony) the lands, castle and Loch of Inverallochy, in the barony of King Edward. Clearly, Alexander Cumming and Alexander Irvine were not prepared to allow William Cumming of Culter's alienation of Inverallochy in April 1483 to remain uncontested. The exact date of William Cumming of Culter's death is uncertain, so that the grant of Inverallochy to Irvine could have taken place on the 12th of any month from May 1483 to March 1484 (given that William Cumming senior was still alive on 30th April 1483). Alexander Cumming's grant of Inverallochy, which may have been intended to reward Irvine for his

maintenance, would obviously have to be enforced by Irvine against William Cumming junior.

William Cumming maintained his possession of Inverallochy despite his brother's "sale" of the lands to Alexander Irvine of Drum. On 10th July 1486<sup>109</sup>, John, Lord of the Isles and baron of King Edward, confirmed the charter of the deceased William Cumming of Culter of the lands of Inverallochy and Fortrie, in favour of William Cumming, as well as the grant of the half lands of "Ardyale" and "Kindrocht" to Thomas Cumming, another of the deceased William's sons. Two bonds of manrent given to William, Earl of Erroll, on 29th November 1484 at Aberdeen may have been concerned with suppressing opposition to William Cumming's occupation of Inverallochy. In one bond<sup>110</sup>, John Keith of Ludquharn became bound to the Earl of Erroll for life, using the procured seal of Alexander Irvine of Lonmay, his brother-in-law. On the same day<sup>111</sup>, William Keith of Ythan also became bound to the Earl, using the seal of his uncle, Andrew Keith of Coklaw, in a bond witnessed by, amongst others, Alexander Irvine of Lonmay. The association of the Keiths with Alexander Irvine of Lonmay is interesting for, on 4th November 1490<sup>112</sup>, William Keith of Ythan, John Keith of Ludquharn and Gilbert Keith of "Patrok" became bound, under sureties of £1,000 each, that William Cumming of Inverallochy would be unmolested by them. Despite the rendering of these sureties before the royal court, the Keiths, along with Alexander Irvine of Lonmay, appear to have launched an attack on William Cumming's lands of Inverallochy. On 28th February 1493<sup>110</sup>, William Cumming of Inverallochy brought an action against William Keith of Ythan and Thomas Cumming for the "wasting" of his place of Inverallochy. Alexander Irvine of Lonmay, was also implicated in the attack on Inverallochy for, on 29th November 1492<sup>114</sup>, James IV issued a

remission, at Banff, to Alexander Irvine of Lonmay for the violent capture of the "fortalice" of Inverallochy, and for the destruction of certain goods within the castle. Thirteen others were included in the remission, including Alexander Irvine, son of Alexander Irvine of Beltie. It seems likely that the combined Irvine/Keith raid on Inverallochy was in support of Irvine of Drum's claims to the lands, as set out in the 1483/4 grant made by Alexander Cumming. The exact date of the attack is uncertain, and it may have occurred well before the granting of the remission in 1493.

The bonds of manrent granted to Erroll by Alexander Irvine of Lonmay, William Keith and John Keith in 1483/4 may well have indicated the extraction of bonds of good behaviour by the Earl, acting as a surety for William Cumming of Inverallochy's undisturbed possession of the King Edward lands. William Cumming of Inverallochy remained attached to the Earl of Errol's interest, appearing as a procurator for the Earl before the Lords of Council on 21st January 1493<sup>115</sup>.

Alexander Irvine's bond of maintenance of 1478 was thus clearly related to Alexander Cumming's need for assistance in a specific dispute and so widened the circle of men actively involved in the feud between Cumming and his father and brother. Alexander Cumming placed himself under Irvine's protection for a particular purpose, rather than seeking to establish a long term relationship with potential advantages arising from Irvine's good will. The context in which Irvine became bound to defend Cumming defined the nature of Irvine's maintenance, and the way in which it was to be discharged. Irvine's maintenance was not granted purely for Alexander Cumming's reciprocal bond of service, but also for the possibility of material gain.

**FOOTNOTES CHAPTER: THREE**

1. S.R.O., Morton Papers, GD50/142.
2. R.M.S., ii, No. 1138.
3. Mort. Reg., ii, 207-9.
4. S.R.O., Register House Charters, RH6/307.
5. A.P.S., ii, 59-60; A. B. Ill, iv, 398 (taken from the Parliamentary Records).
6. R.M.S., ii, No. 515.
7. E.R., vi, 207.
8. C.A. Kelham, 'Bases of magnatial power in later fifteenth century Scotland': Unpublished Ph.D. thesis (Edinburgh, 1986), 135.
9. Mort. Reg., ii, 221-2.
10. Ibid., ii, 222-4.
11. Mort. Reg., ii, 213-4.
12. N.A.T. Macdougall, James III (Edinburgh, 1982), pp. 66, 71, 83; J. Herkless and R.K. Hannay, The Archbishops of St. Andrews (Edinburgh 1907), 25.
13. R.M.S., ii, No. 208.
14. Ibid., No. 224.
15. A.P.S., ii, 78.
16. Ibid., 79; R.M.S., ii, No. 993.
17. S.R.O., Morton Papers, GD150/154; Mort. Reg., ii, 219.
18. S.R.O., Morton Papers, GD150/156.
19. Mort. Reg., ii, 245-7.
20. S.R.O., Morton Papers, GD150/209.
21. Fraser, Douglas, iii, 78-9.
22. R. Nicholson, The Later Middle Ages, 358-9.
23. R.M.S., ii, No. 545.
24. Fraser, Buccleuch, ii, 67.
25. Ibid., 70-2.
26. H.M.C. Report xiv: Duke of Roxburghe's Manuscripts, Appendix Part 3, 19.
27. Ibid., 10.

28. Ibid., 9.
29. S.R.O., Douglas Collection, GD98/Box 2/(108.12, p. 1).
30. Rot. Scot., ii, 346.
31. R. Nicholson, The Later Middle Ages, 355-6. On 25th November 1451, Andrew Ker of Altonburn witnessed a charter by William, 8th Earl of Douglas, by which the Earl gave Alexander Hume of that ilk lands in the Lordship of Stewarton (S.R.O., Eglinton Muniments GD3/1/384).
32. S.R.O., Ailsa Muniments, GD25/1/55.
33. Rot. Scot., ii, 362 (22nd May 1453).
34. H.M.C. Report xi, Duke of Hamilton's Muniments, Appendix, Part 6, 17.
35. R.M.S., ii, No. 419.
36. Ibid., No. 772.
37. H.M.C. Report xiv, Appendix, Part 6, 17.
38. S.P., vii, 366.
39. Ibid., 367.
40. R.M.S., ii, No. 786. A charter of 26th February 1464 by David, Earl of Crawford, in favour of Herbert Johnston of Dalebank, for freeing David from the custody of James, onetime Earl of Douglas, of lands in the barony of Kirkmichael, with the office of bailie of the barony.
41. S.R.O., Miscellaneous Accessions, GD1/479/23.
42. R.M.S., ii, No. 475.
43. H.M.C. Various Collections, v, 11.
44. H.M.C. Report xi, Appendix, Part 6; Duke of Hamilton's Muniments, 17.
45. Sutherland Peerage Case, Appendix No. X, 29.
46. S.R.O., State Papers, S.P. 13/19; A.P.S., xii, 31-3.
47. Fraser, Douglas, iii, 99-101.
48. H.M.C. Report, Milne-Holme Manuscripts, 257.
49. S.R.O., Hume of Marchmont, GD158/156; H.M.C. Report, xiv, Part 3, 64-66; H.M.C. Report, Milne-Holme MSS, 258.
50. H.M.C. Report, Milne-Holme, 256-7.

51. S.R.O., Curle Collection, GD111/1/1/1 (Patrick); S.R.O., Register House Transcripts, RH1/2/267; H.M.C., Milne-Holme, 22 (George); Laing Chrs., No. 162.
52. Fraser, Douglas, iii, 98. On 26th June 1470, William Douglas of Cluny, Archibald's tutor, resigned the ward of Tantallon into the King's hands in favour of Archibald.
53. A.D.A., 13.
54. Ibid., 11.
55. Ibid., 15.
56. Ibid., 17.
57. H.M.C. Report, Milne-Holme, 262-3.
58. A.D.A., 28.
59. S.R.O., Register House Transcripts, RH1/1/3.
60. A.D.C., i, 93-94.
61. Ibid., 105.
62. R.M.S., ii, No. 2831, 3rd March 1505. Where these lands are united into a free barony of Herdmanstone by James IV.
63. S.R.O., Hume of Marchmont, GD158/4. Instrument of sasine of 10th November 1475, by Alexander Duke of Albany, in favour of Marion Sinclair, spouse of George Hume of Wedderburn, of the half lands of Polwarth: S.P., vi, 2., 6th November 1475. Margaret Sinclair served as heir in the other half of Polwarth: A.D.C., ii, 456, 2nd December 1500, where Marion Sinclair, Lady of Kimmerghame brought an action against Robert Turnbull, bailie to George Douglas, Master of Angus and baron of Bunkle for his error in serving a brieve of David Hume of Wedderburn with regard to the lands of Kimmerghame.
64. H.M.C. Report, Milne-Holme, 4.
65. David Hume of Godscroft, De Familia Humia Wedderburnsia, Abbotsford Club (Edinburgh, 1839), 11.
66. Fraser, Douglas, iii, 139.
67. A.P.S., ii, 231.
68. Ibid., 235.
69. Fraser, Douglas, iii, 160.
70. H.M.C. Report xii, Appendix, Pt 8, 89.
71. Ibid., 88.
72. S.R.O., Gordon Castle Muniments, GD44/4/1/2; R.M.S., ii, No. 73.

73. S.R.O., Gordon Castle Muniments, GD44/4/1/3; Ibid., GD44/1/1/26 (Transcript, February 18th, 1506).
74. Sir Richard Maitland of Lethington, The History of the House of Seytoun to the year 1559, Maitland Club (Glasgow, 1829), 30-31.
75. A.P.S., ii, 56-7.
76. S.P., iv, 524.
77. Gray Inventory, ii, Bundle LXIII, No. 547. Instrument of Sasine 14th October 1437; Ibid., No. 548. An obligation by Alexander Seton of Gordon, and Alexander his son, to repay 2,000 merks to Andrew Gray or his heirs if they were disturbed in possession of the two west parts of Tullibody.
78. S.R.O., Court of Session Records (A.D.C.), CS5/xx/f.130r.
79. S.R.O., Gordon Castle Muniments, GD44/4/1/1.
80. H.M.C. Report xii, Appendix, Part 8, 88.
81. S.R.O., Gordon Castle Muniments, GD44/4/1/5. (Engrossed in a transcript made on 14th February 1506, for use before the Lords of Council).
82. R.M.S., ii, No. 991.
83. S.R.O., Gordon Castle Muniments, GD44/12/8/1.
84. N.R.A. Survey No. 482, Torwoodlee MSS., Box 1/Bundle 1.
85. H.M.C. Report xii, Appendix Part 8, 139.
86. S.R.O., Gordon Castle Muniments, GD44/12/9/1; Prot. Bk. Young, 30.
87. S.R.O., Court of Session Records (A.D.C.), CS5/X/f.68-70. Lord Gray, of course, also had an interest in the lands of Tullibody.
88. S.P., iv, 527.
89. S.R.O., Gordon Castle Muniments, GD44/13/8/12; S.M., iv, 191-2.
90. S.R.O., Gordon Castle Muniments, GD44/4/1/9.
91. S.R.O., Court of Session Records (A.D.C.), CS5/xv/f5.
92. Ibid., CS5/xv/f.114r.
93. Duke of Atholl's Muniments, Blair Castle, Blair Atholl, Box 20/Parcel 1/No. 4; C. Poyntz-Stewart, Memorials of the Stewarts of Forthergill (Edinburgh, 1879), Appendix, 74-75.
94. R.M.S., ii, No. 1353.
95. Arch. Scotica, iii, 321.
96. Fraser, Caerlaverock, ii, 446-8.



97. Ibid., 442.
- 97a. Ibid., 446-8.
98. S.R.O., Register House Charters, RH6/595.
- 98a. J. Wormald, 'The Blood Feud in Early Modern Scotland' in Disputes and Settlements: Law and Human Relations in the West, ed. J. Bossy (Cambridge, 1983).
99. A. B. Ill, iii, 338-40.
100. Ibid., iv, 90.
101. R.M.S., ii, No. 1196.
102. Ibid., No. 2767.
103. S.R.O., Miscellaneous Accessions, GD1/661/1; A.B. Coll., i, 456.
104. S.M., ii, 253-4.
105. Erroll Charters, No. 106, (Transcript West Register House).
106. Ibid., No. 188.
107. S.R.O., Court of Session Records, (A.D.C.), CS5/xi/f.26v/27r.
108. A.B. Ill, iv, 130.
109. A.B. Coll., 457-8.
110. Erroll Charters, No. 116; S.M., ii, 254.
111. Erroll Charters, No. 115; S.M., ii, 255.
112. A.D.C., i, 160.
113. Ibid., 297.
114. A.B. Ill, iv, 131.
115. A.D.C., i, 262.

## CHAPTER FOUR

### Feud and the Rebellion of 1489

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The traditional interpretation of the early years of James IV's reign as exhibiting "statesmanlike" moderation<sup>1</sup> on the part of the victorious rebels of 1488, who had overthrown James III at Sauchieburn, seems attractive enough. As Dr. Grant has recently shown<sup>2</sup>, the level of political violence associated with changes of regime within Scotland appears to have been significantly lower than that in fifteenth century England, and there were, for example, no widespread executions of members of James III's displaced aristocratic council, no systematic treason trials to eliminate politically dangerous opponents. Dr. Grant explains the relatively moderate nature of Scottish court politics by pointing out that the structure of local lordship within the kingdom meant that, to some extent, the localities were shielded from the fluctuations and power struggles around the royal court. The major Earls and Lords, through their concentrated and unified landholdings, heritable jurisdictions, geographically cohesive kindreds, and demographic stability, executed a clear cut social, judicial and political control within the bounds of their lordship, which survived and offset political disturbances affecting the Stewart monarchy. The resources controlled by the crown, both in terms of land and office holding, and the influence of its institutions and officers in the localities, were not sufficient to make the court a natural focus for local tensions and ambitions. In the same way, it was difficult for the Stewart kings and their councillors to provoke serious political resentment in areas where their influence over justice, office and landholding was small.

Nevertheless, the rebellion of 1488 was followed within a year by a second major rebellion, aimed against the coalition of noblemen who had come to power after James III's death at Sauchieburn. In addition, the years 1488-92 saw a number of intense local feuds which were clearly influenced by, and affected, political changes in and around the royal court.

One of the most striking of these disputes was the feud in Strathearn between the Drummonds, headed by John 1st Lord Drummond, and the Murrays, headed by Sir William Murray of Tullibardine.

On 28th July 1488<sup>3</sup>, that is in the month after Sauchieburn, James IV confirmed a charter granted by his father, James III, to John Drummond of Cargill (created John, 1st Lord Drummond on 29th January 1488<sup>4</sup>) of the offices of Steward, Coroner and Forester of the Earldom of Strathearn. The original charter was dated 19th March 1474<sup>5</sup> and narrated that Maurice Drummond, heir of the deceased Maurice Drummond, had produced certain charters proving his hereditary right to the offices, and had resigned them in the King's hands in favour of John Drummond. (The charter was engrossed in the Register of the Great Seal under the date 20th March 1474<sup>6</sup>).

The office of Steward of Strathearn had been a matter of contention between the Murrays and Drummonds for much of the fifteenth century. A seventeenth century genealogy of the Drummond family claimed that in the early fifteenth century Sir Alexander Murray of Ogilvy had approached Patrick Graham, Earl Palatine of Strathearn, in a bid to have Sir John Drummond of Concraig removed from the Stewartry<sup>7</sup>. The Earl's support for Murray seems to have resulted in his assassination by Sir John Drummond, at Crieff, on 10th August 1413<sup>8</sup>. Fordun records that Sir John slew his "lord" treacherously, despite the existence of letters of perpetual friendship between the two men and

Sir John's marriage to the Earl's sister. Sir John Drummond is said to have died in exile in Ireland<sup>9</sup>, although on 10th October 1413<sup>10</sup>, some two months after the Earl of Strathearn's death, Henry V of England issued a six month safe conduct to "Sir John of Dromounde of Concraggs..." and twelve retainers allowing them to enter England. Remarkably, some three years after the Earl's death, on 26th May 1416, Walter Stewart, Earl of Atholl, as tutor to Malise Graham (Patrick, Earl of Strathearn's son), Earl Palatine of Strathearn, confirmed the stewartry of the Earldom to Malcolm Drummond, son of the (by now) deceased Sir John Drummond of Concraig. The Earl of Atholl may have been implicated in Patrick Graham's death<sup>11</sup>.

Despite the grant of 1416 the Drummond's possession of the stewartry remained a matter of contention. On 23rd September 1439<sup>12</sup>, at Stirling, a notarial transumpt was made on behalf of Malcolm Drummond of Concraig recording a charter of confirmation issued by Patrick Graham, the deceased Earl of Strathearn, at Perth, on 14th February 1409<sup>13</sup>. By the terms of the confirmation Patrick Graham, having inspected and examined a charter issued by David Stewart, Earl Palatine of Strathearn (the first son of Robert II's second marriage to Euphemia Ross, and the elder brother of Walter Stewart, later Earl of Atholl), of the office of Steward of Strathearn in favour of Maurice Drummond of Concraig, ratified the grant on behalf of John Drummond of Concraig (who was to be responsible for the Earl's death four years later). The issuing of the transumpt in September 1439, in Stirling, is intriguing. A general council was held in Stirling in 1439, starting on, or just before, 4th September<sup>14</sup>, so that the transumpt of 23rd September may well have been intended for use before the King's council as proof of the Drummond's hereditary right to the Stewartry. Some two years after the transumpt, on

4th July 1441<sup>15</sup>, Malcolm Drummond of Concraig and Sir David Murray of Tullibardine entered into a bond of mutual friendship by which both parties were bound to

"utheris in hartly faithful and sikkir frendship  
for al the termys of thair luevs... and supple  
aythir to utheris in al lesesum and lachful  
causis...."

A marriage was proposed between Maurice Drummond (Malcolm's son) and Isabel Murray (David's daughter). It was also "... accordit at" the offices of Steward, Coroner and Forester of Strathearn pertaining to Malcolm Drummond

"... salbe governit be the avise and ordinance of  
the said Schir Davy... what profits at aryssis or  
may cum ther of salbe evynly... betuix the said  
partyis Davy and Malcolm fer all the days of their  
lives".

As outlined in Chapter Two bonds of this type very often indicated the ending of a period of feud or dispute between aristocratic families. The very specific provisions regarding the Stewartry (along with the indications that the office was in dispute in 1439) may indicate that the office was a matter of debate between Malcolm Drummond and Sir David Murray. From the date of the indenture to the resignation of Maurice Drummond's (Maurice Drummond was the grandson of the Malcolm Drummond of Concraig involved in the 1441 indenture) claims to the Stewartry in March 1477, the office of Steward seems, in fact, to have been exercised by members of the Murray of Tullibardine family. On one occasion, on 30th July 1442<sup>16</sup>, Malcolm Drummond of Concraig was described as Steward of the regality of Strathearn. On 24th May 1449<sup>17</sup> Sir David Murray of Tullibardine, Steward of Strathearn, held a court at the traditional judicial centre of the Earldom in Crieff. On 16th July 1454<sup>18</sup> "Willelmi de Moravia de Tulybardyn senescalli de Stratherne" (Sir David Murray's son) rendered his account for the Earldom to the royal exchequer. On 23rd October 1456<sup>19</sup> the same

William Murray rendered an account as bailie of the Earldom of Strathearn for the period from 16th June 1454. (This despite the fact that Sir David Murray's use of the Stewartry was, by the terms of the 1441 indenture, limited to his lifetime.) William Murray died during 1459<sup>20</sup> and his brother, John Murray of Trowan, acted as Steward of Strathearn during that year<sup>21</sup>. On 15th August 1467<sup>22</sup> John Murray of Trowan was described as depute to William Murray (John's nephew, Sir David Murray's grandson) Steward of Strathearn and, on 23rd May 1471,<sup>23</sup> a Walter Kinkell delivered sasine of the lands of Keir in Strathearn to William Stirling as deputy to Sir William Murray of Tullibardine, Steward of Strathearn. The displacement of the Drummonds of Concraig, by the Murrays of Tullibardine, as Stewards of Strathearn received further impetus with the issuing of a Privy Seal letter by James III appointing Sir William Murray of Tullibardine as Steward of Strathearn, and as Forester and Coroner within the Earldom, for the duration of the King's will<sup>24</sup>. The letter was issued sometime in August 1473.

The Murrays of Tullibardine, then, had exercised the office of Steward of Strathearn for most of the period 1441-1474, through three generations of the family. The predominance of the Murrays in Strathearn was threatened, in March 1474, by the resignation of Maurice Drummond of Concraig's hereditary claim to the offices of Steward, Coroner and Forester in favour of John Drummond of Cargill (see above). A notarial instrument of 26th March 1474<sup>25</sup> narrated that Andrew Drummond, brother of John Drummond of Cargill, presented William Murray of Tullibardine with royal letters under the privy seal, discharging Sir William from the offices of Steward, Coroner and Forester of the Earldom of Strathearn (following on from John Drummond's presentation to the office on 19th - 20th March). Sir William Murray of Tullibardine was clearly unwilling to surrender

the Stewartry and the other offices. On 23rd October 1474<sup>26</sup> a royal letter issued by James III narrated that the King had,

"... laid our handis fra the recognicioune of... our stewartry of Stratherne, the crownary and forestary of the samyn... but prejudice til us or our party..."

and assigned 8th January 1475 to John Drummond of Cargill to bring his evidence and claims to the office before the King. In the meantime Sir William Murray of Tullibardine and his kin were to be exempt from the jurisdiction of John Drummond and his officers. Murray was also to appear before the King on 8th January following, bringing with him such documents

"... as he has for the strenthing and fortifyng of oure (James III's) ryght of the said mater."

Clearly, Murray had entered objections to John Drummond's entry to the offices assigned to him (John) by Maurice Drummond of Concraig. James III had recognosced the disputed offices and had put forward claims of his own based, apparently, on evidence and arguments provided by Sir William Murray. By 19th September 1474<sup>27</sup> John Drummond's claims to the stewartry had been comprehensively rejected. On that date James III informed his sheriffs in Perthshire that he had previously accepted the resignation of the offices of Steward, Coroner and Forester of Strathearn by Maurice Drummond, but now understood that the resignation was prejudicial to his own fee and heritage since the offices had pertained to the crown beyond memory of man. In consequence, a charter of the offices given, as a result of Maurice's resignation, to John Drummond of Cargill by James III was now revoked and the King commanded the sheriffs to make open proclamations at Perth and Auchterarder to inform his lieges that the offices were now in the King's hands and that no-one was to obey John Drummond of Cargill in the office until further command. It seems likely that the signet



letter of September 1475 simply confirmed a judgement from earlier in the same year that Drummond's claims to the offices were not to be allowed. Certainly, on 12th May 1475<sup>28</sup> Sir William Murray of Tullibardine, Steward of Strathearn, and John Murray of Trowan (William's steward depute) held a Stewartry court at the scaith of Crieff. It seems that Sir William Murray, the crown's ally in the legal action against Drummond's claims, was employed as the King's Steward in the period after 1475. On 26th July 1477<sup>29</sup> Sir William Murray was styled Steward of Strathearn, in that part, and the inventory of the Drummond writs held in Register House also details a sasine of 26th July 1481<sup>30</sup> delivered by John Comrie, deputy of Sir William Murray, Steward of Strathearn. Sir William Murray's status as Steward, Coroner and Forester of Strathearn by royal assignation was reconfirmed on 18th January 1483<sup>31</sup>, when James III granted to him, in liferent, all the above offices. (The January 1483 grant may have been a reward for Murray's adherence to James III during the Lauder crisis of July 1482 and its aftermath.) We thus find Sir William Murray of Tullibardine acting as Steward of Strathearn on 14th August 1483<sup>32</sup>

The dispute between Sir William Murray of Tullibardine and John Drummond of Cargill over the Strathearn offices was thus of long standing before the rebellion of 1488. John, Lord Drummond's support for Prince James during 1488 brought him into the inner circle of crown administration after Sauchieburn and, as part of the aristocratic coalition who had seized power, Drummond ruthlessly undermined Sir William Murray's position in Strathearn.

John, Lord Drummond's commitment to Prince James' cause in 1488 is undoubted. In late May 1488<sup>33</sup> Lord Drummond was one of the men who witnessed the only extant charter issued by, the then, Prince James, at

Stirling, during the period of open conflict between the Prince and his father. On 25th October 1488<sup>33</sup> Sir William Drummond (John, Lord Drummond's son and heir) and his brother David, along with many of their (named) adherents, received a remission for slaughter, and for the spoliation of goods from John Murray of Balloch and Trowan (Sir William Murray of Tullibardine's uncle and Steward-depute) and his servants, because of the Drummonds' services to James IV at Sauchieburn. Sir William Murray of Tullibardine, on the other hand, remained loyal to James III and repaid the King for his assistance against Drummond's claims to the Stewartry. Murray was one of four hostages given over to the custody of the rebels of 1488 by James III, as surety for the King's adherence to the terms of an agreement reached between the King and his son, in May 1488, at Blackness<sup>35</sup>. William Murray's position as a hostage seems to have resulted in his being ransomed, along with William, Lord Ruthven (another hostage given over to the rebel forces by James III, at Blackness), probably after Sauchieburn had been fought. It seems likely that the two remaining Blackness hostages, James, Earl of Buchan and Thomas Fotheringham of Powrie, were similarly ransomed. On 27th January 1489<sup>36</sup>, before the Lords of Council, John, Lord Drummond, pursued Robert Douglas of Lochleven for the sum of 1,200 merks owed to Drummond because Douglas had failed to pay a sum of 600 merks, which he had been bound to pay within a term of forty days, for the "composition" of Sir William Murray of Tullibardine. Robert Douglas brought a similar action against Murray, to have Sir William "freith him of the said soume." The Lords decided that Robert Douglas should pay the 600 merks to Lord Drummond (Letters of dstraint being issued) and that Sir William Murray would "freith" him (Douglas) of this payment. It seems likely that Murray's "composition" was, in reality, a financial

penalty or ransom arising from his position as a hostage after Blackness. Certainly, William, Lord Ruthven, another Blackness hostage, can be proved to have suffered similar exactions. On, or shortly after, 26th November 1488<sup>37</sup> a royal summons was served on the "Lord Ruvane". Lord Ruthven was probably being summoned to the Parliament of January 1489 for which, unfortunately, the records are incomplete, perhaps to answer charges of treason. On 5th May 1489<sup>38</sup>, before the Lords of Council, Archibald, Earl of Angus, pursued Sir William Knollis, commendator of Torphichen, for the sum of £1,000 owed to Angus for the "composition" of William, Lord Ruthven. The composition was said to have been assigned to Angus by the King, and it was claimed that Knollis had become bound to the Earl for the payment. Knollis pursued his own action of warrandice against Colin, Earl of Argyll, and Laurence, Lord Oliphant. The Lords decided that Knollis was to pay Angus, and that Argyll and Oliphant were to "freith" Knollis, "ilk ane for his haf lik as thai wer bundin...". The Earl and Lord Oliphant would, in turn, be able to pursue their warrandice (presumably Lord Ruthven). On 20th February 1490<sup>39</sup> the Lord Auditors decided that Lord Ruthven was to keep Laurence, Lord Oliphant, "harmeles" at the hands of Colin, Earl of Argyll, and William Knollis (by this stage), Lord St. John, of a sum of £1,000 "as he is bundin be his obligatioune", for payment of which Lord Ruthven had "... causit the said Lord Olyphant to be souerte...". The nature of Ruthven's composition is revealed in a privy seal letter, issued by James IV on 29th December 1505<sup>40</sup>, which narrated that the King had annulled a "pretendit gift" made by him to Archibald, Earl of Angus, of the "... soume of a thousand merkis (?) to be takyn fra William, Lord Ruthven," for which Laurence, Lord Oliphant, had become surety. The letter confirmed that the

"... soum was recoverit apoun hym (Ruthven) for his ranson becaus he was in the kingis contrar befor the feld of Striveling, the quhilk soume, of gud conscience and be the law of God, may nocht be takyn...." since Ruthven had "... enterit his person wilfully in the kingis ward and kept a gud part to the king that deid is, and gaif na partiale consale agane the king that now is...".

The ransoms taken from Ruthven and Sir William Murray do not appear to have been intended to act as sureties for their good behaviour towards Prince James and his adherents but, rather, were straightforward financial penalties exacted by the victorious rebels of 1488 from men who had supported James III. The extent of these ransoms is unclear. Ruthven and Sir William Murray were particularly vulnerable because they were in the custody of Prince James and the rebel lords before Sauchieburn. It is clear, however, that ransoms were also extracted from James III adherents captured by the rebel forces at Sauchieburn, including David, Earl of Crawford. (See below.) The rebellion of 1489 saw the issuing of two documents by the men who sought to overthrow the regime established after Sauchieburn, both of which complained that

"... all ransomis tane be ony maner of mane of ony of the kingis lieges, spirituale or<sup>41</sup> temporale, [should] be restorit and gevin agane..."<sup>41</sup>.

Pitscottie, describing the battle of Sauchieburn, asserted that

"I can not heir of no man of reputatioun that was slaine at that tyme, bot thair was mony lordis, earleis and barrouns that was taine and ransomit"<sup>42</sup>.

Sir William Murray's ransom, then, had been assigned to his neighbour and rival in Strathearn John, Lord Drummond. The ransom issue was, however, only one aspect of the action taken by Lord Drummond and the new regime against Murray's position. On 28th July 1488<sup>43</sup> (as seen above) James IV confirmed John, Lord Drummond's possession of the office of Steward of Strathearn (and Coroner and Forester of the Earldom) by ratifying James III's charter of

20th March 1474, thereby ignoring James III's subsequent cancellation of the grant, the decision that the lands pertained to the crown in fee and heritage, and the lifegrant issued in favour of Sir William Murray on 18th January 1483. At Edinburgh on 15th June 1488<sup>44</sup>, just four days after James III's death at Sauchieburn, James IV appointed various commissioners to assedate the crown lands; John Lord Drummond was one of the men appointed. An assedation of the Earldom of Strathearn appears to have been made on, or shortly after, 14th July 1488<sup>45</sup>, and resulted in the almost total eclipse of Sir William Murray of Tullibardine and his kindred as renters of crown lands within the Earldom of Strathearn. The dramatic displacement of the Murrays is made obvious by a comparison (see Table 1) between the assedation of 1488 and that of 24th June 1486<sup>46</sup>. The most serious dispossession of a member of the Murray kin was that which removed John Murray of Balloch and Trowan (Sir William Murray's uncle, and a man who had served as both Steward depute and Chamberlain of Strathearn), from the lands of Balloch, Easter and Wester Lochlane and Trowan (including the Dry Isle of Monzievaird). The 1486 assedation made clear that these lands were, in fact, held by John Murray in feufarm and not as three or five year tacks. The 1488 assedation assigned all the lands John Murray held of the crown as Earl of Strathearn to David Drummond, Lord Drummond's second, surviving, son<sup>47</sup>.

In the two months following Sauchieburn, then, Sir William Murray of Tullibardine had been forced to assign a ransom of 600 merks to John, Lord Drummond, as a penalty for Murray's support for, and loyalty to, James III, had been removed from the Strathearn offices his family had exercised, with a minor hiatus in 1474, continuously from 1441, to be replaced by Lord Drummond, and had seen his kin displaced from lands

which they held of the King, as Earl of Strathearn, again to the advantage of Lord Drummond, his kin and adherents.

The Parliament which opened on 6th October 1488<sup>48</sup>, and the associated judicial session, was not concerned with attempts to achieve a political reconciliation between the victorious rebels of 1488 and their defeated opponents. Instead the Parliamentary articles served to confirm and consolidate the triumph of the rebels at the local level, including Lord Drummond's ascendancy in Strathearn. The Lords of the Articles, the men who drew up the legislation to be presented to Parliament for its approval, were almost exclusively, members of the rebel coalition who had supported Prince James in 1488. The secular, aristocratic contribution to the Lords included the Earl of Argyll (Chancellor), the Earl of Angus, Patrick, Lord Hailes (Master of the King's Household), the Earl of Lennox, Robert Lord Lyle, Hugh, Lord Montgomery, Laurence, Lord Oliphant, Andrew, Lord Gray, John, Lord Drummond, Alexander Hume of that ilk (Chamberlain), Patrick Hume and Mr. Richard Lawson<sup>49</sup>. All these men had been actively involved on Prince James' behalf during 1488. Two other magnates, the Earls of Erroll and Huntly, included in the Lords of Articles seem to have remained neutral during 1488.

The parliamentary legislation produced by these men reflected their concern to consolidate their own position of power and to punish men who had fought for James III at Blackness and Sauchieburn. Article Six of the Parliament<sup>50</sup> laid the foundations for the systematic removal of James III adherents from royal offices. It was ordained that because of the

"gret and hie displessour that our soverane lord has takyne againe thame that wer of ilk opinzoun and in feild at Sterviling agane him...",

that these men were to be suspended from exercising any royal offices they held hereditarily, for the space of three years. Any royal offices held by these men in liferent, or for fixed terms, (including Sir William Murray's lifegrant of the Stewartry) were to be removed from them permanently because of the King's displeasure and

"... als becauß our soverane lord considerand the displesour, will nocht committ the execution of justice quhilk concerns his hienes in sa gret nerenes baith his saule and liff, and his trew liegis (i.e. the rebel lords of 1488) to the saidis officiaris. And that the persouns at our soverane Lord has gevin the saidis officeß to uß and exerß the samyne for the tyme forsaid".

Local political power, derived through office holding, was to be removed from James III's supporters and placed into the hands of members of the new regime, the "trew legis" who had formulated the parliamentary legislation. The beneficiaries of this wholesale redistribution of judicial/executive power were, on the whole, committed members of the rebel coalition of 1488. Article nine of the Parliament was concerned with the nomination of various named magnates and barons to search out and execute "trespassouris" within specified areas<sup>51</sup>. The nominated men were, largely, members of the new regime and the areas in which they were given jurisdiction often corresponded to areas in which James III's adherents had been removed from office. Amongst the men nominated was "The lord drummond, for straittherne, buchquheder, (Balquhider) and dunblane", giving Drummond judicial powers within the bounds of the Earldom to complement his office of Steward.

Sir William Murray was not alone in finding that the Parliament of October 1488 served to confirm the triumph of individual members of the new regime at the local level. Another violent regional feud connected to office holding was that between the Montgomeries and the Cunninghams over the bailiary of Cunningham in northern Ayrshire. In

the October Parliament Hugh, Lord Montgomery, was appointed to execute "tresspassouris" within the bounds of Cunningham and given power to compel small lairds to give their oaths to assist him in this task<sup>52</sup>. In addition Montgomery was given a similar commission, to be shared with the Earl of Lennox, Lord Lyle and Matthew Stewart (Lennox's son), for Dumbarton, the Lennox, Bute and Arran<sup>53</sup>. Lord Montgomery's advance reflected his role as a committed member of Prince James' forces during 1488. On 14th October 1488<sup>54</sup>, some three days before the parliamentary grants outlined above, Hugh, Lord Montgomery, received a letter of remission from James IV, because of the services rendered by Hugh to the King at the battle of Sauchieburn, for the destruction of the house of "Turnelaw" (Turnlaw? - a Hamilton property near Cambuslang) and all other offences committed before 29th August 1488, that being the date of a royal proclamation at Lanark. It appears that John Montgomery of Windyedge and Robert Montgomery of Giffen received similar remissions on the same date<sup>55</sup>.

If Lord Montgomery was clearly a committed rebel in 1488, then his chief rival in Cunningham, Alexander Cunningham, 1st Lord Kilmaurs, was, just as demonstrably, a James III loyalist. Kilmaurs witnessed James III's last registered great seal charter on 24th May 1488<sup>56</sup> and four days after this, on 28th May 1488<sup>57</sup>, was created Earl of Glencairn with a grant of the royal lands of Drummond and Duchray in the Earldom of Lennox to support the honour. (Kilmaurs was given sasine in the lands of Drummond and Duchray on 3rd June<sup>58</sup>.) The Earldom was created for Cunningham's

"fideli gratuita servicio... novissime in suo adventu cum suis amicis et partibus ad exercitum nostrum de Blaknes..." and for his assistance "... exhibitus in defensione persone nostre regie et corone...."



The grant was conditional on Glencairn, his friends and servants remaining in James III's service throughout the "present discords". Alexander, Earl of Glencairn did, in fact, die with his king at Sauchieburn. On 24th November 1488<sup>59</sup> Alexander Cunningham's son, Robert 2nd Lord Kilmaurs, was served as Alexander's heir in the barony of Reidhall in Lothian. The retour specified that Alexander had died about five months beforehand, at the King's peace through "... sue gracie...". This was the form to be adopted for the service of the heirs of those who had died "... in the feild agane our soverane lord that now is at Strivelin...", as had been stipulated by article seven of the October 1488 Parliament<sup>60</sup>, circumventing the possible objection that those affected had not died at "peace" with James IV. Lord Montgomery and Lord Kilmaurs both had long standing and competing claims to the offices of Bailie of Cunningham and Chamberlain of Irvine.

By a marriage contract of 16th June 1425<sup>61</sup> it was agreed that Sir Robert Cunningham, Lord of Kilmaurs, should marry Anna Montgomery, daughter of Sir John Montgomery of Ardrossan, and that Robert should exercise the office of Bailie of Cunningham (which pertained to Sir John) for his lifetime, being obliged,

"... at he sal nocht mak na ger mak the said Balzery sekirar til him, na til his ayris, in to the meyntyne..."

with Sir John Montgomery and his heirs having re-entry to the office after Robert's death. The arrangements seem, in part, to have been made in preparation for Sir John Montgomery's possible departure from Scotland to become a hostage for James I. Sir Robert Cunningham appears to have died before February 1431<sup>62</sup>.

On 30th June 1447<sup>63</sup> Sir Alexander, Lord Montgomery, "Balliui de Conynghame" (Sir John Montgomery's son) rendered an account for the

bailiary ,to the royal exchequer in Edinburgh, for the twelve years from 2nd July 1435. Clearly the bailiary had reverted to Sir John Montgomery's heir shortly after Sir Robert Cunningham's death. On 31st January 1449<sup>64</sup>, at Stirling, James II issued a charter of sasine to Alexander Montgomery, son of Alexander, Lord Montgomery, of the office of Bailie of the barony of Cunningham, under the great seal. The return of the bailiary to the heirs of Sir John Montgomery was evidently contested by the heirs of Sir Robert Cunningham of Kilmaurs. In a letter of 12th January 1455<sup>65</sup> James II reported that

"Alexander Lord Mungommrie and Alexander of Cunningham of Kilmauris (Sir Robert's son) ar accordit of al discordis and debatis ymangis thaim anent the office of Baillery of Cunyngham and uther compts and rekyng ymangis tham...".

The King then ratified the arrangements specified in a letter sent to him by Lord Montgomery, by which Alexander Cunningham of Kilmaurs was to exercise the office until the lawful age of Alexander Montgomery, Lord Montgomery's grandson (Alexander, Master of Montgomery, who had been given sasine of the bailiary in 1449 had died in 1452<sup>66</sup>), at which point Alexander Cunningham would come before the King and his council and put the office

"... to a declaration of rycht", so that whoever was found "... in rycht, shall brook office fra thinefurth for ever maire...".

The agreement between Montgomery and Cunningham had been reached on 31st December 1454. On 7th July 1457<sup>67</sup> it was thus Alexander Cunningham, Lord of Kilmaurs, who rendered the account of the bailiary, as he did the following year, on 27th June, at Perth<sup>68</sup>.

In 1466 Alexander Montgomery, Lord Montgomery's grandson, came of age, and the Montgomeries attempted to implement the terms of the 1454 agreement. On 17th June 1466<sup>69</sup> Alexander Montgomery was retoured heir to his deceased father, Alexander, in the bailiary of Cunningham.

The retour of service was, significantly, conducted not in Ayr or Irvine, but at Linlithgow, with John Culquhoun of that ilk, Comptroller, and David Guthrie of Kincaldrum, Treasurer, acting as sheriffs of Ayr in that part. The organisation of sheriff courts outside the sheriffdom where sasine was to be delivered was a tactic often used when it was felt that a local court would not deal with the business, or where there was a significant chance of disruption. If the contesting claims of Alexander Cunningham and Alexander Montgomery were brought before the King's council in 1466, the retour of 17th June would seem to indicate that judgement went in favour of Alexander Montgomery.

It has proved impossible to ascertain whether Alexander Montgomery's retour of service was ever made effective and in any case, Alexander seems to have predeceased his grandfather, Alexander Lord Montgomery, who himself died in 1470<sup>70</sup>, leaving Lord Montgomery's great-grandson Hugh, a minor, as the representative of the Montgomery claims to the bailiary. A disappointing lack of documentary evidence means that it is impossible to establish which of the two contesting parties actually exercised the office during the 1460's and 1470's.

In 1481<sup>71</sup> sasine of certain lands in the bailiary was delivered by deutes of John Ross of Montgrenan, Bailie of Cunningham and James III's Lord Advocate. Exactly when, or by what right, James III's favourite had been intruded into the bailiary to the exclusion of both Alexander, Lord Kilmaurs, and Hugh, Lord Montgomery, is unclear. In the following year, on 28th September 1482<sup>72</sup>, the various documents illustrating the Montgomeries' hereditary right to the bailiary outlined above, were made into a public transumpt before the official of Lothian, in St. Giles' Kirk, in Edinburgh, presumably as part of an attempt to recover the office by legal process. The date and place of

the transumpt's issuing is highly significant. 28th September 1482 was the day before James III was "released" from the custody of his half uncles James, Earl of Buchan and John, Earl of Atholl, who had imprisoned the King in Edinburgh castle after seizing him at Lauder on 22nd July 1482, by Alèxander Duke of Albany (James III's brother). Hugh, Lord Montgomery's presence in Edinburgh on the 28th would seem to suggest that Montgomery was actively supporting the "siege" of the castle conducted by the Duke of Albany, and that he hoped to obtain some concessions with regard to the bailiary once James III had been freed, either from the King himself, or from Albany. John Ross of Montgrenan was, however, still exercising the office of bailie in 1485<sup>73</sup>. The appearance of Hugh, Lord Montgomery, amongst the supporters of Prince James in 1488 may thus indicate Montgomery's dissatisfaction with James III over the bailiary issue, with John Ross of Montgrenan, a man closely identified with the King, continuing in the office in the period 1482 - 88. Montgomery may well have been promised the office of bailie, in return for his support for Prince James, in the period from 2nd February 1488 to June 1488 when both James III and his son were attempting to recruit support through grants, bribes and threats<sup>73a</sup>.

The Parliament of October 1488 thus gave Lord Montgomery full jurisdictional control in the Cunningham area. Of Montgomery's potential rivals Alexander, Lord Kilmaurs, had been killed at Sauchieburn, and the stipulation regarding the removal from office of any who had fought against James IV during 1488 probably prevented Alexander's son, Robert 2nd Lord Kilmaurs, from pressing his claims. John Ross of Montgrenan, who had been serving as bailie of Cunningham in 1481, was one of only two men tried and forfeited in the October

Parliament for treasonable activity in support of James III's cause during 1488<sup>74</sup>.

Despite Montgomery's apparent triumph Robert 2nd Lord Kilmaurs and the Cunningham kindred were clearly unwilling to allow Lord Montgomery to exercise the office of Bailie effectively. On 2nd May 1489<sup>75</sup> Ormond pursuivant was ordered to pass to the Lords Kilmaurs and Montgomery to "gar thaim cess the cowrte of Cunnyngahme...". On 11th August 1491<sup>76</sup> a similar courier was sent to Irvine to prevent a gathering between Cuthbert, 3rd Lord Kilmaurs and Hugh, Lord Montgomery, and on 10th August 1492<sup>77</sup> another royal courier was despatched to Irvine to prohibit a potential clash between the same two men. It would seem that Hugh, Lord Montgomery, was unable to hold the bailiary or chamberlainry courts (both of which sat in Irvine) in the period after 1488. The feud between the two families was undoubtedly exacerbated by the death, in 1489, of Robert 2nd Lord Kilmaurs at the hands of Hugh, Lord Montgomery. Robert, Lord Kilmaurs' death is almost wholly unnoticed and there are no contemporary references to his demise. In an entry before the Lords of Council in February 1508<sup>78</sup>, however, Cuthbert Cunningham (by this stage), Earl of Glencairn, 3rd Lord Kilmaurs sought an exemption from the jurisdiction of Hugh, Earl of Eglinton, Lord Montgomery, as Bailie of Cunningham and asked that a formal note should be made that the "... sade Lord Eglinton had slane his (Cuthbert's) fadir..." (i.e. Robert 2nd Lord Kilmaurs). Robert, Lord Kilmaur's death can be dated fairly accurately. In May 1489 Lord Kilmaurs and Hugh, Lord Montgomery, were in danger of clashing in Irvine as Montgomery sought to hold a bailiary court. Lord Kilmaurs was still alive on 1st July 1489<sup>78</sup> when he witnessed, in Edinburgh, a notarial instrument drawn up on behalf of Humphrey Culquhoun of Luss. A note in the account of

John Sempill, Sheriff of Renfrew, in 1493<sup>80</sup>, however, mentions the ward of the lands pertaining to the deceased Robert, Lord Kilmaurs, given by the King's letters of 6th November 1489. It seems, then, that Robert 2nd Lord Kilmaurs was killed by Lord Montgomery on some date between 1st July and 6th November 1489. The course of the Montgomery/Cunningham feud during the 1490's will be examined in greater detail below.

The removal of James III's adherents from local offices, and the methods used to achieve the demission of office, seem to have provoked great resentment. Item nine of the October 1488 Parliament, which gave judicial powers to various, named, lords in defined areas nominated

"The Lord gray, the Lord glammys, the Maister of Craufurd for anguß hie land and law land and to sitt with the Justicis of the Regalitez..."<sup>81</sup>.

David, Earl of Crawford, hereditary Sheriff of Forfar since 19th October 1466<sup>82</sup> was thus to be displaced by three men associated with the rebellion of 1488. Andrew, Lord Gray, was described as a trust cousin and "counsallouris" of Prince James in late May 1488 when the prince appointed Gray, Laurence, Lord Oliphant, John, Lord Drummond and George, Bishop of Dunkeld to negotiate for the support of

"Alexander maister of Craufurd and with quhat uther baronis that cummis with him to tak our gude and honorable opinioun..."<sup>83</sup>.

Andrew Lord Gray's sons, Patrick and William, received a remission on 10th September 1488<sup>84</sup>, for destroying the house of Kinnaird, because of their services to James IV at Sauchieburn in the retinue of Andrew Lord Gray. Alexander Lindsay, Master of Crawford, the Earl's own son, appears to have been a late convert to Prince James' cause. On 6th April 1488<sup>85</sup>, in Aberdeen, James III issued a charter in favour of Alexander, Master of Crawford, erecting the village of Alyth into a

burgh of barony. The grant seems to have left Alexander distinctly unimpressed. for in late May 1488<sup>86</sup> Prince James regarded the Master of Crawford as a potential adherent. It seems likely that Alexander did, in fact, support Prince James against James III and that the Master of Crawford's appointment to oversee justice in Angus indicated that he was an associate of the new regime.

David, Earl of Crawford, on the other hand, was James III's most consistent supporter amongst the higher nobility. On 18th May 1488<sup>87</sup> Crawford was created Duke of Montrose by James III because the Earl had

"... pro persone regis et corone tutamine et defensione suam personam frequenter exposuit periculis cum effectū; et precipue ac novissime contra regis infideles ligeos qui se contra regam maiestatem et vexillum in campo bellico apud Blaknes...".

Crawford witnessed all the registered great seal charters issued by James III during May 1488<sup>88</sup> and the creation of Glencairn's Earldom on 28th May<sup>89</sup>. On 29th October 1488<sup>90</sup>, some twelve days after the Parliament of October 1488 had been adjourned to 14th January 1489<sup>91</sup>, David (styled) Duke of Montrose, Earl of Crawford had a notarial instrument drawn up in his manor house in Dundee which gives a useful insight into the effects of the legislation enacted in the Parliament of October 1488 and the way in which the new regime acted against men who had remained loyal to the dead king.

The instrument narrated that James IV had conceived a "great displeasure" (echoing the phraseology of the parliamentary statute) against the Duke, his kin, friends and men because they had adhered to James III at Stirling and elsewhere. At Stirling (i.e. Sauchieburn), Crawford had sustained many

"blows, captures, detentions, injuries, wounds, and was ransomed with his followers",

again indicating that financial penalties had been imposed on those captured at Sauchieburn by Prince James' forces. Despite Crawford's activities, James IV from his royal favour and grace had remitted his displeasure by letters under the privy seal which had been given into the possession of Andrew, Lord Gray. The instrument revealed that the royal remissions were to be kept by Gray until Crawford resigned, and assigned to Lord Gray, the Sheriffship of Forfar heritably "... and in no other manner...". Crawford protested that he might have remedy of law at a more opportune time, and declared that whatever he did with regard to the sheriffship, his lands and goods, should not prejudice himself or his heirs in the future, since it was done because he feared for his life and the loss of his heritage. Finally, Crawford asserted that what he did, he did against his will in order to preserve his life and heritage and

"... necnon ad conservandos consanguineos amicos et homines suas qui adhuc stant et remanent sub accusatione regia pro causa superius notata...."

Three days later, on 1st November 1488<sup>92</sup>, in Dundee, David (still styled Duke of Montrose, although this honour was clearly created within the period covered by James IV's revocation of all grants made by his father after 2nd February 1488<sup>93</sup>), Earl of Crawford, appointed his brother Alexander Lindsay of Auchtermoonzie<sup>94</sup>, Patrick, Earl of Bothwell and Alexander Hume of that ilk (two prominent members of the new regime) as his procurators to resign the Sheriffship of Forfar into the King's hands. The resignation was apparently performed by Alexander Hume on 6th November 1488<sup>95</sup> in the King's chamber in Patrick, Earl of Bothwell's castle of Hailes. On 14th December 1488<sup>96</sup> James IV, at Perth, gave a great seal charter to his "consiliario" Andrew, Lord Gray and his heirs, of the office of Sheriff of Forfar resigned by David, Earl of Crawford.



The Earl of Crawford's wounding and capture at Sauchieburn, along with the deaths of James III and Alexander Cunningham, Earl of Glencairn (Lord Kilmaurs), would seem to suggest that James III's army had been thoroughly routed by the Prince's adherents. The Earl had attended the Parliament of October 1488, for although he was not included in the parliamentary sederunt, he did issue a charter in favour of Margaret Carmichael, his wife, on 20th October 1488<sup>97</sup> in Edinburgh. Although only two men were forfeited during the Parliament, Crawford's instrument of 29th October 1488 made clear that the threat of treason trials and/or forfeiture was being used to coerce the Earl into surrendering his hereditary sheriffship to Lord Gray. (Since Crawford's claim to the office was heritable it is clear that the new regime were pushing beyond the limits they themselves had set in the October Parliament, that hereditary office holders who had supported James III should lose their office for three years.) Crawford and his adherents could only obtain the royal letters of remission if, and when, Andrew Lord Gray received the sheriffship. It must have been plain to Crawford that action would be taken against himself, or his kinsmen and adherents, if the appropriate concessions were not made. It seems significant that the Parliament of October 1488 had been continued to 14th January 1489, so that a forum capable of deliberating on charges of treason against James IV, and pronouncing forfeiture, was known to be meeting early in the new year.

It was not only Crawford's sheriffship which was attacked by the new regime. On 9th March 1473<sup>98</sup> James III had given David, Earl of Crawford, a grant of the Lordships of Brechin and Nevar for his lifetime. On 5th April 1481<sup>99</sup> the Lordship of Brechin and Nevar was assigned to James Stewart, Marquis of Ormond (later Duke of Ross), James III's second son. The Earl appears to have retained some of the

Brechin rents for his own use, regardless of the transfer of the lordships<sup>100</sup>. The new regime was not so tolerant of Crawford's dealings, and on 21st January 1489<sup>101</sup>, before the Lords Auditors, James IV brought an action against David Earl of Crawford (who was never accorded his Ducal title in documents produced by royal officials in the immediate aftermath of Sauchieburn) for the occupation of Brechin and Nevar which pertained to James Duke of Ross, and for withholding the profits of the lordships since Ross' entry. The Lords, unsurprisingly, found in the King's favour according to the terms of the annexation of 17th June 1455, and Crawford (who didn't compear) was ordered to stop his occupation of the lands, and repay the profits. The Parliament of February 1490 nominated certain lords to ensure the inbringing of royal revenues from lands held by the King and his brothers, and Brechin and Nevar were assigned to the care of the man who had thoroughly usurped Crawford's position in Angus as a result of 1488, Andrew, Lord Gray<sup>102</sup>. The concern of the new regime to enforce "royal" rights in 1488/89 was undoubtedly affected by the fact that the royal revenues were now largely controlled by members of the rebel faction of 1488. Patrick Hepburn, Earl of Bothwell, Lord Hailes, for example, was acting as guardian of both James IV and the Duke of Ross, and would be unlikely to allow Crawford to withhold rents due to one of his charges, from the Lordships of Brechin and Nevar.

One Crawford adherent who was likely to be grateful for Crawford's surrender of the Sheriffship of Forfar, was Thomas Fotheringham of Powrie. Thomas Fotheringham was a man raised in David, Earl of Crawford's household, and was amongst his most consistent supporters<sup>103</sup>. Fotheringham had followed the Earl of Crawford's lead in 1488 and, in May of that year, was one of James III's adherents handed over to the prince's army at Blackness, as a surety for the

King's behaviour. On 12th August 1488<sup>104</sup> summons for treason were issued against Fotheringham, James, Earl of Buchan, Thomas, Lord Innermeath (Buchan's cousin), Cuthbert Murray of Cockpool, Charteris of Amisfield, Alexander, Lord Forbes, Alexander Innes of that ilk, and Sir Alexander Dunbar of the Westfield. The recorded charges against the Earl of Buchan indicate that Fotheringham had probably been summoned for persuading James III to break the Aberdeen articles and to attack the prince at Blackness<sup>105</sup>. Fotheringham may well have been one of the Earl of Crawford's adherents who were said, in the protestation of 29th October, to remain vulnerable to charges of treason for having opposed James IV during 1488. Fotheringham, in fact, witnessed the protestation drawn up in Crawford's manor house in Dundee and, described as the Earl's "armigero", the charter issued by Crawford in Edinburgh on 20th October 1488. Thomas Fotheringham, then, was in Edinburgh during the sitting of the Parliament to which he had been summoned for treason and, although not formally tried on that occasion, it seems likely that the threat of forfeiture (in the January Parliament) was used to extort concessions from Fotheringham's Lord, the Earl of Crawford.

Fotheringham of Powrie also made concessions on his own account. On 20th January 1489<sup>106</sup>, in the presence of the Chancellor and the Lords Auditors, Thomas Fotheringham renounced all rights he had to the Chamberlainship of Fettercairn in favour of Andrew Wood, just as he had already given over the bailiary. The thanage of Fettercairn (or Kincardine) was a crown possession, and Fotheringham had acted as receiver of the rents of the thanage since 12th July 1483<sup>107</sup>. Fotheringham's resignation was probably forced by the terms of the October 1488 statutes. In February 1490 Andrew Lord Gray and Andrew Wood were given responsibility for the inbringing of the royal rents

from Fettercairn. The position of the Crawford "establishment" in Angus, as the chief royal agents in terms of the administration of civil and criminal justice and in the control of royal lands, was thus thoroughly overturned by the rebellion of 1488 with Andrew, Lord Gray, one of the successful rebels of 1488, taking on this role.

In no sense, then, was the October Parliament one of political compromise, its statutes were designed to allow the new regime to take action against men who had remained loyal to James III and to protect the position of the men who had seized power after Sauchieburn. The policy was no doubt influenced by the individual ambitions of men such as the Lords Gray, Drummond and Montgomery, and the opportunity control of royal lands, finances and offices gave for aggrandisement, but it was probably also informed by a fear of allowing local judicial power to remain in the hands of men deeply opposed to the new regime.

Other offices and lands which could be proved to be within the royal gift fell to individual members of the new regime in the wake of the October Parliament. On 5th November 1488<sup>108</sup> Patrick, Earl of Bothwell, received a grant of the office of Steward of Kirkcudbright, with custody of the Castle of Threave, for his lifetime, with all the profits that John, Lord Carlisle, and previous captains of Threave had had. On 28th October 1477<sup>109</sup> Robert Carlisle, John Lord Carlisle's natural son, had been given a ten year grant of Threave and the office of Steward of Kirkcudbright. John, Lord Carlisle, was a noted adherent of James III and witnessed the King's last registered great seal charter on 24th May 1488<sup>110</sup>, and the creation of the Earldom of Glencairn for Alexander, Lord Kilmaurs, on 28th May<sup>111</sup>. The change in custody of Threave would appear to have been resisted, for the account of the Chamberlain of Galloway for 18th July 1488 to 6th July 1489<sup>112</sup>

recorded ten pounds paid over to Alexander Inglis for the siege of Threave.

The pursuit of Lord Carlisle was not limited to the loss of the Stewartry of Kirkcudbright. On 19th January 1489<sup>113</sup> the King brought an action against John, Lord Carlisle, over the lands of Drumcoll (Dumfriesshire). Carlisle claimed that the lands were his in heritage by a charter of James III's confirmed in Parliament. Carlisle's claims are verified by two great seal charters. On 31st October 1477<sup>114</sup> James III granted John, Lord Carlisle, the lands of Drumcoll in Dumfriesshire, in the King's gift by the forfeiture of the deceased Sir Alexander Boyd of Drumcoll in 1469<sup>115</sup>, to be incorporated in the barony of Carlisle. On 12th June 1478<sup>116</sup> James III confirmed the revocation of the annexation of Drumcoll in favour of John Lord Carlisle, which had been approved by the three estates on 1st June.

The claims against Carlisle in 1488 were based on the original act of annexation by which Drumcoll was to remain with the King and his first born son perpetually. The fact that the annexation was witnessed by the seals of

"... diverß prelatiſ, baroniſ and comiſſariſ...  
maid before the date of the ſaid lettrez maid to...  
Johne"

was contrasted with Carlisle's confirmation, which was attested only by two bishops' seals and one baron's. The Lords decided that the lands were royal property and that Carlisle had no rights of property or possession. The reclaimed lands of Drumcoll were used to reward adherents of the new regime. Two days after the above case, on 21st January 1489<sup>117</sup>, John, Lord Carlisle, gave in sureties that Alexander Boyd would be unharmed by him. These financial sureties were usually taken in an attempt to regulate the behaviour of litigants in cases brought before the King's courts. In this case it seemed that the

judicial machinery of royal government was being used to enforce an act of political spite against Carlisle. In an assedation of, probably, July 1488 entered into the exchequer rolls, we find that

"quator partes (Drumcoll) assedantur Alexandro Boyde per literas domini regis sub secreto sigillo et subscripcione domini regis"<sup>118</sup>.

The pursuit of Carlisle in January 1489 would thus appear to have been an attempt to secure Alexander Boyd's assedation, made in the month following Sauchieburn. Alexander Boyd was a favoured adherent of the new regime, twenty pounds of the fermes of Drumcoll due by him were remitted by the King "pro suo servicio faciendo"<sup>119</sup>, and he served as Chamberlain of Kilmarnock and Keeper of Kilmarnock Castle after 1488<sup>120</sup>. Alexander Boyd was the second son of Robert 1st Lord Boyd and thus nephew of the Sir Alexander Boyd of Drumcoll forfeited and executed in 1469. Boyd was also brother-in-law to Archibald, Earl of Angus, who was later to be found protecting Boyd's interests at court<sup>121</sup>. The decision of the Lords (of whom Angus was one) does not appear to have pleased Lord Carlisle. On 22nd October 1490<sup>122</sup> the Lords of Council had to order Lord Carlisle to restore to Alexander Boyd the sum of fifty six pounds five shillings for three terms mailles of the lands of Drumcoll.

The Parliament of January 1489, and its associated judicial session, seems to have continued the advancement of individual members of the aristocratic coalition which had swept to power after James III's death and the steady persecution of certain men who had adhered to the dead King.

The records of the Parliament are, unfortunately, incomplete. Article two, however, issued on 26th January 1489<sup>123</sup>, declared that for the

"... honour and gud public of the realme the sege of Glasgw be Erect in ane Archbishoprik with sic privilegiis as accordis of law..." and as would be "... aggreit betwix the said bischop of Glasgw and the prelatis and baronis that oure soverane lord will tak with him to be avisit...". It was also ordered that "... nane of the Kingis liegis do in the contrar hereof...".

The creation of the Archbishopric would seem to be a direct reward for Robert Blackadder, Bishop of Glasgow, who had supported Prince James during 1488, and a snub to William Scheves, Archbishop of St. Andrews. One of the complaints made later in the year by the rebels besieged in Dumbarton Castle, was that certain certain "parciall" persons (of whom Robert Blackadder was one named) had worked to disinherit and destroy the kingdom's "trew baronis",

"lik as thai have schapin nou of late, without tytill or colour of richt, to depyve and distroy the Archbischof of Sanctandris..."<sup>124</sup>.

The attempt to provide Blackadder to an Archbishopric was linked to a general article, put through in the Parliament of 16th October 1488<sup>125</sup>, against the purchase of Abbacies and other benefices at the papal court and the annexing of abbacies to bishoprics in

"... herschip and distruccione of the religiouse placis...". It was declared that "... thar be na unions nor annexacions maid now of laite sen our soverane lordis faider, quham god assoilze, tak the croune. And in specale the unionis and annexacions maid be umquhile patrick graham Archbischof of Sanctandree and his successouris...."

The article clearly prepared the way for the dissolving of all annexations made to the Archbishop of St. Andrews during James III's reign and it was probably to these developments that the rebel complaint of late 1489 made reference. Leslie's history of the period certainly stressed the importance of the St. Andrews issue, claiming that there was a "great controversy..." between the bishops of St. Andrews and Glasgow over their jurisdictions and pre-eminence, "which drew the noble men in diverse factions..."<sup>126</sup>.

Article five of the January 1489 Parliament was, perhaps, the most significant in terms of the rebellion of 1489. The item is incomplete, and reads

"... in the said parliament, in presens of oure soverane lord and his thre estatis, James, erle of buchane, for the displessere done be him..."<sup>127</sup>.

The nature of Buchan's offence is unspecified and may relate to one of the charges for which Buchan was summoned for treason (receiving James IV's remission on 9th October 1488) to the Parliament of October 1488. On 17th January 1489<sup>128</sup>, however, (while the Parliament was still in session) the King pursued an action against James, Earl of Buchan, Andrew, Lord Gray, and Thomas, Lord Erskine, for withholding the sum of 10,000 merks which they owed because of the non-entry of Andrew, Bishop of Moray (Buchan's brother), to John, Lord Drummond, (James IV's justiciar) to be brought before the King (presumably in the parliamentary context). It would seem that the Earl of Buchan had acted as a guarantor for his brother's appearance before the King's justiciar, presumably to answer a summons to the Parliament of January 1489. The huge sums indicate that Moray was being summoned to answer very serious charges, probably related to the Bishop's support for James III during 1488. (The Bishop of Moray's role in the political events of the 1480's is more thoroughly explored in Chapter Eight.) On 16th April 1488<sup>129</sup> James III, in Aberdeen, confirmed a charter of James II, erecting the town and barony of Spynie into a free regality, in favour of Andrew Stewart, Bishop of Moray (the King's grant was witnessed by, amongst others, Moray's brother, the Earl of Buchan, and his kinsman, Thomas, Lord Innermeath). On 16th May 1488<sup>130</sup> Moray was in Edinburgh Castle acting, with other committed James III adherents, on the King's behalf in the arbitration of a feud between John, Lord Carlisle, Robert Carlisle his son, and Cuthbert Murray of Cockpool.



Moray's position in 1489 was complicated by a long running dispute between the Bishop and David Livingstone, Rector of Ayr, over the Provostry of Lincluden. In the general article passed in the Parliament of October 1488 against the purchase of benefices at Rome, which were within the King's patronage, all unions and annexations made in James III's time were to be declared null, especially the annexations made to the Archbishopric of St. Andrews

"And of the provestry of Lincludane quhilk is oure soverane Lordis patronage and pretendit to be annexit and unite to andro bischope of murray be of na strenth valour nor effect..."<sup>131</sup>.

Article fourteen of the same Parliament set up a commission to establish which clerics and laymen had broken the previous parliamentary acts concerning supplications to Rome, so that

"... quhat tym it be declarit be the best and worthiest clerkis of the realm befor the lordis of counsale..." that anyone "... be gracis expectauis, acceptis or purchesþ ony beneficez pertenyng to oure soverane lordis presentacioune... in the court of rome ... or has purchest or persewit the samyne sen the said last statut..." then, after the declaration to be "... maid be the clerkis befor the Lordis of counsale, the chancellor sall mak the panis contenit in ... actis of perliament to be execut upoune the brekaris of the said actis leß na thai will lefe the saidis benefices efter thay be requirit thar apouine."

Under the guise of upholding royal rights, the two articles combined to give Moray and Scheves' ecclesiastical and political enemies the power to have them tried for treason if they did not surrender the various benefices annexed to their bishopric and Archbishopric (in Moray's case, the provostry of Lincluden was specified). Moray may, indeed, have been summoned to the January 1489 Parliament to answer charges relating to the provostry issue.

The huge financial penalties imposed on the Earl of Buchan because of Moray's non appearance no doubt increased the Earl's dissatisfaction with the new regime. On 19th February 1489<sup>132</sup>, at Peebles, Thomas

Lord Erskine brought an action against James, Earl of Buchan and David Bruce of Clackmannan to relieve him of the payment of one third of the 10,000 merks for which Erskine, Buchan and Lord Gray had been found liable for the non entry of the Bishop of Moray. David Bruce of Clackmannan brought a similar action against Buchan to ensure his immunity. The decision of the Lords was that Buchan and Bruce should keep Erskine "scaithless", and that the Earl should indemnify Bruce. Effectively, then, the chain of debt and security meant that Buchan would be responsible for the payment of the entire sum. The Lords ordained that letters were to be issued allowing for the distraint of Buchan's lands and goods.

In early 1489 the Earl of Buchan thus faced a crippling financial debt of at least 10,000 merks. To this sum could probably be added a ransom taken from Buchan, as one of the Blackness hostages, for his own role in 1488. It is not surprising, therefore, to find that the Earl of Buchan and the Bishop of Moray were looking for an opportunity to overthrow the new regime who were apparently determined to persecute and ruin their family. The Earl of Buchan and his brother had good reason to offer resistance to the new regime, and other developments during the judicial session accompanying the Parliament of January 1489 may suggest why the King's government were seen as partisan in their application of justice.

On 20th January 1489<sup>133</sup> John, Lord Hay of Yester, was ordered to compensate Henry, Abbot of Cambuskenneth, for damages and spoliations made by Lord Hay and his accomplices in Cambuskenneth. Cambuskenneth is some three quarters of a mile east of Stirling and the appearance here of Hay, a Peebleshire landowner, probably identifies this incident as occurring on, or just before, 11th June 1488, the date of Sauchieburn. Lord Hay was certainly an adherent of James III. The

account rendered by Hay, as hereditary Sheriff of Peebles, on 26th June 1501<sup>134</sup> mentioned the sums due by the Earl of Angus for the period in which the Earl had intromitted with the office of Sheriff (three years) after the death of James III. Clearly, Hay had been removed from the sheriffship for the three year term imposed by the October Parliament on hereditary office holders who had fought for James III. One of the sheriffdoms in which Angus was appointed to execute trespassers was Peebles. The Abbot of Cambuskenneth, on the other hand, was known to have supplied James IV "quhen he was prence"<sup>135</sup> with a loan of one hundred pounds. A similar situation affected Sir William Stirling of Keir. On 20th October 1488<sup>136</sup> James IV made a payment of one hundred pounds to Sir William "to the byggin of his place....". A grant of 9th January 1489<sup>137</sup> clarified that the Tower of Keir had been destroyed by James III's adherents during that King's "ultima residentia apud villam de Strivelin". On 3rd July 1489<sup>138</sup> Sir Adam Murray of Drumcrieff, brother of Sir Cuthbert Murray of Cockpool (who had been summoned for treason in 1488 because of his support for James III), was ordered to pay to Sir William Stirling of the Keir the sum of £1,000 for the damages sustained by Sir William through the destruction of Keir. Adam Murray had become debtor for the above sum during the last justice ayre of Dumfries (February 1489). The treatment given by the new regime to Lord Hay and Sir Adam Murray is in vivid contrast to the way in which cases of criminal damage inflicted by Prince James' adherents on James III's men during 1488 were dealt with. The fourth article of the October 1488 Parliament stipulated

"anent the article of the gudis landis and housß takyne befor the feild of sterviling be lordis and personis that war with oure soverane lord that now is" that, because there were many of James IV's adherents "Reft be the personis of the uthir opynzeone, That tharfor his hienes gef comand to tak

of the gret men being in his contrar, sic as Lordis  
 of perliament and Barronis, That thay gudis sene  
 thay were takyne in sic tyme of trubile be nocht  
 restorit..."<sup>139</sup>,

goods taken after 12th June were to be restored, while houses and lands occupied by Prince James' adherents were to be returned to their owners. Thus it would seem that while James III's adherents were to be liable for injuries and damages inflicted by them on Prince James' adherents before the Prince's coronation on 12th June, James IV's supporters were to be immune from prosecution. The rebel lords who comprised the Lords of the Articles in October 1488 were clearly not prepared to have their activities in support of Prince James become the occasion for legal action. The Hay and Murray prosecutions may have been isolated examples, but it is difficult to know whether they formed part of a general policy because we lack the justice ayre records for the early years of James IV's reign. These episodes, even if not part of a systematic campaign, indicate a partiality in the application of criminal justice which was noted in the apologies produced by the rebel forces of 1489.

**FOOTNOTES CHAPTER: FOUR**

1. R.L. Mackie, James IV (Edinburgh, 1958), 46.
2. Dr. A. Grant, 'Crown and Nobility in Late Medieval Britain', in Scotland and England 1286-1815, ed. R. Mason (Edinburgh, 1987).
3. S.R.O., Inventory of Drummond Writs, GD160/2/2; Ibid., GD160/2/3; R.M.S., ii, No. 1759.
4. A.P.S., ii, 181.
5. S.R.O., Drummond Writs, GD160/1/14.
6. R.M.S., ii, No. 1160.
7. Strathallan, Genealogy of the House of Drummond (Edinburgh, 1831), 45.
8. Johannis de Fordun, Scotichronicon cum supplementis et continuatione Walteri Boweri (Edinburgh, 1775), II, 447-8, (i.e. the feast day of St. Laurence).
9. Ibid., 448.
10. Cal. Doc. Scot., iv, No. 849.
11. S.R.O., Drummond Writs, GD160/1/7; Walter Stewart, Earl of Atholl was the younger brother of David Stewart, Earl of Caithness and Strathearn, who died before 1389. David Stewart's daughter and heiress, Euphemia, married Patrick Graham, son of Sir Patrick Graham of Dundaff. Walter Stewart had already received the Earldom of Caithness, around 1402, resigned by his niece Euphemia, and may have had designs on the remainder of his brother David's titles and properties, including the Earldom of Strathearn. Patrick Graham, Earl of Strathearn was said to have been assassinated on his way from Methven (an Atholl lordship) to Crieff. The ultimate beneficiary of Patrick's death was Walter Stewart who became tutor to Malise Graham, the dead Earl's son, from which position Walter confirmed Sir John Drummond of Concraig's son, Malcolm, in the Stewartry of Strathearn. Eventually, Walter Stewart, Earl of Atholl received a life grant of the Earldom of Strathearn from James I on 22nd July 1427. (RMS, ii, No. 93). It may be significant that Malcolm Drummond only obtained possession of the Stewartry after Atholl had been confirmed as tutor to Malise Graham.
12. Ibid., GD160/1/9.
13. Ibid., GD160/114/4 (Original Charter).
14. A.P.S., ii, 54.
15. S.R.O., Drummond Writs, GD160/1/10.
16. A.D.C., i, 196. Recorded before the Lords of Council on 7th May 1491.
17. S.R.O., Drummond Writs, GD160/114/8.
18. E.R., v, 659.

19. Ibid., vi, 286.
20. S.P., i, 459; H.M.C. Report, vii, 708.
21. S.R.O., Haldane of Gleneagles Collection, GD198/14 and 15 (6th October).
22. S.R.O., Drummond Writs, GD160/70/6.
23. Fraser, Keir, 243.
24. H.M.C. Report, xii, Appendix Part 8, 8.
25. S.R.O., Drummond Writs, GD160/1/15.
26. Ibid., GD160/1/16.
27. S.R.O., John MacGregor Collection, GD50/1/47 (Copy).
28. S.R.O., Abercairney Muniments, GD24/5/1/46; Ibid., GD24/5/1/47.
29. H.M.C. Report, VII, Appendix, Part ii, 709; Atholl Muniments, Blair Atholl, Box2/Parcel I/Auchinshelloch.
30. S.R.O., Drummond Writs, GD160/70/11.
31. R.M.S., ii, No. 1540.
32. S.R.O., Maxton of Cultoquhy, GD155/4.
33. S.R.O., Register House Transcripts, RH/1/1/3.
34. S.R.O., Drummond Writs, GD160/116/10.
35. A.P.S., ii, 201.
36. A.D.C., i, 100.
37. T.A., i, 98.
38. A.D.C., i, 120.
39. A.D.A., 145.
40. R.S.S., i, No. 1188.
41. Abdn. Counc., 1398-1570, 45-6.
42. Pitscottie, Historie, 209.
43. S.R.O., Drummond Writs, GD160/2/2; Ibid., GD160/2/3; R.M.S., ii, No. 1759.
44. E.R., x, 629.
45. Ibid., 639.
46. Ibid., ix, 627.

47. Ibid., x, 640.
48. A.P.S., ii, 199.
49. Ibid., 200.
50. Ibid., 207.
51. Ibid., 208.
52. Ibid.
53. Ibid.
54. Fraser, Eglinton, ii, 45; H.M.C. Report, x, Appendix Part 1, 6.
55. S.R.O., Glencairn Muniments, GD39/Section 5/No. 265. A description of documents removed from the Eglinton Muniments for use in a peerage case in 1852.
56. R.M.S., ii, No. 1730.
57. S.R.O., Cunninghame-Graham Muniments, GD22/Section 2/2.
58. Laing Chrs., No. 198.
59. S.R.O., Cunninghame-Graham Muniments, GD22/2/3.
60. A.P.S., ii, 207-8.
61. S.R.O., Eglinton Muniments, GD3/1/111; Fraser, Eglinton, ii, 8.
62. R.M.S., ii, No. 186.
63. The Accounts of the Great Chamberlains of Scotland, iii, 454, Bannatyne Club (Edinburgh, 1817).
64. S.R.O., Eglinton Muniments, GD3/1/113; Fraser, Eglinton, ii, 8.
65. S.R.O., Inventory of Craigans Writs, GD148/Box 1/No. 12.
66. Fraser, Eglinton, ii, 37.
67. E.R., vi, 326.
68. Ibid., 428.
69. S.R.O., Eglinton Muniments, GD3/1/114; Fraser, Eglinton, II, 36.
70. S.P., iii, 432.
71. S.R.O., Crawford Priory Collection, GD20/1/No. 413.
72. S.R.O., Eglinton Muniments, GD3/1/115; Fraser, Eglinton, II, 5.
73. S.R.O., Blair of Blair Muniments, GD/167/Box 14/Bundle III (catalogued). The original instrument of 17th May 1485, naming John Ross of Montgrenan and Adam Wallace of Crago as Bailies of



Cunningham, is now held by J. and J. McCosh, W.S., Dalry, Ayrshire on behalf of the Blair Trust, numbered as Bundle III,/No. 24. I should like to thank Mr. J. McCosh for allowing access to the instrument.

- 73<sup>a</sup>. e.g. S.R.O., Register House Transcripts, RH1/1/3; HMC Report, iv, 508; HMC Report vii, Part ii, 729.
74. A.P.S., ii, 204-5 (14th October 1488).
75. T.A., i, 110.
76. Ibid., 180.
77. Ibid., 201.
78. S.R.O., Court of Session Records, (A.D.C.), CS5/xix/f132r.
79. Prot. Bk. Young, 51(No. 222).
80. E.R., xi, 373.
81. A.P.S., ii, 208.
82. R.M.S., ii, No. 886.
83. S.R.O., Register House Transcripts, RH1/1/3.
84. N.L.S., Murray of Ochtertyre Papers, Ch. No. 16960 (for services rendered by Lord Gray).
85. S.R.O., Airlie Muniments, GD16/12/9.
86. S.R.O., Register House Transcripts, RH1/1/3. The Master of Crawford's independent action and his estrangement from his father and brothers seems to have culminated in his assassination c.1492 by John Lindsay, his brother (and eventual Earl of Crawford) and the sons of Alexander Lindsay of Auchtermoonzie (N.L.S., Crawford and Balcarres Acc.No.9769/BoxB/125<sup>a</sup>). A case of 23rd April 1512 brought by the "kyn and frendis" of the deceased man, perhaps a reference to Sir David Lindsay of Edzell who was in feud with John, Earl of Crawford, in 1511-13.
87. R.M.S., ii, No. 1725.
88. Ibid., Nos. 1724-1730. All as Great Chamberlain.
89. S.R.O., Cunninghame-Graham Muniments, GD22/2/2.
90. N.L.S., Sir John Balfour's Collection of Ancient Charters, Adv. Mss., 15.1.18, No. 73; Lindsay, Lives, i, Appendix, 457 (with translation).
91. A.P.S., ii, 211.
92. N.R.A.S., 237. Inventory of Muniments at Haigh.
93. A.P.S., ii, 211, c.19, 222-3, c.25.

94. R.M.S., ii, No. 1795. Where Alexander's relationship to David is stated.
95. Lindsay, Lives, i, 166.
96. R.M.S., ii, No. 1806; David, Earl of Crawford's heirs continued to press for some compensation for the loss of the sheriffship. In a contract of 28th September 1532 between David, Earl of Crawford, and Patrick, Lord Gray, it was agreed that because of "the rigor and extremitie usit... be unquhile Andro Lord gray... aganis umquhile David Duik of montrois in moving and compelling" of the Duke to resign the sheriffship in favour of Andrew Lord Gray, "the said... David, duik of Montrois being than in the danger of umquhile our darrest grandsir... James the feird for his assistance gevin to... James the thrid," that Lord Gray should return the sheriffship if Crawford or his heirs payed £550, (N.L.S., Crawford and Balcarres, Acc.No.9769/BoxC/2/9, and C/2/31). The contract was never honoured.
97. Ibid., No. 1795.
98. Ibid., No. 1111.
99. Ibid., No. 1470.
100. E.R., ix, 56, 132, 173.
101. A.D.A., 123.
102. A.P.S., ii, 220.
103. S.R.O., Murthly Castle Muniments, GD121/2/3 Bundle 4; R.M.S., ii, No. 1038, where Fotheringham is identified as a member of the Earl's council; Ibid., No. 1497, 13th January 1482, where Crawford grants Fotheringham lands in Forfar "pro fideli servitio et gratuitis laboribus et continuis per eundem Thome dicto comiti a juventute sua, et a longo tempore elapso".
104. T.A., i, 92-3.
105. A.P.S., ii, 201.
106. A.D.A., 121.
107. E.R., ix, 274.
108. R.M.S., ii, No. 1799.
109. Ibid., No. 1321 (Stewartry), No. 1322 (Threave).
110. Ibid., No. 1730.
111. S.R.O., Cunninghame-Grahame Muniments, GD22/2/2.
112. E.R., x, 77.
113. A.D.A., 121.

114. R.M.S., ii, No. 1327.
115. A.P.S., ii, 186-7.
116. R.M.S., ii, No. 1385.
117. A.D.A., 123.
118. E.R., x, 637.
119. Ibid., 638.
120. Ibid., 91, 157, 160, 269, 696.
121. S.P., v, 141-7.
122. A.D.C., i, 154.
123. A.P.S., ii, 213.
124. Fraser, Lennox, ii, 130.
125. A.P.S., ii, 209.
126. Lesley, History, 62.
127. A.P.S., ii, 213.
128. A.D.A., 120.
129. Moray Reg., 234-6.
130. Prot. Bk. Young, 22-3.
131. A.P.S., ii, 209-10.
132. A.D.C., i, 119.
133. A.D.A., 122.
134. E.R., xi, 311.
135. T.A., i, 134.
136. Ibid., 96.
137. R.M.S., ii, No. 1811; Fraser, Keir, 265-7.
138. A.D.A., 130.
139. A.P.S., ii, 207.

**CHAPTER FIVE****1489**

## CHAPTER FIVE

1489

The first indication of co-ordinated resistance to the new regime occurred in January 1489. On 8th January<sup>1</sup>, Alexander Gordon, Master of Huntly, wrote to Henry VII of England, asking that the English King should

"ramembir of the thresonable and cruel slauthir of my soverane Lorde... (James III)... slayne be a part of his fals and untrew legis...". Gordon's complaint continued, "... becaus of my lautay and allegeans, i haif put me in divours wicht... said soverane Lordis, frendis and knnysmen to caus the comittaris of the saide murthir to be punyst according to justice, and the honor of our realme..." For these reasons, Gordon "... and the layf of my lords and fallowis, maist humili beseks your grace, to put to your hande for the teynderness of blude... betuix my soverane Lorde... and your grace... in the punyssyng of fals and tresonable trattours and with... your helpe, the matter salbe reullit to your gret honor, and oure lautais." Gordon went on to assert that "... in all thir maters my Lord of Buchquhane (Buchan) is informyt at lentht of al oure ententts and quhat he promittis in my name I sal sykkirly abyde therat...".

Lord Gordon justified his plotting by stressing his loyalty to the late King, and by emphasising the essentially treasonable nature of the new regime's rise to power. The perfunctory explanation of James III's death given in the parliament of October 1488 was clearly insufficient to satisfy former James III adherents and, probably, many who had remained neutral during 1488. The men in control of James IV had attained their position through an act of regicide, which provided an ideological and political basis for their opponents' resistance. Lord Gordon's letter to Henry VII was reflected, later in 1489, by the two formal documents issued by the rebels which gave, as the primary reason for rebellion, a desire to obtain 'revenge' and 'justice' for James

III's death. Lord Gordon had allied himself with the late King's "... frendis and knnysmen...", i.e. those men duty bound to seek revenge and/or redress for the King's death. The reference to James III's kinsmen would seem to indicate James, Earl of Buchan (named in any case), Andrew, Bishop of Moray, John, Earl of Atholl, and, possibly, Thomas, Lord Innermeath. Buchan and Innermeath had both been summoned for treason to the parliament of October 1488, and the Bishop of Moray had good reason for fearing and resenting the activities of the new regime. Only eight days after Lord Gordon's letter to Henry VII, James, Earl of Buchan was being pursued before the royal courts over the issue of Moray's non-appearance before the King (see above).

Alexander Lord Gordon's motivations in opposing the new regime are by no means as clear. Both Lord Gordon and his father, George Earl of Huntly, had received indications of royal favour from James III during the crisis months of 1488. On 29th January 1488<sup>2</sup>, the Master of Huntly received a grant from the King by which he replaced his father as Constable of Kildrummy Castle, and royal bailie of the Earldoms of Mar and Garioch. On 27th March 1488<sup>3</sup> James III erected the town of Strathbogie into a burgh of barony for George, Earl of Huntly and, on 17th May 1488<sup>4</sup>, Alexander Lord Gordon successfully intervened on behalf of the Burgh of Inverness for a remission of the burgh mails owed to the King, and obtained a grant to collect the mails for nineteen years. These last two grants would have been made invalid by the recissory act issued by James IV, which annulled all grants of land or office made by James III after 2nd February 1488. When the burgh of Inverness rendered its accounts on 29th February 1490<sup>5</sup> there was no indication of Lord Gordon's involvement in collecting the burgh mails, and the arrears of the burgh's previous accounts were still charged by the exchequer officials. The position of the Earl of Huntly and Lord

Gordon during 1488 is uncertain. George, Earl of Huntly attended James III during the King's visit to Aberdeen in April 1488<sup>6</sup>, but the text of the October 1488 parliament claimed that the Earl was one of the northern magnates who refused to support James III after the King had broken the Aberdeen articles<sup>7</sup>. Lord Gordon's role in mid-1488 is problematic due to the uncertainty over the dating of the enigmatic Battle of Dunkeld. On 7th December 1492<sup>8</sup>, a William Cumming (possibly of Inverallochy), James III's Marchmont Herald, received a remission for rendering counsel and assistance to Alexander, Lord Gordon at the Battle of Dunkeld, against the King. Some fourteen years later, on 4th January 1507<sup>9</sup> a Lawrence Cowtis in Ruthven (in the Lordship of Badenoch) received a remission for his treasonable insurrection against the King in company with Alexander, Earl of Huntly (then Lord Gordon), and for appearing in Gordon's army at Dunkeld. The dating of the clash at Dunkeld can only be credibly assigned either to the summer of 1488 (almost contemporaneous with Sauchieburn), or to September 1489. A 1488 date would be consistent with the idea that James III expected reinforcements from the north before Sauchieburn, and that the Master of Huntly, who had received a grant from the King as late as 17th May, was hurrying south to James III's assistance when he was intercepted by Prince James' supporters at Dunkeld. A point in favour of a summer 1488 date is the fact that William Cumming was also charged with withholding silver and jewels from James IV, perhaps some of James III's hoard which the King had distributed amongst friends and supporters just before Sauchieburn. If the Master of Huntly had already committed himself to open conflict with Prince James' forces in 1488, then his position in January 1489 would be as vulnerable, and he himself as resentful, as other James III adherents. Alternatively, we know that Lord Gordon's march to Dumbarton during August/September 1489

passed close to Dunkeld, and that lands just to the south of Dunkeld itself were raided by the rebels. Royal forces may have been met and defeated, by Lord Gordon, the Earl Marischal and Lord Forbes at this point. In addition, if Lord Gordon had been a committed James III supporter during 1488, then he would have lost any offices he held in connection with royal lands, but in 1488<sup>10</sup> he continued to exercise the office of bailie of the Lordship of Strathdon in the Earldom of Mar, and bailie of the Earldom of Garioch.

The accounts rendered by the Master of Huntly in respect of the above royal lands revealed a matter of some dispute between Gordon and the financial officers of the new regime. On 19th August 1488<sup>11</sup> Lord Gordon's accounts of Strathdon and Garioch narrated that Lord Gordon had been admitted to the bailiary of Strathdon, Garioch, Pettie and Brachlie, with the custody of Kildrummy and Inverness by James III's grant of 29th January 1488. Lord Gordon's account of 1488 was said to have arrears of £151 16s. 8d. (in fact a mistake for £100 16s. 8d.). The account rendered by George, Earl of Huntly on 31st July 1487<sup>12</sup> had shown no arrears, and the Earl had been allowed "ex tolerancia domini regis" £66 14s. 4d. for the custody of the Castle of Kildrummy. The bulk of Lord Gordon's arrears in 1488 were, clearly, the fee for the custody of Kildrummy. The following year's accounts, rendered on 4th July 1489<sup>13</sup> ended with Lord Gordon being charged with arrears of £216 15s. 10d. and fifty two merks. It was not, in fact, until the account rendered on 14th June 1494<sup>14</sup>, after a four year hiatus, that Lord Gordon was allowed to subtract from his substantial arrears, one hundred merks for his custody of Kildrummy in each of the years 1488, 1489, and 1490, in accordance with the gift made by the deceased James III.



Whatever Lord Gordon's motivations, by January 1489 a co-ordinated attempt to move against the new regime was underway, based in the north of the realm and involving a number of prominent noblemen who were looking to obtain English assistance. The Gordon/Buchan association was still, apparently, strong on 28th March 1489<sup>15</sup>, when Alexander, Master of Buchan witnessed a bond of manrent given by Alexander Cumming of Altyre to Alexander, Lord Gordon, at Elgin. Henry VII may have intended a direct intervention in support of the rebels of 1489, for, on 1st March 1489<sup>16</sup> the Earl of Northumberland

"endentyd with the Kynge (Henry VII) for the kepynge  
out of the schottys and warrynge on them, and schall  
have large money...",

although this would seem to have been a purely defensive measure to deal with border unrest.

The first direct challenge to the new regime came, however, from a rather unexpected quarter. On 8th April 1489<sup>17</sup>, shortly after the completion of a royal justice ayre through the borders and Ayrshire, heralds were sent with letters to the castles of Duchal and Dumbarton. Duchal, in Renfrewshire, was a stronghold of Robert, Lord Lyle, while the keeping of Dumbarton had been assigned to John, Earl of Lennox and Matthew Stewart, his son, on 20th October 1488<sup>18</sup> (the castle having previously been held by the deceased Andrew Stewart, Lord Avandale). Lord Lyle and Matthew Stewart had both been members of the rebel coalition in 1488. Both men were named in a safe conduct granted by Henry VII to members of Prince James' forces in May 1488<sup>19</sup>, and Lyle was one of the commissioners for the Prince's party in the drawing up of the Aberdeen articles<sup>20</sup>. Shortly after Sauchieburn, on 24th July 1488<sup>21</sup> Robert, Lord Lyle was made justiciar within the bounds of Bute and Arran. The gains were confirmed in the division of criminal jurisdiction outlined in the parliament of October 1488<sup>22</sup>. The Earl

of Lennox, Lord Lyle and Matthew Stewart were given responsibility for Renfrew, the Monkland, the Lenzie, Bothwell, Glasgow, Kilbride, Avandale and shared control of Dumbarton, the Lennox, Bute and Arran with Hugh, Lord Montgomery. Robert, Lord Lyle, in particular, seems to have been a central figure in the new regime immediately after Sauchieburn. Lyle was present at the accounting of the treasure delivered in to the new regime's treasurer, Sir William Knollis, preceptor of Torphichen, by Dean Robert Hog, Canon of Holyroodhouse in June 1488<sup>23</sup>. The auditing was supervised by Lyle and the new Chancellor, (the Earl of Argyll) and the Prior of St. Andrews (John Hepburn). Lord Lyle also attended the auditing of a box of treasure delivered in by the Countess of Atholl<sup>24</sup> with Knollis, Argyll and the Prior, and was with Knollis on 23rd June<sup>25</sup> when the Treasurer received the contents of a box pulled from the "mire" by a James Averi, in Scone (the Bishop of Glasgow, the Prior of St. Andrews, Patrick Home and John, Lord Drummond were also present). All the indications are that Lord Lyle, the Earl of Lennox and Matthew Stewart were committed members of the triumphant rebel coalition, enjoying the fruits of their rise to power.

Convincing, specific, reasons to explain Lennox and Lyle's detachment from the government by April 1489 remain to be found. The so-called "Lennox Apologia" sent by the rebels of 1489 to James IV after their defeat at the Battle of Gartloching in October 1489 may have given some indication of Lennox and Lyle's motivations, but should be treated with caution, because it seems to have been an expanded reworking of the articles formulated by the northern rebels in August/September 1489 and, as such, probably reflected the propaganda standpoint of the Earl Marischal, the Master of Huntly and Lord Forbes, rather than the western rebels. There is some difficulty in dating

the Lennox apologia. Fraser claimed that the articles were endorsed as the complaints sent by the rebels of 1489 to James IV after the field of "Mos" i.e. Gartloaning. The original is now preserved in such a way as to make it impossible to read the back of the document. The articles could, therefore, date from any period after Sauchieburn up to February 1490, and have been designed for presentation to the parliaments of October 1488, January 1489 or July 1489, with the September 1489 declaration by the Aberdeen council merely reiterating an existing bill of complaint. If the apologia is a product of late 1488 or early 1489, then its presence in the Lennox muniments would explain Lennox and Lyle's divergence from the Bothwell regime by April 1489. The interesting aspect of the western rebellion, was that it was composed of members of the new regime who were clearly dissatisfied with their rewards after Sauchieburn, or alarmed by the behaviour of certain of their former allies.

On 16th April 1489<sup>26</sup> Rothesay and Montrose heralds were ordered to pass with more letters to Dumbarton. Interestingly, Montrose herald (Alexander Weir) appears to have joined the rebellion, being one of those named in a remission granted to Matthew Stewart on 12th February 1490<sup>27</sup> for the holding of Dumbarton Castle against the King, and the treasonable burning of the town of Dumbarton. By 23rd April<sup>28</sup> letters were sent to the Lords of the "Westlande", Teviotdale and Galloway ordering them to appear in the host at Dumbarton. Clearly, military action was to be taken against the western rebels. Between 26th April and 2nd May<sup>29</sup> the Bishops of St. Andrews, Brechin and Dunblane, and the Abbots of Arbroath, Dunfermline, Lindores and Scone were summoned to Dumbarton. Given the events of 1488, the level of support that the new regime could raise in order to deal with Lennox and Lyle's rebellion must have been

uncertain. James, Earl of Buchan and Alexander, Lord Gordon had been attempting to raise a rebellion against the regime in early 1489, and there were many other James III adherents who had suffered at the hands of the faction governing James IV after Sauchieburn. Despite the obvious discontent created by the new regime's behaviour, Lennox and Lyle's rebellion received little immediate support from James III loyalists; indeed, the reverse appears to have been true, with political outcasts from 1488, such as the Earl of Buchan, the Earl of Crawford, William, Lord Ruthven and John Sempill of Elliotston, giving active assistance to James IV's government. These men obviously had little sympathy with Lennox and Lyle (who had, after all, fought against James III in 1488), and the western rebellion offered them an opportunity to reconcile themselves with James IV, and to secure their own position within the realm.

James IV's government does, however, appear to have been deprived of the support of another prominent rebel of 1488, Archibald, Earl of Angus, in the midst of Lennox/Lyle's rebellion. On 29th April 1489<sup>30</sup> the Earl witnessed a great seal charter issued by James IV to Thomas Lundy, but then disappeared as a witness to great seal charters until 1492. Angus' withdrawal from the administration at a time when the King was obviously requiring political/military support has been explained in terms of an undated pilgrimage made by the Earl to the shrine of St. John the Baptist at Amiens in France. James Gray's manuscript in the National Library<sup>31</sup> contains an extract supposedly from a royal letter by James IV directed to Henry VII which referred to a report given to the Scots King

"... be our traist and weilbelovet cousing,  
Archibald erle of Anguss, that quhenn he was in the  
partis of youre Realme intending to have passit his  
pilgrimage to the blissit Relique the hede of  
Sanct...".

The report has been tied<sup>32</sup> to the safe conduct issued by Henry VII on 12th February 1489<sup>33</sup> in favour of the Earl of Angus and eighty attendants allowing the Earl to pass through England on his journey to Amiens. The Earl of Angus was, however, still in Scotland on 13th May 1489<sup>34</sup>, when a royal messenger was ordered to take certain charges of the King to the Earl. The Earl, in fact, received a further safeconduct from the English King in early September 1489<sup>35</sup> indicating either that Angus had remained in Scotland throughout the summer of 1489, or that he had returned to the Kingdom from his pilgrimage by September.

By 15th May 1489<sup>36</sup> James IV was in Paisley, arranging for gunners to fetch the royal artillery from Linlithgow. The initial campaign against the western rebels was shortlived, since the King had returned to Stirling by 18th May<sup>37</sup>, and to Edinburgh by 21st May<sup>38</sup>. By 1st June<sup>39</sup> the Lords around the young King seem to have decided to call a parliament to forfeit the rebels, and to gather support for the besieging of Dumbarton and Duchal (the campaign of May 1489 in the west may have convinced the King's councillors of the need to obtain a formal declaration of forfeiture against Lennox, Lyle and Matthew Stewart). Unfortunately the sentences of forfeiture passed against Lyle, Lennox and Matthew Stewart have been removed from the parliamentary record by the order of James IV of 6th February 1490<sup>40</sup>, so that the charges laid against the Earl and his allies are unknown. The articles presented on 4th July 1489 do, however, reveal the intended action to be taken against the rebels. Article seven arranged for the besieging of the castles "that ar haldin contrare our soverane lord be his rebellis in the west partis of his realme". It was decided that James IV was to go "... in propir persone gif it plesß him..." to the Castles of Crookston (a Lennox castle in Renfrewshire

near Paisley) and Duchal (Lyle's castle near Kilmacolm) by 19th July 1489 accompanied by the Lords, barons, freeholders and gentlemen from South of Forth. On the same day that the King arrived in Glasgow, the Chancellor (Argyll) was to pass and "conferme" the siege of Dumbarton Castle on the north bank of the Clyde, and was to remain there for twenty days with the men of the Earldoms of Argyll, Lennox, Menteith, Strathearn and Tay West. After nineteen days, the lords and barons of Angus, Fife, Kinross, Clackmannan and the Sherifffdom of Perth east of the Tay, Stormont, Atholl, the Appin of Dull and Rannoch would enter the siege for a further twenty days. After nineteen days of this period, the Earls of Huntly, Marischal, Erroll, Lord Forbes and the men beyond the Mounth with the men of the Sherifffdom of the Mearns (Kincardine) would continue the siege. By these calculations, if Argyll imposed the siege of Dumbarton on 19th July, then the northern Earls would have been due to relieve the men of Angus, Fife and Perth east of the Tay on, or around, 26th August. The nature and aims of the force which did descend from the north in late August and early September 1489 were to be radically different from those envisaged by the July parliament. The raising of the men of Lennox to serve against their own Earl may form the basis of the supplication made on 11th August 1491 by John "Eyri" (Tyrie?) scholar,<sup>41</sup> "continual commensal familiar of James, King of Scots", which narrated that John had written letters in which a layman's own followers had been incited against him, and that by his (John's) "counsel with the said king, he was present where some were killed and mutilated". (Gartloaning?). A Sir John Tyrie was certainly responsible for the writing of many of James IV's letters during 1489<sup>42</sup>.

The parliament also made some interesting stipulations as to the composition of James IV's council. Article eight<sup>43</sup> asserted that

certain lords had been chosen to be of "consale" to the King until the next parliament. The Earl of Crawford and the Earl of Huntly were to be included in the council "... quhen thai cum...", and all prelates and "... gret baronis elikwis." The granting of a statutory right to the Earl of Crawford to attend the King's council marked a substantial step towards the Earl's rehabilitation after the persecution inflicted on him by the new regime in 1488. Crawford's reconciliation with James IV continued on 18th September 1489<sup>44</sup> when, at the height of the rebellion, the Earl was restored to the title of Duke of Montrose (for his lifetime only) by James IV during a Great Council at Stirling. The title and lands bestowed on Crawford by James III for the Earl's services against Prince James during 1488, were thus returned to the Earl as a reward for his support for James IV during 1489. Crawford's restoration was confirmed in a grant made on the day after the Great Council in Stirling<sup>45</sup>. A charter of 6th March 1490<sup>46</sup> by David, Duke of Montrose and Earl of Crawford to his brother, Alexander Lindsay of Auchtermoonzie, of the baronies of Inverarity and Ferne, narrated that the gift was made

"... pro ejus servitiis... ac ejus complurimis costagiis et expensis ex parte dicti ducis in servitio regis honoris dicti ducis pro conservatione...".

Clearly, Crawford had been restored to the Dukedom because he had committed the Lindsay affinity to the defence of James IV during the rebellion of 1489. The Master of Crawford's role in 1489, given that he had supported the rebellion of 1488 against James III and his own father, is uncertain. By c.1492 the Earl and his second son had dealt with the Master's wayward behaviour. On 23rd April 1512<sup>47</sup>, the

"kyn and frendis of umquhile Alexander, Lord Lyndesay, Master of Crawford", were pursuing a complaint that Alexander, "Cristian berys, alane spens, isabell guthry and Johane Weddale war cruallly slane and distroit innocently be Johnne erll of

Craufurd (Alexander's brother), David Lyndesay of Halch, William Arnot, Johne Striveling, James Lyndesay, Robert poyll and thar complices."

The parliamentary article also named certain lords who were to be of continual counsel to the King, in conjunction with the King's officers. The men named were Robert, Bishop of Glasgow, William, Bishop of Aberdeen, John Hume, Prior of Coldingham, Mr. Alexander Inglis, Archdeacon of St. Andrews, William, Earl of Erroll, John, Lord Glamis, Andrew, Lord Gray, Laurence Lord Oliphant, John, Lord Drummond, William, Lord Borthwick, Patrick Hume of Fastcastle and Walter Ogilvy. None of these men were to

"...remove fra the kingis hienes without speciale licence of him or his chancellare, and that for schort tyme...".

For the most part, the men named were associated with the rebellion of 1488, and their incorporation into the King's council on a formal basis did not signal any major change in the political balance of the regime. The Council was, however, to include the Bishop of Aberdeen and William, Lord Borthwick, who were both employed in James III's service. Indeed, William Elphinstone, Bishop of Aberdeen served as James III's Chancellor from February 1488 to the King's death at Sauchieburn<sup>48</sup>. The act may not have been designed simply to broaden the basis of support for the regime, but rather to regulate the behaviour and movements of the specified lords, to ensure that they remained with the King during the period of crisis, and to prevent any further defections or disappearances (such as the Earl of Angus').

Article eleven of the July parliament declared that a proclamation was to be made ordering that no-one should assist the King's rebels "now forfait" i.e.

"Johnne sumtyme erle of levenax, Robert sumtyme Lord lile, William sumtyme Lord Crechtoun and Mathew Stewart"



and set out various rewards for their capture. William, Lord Crichton's role in the western rebellion is intriguing. Crichton had been forfeited on 24th February 1484<sup>49</sup> for his treasonable activities in support of James III's brother, Alexander Duke of Albany. Lord Crichton was one of the men encamped in Albany's Castle of Dunbar on 21st February 1483<sup>50</sup> shortly before the Duke's flight from Scotland, and, on 19th March 1483<sup>51</sup> in an agreement between James III and Albany, William, Lord Crichton was required to go into exile for three years.

William Lord Crichton appears to have spent some time in England after Albany's disgrace, and, in his absence, the forfeited lands were granted out to various border lairds and to John Ramsay, Lord Bothwell. Crichton's role in 1488 is unclear, but any hopes he may have had with regard to the restoration of his title and lands after James III's death were dashed by the aggrandisement of Patrick Hepburn, Lord Hailes. On 13th October 1488<sup>52</sup> the lands, lordship and Castle of Crichton and the lands and baronies of Dryvesdale and Kirkmichael (former Crichton baronies in Dumfriesshire) were gifted to Patrick Hepburn after the parliamentary forfeiture of John Ramsay, Lord Bothwell. Ramsay must have obtained an unrecorded charter of Crichton's forfeited baronies from James III sometime after Crichton's forfeiture on 24th February 1484.

The parliament of October 1488 made plain that the Lordship of Crichton had been annexed to Hepburn's newly created Earldom of Bothwell<sup>53</sup>. William "Lord" Crichton thus had a readily identifiable grievance against Patrick Hepburn, and it may be significant that the Lennox apologia rather pointedly refers to Hepburn as Lord Hailes rather than as Earl of Bothwell<sup>54</sup>.

Lennox and Lyle's rebellion would appear to have been an ideal opportunity for the discontented northern lords including the

Earl of Buchan and the Master of Huntly, to make their move against the government. One obvious reason for the inactivity of the Gordon/Buchan faction was the long and bitter feud that existed between James, Earl of Buchan and Robert, Lord Lyle. The dispute, which is examined in greater detail in Chapter Seven, seems to have had its origins in the crisis of 1482/3, and culminated in a confrontation between the Earl and Lord Lyle in Edinburgh, during the parliament of October 1487<sup>55</sup>. The two men were still at feud the following year, and the agreement drawn up between James III and the Prince's party in Aberdeen in April/May 1488<sup>56</sup> mentioned that

"... al discencions and discordis betuex ony lordis or gret baronis of baith the partis salbe drawin... to unite concord sa that luf favour may stand ymangis oure soverane lordis liegis and peax to be had... specaly betuix the Erle of Buchain and Lord Lile".

Thus, despite Buchan's obvious dissatisfaction with the political situation in 1488 and 1489, the Earl was not about to aid Robert, Lord Lyle's rebellion. Indeed, Lyle's insurrection and forfeiture saw an accommodation between the Earl and the new regime. On 27th June 1489<sup>57</sup>, the day after Lyle's forfeiture, James IV granted his "avunculo" James, Earl of Buchan "pro ejus bono servitio" various lands which had lain at the centre of the dispute between Buchan and Lyle and were in the King's hands through Lyle's forfeiture. By June 1489 then, the Earl of Buchan (and, presumably, his brothers, Andrew Bishop of Moray and John Earl of Atholl) had abandoned his plans for rebellion, and had become reconciled to the new regime at Lord Lyle's expense. On 18th September 1489<sup>58</sup>, at the height of the rebellion, Buchan was one of the Great Council which restored David, Earl of Crawford to the dignity of Duke of Montrose.

The parliament of June/July 1489 had thus prepared the way for a sustained assault on Lennox and Lyle's position in the west. On 10th

July<sup>59</sup> royal letters were sent to Tweeddale and East Lothian to "warne the cuntre to the seige of Dumbertane", and on the same day provision was made for the King's journey to Duchal. By the evening of 18th July<sup>60</sup> the King was in Glasgow, and letters were sent to Edinburgh to "haist the gunnis west". The task of besieging Duchal must have begun around the time appointed by the parliament, and the details of the siege are recorded in the treasurer's accounts. One of the men involved in imposing the siege was John Sempill of Elliotston, Sheriff of Renfrew<sup>61</sup>. John's father, Thomas Sempill of Elliotston, is said to have been killed at Sauchieburn fighting for James III<sup>62</sup>. Thomas Sempill was certainly dead before 20th October 1488<sup>63</sup>, on which date Archibald, Earl of Angus protested before the Lords Auditors that the granting of briefes of service to the heirs of Thomas Sempill of Elliotston should not prejudice the Earl's rights. Further, the fact that criminal jurisdiction in the Sherifffdom of Renfrew had been assigned over to the Earl of Lennox, Lord Lyle and Matthew Stewart in the October 1488 parliament, suggested that the Sempills were, indeed, adherents of James III who had been removed from their hereditary office of Sheriff of Renfrew for three years. Claims made by John (by that stage) Lord Sempill in November 1505<sup>64</sup> against John, Lord Drummond, may also indicate that action had been taken against Thomas Sempill's Strathearn lands of Cragrossie in the period before Sauchieburn.

By July 1489, with Lennox and Lyle in rebellion, John Sempill had been restored to the office of Sheriff of Renfrew. Sempill certainly gave enthusiastic support to James IV's siege of Lyle's castle of Duchal. On 13th September 1489<sup>65</sup> Sempill received a retrospective letter of fire and sword from the King, which narrated that all burnings, slaughters and injuries committed by Sempill on the King's

rebels (Lord Lyle and Matthew Stewart) "was alanery of our free will...". Sempill's exemption from prosecution was to apply especially to the damage caused to the house, place and lands of "Dowchell". Sempill's sudden concern to obtain an indemnity for acts he had carried out over a month beforehand, is probably explained by the arrival of the leaders of the northern rebellion in Dumbarton in early September. For Sempill, the surety of a royal triumph in the struggle against Lord Lyle and Matthew Stewart was, no doubt, transformed by the reinforcement of the western rebels, making it uncertain that the new regime was going to successfully survive the rebellion. Sempill's letter of fire and sword was addressed "... in speciale to the lordis of oure perliament and consale...". Sempill's letter claimed that the rebels and traitours "Matho Stewart and Robert Sumtyme Lord lile... beand in oure castell of Dumbertane" had committed herships, burnings and slaughters upon the King's "trew lieges" in the west and, in particular, upon the King's "servitor" John Sempill of Elliotston and his tenants. The raids against Sempill may be reflected in the claims brought in March 1491<sup>66</sup> by John Sempill against Matthew Stewart and his brothers for the destruction of Sempill's "place" of Southannan (on the Ayrshire coast, between Largs and West Kilbride). The letters asserted that, in order to resist the rebels, and for the "common good" of the King's lieges in the west, that "special charge" had been given to Sempill to make a convocation and gathering "... in fere of were..." in order to "... byrne, hery, destroy and sla..." the rebels. It is interesting to note that John, Earl of Lennox was not named as one of the rebels in Dumbarton Castle, and, despite his forfeiture in the July parliament, the Earl was not included in any remissions granted in 1490 for the rebels' activities in and around Dumbarton. Indeed, there is some evidence to suggest

that on 26 April 1489<sup>67</sup>, some three days after the royal host was summoned to Dumbarton, the Earl was in the Abbey of Paisley.

The siege of Duchal appears to have been an entirely successful operation. On Saturday 25th July<sup>68</sup> the King was "besyde Duchale", and was still there on Monday 27th July<sup>69</sup>. On 28th July<sup>70</sup> the King issued a great seal charter at Duchal, but by 1st August was back in Edinburgh<sup>71</sup>. On 4th August orders were issued to send gunners to Kirkintilloch to help "home with the gunnis". Duchal, at least, had provided little opposition to James IV's forces.

The King appears to have remained in Edinburgh or Stirling for the remainder of August and early September while the siege of Dumbarton continued unabated. By 6th September the Lords besieged in Dumbarton were preparing to flee the country, for on that date<sup>72</sup> Henry VII issued safeconducts in favour of

"Robertum Dominam de Lisle, Willelum dominam de  
Creton" and "Matheum Steward" Master "de Lenhous in  
Scotiam".

(Note again that the Earl of Lennox was not named). Curiously, the safe conducts were reissued on the following day. On the same day, 7th September<sup>73</sup> Archibald, Earl of Angus received a further safe conduct from Henry VII. It is unclear whether Angus was still in Scotland and applying for a safe conduct in order to leave the Kingdom, or was receiving an extension to the six month safe conduct issued in February 1489<sup>74</sup> while he was still in England or returning from the low countries.

Lord Lyle, Lord Crichton and Matthew Stewart had thus established contact with the English King and were preparing to abandon the besieged fortress of Dumbarton to the King's forces. The military and political situation was, however, dramatically changed in early September. On 9th September<sup>75</sup> the King's treasurer paid to the young

man "... that dwellis with George of Dowglass that twrss the copburde..." two pounds, in compensation for the horse taken from him by the Master of Huntly at the "... Downe of Menteith", i.e. Doune in Menteith. Sometime shortly before 9th September, Alexander, Lord Gordon, and his associates were raiding in south west Perthshire.

### The Northern Rebellion

On 12th September 1489<sup>76</sup> the alderman, bailies council and community of Aberdeen gathered and

"... consentt, be thair aithis to thir artikilis and opinionis under writin, subscrivit with diverse lordis and baronis handis...".

The Aberdonians were thus approving a series of articles which had been drawn up sometime before 12th September, and which had already been signed and attested by various, unnamed, lords and barons. The articles are remarkable for their similarity, in many instances word for word, with the "lennox" apologia delivered to James IV after the Battle of Gartloaning. The two documents are clearly the product of the same group. The articles run,

"In the first, quhar our soverane Lorde was slayne and nay punicion maide tharfor apone the treasonabile vile personis that putt thair handis violentlie on his mast nobile persoune, quhais saule God assolze, to be for punicion of thay tresonable personis committaris of the saide slauchter. Secundly, for the reformacione of the misgovernance of our soverane lordis tresour and dispositione of his heritage, menesand his auctorite and croune, and als for the remeide and souerte of our soverane lordis most noble persone, and of our lordis his brether, and inlikvase his tresour, strincates and artalzery, to be putt in souer and comptabile mennys handis, to the utilite and profit of our soverane lord and his successouris, be the avise and consal of the thre estatis. Asua that all ransomis tane be ony maner of mane of ony of the kingis lieges, spirituale or temporale, be restorit and gevin agane. And asua that his lawis and justice be ministerit throu his realme to all his lieges

equally, according to the pleasance of Gode, commune  
profit of the realme and lieges...".

Clearly, the articles had been written and signed as a declaration of policy by the northern lords, as a means of attracting support and sympathy, and as an explanation and justification of their "rebellion". The presentation of the rebellion as a quest for "justice" for James III's death enabled the northern lords to portray themselves as loyal and true subjects fighting for their dead King, while portraying those who manipulated James IV as, at the worst, treasonable regicides or, at best, protectors of those who had committed the crime. The northern rebels were thus claiming the ideological and political "middleground", they were the true defenders of the monarchy, the succession and legitimate government. The "patriotic conservatism" of the Scots nobility has recently been examined by Dr. R. Mason<sup>77</sup>, and the rebel propaganda of 1489 was, indeed, highly conservative and conventional in its approach, stressing at all times the "rebels" commitment to James III and James IV, to the monarchy, to the succession, and the common good.

The rest of the articles were concerned, specifically, with the way in which the men who had come to power in 1488 through James III's death had conducted government. The "misgovernance" of the King's treasure and his heritage would seem to refer to the monopolising of crown resources, gifts and grants by the Earl of Bothwell, Lord Drummond, Lord Gray and their associates, and to persistent claims that much of James III's hoard had been misappropriated. The situation was to be reformed by the removal of the King, his brothers, his treasure, castles and artillery from the custody of Bothwell

"... to be putt in souer and comptable mennys  
handis, to the utilite and profit of our soverane  
lord..."

i.e. the rebellion sought to present itself as an attempt to protect the King's interests. The points concerning ransoms and the even-handed administration of justice were clearly derived from specific grievances (see above).

Generally, the articles were a protest against the administration of a faction in control of the King, and they employed the way in which that faction came to power as a tool to undermine their claim to rule, and to legitimise the northern rebellion. It would be wrong, however, to suggest that the northern rebellion was purely motivated by material concerns; many of the men involved in the north (in contrast with the western rebels) had been committed James III adherents before Sauchieburn and, although these feelings were undoubtedly heightened by the judicial/financial exactions imposed upon them by James IV's victorious government, there seems to have been a sense of genuine popular outrage (exemplified in the Master of Huntly's letter to Henry VII) that James III had been killed, and that his murderers had not only escaped retribution, but were now in control of the royal government. The men who attested the articles, and who marched south to confront James IV's regime, were fired by a sense of revenge and their own rectitude. 1488 had seen the political, ideological and moral norms of the Scots nobility turned upside down, and a sane adult King had been killed by his own subjects who then proceeded to rule through his young son to the obvious discomfort of men who had remained loyal to their King. The northern rebellion was the product of a resentment that went beyond annoyance over individual acts of tyranny and persecution, and the rebel propaganda illustrated that the death of James III was not an issue that could be brushed aside by the deliberations of the parliament of October 1488.



The occasion for the assembling of the lords and barons who had promulgated and signed the articles may well have been the summons to the siege of Dumbarton. By the timing laid down in the June parliament, Huntly, Marischal, Erroll and Forbes, with the men north of the Mounth, were due to besiege Dumbarton on 27th August. Lord Gordon had passed through Doune before 9th September 1489, so that the articles would appear to have been issued in late August or early September. The willingness of the Aberdeen Council to support the rebellion may well have been influenced by the treatment meted out by the new regime to the alderman of Aberdeen, Sir John Rutherford of Tarland. On 15th May 1485<sup>78</sup> James III had granted John Rutherford, his "familiari servitori" the fermes of the lands of the Easttown and Tarland in Cromar, amounting to twenty pounds yearly. Accordingly, these sums were noted in the accounts for Cromar in 1486<sup>79</sup> and 1487<sup>80</sup>. The new auditors of Exchequer, after Sauchieburn, were not prepared to allow James III's grant to Rutherford to be continued. On 26th July 1488<sup>81</sup> the account noted that there were ninety pounds due from the lands of Easttown, Tarland and Migvie, as was shown by previous rolls, which had been received by John Rutherford, and for which John's lands and goods were to be distrained. Thus, Rutherford's heritable grant had not only been cancelled, but the Auditors of Exchequer were seeking to have the dead King's familiar distrained for the fermes he had uplifted, quite legally, for the previous three years. On 23rd January 1489<sup>82</sup>, James IV granted Alexander Gordon of Midmar (his familiar), the Earl of Huntly's brother and the man who rendered the accounts of Cromar to the exchequer, the lands of Easttown in Cromar.

The first violence of the northern rebellion seems, in fact, to have occurred in Buchan, where the Earl of Erroll and his kinsmen found

the Master of Huntly and Lord Forbes intervening in a dispute between the Earl and the Cheynes of Esslemont. On 24th January 1489<sup>83</sup> Henry Cheyne of Esslemont brought an action before the Lords Auditors against William, Earl of Erroll for intromitting with the lands of Meikle Arnage after 3rd November 1488, and for refusing to surrender the lands to Henry in accordance with Erroll's father's reversion. In order to trace further developments in August/September 1489, we have to rely on court cases and remissions issued two or three years after the 1489 rebellion. On 6th July 1492<sup>84</sup> Henry Cheyne of Esslemont was pursued by William Hay of Ardendraught for the destruction of Hay's place of Ardendraught (with damages amounting to 500 merks). In addition, Hay claimed 600 merks for the destruction of his charters, and 200 merks for the loss of profits from the mains of Ardendraught for a period of three years because of the destruction of the place, lands and goods (giving us a tentative date in 1489 for the assault). The attack on Ardendraught was more than a feud between two baronial families. At Aberdeen on 27th April 1494<sup>85</sup> a precept of remission was issued in favour of Alexander, Lord Gordon for burning the place of Ardendraught in Buchan. An action brought before the Lords of Council on 27th February 1493<sup>86</sup> allows more of the men involved in the raid to be identified. On that date, the Lords decreed that forty named persons should relieve Henry Cheyne of the payment of 500 merks recovered on Henry by William Hay of Ardendraught, because the named men had taken remissions at the justice ayre of Aberdeen for the destruction and burning of Ardendraught. Amongst the men named were Arthur, 5th Lord Forbes, Alexander Johnstone of that ilk, Alexander Seton of Meldrum, George Gordon in "Fulzemont", William Panton in Coullie and other, lesser, men from the Mar/Garioch area (most, apparently, dwelling on Forbes' estates). Six days before this judgement, on

21st February 1493<sup>87</sup> Henry and John Cheyne were ordered to pay 180 merks to William Hay for the lost profits of the mains of Ardendraught for three years.

It seems likely that the attack on Ardendraught by Lord Gordon, Lord Forbes and the Cheynes was the prelude to the northern Lords' march south. The leading role of Lord Gordon and the Earl of Erroll in the disturbances of 1489 was confirmed on 7th February 1493<sup>88</sup> when lord Gordon appeared as a procurator (along with John Cheyne) for Henry Cheyne of Esslemont, and on his own behalf, and agreed with William Earl of Erroll and Gilbert Hay of Delgaty (near Turriff) son and heir of the Laird of Ardendraught, that no letters of distraint would be issued to recover debts established by the judgement of the Lords of Council before the 15th of April following (presumably to encourage a private settlement). Alexander, Lord Gordon was also connected to a raid by John Gareoch, George Gordon, and others, on the Hay lands of Delgaty and "Auchinshogill..."<sup>89</sup>. The Earl of Erroll and the Hay kindred responded with attacks on the Cheynes of Esslemont. On 22nd June 1493<sup>90</sup>, William Hay of Ardendraught, Patrick Reid of Collieston and John Hay of Ardgrain were ordered to restore to Henry and John Cheyne of Esslemont large numbers of livestock and their "profits" for three years, and to compensate Henry and John for the damages sustained during the destruction of Esslemont, and the laying waste of the lands of Esslemont and Cairnhill. It was specified that the corns of Esslemont had been burnt by the Earl of Errol's "servitors".

The intervention of Lord Gordon and Lord Forbes in the Cheyne/Errol feud may have been due to the Earl of Erroll's position as a firm supporter of the new regime. Erroll had been named as one of the lords to be of continual council to James IV in the parliament of

June/July 1489<sup>91</sup>, and he was a regular witness to great seal charters issued by the King during the period of the rebellion. The Earl's commitment to the Bothwell regime may, in fact, have followed on very quickly from the Battle of Sauchieburn. On 30th July 1488<sup>92</sup>, for instance, Erroll served as a member of the Lords of Council, and in October 1488<sup>93</sup> he had been given criminal jurisdiction (to be shared with the Earl of Huntly) over all lands beyond the Mounth. In the same parliament it was claimed that Erroll was one of the northern Earls who had abandoned James III's cause during 1488 because the King had broken the Aberdeen articles. On 26th June 1489<sup>94</sup>, at Edinburgh, Sir William Knollis, the Treasurer, issued an acquittance which acknowledged the receipt of £166 13s. 4d. from William, Earl of Erroll, in part payment of a sum owed by the Earl for the ward and marriage of the lands and heirs of Walter Ogston of that ilk. On 12th June 1489<sup>95</sup>, shortly before the attack on Ardendraught, the Earl accepted a bond of manrent from Malcolm Forbes of Tolquhoun at Ardendraught (and witnessed by William Hay, laird of Ardendraught and his son), which indicated not only the close association between Erroll and the Ardendraught Hays, but also that Ardendraught appears to have been habitable in early June 1489.

### The March South

On 25th January 1493<sup>96</sup> John Lord Drummond for himself, and for his tenants in the baronies of Cargill, Stobhall and Kinloch, came to an agreement with William, Earl Marischal, with regard to the sum of £1,000 owed by Marischal for certain goods and livestock detailed in an act of adjournal (i.e. extracted from the proceedings of a justice ayre), that the Earl should pay Lord Drummond 200 merks in "complet assithment..."

for the sums owed. In return, Drummond and his tenants were to discharge the Earl, Lord Gordon, and their accomplices of all claims against them. The appearance of the Earl Marischal and Lord Gordon in north-eastern Perthshire, raiding Lord Drummond's lands, can only be credibly assigned to 1489, presumably shortly before 9th September, when the Lord Gordon was known to have passed through Doune in Menteith. On the same day as Drummond's settlement with Marischal<sup>97</sup>, similar arrangements were made between Andrew, Lord Gray and his tenants of Leithie, Bardmony, Aberbothrie and "litillour", and Alexander, Lord Gordon as procurator for Patrick Berclay of Grandtully, Walter Berclay of the Towie, Alexander Seton of Meldrum, Patrick Leslie of Balquhain, Alexander Johnstone of that ilk, Patrick Gordon of "Hauch", Thomas Gordon of Kennerty, Walter Innes of Invermarkie, Alexander Innes of that ilk, Duncan Davidson of "Auchinhampris", James King of Barra, and Arthur Forbes of Reras. The lands of Leithie, Bardmony and Aberbothrie lie just south of Alyth, and to the north and east of Drummond's raided lands, suggesting that the Earl Marischal, Lord Gordon, and the various named Mar/Garioch lairds had marched south down the east coast and swung west through Kirriemuir and Alyth. A third arbitration took place on 25th January 1493<sup>98</sup>, between Mr. Alexander Inglis, Archdeacon of St. Andrews and Alexander Lord Gordon, with regard to the spoliation of the Archdeacon's barony of Dalbeathie. The lands of Dalbeathie lie to the south of Dunkeld, and the barony incorporated the town of Little Dunkeld<sup>99</sup>. The raided lands were within easy reach of any forces advancing through Kirriemuir/Alyth towards Dumbarton. Lord Gordon seems to have failed to pay Inglis the agreed compensation of 200 merks, and the Archdeacon eventually apprised Gordon's Berwickshire lands of Rumbletonlaw for the sum of 400 merks.<sup>100</sup>

There are several points to be noted from the above proceedings. The northern rebels had not indulged in indiscriminate raiding; all those affected, John, Lord Drummond, Andrew Lord Gray and Alexander Inglis were prominent members of the new regime. They were all named as partial "personis" and abusers of royal authority in the "Lennox" apologia. The appearance of Lord Gordon with a considerable following in the area around Dunkeld, means that early September 1489 must be considered as a possible date for the Battle of Dunkeld. Alexander Seton of Meldrum and Alexander Johnstone of that ilk had both been involved, with Alexander, Lord Gordon, in the attack on Ardendraught, establishing a clear link between the group involved in that incident, and the men who eventually accompanied the Master of Huntly to Dumbarton. The presence of Alexander Innes of that ilk emphasised that the northern rebellion (unlike that in the west) was based upon men who had remained loyal to James III during 1488. On 24th May 1488<sup>101</sup> James Innes of that ilk, Alexander's father, received various crown lands in the Earldom of Moray for his part "... in exercitu regis apud Blakness... in defensione regie et corone...". On 20th March 1488<sup>102</sup> Alexander Innes received a fishing in the River Spey from James III. (The fishing, in fact, appears to have been at the centre of a long running dispute between James Innes and the crown<sup>103</sup>), James Innes of that ilk had been summoned for treason to the parliament of October 1488<sup>104</sup>, but there is no extant record of a formal treason trial. On 21st October<sup>105</sup> however, James Douglas, Chamberlain of Moray, re-opened proceedings against Innes over the fishing of Spey, and the Lords of Council decreed that Innes lands were to be distrained to the value of 180 salmon yearly, over a period of twenty years. The hereditary grant made by James III on 24th May 1488 was, of course,

revoked under the terms of James IV's recissory act, and on 28th June 1488<sup>106</sup> the new King granted his "familiari servitori" John Maware of Drumisheuch, in liferent, some of the lands granted to Innes, in heritage, the month before.

Another of the northern rebels, Alexander, 4th Lord Forbes had also been summoned for treason to the October 1488 parliament without, apparently, being tried. Lord Forbes had attended James III during May 1488 and had probably fought at both Blackness and Sauchieburn against Prince James. Shortly after 11th December 1488<sup>107</sup>, royal letters were sent to Aberdeen to recover the sums owed by Lord Forbes to the King. The nature of Forbes' debt is unclear, but it may have been a financial penalty imposed on Forbes for his "treasonable" behaviour during 1488.

By 9th September Lord Gordon and the rest of the northern rebels had passed through Doune and, well before 22nd September<sup>108</sup>, had reached Dumbarton. The two rebel forces were now united.

The men around James IV were not only threatened by this national rebellion. John Lord Drummond, (the royal justiciar), in particular, found himself at odds with many local enemies in 1489. Most seriously, the dispossession of John Murray of Trowan had resulted in a full scale confrontation between Murrays and Drummonds at Monzievaird (part of the disputed lands), and the subsequent slaughter of twenty or so Murray adherents. In addition, the royal lands of Drummond, worth forty pounds yearly, had been set to Lord Drummond, on 6th June 1489<sup>109</sup> after the death of Alexander Stewart, Lord Avandale. An account rendered on 8th July 1490<sup>110</sup> narrated that the lands of Drummond had produced no rents because John, Lord Drummond had lifted his fee as justiciar from the lands, and because of

"... depredicionibus factis super predictis terris per certas rebelles regis ex consideratione auditorum".

The raids on Drummond's Lennox lands indicated that the siege of Dumbarton must have been broken at some stage after 6th June 1489, probably with the arrival of Lord Gordon and his allies in September.

The attack on Drummond was the work of men from the Earldom of Lennox, some of whom were associated with Matthew Stewart in the defence of Dumbarton Castle against James IV during 1489. On 17th February 1490<sup>111</sup> John "Kessesome" of "Ennybog" (Enbog?), John Galbraith of Bankell, Patrick Buchanan, son and heir to Walter Buchanan of that ilk, Patrick Buchanan (the laird's brother), Patrick Nory and other men from the Lennox were ordered to compensate John, Lord Drummond for the damages inflicted by them on his lands of Drummond. John Galbraith of Bankell would appear to be the same as the "... Johanni Galbraith de Bankell" who was included in the remission of 12th February 1490<sup>112</sup> granted to those who had assisted Matthew Stewart in holding the Castle of Dumbarton, and burning the town of Dumbarton. The Patrick Buchanan senior and junior also granted remissions in February, may have been the son and brother of Walter Buchanan of that ilk, involved in the raid on Drummond. A Patrick Nory also appeared in the remission of February 1490. A further case of 29th October 1495<sup>113</sup> identified John Kessanson of "Nynebog", Humphrey Lennox of "Blairschogill" (Blarnashogill near Falkirk?) in Lennox<sup>114</sup>, and Thomas Napier of "Balinrayn" as having attacked Drummond's lands of Drummond, Cashley (near Buchlyvie) and "Fynwick", all in the Earldom of Lennox<sup>115</sup>.

The government's response to the combining of the northern and western rebellions was urgently to seek more support for the young King. Between 9th and 12th September<sup>116</sup> letters were sent by the King



"... owre the Montht to warne the Lordis to cum to  
the King to Dumbertane..."

and, to the same purpose, to the Lords of the Westland. The Lords of the Westland, having accompanied James IV during the King's successful expedition against Duchal, were now recalled in order to deal with the threat in Dumbarton. The letters sent north indicate that there had been no significant response by the nobility of the north in opposition to the Master of Huntly, and that those men who had not committed themselves to Gordon's rebellion had, nevertheless, not obeyed the parliamentary summons to the siege of Dumbarton. The decision of the Aberdeen burgesses to attest their support for the position of the rebel northern lords on 12th September, would thus appear to have been a direct and calculated response to appeals from the King for their assistance in suppressing the rebellion. From 12th to 17th September James IV remained in Linlithgow<sup>117</sup>, and on the 13th issued the renewed letters of fire and sword against Matthew Stewart and Robert Lord Lyle on behalf of Sir John Sempill, who was concerned, by this stage, that his activities on James IV's behalf during 1489 would place him in a vulnerable position if the combined rebel forces overthrew the aristocratic coalition around the King. On 18th September<sup>118</sup> the King held a Great Council in Stirling, during the course of which David, 5th Earl of Crawford was restored to the Dukedom of Montrose (see above). Crawford had regained the honour by committing himself to the support of the young King. One of the men who attended James IV's Great Council was James, Earl of Buchan, the prospective rebel of January 1489, who had been reconciled with the King at the expense of Robert, Lord Lyle. On 22nd September 1489<sup>119</sup> King James, at Stirling, wrote to Robert Arbuthnot of that ilk urging him that

"... as we sappos ze knaw the grete tressoun and  
usurpation made agains us and oure autorite be  
William, Erle Marchall, Alexander Master of Huntly

and Alexander Lord Forbes and thar complices in the making of certane ligs and Bands at ourr Castell of Dumbertane..." to keep his houses and strengths to "... your behuf and ourrs...." For this, Arbuthnott would receive "... rewarde of us yrfore, and be mantenynt be us as our thankful and trew lieges...".

Interestingly, James IV did not request Arbuthnott's presence at Dumbarton, and Arbuthnott's houses and strengths lay in Kincardineshire, near the centre of the Earl Marischal's power, Dunnottar Castle. It seems that the government was trying to secure support in the areas dominated by the magnates involved in rebellion.

While the government was busily winning over adherents, and was able to hold a 'Great Council' in September, the rebels' movements and actions during September are a mystery. The raid on Drummond may date from this period, after the siege was broken by the arrival of Lord Gordon, Lord Forbes and the Earl Marischal. The royal letter of 22nd September to Arbuthnott suggests that the rebels remained in Dumbarton Castle for the rest of the period. We may assume that Lord Gordon, Lord Lyle et al were also seeking support from disaffected noblemen attracted by their statement of grievances and policy issued in the north. The declaration of the Aberdeen burgesses, on 12th September, of their support for the aims of the "rebel" lords may not have been unique, and Lord Gordon and the remainder of the noblemen inside Dumbarton may have expected reinforcement. From an international viewpoint, Dumbarton was as good a place as any in Scotland from which to appeal for English assistance. Lord Gordon had been in communication with Henry VII in January 1489. Lord Lyle, "Lord" Crichton and Matthew Stewart had been issued with English safe conducts in early September 1489 and, in the Michaelmas term of 1489/90<sup>120</sup> Henry VII provided direct military assistance to the rebels in Dumbarton, in the form of a boatload of supplies to be taken to the

castle by John Ramsay, formerly Lord Bothwell, Sir Adam Forman and a "Johanni Ledell", Scotsman.

The period of inactivity in September did not result in a peaceful settlement. The King made a brief trip to Perth on 28th September<sup>121</sup> where he confirmed a charter issued by James, Earl of Buchan the previous day, also in Perth. By 8th October<sup>122</sup> James IV had returned to Stirling, and the rebel forces were preparing to move from Dumbarton. Letters were sent, on the 8th, requiring landholders in Clydesdale to attend the King, and by 11th October James IV had moved to Dunblane, from where he "raide to the felde...."<sup>123</sup> On the following day<sup>124</sup>, James IV made an offering at the Kirk of Kippen after his return from the "felde of Gartlunane..." (Gartloaning). Lesley's History asserts that the Earl of Lennox and Lord Lyle

"... command forward to Stirling to invad the King  
and his company were overthrown at the moss beside  
Touche"

and a great many Lennoxmen slain, and many barons, such as the laird of "Kilcrouicht", were captured and hanged<sup>125</sup>. Lesley's location for the battle seems too far east, almost on the outskirts of Stirling, but his reference to Thomas Galbraith, laird of Culcreuch, is accurate. On 16th October<sup>126</sup>, the King's "familiar", Adam Hepburn (brother of the Earl of Bothwell) received the lands of Culcreuch and others, which had belonged to the deceased Thomas Galbraith, and were in James IV's hands through Thomas' execution for treasonable actions. Galbraith of Culcreuch was an adherent of Matthew Stewart who, captured at Gartloaning, received a summary execution. Thomas Galbraith's son, James Galbraith, was one of the men who received a royal remission, on 12th February 1489<sup>127</sup>, for the holding of Dumbarton Castle against the King during 1489.

The aim of the rebel forces in confronting the King at Gartloaning is uncertain. The account, given by Viscount Strathallan, of the defeat of the Earl of Lennox in a surprise attack launched by John, Lord Drummond, as the Earl sought to slip by royal forces and link up with the northern rebellion is nonsensical<sup>128</sup>. The bulk of the northern lords had been in Dumbarton with Lord Lyle and Matthew Stewart for a month before Gartloaning was fought, and it seems likely that the rebel force at Gartloaning included the Earl Marischal, Lord Gordon, Lord Forbes and the Mar/Garioch lairds. The rebel army may have been attempting to break through to the north via Aberfoyle and Callander and thus return to the relative security of the north east, where the Aberdeen burgesses had already declared their support for the rebellion's aims (although it is difficult to see how this move would have appealed to the western rebels). Equally likely is an interpretation which sees Gartloaning as a direct attempt by the rebels to defeat the royal army, making the position of the aristocratic coalition gathered around James IV untenable.

In any event, Gartloaning involved two large forces which engaged in a fairly indecisive skirmish. Thomas Galbraith of Culcreuch was the only, recorded, fatality (and his death was the result of his execution after capture) and the rebel forces appear to have retreated in reasonable order to Dumbarton. By 22nd October 1489<sup>129</sup> James IV was in Glasgow, reimposing the siege of Dumbarton from Dunglass Castle<sup>130</sup>. On 29th October<sup>131</sup>, Archibald, Earl of Angus, reappeared on the political scene at Dunglass, resigning lands in the Earldom of March to John Home of Whiterig. The lands were, in fact, in dispute between the two men and the grant may have been a timely concession on the Earl's part to a man in James IV's favour<sup>132</sup>. The witnesses to Angus' resignation in Dunglass are an interesting combination of men

associated with James IV from the rebellion of 1488, and a number of James III adherents obviously rehabilitated during the rebellion of 1489. The witnesses were the Bishops of Glasgow and Aberdeen, John Hepburn, Prior of St. Andrews, the Earls of Bothwell and Erroll, William Lord St. John, John, Lord Glamis, Laurence Lord Oliphant, John Sempill of Elliotston, William Lord Ruthven, James Ogilvy of Airlie and, amongst the lesser men, John Ross. John Sempill's return to favour after his father's death at Sauchieburn fighting for James III, has been examined above. For William, Lord Ruthven, a Blackness hostage who had been ransomed in 1488, and dismissed from the Sheriffship of Perth, 1489 had been an opportunity to prove his loyalty to the new King. The most startling resurrection however, was that of John Ross of Montgrenan, James III's Lord Advocate, who had been forfeited in the parliament of October 1488. Five days before witnessing Angus' resignation, on 24th October<sup>133</sup>, at Dunglass, John Ross had received from James IV, for Ross' "bono servitio...", a grant of various lands in the lordship of Kinclevin which had been forfeited by him the previous year.

The siege of Dumbarton continued throughout October and November<sup>134</sup>, but James IV's government may have found it increasingly difficult to finance the operation, and to find sufficient manpower to maintain a constant presence at Dunglass. The details of the siege can be followed in the Treasurer's accounts.

On 13th December<sup>135</sup>, James IV left Dumbarton and arrived in Linlithgow, and this date may well mark the end of the siege, since no further mention is made in the Treasurer's accounts of any operations in the west. Given a period of summons of forty days, the parliament which opened in Edinburgh on 3rd February 1490<sup>136</sup> must have been called around 26th December 1489.

Clearly, the Battle of Gartloaning had not been a decisive blow to the rebels; they continued to hold Dumbarton for at least two months after Gartloaning until they negotiated a settlement on highly favourable terms. The rebel lords received support from Henry VII after 29th September 1489, which provoked James IV's government into purchasing a ship from Dalrymple of Lacht<sup>137</sup>, in order to enforce the blockade of the sea routes to Dumbarton. The rebels then, were not to be easily dislodged, and James IV's government seem to have reached a compromise with the rebel leaders in mid-December 1489. The rebel negotiating position was laid out in the remarkable "Lennox" apologia<sup>138</sup>.

In layout and terminology, the articles sent to the King after the battle of the "Mos" (as Fraser claims the articles are endorsed), are clearly derived from the propositions which gained the support of Aberdeen Burgh Council in September 1489. The first article was, once again, concerned with James III's death, and the fact that

"no punycione of justice is done thairfoir, bot it is masterfully colourit and mantenit be the parcial personis underwritin." The demand was that "remeid of justice be providit be our soverane lordis Hienes and his weill avisit Lordis and barounis" and that the "... vile tresonable personis that cruelly put hand in his maist noble persoune be punyst be justice."

The position of Lord Lyle, Matthew Stewart, and the Earl of Lennox who had fought against James III during 1488, was accommodated by an additional clause which had not figured in the articles attested by the Aberdeen Council, i.e. that

"... thir noble and weile avisit lordis that intendit to justice and gaif thair writingis for the conservaccoune and keping of our soverane lordis maist noble persoune may be purgit of the said maist cruell slauchter."

The clause allowed the northern lords to maintain their claim of seeking justice for James III's death, while cooperating with men who

had fought against the dead King, and identifying their political enemies (the "parciall personis") as regicides or harbourers of regicides. The article suggested that the rebels of 1488 had signed formal bonds, by which they were pledged not to harm James III (indicating, perhaps, that certain elements were contemplating this). The Earl of Lennox, Matthew Stewart and Lord Lyle's guilt, and concern to be absolved of any part in the death of James III, seems to have been politically inspired, to distinguish themselves from the truly guilty "parciall personis" who were implicated in the act of regicide.

The second, third and fourth articles are identical, in order and content, to those already issued by the northern rebels. Good rule was to be provided by the three estates for the

"conservaccoune of our soverane lordis maist noble persone..." and "remeid and redres be seyne be the said estatiss of the misgovernance and disposicioune of our soverane lordis gret tresour and heritage... disponit be the said parciall personis in mynysing off his autorite and croune...".

Further stipulations that the King's treasure, fortresses and arsenals should be put in "... suyr and responsale mennis hands... be the avis and consell of three estates..." were taken, word for word, from the earlier declaration. The remaining two points, concerning ransoms and the even-handed administration of justice (both of which are damaged in the Lennox document) were also derived from that source.

At this point, the "Lennox" apologia continued, and asked that the articles should be "avisit and considderit" by the King, and

"be the consell and the trew baronis of this realme thair present, except the parciall personis underwrittin".

In August/September these articles had formed the basis of a call to rebellion against the government; after Gartloaning, they were being presented as a petition of complaint directly to the King and (it was envisaged) his three estates in parliament. It seems probable that

the "Lennox" apologia was composed in December 1489 or January 1490, after James IV had summoned a parliament for February 1490. The articles asked that

"... gif it be fundin be his Hienes and his weill avisit estatis that thir articlis ar to be admittit, that his Hienes will... for the luf of God and... the honour and weillfair of his croune and realme, to put thaim to executioun". Further, the rebels offered that "... gif we, be ony way, have said or done that may be fundin contrar to his Hienes, and the common profite of his realm, we summyt us sumpilly to the ellexcione of his Hienes and his noble estatis unsuspect, except the parcial personis forsaidis...".

The rebels were thus prepared to submit themselves to the judgement of the king and his three estates (but not to certain named lords), for their actions. The three estates were urged to consider the danger

"and distruction apperand to his hienes and realme be the masterful parcial menys and wyrking of the personis underwritin, for thair singular awaile and profite"

i.e. Robert, Bishop of Glasgow, George, Bishop of Galloway, John, Prior of St. Andrews, Patrick, Lord Hailes, Andrew Lord Gray, John, Lord Drummond, Sir William Knollis, preceptor of Torphichen, Master Alexander Inglis, Archdeacon of St. Andrews, and Patrick Hume of Fastcastle. The list of partial persons included most of the prominent members of James IV's privy council since Sauchieburn. Three of these men had already had their lands raided by the northern rebels, i.e. Lord Drummond, Lord Gray and Alexander Inglis. Patrick Hepburn, Earl of Bothwell was, rather pointedly, referred to as Lord Hailes. John Ramsay, the forfeited Lord Bothwell had brought English supplies to Dumbarton Castle, and William "Lord" Crichton, whose baronies of Crichton and Kirkmichael had been incorporated into Hepburn's Earldom, was amongst those besieged, so that rebel opposition to Hepburn's advancement is not surprising. Similarly, William Knollis was not accorded his new title of Lord St. John. It seems



significant, in light of the rebel complaint about the misgovernance of the King's heritage, that both James IV's principal financial officers, Sir William Knollis, the Treasurer, and Alexander Inglis, the comptroller, were included in the list.

The rebel petition then specified the "parciall personis" crimes.

"... quhilkis personis, eftir the cruell slachter and distruxion of our soverane lord,... for autorising of thame, and for thair singular awaile and profite, greppit and applyt to thaim and to thair assistaris the haile autorite and strinthtis of this realme, and our soverane Lordis greit tresour; and the trew baronis that schew thaim innocent of this maist vile tresoune... ar, be the masterfull and parcial menys of the said personis, under colour of our soverane lordis autorite ar disherist and distroyit... lik as thai have schapin nov of late... to depryve and distroy the Archibishop of Sanctandris and... schapis to distroy the haile barownis and nobles of this realme, as it appears be thair wyrking to distroy our soverane lord, his brothir and successione that thai may, but impediment or contrar, ring in this puyr realme..."

The rebels' assessment of the behaviour of the Earl of Bothwell, Lord Drummond, Lord Gray and the rest of the "parcial personis" was not very far removed from the regime's actual conduct after Sauchieburn. Once again, the extract implied that the named persons had not demonstrated their innocence in regard to James III's death (in contrast with the "trew baronis" - perhaps a reference to men who had remained loyal to James, and Lord Lyle and the Earl of Lennox, who had had no part in James III's death, but who had been forfeited "under colour of our soverane lordis autorite"). An implication of regicide was, of course, a useful political tool, and the rebellion of 1489 had to be justified by linking the men around James IV with James III's death.

The document continued:

"For the remeid of the quhilk inconvenientis, that it will ples our soverane Lord... to have piite apone himself, his brothir and puyr realme, and to

consider the greit danger and perell he and thai stands in, quhilk at his perfite age he will riply understand and sie;... he will ples to expell fra his Hienes the said parcial personis and, be avis and consell of his avisit estatis, put to executione the articlis forsaid...." If the King "beis stoppit be the said parcial personis swa that thir articlis that ar for the honour and weilfair of his Hienes, and for the common gud of the realme, may nocht be resavit nor avisit be his Grace and trew Lordis, we offer our personis for the eschewing of the tinsail, skatht of this realme and effusione of blud, five for five, twelf for twelf, or tuenty for tuenty... to preif apone thai fals treasonable persons, that thai ar fals tratouris to our soverane Lord and this realme, and that the articlis forsaid ar faithful, trew and to be admittite for the honour, weilfair and prisperite of our soverane Lord and this realme...."

The articles were clearly designed as a direct appeal and petition to the King and his parliament (indicating that the document probably dates from late December 1489 or January 1490, after it was known that a parliament had been called). The document stressed, at all times, the non-treasonable motivations behind the rebellion, which was claimed to have been for the honour and welfare of the King and his realm, and the threat posed to James IV, his brothers and the nobility of the Kingdom by the "parcial personis". The rebels portrayed themselves as guardians of the "common gud" willing to have their conduct and guilt determined by a parliament, or to prove themselves in conflict with the real traitors in order to prevent disturbances which could lead to the loss of the Kingdom and further bloodshed. The men around James IV were presented as hijackers of royal authority, abusers of royal patrimony, regicides who had only a narrow factional interest to sustain them.

The "lennox" apologia is a remarkable document, which articulated the demands of the rebels of 1489 in a highly conventional and conservative manner, in order that they could be presented to parliament. It is clear that the complaints of the Dumbarton rebels

did, in fact, find a receptive audience, because the parliamentary articles of February 1490<sup>139</sup> were clearly formulated to provide some answers to the rebel demands. There were, undoubtedly, many men who had fought for James IV during 1489, and on whom the siege of Dumbarton depended, who would have found the rebel case attractive. David, Duke of Montrose and Earl of Crawford, for example, would have little cause to disagree with the condemnation of Andrew, Lord Gray, and his manipulation of royal authority. Likewise, William, Lord Ruthven would have found the case for the cancellation of ransoms compelling.

The stalemate of the siege would, therefore, appear to have been broken, in mid-December, by a negotiated settlement, or simply by a promise to call a parliament to deal with the rebels' grievances.

The sederunt of the parliament reflected a genuine mix of political interests<sup>140</sup>. The Duke of Montrose attended, James III's chamberlain and most consistent adherent, now reconciled to the new regime by his display of loyalty during 1489. The Earls of Huntly, Erroll and Marischal were on the sederunt. Huntly seems to have remained uncommitted to either side during his son's rebellion, while the Earl of Erroll and the Earl Marischal had been principal actors on opposing sides. Among the Lords of parliament who attended were Cuthbert, 3rd Lord Kilmaurs, whose grandfather had died at Sauchieburn, and whose father had been killed in 1489 by Hugh, Lord Montgomery. Kilmaurs may have become reconciled to James IV during 1489, as he later received a payment for keeping the Castle of Duchal<sup>141</sup>, presumably after royal forces had captured the stronghold in July 1489. Other men closely associated with James III, such as Lord Lindsay of Byres, William Lord Ruthven, Lord Carlisle and Lord Terregles were also present.

A number of Ayrshire and Renfrewshire lairds attended the parliament, including John Wallace of Craigie, John Ross of Hawkhead, John Campbell of Loudon, Colquhoun of Luss and John Ross (of Montgrenan). John Ross of Hawkhead had been a determined supporter of James III, named in the parliament of October 1488<sup>142</sup> as having helped James III attack, the then, Prince James at Blackness. Ross of Hawkhead had, in fact, served as keeper of Blackness Castle for James III during his entire reign<sup>143</sup>. After Sauchieburn, the custody of Blackness had been handed over to William Knollis, Preceptor of Torphichen (later Lord St. John).<sup>144</sup> Ross was associated with John Sempill of Elliotston, acting as Sempill's representative in the arbitrations between Sempill and the Earl of Lennox<sup>145</sup>, and appeared to have had differences of his own with the Earl and his son, Matthew Stewart.<sup>146</sup> John Colquhoun of Luss' son, Patrick, was amongst those who received a remission for holding the Castle of Dumbarton against the King, on 12th February 1490<sup>147</sup>. John Wallace of Craigie had fought against James III at Sauchieburn<sup>148</sup> and had been rewarded with the custody of Dundonald Castle<sup>149</sup> and with a grant of criminal jurisdiction over Kyle in the parliament of October 1488<sup>150</sup>. John Ross (of Montgrenan) of course, had been forfeited by the parliament of October 1488 for his treasons against James IV in 1488<sup>151</sup>.

The principal business of the February 1490 parliament was to reverse the forfeiture passed on Lennox, Lyle and Matthew Stewart and their supporters in the west, in the previous parliament. On 5th February<sup>152</sup>, John, Earl of Lennox, Robert, Lord Lyle and Matthew Stewart appeared before the parliament, and it was decided that their previous forfeiture "wes nocht lauchfully led nor deducit" and that it should be annulled. The annexation of Lyle and Lennox's lands to the crown, and charters made on the basis of their forfeiture, was

to be revoked. The distribution of Lyle's lands that had taken place in June 1489 was thus to be invalidated, a severe blow to James, Earl of Buchan<sup>153</sup>. On 26th February<sup>154</sup>, John, Earl of Lennox's tenants in the Earldom of Lennox were ordered to answer to the Earl's authority despite his previous forfeiture. Further, on 12th February<sup>155</sup> a general remission was issued in parliament to cover all those on the south side of Forth who had taken part with Lord Lyle and Matthew Stewart in holding Dumbarton against the King, and in any convocation made against the King in company with Robert or Matthew.

The other articles of the February parliament seemed to reflect the concerns raised by the rebel petitions. The men who prepared the parliamentary articles were still drawn, for the most part, from the rebel coalition of 1488 and included many of the "parciall persons" whom the rebels had sought to remove, i.e. the Bishop of Glasgow, the Earl of Bothwell, William Knollis, Lord St. John, and Lord Gray<sup>156</sup>. The presence of these men was offset by the inclusion of some notable adherents of James III, namely William Scheves, the Archbishop of St. Andrews (who was named in the Lennox apologia as a victim of the new regime), David Duke of Montrose, William, Lord Borthwick, and John Ross.

Article seven of the parliament began to deal with the rebel grievances<sup>157</sup>. It was decided by the parliament that it was "neidfull, ressonable and expedient..." that a full cancellation should be made of all gifts, donations, infeftments, feuferms, fees or liferents given by the King since his coronation under the great seal, Privy Seal or any others, so that all lands, rents, custumns, burgh mailles, fermes and other duties held by the King's predecessors and his father on the day of his decease and

"the hale rentis and proffit is tharof may cum in to  
oure soverane lord to the honourable sustentacioun  
of his houß and noble estate...".

The article was clearly a response to the complaints made by the rebels about the misuse of the royal patrimony by the new regime. The potential implications of a full carrying through of the revocation were enormous, the cancellation of all the gains made by the Earl of Bothwell and his associates from crown lands and offices since James IV's coronation. The actual impact of the revocation was selective rather than wholesale. Most of the fees granted from crown lands under the great seal in the period after Sauchieburn to the meeting of the February 1490 parliament continued to be paid. On 27th July 1488<sup>158</sup> James IV granted Andrew Wood of Largo a feufarm charter of twenty pounds worth of land in Largo. On 20th February 1490<sup>159</sup> a privy seal letter was issued to Wood narrating that despite the King's revocation

"... in oure last parliament..." of "... all gifts  
maid be ws sen the tyme of oure coronaccioun" that  
"with the avise and deliverans of oure Lordis of  
consale..." the lands of Largo were "gevin and  
grantit of new...."

The witnesses to the privy seal confirmation included the Duke of Montrose and Matthew Stewart. Similar letters, issued with the advice and consent of a council which included Montrose and Stewart were probably used to confirm the bulk of the fees and liferents granted after Sauchieburn. The parliamentary legislation seems to have been designed to allow a review of royal patronage after Sauchieburn, with many grants being continued after they had been scrutinised by the King's council. The revocation probably also made easier the return of the lands forfeited by Lennox and Lyle during 1489. Clearly, as long as the men who wielded power continued to be members of the group who had prospered from the granting out of royal lands and offices,

then the likelihood of a widespread application of the revocation was negligible.

Article eight of the parliament was also concerned with the management of crown lands, specifically those lands belonging to the King's brothers the Duke of Ross and the Earl of Mar who were "of yong age and in the Kingis governance". Ross and Mar's household expenditure was to be met from

"ther awne rentis quhilkis... is sufficient and of wale to uphold thaim...." Where the rents were "withaldin and not brocht in to thare proffit, the Lordis and estatis avisis the samyn directioun... as is ordinit for the Kingis propte and brynging in of the samyn." i.e. That certain named lords "quhilks ar of autorite and power in the perts quhare thare landis lyis to raiß and inbring the rents and... quhare ony thingis or perte of thare landis, rentis mals or fermes ar gevin away be the King, sen the tyme of thare infetmentis, that... annullacioune be maid thereof in this present parliament, and to remane wit thaim to thar complet age."

The list of lords then given to oversee the inbringing of royal rents seems to confirm the hold of the rebels of 1488 over royal lands and offices<sup>160</sup>. The Earl of Bothwell, the Lords Drummond (in the contentious Strathearn lands), Oliphant, Gray, Montgomery, Sinclair, (the Earl of Bothwell's brother-in-law, whose elevation to the rank of Lord Sinclair came, in January 1489, as the result of Hepburn's influence) and William Knollis were all given responsibilities in their regions for the King's rents. The Master of Huntly was, however, confirmed as the man responsible for ensuring the payment of the rents of Mar and Garioch and Lord Darnley (Matthew Stewart?) received a similar commission for Bute.

Article ten of the February 1490 parliament indicated more concessions to deal with the concerns raised by the rebels of 1489. By the terms of the article, it was decided that

"Reknyng be takin of all the Kingis officiariis, his thesauraris and comptrollouris of auld and new of

oure soverane lordis faider tyme and now of our  
soverane lordis tyme that now is..."

Auditors were to be chosen and named with the advice and authority of the parliament to "here and understand the said comptis".

Clearly, the article offered a review of the entire workings of government finances, to be carried out by a committee elected by the parliament. The work of the Treasurer, Sir William Knollis, Lord St. John, and the former Comptroller, Alexander Inglis, both of whom had been directly accused in the "Lennox" apologia of a part in the misgovernance of the royal heritage, was to be open to scrutiny.

The commission of audit, recorded in the parliamentary records<sup>161</sup>, was still dominated by members of the Bothwell regime, but included notable James III adherents, rebels from 1489, and men with financial expertise from the reigns of James III and James IV. The auditors were to be the Duke of Montrose, the Earl of Huntly, the Chancellor (the Earl of Argyll), the Bishop of Glasgow, the Bishop of Aberdeen (James III's former Chancellor), the Master of the Household, the Keeper of the Privy Seal (John Hepburn, Prior of St. Andrews), the Abbot of Holyrood (Robert Bellenden), the Lord Lyle, Lord Glamis, Lord Gray, Lord Drummond, the Prior of Coldingham, Mr. Richard Robinson (or Robertson), Mr. Richard Lawson and Sir Alexander Scot. Of these men, Robert Bellenden, Abbot of Holyrood, had been involved in the auditing of exchequer accounts in 1485<sup>162</sup>, 1486 and 1487<sup>163</sup>. In addition, a canon of Holyrood, Robert Hog, had delivered in a portion of James III's hoard to the new regime after Sauchieburn, indicating that the Abbey had been given custody of some part of the King's treasure during 1488. Robert Lord Lyle had acted as a Lord Auditor and setter of crown lands in James III's reign<sup>164</sup>. Mr. Richard Robertson had also been employed as an auditor of exchequer by James III<sup>165</sup>, and as a setter of crown lands<sup>166</sup>. Alexander Scot,



rector of Wigtown, had served as James III's Lord Clerk Register, and as an auditor of exchequer<sup>167</sup>. Scot had been displaced by the events of 1488, being replaced by William Hepburn, and then Alexander Inglis, as Clerk Register, and disappearing as an auditor of exchequer. Alexander Scot appears to have been associated, after Sauchieburn with David Duke of Montrose and Earl of Crawford as he witnessed charters issued by Crawford on 20th October 1488<sup>168</sup>, 7th March 1490<sup>169</sup> and 25th February 1490<sup>170</sup>. The inclusion of Scot and other officials with firsthand knowledge of Crown finances under James III, and in the early years of James IV's reign, indicated that a genuine attempt was to be made to sort out the management of the royal estates.

In addition to the men named above, the Treasurer, Sir William Knollis, and Alexander Inglis, the Comptroller, were to attend all audits except those concerning their own offices. The auditors were, thus, not to act in conjunction with the officials, but were meant to be seen as an impartial review group.

Article eleven represented, potentially, the most significant concession offered by the Bothwell regime during the parliament. The statute appears to have been a direct response to rebel complaints about the "partial" nature of the administration, and its exercise of justice. The article sought to define the composition of the King's secret council, and to open it up to men who had recently been in rebellion. Certain lords were nominated to remain

"... of oure soverane lordis secrett consale for...  
furthputting of the Kingis autorite in the  
adminstracioune of Justice..."

The council was to include two bishops, one Abbot or a prior, and six barons along with the Chancellor (Argyll) the Master of the King's Household (Bothwell), the Chamberlain (Alexander Hume of that ilk), the Privy Seal (John Hepburn), the Secretary (Archibald Whitelaw), the

Treasurer (William Knollis) and the Clerk Register. The men nominated by the parliament were the Bishops of Glasgow and Aberdeen, the Prior of Coldingham, the Archdeacon of St. Andrews (Alexander Inglis), the Duke of Montrose, Robert Lord Lyle, Andrew Lord Gray, John Lord Glamis, John Lord Drummond, Laurence Lord Oliphant, William, Lord Borthwick, Patrick Hume of Fastcastle, Walter Ogilvy, Mr. Richard Lawson, John Ross (formerly of Montgrenan). In addition, the Earl of Huntly, the Earl of Lennox, the Earl of Erroll and the Earl Marischal were to be "... of consale quhen thai ar present or quhen oure soverane lord sendis for thaim".

Although the council was still dominated by nobles associated with the Bothwell regime, the act did make statutory provision for the attendance, in the King's council, of other political groupings. If the secret council refers to the King's privy council (as determined by the witness list to registered and unregistered great seal charters), then it would appear that only the Duke of Montrose took advantage of these provisions, becoming a regular great seal witness from 11th February 1490 to 22nd November 1490<sup>171</sup>. Huntly, Lennox, Lyle, Marischal and Erroll, although given a right to attend the King's council do not appear to have made use of the opportunity with any regularity. In practice, the privy council remained remarkably unaltered in terms of its personnel.

Article twelve followed on from the naming of the men who were to attend James IV's council. It declared that "... for the mare sure supportacioune excelleratioune of Justice..." that the council chosen in the parliament should give their oaths, in the presence of the King and the three estates, that they would give James IV "trew consale..." and would remain with him until the next parliament "... to be Responsable And accusable to the king and his estatis of thare

consalis...." The King agreed to be guided by his council until the next parliament, in order to

"... eschew all circumvencions and dissatis" that had been done to the King by "brynging of diverß signaturis, infeftmentis, donaciones, giftis, conductis, Remissiones and utheris sic lettrez hurt and or scaithand the king in his casuelte or propirte" and for "secluding of the samyne". James IV granted that no such gifts "... sall paß in tyme tocum but avise and consent of the Lordis of the... secrett consale".

All royal letters were to be signed by the King, and as many of the council as were present, numbering at least six, with the Chancellor being one of them. If any letter was given without the council's assent, then it was to be of "nane avale". The Chancellor, the keeper of the Privy Seal, and the Secretary were not to proceed on any letters, except those fulfilling the above conditions. Finally, the King was to be

"reulit and governit be thare consalis in the disponicioune and gevin of his tressour, silver weschale, Chenzeis, Jowellis and utheris abilzementis pertening to his maist noble persone. And this maner of Doyngis to be keptit and observit, quhill the tyme of the nixt perliament."

Clearly, the combined effect of these measures was to channel royal patronage through a nominated council, on which prominent James III adherents and rebels of 1489 had a statutory right to attend. The council could not be bypassed by letters issued on other authority. Furthermore, the council was to be answerable to the next parliament for all decisions and grants made in their name. It would seem that the council was regarded as the procedural safeguard for the rights and interests of members of the political community outside those men associated with the rebellion of 1488, and a means of curbing (by its specified composition) the aggrandisement of Bothwell and his allies from royal resources. The propaganda of the 1489 rebellion was thus answered in the parliament of February 1490. The "statesmanlike

moderation" of James IV's reign dated from 1490 rather than 1488, and it was a moderation forced on Bothwell and his allies by a rebellion whose suppression required the active support of members of the nobility previously excluded from government, and persecuted by the regime after Sauchieburn.

The propaganda rhetoric of 1489, and the parliamentary articles of February 1490, indicated that the nobility acknowledged concepts of "national" civic responsibility within which their individual ambitions and behaviour were, theoretically, curtailed, concepts which were equated with, and expressed in terms of, the King's welfare. As Dr. Mason suggests, the "common good" and the institution of monarchy had become inextricably linked.

How effective these parliamentary measures were is uncertain. The composition of the group regularly witnessing great seal charters remained largely unaltered, but charters issued during 1490 often made specific mention that they conformed to the procedural norms established in the parliament.

On 23rd February 1490<sup>172</sup> for example, the King "cum avisamento concilii sui" erected the village of Duns into a free burgh of barony in favour of George Hume of Aytoun and his son John. More charters with the "avisamento concilii sui" clause followed on 14th April 1490<sup>173</sup> (the creation of Culross into a free burgh of barony), 28th April<sup>174</sup> (confirming Alexander Hume's possession of Stirling Castle and custody of the Earl of Mar) and, on 10th May 1490<sup>175</sup>, a grant of the lands of Creich, in Fife, to the King's "familiari armigero" John Liddale, son of the deceased Sir James Liddale of Halkerston, who had forfeited the lands to James III, and been executed in 1486, for his treasons in support of Alexander, Duke of Albany. Despite his own forfeiture for his support of Albany<sup>176</sup>, John Liddale

appears to have been partially reconciled to James III late in the King's reign, being entered as a tenant in the royal lands of Aleburn<sup>177</sup>. Curiously, in the assedation of Ettrick Forest made on 26th July 1488<sup>178</sup>, Aleburn was said to have been assigned to John Liddale and his son (also John). However a bracketed and undated entry explained that these lands were

"... nunc per existenciam ipsius Johannis Liddale  
contra dominum regem in campo prope Glasgw"

assigned to Alexander Inglis, Archdeacon of St. Andrews. The field beside Glasgow would seem to indicate some form of confrontation during 1489. Sauchieburn is usually described as the battle at, or beside, Stirling, and, in any case, John Liddale was entered to Aleburn in July 1488, indicating that the confrontation with royal forces took place after that date. John Liddale may well have been involved in the western rebellion with William, 'Lord' Crichton, a lothian/border magnate also forfeited for his connections to Alexander, Duke of Albany. John Liddale, or his son, may be the man described as "Johanni Ledell" Scotsman<sup>179</sup> who accompanied John Ramsay, the forfeited Lord Bothwell, on the English supply boat to Dumbarton in 1489. The parliamentary revocation of all grants made from crown lands by James IV, may have cleared the way for John Liddale to be reinstated, and an assedation of 7th June 1490<sup>180</sup> confirmed Liddale's re-entry to the tack of Aleburn.

More charters were issued with the "avisamento" of the King's Council. On 1st June<sup>181</sup>, James Douglas of Pettindreich received a lifegrant, for his fee, of twenty pounds worth of land in Moray, and the King and council confirmed Matthew Stewart in the Earldom of Lennox and Lordship of Darnley resigned by his father, John<sup>182</sup>. The last grant is unusual in displaying the "cum avisamento" clause, since the other grants were mainly concerned with direct acts of royal patronage,

the creation of burghs of barony, and the granting of lands held directly of the crown. Confirmation of acts of private patronage or land sales did not specify that the grant was made with the knowledge, and under the scrutiny, of the council nominated by the February 1490 parliament. On 18th July<sup>183</sup>, at Perth, the King, as tutor and governor of his brother, John, Earl of Mar and Garioch, confirmed certain transactions between tenants in Mar "cum avisamento concilii sui". The clause also appeared in charters issued on 31st August<sup>184</sup>, 27th September<sup>185</sup>, and 10th October<sup>186</sup>. Thereafter, the clause disappeared from usage.

It would seem then, that during 1490 grants made from within the King's gift, either of royal lands or of marks of royal favour such as the creation of regalities and burghs of barony, had to be approved by the council elected to supervise royal patronage in February 1490 or, at least, to conform to the procedural norms established in the parliament. In fact, the witness lists to these charters reveal that, with the exception of the Duke of Montrose and William Elphinstone, Bishop of Aberdeen, the council was still dominated by members of the rebel coalition of 1488.

The parliament of February 1490 also made arrangements to deal with one of the enduring political problems derived from the events of 1488/9, i.e. the existence of a number of local feuds which had been initiated, or exacerbated by the national political crisis. Article three proclaimed that

"tuiching luf, amite and frendschip to be maid amangis all our soverane lordis liegis... ouer soverane lord and his consale sall put his autorite be the avise of his said consale to mak all personis and partiis be at frendschip and concord... quhat persone or personis refusis... to here a ressonable and honorable concorde of his partii, that the kingis hienes put scharp Justice on the partiis quhilkis ar obstinate, throu the quhilkis his hienes may cauß thaim to be in hartly amyte, frendschip and

quiet, with punicioune according to the lawis of his  
realme<sup>187</sup>".

Amongst the areas of greatest concern for the government after February 1490 would be northern Ayrshire, where the Cunningham/Montgomery feud, allied to a Montgomery/Boyd feud, continued unabated, and Strathearn, where the Murrays and the Drummonds were in open conflict. The remainder of this section will examine the royal attempts to suppress these feuds, and the interaction between these disputes and political developments and changes at the royal court during the 1490's.

**FOOTNOTES CHAPTER: FIVE**



1. Pinkerton, History, ii, Appendix, 437.
2. E.R., x, 7.
3. S.R.O., Gordon Castle Muniments, GD44/2/1/11/ Document missing.
4. C. Fraser-MacKintosh, Invernessiana (Inverness 1875), 160.
5. E.R., x, 150.
6. Moray Reg., 234.
7. A.P.S., ii, 201-2, 210.
8. R.S.S., i, No. 14.
9. Ibid., No. 1400.
10. E.R., x, 7-8 (19th August 1488); 112 (4th July 1489).
11. Ibid., 7-8.
12. Ibid., ix, 526.
13. Ibid., x, 112.
14. Ibid., x, 410.
15. S.R.O., Gordon Castle Muniments, GD44/13/7/4; S.M., iv, 185-6.
16. Pollard, Henry VII, i, 65.
17. T.A., i, 107.
19. C.D.S., iv, No. 1539.
20. A.P.S., ii, 210.
21. R.M.S., ii, No. 1752.
22. A.P.S., ii, 208.
23. T.A., i, 79.
24. Ibid., 85.
25. Ibid., 87.
26. Ibid., 108.
27. Fraser, Lennox, ii, 132; A.P.S., xii, 33-34.
28. T.A., i, 109.
29. Ibid., 110.
30. R.M.S., ii, No. 1839.

31. N.L.S., Adv. Mss, 34.7.3., f55v.
32. S.H.R., i, 217.
33. C.D.S., iv, No. 1547.
34. T.A., i, 112.
35. Rot. Scot., ii, 491-2.
36. T.A., i, 112.
37. Ibid.
38. R.M.S., ii, No. 1841.
39. T.A., i, 112. On which date letters of parliamentary summons were sent out to the localities.
40. A.P.S., ii, 214.
41. C.P.S. (Glas.), 941. This man may be the same JohnTyrie who supplicated the Pope in 1489 for absolution (C.P.S. Glas.) for having produced documents for a certain nobleman (unnamed) who was accused of having provoked the dispute with James III during 1488.
42. T.A., i, 111.
43. A.P.S., ii, 215.
44. Ibid.
45. R.M.S., ii, No. 1895.
46. Ibid., No. 1938.
47. N.L.S., Crawford and Balcarres Collection, Accession No. 9769/Box B/No. 125a.
48. R.M.S., ii, Nos. 1707 (21st February 1488)  
- No. 1730 (24th May 1488).
49. A.P.S., ii, 158-161.
50. R.M.S., ii, No. 1573.
51. S.R.O., State Papers, S.P.13/19; A.P.S., xii, 31-3.
52. R.M.S., ii, No. 1784.
53. A.P.S., ii, 206.
54. Fraser, Lennox, ii, 128-131; S.R.O., Montrose Muniments (Lennox Charters), GD220/2/1/85.
55. Balfour, Practicks, i, 264.
56. A.P.S., ii, 210.

57. R.M.S., ii, Nos. 1857-8.
58. A.P.S., ii, 215.
59. T.A., i, 115.
60. Ibid., 116.
61. Ibid.
62. S.P., vii, 530.
63. A.D.A., 119.
64. S.R.O., Court of Session Records (A.D.C.), CS5/xvii/f16r (17th November 1505), f30v/31r (24th November 1505).
65. S.R.O., Dalhousie Muniments, GD45/1/1.
66. A.D.C., i, 186.
67. R.M.S., ii, No. 1840.
68. T.A., i, 116.
69. Ibid., 117.
70. R.M.S., ii, No. 1884.
71. T.A., i, 117.
72. Rot. Scot., ii, 492.
73. Ibid., 491-2.
74. C.D.S., iv, No. 1547.
75. T.A., i, No. 119.
76. Abdn. Counc., 1398-1570, 45-6.
77. R. Mason, 'Kingship, Tyranny and the Right to Resist in Fifteenth Century Scotland', S.H.R., LXVI.
78. S.R.O., Haddo House Muniments, GD33/52/1; R.M.S., ii, No. 1616; E.R., ix, 386.
79. E.R., ix, 386.
80. Ibid., 525.
81. Ibid., x, 15.
82. R.M.S., ii, No. 1812.
83. A.D.A., 126.
84. A.D.C., i, 243.

85. R.S.S., i, No. 32.
86. A.D.C., i, 296.
87. Ibid., 289.
88. Ibid., 275-6.
89. Ibid., 289.
90. A.D.A., 183.
91. A.P.S., ii, 215.
92. A.D.C., i, 86.
93. A.P.S., ii, 208.
94. Erroll Charters (Transcripts W.R.H.), No. 127.
95. S.M., ii, 258-9; Erroll Charters W.R.H., No. 126.
96. A.D.C., i, 265.
97. Ibid., 266.
98. Ibid.
99. R.M.S., ii, No. 1999.
100. S.R.O., Gordon Castle Muniments, GD44/12/7/4, 5 and 6; Prot. Bk. Young, No. 1316.
101. R.M.S., ii, No. 1730.
102. Ibid., No. 1719.
103. See E.R., viii, 86. Account of Moray of 8th July 1471. "Pendent super Jacobum Innes de eodem capientem ad manus proprias de anno computi et quator annis precedentibus", 223, 303, 411.
104. T.A., i, 93.
105. A.D.C., i, 89.
106. E.R., x, 85.
107. T.A., i, 99.
108. Nisbet, Heraldry, ii, 81.
109. H.M.C. Report, ii, Appendix, 167,
110. E.R., x, 187.
111. A.D.A., 139-40.

112. Fraser, Lennox, ii, 132; A.P.S., xii, 33-4; S.R.O., Montrose Muniments (Lennox Charters), GD220/2/1/86.
113. A.D.C., i, 406.
114. R.M.S., ii, No. 1364.
115. S.R.O., Drummond Writs, GD160/115/4; Argyll Transcripts (Glas.), ii, Part II, 18th January 1475; R.M.S., ii, No. 844.
116. T.A., i, 119-20.
117. ibid., 120.
118. A.P.S., ii, 215.
119. Nisbet, heraldry, ii, 81.
120. A.E. Conway, Henry VII's relations with Scotland and Ireland 1485-1498 (Cambridge, 1932), 29.
121. T.A., i, 121; R.M.S., ii, No. 1898.
122. T.A., i, 121.
123. Ibid., 122.
124. Ibid.
125. Lesley, History, 59.
126. R.M.S., ii, No. 1901.
127. A.P.S., xii, 33-4.
128. Viscount Strathallan, Genealogy of the House of Drummond (Edinburgh, 1831), 135.
129. T.A., i, 123.
130. R.M.S., ii, No. 1904.
131. H.M.C. Report, xii, Appendix, Part 8, 118.
132. A.P.S., ii, 205.
133. R.M.S., ii, No. 1904.
134. T.A., i, 123-5.
135. Ibid., 126.
136. A.P.S., ii, 216.
137. T.A., i, 125-6.
138. S.R.O., Montrose Muniments (Lennox Charters), GD220/2/1/85; Fraser. Lennox, ii, 128-31.

139. A.P.S., ii, 216.
140. Ibid., 216-7.
141. T.A., i, 185.
142. A.P.S., ii, 201.
143. E.R., vii, 365, 404, 500, 506, 589; viii, 213, 305, 333, 404, 511, 602; ix, 15, 106, 173, 243, 400, 466, 641.
144. Ibid., x, 177, 276, 330.
145. Fraser, Lennox, ii, 142.
146. A.D.C., i, 143 (8th October 1490).
147. S.R.O., Montrose Muniments (Lennox Charters), GD220/2/1/86; Fraser, Lennox, ii, 132; A.P.S., xii, 33-4.
148. C.P.S. (Glas.), 845.
149. E.R., x, 125, 199.
150. A.P.S., ii, 208.
151. Ibid.
152. ibid., 217-8.
153. Chapter Seven, 361-63.
154. S.R.O., State Papers, SP/21.
155. S.R.O., Montrose Muniments (Lennox Charters), GD220/2/1/86; Fraser, Lennox, ii, 132; A.P.S., xii, 33-4.
156. A.P.S., ii, 217.
157. Ibid., 219.
158. R.M.S., ii, No. 1758.
159. E.R., x, 121-2.
160. A.P.S., ii, 219-20.
161. Ibid., 220.
162. E.R., ix, 298.
163. Ibid., 437, 459.
164. Ibid., 298, 583, 618, 656.
165. Ibid., 209, 232, 298, 437, 459, 502.
166. Ibid., 603, 611, 612, 627, 632-7, 639, 640, 642, 648, 650, 656.

167. Ibid., 209, 298, 437, 459.
168. R.M.S., ii, No. 1795.
169. Ibid., No. 1938.
170. Ibid., No. 1940.
171. Trevor M. Chalmers, 'The King's Council, Patronage and the Governance of Scotland, 1460-1513', 'Unpublished Ph.D. thesis (Aberdeen University, 1982), 429, (Table 1.1).
172. R.M.S., ii, No. 1937.
173. Ibid., No. 1944.
174. Ibid., No. 1946.
175. Ibid., No. 1950.
176. A.P.S., ii, 161-2 (24th February 1484).
177. E.R., ix, 618.
178. Ibid., x, 651.
179. Conway, Henry VIII's Relations, 29.
180. E.R., x, 679.
181. R.M.S., ii, No. 1955; E.R., x, 190-1.
182. Ibid., No. 1956.
183. Ibid., Nos. 1967-8.
184. Ibid., No. 1971 (At Innes, to Alexander Lord Fordon of the Lordship of Strathavon).
185. Ibid., No. 1973.
186. Ibid., No. 1974. The creation of a regality for Andrew Bishop of Orkney.
187. A.P.S., ii, 218.

## CHAPTER SIX

### The Montgomery/Cunningham Feud



## CHAPTER SIX

The Montgomery/Cunningham Feud

As we have seen in Chapter Four, the long-standing feud between the Montgomeries and the Cunninghams over the bailiary of Cunningham reached a new intensity after the rebellion of 1488, culminating in the death of Robert 2nd Lord Kilmaurs in 1489. Hugh, Lord Montgomery was also embroiled in a dispute with the Boyds of Kilmarnock as a result of his part in the death of James 2nd Lord Boyd in the period 1484-88. In a case brought before the Lords of Council on 4th February 1508<sup>1</sup>, George Ross of the Haining and Hugh Campbell of Stevenston were appointed to act as baillies in all cases concerning John Muir of Rowallan, because Hugh Montgomery (by this stage), Earl of Eglinton, Lord Montgomery and baillie of Cunningham

"... is suspect juge, for the immnite quhilkis standis and remanis betuix tham be occasion of the slauchter of umquhile James Lorde Bode (Boyd) be affinite throu the... mariage solempnizate be the said Johne with Margaret Boide, cousinge and secund of kynne to said James",

for which death Margaret had received no "amends". On the same day<sup>2</sup>, Alexander Boyd in Kilmarnock (James Boyd's uncle and, after James' death, head of the Boyd kin) received a similar exemption from Montgomery's jurisdiction, for the same cause.

The death of James 2nd "Lord" Boyd occurred in the period 1484-88, following on from the attempts (under the auspices of the Duke of Albany) to re-instate the Boyds to the inheritance forfeited by them to the crown in 1469. On 14th October 1482<sup>3</sup>, Mary, Lady Hamilton (widow of Thomas Boyd, Earl of Arran) received a life grant of the lands forfeited by her late husband and his father (Robert 1st Lord Boyd), including the Lordship of Kilmarnock, Munfoid, and other lands in

Ayrshire. More strikingly, Lady Hamilton's son by Thomas Boyd, James 2nd "Lord" Boyd was given sasine in the barony of Kilmarnock on 22nd October 1482<sup>4</sup>, in Munfoid, Kilbride, Flat Dalry and Rivisdalemuir on 25th October<sup>5</sup> and in Armsheuch Chapelton, Dryrig, Hareshaw and Bollinshaw on 26th October<sup>6</sup>. (Sasine was delivered by Robert Muir of Polkellie, acting as sheriff of Ayr and Bailie of Cunningham in that part - the Muirs had been Boyd adherents in 1466<sup>7</sup>.) In one of the Duke of Albany's last charters issued at the Castle of Dunbar on 21st February 1483<sup>8</sup>, shortly before the Duke's flight to England, the witnesses included James (styled) Lord Boyd. James Boyd's restoration did not survive Albany's departure to England. On 16th April 1483<sup>9</sup>, Queen Margaret brought an action before the Lords of Council which complained that James Boyd had, by virtue of the "pretendit gift" made to him by the King, taken from her the lands which had pertained to the deceased Robert, Lord Boyd, with the Castle of Kilmarnock. The Queen's complaint asserted that the King's gift had been made in contravention of a parliamentary grant to her son, James, Duke of Rothesay (the future James IV), and a lifegrant to herself<sup>10</sup>. Letters were issued by the Lords for the delivery of the castle and the payment of the rents and duties from the Boyd lands to the Queen, and James Boyd's grant was declared to be of "na force, strenth nor effect"<sup>11</sup>.

James Boyd was, thus, still alive in 1483 and exercising (probably through his uncle Alexander) the claims to the Lordship of Kilmarnock delivered to him in 1482. The revival of the Boyd lordship in Ayrshire was brought to an abrupt close through the death of James Boyd at the hands of Hugh, Lord Montgomery. Although the exact date and location of Boyd's death are uncertain, there are several traditional tales which relate that Boyd and Robert Crawford of Auchencairn were

killed by Lord Montgomery in early 1487 at a place called Wyllielee<sup>12</sup>. There were certainly disputes between Lord Montgomery and the Boyd kindred during 1487; on 15th February 1487<sup>13</sup>, Hugh, Lord Montgomery received a remission for forethought felony on John Boyd, dwelling in Kilmarnock. Some forty-three years after these events, on 2nd May 1530<sup>14</sup> Hugh, Earl of Eglinton, Lord Montgomery came to an agreement with Robert Boyd in Kilmarnock (Robert was the son of Alexander Boyd, and thus cousin to James "2nd Lord" Boyd), and Mungo Muir of Rowallan, by which Eglinton promised

"... ane honest assythment to be modyfyt be ws to the said Robert for the slauchtir of his cheif...".

The Earl was bound to pay an assythment of 2,000 merks, 200 merks of which were to be given to Mungo Muir of Rowallan. Mungo Muir was the son of John Muir of Rowallan by Margaret Boyd, James "2nd Lord" Boyd's sister, and was thus a nephew to the deceased James Boyd.

By late 1489 then, Lord Montgomery had assassinated the heads of two of the most powerful kindreds in northern Ayrshire. Montgomery's role in 1488 had, however, ensured that he continued to enjoy James IV's support and to extend his office-holding on the west coast. As well as the contentious Cunningham offices, Lord Montgomery received, on 17th October 1488<sup>15</sup>, a lifegrant of the lands of Arran with the office of bailie, and custody of Brodick Castle. In June 1489<sup>16</sup>, Montgomery was granted (on the forfeiture of the Earl of Lennox, Lord Lyle and Matthew Stewart, with whom he had previously shared these jurisdictions), for his lifetime, the lands and lordship of Bute, with the custody of Rothesay Castle and the office of bailie. Lord Montgomery seems to have had a powerful patron at court in Colin, 1st Earl of Argyll, Chancellor, his father-in-law. Hugh Montgomery had married Helen Campbell, the Earl's daughter on 21st April 1478<sup>17</sup>. Later in James IV's reign Archibald 2nd Earl of Argyll, Lord

Montgomery's brother-in-law, acted as an arbiter for Hugh in his disputes with Lord Kilmaurs<sup>18</sup>, and in January 1506<sup>19</sup> Argyll and Lord Montgomery were named together in a royal letter giving them permission to "fortefy with mete and drink", John, Master of Montgomery who was at the King's horn for wounding the coroner of Dumbarton.

Cuthbert, 3rd Lord Kilmaurs was obviously excluded from the centre of political power after 1488 by his grandfather's support for James III, but in 1492 Cuthbert gained a significant court ally in Archibald, 5th Earl of Angus.

On 24th June 1492<sup>20</sup>, at Edinburgh, Archibald Earl of Angus entered into a marriage contract with Cuthbert, Lord Kilmaurs, by which Angus' daughter, Marion, was to marry Cuthbert. The witnesses to the marriage contract included Mr. John Fresell, Dean of Restalrig. The Earl of Angus was thus increasingly identified with an anti-Montgomery alliance in Ayrshire, since the Earl already had strong marital and tenurial links with the Boyds of Kilmarnock. Angus himself was married, shortly before 19th May 1468<sup>21</sup>, to Elizabeth Boyd, daughter of Robert, 1st Lord Boyd (and aunt to the James Boyd, killed by Lord Montgomery). It may well have been Angus' connection with the Duke of Albany's rebellion in 1482/3 which had inspired the rehabilitation of Angus' nephew, James Boyd. Angus' political career after Sauchieburn had been uneven. Initially, in favour with the King, and styled "Gardiano nostro" in one early charter<sup>22</sup>, Angus received a number of important offices in October 1488<sup>23</sup>. The Earl's role in the events of 1489 is uncertain (see above), but during the year of the rebellion Angus lost control of the Wardenship of the Western and Middle Marches and the sheriffdom of Lanark<sup>24</sup>. In 1491 the Earl was warded<sup>25</sup>, and then besieged<sup>26</sup>, in his castle of Tantallon by royal forces, perhaps in response to Angus' negotiations with Henry

VII. One result of the Earl's independent dealings with the English King appears to have been the loss of his border Castle of Hermitage, and the lordship of Liddesdale (the lands and castle Angus had offered to assign over to Henry VII if the Earl's attempts to prevent the Scots waging war with England meant that he could not occupy his own lands in Scotland<sup>27</sup>). On 29th December 1491<sup>28</sup> shortly after the ending of the siege of Tantallon, the King, with the advice of his Lords of Council, granted Archibald, Earl of Angus, the lands and Lordship of Kilmarnock, with the Castle of Kilmarnock, for life, in exchange for Angus' lands and Lordship of Liddesdale, and the Castle of Hermitage. A further charter was granted, to the same effect, in which, due to the Earl's concern that the lordship and Castle of Kilmarnock had been inalienably annexed to the principality of Scotland for the King's first born son, and that James IV's son would, in future, dispute possession with Angus, the King promised to support Archibald's occupation of the lands for his lifetime, and at the age of twenty five, to confirm the charter to the Earl in a full parliament<sup>29</sup>. On 6th March 1492<sup>30</sup> James IV granted Patrick, Earl of Bothwell, the Lordship of Liddesdale and Hermitage Castle, to complement Bothwell's position as Guardian of the West and Middle Marches (both of which Bothwell had gained from Angus during 1489).

During the course of 1492, Angus' political fortunes seem to have revived. On 4th July<sup>31</sup> the King granted to Angus, "*consiliario suo*", the lands of Bothwell, and lands in the Forest of Dye resigned by Patrick, Earl of Bothwell which the King "*pro singulari favore*" united in a free barony and regality of Bothwell. The grant may have been to compensate Angus for the permanent alienation of Liddesdale and Hermitage to Bothwell in March 1492. Angus' political rehabilitation may have been due, in part, to his connection with the Boyd kin, since

James IV's mistress, Margaret Boyd, was the Earl's niece. Angus witnessed great seal charters of 25th June 1492<sup>32</sup> and 24th July<sup>33</sup> (the first involved the transfer of lands from Cuthbert, Lord Kilmaurs, the Earl's new son-in-law to Angus' daughter Mariota, so the Earl's presence is unsurprising), and he appeared as a judge on the sederunt of the Lords of Council<sup>34</sup>. In early August 1492, then, the Earl of Angus was a figure in and around the royal court, but not at its political centre. James IV's liaison with Margaret Boyd may have given her uncle some indirect influence, but the events of August 1492 were to re-establish the Earl as a major political figure in his own right.

The Kilmarnock grant of 1491 had renewed Angus' association with his wife's kindred, the Boyds. Alexander Boyd, the second son of Robert 1st Lord Boyd (Angus' brother-in-law, and uncle to the James Boyd killed by Lord Montgomery) had served as Chamberlain of Kilmarnock from 2nd August 1488<sup>35</sup>, apparently having gained the office as a result of his support for Prince James during 1488. Alexander rendered the accounts of the Chamberlainship on 2nd October 1490<sup>36</sup> and 25th June 1491<sup>37</sup>. From 21st January 1489<sup>38</sup> Alexander Boyd received a fee for the custody of the Castle of Kilmarnock. The resurgence of the Boyds after Sauchieburn was also shown in Alexander Boyd's acquisition of Drumcoll (see Chapter Four), an estate forfeited by his uncle Sir Alexander Boyd of Drumcoll in 1469, at the expense of Lord Carlisle.

From December 1491, the Earl of Angus became Alexander Boyd's superior in the Lordship of Kilmarnock, and with his daughter's marriage to Cuthbert, Lord Kilmaurs, the Earl was thoroughly identified with a powerful group of Ayrshire lords and lairds with a common local enemy in Lord Montgomery. On 7th August 1492<sup>39</sup>, in Angus' Castle of Kilmarnock, Cuthbert Lord Kilmaurs granted a discharge to Archibald,

Earl of Angus for the dowry of his wife, Marion Douglas. The date and witness list are significant. The witnesses included, Alexander Hume, James IV's Great Chamberlain, Andrew Forman, protonotary, John Wallace, Laird of Craigie (Keeper of Dundonald Castle), Alexander Boyd and John Sinclair, the Earl's "armigeris", Robert Muir of Polkellie, George Campbell of Cessnock, Archibald Boyd of Nariston, and Hugh Wallace. The gathering of prominent Ayrshire lairds, two members of the King's council, and the father of the King's mistress (Archibald Boyd) occurred only three days before royal couriers were sent by the King to stop a clash between Lord Kilmaurs and Lord Montgomery, in Irvine. It seems likely that the Earl of Angus, Lord Hume and Andrew Forman knew of Kilmaurs' intention to disrupt Montgomery's attempt to hold the bailiary court. Furthermore, many of those named as witnesses to the discharge of 7th August, such as Alexander Boyd and Archibald Boyd of Nariston, both uncles of James 2nd "Lord" Boyd and brothers-in-law to the Earl of Angus, had their own unresolved feud with Lord Montgomery, and may well have intended active participation on Kilmaurs' behalf. By 10th August<sup>40</sup>, if the sederunt for great seal charter witnesses on that date is accurate, the Earl of Angus and Alexander Hume had returned to the royal court at Stirling, perhaps bringing with them news of the impending clash in Irvine, for on the same day royal couriers were sent to intervene. James IV's government had been very active, during 1492, in attempting to suppress some of the most damaging feuds arising from the 1488/9 crisis.

In Renfrewshire the Lennox/Sempill feud was brought to an amicable conclusion following on a royal justice ayre<sup>41</sup>, and in Perthshire John, Lord Drummond and Sir William Murray of Tullibardine were temporarily brought to arbitration during a justice ayre<sup>42</sup>. In May/June 1491<sup>43</sup> the King himself had been moved rapidly from Edinburgh to Perth to

intervene in a dispute between the Earl of Buchan and Lord Oliphant, calling out the lairds of Fife as he journeyed north. Something similar may have been attempted in August 1492, for by 12th August<sup>44</sup>, a royal grant was issued at Angus' Castle of Kilmarnock. The grant was a confirmation to Archibald Boyd (the Earl's brother-in-law, and father of James IV's mistress) and Christian Muir, his spouse, of the western half of the lands of Nariston in the barony of Kilbride. The grant was not, however, registered until the following January, so that its witness list dates from that period. It is thus impossible to establish, with any certainty, who accompanied James IV during the sudden move to Kilmarnock. The King's transfer to Kilmarnock may have been connected with attempts to suppress the Montgomery/Kilmaurs dispute, but it is also interesting to note significant changes in the personnel around James IV, dating from 10th August 1492. The account of Sir William Knollis, Lord St. John, as Treasurer, ends abruptly on 10th August 1492<sup>45</sup>, and the great seal charter issued at Stirling on the 10th<sup>46</sup> was the last in which Knollis appeared as Treasurer and Master of the King's Household. The entries in the Treasurer's accounts for Knollis' period of office were confused and disorganised, indicating that Knollis' demission of office was sudden and unplanned. Knollis' final account contained no detailed statement of charge, merely a confirmation, after the listed discharges, that the "sowme of the hale charge is iijm lxc ii li xvjs iijd be uthir bukis", i.e. the auditors had reconstructed the sums collected by, or due to, the treasurer in the period 1488-92 from a variety of sources other than the treasurer's own accounts<sup>47</sup>. The auditors' decision was that the "... comptare (Knollis) restis awing to the King jm ijc lxxxxiij li vs iiijd"<sup>48</sup>. The rest of the account was taken up with Knollis' attempts to satisfy the auditors (William, Bishop of Aberdeen, the Abbot of



Cambuskenneth, the new Treasurer, Robert, Lord Lyle and Alexander Inglis, Archdeacon of St. Andrews) as to his level of indebtedness to the crown. William Knollis had held the office of Treasurer since Sauchieburn, he was one of the "parciall personis..." accused by the rebels of 1489 of misgoverning the King's treasure<sup>49</sup>, and the parliament of February 1492<sup>50</sup> had indicated a continued dissatisfaction with the financial affairs of the regime established after Sauchieburn.

The personnel who witnessed a great seal charter issued on 20th September 1492<sup>51</sup> at Dundee, the first royal charter to be registered after James IV's move to Kilmarnock in August, included Henry, Abbot of Cambuskenneth as the new Treasurer, and Mr. John Fresell, Dean of Restalrig as Clerk Register, replacing Richard Murehead. William Knollis' other office, that of Master of the King's Household, had been assigned to Andrew Lord Gray. John Fresell was a man associated with the Earl of Angus. Fresell has been identified as the Provost of Abernethy (Angus' Perthshire lordship), as a frequent witness to charters issued by the Earl and on 9th July 1483, was named as one of the Earl's councillors<sup>52</sup>. On 9th March 1481<sup>53</sup> however, John Fresell, Provost of Abernethy and a Master John Fresell, Rector of Douglas, both witnessed a charter by Archibald, Earl of Angus, indicating that there were, in fact, two men of the name John Fresell in the Earl's service. It seems that it was John Fresell, Rector of Douglas who became Dean of Restalrig and, in August 1492, Clerk Register. A charter issued by the King on 8th October 1492<sup>54</sup> was witnessed by John Fresell, Rector of Douglas, Clerk Register. In 1492 Fresell had witnessed the arrangements for Lord Kilmaurs' marriage to Marion Douglas.

The changes in personnel around James IV do not seem to constitute a full blown coup by an Angus faction. Most men of political

importance, like the Earls of Bothwell and Argyll, and the Lords Drummond and Gray remained as members of the King's daily council. It may be that the government of James IV, in seeking to achieve some form of settlement in the Ayrshire region, had been forced to deal with, and make concessions to, the Earl of Angus who, with his Boyd and Kilmaurs connections, had established himself as a man of influence in the area.

There is little doubt that the events of August 1492 brought about a significant change in the political balance of the regime, which re-established Angus at the centre of court life, and initiated a steady flow of patronage to the Earl, his family, and his Boyd kinsmen. On 29th September 1492<sup>55</sup>, at Cupar, James IV gifted to William Douglas, Angus' son, the ward of the lands that had pertained to the deceased John Auchinleck, son and heir of Sir John Auchinleck of that ilk, and the marriage of Elizabeth Auchinleck, John's daughter. After James IV's revocation in 1498, Auchinleck's lands were re-assigned to John Hepburn, Prior of St. Andrews, on 4th March 1501<sup>56</sup>. The grant appears to have given rise to a long running dispute between the Prior and his nephew, Patrick, Earl of Bothwell, and the Earl of Angus. The dispute may have played a major part in the Earl of Angus' warding in Dumbarton Castle in late 1501<sup>57</sup>, and his subsequent warding in Rothesay Castle for some six or seven years<sup>58</sup>. At Aberdeen, on 30th November 1492<sup>59</sup>, James IV granted Angus' brother-in-law, Alexander Boyd, the lands of Ralston, Crookedholm, Borland, Little Hertshaw and 'le' Crookedholm worth twenty pound, in the Lordship of Kilmarnock, and on 22nd January 1493<sup>60</sup> Thomas Boyd in "Auchentiber" had a crown confirmation of a charter granting him lands in Irvine.

Significantly, late 1492 also saw the death of Colin, 1st Earl of Argyll, Chancellor, Lord Montgomery's chief patron at court. The exact date of Argyll's death is uncertain, and there is conflicting

evidence. The Earl witnessed a great seal charter issued on 8th October 1492<sup>61</sup> at St. Andrews, and on 24th October 1492<sup>62</sup> he issued a precept of sasine to his son, Archibald Campbell, Master of Argyll and Lorn, Bailie of Craignish for the serving of John Donaldson McKoule of Craignish in certain lands. By 7th November 1492<sup>63</sup>, however, in a charter making over the bailiary of all Campbell lands in the "lawland of Scotland" to his cousin, Duncan Campbell of Glenorchy (a move suggesting Colin, Earl of Argyll's recent death), Colin's son, Archibald, appeared as "Erle of Ergill, Lord Campbell and Lorne...". A royal charter of 5th December 1492<sup>64</sup>, issued in Aberdeen, was witnessed by, amongst others, Archibald, Earl of Angus, Lord Douglas and Chancellor (and Angus' associate, Mr. John Fresell).

By December 1492 then, the Earl of Argyll had, apparently, died and Angus had assumed the Chancellorship, a reversal which left Lord Montgomery in an extremely vulnerable position. On 12th December 1492<sup>65</sup>, however, the King issued a commission of assedation to a number of men, including "Coline, erle of Ergile, our chancellor", so that the exact date of the Earl's death remains something of a mystery. Lord Montgomery's office-holding in Cunningham, Bute and Arran was based on royal grants made under the great seal, or in parliament, in October 1488 and June 1489. The parliament of May 1493 saw the revocation of all royal grants made since 1488 (this, at a time when James IV was only twenty one). With the Earl of Angus in control of government, the revocation of May 1493<sup>66</sup> would appear to have been, primarily, an enabling act which allowed the new Chancellor and his allies to annul royal grants made in the period 1488-92 which they found displeasing. Certainly, Lord Montgomery's position was swiftly undermined, and by 8th June 1493<sup>67</sup> the Earl of Angus himself, was acting as Bailie of Cunningham. (Angus' bailie depute was John Wallace of Craigie, one of

the witnesses to the discharge of 7th August 1492 in Angus' castle of Kilmarnock.) Further, in the account of Ninian Stewart, Chamberlain of Bute and Arran, rendered on 27th June 1496<sup>68</sup>, it was recorded that the King had granted Hugh Lord Montgomery the rents of the Isle of Arran, for his lifetime, on 17th October 1488, but that Montgomery had demitted these lands to the King "post festum Penthecostes..." in the year 1493. Thus, by the middle of 1493, Lord Montgomery's powerful position in the west, in terms of office-holding, had entirely evaporated.

From May 1493, the Earl of Angus, as Chancellor, manipulated the market in feudal casualties around the royal court, and continued to advance the interests of his family and kin in the west. On 29th May 1493<sup>69</sup> Angus entered into an agreement with Mr. Hugh Douglas, Dean of Brechin, by which the Earl would use his influence to pursue Douglas' heritage within Scotland (see Chapter Three). Hugh Douglas was the son of the forfeited Douglas Earl of Ormond and thus potentially heir to all the estates of the Earls of Douglas which had not been inalienably annexed to the crown. The agreement made plain that Angus was chiefly interested in obtaining the Lordship of Avandale. On 29th August 1493<sup>70</sup> William Douglas, Angus' son, received the lands of Grenan in the Earldom of Carrick, forfeited by John, onetime Lord of the Isles, in May 1493. The Earl's preoccupation with the west coast was also reflected in the arrangement of a marriage between his daughter Elizabeth, and Robert Lyle, son and heir of Robert, Lord Lyle, on 19th June 1493<sup>71</sup>.

The high regard with which James IV viewed both Angus and the Boyd kin of his (the King's) mistress was illustrated by a court case of 10th December 1494<sup>72</sup> before the Lords Auditors. Archibald, 2nd Earl of Argyll appeared as a forsppeaker for William Campbell, Macer, in an

action between Campbell and Archibald Boyd of Nariston (father of the King's mistress) concerning the tack of the lands of Bollinshaw and Dryrig. Boyd's forspeaker was Archibald, Earl of Angus, Chancellor, his brother-in-law. William Campbell had received a lifegrant of the lands of Bollinshaw (Bonshaw?), Dryrig and Harishaw in Stewarton, "in feodo pro ejus servitio" on 8th August 1488<sup>73</sup>. Campbell's lifegrant may well have been one of the royal charters revoked in May 1493. In the middle of the case, a letter of the King's was presented on Boyd's behalf, which explained that, although Campbell had a tack of the lands from the comptroller, the King himself

haf set to our lovit familier squiare Archibald Boid of Nariston, our lands of Bollinschaw and Dryrig with thare pertinents be our letteris maid to him...." William Campbell's letters under the privy seal were declared "... nocht of avale, for he has no letteris of owrs but be set of our comptroller<sup>74</sup> for the tyme, and had na further power of us but to set efter the form of our commission".

The King commanded that the letters given by him to "oure said squiare..." Archibald Boyd should be observed and no others. The King's letter was dated 5th December 1494, i.e. some five days before the court case.

Interestingly, in 1498, after Angus had been removed as Chancellor, and Margaret Boyd was no longer James IV's mistress, William Campbell successfully pursued Archibald Boyd for the losses he had incurred in 1494-7 through his inability to uplift the rents of Bollinshaw and Dryrig<sup>75</sup>.

William Campbell was also involved in legal action with Alexander Boyd, Archibald Boyd's elder brother. On 7th February 1490<sup>76</sup> Alexander Boyd had been ordered to restore to William Campbell nine "nolt" taken by Alexander after they had been apprised to Campbell. The case may be connected to one of 1st March 1490<sup>77</sup>, in which John and William Harper were ordered to desist from the occupation of

Crookedholm for the lands to be occupied by William Campbell after the form of the King's letters of tack. On 14th July 1488<sup>78</sup> in an assedation of Kilmarnock made at Stirling, Crookedholm

"quam occuparunt Willelmus Herpar et Johannis Herpar..." was "... assedatur Willelmo Campbell pro terminus tres annis".

On 30th November 1492<sup>79</sup>, Crookedholm was one of the Kilmarnock lands assigned to Alexander Boyd for his lifetime. If the Earl of Argyll had died by 7th November 1492, then the grant to Boyd would have been made almost as soon as William Campbell had lost his patron at court. William Campbell thus appears to have been, like Lord Montgomery, an adherent of Colin, 1st Earl of Argyll who had prospered after Sauchieburn, but who had lost out in the immediate aftermath of Argyll's death and Angus' rise to power in 1492.

The exercise of the office of Bailie of Cunningham remains a mystery for most of the period after June 1493, until June 1498. On some date between 22nd September and 12th November 1497<sup>80</sup>, Archibald, Earl of Angus demitted the office of Chancellor, to be replaced by George, Earl of Huntly. On 16th March 1498<sup>81</sup> James IV made a revocation of all grants made during his minority, at his perfect age of twenty-five, at Lord Lyle's Castle of Duchal. The relationship between Lord Montgomery and Lord Kilmaurs seems to have remained poor throughout the King's minority.

On 3rd February 1508<sup>82</sup>, when Cuthbert, Earl of Glencairn and Lord Kilmaurs, applied for an exemption from Hugh Montgomery's jurisdiction as Bailie of Cunningham, Montgomery

"... askit ane note that Cuthbert, Erle of Glencarne grantit in presence of our soverane lord that at the hoist in Ingland the Kings grace [made?] him to tak the sade erle be hand and sade to him he wald that his baronis and lieges war [at] amite and concorde at the tyme...."

The host in England must refer to James IV's expeditions into England, ostensibly in support of Perkin Warbeck, in 1496-7, and we may infer from the above that Montgomery and Kilmaurs were still at feud at that stage. The personal intervention by the young king is striking, and the wording suggested that the touchstone of "patriotic conservatism", as examined by Dr. R. Mason, was invoked to pressurise the feuding parties into settlement, i.e. feuds were seen as disrupting the ability of the Scots Kingdom to resist English invasion, and in times of international tension these private matters should be put aside.

If Montgomery and Kilmaurs were cajoled into a cessation of the feud in 1496-7, the peace did not last beyond 1498. With the royal revocation of March 1498, possession of the Bailiary of Cunningham became, once again, a matter of contention.

On 1st June 1498<sup>83</sup>, Hugh, Lord Montgomery concluded a remarkable marriage contract with Sir Archibald Edmonstone of Duntreath, by which John Montgomery, Hugh's son and heir was to marry Elizabeth Edmonstone, Archibald's daughter. Archibald was to pay 1,300 merks for the marriage, and Lord Montgomery was bound to give lands in conjunctfeftment to his son and daughter-in-law "according to the tocher" under the supervision of the Earls of Argyll and Lennox, the Abbot of Paisley and Lord Ross of Hawkhead. Hugh, Lord Montgomery made the following reservation to the completion of the contract

"The Kyngis rycht of the balzery of Cunynggem beand obtenyt and throyit at the Kyngis hand, to be gevin to Hew, Lord of Mungumbre, thir pontmentis abon writyn to the said Lord Mungumbre byndis hym to kep, this balzery gagand throit, as said is, gottin be the Kingis writyngis...."

The marriage was thus conditional on Montgomery receiving a grant of the Bailiary of Cunningham from the King. The contract suggested that the King was arranging an advantageous marriage for the daughter of one of his household servants, in exchange for an office within his gift.

Archibald, 2nd Earl of Argyll, specified in the contract as one of the assessors of the lands to be given in conjunctfeftment, was Montgomery's brother-in-law and Master of the King's Household, and may well have played an important role in arranging the transaction. Archibald Edmonstone was of royal descent, being the great grandson of William Edmonstone of Collodin and his wife, Mary Stewart, Countess of Angus, James I's sister<sup>84</sup>, and this blood relationship may partly explain Edmonstone's position in the royal household. In 1490 Edmonstone received a fee of household<sup>85</sup>, and throughout the 1490's he served as keeper of the royal castle of Doune<sup>86</sup> and as Steward of Menteith<sup>87</sup>. Archibald's son, James, had acted as keeper of James IV's silver vessels<sup>88</sup>, and had his clothing provided for from the household accounts<sup>89</sup>.

The response to the above contract was almost immediate. Three days later, on 4th June 1498<sup>90</sup> James IV granted Hugh, Lord Montgomery, the offices of Bailie of Cunningham and Chamberlain of Irvine. The charter narrated that Alexander Montgomery, Hugh's grandfather, and his predecessors had held the offices for a long time, but that Hugh had been prevented, by various vexations and troubles, from entering to the offices. (The grant thus indicated that Lord Montgomery had probably not exercised the office in the period 1493-8.) There were two points of interest in the charter. Firstly, Montgomery was served as heir to his grandfather (Alexander, Master of Montgomery, who had died in 1452) rather than his father, which suggested that the retour of service given to Hugh's father in 1466 had never been made effective. Secondly, among the witnesses was Sir Robert Lundy of Balgonie, James IV's treasurer. In the contract of 1st June Archibald Edmonstone had delivered 300 merks of the 1,300 merks tocher due by him to the Lord Montgomery, to be held by the "Lord of Bawgone". The 300



marks may well have been intended to offset some of Lord Montgomery's huge expenses in obtaining the bailiary. On 6th June 1498<sup>91</sup> Lundy's account included an acknowledgement of the receipt from Lord Montgomery, for the composition of the Bailiary of Cunningham, of the sum of £1,666 13s. 4d. (Inflated, perhaps, by the payment of non entry back to 1452, the date of the death of Hugh Montgomery's grandfather.) James IV had certainly extracted maximum financial benefit from his position as baron of Cunningham. On 6th June<sup>92</sup>, the King issued letters which charged all his lieges within the bounds of Cunningham to obey Lord Montgomery and his deputies in their exercise of the office, and expressly forbade the convocation of the King's lieges to impede the bailie. On 4th July 1498<sup>93</sup>, while the King was in Kilkerran Castle in Kintyre, during his 1498 expedition to the Isles, he delivered sasine of the above offices "proprius manibus" to Hugh, Lord Montgomery. The witnesses included William Edmonstone, son and heir of Archibald Edmonstone of Duntreath, and James Edmonstone of Polmaise. Sasine was delivered to Montgomery in the town hall of the burgh of Irvine on 11th July<sup>94</sup> following, and proclamations were made at the market crosses of Irvine and Ayr on 21st and 23rd July<sup>95</sup> repeating the royal insistence that the inhabitants of Cunningham should obey Lord Montgomery.

Despite the proclamations, and the obvious royal support for Montgomery, late 1498 saw another major clash between Lord Montgomery and Lord Kilmaurs in Irvine. The events of 1498 were reflected in the business of a justice ayre held in Ayr by George, Earl of Huntly, Chancellor, in March 1499. On 9th March 1499<sup>96</sup>, in the justiciar court at Ayr, Cuthbert, Lord Kilmaurs, Archibald Cunningham his brother, Andrew Cunningham (brother of the Laird of Cunninghamhead),

George Kelso and John Mowat (all described as "cum dicto Domino de Kilmawris") were found guilty of forethought felony on

"... Hugoni Domino Mungummry in burgo de Irwine,  
tempor quo idem Mungumry venit ad tenend curia  
bailliatu de Cunynghame...."

Kilmaurs and his men were also found guilty of breaking the King's protection granted to Lord Montgomery, and of preventing Montgomery holding his court, and were fined. The events could, conceivably, date from the years 1489-92, but the infringing of the King's protection seemed to refer to the letter of 6th June 1498 with its provision that no one was to

"take upon hand to gather or make convocation of  
Kings lieges to make any stop or impediment in the  
execution of said offices."

On the same day<sup>97</sup> as Kilmaurs and his kinsmen were fined, Robert Montgomery of Giffen was accused of the murder of a Martin "Mak Cachlane" in the burgh of Irvine, and forethought felony in company with Lord Montgomery (Giffen was acquitted by an assise). In addition, Robert was accused, and found guilty, of the theft of certain goods and a head piece from the servants of Lord Kilmaurs, in Irvine, at the same time as Martin Makcahane was killed. Lord Montgomery received a similar remission, on the same day, for the death, and the attack on Kilmaurs' servants. On 13th March 1499<sup>98</sup>, still in Ayr, Cuthbert Lord Kilmaurs and twenty others received remissions for various crimes, except for offences committed "the tyme they took the tolbutth of Irwine". It seems then, that in late 1498, Lord Montgomery had attempted to hold a bailiary court in Irvine (perhaps in August)<sup>99</sup>, and that Lord Kilmaurs and his adherents had prevented this by attacking Lord Montgomery in the burgh, and occupying the burgh tolbooth. The scale of the forces involved may be indicated in a notarial instrument taken on 7th February 1499<sup>100</sup>. On that date, Mr.

William Sprewle, acting on behalf of Hugh, Lord Montgomery, came into the presence of Cuthbert, Lord Kilmaurs with a paper roll which listed the names of 515 persons of the 'name and surname' of Lord Kilmaurs, and their adherents. The instrument asserted that Lord Kilmaurs should have become pledge that the named men would be entered in the next justice ayre of Ayr, but that he refused Sprewle's request to render sureties. There is no certainty that all those for whom surety was requested had taken part in the conflict in Irvine, but it seems likely that the majority were summoned for the offences outlined in the charges against Lord Kilmaurs the following month. In any case, the instrument gives an interesting indication as to the number of men for whom Lord Kilmaurs was held responsible (his name and surname), at least in Lord Montgomery's estimation. Lord Kilmaurs' attack on Lord Montgomery was in direct contravention of the King's grant and the royal letters of protection issued in June/July 1498, and must be seen as a calculated attempt to render the gift of the office of bailie invalid and to maintain the Cunningham claim to the bailiary through force. The clash in 1498 would thus appear to have been a repeat of the events of 1489, 1491 and 1492 when Robert 2nd Lord Kilmaurs and, after Robert's death, Cuthbert 3rd Lord Kilmaurs had gathered the Cunningham kindred and their adherents in northern Ayrshire in order to prevent Lord Montgomery from exercising the office of bailie. James IV was not prepared to allow Lord Kilmaurs to openly flout the royal protection given to Montgomery, and the King himself attended the justice ayre of March 1499, issuing great seal charters in Ayr from 8th March 1499 to 17th March<sup>101</sup>. James IV's personal appearance in Ayr, shortly after a major political disturbance, was typical of the King's energetic response to baronial conflict, and was in marked contrast to his father's rather sedentary approach to the maintenance of justice.

The arrival of a royal justice ayre was probably as much an exercise in political/military intimidation as in the dispensation of justice, with the retinue of the King and his councillors forming a small army which ensured that the royal justices could not be coerced by the gatherings of the local nobility.

The events of 1498/9 appear to have been the last major, recorded, clash between the Montgomeries and the Cunninghams during James IV's reign, but the bailiary issue remained unresolved and tensions developed between Lord Montgomery and other branches of the Cunningham kindred.

On 31st May 1505<sup>102</sup> James IV sent letters commanding that ships in Dumbarton harbour should not convey John, Master of Montgomery, away from Scotland after his wounding of the coroner of Dumbarton. The coroner was William Cunningham, son of William Cunningham of Craigans who was a natural son of Alexander, 1st Lord Kilmaurs,<sup>103</sup> and thus Cuthbert Lord Kilmaurs' cousin. On 3rd January 1506<sup>104</sup> Archibald, Earl of Argyll and Hugh, Lord Montgomery received a letter of licence from the King, allowing them to give "supple" to John, Master of Montgomery, George Railston and James Stirling who were at the King's horn for the wounding of William Cunningham, coroner of Renfrew, in the execution of his office. Respites were also issued to Montgomery, Argyll, Colin, Master of Argyll and thirty-one of their servants for their assistance already given to the Master of Montgomery<sup>105</sup>. William Cunningham's father, William Cunningham of Craigans, was an important figure in the Cunningham kindred, and had acted as an executor for his father, Alexander, Lord Kilmaurs in a case before the Lords Auditors on 19th June 1493<sup>106</sup>. (The case is interesting, in that it involved an attempt to recover from John Hamilton and Robert

Campbell, certain livestock which they had taken from Lord Kilmaurs' barony of Glencairn "after the field of Striveline.")

By February 1506 attempts were made to obtain exemptions for the Earl of Glencairn (the Earldom created for Cuthbert Lord Kilmaurs c.1503) and his kindred from Montgomery's jurisdiction as Bailie of Cunningham, and this may well have been prompted by the attack on William Cunningham. On 3rd February 1506<sup>107</sup> Mr. David Cunningham, provost of Hamilton, protested that whatever was

"... rehersit in the mater betuix Lord of Kilmaurs for his exemption from the Lord of Montgomery" should not "... turn him (Kilmaurs) to hurt or prejudice in tyme to cum."

Kilmaurs, in obtaining an exemption, did not want this to be used as an indication that he conceded Montgomery's right to the office of bailie, which he still contested. The sederunt for the Lords of Council on 3rd and 4th February 1506 was exceptionally large, reflecting the fact that a general council was being held in Edinburgh. On 4th February<sup>108</sup> James IV named an "unsuspect depute..." to Lord Montgomery, "... to sit as juge to the Erle of Glencairn and als mony of his folkis as the law will exeme". Lord Montgomery then made George Ross of Haining and Hugh Campbell of Stevenston his deputies to deal with all actions which concerned Lord Kilmaurs, his friends and "folkis". Cuthbert, Earl of Glencairn's forspeaker again asked that the Earl's acceptance of deputies should not prejudice Glencairn "anent the heretage of the said balyery..."<sup>109</sup>. Archibald, Earl of Argyll acted as forspeaker for Lord Montgomery.

In February 1508<sup>110</sup> these exemptions were confirmed, again before a huge sederunt which included the King. Hugh, (by this stage) Earl of Eglinton, offered to prove that the Earl of Glencairn had been "tender" to Eglinton in his town house in Edinburgh, but Glencairn appears to have continued to be exempt from Montgomery's

jurisdiction because "sade Lord Eglinton had slane his (Cunningham's) fadir". Robert Cunningham of Cunninghamhead and William Cunningham of Craigans were also exempted<sup>111</sup>, but Humphrey Cunningham of Glengarnock and Adam Cunningham of Caprington were not. John Muir of Rowallan and Alexander Boyd in Kilmarnock were exempted for Hugh, Earl of Eglinton's slaughter of James, Lord Boyd. (Ironically, at this stage Robert Cunningham of Cunninghamhead and John Muir of Rowallan were at feud with one another.) Other lairds exempted included Archibald Cunningham of Shewalton, Robert Cunningham of Auchincruive and John Campbell of Loudon.

In January 1510, Hugh Montgomery's feuds with the Glencairn and Craigans Cunninghams were, temporarily, brought to a close through arbitration. On 26th January<sup>112</sup> Cuthbert, Earl of Glencairn, William Cunningham his son and heir, Hugh, Earl of Eglinton and his son and heir John, appeared before the Lords of Council and gave in a decreet arbitral "... to have the strenth and full effect of the decrete of the said lordis..." dated, at Edinburgh, on 12th January 1510. The 'amicable arbitration' was to be entered into the records of the Lords of Council, to be given the legal authority of an adjudication by the King's council, again indicating the willingness of the royal judiciary to embrace the results of 'private' arbitration.

The arbiters were Andrew Forman, Bishop of Moray, Archibald, Earl of Angus, Lord Douglas (Glencairn's father-in-law), Archibald, Earl of Argyll, Lord Campbell and Lorn (Eglinton's brother-in-law), David, Earl of Cassillis (later identified as acting on Eglinton's behalf<sup>113</sup>) and William, Lord Borthwick (who was probably the oversman). The same arbiters were used in the action between the Earl of Eglinton and his son, and William Cunningham of Craigans and his son.

The arbitration decided that Hugh, Earl of Eglinton had "... full and heritable rycht to the office of Bayleary of Cunningham..." and that he and his heirs should enjoy the office perpetually. The Earl of Glencairn was to renounce any title or right that he had to the office, for which Eglinton would pay the sum of 600 merks. In effect, Glencairn's claims to the bailiary were to be bought out, and on 27th May 1510<sup>114</sup> Cuthbert and William his son acknowledged that they had received from the Earl of Eglinton the sum of £400, i.e. the 600 merks specified in the arbitration for the abandonment of their claims to the bailiary. With regard to the feud between Eglinton and Cunningham of Craigans, the Earl was to pay Cunningham and his son 200 merks and

"... do sic honoris as beis be us thocht expedient to the said William Cunningham younger for assithment and amendis of his hurting" (the incident in 1505).

Both parties were to "stand afald and kyndly to otheris" and were to support each other in all lawful and honest actions in time to come. These were phrases derived from bonds of friendship, and the arbitration invoked an ideal of mutual co-operation and good faith, in order to buttress an extremely fragile relationship. Formal bonds of friendship may well have been exchanged between Glencairn and Eglinton at the time of the arbitration. The arbitration also contained some more practical arrangements to prevent the re-generation of the feud. Any debates "... anent the taking of stedings rowomys and teynds" (a reference, perhaps, to a dispute between Eglinton and Cunningham of Cunninghamhead over lands assigned by the Abbot of Kilwinning to the Earl), were to be referred to Angus, Argyll and Cassillis, or any two of them (Angus being one, as Glencairn's representative). Neither of the parties were, in the future, to take the other's steadings or tacks, and neither of the Earls "... shall fee the utheris men, without their specale leif askit...", which suggested that Eglinton and

Glencairn had been recruiting support by giving fees to lairds in northern Ayrshire.

William Cunningham of Craigans may not have been entirely happy with the result of the arbitration, as it was noted<sup>115</sup> that he and his son William had not appeared to ask that the decret should be recorded in the acts of the Lords of Council. Despite this, Eglinton asserted that he and his son would fulfil the terms of the arbitration with regard to Craigans and his son. Glencairn's son, William, also seems to have had reservations about the loss of the bailiary. On 19th April 1510<sup>116</sup> William Cunningham swore, in the presence of Mr. Martin Rede, official general of Glasgow, that he ratified a decret arbitral (that of 12th January 1510) made by virtue of a submission by Cuthbert, Earl of Glencairn, William, and Archibald, Earl of Angus (William's curator), and Hugh Earl of Eglinton before the Lords of Council, with regard to the debate over the bailiary, and renounced an instrument of protest that he had entered against the decret. The arbitrations seem to have brought an end to the feud for the remainder of James IV's reign, although the dispute over the bailiary resurfaced during the 1520's.

The Cunningham/Montgomery feud demonstrated the methods which the local nobility were prepared to use in the pursuit of specific disputes, and in the defence of their perceived heritage. The Cunninghams responded to Lord Montgomery regaining the office of bailie in 1488 by attempting, in the early 1490's, and again in 1498, simply to make the office inoperative through naked force. The local disputes became attached, during James IV's minority, to prominent figures at court who could, and did, materially affect the fortunes of the contesting parties. The extent to which Lord Montgomery, the Boyd kindred, and the Cunninghams were prepared to commit themselves in the



realm of national politics in order to advance their local concerns is striking. James 2nd 'Lord' Boyd involved himself in the Duke of Albany's rebellion in 1482, and Alexander Boyd adhered to Prince James' rebellion against James III during 1488; on both occasions the Boyd kindred were obviously seeking the restoration of some part of their forfeited estates. Similarly, Lord Montgomery's role in the rebellions of 1482 and 1488 was almost certainly due to the belief that James III and John Ross of Montgrenan were unjustly detaining his rightful heritage. Despite Hugh Montgomery's eagerness to obtain the office of bailie in September 1482 it is clear that John Ross of Montgrenan continued to occupy the office. On 17th May 1485<sup>117</sup> John Blair, first born son of the deceased John Blair of that ilk, received sasine of his father's lands in the bailiary of Cunningham. The sasine was delivered by Robert Wallace, bailie depute of John Ross of Montgrenan and Adam Wallace of Crago, the Bailies of Cunningham.

The relationship of the Boyds, Lord Montgomery and Lord Kilmaurs to the crown was, perhaps, unusual, in that the families' ambitions focused on lands and offices which came under direct royal control in the second half of the fifteenth century through forfeiture and non-entry. James III's actions directly affected the fortunes of the three families in a way which did not apply to other members of the nobility. The situation forced Boyd, Montgomery and Kilmaurs into factional politics around James IV's minority court in order to best defend their own interests. Dr. Grant has speculated that these pressures were less intense in fifteenth century Scotland than in England, and that, generally, heritable office holding and clear cut spheres of influence reduced the comparative level of feuding in Scotland and, more particularly, those feuds which could become focused on control of the royal patrimony and judicial apparatus<sup>118</sup>. While

this appears to have been generally true, the situation after Sauchieburn was complicated by the new regime's decision to make wholesale changes in royal office holding at the local level.

A similar situation to that in Cunningham existed in Strathearn (see below), where a dispute over the office of steward, an office held directly of the King as Earl of Strathearn, seems to have resulted in John, Lord Drummond's rebellion against James III in 1488.

Hugh, Earl of Eglinton encountered problems with another branch of the Cunningham kindred, the Cunninghams of Cunninghamhead, late in James IV's reign. On 3rd November 1508<sup>119</sup> Robert Cunningham of Cunninghamhead was convicted of oppressing the convent and monastery of Kilwinning and Hugh, Earl of Eglinton their tenant, and of infringing a royal safeguard given to the Earl. On 21st January 1510<sup>120</sup>, Hugh, Earl of Eglinton brought an action against John Stirling in "Ridenhill", Agnes Bruce Lady of Perceton, Robert Cunningham of Cunninghamhead and William Berclay for the spoliation of the teind scheaves of lands within the Parish of Irvine, Perceton and Dreghorn which pertained to Hugh by assedation (of the Abbot of Kilwinning?). The case was clearly related to the conviction of Robert Cunningham in the justice ayre of November 1508. In the same ayre, Cunningham had become pledge for John Auldfaber in Perceton, William Berclay of Perceton (presumably, the William Berclay pursued by the Earl in 1510) and Robert Boyle for the oppression of the Abbot of Kilwinning and Hugh, Earl of Eglinton in uplifting the teinds of the lands of "Mydelton" in Perceton. Aside from the teind issue, Eglinton and Robert Cunningham were at odds over various fines taken by the Earl as Bailie of Cunningham from tenants in Dreghorn and "Caprinston"<sup>121</sup>.

The friction between Robert Cunningham of Cunninghamhead and the Earl of Eglinton over the assedation of the Kilwinning lands may well

underlie the remarkable events of March 1513 in, and around, the Convent of Kilwinning. It is clear that, in late 1512, William Bunch Abbot of Kilwinning proposed to resign the Abbacy, but had then decided to remain in the office<sup>122</sup>. On 13th March 1513<sup>123</sup>, James IV issued a precept of admission in favour of John (Forman) Abbot of Kilwinning for Forman's entry into the temporalities of the monastery. John Forman appears to have been a relative and adherent of Andrew Forman, Bishop of Moray; he was certainly included (described as Abbot of Kilwinning) in a safe conduct issued in favour of the Bishop in April 1513<sup>124</sup> designed to protect Moray's men from legal proceedings while the Bishop was outwith the Kingdom. William Bunch's refusal to surrender the Abbey to John Forman provoked a strong reaction from Moray's allies, Archibald Earl of Angus, and Cuthbert, Earl of Glencairn and Lord Kilmaurs. Andrew Forman, Bishop of Moray had acted as an arbiter on Glencairn's behalf in the arbitration of January 1510 between Glencairn and Eglinton. On 22nd March 1513<sup>125</sup> an instrument was taken narrating that, while the Abbot and convent were assembled in the hall of the Abbey, the place was surrounded by Cuthbert, Earl of Glencairn. The Earl, accompanied by sixteen armed men, broke into the Abbey and "... seized the Abbot... with force and violence by the arms". The Earl and his men surrounded and threatened the Abbot in order to make him "submit himself to pleasure of Mr. John Forman the pretended Abbot of Kilwinning" and to open the gates to the King's Herald and Archibald, Earl of Angus who were still outside the convent's precincts. Glencairn "seized him (Bunch) a second time and dragged him to gates of the place" where the Abbot doggedly refused to open the gates to the King's herald. A second instrument of the same date<sup>126</sup> narrated that after the Earl of Glencairn, Archibald, Earl of Angus and around sixty of their men had broken into the Abbey and wandered "... through gates

and doors, court and choir of the Abbey their armour clanging", Sir Gilbert Haldane, vicar of Dalry, Sir John Forman's procurator (Forman was precentor of Glasgow) gave papal bulls granting the Abbey to Forman to a Mr. John Sauchy to be read and noted. The notary thereafter "induced Mr. John Forman into possession of said Abbacy". Another instrument narrated that William Bunch's procurator had attempted to disrupt the ceremony, but that he had been prevented from doing so by Glencairn and his men at arms<sup>127</sup>. The final instrument taken on 22nd March<sup>128</sup> recorded that William, Abbot of Kilwinning after being freed

"from the hands of armed men, revoked and annulled all that he had done... through fear, in consequence of their threats, to the prejudice of himself and his benefice of Kilwinning...".

In April 1513<sup>129</sup>, William Abbot of Kilwinning appointed procurators for pursuing his appeals to the see of Rome against Sir Alexander Bunch, Mr. John Bunch and Mr. John Forman, and for resigning his Abbacy into the hands of James Beaton, Archbishop of Glasgow, giving Beaton the right to pursue all actions with regard to the Abbacy.

The feud between Lord Kilmaurs and Lord Montgomery had a close parallel in the dispute, in Strathearn, between John, Lord Drummond and Sir William Murray of Tullibardine, and the development of the Strathearn feud forms the basis for the second part of this chapter.

### **The Murray/Drummond Feud**

Like the Montgomery/Cunningham dispute, the Murray/Drummond feud was, in many ways, a product of the rebellion of 1488, a rebellion which brought John, Lord Drummond into a position where he could directly influence the disposition of crown patrimony. Lord Drummond's ascendancy resulted in a wholesale revision of tenure

and office-holding in the royal Earldom of Strathearn, and a dramatic removal of members of the Murray kin, and their adherents, from the tacks assigned to them in 1486 (Table 1). The assedation of Strathearn made in July 1488<sup>130</sup> also saw the advance of other members of the new regime, Colin, Earl of Argyll, Laurence, Lord Oliphant, James Gorthie and James Redheuch as renters of land in Strathearn at the expense of the Murrays, but the chief beneficiaries were Lord Drummond and his kin. The most notable displacement was that which removed John Murray of the Balloch and Trowan from the lands of the Balloch, "Cargartland", Culitballoch, Easter and Wester Lochlane, Trowan, the Dry Isle and Loch of Monzievaird, in favour of David Drummond, John, Lord Drummond's second son. Of these lands, Balloch, Easter and Wester Lochlane, Trowan and Monzievaird were claimed by John Murray in feufarm. The new regime certainly did not respect hereditary feufarm grants made to men who had adhered to James III during 1488. On 27th July 1488<sup>131</sup> James IV made a feufarm grant to his "familiari armigero" George Hume of Ayton of the lands of Easter Rossie in Fife, formerly occupied by James Bonar who had appeared "... in campo bellico contra majestatem regis...". The lands of Easter Rossie had been given to William Bonar (James Bonar's father) in feufarm, by James II<sup>132</sup>. The removal of Bonar from these lands may be reflected in the fact that, four days after James IV's grant to George Hume, on 31st July 1488<sup>133</sup>, Bonar of Rossie became pledge, before the Lords of Council, to enter the next justice ayre of Fife for wounding the sheriff depute of Fife, Henry Page. Page was probably the depute of the new regime's sheriff of Fife, Alexander Hepburn of "Quhitsum", who had been appointed to the office, for five years, on 16th June 1488<sup>134</sup>.

John Murray of the Balloch attempted to obtain some redress for his removal from the Strathearn lands which pertained to him in feufarm in the judicial session accompanying the October 1488 parliament. On 22nd October 1488<sup>135</sup>, John Murray brought an action against David Drummond for the "takin" of the "yle of monyward..." (Monzievaird) and the spoliation of the goods belonging to John which had been on the lands. Like other spoliation charges, the case was probably brought in an attempt to have the Lords of Council adjudicate on the contesting claims to possession of the lands. David Drummond asserted that he had been entered to the lands by an officer of the Steward of Strathearn (i.e. David's father, John, Lord Drummond) by command of royal letters (following on the July 1488 assedation). John Murray claimed that the lands pertained to him in feufarm, and both parties were given until the last day of October to produce their evidence. Remarkably, three days after the case, on 25th October 1488<sup>136</sup> Sir William Drummond (Lord Drummond's son and heir) and David Drummond, and various named adherents received a full remission for the theft of various goods from John Murray and his tenants and servants, and for the slaughter of a man called "McCallis" because of their services to James IV in "... campo bellico prope Strivelin in Sancte Barnabe ultimi elapsus...". The remission may have been intended to invalidate the proceedings initiated by John Murray before the Lords of Council, and to indemnify David Drummond against further action. On 3rd November 1488<sup>137</sup> the Lords of Council decided that David Drummond had done "... na wrang in the takin of the place of the dry ile in Straithern..." which had been set to him by the King's commissioners (i.e. the commissioners of July 1488, who had included John, Lord Drummond) and into which he had been entered by John Comrie the mair of Strathearn. John Murray of Trowan

failed to appear to present his rights. The Lords of Council were thus, by implication, ratifying and supporting the validity of the assedation of July 1488, which had displaced John Murray from his feufarm lands.

On 7th February 1489<sup>138</sup> Andrew Stewart, John Dow, Maurice Drummond, Malcolm Drummond (Maurice's son), John Drummond, forester of Glenartney, Gilfillan Philipson, Robert Strogeith (Strageath?) and Duncan his brother were ordered to restore certain livestock taken by them from John Murray of Trowan. Of the men named, John Dow had been entered into the tack of "Quoig" in Strathearn, replacing Thomas Murray, in July 1488<sup>139</sup> with John, Lord Drummond acting as surety for the payment of fers. Maurice Drummond, Malcolm Drummond, John Drummond, forester of Glenartney and Gilfillan Philipson had all been named in the remission granted to Sir William Drummond and David Drummond for the theft of goods from John Murray. The adherence of Gilfillan Philipson, and his brother Finlay, to Lord Drummond during 1488 must have been disturbing to Sir William Murray of Tullibardine, who had been given formal bonds of service by Gilfillan and Finlay in 1485<sup>140</sup>.

Later in 1489, the dispute between David Drummond and John Murray of Balloch and Trowan erupted into open violence. On 8th July 1490<sup>141</sup> in Perth, James IV confirmed all charters and grants of feufarm made by his progenitors to John Murray of Trowan and his heirs, of the lands of Balloch, Trowan and Lochlane, with charge of the Dry Isle in Strathearn. In October/November 1488, John Murray's claim to hold these lands in feufarm had been overturned by the Lords of Council. In July 1490, in changed political circumstances, after the accommodation of the rebels of 1489 with the King's government in the parliament of February 1490, James IV was apparently attempting to

restore John Murray's feufarm grants. The position of these lands in July 1490 was complicated by an assedation made on 16th July 1490<sup>142</sup> in which Balloch, Lochlane and Trowan with the Dry Isle were described as having been in David Drummond's hands, but were now re-assigned by "...speciali mandato domini regis..." to John, Lord Drummond. A postscript to the assedation of Strathearn explained that lands previously held by Sir William Drummond, David Drummond, Maurice and Walter Drummond and a William Robinson were re-assigned to John, Lord Drummond, who was bound to pay all the ferms and grassums due and not to support the men named, who were at the King's horn, according to royal letters dated last of October<sup>143</sup>. The entry would seem to indicate that Sir William Drummond and his brother David had been outlawed by 31st October 1489, on which date James IV was in Dunglas Castle beseiging the rebels in Dumbarton. Later evidence seemed to suggest that David Drummond was at the horn for the burning of the Kirk of Monzievaird, and the death of a number of Murray adherents who were inside.<sup>144</sup> The Chronicle histories of the period add little to our understanding of events around the Kirk of Monzievaird. Pitscottie reported that the

"Drummondis brunt the kirk of Miniarde quhair in wes sex scoir of Murrayis witht wyffis and childerin; bot few escapit thairfre bot they war ether brunt or slaine be David Drummond...". "... the quhilk the king punist heir efter condinglie, and heidit David Drummond witht his compleces at Stirling"<sup>145</sup>.

James Gray's manuscript in the National Library gives a named, and perhaps more accurate, total of nineteen men killed in the Kirk of Monzievaird<sup>146</sup>. Viscount Strathallan's seventeenth century account of the Drummond family, said to have been derived from a traditional Drummond manuscript history, confused David Drummond with Sir William Drummond, his elder brother<sup>147</sup>. Strathallan asserted that in 1490, a complaint was made to William Scheves, Archbishop of St. Andrews, by George Murray, Abbot of Inchaffray, narrating that some



of the Abbot's kinsmen had been burnt in the Kirk of Monzievaird by the Drummonds, and "The names of the dead are set down in the paper..." which Strathallan reported his authority had seen. The complaint may be reflected in James Gray's manuscript, since Gray was the Archbishop of St. Andrews' secretary. Strathallan reported that the Drummonds had gathered at Monzievaird to prevent the Murrays estimating the lands due to the Abbot of Inchaffray from Drummond lands near Monzievaird. The Monzievaird feufarm dispute, however, indicated that John Murray of Trowan and David Drummond (the chief protagonists in the Murray/Drummond disputes in the early 1490's) were liable to clash over these lands at any stage. The encounter at Monzievaird, then, can probably be dated in the period October 1488 to 31st October 1489, and would appear to have been a direct result of John Murray's removal from the lands of Monzievaird in the assedation of July 1488. Viscount Strathallan's account of the massacre at Monzievaird gave a leading role to the Campbells of Dunstaffnage. Although this appears to have been an attempt to absolve the Drummonds from much of the blame, there was a connection between Lord Drummond and the Campbells of Dunstaffnage. On 12th July 1490<sup>148</sup>, at Perth, John, Lord Drummond granted a life rent of lands in Strathearn to his "dilecto nostro", Alexander Campbell, Captain of Dunstaffnage.

The parliament of February 1490 had been one of political compromise, and had set new constraints on the behaviour of the ruling faction. The burning of Monzievaird was a direct challenge to the government's ability to use royal authority in an even-handed composing of feud. The incident may, indeed, have become something of a cause célèbre for the rebels of 1489, involving as it did the kin of the King's justiciar, one of the "parcial personis" named in the Lennox apologia. Article three of the February 1490 parliament<sup>149</sup> reflected

the political compromise surrounding the parliament by calling for the non-partisan application of royal justice as a means of bringing political stability to the localities through the amicable settlement of feud. The framework of royal justice was seen as a means of bringing contesting parties to "frendship and concord...".

On 7th October 1490<sup>150</sup>, Lord Drummond appeared before the Lords of Council and gave in sureties to the Chancellor (the Earl of Argyll) that Laurence, Lord Oliphant and Sir William Murray of Tullibardine, their kin, friends and servants would be unharmed by him "... bot as the courß of comoun law will" under a penalty of £1,000. Lord Oliphant and Sir William Murray were likewise bound. Lord Oliphant's involvement in the dispute between Murray and Drummond is difficult to explain. Oliphant had fought, alongside Lord Drummond, against James III in 1488<sup>151</sup>, but was not named as one of the partial persons by the rebels of 1489. Walter Murray, Sir William Murray's son, was bound in manrent to Laurence Lord Oliphant in 1478<sup>152</sup>, and Lord Oliphant appears to have supported the Murrays of Tullibardine in a dispute with the Drummonds in the late 1470's<sup>153</sup>. On 21st October 1490<sup>154</sup> some of Lord Drummond's "folkis... " "bayd the law..." in the Tolbooth of Edinburgh, although whether this resulted in the execution of David Drummond, as has been speculated, is unclear.

The King and the Lords of Council maintained their pressure on the contesting parties to bring the dispute to an end. At Linlithgow, on 9th January 1491<sup>155</sup>, John, Lord Drummond and Sir William Murray, in the King's presence, granted that "... ther is certane gret herschipis mad on the kingis legis in straithern..." by the King's rebels, i.e. Lord Drummond's second son (David) and other "folkis" who had been outlawed for the burning of the Kirk of Monzievaird, and John Murray (probably of Balloch and Trowan) and his accomplices. Lord Drummond and

Sir William agreed to compensate all those who had been harmed by their kinsmen, and who had had their claims proven before the Lords of Council. Shortly after the agreement, on 20th January 1491<sup>156</sup>, at Edinburgh, in the presence of the King and his Lords of Council, Laurence Lord Oliphant, Sir William Murray and Lord Drummond submitted themselves to the arbitration of Robert, Bishop of Glasgow, William, Bishop of Aberdeen, Patrick, Earl of Bothwell, William, Lord St. John, Alexander Hume, Chamberlain, Robert, Lord Lyle, and Alexander Inglis, Archdeacon of St. Andrews "indeferently chosin" between the parties on all disputes, especially those concerning the Stewartry of Strathearn, the tacks of Balloch and Trowan and any burnings or slaughters committed by their men. The arbiters were clearly members of the King's bench and royal office holders, with few familial or tenurial ties to the contesting parties. The arbitration would thus appear to have been imposed on Oliphant, Murray and Drummond by an administration determined to bring an end to the series of damaging feuds which had resulted from the rebellions of 1488 and 1489.

On 11th May 1491<sup>157</sup>, James IV brought an action against John, Lord Drummond, over Drummond's possession of the Stewartry, Coronership and Forestry of Strathearn. Drummond was ordered to produce the evidence he would use to defend his possession, on 8th October following. Similarly, Sir William Murray of Tullibardine was charged to bring the evidence he would use to prove the King's father's and grandfather's possession of the office. Interestingly, the charge suggested that the offices had fallen to Murray's predecessors, as royal assignees, during the reign of James II. The royal claim to possession of the offices probably, thus, dated from c.1437 when Walter, Earl of Atholl, liferenter of the Earldom of Strathearn (from 1427) was forfeited and executed for his part in the assassination of James I. Atholl's

execution and forfeiture occurred only four years before Malcolm Drummond of Concraig, hereditary Steward of Strathearn, came to a compromise agreement with Sir David Murray of Tullibardine, by which the two men were to share the exercise and profits of the office of steward. There had been no previous indications that the Murrays of Tullibardine had any rights to the office, and the cases of 1475 and 1491 made plain that the Murrays claimed possession of the Stewartry as royal assignees, relying on a royal claim which invalidated the Drummond's hereditary possession. Sir David Murray of Tullibardine may well have been intruded into the office of Steward after Walter, Earl of Atholl's forfeiture. The faction who gained control of the young James II may have been unwilling to allow Malcolm Drummond of Concraig, a man associated with the executed Earl, to retain his local offices.

The May 1491 hearing also stipulated that a man unconnected to John, Lord Drummond and Sir William Murray was to be given the offices of Steward, Coroner and Forester until the production of the various contesting claims. The evidence suggests that Alexander, Lord Hume, the Chamberlain, was entered into the Strathearn offices by the King's administration<sup>158</sup>.

Shortly after the May 1491 parliament, on 17th June 1491<sup>159</sup> Lord Drummond and Sir William Murray were summoned to the King's ward, presumably in an attempt to secure the good behaviour of their kin and allies in Strathearn. The summoning of John, Lord Drummond to ward seems to have coincided with his disappearance from the King's daily council<sup>160</sup>.

On 24th February 1492<sup>161</sup>, John, Lord Drummond brought an action before the Lords of Council against John Murray of Balloch and Trowan, John Murray (son and apparent heir to Sir William Murray of

Tullibardine) and eighteen others (mostly Murrays) for the spoliation of various goods out of Drummond's (contested) mailings of Trowan and Lochlane. Murray asserted that he had taken the goods as the King's escheat, and by his gift, through David Drummond being at the King's horn. Two days later<sup>162</sup> John, Lord Drummond entered a protest that John Murray of Balloch had summoned him for the wrongful occupation of the lands of Balloch, Trowan and Lochlane, and that Andrew Murray had summoned him over an unspecified issue, and that neither man had appeared to pursue him.

Lord Drummond and his Strathearn enemies were forced into a further arbitration by a justice ayre of March 1492. On 31st March 1492<sup>163</sup>, in Perth, Lord Oliphant, Murray of Tullibardine, John Haldane of Gleneagles and Lord Drummond bound themselves to underlie the arbitration of George Clapham of Carslogie, John Murray of Touchadam and Andrew Murray of Kippen (for Oliphant, Murray and Haldane), James, Bishop of Dunblane, Sir John Lundy of that ilk and Sir Andrew Drummond. The three oversmen were William, Bishop of Aberdeen, Colin, Earl of Argyll, the Chancellor, and Robert Lord Lyle, the royal justiciar. It seems that the submission to arbitration occurred during a royal justice ayre, as the King's justiciars were known to be in Perth during March 1492<sup>164</sup>, and the three oversmen were probably involved in the judicial tour. The arbitration was to deal with all slaughters and burnings, and all disputes over tacks that existed between the parties, but was not to deal with the issue of the Strathearn offices. Both parties were further bound to give each other safe conducts until midsummer day, which would allow the arbitration, set for 7th May, to go ahead.

The submission would appear to have been a product of political/judicial pressure from the royal government, rather than a

locally engineered compromise. The physical setting of a justice ayre was one of the few places where feuding parties could meet with their mutual security guaranteed, not only by the retinues of the justiciar and the lords accompanying him, but also through the acceptance of the King's peace. The ayre thus brought contesting parties into an atmosphere where there was a strong moral, political and judicial pressure towards amicable settlement. The link between ayres and amicable settlements in the localities was sometimes expressed explicitly, as in the parliaments of February 1490 and February 1484<sup>165</sup> when the three estates suggested that James III should

"... command his justice and lordis that pasß to justice airis, that thai call befor thame, uther smallar personis and mak freindschip amite and concord ymangis thaim..."

On 16th May 1492<sup>166</sup> the arbitration was concluded in the Bishop of Aberdeen's lodgings in Edinburgh. The bulk of the arbitration dealt with the problem of the ownership of the various tacks and liferents in the Stewartry of Strathearn which had been reassigned to members of the Drummond kin by the assedation of July 1488. The arbitration stipulated

"... anent the takkis of the said Schir William Murray and the unkyndness therof done to him and his friends be the said Johne Lord Drummond and his friends..."

that John Murray of "the Trewin" was to be restored to the tacks of Guiltballoch, Milnab and "Drumquharogine". With regard to the tack of Balloch, which John Murray claimed in feuferme, the arbiters decided that the tack should be divided; six merks worth was to be set by John Murray to Lord Drummond for his lifetime, while Lord Drummond would give to Murray

"... as much of the Kingis landis to him that he has that lyis mast ewest to Johne of Murry and ferrest fra the Lord Drummond's boundis."

The tack of Letter Banoquhy was to be restored to Andrew Murray, Sir William's brother, and the Isle of the same was to be returned to Sir William. Elizabeth Fraser, the mother of one John Murray, was to be re-confirmed in possession of half the lands of Glentarken, "Morall" and Fordie,

"... in sa far as she was rentalit at Sanct Barnabais day...", while "the tother haf that the said John of Murray was in to stand still as it dois..." (i.e. with Sir William Drummond).

Balmuick was to be treated in the same fashion. The tack of Quoig was to be restored to "Coppay" Murray "callit Finlay", and the widow and children of the deceased "Brise Neson" (Bricio Neisch) were to be given the choice of re-occupying the tack of Easter Dalgrouse. Two days after the arbitration, on 18th May 1492<sup>164</sup>, an assedation was made of the Earldom of Strathearn which carried through the stipulations of the settlement (Table 1). Culthalloch was described as having been made vacant by the death of David Drummond (who must thus have been executed before 18th May 1492) and to have been given over to John Murray. It was noted that the assedation had been made

"... de consensu et benevolencia Johannis domini Drummond per concordiam inter ipsum et Dominum Willelmum Murray de Tulibardin...".

The disputes between the Murrays and Drummonds over the tacks given to Lord Drummond and his sons in 1488 were thus resolved by 1492. A further assedation of 22nd October 1492<sup>168</sup> restored other tacks from which members of the Murray kin had been removed.

The dispute over the Stewartry of Strathearn, however, remained unresolved until 1495. On 17th February 1495<sup>169</sup>, John, Lord Drummond returned as the King's justiciar, and as a regular witness to great seal charters, replacing Robert, Lord Lyle and John, Lord Glamis who had acted as justiciars, and had been regular great seal charter witnesses during 1494. In addition, Andrew, Lord Gray, Master of the

King's Household, disappeared as a great seal charter witness after 20th January 1495<sup>170</sup>. At Stirling, on 25th August 1495<sup>171</sup>, John, Lord Drummond made a complaint against the King, in an attempt to have Alexander Lord Home removed from the offices of Steward, Coroner and Forester of Strathearn, which Drummond alleged pertained to him in heritage. The claim of Lord Drummond and of Sir William Murray, who produced evidence on the King's behalf, was judged by the Lords of Council who declared that John, Lord Drummond should "remane" with the offices without prejudicing the King's right. The Lords decided that the King had the right to dispoise of the offices at his pleasure, and that Drummond and Murray should appear before them on 16th October following for a final judgement. On the same day<sup>172</sup> letters were issued charging the inhabitants of Strathearn to obey Lord Drummond. On 17th October<sup>173</sup>, the Lords of Council found the offices to pertain to Lord Drummond in heritage (with Sir William Murray failing to appear to present the royal claim) and declared that Drummond should exercise the offices without prejudicing the King's rights. Four days later, on 21st October<sup>174</sup>, James IV released various named Drummonds from their outlawry. The men had been outlawed because

"thai were dilatit of the birnyng of the Kirk of Monyward and slauchter committit the samyn tyme" and "for the fere and terrour that thai had at that tyme thai removit and put furth of oure realme...".

Because the men now agreed to underly the King's laws, James IV released them "from process of our horne...". The Drummonds' remarkable political revival during 1495 may well have been due to the liaison between Margaret Drummond, John, Lord Drummond's daughter and James IV. By 9th June 1496<sup>175</sup> Margaret Drummond was lodged in Stirling Castle under the care of Lady Lundy, the wife of Sir John Lundy of that ilk. Sir John Lundy was one of the arbiters chosen for Lord Drummond in the arbitration of May 1492. Don Pedro de Ayala, the



Spanish ambassador at James IV's court, writing in 1498, said of the King

"When he was a minor he was instigated by those who held the government to do some dishonourable things. They favoured his love intrigues with their relatives, in order to keep him in their subjection...." (Perhaps a reference to Marion Boyd as well as Margaret Drummond.) "...When I (de Ayala) arrived, he was keeping a lady with great state in a castle. He visited her from time to time"<sup>176</sup>.

The period of Margaret Drummond's association with James IV certainly saw Lord Drummond's fortunes improve. On 30th January 1496<sup>177</sup>, John, Lord Drummond, the King's "consiliarius...", received a feuferme charter of the royal lands of Drummond in the Lordship of Menteith"... pro amore et favore singularibus necnon pro utilitate et proficio corone...". On 29th October 1495<sup>178</sup> Lord Drummond re-opened the pursuit of various Lennox men, for their attack on the lands of Drummond in 1489, and was granted judgement against them.

By late 1495, then, John Lord Drummond had secured his possession of the Stewartry of Strathearn. (Interestingly the Crown's financial exploitation of feuferm grants after 1500 may have had the, perhaps intentional, effect of reducing the importance of the Stewartry office through the creation of a number of feuferme baronies which owed their suit of court to the Sheriff of Perth, and not to the Steward of Strathearn.) Hostility remained between the two kindreds, however, over the burning of the Kirk of Monzievaird, and as late as 14th January 1501<sup>179</sup> James IV issued letters to John Lord Drummond and Sir William Murray of Tullibardine, "for hertlynes to be had amang thame", remitting to both parties all actions concerning the burning of the Kirk of Monzievaird, and the slaughter of the King's lieges there.

The course of the Murray/Drummond feud bore a marked similarity to the development of the Montgomery/Cunningham dispute. Both feuds

resulted from disputes over office-holding which had their origins in the first half of the fifteenth century. In the reign of James III, Hugh, Lord Montgomery and John, Lord Drummond's hereditary claims to the Bailiary of Cunningham and the Stewartry of Strathearn were ignored in favour of royal rights and assignees. In the rebellion of 1488 both Montgomery and Drummond fought on behalf of Prince James against the King, and both men were rewarded with the offices they had been denied during James III's reign after the prince's accession to the throne as James IV. Subsequently Montgomery and Drummond were removed from the offices for some time during James IV's minority, and were then restored, changes which reflected political fluctuations at the royal court, including the influence exerted by the King's mistresses.

**FOOTNOTES CHAPTER: SIX**

1. S.R.O., Court of Session Records (A.D.C.), CS5/xix/f132r.
2. Ibid., CS5/xix/f136v.
3. R.M.S., ii, No's 1519, 1520.
4. S.R.O., Inventory of Boyd Papers GD8/14. Original document missing.
5. Ibid., GD8/15.
6. Ibid., GD/8/16.
7. S.R.O., Register House Charters, RH6/No. 421. On 2nd November 1469, Robert Muir of Polkellie received a remission for taking part in the treasonable seizure of James III at Linlithgow in 1466.; R.M.S., ii, No. 1077, 4th September 1472. James III granted a tenement in Edinburgh to John Colquhoun of that ilk, revoking a grant made to Robert Muir of Polkellie in the time of Robert, Lord Boyd.
8. R.M.S., ii, No. 1573.
9. A.D.C., ii, cxxxii,
10. R.M.S., ii, No. 992, 25th June 1470. A lifegrant of Kilmarnock, Hairshaw, Ralston, Dalry, "Rysdalemure", Kilbride, nariston, Noddsdale and "Mertnam", which had been forfeited to the crown, by Robert, Lord Boyd, who had been convicted, in parliament, for his treasonable crimes against the King.; R.M.S., ii, No. 1340, 3rd January 1478. A confirmation of the above after James III's general revocation.
11. James Boyd's restoration to his grandfather's lands may have upset a number of men who had benefited from Lord Boyd's demise. Alexander Hume of that ilk had a long-standing interest in lands in the Lordship of Stewarton, (S.R.O., Eglinton Collection, GD3/1/384.) and the return of James Boyd would have involved the displacement of the Humes from their Ayrshire landholdings. The advance of the Boyds under the Duke of Albany may thus partly explain the discord between the Duke and the Humes in late 1482 and early 1483. Anselm Adornes, James III's Flemish familiar had, despite his association with Robert Lord Boyd, received, on 18th April 1472 (R.M.S., ii, No. 1060) lands in the barony of "Telyn" and "Polgavie", forfeited by Robert, Lord Boyd and his son Thomas. The lands were reassigned to James Boyd in October 1482. A recent review of Anselm Adornes' career in Scotland (A. MacQuarrie, 'Anselm Adornes of Bruges, Traveller in the east and friend of James III'. Innes Review, xxxiii (1982), 15-22, shows that Adornes was fearful for his life after the Lauder coup of the Earl of Buchan and the Earl of Atholl, and that he met an untimely death in February 1483, in Berwickshire or East Lothian.
12. J. Paterson, History of County of Ayr, ii, 173 (Edinburgh, 1852); J. Anderson, Memoirs of the House of Hamilton (Edinburgh, 1825), 64. Although Wyllilee does not appear on modern maps of the Kilmarnock area, there is a Wyllieland near Stewarton.

13. S.R.O., Inventory of MacKay Collection, GD/88/1/204 (typewritten transcript); S.R.O., Register House Transcripts, RH1/1/3.
14. S.R.O., Inventory of Boyd Papers, GD8/74.
15. R.M.S., ii, No. 1789.
16. Ibid., No's 1849, 1850, 1851; S.R.O. Abstract of Charters and Documents relating to Isle of Bute, 10 (No. 34), 18th June 1489. Letter of tack by James IV to Hugh, Lord Montgomery, for his lifetime, of lands and Lordship of Bute, with power to set tacks to sub-tenants, for a yearly payment of £141 18s. 6d.
17. Fraser, Eglinton, i, 32; ii, 158; S.P., iii, 435.
18. S.R.O., Court of Session Records (A.D.C.), CS5/xxi/f97v.
19. R.S.S., i, Nos. 1192-4.
20. Fraser, Douglas, iii, 131.
21. Ibid., 96.
22. Fraser, Keir, 267, 9th January 1489. It is difficult to be certain whether this designation meant that Angus was James IV's official guardian, or simply referred to the fact that the Earl occupied the wardenships of the western and middle marches.
23. A.P.S., ii, 208. "The Erle of Anguß..." was given responsibility for the apprehension of trespassers in "... the scherefdomez of Roxburgh, Selkirk, Peblis, Lanark" and "The said Erle and the Lord Maxwell for Drumfreß". The Earl thereby replaced a number of men associated with James III, in the exercise of their hereditary sherifffdoms. An account by John Lord Hay of Yester, in 1501, of the office of Sheriff of Peebles, indicated that the Earl of Angus had intromitted with the office for the three years immediately after James III's death, and this would seem to reflect the parliamentary commission of October 1488. Of the men displaced, Sir William Douglas of Cavers, hereditary sheriff of Roxburgh, and John, Lord Hay of Yester, hereditary sheriff of Peebles, had both, demonstrably, opposed Prince James during 1488. On 24th May 1488 (N.L.S. Accession 6803, Douglas of Cavers, Box 1/Bundle 1/No. 17; H.M.C., Report vii, Appendix Part ii, 729), James III issued a Great Seal charter in favour of William Douglas of Cavers, narrating that the King restored the regality of Cavers to Douglas, which Douglas had resigned to the king in the parliament of January 1488. (A.P.S., ii, 181). The grant was made for future services to be rendered to James III by Douglas and his adherent, James Rutherford of that ilk (whose lands of Rutherford and Wells were covered by Douglas' regality of Cavers) and both men were bound to remain with the king, with their kindred, men and friends in James III's defence. If Douglas and Rutherford failed to fulfil these conditions, then the grant would be made invalid. On 10th February 1489 (N.L.S., Accession 6803, Douglas of Cavers, Box 1/ Bundle 1/ No. 18; H.M.C., Report, vii, Appendix Part ii, 729) Douglas of Cavers and a number of his adherents received a remission for his appearance against prince James at Sauchieburn. John Lord Hay of Yester

appears to have been involved in the fighting in and around Sauchieburn, on James III's behalf, during which he raided the Abbey of Cambuskenneth, whose Abbot was committed to Prince James' cause. (A.D.A., 122). From this evidence, we may surmise that James, Lord Hamilton (hereditary sheriff of Lanark) and Lord Crichton of Sanquhar (hereditary sheriff of Dumfries) had also committed themselves to James III during 1488, and were removed from their offices in the period after 1488, according to the terms of the October parliament. The appointment of the Earl of Angus to execute trespassers in certain sheriffdoms, therefore effectively signalled that the Earl was to exercise the office of sheriff for three years in those areas, replacing men who had fought against James IV during 1488.

24. R.M.S., ii, Nos. 1874-5. On 6th July 1489, Patrick Earl of Bothwell was given a seven year grant of the offices of warden of the west and middle marches, and custody of the castle of Lochmaben, all of which had previously pertained to Archibald, Earl of Angus; H.M.C., Report, Hamilton Manuscripts, 19. On 27th July 1489, James Lord Hamilton was given custody of the sheriffship of Lanarkshire, replacing Archibald Earl of Angus.
25. T.A., i, 180 (29th July 1491).
26. Ibid., 181.
27. Fraser, Douglas, ii, 91; Conway, Henry VII, 38.
28. R.M.S., ii, No. 2072.
29. Ibid., No. 2073.
30. Ibid., No. 2092.
31. Ibid., No. 2106.
32. Ibid., No. 2103.
33. Ibid., No. 2108.
34. A.D.C., i, 240, (28th June - 5th July 1492).
35. E.R., x, 91.
36. Ibid., 157.
37. Ibid., 269.
38. Ibid., 160.
39. Fraser, Douglas, iii, 135-6.
40. R.M.S., ii, No. 2110.
41. Fraser, Lennox, ii, 142.
42. Atholl Muniments, Blair Castle, Blair Atholl,  
Box 1/Parcel 1/No. 22.

43. T.A., i, 178.
44. R.M.S., ii, No. 2111.
45. T.A., i, 201-2.
46. R.M.S., ii, 2110.
47. T.A., i, 204.
48. Ibid.,
49. S.R.O., Montrose Muniments (Lennox Charters), GD220/2/1/85.; Fraser, Lennox, ii, 128-131
50. A.P.S., ii, 230.
51. R.M.S., ii, No. 2112.
52. Watt, Fasti, 92, 342; Laing Chrs., No. 169 (7th August 1476); R.M.S., ii, Nos. 1537-8, 1558, 1560; Trevor M. Chalmers, 'The King's Council, Patronage and the Governance of Scotland, 1460-1513' (unpublished Ph.D. thesis, Aberdeen University, 1982), 264-5.
53. R.M.S., ii, No. 1558.
54. Ibid., ii, No. 2113; C.P.S., (Glas.), 765, 23rd February 1478. Archibald Earl of Douglas supplicated the Pope to have John Fresell priest provided to the Prebendary of Douglas, vacant by William Scheves' promotion to the Archbishopric of St. Andrews.
55. Fraser, Douglas, iii, 136.
56. R.M.S., i, No. 646.
57. Fraser, Douglas, iii, 181.
58. S.R.O., Court of Session Records, (A.D.C.), CS5/xi/f37, (12th January 1502), Angus in the King's ward; N.L.S., Ch. No. 14036. Charter by Archibald, Earl of Angus, Lord Douglas, sealed at "Buth" (Bute) on 13th November 1503; S.R.O., Court of Session Records (A.D.C.), CS5/xvi/f284v (24th April 1505). The Earl of Angus described as in ward; R.M.S., ii, No. 2974, (16th June 1506). Angus issued a charter from the royal castle of Rothesay on Bute; abstract of charters relating to the Isle of Bute, No. 65, May 21st 1506. Archibald Earl of Angus present at the delivery of a sasine by Ninian Stewart, sheriff of Bute, in Bute.
59. R.M.S., ii, No. 2116.
60. Ibid., No. 2127.
61. Ibid., No. 2113.
62. S.R.O., Miscellaneous Accessions GD1/205/1; S.R.O., Register House Transcripts, RH1/2/87.
63. S.R.O., Breadalbane Collection, GD112/1/26.

64. Moray Reg., 246-51; A.B.III, ii, 211.
65. E.R., x, 710-1.
66. A.P.S., ii, 235-7.
67. S.R.O., Crawford Priory Collection GD20/7/190. A sasine delivered by John Wallace of Craigie (one of the witnesses to the discharge of 7th August 1492, in Angus' Castle of Kilmarnock), bailie depute of Archibald, Earl of Angus, Lord Douglas, Chancellor and Bailie of Cunningham.
68. E.R., x, 550.
69. Fraser, Douglas, iii, 139.
70. S.R.O., Ailsa Muniments, GD25/1/163; R.M.S., ii, No. 2127.
71. Fraser, Douglas, iii, 140-2.
72. A.D.A., 196-7.
73. R.M.S., ii, Nos. 1760, 1766; E.R., x, 633, (14th July 1488).
74. E.R., x, 700, 744, (23rd March 1493). Bollinshaw and Dryrig were said to be in William Campbell's possession for three years, by an assedation made by Duncan Forester, the comptroller.
75. A.D.C., ii, 278, 310, 352, 427, 451, 472.
76. Ibid., i, 110.
77. Ibid., 136.
78. E.R., x, 630.
79. R.M.S., No. 2116.
80. Ibid., No. 2374, (22nd September 1497), No. 2382, (12th November 1497), where George, Earl of Huntly appeared as Chancellor.
81. Nicholson, The Later Middle Ages, 544; T.A., i, 383.
82. S.R.O., Court of Session Records (A.D.C.), CS5/xix/f137.
83. Fraser, Eglinton, ii, 52.
84. S.P., i, 18.
85. E.R., x, 185.
86. Ibid., 81, 186, 282, 312, 428, 500, 579, 634, 635, 637, 689, 686, 687, 721-3, 759, 766.
87. T.A., ii, 113.
88. E.R., x, 376, 502, 552.



89. T.A., ii, 53, 57, 302, 309, 320, 326.
90. S.R.O., Eglinton Muniments, GD3/1/116; Fraser, Eglinton, ii, 54.
91. T.A., i, 316.
92. S.R.O., Eglinton Muniments, GD3/1/120; R.S.S., i, No. 215.
93. S.R.O., Eglinton Muniments, GD3/1/119; Fraser, Eglinton, ii, 96-7.
94. S.R.O., Eglinton Muniments, GD3/1/118.
95. Ibid., GD3/1/121.
96. S.R.O., Glencairn Muniments, GD39/1/24.
97. H.M.C. Report, x, Appendix Part 1, 18.
98. R.S.S., i, No. 360.
99. Two of the clashes in the early 1490's had occurred in August, with royal couriers being sent on 11th August 1491 and 10th August 1492 to stop the gatherings. In a description of the Topography of Cunningham c.1604-8 by Timothy Pont, Irvine was described as "a royall burgh, and it yearly ar 3 fairs". The fairs were held on 15th August, 8th September and 20th October: Cunninghame: Topographised by Timothy Pont, A.M. 1604-1608, ed. John S. Dobie (Glasgow 1876). The court of Cunningham may, traditionally, have been set to coincide with the first of these fair dates.
100. S.R.O., Eglinton Muniments, GD3/10/No.2028 (temporary number). I should like to thank Dr. Margaret Sanderson of the S.R.O. for allowing access to the instrument. The Eglinton Muniments are in the process of being catalogued; S.R.O., Glencairn Muniments, GD/39/5/265. A brief description of the instrument.
101. R.M.S., ii, Nos. 2481-4.
102. T.A., iii, 144.
103. S.R.O., Cunningham-Graham Muniments, GD22/Section 2/1.
104. R.S.S., i, No. 1192.
105. Ibid., Nos. 1193-4.
106. A.D.A., 179.
107. S.R.O., Court of Session Records (A.D.C.), CS5/xviii/f33.
108. Ibid., f35.
109. Ibid., f36.
110. Ibid., xix, f132r.
111. Ibid., f135v.

112. S.R.O., Eglinton Muniments, GD3/1/123, (original decret); S.R.O., Court of Session Records, CS5/xxi/f97v; Fraser, Eglinton, ii, 72-74.
113. S.R.O., Court of Session Records, CS5/xxi/f127v. The Earl of Angus was curator of William Cunningham, the Earl of Glencairn's son, in October 1510 (S.R.O., Register House Charters, RH6/759).
114. S.R.O., Eglinton Muniments, GD3/1/124; Fraser, Eglinton, ii, 75.
115. S.R.O., Court of Session Records, CS5/xxi/f99v.
116. Prot. Bk. Simon, No. 427.
117. S.R.O., Blair of Blair Muniments, GD167/Box 4/Bundle III (catalogued). The original instrument is now held by J. and J. McCosh, W.S., Clydesdale Bank Chambers, Dalry, Ayrshire, on behalf of the Blair Trust. It is numbered as Box 14/Bundle III/No. 24. I should like to thank Mr. J. McCosh for allowing access to the instrument.
118. 'Crown and Nobility in Late Medieval Britain', in Scotland and England, 1286-1815, ed. R. Mason (Edinburgh 1987).
119. N.L.S., Advocates Manuscripts, 6.1.5., Justiciary Court records, (Transcripts).
120. S.R.O., Court of Session Records, CS5/xix/f86r/v.
121. See S.R.O., Eglinton Collection, GD3/1/122; H.M.C. Report, x, 20; S.R.O., Court of Session Records, CS5/xix/f128v/129r.
122. James IV Letters, No. 504.
123. R.S.S., i, No. 2487.
124. S.R.O., Court Session Records (A.D.C.), CS5/xxv/f18 (20th April 1513).
125. Prot. Bk. Simon, No. 621.
126. Ibid., No. 622.
127. Ibid., No. 624.
128. Ibid., No. 625.
129. Ibid., No. 631.
130. E.R., x, 639.
131. R.M.S., ii, No. 1757.
132. Ibid., No. 3314.
133. A.D.C., i, 86.
134. R.M.S., ii, No. 1733, i.e. five days after Sauchieburn.

135. A.D.C., i, 90.
136. S.R.O., Drummond Writs, GD160/116/10.
137. A.D.C., i, 99.
138. Ibid., 113.
139. E.R., x, 639.
140. S.R.O., Calendar of Dalguise Muniments, GD38/1/62/22.
141. R.M.S., ii, No. 1964.
142. E.R., x, 690.
143. Ibid., 694.
144. A.D.C., i, 167-8. At least it was specified on 9th January 1491 that this was the crime for which David Drummond was at the horn.
145. Pitscottie, Historie, i, 237.
146. N.L.S., Adv. Mss., 34.7.3, f36.
147. Strathallan, Genealogy of the House of Drummond, 157-160.
148. A.T. (Glas.), ii, ii, 547.
149. A.P.S., ii, 218.
150. A.D.C., i, 143.
151. C.P.S., (Glas.), No. 918, 17v and No. 938, 250v; S.R.O., Register House Transcripts, RH/1/1/3.
152. N.L.S., Papers of the Oliphants of Gask, Ch. B 1932; J. Anderson, The Oliphants in Scotland, (Edinburgh, 1879), 21.
153. A.D.A., 79.
154. T.A., i, 170.
155. A.D.C., i, 167-8.
156. S.R.O., Drummond Writs, GD160/114/31.
157. S.R.O., Drummond Writs, GD160/2/9; Atholl Muniments, Blair Atholl, Box 2/Parcel 16/No. 12 - very badly damaged; A.D.A., 150, 151.
158. S.R.O., Drummond Writs, GD160/2/9; A.D.C., i, 385.
159. T.A., i, 178.
160. R.M.S., ii, No. 2050, 4th July 1491. Lord Drummond replaced as a charter witness, and as royal justiciar, by Robert, Lord Lyle.

161. A.D.C., i, 211.
162. Ibid., 213.
163. S.R.O., John MacGregor Collection, GD50/1/57 (copy).
164. T.A., i, 201.
165. A.P.S., ii, 165.
166. Atholl Muniments, Blair Atholl, Box 1/Parcel 1/No. 22.
167. E.R., x, 708.
168. Ibid., 726.
169. R.M.S., ii, No. 2231.
170. Ibid., No. 2229.
171. S.R.O., Drummond Writs, GD160/2/9; A.D.C., i, 385.
172. S.R.O., Drummond Writs, GD160/92/5.
173. S.R.O., Drummond Writs, GD160/2/9; A.D.C., i, 390.
174. S.R.O., Drummond Writs, GD160/92/6.
175. T.A., i, 277, 280.
176. P. Hume Brown, Early Travellers in Scotland (1891).
177. S.R.O., Drummond Writs, GD160/2/7.
178. A.D.C., i, 406.
179. R.S.S., i, 613.

## CHAPTER SEVEN

Case History: the career and feuds of James Stewart, Earl of Buchan

## CHAPTER SEVEN

### Case History: the career and feuds of James Stewart, Earl of Buchan

James Stewart, Earl of Buchan (c.1469) was not a typical magnate of the later fifteenth century. James was the second son of Sir James Stewart, the Black Knight of Lorn, and Joan Beaufort, widow of James I, and thus a half brother to James II and half uncle to James III. James was however typical of the realm's magnates in the manner in which he pursued feud, and the way in which this affected his stance at a 'national' political level. The relationship he bore to the royal house would seem to have guaranteed a career bolstered by royal favour, a position of high status within the Scottish noble community, and the acquisition of titles, lands and offices under the patronage of his kinsmen.

James' mother, Joan Beaufort, married Sir James Stewart, third son of Sir John Stewart of Innermeath (and Lorn) on a date before 21st September 1439<sup>1</sup>, when a papal dispensation was issued for the marriage of "Jacobi Stewart" and "Johanne Bewford". The dispensation makes clear that a clandestine marriage had already taken place, and that the couple had been excommunicated for living together despite being aware that they were within the prohibited degrees of consanguinity. The dispensation gave permission to the Bishop of Dunkeld, James Kennedy, to allow James and Joan to marry again, thereby legitimising their offspring, "if any born or to be born", and releasing them from the sentence of excommunication. A.I. Dunlop speculated that Bishop Kennedy supported the marriage, and must have been the cleric who had transmitted the couple's petition to the Pope.<sup>2</sup> The petition may well have marked the start of the close political association between James

Kennedy, the future Bishop of St. Andrews, his kin, and Queen Joan and Sir James Stewart. It has been suggested<sup>3</sup> that this marriage provoked the seizure of the Queen by Alexander Livingstone and his son in August 1439, and the imprisonment of Sir James Stewart and his brother William in Stirling Castle. James Stewart's birthdate is difficult to ascertain precisely. James' younger brother Andrew (later Bishop of Moray) is reputed to have been fifty eight when he died on 29th September 1501<sup>4</sup>. In a supplication to Rome on 14th May 1460<sup>5</sup>, however, Andrew Stewart, brother of James II, King of Scots, in the twentieth year of his life, asked to be provided to the deanery of Moray in commend (giving Andrew's date of birth as 1440 or 1441). The above supplication is contradicted by a papal grant of 7th May 1455<sup>6</sup> by Calixtus III, by which the deanery of Aberdeen, the Canonry of Kirkandrews, the Canonry of Lincluden, the vicarage of Kilpatrick and the subdeanery of Glasgow (about to fall vacant by the promotion of Andrew Durisdeer to the Bishopric of Glasgow), were conferred upon Andrew Stewart, brother of James II, in his twelfth year (giving a date of birth in 1443 or 1444, and this would tally with the date for his death given in the Calendar of Fearn). Andrew's elder brother James may thus have been born in the period 1439-1442.

Queen Joan died on 15th July 1445<sup>7</sup>, and her husband, Sir James made almost immediate arrangements to leave Scotland. On 22nd November 1445<sup>8</sup> a safe conduct for a year was granted in favour of Sir James Stewart, Knight, described as husband of the late Queen, John Stewart his son (later Earl of Atholl), William "Dicson", and twenty others. Sir James Stewart's safe conduct almost certainly reflected the fact that the Black Knight had failed to answer a parliamentary summons in June 1445, and that his goods were to be forfeited to the crown unless he submitted to the law within a year.<sup>9</sup> With the eclipse

of his ally Bishop Kennedy, and the death of his wife, Sir James Stewart was a politically isolated figure in June 1445. Two years later, on 20th November 1447<sup>10</sup>, a similar warrant was issued in favour of Sir James, John and James Stewart his sons (and this is the first record of James junior), John Isaac, Robert Galle, Robert Fleming and others, for four years, to pass through England to France or elsewhere. Sir James and his family would appear to have been contemplating a considerable period away from Scotland.

James Stewart younger disappears from record sources until 13th September 1456<sup>11</sup>, when a payment was recorded in the exchequer rolls for expenses made on behalf of "Jacobo Stewart, fratre domini regis". By 1456, then, James Stewart seems to have become a member of his half brother's household. An account of October 1456<sup>12</sup> mentions a doublet bought for James, the King's brother, and one of 28th June 1458<sup>13</sup> narrates other expenses made on James' behalf. James II also patronised his half brother with grants of land from within the royal gift. On 19th April 1457<sup>14</sup> James II granted his "dilecto fratri nostro" James Stewart the lands of Trabeath in Ayrshire, forfeited by Mark Haliburton, an adherent of the forfeited Earl of Douglas, and former Steward of Kirkudbright. The exchequer rolls attest James' possession of these lands (in the accounts of the Bailies of Carrick) until 1468/9 when James sold them to Gilbert Lord Kennedy<sup>15</sup>, brother of James Kennedy, Bishop of St. Andrews, the former ally of James Stewart's parents. James Stewart maintained his very mobile lifestyle during the 1450s.

On 28th March 1458<sup>16</sup> a letter of safeconduct was issued by Henry VI to allow James Stewart, John Ross of Hawkhead and James Crichton of Cairns with twenty servants to enter England (one of James Stewart's many journeys to the southern kingdom during his



lifetime), probably on a diplomatic mission on behalf of his half brother, James II<sup>17</sup>.

James II's problem was to provide a suitably dignified and substantial estate for his half brother, whilst also rewarding his own sons from the royal patrimony, without greatly reducing crown resources. One answer was to arrange a marriage with a substantial heiress. A prime candidate was Margaret Ogilvy, only daughter and heiress of Alexander Ogilvy of Auchterhouse, hereditary sheriff of Angus and Banff and possessor of several baronies in Forfar and the north east. On 13th November 1454<sup>18</sup> Alexander Ogilvy of Auchterhouse, Sheriff of Forfar, sold "Petlyell" in Forfarshire to William Hay, Earl of Erroll, for a sum of money paid to Alexander that enabled him to redeem his daughter and heir apparent, Margaret, out of the hands of Sir David Hay of Yester. At some point between 13th November 1454 and 27th March 1459, Margaret Ogilvy was married to James Stewart.

On 27th March 1459<sup>19</sup> James Stewart's position as a great landowner and officeholder was secured. In an action before the Lords of Council on 21st April 1505 between Margaret (Ogilvy) Lady Auchterhouse, and her son, Alexander Stewart, Earl of Buchan, Alexander produced a charter under the great seal narrating that Alexander Ogilvy of Auchterhouse had resigned into the King's hands the baronies of Auchterhouse, Eassie, Kettins, Nevay and Kinalty, which lands were given to James Stewart and Margaret Ogilvy his spouse, daughter and heiress of Alexander Ogilvy and their heirs, and the offices of Sheriff of Forfar and of Banff. The charter is recorded as having been dated at Stirling on 27th March 1459. Alexander, Earl of Buchan, also produced an instrument of sasine of the lands of Kinalty from the same year, dated 17th May. In fact, 1459 seems to have marked a general attempt by James II to settle the issue of the Auchterhouse inheritance. In

February 1459<sup>20</sup>, the King had granted William Abernethy, son and heir of Laurence Abernethy, the office of Sheriff of Banff for the duration of the King's will. The Sheriffship of Banff was one of the offices to which Margaret Ogilvy was the potential heir. James Stewart, King's brother or not, was not assured of a painless accession to the lands and offices apparently secured by his marriage to Margaret Ogilvy. On 9th March 1459<sup>21</sup>, eighteen days before James II granted his brother the baronies and offices resigned by Alexander Ogilvy of Auchterhouse, the same Alexander Ogilvy had entered into an indenture, at Dundee, with Walter Lindsay of Beaufort. By the terms of the indenture Alexander Ogilvy made Walter Lindsay his deputy in the office of Sheriff of Forfar for Walter's lifetime, and gave him a power of bailiary

"of all and sundry his lands, possessionis and annuell rentis, quhar soevir thai be".

In addition, Alexander Ogilvy (who was of limited mental capacity, and incapable of running his own affairs) bound himself that he would

"remane with the said Walter and be guidyt be the consuill of the said Waltir and of the said Walteris moder, his derast awnt and quho that thai will tak to thaim".

Walter Lindsay's mother was Marjory Ogilvy, Countess of Crawford, daughter of Alexander Ogilvy of Auchterhouse (died before 2nd October 1423<sup>22</sup>, Alexander Ogilvy's grandfather), widow of David, third Earl of Crawford. Alexander, fourth Earl of Crawford, Walter Lindsay's brother, had died in 1453<sup>23</sup> and Walter was acting as tutor to his nephew, David Lindsay, fifth Earl of Crawford. In the absence of Alexander Ogilvy's aunt, Alexander agreed to abide

"be the conseill of the said Waltir alanerly and quho that the said Waltir wil tak till hym in the governance of his persoun, his landis, his gudis,

his houß of Ochterhous... and all uthir things that to the said Alexander pertenyß"

for his (Alexander's) lifetime. The next clause in the agreement was clearly inserted in anticipation of Alexander Ogilvy's resignation of his Forfarshire lands in favour of Margaret Ogilvy, Alexander's daughter, and James Stewart. It runs:

"And gif it happynis, as god forbeide, me the said Alexander to be tane, handelyt or away had fra the said Walter or his... moder myn awnt, and the governance of thaim... be ony persone or personis syb or fremit quhare throu i may be strenzeit, tretttyt, sedusit or consellit in the contrair of myn appunctmentis and condicionis... to wryt send or chargh oyther be my selff or ony others in my name to... Walter in dischargyne and oweriggfyn of the governance of my persone, myn office or balzery or in delivering of myn houß, my plac, my malis, profitis...."

then Alexander asked Walter that he should not answer or obey any of Alexander's writs

"or ony others in my name ma chargh or wryt on to the tym that i, the said Alexander be wytht the said Walter at fredom, al dayß, in lyk wyss as i was the day of the makkyn of thir indentouris".

In return, Walter Lindsay was obliged in the

"help, supple, maintenance and defens of the said Alexander, his persone, his landis his gudis... lik as i would help, supple, mantain or defend myn Lord myn brethir son (i.e. David Lindsay, Fifth Earl of Crawford) myn lady myn moder or myn awin heritagh".

The indenture was witnessed by Thomas Ogilvy of Clova, John Ogston of that ilk and Thomas Fotheringham of Powrie. Ogilvy of Clova and Fotheringham of Powrie were both adherents of the Earls of Crawford, indeed Thomas Fotheringham of Powrie enjoyed the lands of Brichty in Forfarshire under a form of tenure by special retinue, by which his possession of the lands, held of the Earls of Crawford, had been secured by his father, David Fotheringham, in return for a pledge that Thomas would be bound in special retinue to the Earl of Crawford and his heirs<sup>24</sup>.

In addition to the above indenture, the notarial instrument recorded two commissions of the same date, issued by Alexander Ogilvy in favour of Walter Lindsay, one making "my weill belud eyne" his deputy in the office of Sheriff of Forfar for Walter's lifetime, and the other confirming, again in liferent, Walter's bailiary of all Alexander's lands and possessions.

The indentures attempted to circumvent the results of Alexander Ogilvy of Auchterhouse being removed from the care of Walter Lindsay by persons "syb or fremit" i.e. relatives or strangers (it would seem that Margaret Ogilvy, Alexander's daughter is meant here), and making resignations of his lands and offices. Walter Lindsay's bond of maintenance was thus specifically targeted against Margaret Ogilvy and her spouse James Stewart. Lindsay's "maintenance" was bought by assigning over to him lifegrants of Alexander Ogilvy's lands and offices.

Exactly when, or how, Alexander Ogilvy came to be in the governance of his aunt and Walter Lindsay of Beaufort is unclear. The move may have been a short term response to the dangers presented by Margaret Ogilvy's marriage to James Stewart, since for much of the 1440's and 1450's Alexander Ogilvy had clearly been under the governance of his brother Walter Ogilvy.

On 6th July 1445<sup>25</sup> Walter Ogilvy (then styled of Beaufort), Alexander's brother, had entered into an indenture with Sir Alexander Livingstone of Callendar and James Livingstone his son (keeper of Stirling Castle), by which Walter would deliver Christian Erskine, daughter of Sir John Erskine of Kinnoul to be married to James Livingstone, son of James Livingstone. For this consideration, Alexander and James Livingstone elder would obtain a taillie of Alexander Ogilvy of Auchterhouse's lands in favour of Walter

(thus excluding Margaret Ogilvy, Alexander's daughter) and crown confirmation of Walter's office of Sheriff depute of Forfar and Banff. The agreement was linked to an indenture drawn up on the following day - 7th July 1445<sup>26</sup> - between the "Kingis counsale daili aboute him" i.e. the Bishop of Dunkeld, Mr. William Turnbull, Keeper of the Privy Seal, the Dean of Dunkeld, "Schir William Lord of Crechton, Schir James Lorde Hammilton, Schir Alexander of Levingstone and the Calentar, Knycht, James of Levingstone his son and ayre and capitane of Striveline" (i.e. the two men with whom Ogilvy had concluded his indenture the previous day), James Dundas of that ilk, Alexander Ogilvy of Inverquharity and the comptroller "for thair parte", and Walter Ogilvy of Beaufort. By the agreement Walter was obliged to

"tak playn parte in furthering and defens of our soverane lorde the King in al accione and querelle, and to the... counsale in his name, for al the dais of... Walteris life in al richtways leful lauchful and honest caus als oft as he be chargit tharto". Walter was not to consent to nor "consele the undoing of thair persouns na thair disherison na uthir vexacionis".

In addition Walter was to be of "speciale houshold" to the King, with as many men as Walter and the council "apoynt apon... as afferis for the said Walter quhil thai ar aboute the King".

Walter Ogilvy's bond of household service would appear to have been exchanged for securing Walter as heir to his brother's estates. Walter Ogilvy may have been one of the Ogilvies involved in the attack on Bishop Kennedy's lands in Fife during 1444<sup>27</sup>, and the generally unsettled political situation during 1445 probably explains why James II's councillors sought a bond ensuring Ogilvy's political and military loyalty.

Whether Walter Ogilvy actually obtained a charter of taillie of his brother's lands as a result of the above indenture is unknown. On 28th March 1453<sup>28</sup>, however, James II confirmed a grant made by

Alexander Ogilvy of Auchterhouse, Sheriff of Forfar and Banff, to his "derrast brothir, Walter of Ogilvy of Beauforte" (dated at Auchterhouse 17th March 1453). Alexander assigned

"myne aune person to be in his speciale keping... for al the dais of my live or his lyve... and governance of al... my landis, possessiouns... annuell rentis... with full power of bailyery... for al the dais of his live" with "all strenthis, housis, castellis or touris pertenance... to me".

In addition, Alexander's offices of Sheriff of Forfar and Banff were given to Walter Ogilvy in liferent.

What little evidence we have for the working of the sheriff court of Forfar, and the control of the Auchterhouse inheritance, does seem to suggest that Walter Ogilvy exercised the office on his brother's behalf, and governed the disposition of his lands both before and after 17th March 1453. On 1st May 1450 and 19th March 1451<sup>29</sup>, Walter Ogilvy "de Beuforde" was styled sheriff depute of Forfar. On 1st February 1454<sup>30</sup> an inquest was held in Forfar, by Walter Ogilvy, deputy of Alexander Ogilvy, Sheriff of Forfar. Grants of land made by Alexander Ogilvy of Auchterhouse were generally said to have been made with the consent of his brother, and were attested by the seals of both men. On 30th August 1455<sup>31</sup>, for example, Alexander Ogilvy of Auchterhouse made a grant of lands in Kirriemuir, with the consent of Walter and both their seals attached. Despite the indenture between Alexander Ogilvy and Walter Lindsay in March 1459, Walter Ogilvy seems to have remained as his brother's guardian. On 7th October 1462<sup>32</sup>, at Nevay, Alexander Ogilvy of Auchterhouse, Sheriff of Angus, "cum consensu et assensu fratris mei germani Walter Ogilvy of Oures", granted John Ogilvy, Knight, ten pounds' worth of the Bordland of Kettins; again the grant had two seals affixed.

In the early 1460's then, there appear to have been three potential claimants to the office of Sheriff of Forfar, and to the

bailiary of Alexander Ogilvy's Forfarshire lands. They were Walter Ogilvy of Oures through Alexander's resignation of 1453, Walter Lindsay of Beaufort through the assignation of 9th March 1459, and James Stewart, through Alexander's resignation and the royal grant of the offices and lands on 27th March 1459.

It has unfortunately not been possible, as yet, to identify who actually exercised the office of Sheriff of Forfar in the years after 1459. A search in the S.R.O. and the N.L.S. for Forfarshire sasines did not reveal any sasines delivered by the sheriff during the period in question.

That Sir James Stewart regarded himself as Sheriff of Forfar is without doubt. On 19th March 1463<sup>33</sup> Edward IV of England issued letters of safeconduct in favour of John Stewart, Earl of Atholl, James Stewart of Stewart, and sixty others. On 12th June 1463<sup>34</sup> further letters were issued in favour of the Earl of Atholl and James Stewart styled "vicecomitem Angussie" and lord "de Awterhouß". Included in the safeconduct were Sir Robert Livingstone of Drumry, Sir Laurence Mersar of Aldie, Sir Silvester Ratray of that ilk, Mr. Nicholas Kennedy, Mr. Thomas Isaac, and Robert "Gawlle de Clune" (probably the Robert Galle mentioned in the safe conduct granted to Sir James Stewart in 1447).

The indenture by which Alexander Ogilvy of Auchterhouse assigned his lands and offices over to Walter Lindsay of Beaufort in March 1459 was, as we have seen, engrossed in a notarial instrument on 4th January 1461. The instrument may have been drawn up in order to help Lindsay maintain a hold on Auchterhouse. In the following month, on 23rd February 1461<sup>30</sup>, "James Stewart of Ouchterhous, knyght" obliged himself to "our derest cosing Walter Lyndesay of Beuwfort" for a sum of fifty pounds owed by Stewart to Lindsay for Lent silver (due to be paid

to Walter in Dundee on 6th June following) that if James failed to pay, then Walter would remain in the "keping of our castel of Ouchterhouß and howß" until James or his heirs paid the sums due. Further,

"gif it hapnis our forsaid cusing to be chargit be our soverane lord the kyng, the queine, the lordis of consele or be thar letters or gif it happinis the said houß to be servit be strynght of party or rygour of law at the instans of ony party we promitt... as of be for, to defend mayntene and suple the keparis of the said houß as it war in our awne handis".

Walter Lindsay's occupation of Auchterhouse was based on Alexander Ogilvy's assignation of 9th March 1459, in which the "houß of Ochterhous" was specifically given over to Walter's keeping. It is uncertain whether James Stewart's promise of maintenance was, in effect, a pledge not to contest Lindsay's occupation of Auchterhouse on his own account, or a genuine obligation to defend Lindsay against a third party (perhaps Walter Ogilvy) attempting to obtain Auchterhouse. The agreement suggests that Walter Lindsay's possession of Auchterhouse had already been a matter of debate between Lindsay and Sir James Stewart.

James Stewart, Lord of Auchterhouse and Sheriff of Angus from 27th March 1459, had thus not obtained possession of Auchterhouse itself by 1461, and we have no evidence which would prove who, in fact, exercised the office of Sheriff in the period 1459-1465.

On 16th January 1465<sup>36</sup> Margaret Ogilvy, described as Alexander Ogilvy's heiress, appointed Gilbert Lord Kennedy, James Lord Hamilton, Mr. James Lindsay Provost of Lincluden, James Lindsay precentor of the church of Aberdeen and Moray, and Alexander Boyd of Drumcoll as her procurators to resign the office of Sheriff of Forfar into the King's hands, reserving to herself and her heirs the lands and annual rents annexed to the office. The procuratory was made in the college of St. Salvator's in St. Andrews.



Sir James Stewart of Auchterhouse was said to have given his own, corresponding, letters of procuratory and resignation on the same day<sup>37</sup> at the manor place of Wemyss in Fife. The place of Wemyss was probably the house held by Livingstone of Drumry<sup>38</sup>, one of the men included in the English safeconduct granted to Sir James and his brother in June 1463. The motivations behind Margaret Ogilvy and James Stewart's resignation of the office are obscure, but it clearly involved the participation of many important members of the royal government. The young King may have been in St. Andrews himself at the time of Margaret Ogilvy's resignation. On 10th January 1465<sup>39</sup> James III issued a great seal charter at Stirling. The next registered great seal charter was dated at St. Andrews on 14th March 1465<sup>40</sup>. Of the men appointed as procurators to Margaret Ogilvy, Gilbert Lord Kennedy was brother to James Kennedy, Bishop of St. Andrews, Mr. James Lindsay Provost of Lincluden was Keeper of the Privy Seal<sup>41</sup>, Alexander Boyd of Drumcoll was Keeper of Edinburgh Castle<sup>42</sup> and James Lord Hamilton was an important figure in and around the royal court. The royal court was probably in St. Andrews because James Kennedy, Bishop of St. Andrews, was Guardian of the young King. On 24th May 1465<sup>43</sup> Kennedy, the man who had supported Sir James Stewart's parents during the 1440's, died.

On 19th October 1466<sup>44</sup> Sir James Stewart made a further resignation of the office, with Sir James Hamilton of that ilk acting as procurator for Margaret Ogilvy, into the King's hands. On the same day<sup>45</sup> the King granted David, Earl of Crawford, and his heirs the sheriffship resigned by the King's uncle and his spouse Margaret. On 31st October 1466<sup>46</sup> sasine of the office was delivered to David, Earl of Crawford, in the burgh of Forfar, by Alexander Lord Glamis. David Lindsay, Earl of Crawford, was the nephew and head of kin of

Walter Lindsay of Beaufort, to whom the office of sheriff depute had been given in liferent on 9th March 1459. Sir James Stewart's resignation may have been part of a compromise by which the Lindsays obtained the office in heritage, in return for renouncing their claims to Alexander Ogilvy's other lands and offices. Interestingly, on 1st March 1467<sup>47</sup> the King granted his uncle Sir James Stewart and Margaret, his wife, the lands and baronies of Strathalvah and Doune, the Castle of Banff, and the fishings of the water of Deveron and the lordships of "Grandoune, Fodirlettir and Alachane" in Aberdeenshire, resigned by Alexander Ogilvy of Auchterhouse. These lands were not included in the grant of 27th March 1459 to Sir James, and their transfer to James shortly after the resignation of his claims to the sheriffship of Forfar may have been intended to compensate him for the loss of the office. After 19th October 1466 we find record evidence of the Earl of Crawford's exercise of the office of sheriff. On 21st May 1468<sup>48</sup>, for example, David, Earl of Crawford, sheriff of Forfar, conducted a retour on certain Forfarshire lands.

Despite the Earl of Crawford's occupation of the office from October 1466, it is clear that his rights to the sheriffship were still in dispute in 1469. On 2nd September 1469<sup>49</sup>, in the Earl of Crawford's house in Dundee, notarial instruments were taken on the resignation by Walter Ogilvy of Oures of the sheriffship of Forfar into the hands of David, Earl of Crawford. In the event of Walter, or his heirs, raising actions over the office in the future, a penalty of one thousand pounds was to be paid to the Earl. On the same day and in the same place Alexander Ogilvy of Auchterhouse also resigned his claims to the sheriffship of Forfar under the same penalties. The originals of these instruments are, unfortunately, no longer traceable. There is a suggestion that, on the same date, 2nd September 1469<sup>50</sup>,

Margaret Ogilvy and Sir James Stewart gave their assent to Alexander Ogilvy's resignation.

Interestingly, the royal grant of the sheriffship of Forfar to David, Earl of Crawford, in 1466 occurred shortly after the Parliament of 9th October 1466<sup>51</sup> confirmed the coup of Robert Lord Boyd, and Boyd's fall from power in 1469 may well have instigated the renewed claims against Crawford's possession of the office. It is certain that by January 1469 the relationship between Walter and Alexander Ogilvy and the Lindsays was not particularly cordial. On 4th January 1469<sup>52</sup> Walter Ogilvy of Oures and Walter Lindsay of Beaufort had various disputes between them put to arbitration. The arbitral made plain that both men had committed a number of spoliations against the other. At the centre of the dispute were the lands of Baikie, part of the inheritance of Margaret Fenton of Baikie, eldest daughter and co-heiress of Walter Fenton of Beaufort. Margaret Fenton had been married to Walter Ogilvy about 1438<sup>53</sup>, but may, subsequently, have been divorced from him, going on to marry David Lindsay of Lethnot<sup>54</sup>. On 7th November 1458<sup>55</sup> James II granted Walter Lindsay of Kinblathmont the lands of the Ard and Beaufort resigned by Margaret Fenton "of Baky" (and from this date Walter Lindsay was styled "of Beaufort"). The arbitration of 1469 asserted that previous agreements between Walter Lindsay and Alexander and Walter Ogilvy were "nocht kepit in na thing, bot brokin with baith the parties". The reference may well include the bond of maintenance given by Walter Lindsay to Alexander Ogilvy in March 1459. In effect, Walter Lindsay's nephew, David, Earl of Crawford, and Sir James Stewart seem to have divided the Ogilvy lands and offices between them during the years of James III's minority.

The Earl of Crawford's position as sheriff of Forfar was not wholly unchallenged after 1469, but the Earl's assignees continued to fulfil the shrieval duties at the local level. On 9th January 1470<sup>56</sup> for example, Alexander Lindsay (the Earl's brother) held an inquest at Dundee as sheriff depute, and on 13th November 1471<sup>57</sup> Crawford's adherent, Thomas Fotheringham of Powrie, was sheriff depute. In 1474, there was a violent clash between David, Earl of Crawford and James Stewart (as Earl of Buchan c.1469) in the sheriff court of Forfar. Buchan's claims to the office of sheriff probably underlay the confrontation, but the conflict was apparently sparked off by a series of financial transactions between James III and Thomas Ogilvy of Clova, a Crawford adherent<sup>58</sup>.

On 12th May 1473<sup>59</sup> James III granted Thomas Ogilvy of Clova and his heirs the lands and barony of Cortachy in north east Forfarshire, regardless of the gift made by James II to Walter Ogilvy of Oures, which gift had been annulled because Walter Ogilvy had failed to pay a promised composition for the charter. Thomas Ogilvy, the man to whom the lands of Cortachy were now assigned, was a member of the Earl of Crawford's council and had been named on 11th March 1466<sup>60</sup> in a safeconduct granted to David, Earl of Crawford, by Edward IV. In October 1473<sup>61</sup> James III ordered

"David Erle of Craufurde and Lord Lindessay oure scheref of Forfar... and oure scheref of Kincardin in that part" that, since Walter Ogilvy of Oures had made "certain appunctmentis" with James II "tueching the landis of Kynnalty... and... Oures... extendand yerly to fourty pundis" and had "pait nocht certane soumes within a certane tyme... and nevertheless has brukit wrangwisly the said 1 pundis worth of land xvii (17) yeris bygane, throw the quhilk the said Walter is awand to us sex hundred and four score of pundis"

that Crawford should distrain Walter's goods, and, if necessary, apprise the lands of Cortachy. As James III had already gifted the

lands to Thomas Ogilvy the apprisement of Cortachy was inevitable. Walter Ogilvy's lands of Kinalty (just to the north east of Cortachy) and Oures had thus been offered as surety to James II, for the payment of the composition due for Cortachy. Seventeen years from October 1473 would give a tentative date c.1456 for Ogilvy's indenture with James II.

On 23rd November 1473<sup>62</sup> James III ratified a decision made by the Lords of Council on 13th November 1473. The decision narrated that letters had been directed to the Sheriff of Forfar (Crawford) who had distrained Walter Ogilvy for the mails of Kinalty and Oures owed to the King and

"gert prise be baronis and frehaldoris the... landis of Cortoquhy to be in our soverane lordis handis lauchfulli prisit, and that there is accordas and appointment made (12th May 1473) for heretabil donacion of thaim to Thomas Ogilvy of Clova... quhilk is oblist to pay the saide sevin hundrech merkis and fifti merkis to our... soverane lord, that a charter be made under the grete sele of saide landis of Cortoquhy... to... Thomas and his ayris."

On 30th November 1473<sup>63</sup> a great seal charter of Cortachy was duly issued in favour of Thomas Ogilvy (significantly the charter was reconfirmed by James III on 5th February 1483<sup>64</sup>, shortly after the King had recovered power after his imprisonment by James Earl of Buchan and John Earl of Atholl from July to September 1482).

Despite the apprising of Cortachy, Walter Ogilvy's warrandice lands of Kinalty and Oures were still liable for distraint. On 17th January 1474<sup>65</sup> royal letters were sent to summon Walter Ogilvy of Oures before the Lords of Council in Edinburgh on 16th March 1474, to answer at the instance of Thomas Ogilvy of Clova, as the King's assignee, for the twenty pound land of Kinalty and Oures and twenty pounds' worth of land in Fife and Lothian, for the non-payment of the sums detailed above. Walter Ogilvy appeared, in fact, on 28th March

1474<sup>66</sup> to answer these charges. The Lords of Council were the Bishops of Aberdeen and Orkney, Andrew Lord Avandale, the Chancellor, David, Earl of Crawford (Thomas Ogilvy's master), and Mr. Archibald Whitelaw. The lords decided that Ogilvy of Clova, the King's assignee, should be infeft heritably in twenty pounds' worth of the lands of Kinalty and Oures and be given, in wadset for £250, twenty pounds' worth of land in Fife or Lothian. Royal letters were to be sent to order Walter Ogilvy's distraint.

The next sheriff court of Forfar would thus have dealt with the formal business of distraining Walter Ogilvy of Oures. On 24th July 1474<sup>67</sup>, however, James III sent letters into Angus to

"the Erle of Buchane and the Lorde Oliphant to stanche thare gadering for the court of Forfare".

The entry does not make clear whether Buchan and Oliphant were gathering forces in opposition to each other, or in order to co-operate against a third party. On 24th August<sup>68</sup> further letters were sent to the Earls of Crawford and Buchan "to summond thaim for thare gadering". In the following month, on 20th September<sup>69</sup> a herald was sent

"passand in hast to Perth to the Lorde Olifant with lettres anent the slauchter of Thome of Prestounne" and to "summound the Lorde Olifant and Schir Laurence Mersare".

One possible explanation for the events of July/August 1474 is that the Earl of Buchan and Laurence Lord Oliphant were attempting to disrupt the holding of the sheriff court of Forfar in order to prevent the apprising of Walter Ogilvy of Oures. Despite James III's attempts to intervene it would seem that a confrontation did take place, involving the Earl of Crawford, the Earl of Buchan, Lord Oliphant and Sir Laurence Mersar. The last named was, presumably, Sir Laurence Mersar of Aldie who had been named with John Earl of Atholl and the then Sir James Stewart in the English safeconduct of 12th June 1463.

Laurence Lord Oliphant's interest in the Auchterhouse inheritance was twofold. He was, firstly, the son of Mary Ogilvy, sister to Alexander Ogilvy of Auchterhouse, and was thus a nephew to both Alexander Ogilvy and Walter Ogilvy of Oures. Oliphant's father, Sir John Oliphant of Aberdalgy, had died in 1446 at the Battle of Arbroath fighting alongside the Ogilvies against the then Earl of Crawford. In addition to these ties of kinship, on 6th November 1468<sup>70</sup> Laurence Lord Oliphant had received a grant of the lands and barony of Oures from Walter Ogilvy. Any attempt to distrain Walter Ogilvy on the basis of the lands he had held in 1456 when he had entered into the indenture with James II would thus disadvantage Oliphant in material terms. Walter Ogilvy continued to hold lands in the barony of Oures of Laurence Lord Oliphant as superior<sup>71</sup>, and Oliphant may well have been unwilling to see his uncle displaced from lands in which he (Oliphant) was feudal superior, to be replaced by Thomas Ogilvy of Clova, a known Crawford adherent. Buchan's position in 1474 may have roughly paralleled that of Lord Oliphant. Aside from the sheriffship issue, on 27th March 1453<sup>72</sup> James II had confirmed a charter by Alexander Ogilvy of Auchterhouse to his brother Walter of the lands of Kinalty, for the redemption of letters by which their deceased father, Sir Patrick Ogilvy, was bound to grant Walter Ogilvy the barony of Midmar. Walter Ogilvy had then used the Kinalty lands as surety for the payment of the composition of Cortachy in 1456. On 17th May 1459, James Stewart had been given sasine of the lands of Kinalty following Alexander Ogilvy's resignation. On 6th June 1474<sup>73</sup>, in the month before the clash in the Sheriff Court of Forfar, James III granted Walter Ogilvy of Oures and his heirs the lands of Quiech, "Achnagray", Inshewan and Easter Auchleuchrie with the "brasina de" Kinalty, all in the barony of Kinalty, resigned by James, Earl of

Buchan, and Margaret Ogilvy his spouse. The significance of this transaction, involving as it did lands which were in imminent danger of being appraised, is unclear. Buchan and his wife may have been forced to assign over these lands, to which they had been entered in May 1459, in order to allow the apprisement of Walter Ogilvy to be carried through in favour of Thomas Ogilvy at the sheriff court. A lack of evidence means that the dispute cannot be followed through in any detail. A retour of 2nd October 1490<sup>74</sup> indicates that the Ogilvies of Clova were in possession of the lands of Inshewan in Kinalty at that date, and this may have been the result of an apprising carried through in 1474. Other lands in the barony of Kinalty were sold by Walter Ogilvy of Oures during the 1470's to David Blair of Bendochty<sup>75</sup> (Easter Auchleuchrie) and Sir James Ogilvy of Airlie<sup>76</sup> ("Auchnagra" and Quiech).

Whatever the Earl of Buchan's intentions in 1474 there is no doubt that 1482/3 saw a genuine attempt by the Earl to remove Crawford from the office of Sheriff of Forfar in the wake of the seizure of James III by Buchan and John Earl of Atholl on 22nd July 1482<sup>77</sup>. On 25th January 1483<sup>78</sup> a decret was given by James III, with the advice of his privy council, by which, after consideration of the claims of David, Earl of Crawford, Master of the King's Household, and James, Earl of Buchan, to the office of Sheriff of Forfar, the office was discerned to belong to David, Earl of Crawford. The King's lieges were ordered to yield obedience to Crawford in exercising the office. The decision of James III's council is hardly surprising. In July 1482 the King had been imprisoned by Buchan and his brother Atholl and on 2nd January 1483<sup>79</sup> Buchan was involved in a spectacular but unsuccessful attempt by the Duke of Albany to recapture the King. Furthermore, Macdougall identifies the period between 20 and 22 January as the point at which



James III recovered full control of government, with the disappearance of Buchan's brother Andrew Stewart, bishop-elect of Moray, from the post of Keeper of the Privy Seal, and the re-emergence of James III loyalists, such as Archbishop William Scheves and William Elphinstone, bishop-elect of Ross<sup>80</sup>. Buchan's pretensions to the sheriffship did not long outlive James III's return to political dominance. By 29th April 1483<sup>81</sup> David, Earl of Crawford, was occupying the office of Great Chamberlain previously held by Buchan. Buchan's resignation of the office of Chamberlain was one of the terms included in an indenture of 19th March 1483<sup>82</sup> between James III and Alexander Duke of Albany, an agreement which also stipulated that Buchan was to be sent into exile for three years.

Crawford was not the only Earl with whom Buchan was at variance during the 1470's. The Parliament of 1st March 1479<sup>83</sup> asked James III to take action

"for remede of the gret brek... in diverß partis of the Realme, And specialy in Anguse betuix the Erle of buchane and the erle of Eroule and thar partiis".

On 11th March 1479<sup>84</sup>, "in presens of the Lordis of parliament", the Earl of Buchan for himself and his brother Atholl, and William Earl of Erroll bound

"thaim self thar partii and anerdance and al that thai may let but fraude or gile assouerit ilkain uthir quhil the fyrst day of may next tocum".

In addition, Buchan and Erroll promised to appear before the Lords of Council on 1st April 1479 to hear the decision of the Lords on all actions "debatable betwix thaim". Mr. William Elphinstone appeared on behalf of the Archbishop of St. Andrews and protested that whatever was done between the two Earls should not affect the rights of the Archbishop in the lands which Buchan and Erroll were contesting. On 1st April 1479<sup>85</sup> Buchan duly brought an action against Erroll over the

lands of "Kindrethland". It has proved impossible to trace these lands but they were, presumably, lands in Angus held of the Archbishopric of St. Andrews. The Archbishop of St. Andrews, William Scheves, had been linked to the Earl of Erroll from 1477. On 31st October 1477<sup>86</sup> Mr. William Scheves, described as co-adjutor of St. Andrews, bound himself in a bond of friendship to William, Earl of Erroll, in "afald kindnes, help supple and furthering to be done to the said Erle be ws oure freindis men and servandis". Scheves became Archbishop of St. Andrews around 11th February 1478<sup>87</sup>. Given the bond of mutual alliance between Erroll and Scheves, and Scheves' involvement in the feud between Erroll and Buchan, the dispute may have made the Archbishop an obvious target for Buchan, Atholl and Andrew Stewart, their brother, once they had seized power in 1482.

Undoubtedly the single most important political act performed by the Earl of Buchan during his career was the seizure of his nephew, the King, at Lauder on 22nd July 1482, as James III prepared to resist an English invasion of his realm. The political events of the year following James III's kidnap, and Buchan's motivations, have been incisively analysed by Dr. N. Macdougall<sup>88</sup>. As Macdougall points out, on 22nd March 1482<sup>89</sup>, shortly before their seizure of the King, both Buchan and Atholl received a parliamentary acquittal for having seized the Castle of Edinburgh "... in oure soverane lordis tender age". The royal uncles and their adherents were not to be liable for criminal damages or charges of treason

"the saidis persones being with thaim, and thare aeris salbe qwite of al dangere and perell in tyme tocum in thare lyfis, landis and gudis anent the saide acciounes. And never to be folowit accusit or chalangit tharof be oure saide soverane lord nor his successouris in tyme tocum".

In order to ensure this, the King ordered a letter to be made under his great seal, with the seals of the prelates, magnates and burgesses

attending the parliament. Clearly the acquittal was a response to attempts to have Buchan, Atholl and their adherents tried for the seizure of the castle during James III's minority. The capture of the castle may have occurred in late 1469 with the collapse of the Boyd regime. Certainly, 1469/70 saw the sudden advance of James Earl of Buchan in a number of areas. Firstly, of course, James Stewart, Lord of Auchterhouse, received the title of Earl of Buchan on some date before 13th August 1470<sup>90</sup>. Secondly, the Earl replaced Robert Lord Boyd as Great Chamberlain<sup>91</sup>. Thirdly, Buchan gained the Wardenship of the Middle March, receiving a fee of 200 merks yearly<sup>92</sup>. In an account of the Lordship of Fife rendered on 10th July 1473<sup>93</sup> the fermes of the lands of Woodmill were said to have been taken up by James, Earl of Buchan, for four years before the date of accounting (i.e. from mid 1469). An account rendered in 1474 explained that the rents of Woodmill had been given over in payment to James, Earl of Buchan, in part payment of a sum of 1,000 merks given by the King to Buchan as his pension over five years. The Woodmill rents would thus appear (although this is not certain) to have been part of the 200 merk fee Buchan was receiving for his wardenship of the Middle March, placing the date of his entry into this office in mid to late 1469. In 1475<sup>94</sup> the accounts of Fife recorded a payment to James Earl of Buchan, in part payment of an annual pension of 200 merks granted to him by the King.

Buchan's position as Warden of the Middle March has left little, if any, documentary evidence. One charter issued by him at Newark Castle in 1470<sup>95</sup> was witnessed by, amongst others, James Liddale of Halkerston, a close associate of Alexander Duke of Albany, James III's brother and warden of the East and Western Marches. The Earl issued another charter at Newark in August 1481.

The trial of Buchan and Atholl in March 1482 seems to have been engineered to cause them a great deal of political discomfort, and it is probably not unconnected with the trial of Robert Lord Lyle which took place in the same parliament<sup>96</sup>. Lyle was accused of having sent letters to James Douglas, the forfeited ninth Earl of Douglas in England, and to other Englishmen. Lyle was put to an assize and acquitted of the charges. Accusations of assisting or communicating with the former Earl of Douglas were especially damaging at a time when James Douglas was on the Scottish border<sup>97</sup> supporting the English King's forays into Scotland. The parliamentary articles of March 1482 offered a reward of one hundred merks' worth of land to whoever should slay or capture the Earl. Anyone assisting the Earl was given twenty four days to come to the King for a full remission<sup>98</sup>.

Lord Lyle appears to have suffered badly during the period of the Earl of Buchan's control of government after Lauder bridge, a period which gave rise to a long and politically very important feud between Buchan and Lyle. If their rivalry can be dated to March 1482, then it might provide an explanation for the charges levelled against both parties in the March 1482 parliament.

On 3rd July 1483<sup>99</sup> Robert Lord Lyle successfully pursued James, Earl of Buchan, for the spoliation of various goods from himself and his servants. In addition, Buchan was ordered to pay Lyle forty merks taken up by him from Lyle's lands of Lundie (Forfarshire). Lyle was assigned 12th October to prove what goods had been taken from him by Buchan from the castle of Edinburgh "the tym the said James had it in keping", and letters were to be issued to distrain the Earl of Buchan's lands for the sums specified. The barony of Lundie in Forfarshire lay to the south-west of Buchan's own lordship of Auchterhouse. The reference to goods belonging to Lyle taken by Buchan from Edinburgh

Castle presumably refers to Buchan and Atholl's occupation of the castle in the previous year, July - September 1482<sup>100</sup>. The decision of the Lords Auditors in July 1483 probably occurred after James, Earl of Buchan, had been sent into exile for his activities in 1482/3. On 19th March 1483<sup>101</sup>, in an agreement between James III and Alexander Duke of Albany his brother, Albany was required to renounce all "bondis" he had made with Andrew, Bishop-elect of Moray, John, Earl of Atholl, the Earl of Angus, the Earl of Buchan, Lord Crichton, Lord Gray, Sir John Douglas of Morton, Alexander Hume and Sir James Liddale of Halkerston. In addition Angus, Buchan, Crichton, Gray and Sir James Liddale were to renounce all bonds made with the English King and other Englishmen. All the named men were not to come within six miles of the King's residence, and it is likely that this stipulation was designed to prevent another attempt being made to capture James III. Buchan was also ordered to resign the offices of Great Chamberlain, the Wardenship of the Middle Marches with the keeping of Newark, and the bailiary of Methven. In addition,

"the saidis James Erle of Bouchane, Williame Lord Creichtoune and schir James of Liddale sal devoid the realme of Scotland and the realme of England, And nocht Returne nor cum agane in odir of the saidis Realmes for the space of thre yeris next tocum withoute specale licence of oure soverane Lord and sal tak thare viage and passage of the Realme within aucht dais eftir witsouday next tocum. Also the saidis erle of bouchane, the Lord Creichtoune and Schir James Liddale sal have Respyt for al acciones fra the tyme of thare procedure of this Realme quhil thare cummyne agane in the sammyne. And in the meyntyme quhil thare passage that thai sal Ansuer to the law And do that justice will to al oure soverane Lordis liegis and tak the sammyne."

Easter in 1483 fell on March 30th, and therefore Whitsunday (49 days after Easter) should have been on 18th May 1483. If Buchan had complied exactly with the terms of this indenture, then he would have left Scotland by 26th May 1483, well before Lord Lyle's court case of

3rd July 1483. On his return to Scotland in 1487, Buchan certainly claimed to have been under the King's respite during his exile, throwing Lyle's gains during Buchan's absence into doubt. Lyle's pursuit of Buchan for damages from 1482/3 was, theoretically, within the period covered by the respite granted in the agreement of 19th March 1483, despite the very specific provision that Buchan, Crichton and Liddale should "Ansuer to the law And do that justice will... quhil thare passage."

Other cases brought by Lyle during 1483 seem to suggest that something approaching a full forfeiture had been imposed on him during 1482. On 16th October 1483<sup>102</sup> Robert Lord Lyle brought an action against Thomas Sempill of Elliotston for the spoliation of goods out of the Mains of Lyle. It is clear that Thomas Sempill, as hereditary Sheriff of Renfrew, had acted on the King's letters to

"serch, seke, ressave, kepe and intromett, with the gudis of the said Robert and his anherdandis for the tym" but that "becauß the said Robert is declarit and Restorit to his said gudis"

and Sempill had continued to keep and sell the goods, and had exceeded the terms of the royal letters in destroying the place and orchard of Lyle, Sempill was to repay certain goods and sums. On the same day John Sempill, Thomas' son and heir, brought a counter action against Lord Lyle for detaining goods in the house of Duchal. These goods were the possessions of John Sempill and his men who had been occupying Duchal, and, on Lyle repossessing his castle, he had retained the goods of the sheriff's men. Clearly Sempill, the sheriff, had been acting under royal command in occupying Lyle's castles of Lyle and Duchal, and this probably occurred at the same time as Buchan's occupation of Lyle's barony of Lundie in Forfarshire. Thomas Sempill's grandfather and father both appear to have been alive on 4th July 1480<sup>103</sup> and Thomas was given sasine of Elliotston in 1481<sup>104</sup>, so that his tenure of

the sheriffship presumably dates from that year (his grandfather, Sir Robert Sempill of Elliotston, was styled Sheriff of Renfrew on 4th July 1480). The action against Lyle can thus be dated to the period between 1481 and 6th October 1483. The probability is that Lyle was forfeited during the period of political control exercised by the Earls of Buchan and Atholl, or Alexander Duke of Albany, from 22nd July 1482 to January 1483. Once James III had regained control of government Lord Lyle was restored, although there are no parliamentary records either of Lyle's forfeiture or reinstatement.

On 19th May 1485<sup>105</sup>, some two years after the original decret by the Lords Auditors, a charter of apprising was eventually issued in Lyle's favour against the Earl of Buchan, by which the ten pound lands of the Bordland of Kettins were assigned to Lyle for the payment of a debt of 326 merks six shillings and eight pence. The charter was issued in the middle of the parliament of 9th to 26th May 1485<sup>106</sup>. Many men, like Lyle, who had remained loyal to James III during 1482/3 and who had suffered at the hands of Albany and his allies and adherents, seem to have been unable to recoup their losses adequately through the normal processes of law, and their demands were more frequently met in the parliamentary context, but even here a note of frustration is evident in the repeated calls for the King to provide adequate justice ayres and to override local jurisdictions.

On 6th October 1487<sup>107</sup> (i.e. during the parliament that started on 1st October 1487<sup>108</sup>) William Baillie of Lamington received a charter of apprising of the lands of "Easter and Wester Akingallis" and Monynut (in the Lammermuir hills on Monynut water) from John Montgomery of Thornton (beside Innerwick) for the sum of 148 pounds sixteen shillings eight pence obtained by William on John for the spoliation of certain goods out of William's lands of Hoprig, before the Lords of Council in

Edinburgh on 22nd May 1485, i.e. during the same parliament in which Lyle had obtained his charter of apprising against Buchan. John Montgomery of Thornton had been a witness to one of Alexander Duke of Albany's last charters issued in Scotland, that of 21st February 1483<sup>109</sup> in Dunbar. The lands of Hoprig lie just to the south of Longniddry. A raid by John Montgomery of Thornton on these lands may well have been part of the bungled attempt by the Duke of Albany and his associates, including Buchan, to capture James III on 2nd January 1483. On 3rd January 1483<sup>110</sup>, James III, in a letter to Sir Robert Arbuthnot of that ilk, asserted that

"we are sikkerly informit that certan persons to grete nowmer, were gadderit tresonably to haf invadit our person this last Thursday".

Macdougall has demonstrated<sup>111</sup> that this related to events of the previous day, 2nd January 1483. On 6th November 1490<sup>112</sup>, the Lords of Council decreed that David Ranton of Billie and Philip Nesbit of that ilk should compensate David Hepburn of Waughton for a formidable list of goods that

"wer spuillzeit and takin fra the said david hepburne out of his place of Waughtoune be the saidis personis and thar complicis, the second day of Januare the yere of god lxxxij"

i.e. 2nd January 1483, the day of the attempted capture of James III by the Duke of Albany. Waughton lies to the north and west of Dunbar and a raid on David Hepburn must indicate the route taken by Albany and his associates on 2nd January as they sought to surprise the King in Edinburgh. On 4th July 1494<sup>113</sup> Hepburn brought a further action against a Patrick Mathisone for the

"spoliacioune taking and withhaldin in cumpany with umquhile alexander stewart, sumtyme duk of Abbay of the houß and castell of Waughtoune"

of certain listed goods. The raid of Waughton may have been a preliminary to the raid on Hoprig. On 14th May 1491<sup>114</sup> George, Lord



Seton, brought an action against James, Earl of Buchan, for the spoliation of the place of Seton during "the tyme of the dukis weris", although this description has been subsequently deleted. Buchan's part in a raid on Seton (near Cockenzie) can only be creditably assigned to a date around 2nd January when Buchan was encamped in Dunbar Castle with the Duke of Albany. Seton lies just two miles west of Hoprig, the Baillie lands raided by John Montgomery of Thornton, and it is probable that Waughton, Hoprig and Seton were all raided on 2nd January 1483.

Another participant in the attack on Waughton is revealed in an entry before the Lords of Council on 13th November 1495<sup>115</sup>, when Sir Adam Murray of Drumcreiff, brother to Cuthbert Murray of Cockpool, was ordered to repay to David Hepburn certain goods taken by Sir Adam and his accomplices out of Waughton in 1483. Sir Adam Murray was a western march adherent of the Duke of Albany.

The complaints of Lothian, Berwickshire and other border landowners who had suffered at the hands of Albany and his adherents were clearly reflected in the parliamentary articles of the 1480's, especially those of the parliament of February 1484. On 24th February 1484<sup>116</sup> a series of parliamentary articles were approved by the three estates. The third article asked that the persons

"that ar summond for art and part and tresonable assistance to Alexander sum tyme duc of Albany, the estat is forsaide thinkis expedient that oure soverane lord do Justice on sic personis, baith apoune thaim that ar now summonde to procede to the punycioun of thaim" and that investigations should be made "in all partis to have knaulage quhat personis giffis assistance or favoris to the said tressoun and to mak thame be punyst with sic Rigor".

The next article asked , with regard to the treasons and slaughters affecting the realm and the disobedience done to the King's authority,

that in order to rectify this the King should hold two justice ayres yearly

"with sic Autorite to pas with the Justice to the said airis that trespassouris ma be punyst but favoris". The articles also asked that the King should "avise of the lordis of his consale... with certane lordis and hedismen of the bordouris... for the apprehending and takin of the masterfull trespassouris that ar fugitive fra his lawis and brekaris of the contre".

The articles also encouraged the border wardens to hold their courts regularly to "punys trespassouris but favouris" and demanded that a warden be provided for the Western March. Article five stated that the King had

"closit his handis fra gevin of Remissionis or Respettis in tyme tocum to thame that commyttis tresoune,... within the contre for thre yeris nixt tocum".

This combination of parliamentary articles was clearly designed to clear the way for a more effective prosecution of Albany adherents. Item three set out a very specific programme of action to be taken against Albany's supporters already summoned on charges of treason, and asked that full inquiries should be made in order to identify other men to be prosecuted. Article four connected the provision of justice ayres to this prosecution. The partisan nature of the demands for royal justice to be exercised effectively in the localities is illustrated by the provision that the King should take the advice of "certane" lords and heads of kin in the borders in identifying and taking action against the trespassers. The border lords, unnamed in the article, were presumably those who had attended the parliament. The parliamentary sederunt<sup>117</sup> included several Lothian and border landowners with identifiable grievances against the Duke and his adherents. George Lord Seton, for example, had had his house and lands of Seton harried by Albany's men, including the Earl of Buchan.

William Lord Borthwick's family had been involved in a long standing feud with William Lord Crichton. On 7th February 1484<sup>118</sup>, shortly before the opening of the parliament, the King, by reason of a decret of the Lords Auditors elected in the parliament of 6th October 1484, which found that William Lord Crichton owed 540 merks to the deceased William Lord Borthwick, gave his "familiari milite" William Borthwick (Lord Borthwick's son and heir) a charter of apprisement of Crichton's lands of Little Loquhariot (East of Gorebridge), Hagbrae and the Park (27 merks worth). On 10th October 1483<sup>119</sup> a number of claims were made by William Lord Borthwick against the Crichtons. John and Robert Crichton and a William Haldane were ordered to restore certain goods taken by them from the mains of Keith to Mr. Thomas Borthwick (an uncle of William 3rd Lord Borthwick), and the same men were also required to restore to William Hog goods taken by them from the mains of Nether Keith (near Humbie). On the same day<sup>120</sup> William Lord Crichton was required (and this is the judgement which formed the basis of the charter of apprising the following February) to return to Lord Borthwick's tenants of Little Preston, Torcraik (beside Borthwick) and "Cathkune" huge numbers of livestock taken by Crichton from these lands.

On 24th February 1484<sup>121</sup> i.e. on the same date as the parliamentary article urging James III to "do Justice on sic personis... that ar now summonde to procede to the punycioun of thaim" was promulgated, William Lord Crichton was forfeited by the three estates for his treasonable assistance given to Albany in sending Sir James Liddale into England with treasonable writings, for helping Albany "away passing in Inglande... to the... destruccioun of oure... soveran lordis persone and Realme", for sending letters to Albany in England

after the Duke's forfeiture (8th July 1483<sup>122</sup>), and for fortifying the Castle of Crichton against the King.

The laird of Waughton, David Hepburn, was also on the sederunt of the February 1484 Parliament. Hepburn's house of Waughton was, as seen above, the subject of a devastating attack by Albany and his men on 2nd January 1483. David Hepburn would certainly share the concern expressed in the parliamentary articles for the effective prosecution of Albany adherents in royal justice ayres, and the worry that royal remissions or respites would prevent the pursuit of Albany men for criminal damages. Similarly, weak or ineffective justiciars who were not prepared, or unable, to override local jurisdictions meant that Hepburn's chances of obtaining compensation for his losses were reduced. Also on the sederunt was George Carmichael, bishop-elect of Glasgow. On 27th February 1484<sup>123</sup> Elizabeth, the spouse of James Gifford of Sheriffhall, appeared before the Lords Auditors and protested that her husband had been summoned by George Carmichael for the spoliation of goods out of Tynninghame (west of Dunbar) and "Duncur", but that he (Gifford) could not come within four miles of the King. This would appear to be a similar condition to those imposed on the men named in the indenture of 19th March 1483, and indicates that Gifford of Sheriffhall was probably involved in the attempted capture of James III in January 1483. On the following day, 28th February 1484<sup>124</sup>, Gifford was ordered to repay Carmichael for the laying waste of the mains of Tynninghame. James Gifford of Sheriffhall was eventually forfeited on 26th May 1485<sup>125</sup> for, amongst other crimes associated with the events of 1482/3, supporting the Duke of Albany at the Battle of Lochmaben in July 1484. Other border lairds attending the February 1484 Parliament included Patrick Hepburn, Lord Hailes, kinsman of David Hepburn of Waughton, whose grandfather had defended

Berwick Castle against Albany's invasion in 1482<sup>126</sup>. Alexander Hume of that ilk also attended the parliament. Although he was formerly an Albany adherent, Macdougall has illustrated that Hume seems to have betrayed the plot of January 1483 to the King, and to have become a target of Albany's wrath<sup>127</sup>. Robert Lauder of the Bass was also present, and the Western March was well represented by Lords Cathcart, Maxwell, Carlisle and Robert Crichton of Sanquhar<sup>128</sup>. All these men seem to have been James III loyalists, and they were probably the instigators of the demand for a warden of the west march to be appointed. On some date before 6 December 1487<sup>129</sup> the wardenship was filled by John, Lord Maxwell.

Given the atmosphere of persecution, it was probably to Buchan's benefit that he seems to have left the country under the terms of the indenture of 19th March 1483 between James III and the Duke of Albany. Buchan was almost certainly out of the country before 10th October 1483<sup>130</sup>, on which date Sir James Ogilvy of Airlie brought an action against Margaret Countess of Buchan for her failure to enter to the superiority of "Conveyth" (this may be a mistranscription of Quiech) and "Achingray ester". The Lords Auditors asked the King to "cauß the said Schir James to be enterit in the said landis" because Margaret had failed to enter to the superiority of the lands and had not appeared to explain her actions. The lands in question appear to be those of "Auchnagra" and "Queycht" (Quiech) in the barony of Kinalty, sold by Walter Ogilvy of Oures (Margaret's uncle) to Sir James Ogilvy of Airlie on 12th May 1479<sup>131</sup>. By 14th October 1481<sup>132</sup> Walter Ogilvy of Oures was dead, on which date James III confirmed his charter of 1479 to Sir James Ogilvy. James, Earl of Buchan, and Margaret Ogilvy his countess were the feudal superiors of Kinalty, and their refusal to enter to the superiority of "Auchnagra" and Quiech is

puzzling, but may indicate that they were unhappy about Walter Ogilvy's sale of the land to Sir James Ogilvy. Balfour's Practicks, although unreliable in dating and nomenclature, did benefit from Sir James Balfour's access to the records of the Lords of Council and the Lords Auditors for the period 1485-88, records which are now lost. Under the date 21st March 1486/7<sup>133</sup> Balfour recorded the results of a case brought by "James Erle of Buchane, contra James Ogilvie of Airth". There was, in fact, no family known as the Ogilvies of Airth, and Balfour probably meant to indicate James Ogilvy of Airlie. Balfour's rendering of Buchan's complaint against James Ogilvy runs

"Gif ony havand the King's respite and licence to depart furth of the realme, beirand, that he sall not be hurt nor injurit in his landis, maillingis nor gudis that he had richt to, or that he had in possessioun the time of his departing furth of the realme, quhil his hame cuming agane, and returning to the samin, gif ane uther man persew him and put him out of his possessioun in the mean time, during his respite and absence he, efter his return, aucht and sould be reponit and put agane in the samin landis and possessioun in siclike form and conditioun of bruiking, joising and using thair of as he usit, hald, and was in, the time of his departing furth of the realme: And alsua all summundis and proces led and intentit aganis him efter his departing furth of the realme, and befor his returning and ische of his respite, is in the self null and of nane avail, force nor effect."

The entry suggests that the Earl of Buchan had returned to Scotland by 21st March 1487. Buchan was certainly holding his barony court of Traquair by 12th July 1487<sup>134</sup>. The extract also confirms that Buchan's exile was under extremely favourable terms, with his estates and possessions protected by a royal respite which, Buchan obviously considered, invalidated Sir James Ogilvy's claims of 10th October 1483. On 26th June 1487<sup>135</sup> Buchan received a further indication of James III's favour, when the King issued a great seal confirmation of a decret by the Lord Auditors finding that Margaret Murray (Buchan's mistress), George and David Murray should no longer uptake the mails of

Traquair, and ordering them to repay to the Earl the sums taken up by them.

It is unclear where Buchan spent his years of exile, and there is no record of his political activities during that period. It is certain that Andrew Stewart, bishop-elect of Moray, Buchan's brother, was involved in the attempt by Alexander Duke of Albany and the forfeited ninth Earl of Douglas to raise a rebellion against James III in the Western march during July 1484, an expedition which ended in the defeat of Albany and Douglas at the Battle of Lochmaben. On 4th March 1486<sup>136</sup> the Bishop of Moray, John Spens rector of Johnston, James Brown, John Mersar and Robert Wan, priests of St. Andrews diocese, supplicated the Pope, asking to be absolved for their part in the discussion and discord between James King of Scots and his brother the Duke of Albany. The supplication narrated that the Duke, with bishop Andrew and the other named priests, had invaded the Kingdom on St. Mary Magdalen day (i.e. 22nd July) 1484 in defence of the Duke, and that many had been wounded or killed, but that the Bishop and the other clerics had not, themselves, killed or wounded anyone. Robert Wan, one of the priests seeking absolution with Moray, had taken part in the defence of Albany's Castle of Dunbar against James III in 1479<sup>137</sup>. The supplication suggests that Andrew Stewart had fled into England after the collapse of the Albany faction in 1483, and his presence alongside Albany during the Lochmaben campaign indicates that Albany received support from at least some of his allies of 1482/3. Whether Buchan took part alongside his brother and nephew is unclear. The battle itself seems to have been a fierce encounter, resulting in the deaths of Robert Maxwell, Master of Maxwell and Steward of Annandale, and Sir William Douglas of Drumlanrig, amongst the forces opposing the Duke's incursion. On 4th September 1486<sup>138</sup> John, Lord Maxwell and

Cuthbert Murray of Cockpool entered into an indenture, in Edinburgh, to settle claims against each other arising from a confrontation between the two families at Blackshaw (between Caerlaverock and Cockpool), during which Lord Maxwell's uncle, Master John Maxwell, had been killed. In the middle of the agreement was inserted a clause which ran

"it is murmuryt that the said Cuthbert sold have bin the caus... or for... slauchter of [...] ell, Stewart of Anerdail in the [...] sall acquite him thairof, with als mony gentilmen as plessis the said Lord... and gif the said Lord suspectis ony of the said Cuthbertis folkis of the said slauchter, the said Cuthbert sal enter thaim to the law."

This would appear to be a reference to John Maxwell, Master of Maxwell, John Lord Maxwell's father, who, on 25th March 1482<sup>139</sup>, was styled "John of Maxwell Stewarte of Annerdalle". This John, Master of Maxwell, was dead before 22nd April 1485<sup>140</sup>, when his son (also John) was styled "senescallum Vallis Annandie" and the "herytar" of Robert, 2nd Lord Maxwell. The Scots Peerage, quoting from the Terregles MS, asserts that John Maxwell, Steward of Annandale, met his death at Kirtlemure (on the Kirtle Water? - south of Lochmaben) on 22nd July 1484<sup>141</sup>, resisting the inroad of Albany and Douglas (although suggesting that he was killed by a Scotsman). The 1486 agreement suggests that the identity of John Maxwell's killers was unknown, but that the Murrays of Cockpool were suspected of some part in his death. The "murmurings" against the Murrays may simply have been designed to embarrass a family already at feud with the Maxwells, but it should be noted that Adam Murray of Drumcreiff, Cuthbert Murray's brother, was a known adherent of the Duke of Albany who had taken part in the attack on Waughton in January 1483. It is not unlikely then that Albany's expedition to Lochmaben would be supported by Adam Murray and his brother, and it may be that the feud between the Murrays and the



Maxwells developed out of the confrontation between James III and Albany. Another border casualty of Lochmaben was Sir William Douglas of Drumlanrig. On 19th October 1484<sup>142</sup> James Douglas was retoured heir to his father William Douglas of Drumlanrig in the barony of Hawick. The barony was described as being "nunc vasta" and William Douglas was said to have died "in festo beate Marie Magdalene ultimo elapso" i.e. 22nd July 1484, the date of the Battle of Lochmaben.

The Battle of Lochmaben, and the deaths of Maxwell and Douglas, probably served to increase the demands for action to be taken against Albany and his adherents. Even if Buchan was not directly involved, then the presence of his brother Andrew Stewart, bishop-elect of Moray, was not calculated to endear the royal uncles to the political community.

Buchan's return to Scotland in March/April 1487 would have been especially unwelcome to Robert, Lord Lyle, who had obtained a charter of apprising against the Earl in May 1485. It would seem that Buchan had quickly invalidated Sir James Ogilvy of Airlie's claims, which had been confirmed by the Lords Auditors on 10th October 1483, on the basis of his (Buchan's) royal respite, and it may be that Buchan was attempting to annul Lyle's charter of the Bordland of Kettins through the same procedure, for although Lyle received judgement against Buchan in 1483, it was not until the parliament of May 1485 (at which point Buchan was almost certainly in exile) that the formal charter of apprisement was issued. Interestingly, on 26th May 1485<sup>143</sup> the parliamentary articles included an item which urged James III

"for the encres of Justice and tranquilite in the Realme" to hold Justice ayres twice yearly until "the Realme wer brocht to gude Rewle, And counsalis his hienes to call a part of the lordis and hedismen of all partis of his Realme, and tak ditta of thaim of the notour trespassouris without excepcioun of ony persoune to be takin and Justifiit without Remissoun". In addition, the Lords asked that "na

Respittis be given in tym tocum for tha ar mare  
agane Justice na plane Remissiones ar, and the  
Respittis that ar gevin be na prejudice to the  
partiis anent the persewing of thar Richtis."

It is probably not coincidental that Lord Lyle received his charter of apprising, in spite of Buchan's royal respite, on 19th May 1485, seven days before the above ordinance, which specifically stated that respites given before the promulgation of the article should not prevent the recovery of criminal damages, was recorded. Both Lord Lyle and Sir James Ogilvy of Airlie were on the parliamentary sederunt<sup>144</sup> (although it should be noted that John Stewart, Earl of Atholl, Buchan's elder brother, was one of the Lords of Articles).

The tenor of the May 1485 parliament remained profoundly hostile to Albany and the men associated with him. The desire of the parliament to see "notour trespassouris... takin and Justifiit without Remissoun" was reflected in the forfeiture of James Gifford of Sheriffhall, on the same day, 26th May<sup>145</sup>, as the articles were promulgated, for his assistance to Alexander Stewart, formerly Duke of Albany in his (Albany's) treasonable waging of war against the King and his lieges; in the invasion of the King's person, the sending of Sir James Liddale, Knight, into England, the delivering of the Castle of Dunbar into English hands, and for

"proditoriis pugna et conflictu armis bellicis in  
campo contra nostrum autoritate... in die Sancte  
marie magdalene" (i.e. Lochmaben).

On 22nd May 1485<sup>146</sup>, as seen above, William Baillie of Lamington had a judgement made, in his favour, against John Montgomery of Thornton, an Albany adherent.

The pursuit of Albany adherents reached a high point, in late 1485, with the execution of Sir James Liddale of Halkerston. On 7th September 1485<sup>147</sup> an instrument was taken in the tolbooth of the burgh of Edinburgh, narrating that Sir James Liddale, formerly of

Halkerston, had been bound and condemned to death, and wished to declare that the lands of Creich (in Fife) had been conquered, by his predecessors, from the grandfather of James Foules, an Edinburgh burgess, and desired James Foules' pardon for this act. By 12th July 1486<sup>148</sup>, Sir James Liddale was dead, and it was asserted in the accounts of John Murray of Touchadam, ranger of the Ward of Yarrow in Ettrick forest (a post formerly occupied by Sir James Liddale) that the King "confiscavit omnia bona sua (Liddale's) et postea punivit usque ad mortem." Liddale's execution occurred some two years after a sentence of death and forfeiture had been imposed on him, on 8th July 1483<sup>149</sup>. It is unclear when, or how, Liddale fell into James III's hands, but his death certainly reflected the demands of the May 1485 parliament for notorious trespassers to be executed without remission. Liddale's fate may well have been sealed once news of the Duke of Albany's death, in a tournament held in Paris in 1485<sup>150</sup>, had reached Scotland.

The Earl of Buchan returned, therefore, before 21st March 1487, to a political community which had displayed consistent hostility towards the Duke of Albany and the men implicated in his various treasons. One immediate effect of Buchan's return was the re-opening of his disputes with Lord Lyle. It may well be that Buchan was trying to invalidate the apprisement of the Bordland of Kettins, given to Lyle in 1485, under the terms of the royal respite granted to the Earl for the duration of his exile. The rivalry seems to have broken out into open violence during the parliamentary session of October 1487. On 10th October 1487<sup>151</sup>, Balfour records that the King (James III) brought an action against Lord Lyle and the Earl of Buchan. Balfour is extracting legal theory and precedent from the case, and thus fails to

relate any useful details. Balfour's summary of the case decision runs

"Gif ony persounis, of quhatsumever estait, degreis or conditiounis thay be, makis ony discord, strife or debait or invadis one another in the time, place, town or boundis quhair the parliament is haldin for the time, albeit the samin procede upon auld feid or foirthocht felonie, baith the saidis parties, with thair servitouris that wer with thame in company for the time, aucht to be brocht and accusit but delay, and put to the knauledge of ane assise, befoir the ische of the... parliament, and quhilk of thame beis convict of the said crime and trespas, the King, with avise of the parliament, may punish thame in sic wayis as his Majestie may be untrublitt in time to cum, and that his liegis may cum and surelie remane, but ony hurt ar cruel violence, to do his Majestie service in time of parliament, and all uther times quhen thay ar commandit and chargit to convene...".

A parliament did open, in Edinburgh, on 1st October 1487<sup>152</sup>, and Buchan and Lyle are known to have been at feud the following year. The Aberdeen articles of April/May 1488<sup>153</sup>, formulated to try to put an end to the struggle between James III and his son Prince James (the future James IV), asked that

"... at al discencions and discordis betuex ony Lordis or gret baronis of baith the partis (the King's or the prince's) salbe drawin... to unite concord, sa that luf favour may stand ymangis oure soverane Lordis liegis and peax to be had... specealy betuix the Erle of Buchain and Lord Lile".

The seven months between the clash in the October parliament and the drawing up of the Aberdeen articles had, in fact, seen a remarkable reversal in the political relationships of Lord Lyle and the Earl of Buchan with James III. Lord Lyle had distinguished himself in James III's service throughout the 1480's, and had remained conspicuously loyal to the King during the crisis years of 1482-3. On 22nd October 1484<sup>154</sup> Lyle was acting as James III's justiciar, and was employed, in the same year, in the negotiations between James III and Richard III for the marriage of James, Duke of Rothesay, to Richard

III's niece, Anne de la Pole, daughter of John, Duke of Suffolk<sup>155</sup>. By April 1488 Lyle was committed to the rebellion against the King. Buchan, on the other hand, was a chronic rebel who had captured the King at Lauder in July 1482, attempted something similar in January 1483, and who had been forced into political exile by James III later in the same year. Yet, by April 1488, Buchan appears to have become one of James III's most trusted and committed councillors. The return of Buchan and his brother, Andrew Bishop of Moray, to royal favour in late 1487 and early 1488, may have contributed to the defection of many notable James III loyalists from 1482/3 (such as Lord Lyle and the Earl of Argyll) to Prince James' cause.

Sometime in the period 1st October 1487 - March 1488, James, Earl of Buchan and his wife journeyed into England. Henry VII certainly granted the sum of forty pounds "to the Lord Boughan" and twenty merks to the "Lady Boughan" by way of reward during the Michaelmas term 1487/8<sup>156</sup>. The trip to England would seem to form the basis for one of the charges levelled against Buchan, after James III's defeat at Sauchieburn, in the parliament of 6th October 1488. On 9th October 1488<sup>157</sup>, James, Earl of Buchan, received a remission from James IV for his treasonable "agressu in regnum anglie regi ejusdem" and for encouraging the English king to come to Scotland with many men, arrayed in proper arms. Buchan's 'treasonable' journey to Henry VII's court was, presumably, made towards the end of the Michaelmas term, in February or March 1488, after the Prince's rebellion was underway (the prince appears to have left Stirling Castle, in company with the coalition of aristocrats opposed to James III, on 2nd February 1488), and James III's need for English assistance critical. An instrument of 10th April 1488<sup>158</sup> suggests that the Earl of Buchan had recently been involved in dealings with the English Court, in that he had

obtained a licence from Lord Welles, on behalf of a "Thomas Bassandean", allowing Bassanden to "bring granis and al uther maner of merchandise out of Ingland". Buchan had certainly returned to Scotland by 6th April 1488<sup>159</sup>, on which date he witnessed a great seal charter issued by James III, at Aberdeen, in favour of Alexander, Master of Crawford. Amongst the other witnesses to the King's charter were Buchan's brother, the Bishop of Moray, and his near kinsman, Thomas, Lord Innermeath. Buchan, Moray and Innermeath also witnessed a great seal charter issued at Aberdeen, on 16th April 1488<sup>160</sup>. In the Aberdeen articles of April/May 1488, Buchan was firmly identified as one of the King's party, with his enemy, Lord Lyle, in the Prince's service.

The remarkable transformation of the Stewart half uncles from an isolated and politically disgraced faction to the position, by March 1488, of James III's principal supporters, was mirrored in the fortunes of Andrew Stewart, Bishop of Moray.

On some date before 12th August 1482<sup>161</sup>, Andrew Stewart, subdeacon of Glasgow, had been provided by the Pope to the bishopric of Moray, with the consent of James III, leaving Archibald Whitelaw to supplicate for Stewart's former office of subdeacon. Stewart is said to have been provided by Pope Sixtus IV on 7th August 1482<sup>162</sup> while he, and his brothers, held James III in Edinburgh Castle. On 8th November 1482<sup>163</sup> Andrew Stewart, Provost of Lincluden, described as having been promoted to the bishopric of Moray, supplicated the Pope, with the consent of James III (who was hardly in a position to withhold his approval), that he should be allowed to retain the provostry in commend. The capture of the Bishopric of Moray was not the limit of Andrew Stewart's ambitions during the political ascendancy of the royal half uncles. As Macdougall has shown, there were attempts to have Andrew Stewart

translated to the Archbishopric of St. Andrews, replacing William Scheves<sup>164</sup>. By March 1483, James III had regained control of government, and William Scheves was able to supplicate the Pope, explaining that through force and fear he had vowed to resign the Archbishopric into the Pope's hands so that he (Scheves) could be transferred to Moray, that he had appointed procurators to resign the Archbishopric, and had now revoked them<sup>165</sup>.

Moray's fortunes went into a steep decline with James III's recovery of power. In November 1482, as seen above, Moray had supplicated to keep the provostry of Lincluden in commend on his promotion to the bishopric. James III's consent to this, specifically mentioned in Moray's supplication, may well have been withdrawn once the King was in a position to punish those who had seized him in 1482. Certainly, on 6th September 1483<sup>166</sup>, Mr. David Livingstone (brother of Lord Livingstone), witnessed a great seal charter issued by James III as Provost of Lincluden and Keeper of the Privy Seal. Livingstone had, however, first appeared as Keeper of the Privy Seal on 22nd January 1483<sup>167</sup>, described as Rector of Ayr. As Andrew Stewart, elect of Moray, had witnessed great seal charters as Keeper of the Privy Seal from 25th August 1482<sup>168</sup> to 20th January 1483<sup>169</sup> we can identify David Livingstone as a James III loyalist during 1482-3 who replaced Andrew Stewart as Keeper of the Privy Seal, and was then rewarded with a further gain from the King's disgraced uncle in the form of the provostry of Lincluden. (The exact date of the transfer of the Privy Seal from Andrew Stewart to David Livingstone is unclear, since Stewart is described as Keeper of the Privy Seal in charters issued on 24th January 1483<sup>170</sup>). David Livingstone continued as Keeper of the Privy Seal until c.23rd March 1488<sup>171</sup>. Aside from the loss of the royal office, and the provostry of Lincluden, James III seems also to

have prevented his uncle being consecrated as Bishop of Moray. On 22nd December 1485<sup>172</sup>, the bishopric of Moray was described as vacant in a grant by David, Abbot of Arbroath, to the vicars general and the chapter of Moray. The existence of vicars general indicates that there was, in fact, no consecrated bishop (nor indeed, a bishop-elect) in the diocese. Stewart's part in the Lochmaben campaign suggests that he had accompanied Albany into Scotland from exile in England, and the grant of 1485 seems to confirm that Stewart was outwith the Kingdom on a semi-permanent basis. Andrew Stewart, like his brother Buchan, appears to have returned to Scotland in early 1487. On 7th March 1487<sup>173</sup>, Andrew, Bishop of Moray, complained to the Pope that David Livingstone had occupied the provostry of Lincluden through force of arms, despite the fact that there was a case undecided before the papal court between Moray and Livingstone. Livingstone, in witnessing great seal charters, was styled indiscriminately as Rector of Ayr or Provost of Lincluden until 31st March 1486<sup>174</sup>, from which date he witnessed only as Rector of Ayr, perhaps reflecting the fact that the provostry was in dispute. On 23rd August 1487<sup>175</sup> we find the first indication of Andrew, Bishop of Moray (with no reservation as 'elect of') discharging his duties within the diocese, with an arbitration between John Spens (one of those involved with Moray at Lochmaben) and Gavin Dunbar over the deanery of Moray. (Dunbar may have been provided by James III during the vacancy of the diocese, while Andrew Stewart, and his assignee, John Spens, were in political exile). Moray's return to Scotland, and his position as a fully consecrated bishop, are confirmed in an entry in the Moray Register on 24th October 1487<sup>176</sup>. Moray, like Buchan, had thus been accepted back into the Kingdom to enjoy his former status.



On 15th January 1488<sup>177</sup> Moray entered another protest in the papal court against David Livingstone over the Lincluden issue. In the following month, shortly after Prince James' rebellion was underway, Moray was re-admitted to James III's daily council. Moray apparently witnessed a great seal charter of 4th February 1488<sup>178</sup>, but this may be a mistake in registration, and the real date for Moray's return to James III's council appears to be c.23rd February 1488<sup>179</sup>. From this date Moray was a regular great seal witness until the end of James III's reign. David Livingstone, on the other hand, witnessed no great seal charters after 23rd March 1488. The timings of Moray's return to James III's council, and Buchan's embassy to Henry VII, would seem to indicate that James III looked to his half uncles for political support after Prince James' rebellion was underway. The return of Buchan and Moray to positions of influence may, in itself, have cost James III the support of men, like Lord Lyle, the Earl of Argyll and David Livingstone, who had remained loyal to the King in 1482/3.

The Earl of Buchan's activities in 1488 can be roughly pieced together by referring to the remission granted to him in the parliament of October 1488. Buchan was clearly present at the negotiations between James III and the Prince's party, in Aberdeen in April/May 1488. In October 1488, Buchan was accused of having given his counsel to James III to break the Aberdeen articles, and of assisting Sir John Ross of Hawkhead, John Ross of Montgrenan, Stephen Lockhart of Cleghorn and Thomas Fotheringham of Powrie in bringing James III to Blackness with many men, intending to destroy Prince James and his adherents. Buchan was also accused of having taken a leading role in the battle itself. The Battle of Blackness was, evidently, a fairly inconclusive affair, after which Buchan, William Lord Ruthven, Thomas Fotheringham of Powrie and William Murray of Tullibardine were

handed over by James III to the rebels as sureties for the King's compliance with the previous agreements<sup>180</sup>. From mid-May 1488, then, Buchan was probably in the custody of a member of the rebel coalition supporting Prince James. It is likely that, like Lord Ruthven and Sir William Murray of Tullibardine, two fellow Blackness hostages, Buchan was forced to assign over a ransom to the new regime after James III's death at Sauchieburn. On 12th August 1488<sup>181</sup>, Buchan was summoned to answer charges of treason relating to his activities on James III's behalf during 1488. On 9th October 1488<sup>182</sup> the Earl received James IV's remission for the various treasonable crimes he had committed during 1488, all of which, of course, dated from before the Battle of Blackness.

Although granted a remission, the Earl of Buchan remained liable to be pursued by the new regime for his activities and those of his kinsmen during 1488. An incomplete entry in the parliament of 26th January 1489<sup>183</sup> narrates

"Item in the said parliament in presens of oure  
soverane lorde and his thre estatīs James Erle of  
buchane, for the displessere done be him..."

The nature of Buchan's offence, and the punishment inflicted on him, is unrecorded. As we have seen in Chapter Four<sup>184</sup> the article may be related to an action pursued by the King, on 17th January 1489<sup>185</sup>, against James, Earl of Buchan, Andrew Lord Gray and Thomas Lord Erskine for withholding the sum of 10,000 merks which they owed because of the non-entry of Andrew, Bishop of Moray, to John, Lord Drummond (James IV's justiciar), to be brought before the King. It would seem that Buchan had acted as a guarantor for Moray's appearance before the royal justiciar and the parliament of January 1489, presumably on the Bishop being released from royal custody shortly after Sauchieburn. The charges may have been connected to Moray's claims to hold the provostry

of Lincluden in commend. A general article, passed in the October 1488 parliament, against the purchase of benefices at Rome which were within the King's patronage, declared that all unions and annexations made in James III's time were to be declared null,

"And of the provestry of Lincludane quhilk is oure soverane Lordis patronage and pretendit to be annexit and unite to andro bischop of murray be of na strenth valour nor effect"<sup>186</sup>. Article fourteen of the same parliament asserted that "... quhat tym it be declarit be the best and worthiast clerkis of the realm befor the Lordis of counsale" that anyone "be gracis expectacions, acceptis or purchesß ony beneficez pertenyng to oure soverane Lordis presentacioune... in the court of rome... or has purchest or persewit the samyne sen the said last statut" then, after the declaration to be "maid be the clerkis befor the Lordis of counsale, the chancellor sall mak the panis contenit in... actis of perliament to be execut apoune the brekaris of the said actis leß na thai will lefe the saidis beneficis efter thay be requirit thar apoune...."

The two articles combined to give Moray's enemies the power to have him tried for treason, if he did not surrender the provostry of Lincluden. It may, then, have been to answer claims with regard to Lincluden that Moray had been called to the parliament of January 1489 (in conjunction, perhaps, with his 'crimes' against James IV during 1488). The parliamentary article of October 1488 also asserted that any secular persons who sought to

"manteine or defend the saidis clerkis brekaris of our soverane Lordis actis of perliament efter it be declaryt his patronage as said is... and will noch desist fra the supleing of the saidis clerkis, that letterez salbe gevin elikewiß apoune thaim declarand thaim to have fallin in the samyne paynis."

The non-appearance of Moray in January 1489, despite Buchan's pledges, may thus have made the Earl liable to more than purely financial penalties, and would explain the great displeasure that Buchan was said to have caused James IV.

As we have seen in Chapter Four<sup>187</sup>, on 19th February 1489, at Peebles<sup>188</sup>, Thomas Lord Erskine pursued an action against James, Earl

of Buchan and David Bruce of Clackmannan to relieve him of the payment of one third of the 10,000 merks (i.e. 3,333 merks, four shillings and fivepence) penalty imposed on Erskine, Buchan and Gray for the non entry of the Bishop of Moray. The decision of the Lords was that Buchan should keep both Erskine and Bruce of Clackmannan "scaithless" of any payment. The chain of debt and security meant that Buchan would have been liable for the payment of the entire penalty of 10,000 merks. The Lords decided that letters were to be issued allowing for the distraint of Buchan's lands and goods. It would seem that Andrew, Bishop of Moray, was eventually forced to bow to the pressure of the new regime over the Lincluden issue, and on 28th January 1489<sup>189</sup> David Livingstone appeared before the Lords of Council, styled as Provost of Lincluden.

By early 1489, Buchan owed a huge financial penalty of at least 10,000 merks (with the probable addition of a ransom to be extracted for his own role in 1488) to the new regime. It is not surprising to find, therefore, that the Earl and his kin were looking for an opportunity to overthrow the new regime who were, apparently, determined to ruin their family.

On 8th January 1489<sup>190</sup>, Alexander, Master of Huntly, wrote to Henry VII, asking for the English King's assistance in avenging James III's death. Alexander claimed to have been in contact with James III's

"frendis and kynnysmen to caus the comittars of the saide murthir to be punyst..." further "in all thir maters my Lord of Buchquhane is informyt at lentht of al oure ententis, and quhat he promittis in my name i sal sykkirly abyde therat."

Clearly, it was Buchan who was in charge of the negotiations with the English King, and this is unsurprising given the Earl's recent role as an ambassador to the English court in Michaelmas 1487/8. Any

rebellion based on the Earls of Buchan, Atholl, Marischal, the Lord Forbes, the Master of Huntly and the Bishop of Moray in Perthshire and the north-east, was forestalled by the action of the Earl of Lennox, Matthew Stewart, Lord Lyle and "Lord" Crichton in the west. Despite his obvious dissatisfaction with the political situation in 1489, the Earl of Buchan was not about to aid his long standing enemy, Lord Lyle, indeed Lyle's rebellion and forfeiture saw the Earl reconciled to James IV's government at Lyle's expense. (Lyle and Buchan had thus contrived to be in opposition to each other during the three "national" crises of 1482/3, 1488, and 1489).

On 27th June 1489<sup>191</sup>, the day after Lord Lyle's forfeiture, the King granted James, Earl of Buchan, "pro ejus servitio", one third of "Balcormo", Ardgraith and Ledcrieff (all in Forfarshire, near Lundie) to be annexed to his barony of Auchterhouse. The lands were described as having been in the hands of Lord Lyle, as lord superior, by reason of a composition for a certain sum promised to Lyle by Buchan. On the same day<sup>192</sup>, the King granted to his "uncle" "pro ejus bono servitio" the lands of Keith, "Tulicluss", Petlyell and "le Bowhousis" (Bowhouse near Balbeggie?), which had previously belonged to James and had been sold by him, under letters of reversion, to Robert, Lord Lyle, and the ten pound lands of the Bordland of Kettins, appraised to Lyle for a certain sum recovered by Lyle on the Earl. All the gains made by Lyle from Buchan's estates in 1483 were thus to be returned to Buchan. The transaction signalled the abandonment of Buchan's involvement in the plans for rebellion, and highlighted the fact that Lyle's financial exactions on the Earl's estates extended beyond the apprisement of the Bordland of Kettins. It also indicates an interesting division in the way Buchan's lands were assigned over to Lyle in 1483. The lands sold by Buchan under letters of reversion were, presumably, given over by

him in 1483 before he departed into exile. The lands of the Bordland of Kettins, appraised by Lyle, were obtained in 1485 while the Earl was under the protection of a royal respite.

The Earl of Buchan appears to have given his support to James IV for the duration of the 1489 crisis. On 27th September 1489<sup>193</sup> Buchan sold certain lands in Kettins to George Blair. The charter was issued in Perth, which seems to indicate Buchan's presence in James IV's retinue, since the King confirmed the charter the following day, also in Perth. On 18th September 1489<sup>194</sup>, Buchan had attended James IV's Great Council at Stirling, which had restored David, 5th Earl of Crawford, to the Dukedom of Montrose (as a life grant only).

The general settlement of February 1490, which restored Lyle to all his forfeited lands was, undoubtedly, a great blow to Buchan. That Lyle regained the Bordland of Kettins under the original terms of apprisement is proven by the arrangements surrounding the marriage of Alexander Stewart, the Earl of Buchan's son and heir, to Isabel Ogilvy, daughter of Sir James Ogilvy of Lintrathen. On 10th January 1491<sup>195</sup> the Bishop of Dunkeld granted permission for the marriage of Alexander Stewart to Isabel Ogilvy. On 21st January 1491<sup>196</sup> the Earl of Buchan assigned the barony of Kettins to Alexander, Master of Buchan, and Isabel Ogilvy, his wife, in conjunctfeftment. On the same day<sup>197</sup>, Sir James Ogilvy assigned over to the Earl his lands of "Carcary" in the barony of Dun. Buchan promised that he would not take up the rents of Ogilvy's lands if Sir James redeemed the Bordland of Kettins, for the sum of 346 merks, for which amount the lands were held in reversion by Lord Lyle, within four years. If Ogilvy failed to redeem the Bordland of Kettins, then he would have to redeem the "Carcary" lands from Buchan, for the sum of £400. In effect, Sir James Ogilvy seems to have been contracted to redeem the Bordland

of Kettins, which lands were to be part of his daughter's marriage portion and future terce. Ogilvy's expenses in redeeming the lands were probably to be allowed as his daughter's dowry. The complex tenurial exchanges were re-negotiated on 24th April 1492<sup>198</sup>, at Arbroath, but it was not, in fact, until 1494<sup>199</sup> that the lands of the Bordland of Kettins were redeemed by the Ogilvies from Robert, Lord Lyle.

In the interim, the Earl of Buchan had become involved in another serious feud, with Laurence, Lord Oliphant. On 13th September 1507<sup>200</sup>, James IV granted a remission to John, Lord Oliphant for, amongst other crimes, committing forethought felony on the deceased John (sic James), Earl of Buchan, in Perth, after the murder of James Oliphant of Archellie by the Earl and his accomplices. James Oliphant of Archellie was the brother of Laurence, 1st Lord Oliphant and, therefore, John, 2nd Lord Oliphant's uncle. The remission seems to refer to events of June 1491. On Monday 27th June 1491<sup>201</sup> the King, in Linlithgow, sent William Campbell, Macer, "to pass to Perth to cress the gadering betwiss the Erle of Buchane and Lord Olyfant". The reaction of the young King's government to the impending confrontation was a marked contrast to James III's rather sedentary approach to the imposition of the King's peace. On the same day as Campbell was sent to Perth, a courier was sent to Fife to "warne the Lordis to meyt the King to pass with him to Sanct Johniston". On Saturday, 2nd July<sup>202</sup>, James IV was in Perth, leaving the town on that day to return to Linlithgow. The calling out of the Fife lairds, and the sudden dash to Perth, was indicative of a dynamic and mobile approach to the suppression of feud amongst the higher nobility which was characteristic of James IV throughout his reign. The origins and course of the Buchan/Oliphant dispute are obscure. It is said that,

on 3rd April 1492<sup>203</sup> (shortly after the close of a royal justice ayre in Perth during March 1492), the Earl of Buchan and Lord Oliphant concluded a contract of assythment for James Oliphant of Archellie's death.

At the higher political level, the Earl of Buchan, and his brother the bishop of Moray, seem to have formed an increasingly isolated and politically irrelevant faction who retained close ties (established during 1488/9) with the English King, Henry VII. On 17th April 1491<sup>204</sup> John "Lord Bothwell" (i.e. John Ramsay, forfeited by the parliament of October 1488) and Sir Thomas Tod (James III's master of the mint) guaranteed to repay to Henry VII, before the following Michaelmas, the sum of £266.13s. 4d. lent by the English King to James, Earl of "Boughan" and Sir Thomas Tod, the previous day. The money was given to Buchan and Tod because they had agreed to deliver into Henry VII's custody,

"the King of Scottis now reynyng and his brother the Duke of Ross, or at the leste the said King of Scottis".

Whether Buchan seriously contemplated another attempt at the kidnap of a Scottish monarch is unclear. The Earl, Tod and Bothwell evidently reneged on their obligations as, on 25th June 1495<sup>205</sup>, a London merchant complained to Henry VII that "Thomas Todde of Edynburgh knight", who had been committed to the merchant's custody (perhaps as a guarantee of the April 1491 agreement) had "late deceivably avoided and goun away". Buchan, Tod and John Ramsay were all linked by their adherence, in the final months of his reign, to James III (with Tod acting as the King's master of the mint<sup>206</sup>). On 11th April 1488<sup>207</sup> Sir Thomas Tod was acting as Provost of Edinburgh "fur the tyme". Tod would thus seem to have replaced Patrick Hepburn, Lord Hailes, a



leading member of the aristocratic coalition supporting Prince James, who had been elected as Provost of Edinburgh in August 1487<sup>208</sup>.

The association of Buchan and Ramsay in treasonable dealings with the English King continued throughout James IV's minority. In early September 1496<sup>209</sup>, John Ramsay wrote to Henry VII in the midst of James IV's incursion into northern England in support of the pretender to the English throne, Perkin Warbeck. Ramsay explained that "... my Lord of Boughcan takis apoun hym the fulfilling of it...". The task which Buchan was about to undertake appears to have been the kidnapping of Perkin Warbeck from James IV's camp and his delivery to the English. Ramsay also reported on his communication with James IV's brother the Archbishop of St. Andrews (and Duke of Ross), and relayed the Archbishop's promise not to attend the King's host against Henry VII. Ramsay also promised that if James IV committed himself to the invasion of England, then Andrew Stewart Bishop of Moray, Buchan's brother, would go to the Archbishop and "... solist this zounge Prince to cum to your Graice (Henry VII)". In a further letter of 8th September 1496<sup>210</sup>, at Berwick, Ramsay suggested that if James IV attempted the expedition

"... thar vill meny be contrar his opunion. Thar is meny of his faderis servants wald se a ramedy of the ded of his fadyr zit...."

Ramsay's declaration does not fit in with the reality of a high level of support from the Scots nobility for James IV's campaigns into England in 1496 and 1497. Indeed, Ramsay's letters reveal that the Earl of Buchan and Ramsay himself attended the hosting. For James Ramsay the death of James III had been a crippling blow to his own position and power within Scotland, and for him, James III's death remained a political issue because his own fortunes remained bound to the notion that the effects of 1488 could be reversed. There is

little or no sign of that sentiment giving rise to widespread political action after 1489. The Earl of Buchan and the Bishop of Moray, Ramsay's accomplices in 1496, had shown themselves to be fickle in their adherence to the cause of revenge for James III during 1489, and it seems likely that the two men persisted in their attachment to Henry VII, and the hatching of improbable kidnap attempts to secure English loans, because of their political isolation within Scotland.

Buchan's death in 1497 brought to an end the career of a man who was deeply involved in both national politics and local feud. In many cases the Earl's actions on the national stage were clearly influenced by his personal struggles with men such as Robert, Lord Lyle and David, Earl of Crawford. Buchan was involved, personally, in at least three full scale baronial confrontations; the Sheriff Court of Forfar in 1474; with Lord Lyle in Edinburgh in October 1487; and with Lord Oliphant in Perth in 1491. The Earl used the same forceful methods in his dealings at the national level, kidnapping James III in July 1482, attempting another kidnap in January 1483, offering to abduct James IV and James, Duke of Ross in 1491 (in a plot which may also have involved Archibald, Earl of Angus) and Perkin Warbeck in 1496. Buchan's position as a member of the royal family obviously made him a natural focus for the political discontent engineered by his nephew James III, and probably gave him a wider scope for action against the King than members of the non-royal nobility.

Overall, it would seem that Buchan's local feuds were inextricably linked with his dealings in and around the royal court.

**FOOTNOTES CHAPTER: SEVEN**

1. Proceedings of the Society of Antiquaries of Scotland (1882), 169,
2. A.I. Dunlop, The Life and Times of James Kennedy, Bishop of St. Andrews (1950), 28.
3. E.R., v, liii; Chron. Auchinleck, 3, 33-4.
4. S.P., i, 441.
5. C.P.S. (Glas.), 530, 170v.
6. J. Dowden, The Bishops of Scotland (Glasgow 1912), 163n.
7. Nicholson, Later Middle Ages, 344; Chron. Auchinleck, 7, 38.
8. C.D.S., iv, No. 1181.
9. Pinkerton, History, 1, 477, Appendix xiv; Nicholson, Later Middle Ages, 342-3.
10. C.D.S., iv, No. 1203.
11. E.R., vi, 115.
12. Ibid., 243.
13. Ibid., 410.
14. S.R.O., Ailsa Muniments, GD25/1/72.
15. E.R., vi, 343, 412, 633; vii, 260, 388, 450, 562, 646.
16. Rot. Scot., ii, 386.
17. A.I. Dunlop, Life of Kennedy, 206.
18. S.R.O., Register House Charters, RH6/No. 455.
19. S.R.O., Court of Session Records, (A.D.C.), CS5/xvi/f264.
20. R.M.S., ii, No. 680.
21. N.L.S., Crawford and Balcarres Collection. Accession No. 9769/Box E/No. 3. Recorded in a notarial instrument of 4th January 1461; Lindsay, Lives of the Lindsays, i, Appendix 451-2.
22. S.P., i, 109.
23. E.R., v, 628.
24. S.R.O., Murthly Castle Muniments, GD121/2/3. Bundle 4; R.M.S., ii, No. 1497, 13th January 1482. Where David, 5th Earl of Crawford regranted Thomas Fotheringham the lands of Brichty, and others, "pro fideli servitio et gratuitis laboribus et continuis per eundem Thome dicto comiti a juventate sua, et a longo tempore elapso".

25. S.R.O., Dalhousie Muniments, GD45/27/106; S.M., v, 282-3.
26. S.R.O., Register House Charters, RH6/No. 311.
27. Nicholson, Later Middle Ages, 341; Chron. Auchinleck, 7-8, 38-9.
28. R.M.S., ii, No. 597.
29. Registrum Episcopatus Brechinensis (Bannatyne Club Aberdeen, 1856), ii, 83; Fraser, Melville, iii, 35-6.
30. R.M.S., ii, No. 1038.
31. S.R.O., Inverquharity Muniments, GD205/Box 4/Bundle V/A.
32. S.R.O., Airlie Muniments, GD16/24/102.
33. Rot. Scot., ii, 405.
34. Ibid., 408.
35. N.L.S., Crawford and Balcarres collection, Accession No. 9769/Box E/ No. 4.
36. S.M., v, 286-8.
37. Gray Inventory, Court of the Lord Lyon, ii, Bundle XXVI, Nos. 218-9. (Brief Abstracts from the original documents whose whereabouts are now unknown).
38. R.M.S., ii, No. 2198.
39. Ibid., No. 827.
40. Ibid., No. 828.
41. e.g. Ibid., No. 819.
42. E.R., vii, 284, 363, 422, 599, 501.
43. Nicholson, Later Middle Ages, 408.
44. Gray Inventory, ii, Bundle xxvi, 220.
45. R.M.S., ii, No. 886; Gray Inventory, ii, Bundle xxvi, 221.
46. Gray Inventory, ii, Bundle xxvi, 222.
47. R.M.S., ii, No. 909.
48. S.R.O., Murthly Castle Muniments, GD121/3/26.
49. Gray Inventory, ii, Bundle xxvi, No's 223-4.
50. Lord Lindsay, Lives of the Lindsays (London 1849), i, 147, where it is asserted that Margaret and James gave in instruments affirming the resignation of the office to Crawford. The reference given by Lord Lindsay is to documents held in the

Charter Room of Lord Gray at Kinfauns. The relationship between the Gray Inventory held in the Court of the Lord Lyon, and the original material still at Kinfauns is problematic. None of the fifteenth century material detailed in the Gray Inventory has a corresponding entry in the N.R.A. survey made of documents held at Kinfauns. Lord Lindsay seems to suggest however, that at the time he was writing (1849) the originals of the 1469 resignations (now detailed only in the Gray Inventory) were in the charter room at Kinfauns. The N.R.A. survey has either missed these documents, or they have been removed from Kinfauns to another location.

51. A.P.S., ii, 85, 185; R.M.S., ii, No's 891-2.
52. N.L.S., Crawford and Balcarres Acc. No. 9769/Box E/No. 9.
53. S.P., i, 110.
54. R.M.S., ii, No. 1420.
55. Ibid., No. 645; N.L.S., Crawford and Balcarres, Acc. No. 9769/Box E/2/1.
56. N.L.S., Crawford and Balcarres Acc. No. 9769/Box E/No. 10.
57. S.R.O., Inventory of Lintrose Writs, GD68/1/3.
58. R.M.S., ii, No. 1038. Where Ogilvy of Clova is named as a member of the Earl of Crawford's Council.
59. S.R.O., Airlie Muniments, GD16/2/3; R.M.S., ii, No. 1123.
60. C.D.S., iv, No. 1366.
61. S.R.O., Airlie Muniments, GD16/2/4.
62. Ibid., GD16/2/5.
63. Ibid., GD16/2/6.
64. R.M.S., ii, No. 1551.
65. S.R.O., Airlie Muniments, GD16/2/8.
66. Ibid., GD16/2/9.
67. T.A., i, 51.
68. Ibid.
69. Ibid., 52.
70. R.M.S., ii, No. 965; N.L.S., Titles of Keith, Ch. No. 17094.
71. Ibid., No. 1224; S.R.O., Inventory of Lintrose Writs, GD68/1/5.
72. S.R.O., Dalhousie Muniments, GD45/27/107.

73. R.M.S., ii, No. 1174.
74. S.R.O., Airlie Muniments, GD16/2/16.
75. R.M.S., ii, No. 1230.
76. Ibid., No. 1490.
77. Macdougall, James III, 155.
78. Gray Inventory, ii, Bundle xxvi, No. 225.
79. Macdougall, James III, 178.
80. Ibid., 179.
81. R.M.S., ii, No. 1564.
82. S.R.O., State Papers, S.P. 13/19 ; A.P.S., xii, 31-3.
83. A.P.S., ii, 122.
84. A.D.C., i, 421.
85. Ibid., 29..
86. S.M., ii, 252-3.
87. J. Dowden, The Bishops of Scotland (Glasgow 1912), 33-4.
88. Macdougall, James III, Chapter 8, 158-180.
89. A.P.S., ii, 138.
90. S.R.O., Hume of Marchmont Papers, GD158/71.
91. E.R., viii, 108, 109, 110, 111, 393-8, 471-4; S.R.O., Society of Antiquaries, GD103/2/40/1/1 (18th January 1473); S.R.O., Hume of Marchmont Papers, GD158/71.
92. E.R., viii, 208, 483, 590.
93. Ibid., 178.
94. Ibid., 291.
95. S.R.O., Hume of Marchmont Papers, GD158/71 and 73.
96. A.P.S., ii, 138.
97. Ibid., 139.
98. Ibid., 140.
99. A.D.A., 112.
100. Macdougall, James III, Chapter 8. There is, however, the possibility that the charges refer to the period during James

III's minority when Buchan and Atholl were said to have occupied Edinburgh Castle.

101. S.R.O., State Papers, S.P.19; A.P.S., xii, 31-33.
102. A.D.A., 123.
103. H.M.C. Report xiii, Appendix, Part ii, 3.
104. E.R., ix, 681.
105. S.R.O., Mar and Kellie Muniments, GD124/1/1060; R.M.S., ii, No. 1617.
106. A.P.S., ii, 168-174.
107. R.S.M., ii, No. 1617.
108. A.P.S., ii, 175.
109. R.M.S., ii, No. 1573.
110. Nisbet, Heraldry, ii, Appendix, 83.
111. Macdougall, James III, 178.
112. A.D.C., i, 166.
113. Ibid., 354.
114. A.D.A., 152.
115. A.D.C., i, 429.
116. A.P.S., ii, 165.
117. Ibid., 153.
118. R.M.S., ii, No. 1575.
119. A.D.A., 117-8\*.
120. Ibid.
121. A.P.S., ii, 158-161.
122. Ibid., 151-2.
123. A.D.A., 136\*.
124. Ibid., 137\*.
125. A.P.S., ii, 173-4.
126. Lesley, History, 49.
127. Macdougall, James III, 178-9.



128. A.P.S., ii, 153.
129. C.D.S., iv, No. 1531. An English safe conduct for John, Lord Maxwell, warden of the West Marches of Scotland.
130. A.D.A., 119\*.
131. R.M.S., ii, No. 1490.
132. Ibid.
133. Balfour, Practicks, ii, 309.
134. N.R.A.S., 54. Inventory of Traquair Charters No. 36.
135. Ibid., No. 35.
136. C.P.S. (Glas.), 855.
137. Ibid., 795.
138. Fraser, Caerlaverock, ii, 446-8.
139. Ibid., 440.
140. Ibid., 442.
141. S.P., vi, 477.
142. Fraser, Buccleuch, ii, 85.
143. A.P.S., ii, 170.
144. Ibid., 169.
145. Ibid., 173-4.
146. R.M.S., ii, No. 1685.
147. Prot. Bk. Young, 3.
148. E.R., ix, 417, 420.
149. A.P.S., ii, 152.
150. S.P., i, 152.
151. Balfour, Practicks, i, 264.
152. A.P.S., ii, 175.
153. Ibid., 210.
154. A.D.C., i, 86.
155. C.D.S., iv, Nos. 1501, 1504-6.
156. Ibid., No. 1527.

157. A.P.S., ii, 201.
158. Prot. Bk. Young, 21.
159. S.R.O., Airlie Muniments, GD16/12/9.
160. S.R.O., Handlist of Fraser MacKintosh Collection, GD128/Box 64/Bundle 5/No. 6.
161. C.P.S. (Glas.), 813.
162. Dowden, Bishops, 163.
163. C.P.S. (Glas.), 813.
164. Macdougall, James III, 172.
165. C.P.S. (Glas.), 820.
166. R.M.S., ii, No. 1565.
167. Ibid., No. 1544.
168. Ibid., No. 1517.
169. Ibid., No. 1542.
170. S.R.O., Ailsa Muniments, GD25/1/141; R.M.S., ii, No. 1545.
171. R.M.S., ii, No. 1722.
172. Liber S. Thome de Aberbrothoc (Bannatyne Club 1856), ii, 238-9.
173. C.P.S. (Glas.), 867.
174. R.M.S., ii, No. 1646.
175. C.P.S. (Glas.), 822.
176. Registrum Episcopatus Moraviensis (Bannatyne Club 1837), 257-8.
177. C.P.S. (Glas.), 881.
178. R.M.S., ii, No. 1702.
179. Ibid., No. 1708. The Bishop also witnessed the creation of the Earldom of Glencairn on 28th May 1488. S.R.O., Cunningham-Graham Muniments, GD22/2/2.
180. A.P.S., ii, 201.
181. T.A., i, 92.
182. A.P.S., ii, 201.
183. Ibid., 213.
184. Chapter 4, 188.

185. A.D.A., 120.
186. A.P.S., ii, 209-10.
187. Chapter 4, 189-90.
188. A.D.C., i, 119.
189. Ibid., 101.
190. Pinkerton, History, ii, Appendix, 437.
191. R.M.S., ii, No. 1857.
192. Ibid., No. 1858.
193. Ibid., No. 1898.
194. A.P.S., ii, 215.
195. S.R.O., Airlie Muniments, GD16/4/1.
196. Ibid., GD16/22/6 [1459.64]; S.R.O., Mar and Kellie, GD124/1/1063.
197. Ibid., GD16/22/6 [1458.63]; GD16/22/6 [1451.66].
198. Ibid., GD16/22/6 [1465.70].
199. Ibid., GD16/22/6 [1468.73].
200. R.S.S., i, No. 1544.
201. T.A., i, 178.
202. Ibid.
203. S.P., vi, 539. The original is said to have been in the Dupplin Charter Chest.
204. C.D.S., iv, No. 1571.
205. Ibid., iv, No. 1614.
206. E.R., ix, 548; x, 40, 58, 102.
207. Extracts from the Records of the Burgh of Edinburgh 1403-1528, ed. C. Innes; (S.B.R.S., Edinburgh, 1964), 54.
208. Ibid., 52-3.
209. Sir Henry Ellis, Original letters illustrative of English History (London 1824), 1st Series, i, 23; A.F. Pollard, The Reign of Henry VII (London 1913), 136.
210. Ellis, Original Letters, 1st Series, i, 25; Pollard, Henry VII, 141.

## CHAPTER EIGHT

### The Menzies/Stewart Feud:

### Feufarming and the Perthshire Rebellion

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### The Menzies/Stewart Feud:

#### Feufarming and the Perthshire Rebellion

On 12th October 1502<sup>1</sup>, James IV's treasurer paid Richard Wallace, a royal messenger, seven shillings to

"pas in Stretherne to warne the lordis of the cuntree to pas to freith the Lord of Weym quhen Neil Stewart segit him".

The siege of Weem Castle (near Aberfeldy), its eventual destruction, and the capture of Robert Menzies of that ilk (the Lord of Weem referred to above) by his near neighbour, Neil Stewart of Fortingall, may appear to have been the culmination of a baronial feud between Menzies and the Stewarts of Fortingall. The attack on Weem was, however, also provoked by an aggressive royal financial policy in the region after 1500, a policy with which Menzies, as the crown's local agent, was closely identified. The disturbances of 1502 clearly involved an element of protest against James IV's strategy of feufarming royal lands in Perthshire for increased rentals.

Relations between Robert Menzies and the Stewarts of Fortingall appear to have been amiable enough for most of the last quarter of the fifteenth century. On 19th June 1494<sup>2</sup>, however, in an action before the Lords of Council, it was decreed that Neil Stewart of Fortingall did wrong in occupying the lands of "Dailry" (Dalrawer?), and he was ordered to remove himself from the property until he gained lawful entry. In the meantime, the lands were to be occupied by Robert Menzies of Enoch (Robert Menzies of that ilk possessed the barony of Enoch in Durisdeer parish, N.W. Dumfriesshire, and was known as Menzies "of Enoch" or "of Weem"). The dispute over "Dailry"<sup>3</sup> resurfaced on

15th March 1501<sup>4</sup>, when Robert Menzies of Enoch brought an action against Neil Stewart (son and heir of the Neil Stewart prosecuted in 1494) for a sum of forty merks as the balance of a larger sum given in an earlier decret. (presumably that of 1494), for the wrongful occupation of Dalrawer. It seems that the Lords of Council felt that the contesting parties were liable to pursue the quarrel through violence, for on 17th March 1501<sup>5</sup> John Stewart, Earl of Atholl, became surety before the Lords that Robert Menzies would be unharmed by Neil Stewart under a penalty of 500 merks "as he fand of before to the sheriff". On the same day Alexander, Lord Gordon, became surety for Malcolm and John Stewart, Neil's brothers, to the same purpose, each under a penalty of £100. Five days after these sureties were granted, Robert, Lord Crichton of Sanquhar, hereditary sheriff of Dumfries, became surety for Robert Menzies of Enoch's behaviour towards Neil Stewart of Fortingall and his brothers Malcolm and John. On the same day, 22nd March 1501<sup>6</sup>, Robert Menzies offered surety for the good conduct of his brother John Menzies. The Earl of Atholl and Lord Gordon, guarantors for the Stewarts' behaviour, were magnates of great influence in northern Perthshire, whereas Robert Menzies' surety reflected his position as a landowner in Dumfriesshire.<sup>7</sup>

Thus, in the year preceding the attack on Weem, Menzies and Stewart were on demonstrably poor terms, and these tensions were exacerbated by James IV's determination to exploit royal lands with greater vigour after 1500.

On 26th November 1500<sup>8</sup>, James IV pursued Neil Stewart of Fortingall for the annual rents of Rannoch, "Auchinvaid" and "Drumtymlok", worth twenty pounds yearly, withheld from the King over a period of twenty-four years. The Lords decided that Stewart should cease intromitting with the rents and profits of Rannoch, because the

great seal assedations of these royal lands, shown to the Lords by Stewart's procurator, "ar owtrunnyn and endit", and that he should pay the King twenty pounds yearly for the past eight years (i.e. from 1492). Stewart was also to pay five pounds for a year's rent of the lands of "Drumfyn" and "Drumcastell"<sup>9</sup>. The sederunt of the Lords of Council noted the presence of Robert Colville, the Director of Chancery, "pro actibus scaccarii". Colville had received payments for his work in the exchequer during June, July and August 1499<sup>10</sup>, and it seems that his role was to provide the Lords of Council with information from the exchequer rolls regarding Stewart's non-payment of the Rannoch rents. The assedation of Rannoch to Neil Stewart of Fortingall (deceased) said to have been "owtrunnyn and endit" in November 1500 would appear to be that of 4th May 1473<sup>11</sup>, confirmed by James III under the great seal on 24th January 1478, by which John Stewart of Fortingall and Neil Stewart, his son, received the Lordships of the Appin of Dull, Glen Quaich, Glenlyon, Strathbraan and Rannoch, with the office of bailie, for a period of nineteen years.

A series of feufarm grants made by James IV served to bring Robert Menzies and Neil Stewart of Fortingall into direct conflict. On 16th January 1501<sup>12</sup>, at Stirling, James IV granted Robert Menzies of that ilk in "feodifirme", for his good service and for "proficuo patrimoni corone", the twenty shilling land of "Eddiroull", the four merk land of Camserney, the merk land of "Tolicro", the twenty shilling land of "Nether Mewane", the five merk land of Tegarmuchd, and the two merk land of "Thomteogle" (Tominteold?), together worth ten pounds yearly (old extent), in the Appin of Dull, united in a free barony of Camserney for "triplicem firmam" i.e. thirty pounds. The lands of "Nether Mewane" were specified as being "inhabitabut" by a "Donaldis Makqueil". By 26th June 1501<sup>13</sup>, James IV had been forced to bring an

action before the Lords of Council against Neil Stewart of Fortingall, Donald Makwele (i.e. the Donald "Makqueil" named as the tenant of "Nether Mewane"), Alexander "Makade", Robert "Makcolmes", Alexander "Makylvane", and "Bris McAnderow" for the wrongful occupation of the lands and barony of Camserney. Stewart and the other defendants failed to compear, and the Lords decreed that Neil and the named tenants should desist in their intromissions, and that the lands were to be enjoyed by the King and "quham that he has disponit the sammyn to", i.e. Robert Menzies. Clearly, Stewart and the tenants of the Camserney lands were resisting Menzies' claims to possession of the new feufarm barony, and/or the rendering of tripled rents to the royal exchequer. The choice of Menzies as the recipient of the feufarm barony was especially provocative, given that Stewart and Menzies were already in dispute over the lands of Dalrawer. Neil Stewart's resistance to the Camserney grant may well have contributed to the need for the exchange of sureties between Stewart and Menzies in March 1501.

In September 1502, Neil Stewart's position in the Appin of Dull was further undermined by royal grants to Robert Menzies. On 1st September 1502<sup>14</sup>, Robert Menzies was given a five year tack of the lands of the Appin of Dull, worth thirty pounds yearly, paying the "double male thairof" i.e. sixty pounds yearly. Menzies was also to receive a letter of bailiary over the entire lordship of the Appin of Dull. Once again Menzies had taken on lands and offices, for increased payments to the crown, in which the Stewarts of Fortingall had a long established interest. The Stewarts of Fortingall had been given a nineteen year tack of the lands and bailiary of the Appin of Dull (along with Rannoch, Strathbraan and other royal lands in Perthshire) in 1473. The tack should have secured possession of the Appin of Dull and the other lordships until 1492. The Lords of



Council, in November 1500, asked Neil Stewart to repay to the King eight years rent from Rannoch for the years 1492-1500 (rather than the twenty-four years worth originally claimed by the crown), thereby acknowledging 1492 as the year in which the Stewarts' tack expired.

In fact, the Stewarts of Fortingall were twice threatened in the possession of the lordships detailed in the 1473 assedation. On 22nd January 1478<sup>15</sup> in Edinburgh, John, Earl of Atholl and Neil Stewart of Fortingall came to an agreement

"anent all questions and debatis movit be the said Lord Erlle aganis the said Neill...specialy anent the desyring of...Neillis takkis, offices and rowmis". By the agreement, Atholl promised "never in tyme cuming [to] laboure nor ger laboure for the takkis nor offices of Neillis, the quhilkis his fader broukit of before in priva nor in apart and sal have na eye therto in tyme cuming".

In return for Atholl's "good lordship" in this matter, Neil Stewart bound himself in manrent to the earl. It was also decided that Neil's son and heir should marry one of Atholl's daughters, and that "anent the balzery of Strabrawin" that the earl would allow Neil to become his depute in the bailiary until the marriage was completed, after which the earl would assign the bailiary to whichever of Neil's sons married the earl's daughter. Two days after this indenture, on 24th January 1478<sup>16</sup>, James III gave a great seal confirmation of the assedation of the Appin of Dull, Glen Quaich, Glenlyon, Strathbraan and Rannoch made under the privy seal in May 1473, to John Stewart of Fortingall, and Neil his son. The Earl of Atholl would thus appear to have obtained a title to the bailiary of Strathbraan, presumably after John Stewart's death on 10th December 1475<sup>17</sup>, which Neil Stewart successfully resisted on the basis of the nineteen year tack issued in 1473.

The second occasion on which Neil Stewart's possession of the Appin of Dull was threatened followed the death of James III at

Sauchieburn in 1488. On 15th October 1488<sup>18</sup>, in Edinburgh, during the first parliament after James III's death, Neil Stewart and Duncan Campbell of Glenorchy entered into an indenture which demonstrated an interesting interaction between parliamentary and regional business. On 17th October<sup>19</sup> the statutes enacted during the parliamentary session (6th-17th October) were recorded. Article nine<sup>20</sup> appointed certain men to maintain justice within designated areas. As we have seen in Chapter Four, these nominations often reflected the replacement of men who had remained loyal to James III, with members of the rebel coalition who had defeated the King at Sauchieburn, under the terms of article six of the October parliament<sup>21</sup>, which stipulated that all those who had fought against James IV at Sauchieburn should be excluded from the exercise of royal offices. Article nine assigned the task of maintaining justice in "Discher, Toyer", Glenorchy, Rannoch, the Appin of Dull, Glenlyon and Glenfalloch to Duncan Campbell of Glenorchy, Neil Stewart of Fortingall and Ewan Campbell. The indenture of 15th October between Stewart and Campbell of Glenorchy seems to indicate that the two men were in dispute over the royal lands and bailiaries assigned to Stewart in 1473. By the terms of the agreement, Duncan Campbell became bound not to disturb Neil in his

"tak kis, stedingis, kirkis, teyndis....landis nor gudis...in the law nor by the law, nor yit sall nocht tak uther takis, stedingis...officis, bowndis, nor rowmys...enduring all the dayis of thair liffes",

and especially Neil's lands of the Appin of Dull, Rannoch, Glenloch, Strathardle, Strathbraan and the kirk of Dull. Similarly, Neil was not to disturb Duncan in "Discher, Toyer" (i.e. the north and south shores of Loch Tay), Glendochart and Glenlyon. It was further agreed that the contracting parties were to stand in "awfald kyndnes" and were to be of "help to uthers in tyme to cum", and that Neil Stewart should

give over to Duncan Campbell the lands and bailiary of Glenlyon "and never in tyme to cum sall intromet therewith, nor yit tak the samyn". Glenlyon was one of the royal lordships assigned to Neil Stewart in 1473. In return for Glenlyon, Duncan Campbell was to give Neil

"the takis that he (Duncan) has of the kirk of Dull...witht the takis and officis of bailiery and feis of the rannauch, appildull, Glenqoch...",

for which Neil would pay Duncan £100. The tacks of the Appin of Dull, Rannoch, Glen Quaich and Glenlyon, which should have ensured Neil's occupation until 1492, had obviously been invalidated by the events of 1488. Neil Stewart had been acting as Bailie of Rannoch as late as 6th July 1487<sup>22</sup>. It seems likely that Duncan Campbell of Glenorchy had obtained tacks of the crown lands of the Appin of Dull, Rannoch, Glen Quaich and Glenlyon in the months after James III's death, through the influence of his cousin, Colin, Earl of Argyll, one of the successful rebels of 1488, and the new Chancellor. There is some evidence to suggest that Duncan Campbell of Glenorchy was active on Prince James' behalf during the disturbances of 1488 in the service of the Earl of Argyll. Duncan Campbell was clearly the real beneficiary of the October agreement, in that he received the lands and bailiary of Glenlyon, along with a sum of £100, in return for tacks of lands in which Neil Stewart should have been secured until 1492. Neil Stewart's position may have been especially vulnerable if he had rendered support to James III during 1488, in the retinue of John, Earl of Atholl. Neil was expressly bound to accompany the earl, in times of hosting, in the indenture of 22nd January 1478 between the two men, and Atholl certainly witnessed great seal charters issued by James III on 18th<sup>23</sup>, 20th and 28th May 1488<sup>24</sup>, shortly before the battle of Sauchieburn. It may be significant for Dr. Grant's thesis of the durability and integrity of certain territorial lordships, and their

ability to survive changes in central government, that whereas hereditary Lowland sheriffs such as John, Lord Hay of Yester, who had supported James III, were removed from their sheriffdoms for three years, John Earl of Atholl retained his criminal jurisdiction within Atholl<sup>24a</sup>. Colin, Earl of Argyll, Chancellor, and George, Earl of Huntly acted as guarantors for the October 1488 agreement, with each bound that, if Duncan or Neil broke any of the above conditions, they (the earls) would support the party adhering to the arrangements, against the defaulter.

The agreement with Neil Stewart was not the only advantageous settlement made by Duncan Campbell of Glenorchy in October 1488. On 21st October 1488<sup>25</sup> in Edinburgh, Robert Menzies of "Ennochquhie" (Enoch) received a bond of maintenance from Duncan Campbell by which Duncan, re-inforced with the judicial powers granted to him in the parliament which had concluded four days previously,

"bind and oblissis me and becummis in manteinance, supple, help and trew consale to the said Robert and sal tak ane awfald lele and trew parte with him in all and sundry his accions, causis, querrillis and pleyis...ande sal nocht wit his harme, hurt, scaith, heirschip, deid nor disherising to his person, lands, takkis nor gudis".

Much of this is standard form, but, as was suggested in Chapter Three, bonds of maintenance were often indicative of attempts to repair strained or hostile relationships. The "protection" offered by Campbell was certainly not bought cheaply, with Menzies becoming bound to assign the lands of Achmore, Morenish and "Crannoch" (all at the western end of Loch Tay) to Campbell, in liferent, with

"al uther his lands liand on the watter of Lyoun, of the quhilkis the said Duncan is bailie of under me, likas my letter of balyery maid to the said Duncan heirapoun proportis".

In return, Duncan gave a promise never to oppress Menzies' tenants in the above lands (hardly indicative of a friendly relationship between

the two men). The lands of Morenish were, in fact, at the centre of a long running dispute between the Campbells and the Menzies<sup>26</sup> and Campbell's bond may, in reality, have been intended as a guarantee of his own behaviour towards Menzies rather than a genuine pledge to assist him against other parties. On the same day<sup>27</sup> as Menzies received Campbell's bond of maintenance, he granted the lands of Achmore to Duncan.

Taken together, the Campbell/Stewart bond and the Menzies/Campbell agreement reveal a certain cohesion in Glenorchy's territorial ambitions, in that Campbell obtained control of the crown lands of Glenlyon, with the office of bailie, and a liferent of Menzies' lands in the same lordship, supplemented by the emergency judicial powers granted in the October parliament. Campbell's position in Loch Tay was also enhanced by a liferent of Menzies' lands in that lordship. Both agreements reflected the political reality of Campbell control over the disposition of royal lands, and the exercise of royal justice, after 11th June 1488 and the defeat of James III at Sauchieburn. The accommodation of Campbell of Glenorchy may have been one of a number of "local" deals made between the victorious rebels of 1488 and their rivals and neighbours in the localities who had supported James III.

Neil Stewart received a confirmation of his position within the Appin of Dull on 3rd December 1495<sup>28</sup>, at Perth, when the lands of the lordship were assigned to him for a period of three years by the king's commissioners. On 21st January 1497<sup>29</sup>, at Edinburgh, Neil Stewart was given a five year tack of the Appin of Dull, Glen Quaich and Strathbraan "ex speciali mandato...domini nostri".

For much of the second half of the fifteenth century, then, the Stewarts of Fortingall had acted as both chief tenants and bailies of the crown lands of the Appin of Dull, and the five year tack granted to

Neil Stewart (elder) in 1497 brought their recorded exercise of the office of bailie to a total of twenty-nine uninterrupted years between 1473 and 1502. The setting of the lands of the Appin of Dull to Robert Menzies of that ilk on 1st September 1502 thus overturned a long established political and tenurial structure, with the rents due to the crown doubled, and their collection assigned to a man with little or no connection to the existing tenantry. The five year tack in Menzies' favour was recorded in the exchequer rolls "in scaccario primo septembris..."<sup>30</sup> with Menzies pledging all his lands in the kingdom as surety for the rents due to the crown. Menzies' position as a landowner in Lanarkshire and Dumfriesshire may have made Robert appear a better financial risk than Neil Stewart, whose father had a record of non-payment of the royal rents of Rannoch. On the same day, 1st September 1502,<sup>31</sup> Robert Menzies received a feufarm grant of the twenty pounds worth of royal lands in Rannoch, i.e. "Downane", Kenadacher, the two Cameserichts, Ardlarach, Killichonan, Learan, "Ardlar" and Leargan, with the isle of Lochrannoch, and the Lochs of Rannoch and Errochty, with the custody of the forest of Rannoch,

"pro bono...servitio" and "pro utilitate et  
proficuo patrimonii corone nostre, et in  
augmentacione nostri rentalis".

The lands were erected into a free feufarm barony, paying yearly for the twenty pounds worth of land, a sum of thirty pounds. The crown lands of Rannoch, assigned to Menzies in free barony, were the same lands for which Neil Stewart had been pursued by the King in November 1500, over his father's failure to pay the appropriate rents. The Lords of Council in 1500 seem to have decided that Neil Stewart (elder) had held Rannoch legally until 1492, under the terms of the 1473 assedation. In November 1505<sup>32</sup> James IV gifted to Alexander, Earl of Huntly, the sum of 300 merks for the "birun malis" of Rannoch,

with the power to apprise Neil Stewart's lands and goods for the debt. 300 merks would be the value of the Rannoch mails from 1492, the terminal date of the 1473 assedation, to 1502, when Robert Menzies received the lands.

The exchequer rolls reveal, in fact, that the Stewarts of Fortingall had been in continuous possession of the royal lands of Rannoch from before 1450<sup>33</sup>. A detailed examination of the tenurial history of Rannoch is beyond the scope of this present study. It is sufficient to note that John Stewart, Neil Stewart's grandfather, seems to have held Rannoch until his death on 10th December 1475, often failing to deliver in the required rents to the king's exchequer<sup>34</sup>. The assedation of May 1473 asserted that John Stewart, and Neil his son, should take their fees as Bailies of Rannoch from the lands of Rannoch. The generous terms of this assedation ensured that, from 1473 onwards, the lands of Rannoch failed to render any rents to the crown. John Stewart and, after John's death, Neil Stewart his son, uplifted the entire twenty pounds due yearly from Rannoch as their fee<sup>35</sup>. James IV's government was not as indulgent as James III had been with regard to the Stewarts' rent-free occupation of Rannoch. On 4th July 1491<sup>36</sup> an account rendered at Linlithgow recorded the sum of eighty pounds withheld by "Nigell Stewart...ad manus proprias de terris de Rannauch, de anno compoti et tribus annis ante hoc compotum", i.e. from July 1487, the last account rendered in the reign of James III. Clearly, the new regime was not allowing Neil Stewart to claim the rents of Rannoch as his fee for the office of bailie. In the account rendered, at Stirling, on 18th August 1495<sup>37</sup>, Stewart was still said to owe eighty pounds for the four years preceding 1491. In the account of 11th July 1496<sup>38</sup>, although no mention was made of the eighty pounds owed by Stewart, the lands of Rannoch failed to deliver in their rents

for the year of the account i.e. July 1495 to July 1496. Although the court case of November 1500 suggests that Neil Stewart (elder) withheld the Rannoch rents in the years 1492-1500, the exchequer rolls after 1496 do not specify instances of non-payment.

The creation of Menzies' feufarm barony of Rannoch in September 1502 thus marked the end of over fifty years' occupation of the crown lands of Rannoch by the Stewarts of Fortingall. In the space of a year, Neil Stewart had lost possession of Camserney, the Appin of Dull and Rannoch to Robert Menzies of that ilk. In the process of this transfer, James IV had increased the combined sums due from these lands from sixty pounds to £120 and, since the Rannoch lands rarely produced any rents, the sum was effectively tripled. Aside from the grants made to Robert Menzies, James IV's concern to exploit his royal lands through feufarming also affected Stewart's possession of the lordship of Strathbraan.

Strathbraan had been one of the lordships assigned to John Stewart and his son in May 1473 and, in the indenture of 22nd January 1478, John, Earl of Atholl had agreed to secure Neil Stewart as Bailie of Strathbraan. Neil Stewart's control of the lordship was further ratified in the indenture between Neil Stewart and Duncan Campbell of Glenorchy on 15th October 1488. On 21st July 1490<sup>39</sup> Strathbraan was set, as a five year tack, to George, Bishop of Dunkeld and Alexander Inglis. On 3rd July 1494<sup>40</sup> John Lindsay, Master of Crawford, was granted a five year tack to commence after the issue of the Bishop's assedation. The grant to Lindsay seems never to have become effective for, on 21st January 1497<sup>41</sup>, Strathbraan, along with the Appin of Dull and Glen Quaich, were re-assigned to Neil Stewart for five years. On 1st May 1499,<sup>42</sup> James IV granted his comptroller, Sir Patrick Hume of Polwarth, the half lands of Strathbraan, worth twenty three pounds



sixteen shillings and eightpence yearly, the half lands of "Auchinvaid" worth thirty three shillings and four pence, and the half lands of Glenshee worth thirteen shillings and fourpence, in feufarm for "duplicem firmum". Thus, Hume was to render forty seven pounds thirteen shillings and four pence for Strathbraan, three pounds six shillings and eightpence for "Auchinvaid" (Auchnafauld? - near Glen Quaich), and twenty-six shillings and eightpence for the half lands of Glenshee. On the same day,<sup>43</sup> the remaining half lands were set in feufarm, for doubled rents, to James IV's treasurer, Robert Lundy of Balgony. The assignation of these Perthshire lordships to the king's principal financial officers (who would certainly be capable of meeting the financial demands of the new feufarm grants) seems to mark a radical change in the attitude towards the exploitation of royal lands. The chief factor in deciding to whom the feufarm grants were given does not appear to have been local political influence, but rather an ability to pay the increased feufarm dues, and a certain closeness to the King. In fact, it may be that Hume (a Berwickshire laird) and Lundy (whose estates were in Fife) had some trouble in collecting the increased rents due from "Auchinvaid", Strathbraan and Glenshee. In the following year, on 17th November 1500<sup>44</sup>, Lundy resigned all the half lands specified above, and those of Tirchardie, "Candloch" and "Durebroich" in the lordship of Glen Quaich to John, Lord Drummond, for the "utilitate et proficuo patrimonii corone". On 30th November 1500<sup>45</sup>, Sir Patrick Hume of Polwarth resigned his half lands of "Auchinvaid", Strathbraan and Glenshee to William, Lord Ruthven to be held of the King, in feufarm, for doubled rents. The regrant of the lands to two Perthshire based Lords of Parliament may indicate that there had been some local resistance to the raising of the rents by Hume and Lundy. Certainly, in the same month as Lundy and Hume

resigned their feufarm grants to Lord Drummond and Lord Ruthven, the King was pursuing Neil Stewart before the Lords of Council for the wrongful occupation of "Auchinvaid".

All the grants made by James IV of the lands of Strathbraan and those in Glen Quaich were in contravention of Neil Stewart's five year tack granted in 1497 (the tack may well have been invalidated by James IV's revocation in 1498). In the accounts of 16th July 1501<sup>46</sup> the forty seven pounds owed from the lands of Strathbraan had been transformed to a feufarm rental of ninety five pounds, six shillings and eightpence under a "noviter assedatarum". From 1st September 1501<sup>47</sup> the rents due from Strathbraan were diverted into the foundation of the king's chapel royal and collegiate church in Stirling. Strathbraan was, thus, another long term holding of the Stewarts of Forthingall, lost to them permanently through James IV's policy of granting out royal lands as heritable feufarm baronies.

While the financial benefits of the feufarming policy to the King are obvious, the potential political drawbacks are equally manifest. Neil Stewart and the tenants of Camserney (who were almost certainly entered into their holdings as sub tenants of Neil Stewart (elder) while he held the lands of the Appin of Dull from the crown) had already refused to accept the creation of Menzies' feufarm barony of Camserney in 1501. Stewart's position as a land and office holder of great influence in northern Perthshire depended, to a large extent, on his control of the royal lordships of the Appin of Dull, Rannoch, Strathbraan, Glen Quaich and others. Neil Stewart's father and grandfather had administered the sub-letting of the royal lands, removing and entering tenants, and enjoyed the bailiaries of the various lordships, in an almost hereditary fashion, for over half a century. The introduction of Menzies was, then, disruptive of a long

established local status quo and was probably regarded, by Neil Stewart at any rate, as an attack on legitimate rights and privileges.

Neil Stewart's response to the September grants was swift and violent. The Chronicle of Forthingall records that

"combustus fuit Weym per Nigellum Stewart de Gart  
(Garth) anno Domini M<sup>o</sup> V<sup>c</sup> secundo in mense  
Septembris"<sup>48</sup>.

It seems likely that the assault on Weem did, indeed, occur in late September or early October 1502. James IV was seeking the assistance of the Lords of Strathearn in lifting the siege of Weem by 12th October 1502, although a notarial instrument of 17th January 1503<sup>49</sup> indicates that Robert Menzies had been captured by Neil Stewart on, or around, 10th October 1502. The instrument, taken in a James Menteith's house in Stirling, narrated that;

"I, Robert Menzies of that ilk, tane and haldin in captivite...aganis my will and on force be Nele Stewart and his complices, and now at liberalite and fredome recoverit be menys of our soverane Lord, revokis...and adnullis all...bandis, condiciounes, oblisngis, renunciacionis, quittance and infeftmentis quhatsumever that I hafe maid to Nele Stewart, the Maister of Athell, Patrick Maister of Graye and Nele Stewartis wife in specale, and to...thar men, servandis, complices and annerdance sen the tend day of october last bipast, tuechin the hurt of my saule, my heretage, takkis, gudis, stedingis, beyng in the said ward and captivite for the safte of my life...beyng in the handis of my dedly innime, protestand...that quharesuever.. the.. bandis, ordinances, oblisngis, infeftmentis, renunciaciones of takkis and al maner of writis or documentis to be producit and schawne befor quhatsumever juge or jugis.. in prevey or aparte...turne me my saule, my life, my gudis..takkis and malingis to na prejudice, dampage, hindering hurt nor skaith in tyme tocum..."

Neil Stewart had thus captured Robert Menzies by 10th October 1502, apparently with the support, or connivance, of the Master of Atholl and the Master of Gray. During his detention, Menzies had been forced to renounce certain tacks (presumably those of the Appin of Dull, and the feufarm grants of Rannoch and Camserney) and

to give quitclaims to Stewart's allies and adherents for their attack on Weem. Menzies claimed to have been freed by James IV's direct intervention, and the King did, indeed, make a brief visit to Perth around 11th January 1503,<sup>50</sup> probably to force Menzies' release.

The next justice-ayre held in Perth, in June-July 1503, saw many remissions given for the events of September/October 1502 which reveal details of the personnel involved in the attack on Weem. In February 1503<sup>51</sup> James IV sent a messenger to John Stewart, Earl of Atholl (whose son may have taken a direct hand in the attack on Menzies) to stop the "haldin of his (Atholl's) aire before the Kingis justice aire". Clearly, James IV was not prepared to allow Atholl's justiciary court to deal with the criminal charges laid against Neil Stewart (Atholl's son-in-law and adherent) and his accomplices. Atholl had enjoyed the powers of a justiciar within the bounds of his own Earldom to try

"sic crymes as our Justice generale and  
compositouris mycht fyne or comone be vertu of our  
comissioun...in our justice are of Perth"

since 22nd December 1477<sup>52</sup>, a commission renewed in 1482 and 1492<sup>53</sup>. The arrangement was suspended, so that Atholl could not try, and sell remissions and respites to, his own adherents for their part in the attack on Menzies' lands and dwelling.

It would appear that the royal justice ayre of June/July 1503 treated involvement in the attack on Weem as part of the special category of offences which could not be covered by a general remission. On 26th June 1503<sup>54</sup> a "Broyss Makmorich" in "Teirquhock", described as dwelling in Strathbraan, received a remission for the theft of a cow and for all other offences except treason, murder, burning, killing, common oppression "et actione circa manerium de Weme". The exception indicates a very real determination to prosecute fully all those

involved in the attack on Menzies, by ensuring that the assault on Weem could not be covered by a general remission obtained for another, lesser, crime.

On 3rd July 1503<sup>55</sup> a series of remissions were granted to various individuals for their assistance to Neil Stewart in his theft and rapine. The recipients were Alexander "Cunnysoun" in Straloch (an Atholl lordship at the northern end of Strathardle), John "Cunnysoun" in Edradour (two miles east of Pitlochry), Adam Donald Fergusson in Straloch, John Stewart "Makgillekeir" in Dalshian (near Moulin), Duncan "McGillereach" in "Fandowyach" (Findowie in Strathbraan?), John "Tarloch", John Stewart McArchibald and fifty-nine others, John Angusson and John Ayson. Most of these men were from the Pitlochry area, or from the Earl of Atholl's lordship of Straloch. On 25th August 1503<sup>56</sup>, in Edinburgh, a Thomas "Maknare" received a precept of remission

"for arte and parte of the birnyng of the hous and place of Weyme and....the slauchter of umquhile David Menzeis, Johne Menzeis, Johne Kirkpatrick, Andro Dalzell, Thomas Makculloch and Thomas Myllare".

The presence of men of the surnames of Kirkpatrick, Dalzell and MacCulloch in or around Weem during the attack on the castle is intriguing. All three family names are associated with Dumfriesshire. Robert Menzies of that ilk was, of course, baron of the barony of Enoch in the north-west of that county<sup>57</sup>. The three men may have been members of Menzies' household, recruited from his Dumfriesshire lands, killed when Weem was overrun by Stewart and his men. There was certainly a branch of the Dalzell kindred occupying the lands of Drumcruil in the barony of Enoch in the early fifteenth century<sup>58</sup>. Alternatively, these men could have been tenants whom Menzies had introduced into the feufarm barony of Camserney, or the other more

recently acquired Appin of Dull lands, to replace men attached to the Stewarts of Fortingall. The dispute over the barony of Camserney certainly indicated that the existing tenantry in the Appin of Dull were reluctant to acknowledge Menzies' claims (a feature probably exacerbated by the knowledge that Menzies' possession of the lands would entail an increase in the rents due to the crown), and there is a distinct possibility that Menzies used his south-western connections to recruit tenants whose allegiance he could rely on, and who were willing to pay the increased rentals.

The next justice ayre of Perth, in July 1507, saw the granting of more remissions to men involved in the attack on Weem. On 6th July 1507,<sup>59</sup> John "Makpersoun" received a remission for burning Weem in company with Neil Stewart, and for the murders committed there. On the same day<sup>60</sup> an Alexander "Makade" and Alexander "Makgillandris" also received remissions for these crimes. Alexander "Makade" may well be the man summoned, along with Neil Stewart of Fortingall, for resisting James IV's feufarm grant of Camserney to Robert Menzies in June 1501. "Makade's" involvement in the attack on Weem, as a Stewart tenant displaced by the assignation of Camserney to Robert Menzies for doubled farms, would not be altogether surprising. One further remission is recorded, on 2nd December 1509<sup>61</sup>, to Alexander Reid of Straloch, for the burning of Weem and the slaughters committed there. Other men were less fortunate than Reid; on 14th February 1509<sup>62</sup> Malcolm "McGuheyn", Duncan "McQuhein" and John "McGilleve" were convicted, by an assise, of the burning of Weem in company with Neil Stewart, and were executed. These executions, seven years after the event, may well reflect the fact that the attack on Weem had been placed into a special category of crime which could not be excused by a general remission. The remission given to "Broyss Makmorich" in

June 1503 indicates that this system was in operation during the royal justice ayre of 1503 and a statute enacted in the parliament of March 1504<sup>63</sup> sought to close the potential loophole further. Item six stipulated that any remissions granted in the future

"sal nocht extend nor salf the takare fra gretar crimez be ony generale claus na is contenit specaly, and that the gretest actione be specifit or ellis it sall be comprehendit And that general claus sall nocht include gretare nor the specale claus ".

The parliamentary legislation was probably prompted, in fact, by the attack on the lordship of Badenoch by Lachlan MacLean of Duart, Ewan Allanson, Captain of Clan Cameron, and others, during December 1503, ostensibly in support of Donald Dubh, the bastard son of Angus Og, bastard son of the last Lord of the Isles. As in the reign of James III, the parliamentary legislation of James IV's reign which concerned the operation of royal justice can often be traced to the need to deal with specific incidents and regional problems.

A case brought before the Lords of Council on 14th-15th March 1505<sup>64</sup> allows us a fuller picture of the events of 1502. On 14th March 1505, the Lords of Council dismissed the exception proposed by Neil Stewart's procurator (an Andrew Cadiou) that Robert Menzies of that ilk had discharged Neil Stewart of all the damages and losses sustained by him (Menzies) during 1502. Stewart claimed that Robert Menzies had been "at liberte at the chapell of Melyn" (Moulin) when he granted the discharge. The lords decided, however, that Menzies had not been

"at full liberte...quhen he maid the...discharge, bot was in danger of the said Neill and his complices" and that the chapel of Moulin "was within the boundis quhare the said Nele and his complices mycht haif done harme to the said Robert".

The discharge given by Menzies at Moulin was clearly one of the "renunciacionis" repudiated by him at Stirling on 17th January 1503.

On the day following the Lords' rejection of Menzies' discharge, 15th March 1505<sup>65</sup>, Robert Menzies brought his charges against Stewart for the destruction and "douncastin" of the mansion place and fortalice of Weem. The Lords of Council decreed that Neil was to pay Menzies £200 for the destruction of Weem, and a total of £194 4s. 4d. for a range of goods, weapons and victuals taken or destroyed by Neil and his men. In addition Neil was ordered to compensate Menzies for the crops of Weem and Camserney which were

"byrnit, spulyeit, takin away and distroyt be...Nele  
and his complicis...in the yeir of God jm VC and twa  
yeris"

(amounting to 752 merks worth) and for the profits that Menzies may have had from the lands of Weem and Camserney in the following year if, "he had bene untrubillit be the said Nele and his complices". Stewart was also ordered to pay 160 merks for the "waisting, destroying and haldin waiste" of the king's lands of the Appin of Dull and other lands "pertening to the sade Robert in feuferme", as well as £100 for the profits Menzies might have had from his own lands of Farleyer, Boltachan and Moness (all near Aberfeldy) and ten pounds for the profits of Menzies' mill of Aberfeldy. Royal letters were to be issued allowing Menzies to distrain Neil Stewart's lands and goods for repayment of the huge debts Stewart now owed. On the same day, Robert Menzies brought a separate action against Neil Stewart, his cousin Robert Stewart of Bonskeid, Robert Stewart McKay, Alexander Stewart, Robert Stewart in Grandtully and others, for the spoliation of 100 horses out of the barony of Weem "the tyme of the birning".

It would seem that all of Menzies' lands along the river Tay from Fortingall to Aberfeldy, including the royal lands of the Appin of Dull



recently acquired by Menzies from James IV, were thoroughly harried in September/October 1502.

An interesting perspective on the situation is provided by a case brought before the Lords of Council on 18th February 1529<sup>66</sup> by which Robert Menzies of that ilk (son of the Robert Menzies captured in 1502) sought to overturn a commission of justiciary recently granted to John, 3rd, Earl of Atholl (grandson of John, 1st, Earl of Atholl). Robert Menzies claimed that his deceased father had sustained

"grete scaith heirschip and slauchteris committit apoun him and his servandis be Neil Stewart and his servandis, man and brother-of-law to umquhile Johnne Erle of Athole, for taking of our soverane lordis landis of Apnadull and Rannoch in fewferme in augmentacioun of his rentale" and that because of the "slauchter, heirschip, byrnyng and deidle feide the...umquhile Robert Menzies was exemit, and his tennentis and servandis...fra the...umquhile Johnne, Erle of Athole as Justice in that pairt, his office and Jurisdiction".

The reference to the deceased Earl of Atholl as brother-in-law to Neil Stewart makes it clear that the earl in question was John, 2nd Earl of Atholl whose sister was married to Neil Stewart. John 2nd Earl of Atholl was the Master of Atholl specified in Robert Menzies' protest of 17th January 1503 as one of the beneficiaries of the various discharges and infestments extorted from Menzies during his imprisonment. Although Robert Menzies' exemption from the jurisdiction of the Earls of Atholl as justiciars within Atholl is not recorded in any document dating from James IV's reign, such an arrangement is not unlikely, and James IV did suspend John, 1st Earl of Atholl's justiciary court in 1503 in order to ensure a proper prosecution of those men associated with Neil Stewart in the raid on Weem.

The attack on Weem represented a direct challenge to James IV's authority in that Robert Menzies was, very clearly, the spearhead of

the king's financial policy in the region, and Stewart's actions, carried out with the support of the Earl of Atholl and his son, were an attempt to invalidate, through force, grants made by the King from his own patrimony, and involved the harrying of royal lands.

James IV's response to this act of rebellion was vigorous and calculating. In January 1503 the King travelled to Perth, and appears to have secured the release of Menzies from his imprisonment. In June and July 1503 James IV returned to Perth, attending the justice ayre which saw some of those involved with Stewart in the raids on the crown lands of the Appin of Dull gain remissions<sup>67</sup>. The value of the ayre as an exercise in political/military intimidation should not be overlooked. If the witness lists for the great seal charters issued in June and July 1503 are correct, then James IV was accompanied to Perth by his brother James, Archbishop of St Andrews, Duke of Ross and Chancellor, William Elphinstone, Bishop of Aberdeen, Archibald, Earl of Argyll, Patrick Earl of Bothwell, Matthew, Earl of Lennox, Alexander, Lord Hume, Andrew Lord Gray and (from the Treasurer's Accounts) Andrew, Lord Avandale, with their servants and retainers. Some form of action appears to have been taken by royal forces against Neil Stewart's possessions in 1503. In the account rendered for the Appin of Dull on 23rd July 1504<sup>68</sup>, Sir Henry Shaw, knight, received twenty-nine pounds six shillings and eight pence from the fermes of the Appin of Dull, Glen Quaich, Fincastle and Drumchastel for his custody of the fortalice of Garth "de mandato domini regis literatorio". Garth castle was an hereditary possession of the Stewarts of Fortingall, lying just to the west of the Keltney Burn between the Appin of Dull and Fortingall. Sir Henry Shaw seems to have been one of James IV's feed retainers<sup>69</sup>.

By December 1503, James IV's policy towards the recently annexed lands of the Lordship of the Isles had provoked the rebellion of Donald

Dubh and the "Hership" of Badenoch. The raid on Badenoch appears to have, roughly, paralleled the events around Weem, in that the targets of the attack, Alexander third Earl of Huntly and his adherents in the Clan Chattan confederacy, were the representatives of an aggressive and assertive royal financial and tenurial policy in Lochaber and elsewhere. The royal response to the Donald Dubh rebellion was to call a parliament to co-ordinate the action to be taken against the rebels. The parliament opened on 11th March 1504<sup>70</sup> and James IV took the opportunity to gain parliamentary approval for his feufarming policy. On 15th March 1504<sup>71</sup> the statutes confirmed in the parliament were recorded. They included the statement, that James IV

"with consent of the thre estatis" determined that "it sall be lefull to our soverane Lord to sett all his landis (deleted) propir landis baith annex and unannext in fewferme, to ony persone or persons he ples sa that it be nocht in diminuatione of his Rentale...and sett with sic claus as our soverane thinkis expedient. And that this statute be of strentht to sett thir landis in few perpetually...and all that he settis in his tyme perpetually to endure".

The following statute encouraged other barons and freeholders to set their lands in feufarm. Given the events of 1502, James IV's desire to receive parliamentary sanction for his handling of royal lands is understandable. James IV also issued an act of revocation during the March 1504 parliament, and this may have been intended to open the way for an extension of the feufarming policy in the future (or to justify feufarm grants already made) by cancelling any grants by which crown tenants (in Lochaber as well as the Appin of Dull) could claim the right to resist James IV's new grants of royal lands.

On 21st March 1504<sup>72</sup>, on the first day of the judicial session following the parliament, James IV brought an action against Neil Stewart for the sum of 500 merks, owed by him because Alexander Earl of Huntly (presumably in the capacity of justiciar) had "lete to

him (Neil) to plege, Johne Lauchlane Makaleyne" who had been captured for burning one "Donald Othyre" and his "bairnis" in Glenalmond. Neil had been bound to deliver John "Makaleyne" to underly the king's laws, and had failed to do so, thus incurring the above financial penalty.

By June 1504, the Earl of Atholl and Neil Stewart were both summoned for treason. On some date between 11th and 14th May 1504<sup>73</sup> a Patrick Cor was sent to the Earl of Atholl with letters from the King. In the following month, on Saturday 8th June<sup>74</sup>, in Edinburgh,

"Johne erle of Athole and Nele Stewart of forthirgill, grantit thaim summonde apoun tressoune as was contenit in the lettrez of summondis, and offerit thaim thare reddy to undirly the lawis tharfore and askit instrumentis".

The actual charges on which Atholl and Stewart were summoned are unrecorded, but they were almost certainly related to the events of 1502. Neil Stewart was not, in fact, the only Perthshire laird summoned before the parliamentary tribunal of June 1504. Duncan Campbell of Glenorchy, Alexander Robertson of Struan, and an "Inenuych" MacGregor were similarly cited for certain (unspecified) treasonable activities<sup>75</sup>. It seems likely, although by no means certain, that these men were summoned because of the continuing problems experienced by Robert Menzies in exploiting the royal lands of Rannoch and the Appin of Dull. In the accounts rendered, at Stirling, on 23rd July 1504<sup>76</sup>, the fermes of Rannoch due from Robert Menzies were remitted for the year of the account, and for the term preceding, i.e. from late 1502. Clearly, despite the feufarm grant made by the King to Menzies, the royal assignee had been unable to collect any rents at all from the feufarm barony created for him. Similarly, the fermes due to the King from the lands of the Appin of Dull and Camserney were also remitted to Menzies. In the account rendered the following year, 29th July 1505<sup>77</sup>, Menzies did deliver some sixty pounds three shillings

and four pence into the royal exchequer for the rents of Rannoch, Camserney and the Appin of Dull. The remainder of the sum due was, once again, remitted to Robert Menzies by the auditors.

It may well be that the Earl of Atholl, Neil Stewart of Fortingall, Alexander Robertson of Struan, Duncan Campbell of Glenorchy and the MacGregor chieftain were summoned for their part in allowing the rents of Rannoch to be withheld, and for their failure to act against those involved in the raid on Weem. Alexander Robertson's family had held the twenty pounds worth of Rannoch on the south side of Loch Rannoch since shortly after James I's death<sup>78</sup>. The grant of the twenty pounds worth of Rannoch lands on the north shore of the loch to Menzies in 1502, also included the isle of Lochrannoch, the Lochs of Rannoch and Errochty and the custody of the forest of Rannoch (which lay on the south side of the loch). Significantly, after Alexander Robertson's death in 1505<sup>79</sup>, Alexander Earl of Huntly was given, on 29th March 1506<sup>80</sup>, a tack of "all and hale the half of the lanndis of Rannach" which were in the king's hands through Robertson's death, for the duration of the wardship. The Earl of Huntly acted as the enforcer of royal rights in northern Perthshire after 1504, and the fact that only Robertson's Rannoch lands were assigned to the Earl in 1506 may indicate that it was this area which had led to Robertson being summoned by James in 1504. Neil Stewart's opposition to Menzies' occupation of Rannoch was undoubted, and in this he was supported by his father-in-law the Earl of Atholl. The lordship of Rannoch was considered to be within the Earl's sphere of influence. On 4th December 1475<sup>81</sup> for example, when James III was organising military action against John, Lord of the Isles, Atholl was given powers of lieutenancy within the earldom, with the power to raise the king's lieges in the lordships of the Appin of Dull, Strathbraan,

Fortingall, Rannoch, Glenlyon and Strathardle. Duncan Campbell of Glenorchy may have incurred James IV's wrath in 1504 because of his failure to render increased rents for a feufarm grant of Glenlyon, made to him in 1502. On 7th September 1502<sup>82</sup>, six days after Robert Menzies received his feufarm grant of Rannoch and the assedation of the Appin of Dull, Duncan Campbell was given a feufarm grant of Glenlyon. The fifty-eight merks worth (old extent) of the lands of Glenlyon were made into a free barony of Glenlyon paying sixty pounds yearly (i.e. ninety merks) for Campbell's "servitio sibi impenso et pro commodo patrimonii corone". On 29th July 1505<sup>83</sup> Glenlyon, previously paying forty pounds six shillings and eight pence yearly, was described as being set to Sir Duncan Campbell, in feufarm, for the sum of sixty pounds ten shillings. In addition, the account was charged with thirty pounds and five shillings for the

"firmus de Glenlioun de tribus terminis ante hoc comptum, assedato in feodifirma Duncano Campbell militi, ut patet superius, solvendo annuatim viginti libras, tresdeum solidos quatuor denarias magis continetur in antiquo rentalí.." <sup>84</sup>.

It would seem that from the date of the royal grant of Glenlyon to the accounting of July 1504, Campbell of Glenorchy had failed to deliver in the twenty pounds three shillings and four pence increase in the rentals due from Glenlyon.

The result of the various treason charges laid against the Earl of Atholl and the Perthshire lairds is unknown, and there is no record of any further proceedings against them. Atholl and Stewart's offer to underly the law in June 1504 seems to have resulted in Neil Stewart answering the various claims for financial compensation laid against him by Robert Menzies on 15th March 1505, some two and a half years after the attack on Weem.

Even after Robert Menzies had obtained a judgement against Neil Stewart of Fortingall before the Lords of Council, there remained the problem of actually obtaining suitable compensation and enforcing royal rights on the ground, in Perthshire.

Both James IV and Robert Menzies turned to Alexander, Earl of Huntly in order to ensure the payment of royal rents, and to recover the sums due to them from Neil Stewart.

At first sight, Huntly was an unlikely ally for Menzies, since the Gordon family had long established links with the Stewarts of Fortingall. Neil Stewart of Fortingall (elder) had, for example, excused his prior allegiance to George 2nd, Earl of Huntly when offering his bond of manrent to the Earl of Atholl in 1478. George, Earl of Huntly had acted as the guarantor of Neil Stewart's adherence to the agreement between Fortingall and Duncan Campbell of Glenorchy in 1488, and Alexander, Lord Gordon (later 3rd Earl of Huntly) became surety for Malcolm and John Stewart's behaviour toward Robert Menzies in 1501. (Malcolm and John being brothers of Neil Stewart)<sup>84a</sup>. Further, it was Alexander Gordon (as Earl of Huntly) who arranged for respites to be given to Neil Stewart and his adherents in the immediate aftermath of the attack on Weem. In the accounts of the Treasurer for 1502-4<sup>85</sup> the charge account included the sum of £127 in part payment of £304 owed for respites granted to

"Nigello Stewart et suis complicitibus...Et restant solvende de principali summa j<sup>c</sup>lxxviij, que resta remittetur comiti de Huntle cum ipse comes dictam literam respectuationis domino thesaurario deliberabit".

Neil Stewart's procurator on 14th-15th March 1500, before the Lords of Council, was Andrew Cadiou, an Aberdeen burgess who seems to have acted as a procurator before the King's Council for the Earls of Huntly and their adherents. On 31st May 1493<sup>86</sup>, for example, Cadiou acted as

'forspeaker' for George, Earl of Huntly, before the Lords Auditors, and on 1st June<sup>87</sup> in the same year was described as depute-sheriff of Sir Alexander Gordon of Midmar (George, 2nd Earl of Huntly's brother). On 18th March 1504<sup>88</sup>, Cadiou acted for Patrick Gordon in Durnoch in a dispute between Gordon and Duncan Forbes in Skene, over the lands of Innernocthy which Patrick Gordon claimed to hold by reason of tacks granted to him by the deceased George, Earl of Huntly. On 26th February 1505<sup>89</sup> Cadiou had acted as 'forspeaker' for Alexander, Earl of Huntly, in an action by the earl against the Setons of Touchfraser, and on 5th July 1503<sup>90</sup> Alexander Hume, son and heir of Lord Hume, had given Mr. Andrew Cadiou, as the representative of Alexander, Earl of Huntly, a letter of reversion for the lands of Rumbletonlow in the earl's Berwickshire Lordship of Gordon.

Nevertheless, despite these connections, indeed, because of them, Alexander, Earl of Huntly was the man with whom the King and Robert Menzies had to deal in order to obtain control of the disputed areas, to ensure the payment of appropriate rents from royal lands, and to extract some form of compensation for the attack on Weem. The possession of a royal judicial decret was, very often, simply the starting point for negotiations with local men of influence who could actually implement the terms of the decret at the local level.

On 22nd November 1505<sup>91</sup>, at Edinburgh, Alexander Earl of Huntly came to an agreement with Sir Robert Menzies of that ilk, by which Robert Menzies, Sir Robert's son, was to marry Christian Gordon, the Earl's daughter. Huntly was to pay 600 merks for the marriage, of which sum sixty pounds was to be paid over immediately to the king's comptroller "or his discharge shall be gottyn to the said Sir Robert". The hasty payment to the king's comptroller probably indicates the difficulties experienced by Menzies in paying the rentals due to the



crown from the ravaged lands of the Appin of Dull and Camserney, and the habitually unproductive lands of Rannoch (this view is strengthened by the fact that Menzies appears to have been forced into a number of wadset arrangements with the king's comptroller James Redheuch from 1505 onwards<sup>92</sup>). The Menzies/Huntly agreement also stipulated that

"the said Lorde Erle and his airis sall helpe, manteine, defend and supple...Sir Robert and his sone quhilk sall compleit the..marriage and ane aire eftir thame in the peciable joising, brouking, using and posseding of all and sundrie his lands and heretage takks stedings, bailzerys and rouses quhilk he, his sone and ane aire efter thame, has within the sherifdome of Perth". Huntly was to "tak thar (the Menzies) afald part in all pointis of neid therintill" and would "helpe and get thame tenands and folks to plenish thair said lands, takks, stedings... to dwell therapoun". The Earl "his pouer and his aires" were to "help and supple..Sir Robert, to the ingetting of al uther soumes of money detts...guds or skaithes recoverit and to be recoverit be him apoun ony persons for the distruction herschippis or skaithes don to the said Robert in ony tyme bigane". In return for Huntly's maintenance, Sir Robert assigned to the Earl his claim to "ane thousand pund of the soumes quhilk..Sir Robert Menzes has recoverit upon Neile Stewart of Forthringill" providing that "this assignation be na hindering to...Sir Robert or to his airis to git payment of the said Neile as law will of the..remanet of the soumes recoverit on him be Sir Robert be poynding or prising of ony lands or guds that...Nele getts". In addition, Sir Robert was to give Huntly a five year tack of the lands of Rannoch, and the "Erle sall gar plenish the..lands of Rannoch with the best folks of Reule that he can get therto as he wilbe servit, to the profit of..Sir Robert and his airs".

Huntly was, also, to keep Sir Robert "harmless" of any royal demands for the mails of Rannoch, and for the non-entry of any tenants dwelling in Rannoch to the justice-ayre of Perth.

The significance of Huntly's maintenance, in the context of Menzies inability to control and exploit the crown lands and offices granted to him, is obvious. In return for Huntly's support in defending Menzies' lands and goods, Sir Robert assigned to the earl, his (Sir Robert's) right to £1,000 recovered on Neil Stewart of

Fortingall in the judgement of 15th March 1505. The nature of the assignation is problematic. It may have been, simply, a way in which Menzies could reward Huntly for the political, tenurial and military support the Earl was offering, in the expectation that Huntly would be able to recover the sums by enforcing the distraint of Stewart's lands and goods (which Menzies would never have accomplished). Alexander, Earl of Huntly's record of support for Neil Stewart, however, makes it unlikely that the Earl was indulging, simply, in an act of financial speculation. We may conjecture that, to some extent, Huntly was bargaining on Stewart's behalf, and that the Earl's promise to maintain Menzies' territorial position in Perthshire was the price Huntly had to pay for Menzies' abandonment of his claims against Stewart. That this may, in fact, have lain behind the agreement, is suggested by the fact that Menzies reserved his right to "git payment of the said Neile as law will of the rest..of the soumes recoverit on him", i.e. Menzies was ensuring that Huntly and Stewart could not prevent Sir Robert from recovering other debts owed by Stewart to him, by claiming that the assignation of £1,000 represented the totality of Menzies' claims against Stewart. Such a stipulation would make sense if the Earl of Huntly was seen as acting on Stewart's behalf, in trying to minimise the sums for which Stewart was liable.

Overall, the Menzies/Huntly indenture reflected the reality of the political situation in Perthshire. Sir Robert Menzies could not control, or raise rents from, the lands of Rannoch, and they were therefore assigned to Huntly, who had the political and military muscle to impose a settlement at the local level. Huntly's idea of the "best folks of Reule" that he could enter as tenants into the Rannoch lands probably did not coincide with Menzies'. On 5th July 1517<sup>93</sup> an instrument was taken at Huntly, narrating that an agreement had been

made in the Earl of Huntly's presence, in the hostel of the Friars Minor of Dundee, between Sir Robert Menzies of "Kynauldy" and Lachlan MacKintosh, Captain of Clan Chattan, by which Menzies was to buy royal letters against the persons convicted in connection with a tack of the half lands to Lachlan MacKintosh. The instrument explained that Menzies had been due to hand over the letters and tack to Lachlan at Huntly, on 19th June 1517 (with Alexander Reid of Straloch being one of the men bound as a surety for the sums due to be paid by Lachlan to Robert), but that Sir Robert had failed to appear. The abortive agreement was obviously designed to allow Huntly's clients, the Clan Chattan, to move against the inhabitants of Rannoch, and to subsequently occupy the lands, with the legal sanction of royal letters. Huntly's plans to introduce members of Clan Chattan (of whom the description "of gud Reule" is singularly inappropriate) into Rannoch never, apparently, came to fruition.

Similarly, it was unlikely that Menzies would be able to make royal letters of distraint issued against Neil Stewart of Fortingall's lands effective, and the "rights" given by the judgement of the Lords of Council had to be implemented and channelled through local power structures. In this respect, the dating of the Huntly/Menzies agreement is significant, since on 14th November 1505<sup>94</sup> Sir Robert Menzies "of Enoch" had brought an action before the Lords of Council against Andrew Lord Gray (whose son Patrick, Master of Gray was mentioned as a beneficiary of one of the various instruments that Robert Menzies had been forced to make while in Neil Stewart's custody), for refusing to receive Menzies as his tenant in the lands of Bonskeid and Borenich (on the northern shore of Loch Tummel), which had been apprised to Menzies from Robert Stewart of Bonskeid (Neil Stewart's cousin) by a decret of the Lords of Council. Andrew, Lord Gray, as superior of the lands had been required to enter Menzies as

his tenant by royal letters, but had claimed that Bonskeid and Borenich were his own property, having been redeemed by him from Robert Stewart. Robert Stewart of Bonskeid had taken part in the raid on Weem in 1502, and the debt he owed to Menzies had been established before the Lords of Council on 15th March 1505. Lord Gray's actions illustrate the potential difficulties in enforcing royal letters of distraint and, despite numerous appearances before the Lords of Council, Menzies had still not succeeded in entering into the lands of Bonskeid and Borenich by the end of James IV's reign in 1513<sup>95</sup>. Sir Robert Menzies was, thus, pursuing the debts established before the Lords of Council in March 1505 and in November 1505 (including, presumably, the debts owed by Neil Stewart of Fortingall). The Menzies/Huntly agreement would thus appear to have been negotiated while Menzies was actively involved, in Edinburgh, in the pursuit of letters of distraint issued against Neil Stewart. The settlement with Huntly offered Menzies a way of extracting real benefit from potentially unenforceable letters of distraint, in the shape of Huntly's future maintenance of Menzies' territorial acquisitions in Perthshire, and the sum of 600 merks to be paid by Huntly for his daughter's marriage to Robert Menzies younger (In fact, 400 merks of this sum remained unpaid by the Earl of Huntly in 1513<sup>96</sup>), while Huntly was left to pursue the claims against powerful local opposition.

The Huntly/Menzies concord may well have been sponsored by James IV, who looked to uphold royal rights, and ensure the inbringing of royal rents from the Perthshire lands, by assigning these over to the Earl of Huntly. On 27th November 1505<sup>97</sup>, just five days after the arrangements between Menzies and Huntly were concluded, James IV gifted to the Earl of Huntly the sum of 300 merks owed to the King by Neil

Stewart for the "birun" rents of Rannoch, and 500 merks owed for the non-entry of "John Lauchlane Alanson" (i.e. the John "Makalyne" of the court case pursued by the King against Neil Stewart on 21st March 1504). The transference of both royal and private claims against Neil Stewart of Fortingall to Alexander, Earl of Huntly, during November 1505 suggests a co-ordinated settlement.

On 28th January 1506<sup>98</sup> the agreement between Robert Menzies of that ilk and Alexander, Earl of Huntly was re-confirmed. Menzies affirmed the grant of his right to £1,000

"quhilkis I have recoverit and optenit apoun Neil Stewart of Forthirgille" for the destruction committed on "my gudis, place and landis of the Weme and myn otheris takkis and rowmis".

Menzies gave Huntly full power to receive the sum of £1,000 from Stewart for his own use (by distraining Neil), and to give an acquittance of the sum to Stewart, because of the "maintenance" to be done to Sir Robert, his son, and an heir after them, by the Earl. This ratification of the November 1505 agreement suggests a much more straightforward exchange of political "maintenance" for financial reward.

By March 1506, Huntly had begun to recover the debts to which he was assignee from Stewart's lands. On 25th March 1505<sup>99</sup> James IV granted Alexander, Earl of Huntly, the lands and barony of Fortingall, with the fortalice of Garth (occupied by royal forces in 1503) and the lands of "Pitdorny", Tullochcurran and Dalnagairn (both in Strathardle) resigned by Neil Stewart, son and heir of the deceased Neil Stewart of Fortingall. Neil Stewart of Fortingall and Christian Stewart his wife had been given a present of sasine for the lands of the Mains of Fortingall on 1st March 1505<sup>100</sup>, probably to allow a legal distraint to be carried through. A case before the Lords of Council on 17th May 1529<sup>101</sup> makes it clear that the lands of Fortingall and Garth

were granted by Neil Stewart of Fortingall to Alexander, Earl of Huntly under a reversion of 800 merks, obviously as part payment of the huge sums due to Huntly as the assignee of the King and Sir Robert Menzies. At Balwearie (near Kirkcaldy) on 17th April 1508<sup>102</sup>, the Earl of Huntly came to an agreement with an Alexander Reid of "Dallaquharny" by which Reid became bound in manrent to the Earl for his lifetime, in return for which Reid received, as his fee, the forest of "Glenhaithnyth" in Strathardle, and the lands of Dalnagairn (i.e. the lands resigned by Stewart to Huntly in 1506). Huntly's desire to tie Reid's tenure of these recently acquired lands to a bond of personal service and loyalty is understandable. Reid's bond is annotated on the back as "Barrone Reids" bond of manrent. The Barons Reid were usually styled "of Straloch", and it seems likely that the Alexander Reid of "Dallaquhorny" who gave his manrent to Huntly in 1508 for a grant of lands recently obtained by the Earl from Stewart of Fortingall, was the same as the Alexander Reid of Straloch who, on 2nd December 1509, received a remission for burning Weem and the slaughters committed there, in the service of Neil Stewart of Fortingall. The Stewarts of Fortingall had been in possession of the lands of Tullochcurran, Dalnagairn and Glenartney in the Lordship of Strathardle since, at the latest, 6th October 1470<sup>103</sup>, on which date John Stewart received a royal grant of the lands. Alexander Reid of Straloch may, in fact, have been Neil Stewart's tenant in Dalnagairn before Huntly's acquisition of the lands in 1506. Reid may then have secured tenure of the lands from Huntly by rendering a bond of manrent which ensured his (Reid's) recognition of the earl's claims to superiority, and acted as a bond for Reid's future good behaviour. Overall, Reid's bond secured for Huntly the political allegiance and loyalty of a former Stewart adherent in northern Strathardle, a lordship traditionally held to be in the Earl of Atholl's sphere of influence, where Huntly had

recently acquired lands. The lands of Dalnagairn were to be held by Reid as his 'fee' for manrent service, which meant that the lands could be reclaimed, and Reid dispossessed, if he failed to adhere to the terms of the bond. Interestingly, Reid's bond was made at Balwearie, home of Sir William Scot of Balwearie, who was himself bound in manrent to the Earl of Huntly in February 1507<sup>104</sup>. Although Scot had a long record of legal service to the earl before 1507, it seems that he only rendered a formal bond around the time that the earl obtained possession of Neil Stewart's Strathardle lands. Later evidence indicates that Sir William Scot had a tenurial interest in Strathardle, and this may form the basis for the formal bond of service given by Scot to the Earl.<sup>105</sup>

On 29th March 1506<sup>106</sup>, Huntly was given a tack of "all and hale the half of the lanndis of Rannach", which were in the king's hands through the death of Alexander Robertson of Struan for the duration of the wardship. On the previous day<sup>107</sup>, William Robertson, Alexander Robertson's grandson and heir, had been given a tack of all Alexander's lands in the king's ward, except for the half lands of Rannoch. Huntly's tack of Robertson's half of the lands of Rannoch "payand yerely the soun of XX lib" with "power of balzery of the said landis for the tyme foresaid" thus, rather pointedly, gave Huntly effective control of all the lands of Rannoch (since the Earl was to receive a five year tack of the other half lands, on the north side of the loch, from Sir Robert Menzies). The lordship of Rannoch, a notable area of resistance to James IV's financial innovations, whose northern half lands had failed to deliver any rents to the crown since c.1473, was thus placed wholly under the control of the Earl of Huntly, the chief agent of the crown in implementing and enforcing tenurial and

financial changes in the king's lands of Lochaber, and other former Lordship of the Isles territories on the west coast. On 14th February 1509<sup>108</sup>, William Robertson of Struan bound himself in manrent to Alexander, Earl of Huntly (excepting his prior allegiance to John, Master of Atholl) for a fee. The 'fee' may well have entailed Robertson's entry into the lands of Rannoch, to be held of Huntly for the remainder of his wardship.

On 30th March 1506<sup>109</sup> Huntly received a further grant of Perthshire lands formerly held by Neil Stewart when the King gifted to him the lands of "Drumfin" and Drumchastel (near Kinloch-Rannoch) for seven years.

In the late summer of 1506, James IV indulged in a hunting trip through Perthshire which may also have given him an opportunity to reconcile himself with Stewart of Fortingall and other displaced or disgruntled Perthshire lairds, and to impose his authority in a more immediate fashion. On 26th August 1506<sup>110</sup> James IV was in Aberlednock in Strathearn, and, on the 28th of the same month<sup>111</sup>, in Balquhiddier to the west of Lochearnhead. The exchequer rolls also indicate that in August/September 1506<sup>112</sup>, the King had spent some time at Loch Rannoch. James IV's presence in Rannoch, the lands whose rentals had been denied to him by Stewart of Fortingall and others, would appear to have been designed to make clear the king's rights in the area. James IV's household expenses were, in fact, partly met from the rents due from the Rannoch lands. The political message would not, surely, have been lost on those who had failed to deliver in the Rannoch rents in the past. The hunting expedition allowed for the type of informal personal contact which made political dealings easier, and it is interesting, in this respect, to see James IV receiving the gift of



hunting dogs from both Menzies of Weem and Neil Stewart (of Fortingall) during the tour through Perthshire.<sup>113</sup>

James IV's personal appearance in Perthshire may have improved the local political situation, but for anything other than a temporary settlement the King had to rely on the control exerted by the Earl of Huntly. Huntly's position in northern Perthshire was further enhanced by a grant of 27th May 1508<sup>114</sup> which specified that the Earl was to have the power to attach and arrest all those at the king's horn in Fortingall, Rannoch and Lochaber (all areas in which Huntly had recent territorial acquisitions), giving Huntly the judicial jurisdictions he needed to complement, and make effective, his territorial gains as the king's assignee.

By 1506, organised resistance to James IV's policies in Perthshire appears to have been effectively overcome. The lands of the Appin of Dull began to render their rents, although in 1508<sup>115</sup> Sir Robert Menzies was still receiving remissions for part of the sums due. From 1509<sup>116</sup> the Appin of Dull lands were held by Menzies, under the terms of a re-assedation, for the payment of seventy merks yearly (i.e. forty-six pounds, thirteen shillings and four pence) instead of the ninety merks (i.e. sixty pounds) yearly for which they had been set to him in 1502. The reduction may reflect the fact that the Appin of Dull lands had been thoroughly ravaged in 1502 and were unable to render ninety merks yearly, or that the King wished to ease the financial burden on Menzies, who had suffered great hardships on the crown's behalf. The reduced level of payment continued to the end of James IV's reign in 1513<sup>117</sup>. The inbringing of any rentals from the Earl of Huntly's occupation of Rannoch is unrecorded, and it may be that, despite Huntly's efforts, James IV received little in the way of income from that lordship.

The Perthshire rebellion was an essentially conservative regional rebellion, in defence of the established status quo, and designed to protect the perceived rights of men who had occupied and administered certain royal lands over three generations, against an aggressive and innovative royal financial policy. It may not have been, in fact, the policy as such which provoked the backlash from Neil Stewart and the Earl of Atholl in 1502, but rather the way, and through whom, that policy was implemented. On 6th April 1502<sup>118</sup> for example, a new assedation of the royal Earldom of Strathearn was made which arbitrarily doubled the rents due from each individual holding. The Earldom was thus to deliver in, in total, £668 13s 4d instead of the £372 10s which had been rendered in 1498<sup>119</sup>. There are no indications whatsoever of an organised reaction in Strathearn against this arrangement, presumably because the existing tenants seem to have been continued in possession of their tacks. (Although there was some friction between Sir William Murray of Tullibardine and John, Lord Drummond, over the removal of Drummond's 'folks' from certain tacks which had been incorporated into a feufarm barony created for a member of the Murray kin<sup>120</sup>.) In February 1509<sup>121</sup> a feufarm assedation was made of Strathearn, which increased the total rentals due from the Earldom to £874 10s<sup>122</sup>. Again, there was little recorded resistance to these changes because, by and large, they did not involve the large scale displacement of existing tenants. James IV's policy in Rannoch, the Appin of Dull, Camserney and Lochaber was carried out in an entirely different way which involved the removal of much of the existing tenantry. In all these areas the policy was vigorously resisted (giving rise to the attack on Weem and Huntly's lordship of Badenoch) and the crown's new assignees subjected to direct attack. This difference in approach may have been the result of

political miscalculation, but it seems more likely that the previous record of the occupiers of the lands, their financial accountability to the crown, and the likelihood of their rendering increased rentals to the King were all taken into account before it was decided whether to retain or attempt to replace them. The Stewarts of Fortingall's record of non-payment of the Rannoch rentals was hardly designed to encourage James IV to commit these lands, and others, to them in feu-farm.

Once the rebellion was under way, it was suppressed by the personal interventions of James IV, but also, and more crucially, through the active support given by the Earl of Huntly (while furthering his own interests) to the maintenance of royal rights in the region, despite Huntly's own connections with the Stewarts of Fortingall.

**FOOTNOTES CHAPTER: EIGHT**

1. T.A., iii, 344.
2. A.D.C., i, 329.
3. The identification of the lands of "Dailry" is problematic. On 2nd October 1510, (R.M.S., ii, No. 3507) the lands of "Dalrawyre", i.e. Dalrawer, were listed as part of Robert Menzies' barony of Weem, and it may be that these are the lands involved in the court cases of 1494 and 1501.
4. A.D.C., ii, 485-6.
5. Ibid., 488.
6. Ibid., 498.
7. R.M.S., ii, No. 170, No. 3507.
8. A.D.C., ii, 447.
9. The identification of these lands is uncertain. D.P. Menzies, in the Red and White Book of Menzies (Glasgow, 1894), 151, suggests that "Drumfin" is now Fincastle on the north bank of the River Tummel and that Derculich is the modern rendering of "Drumcastell" (Derculich being in the Appin of Dull, two miles east of Weem). It seems more likely that Drumchastel (near Kinloch-Rannoch) is the modern equivalent of "Drumcastell".
10. E.R., xi, 248, 258.
11. R.M.S., ii, No. 1353.
12. S.R.O., John MacGregor Collection, GD50/86/3/1; R.M.S., ii, No. 2566.
13. S.R.O., Court of Session Records (A.D.C.), C55/10/f128.
14. R.S.S., i, No. 866.
15. Duke of Atholl's Muniments, Blair Castle, Blair Atholl, Box 20/Parcel 1/4. C.P. Stewart, Historic Memorials of the Stewarts of Forthergill, Perthshire (Edinburgh, 1879), Appendix, 74-75.
16. R.M.S., ii, No. 1353.
17. The Black Book of Taymouth (Bannatyne Club, 1855), 113.
18. S.R.O., Breadalbane Collection. GD112/Section 1/No. 24; C.P. Stewart, Stewarts of Forthergill, Appendix 77-8; Taymouth Bk, 177-8.
19. A.P.S., ii, 206.
20. Ibid., 208.
21. Ibid., 207.
22. E.R., ix, 477.

23. R.M.S., ii, No's. 1724-5.
24. Ibid., No. 1727; S.R.O., Cunningham Graham Muniments, GD22/2/2.
- 24a. A. Grant, 'Crown and Nobility in Late Medieval Britain', in Scotland and England, 1286-1815, ed. R. Mason (Edinburgh, 1987).
25. H.M.C. 6th Report, Appendix p.704; D.P. Menzies Red and White Book of Menzies (Glasgow, 1894), 134-5.
26. A.D.A., i, 73, 87; S.R.O., CS5/38/f140.
27. S.R.O., John MacGregor Collection, GD50/186/2/9.
28. E.R., x, 746.
29. Ibid., 762.
30. Ibid., xii, 642.
31. S.R.O., John C. Brodie W.S. Mss. GD247/27/4/1; E.R. xii, 642.
32. R.S.S., i, No. 1170.
33. E.R., v, 486, 539.
34. Ibid., vi, 605; vii, 204, 233, 341, 395, 475, 533, 616; viii, 61.
35. Ibid., viii, 337, 520, 609, ix, 8, 10, 261, 395, 479.
36. Ibid., x, 253-4.
37. Ibid., 521.
38. Ibid., 577.
39. Ibid., 705.
40. Ibid., 762.
41. Ibid.
42. R.M.S., ii, No. 2488.
43. Ibid., No. 2489.
44. Ibid., No. 2555.
45. Ibid., No. 2557.
46. E.R., xi, 339.
47. Ibid., xii, 44, 232.
48. Taymouth Bk, 114.
49. N.L.S. Ch. No. 10643. Menzies of that ilk charters, presented to the N.L.S. in 1945 by Lt-Colonel N.V.C. Hamilton-Dalrymple.
50. T.A., ii, 354.

51. Ibid., 357.
52. Atholl Muniments, Blair Castle, Blair Atholl, Box 5/Parcel 1/No.1.
53. Ibid., No. 2 and 4.
54. R.S.S., i, No. 954.
55. Ibid., No's. 955-61.
56. Ibid., No. 975.
57. SRO., John MacGregor Collection, GD50/186/1/8. Sasine of Enoch given to Robert Menzies on 27th October 1487.
58. N.L.S., 'Miscellania Scotica Curiosa', Advocates Manuscripts 22.2.18, f34. ; An instrument regarding an annual rent from the town of Enoch, taken on 31st May 1491 in Durisdeer, was witnessed by a Robert Dalzell (S.R.O., John MacGregor Collection, GD50/186/1/11).
59. Ibid., No. 1505.
60. Ibid., No. 1506.
61. Ibid., No. 1969.
62. N.L.S. Adv. Mss. 6.1.5., f74r/v. (Justiciary Court Transcripts).
63. A.P.S., ii, 242.
64. S.R.O., Court of Session Records (A.D.C.), CS5/xvi/f219. C.P. Stewart, "Stewarts of Forthergill", Appendix, 86.
65. S.R.O., CS5/xvi/f228.  
H.M.C. 6th Report, Appendix 706 (a notarial copy of the judgement of 15th March drawn up for Robert Menzies of that ilk).  
Original penes: Mr Reid Zulager, Cleveland, Ohio.
66. S.R.O., CS5/xxxix/f104v.
67. R.M.S., ii, Nos. 2729 (27th June) - 2732 (2nd July).  
T.A., ii, 252-3 (23rd June 1503 - 29th June).
68. E.R., xii, 234-5.
69. Ibid., 75-6; xi, 136, 137, 161, 249, 314.
70. A.P.S., ii, 239.
71. Ibid., 244, 253.
72. S.R.O., Acts of Parliament, PA2/7/f27r.
73. T.A., ii, 433.
74. A.P.S., ii, 255.

75. Ibid.
76. E.R., xii, 234.
77. Ibid., 301.
78. R.M.S., ii, No. 491.
79. Taymouth Bk, 115.
80. R.S.S., i, No. 1244.
81. R.M.S., ii, No. 1211.
82. S.R.O., Miscellaneous Accessions GD1/53/43; R.M.S., ii, No. 2668.
83. E.R., xii, 299.
84. Ibid., 299-300.
- 84a. Duke of Atholl's Muniments, Blair Castle, Blair Atholl, Box 20/Parcel 1/No.4; S.R.O., Breadalbane Collection GD112/Section 1/No.24; A.D.C., ii, 488.
85. T.A., ii, 168-9.
86. A.D.A., 169.
87. Ibid., 170.
88. S.R.O., Court of Session Records (A.D.C.), CS5/xii/f33.
89. Ibid., CS5/xvi/f115-6.
90. Prot. Bk. Young, 302.
91. N.L.S. Diplomatum Collectio, i, 274-8; Advocates' Manuscripts, 35.2.4.: (Transcript).
92. e.g. S.R.O., John MacGregor Collection, GD50/186/4/4.
93. S.R.O., MacKintosh Muniments, GD176/No. 26.
94. S.R.O., CS5/xvii/f13v-14r.
90. Ibid., CS5/xvii/f57r (1st November 1505);  
           CS5/xxiv/f64v/ (9th December 1512);  
           CS5/xxiv24/f95v/96r (17th December 1512);  
           CS5/xxiv/f144r. (26th February 1513);  
           CS5/xxiv/f148r/v (28th February 1513);  
           CS5xxiv/f95v/96r (17th February 1513);  
     Gray Inventory, ii, Bundle LVI, No. 494. Precept of Sasine by Andrew Lord Gray in favour of Sir Robert Menzies of that ilk in Bonskeid and Borenich, 5th August 1508; Ibid, No. 495. Letters of charge by James IV, at the instance of Robert Menzies against Andrew Lord Gray, ordering Gray to receive Sir Robert as his tenant in Bonskeid and Borenich according to the terms of a letter of apprising, 26th February 1513; Ibid., No. 496. Decreet of Lords of Council on summons by Robert Menzies against Andrew, Lord Gray, as superior, and Robert Stewart and Alexander Donaldson, as occupiers of the lands of Bonskeid and Borenich; Ibid., No. 498. Precept of Sasine by Andrew, Lord Gray in favour of Robert Menzies



of the above lands, 29th March 1513; Ibid., No. 500. Sasine delivered 31st March 1513.

96. Ibid., CS 5/xxiv/f137r (25th February 1513).
97. R.S.S., i, No. 1170.
98. Atholl Muniments, Blair Castle, Blair Atholl,  
Box 20/Parcel 1/No. 8.
99. R.M.S., ii, No. 2953.
100. Atholl Muniments, Blair Castle, Blair Atholl,  
Box 20/Parcel 1/No. 7.
101. S.R.O., CS 5/xxxv/f28v/29r.
102. S.R.O., Huntly Castle Muniments: GD44/13/7/8; S.M., iv, 193-4.
103. Atholl Muniments, Blair Castle, Blair Atholl, Box 23/Parcel vii/1.
104. S.R.O., Gordon Castle Muniments, GD44/13/7/8; S.M., iv, 192-3.  
The fascinating career of Sir William Scot of Balwearie as a legal agent for the Earls of Huntly and Morton deserves a full examination.
105. Atholl Muniments, Blair Castle, Blair Atholl,  
Box 23/Parcel vii/No. 4. A charter of the lands of Tullochcurran of 3rd May 1551, specifying the lands were to be held of Sir William Scot of Balwearie; Ibid., Box 23/Parcel iv/Nos. 1-3. Sir William Scot receives, on 25th April 1510, the lands and barony of "Doune" encompassing Strathardle.
106. R.S.S., i, No. 1244.
107. Ibid., No. 1243.
108. S.R.O., Huntly Castle Muniments, GD44/13/7/9; S.M., iv, 194.
109. R.S.S., i, No. 1245.
110. T.A., iii, 336.
111. Ibid., 337.
112. E.R., xii, 488.
113. T.A., iii, 339.
114. S.R.O., Huntly Castle Muniments, GD44/13/1/4.
115. E.R., xiii, 56.
116. Ibid., 299, 476, 563.
117. Ibid., 299, 476, 563.
118. E.R., xii, 624.

119. Ibid., 89.

120. Atholl Muniments, Blair Castle, Blair Atholl,  
Box 2/Parcel xii/No's. 9-13.

121. Ibid., xii, 643.

122. Ibid., 438.

### CONCLUSION

The study of baronial feud and political violence in fifteenth century Scotland has proved to be an invaluable tool for illuminating and explaining local and national politics, and certain aspects of the social and political structure of the Kingdom. Feud marks out areas of aristocratic conflict and ambition, and an understanding of these disputes allows an analysis of the political activities of individual members of the nobility in terms of their own aims and objectives, rather than ascribing to them motives based on vague and distorted notions of broad, class-based, "baronial" interests or, on the innate lawlessness and rebelliousness of the feudal aristocracy. Feuds did not occur in a social and political vacuum. The evidence suggests that contesting parties pursued their disputes by manipulating existing ties, or establishing new alliances, with those in a position to further their cause at the local level or, at the royal court. Local tensions were thus inextricably linked to the affairs and conduct of the King and the great men of the Kingdom. During the uncontested rule of adult Kings these tensions were, by and large, suppressed, and the pursuit of feud did not escalate into co-ordinated political action against rival affinities or the King. In 1482, and again in 1488, the highest echelons of Scottish political society were split by direct challenges to the rule of James III. In this situation, with the restraining hand removed, local feuds and objectives became the basis for direct political action. In 1488 especially, local feuds generated committed partisans for both James III and Prince James and, in a sense, Sauchieburn saw the culmination, not only of a struggle between James III and his son, but also of a number of local and regional feuds.

The first section of the thesis examines the role played by formal bonding in both the pursuit and suppression of feud. The study of bonding made in Chapters 1-3 is by no means exhaustive, nor is it intended to provide a generally applicable explanation of why formal bonds were contracted, or to illustrate the long term changes which encouraged their widespread use during the fifteenth century. The analysis suggests, indeed, that bonds were used to ratify and consolidate a variety of contract types, only some of which corresponded to the pattern of establishing personal, long term, open-ended service in return for lordship and protection, and that each bond must be studied in its immediate social, political and tenorial context to ascertain what the contracting parties actually hoped to obtain through the contract.

A striking feature of fifteenth century bonds of service was that many were rendered in exchange for a grant of land and/or office-holding, or at sasine taking, acting to supplement the oaths and ceremonies accompanying traditional acts of feudal conveyancing. Were these grants acting as a "fee" by which the feudal superior sought to obtain open-ended retinue service? In some cases this may have been so, but generally it appears that under certain conditions the inadequacy of the feudal contract became more critical and that this encouraged the feudal superior to link tenure with the completion of, and adherence to, a vernacular written bond of service. There appear to have been a number of distinct, but not mutually exclusive, factors which fostered the creation of tenure by manrent or retinue service. Firstly, the lands and offices granted out may have carried an obligation of personal service and loyalty which was no longer adequately comprehended or guaranteed under the traditional terms of feudal tenure. In Argyll, the Campbell Lords of Lochawe apparently

linked grants of pennylands carrying an ancient obligation of galley service, to formal bonds of special retinue service, in an effort to ensure that these personal military services were performed by the grantee<sup>1</sup>. Secondly, the regional or local political context often demanded that the feudal superior should obtain binding assurances of the grantee's political loyalty and personal service, especially if there was an obvious alternative focus for the grantee's allegiance. The bonds of retinue and manrent given to George 4th Earl of Angus by various border lairds during the course of Angus' attempts to neutralise the power of the Earls of Douglas in the region, illustrate the link between conditional tenure and areas of political discord<sup>2</sup>. Thirdly, changes in feudal superiority, and the pacification of tenurial dispute, often led to a situation where the feudal superior required a more binding assurance of the future behaviour of his tenants than could be obtained through traditional ceremonies; supplementing ceremony with contract. Tenure by manrent or retinue service gave a new superior, or a superior whose title had been contested, an explicit acknowledgement of his superiority and a guarantee of the future good conduct of his tenant. Often, grants of disputed lands were made in liferent, or for fixed terms, presented as a "fee" given for manrent service, an arrangement which preserved the superior's hereditary title from further dispute, allowed him or his descendants to recover actual possession of the disputed lands in the future, and produced a highly conditional form of tenure which could be easily revoked if the tenants failed to render the appropriate services or acted against the superior's title. The context in which these bonds were given must, in practice, have defined and modified the nature of the "services" which would be rendered under the terms of the bond. The crucial point is that, in many cases, the lands were not

given in order to secure open ended retinue service, but that the obligations of service were used to bolster the tenurial relationship. In many cases, then, although this is largely impossible to prove, it seems likely that the obligations of service meant no more than the recognition of title, the abandonment of opposition, and the rendering of feudal services traditionally due from the lands.

Bonds of mutual friendship and defence were often seen to have been issued as the result of the arbitration of specific disputes and, in this context, were designed to prevent further physical or legal action by either of the contracting parties against the other. Bonds given in the context of arbitration should not be analysed solely in terms of the potential services or future advantages that the contracting parties hoped to acquire through the contract, because the bond was not rendered for that purpose; i.e. there would have been no exchange of bonds if it had not been for the state of feud and the need to ratify and uphold the terms of the arbitration. The circumstances in which these bonds were issued must, in reality, have affected the nature of the demands which could have been made by the contracting parties on one another under the terms of the contract. This is especially so, given that in many cases arbitration and associated bonding was the product of pressure applied by local magnates (such as the Earl of Huntly in the case of the Rose/MacKintosh bonds<sup>3</sup>), or by royal courts, so that the rendering of bonds was not, wholly, voluntary. Bonds of this type invoked and articulated notions and exemplars of friendship and co-operation which must have been a vibrant reality in the lives of fifteenth century noblemen, but these duties and obligations were articulated in a formal contract in order to secure a basic state of non-aggression.

Bonds of mutual defence, friendship and maintenance were also used to recruit help in specific disputes. The bond of maintenance offered by Colin, 1st Earl of Argyll, to Walter Stewart in December 1462, for example, ensured that the Earl, as a powerful figure at James III's minority court, would prevent any revision of a charter of entail which would have removed Walter as heir apparent to his brother John, Lord of Lorn<sup>4</sup>. The maintenance offered by Argyll was very specifically targeted and was not obtained by Walter Stewart's obligation to perform reciprocal services, but by the promise of substantial territorial concessions to be made to the Earl from the Lordship of Lorn once Walter was secured in the Lordship. Generally, it seems that lesser men did not always seek to place themselves under the formal bonded maintenance of great magnates in order to foster, and benefit from, long term assistance and support, but rather to secure immediate aid in a particular dispute. The Argyll/Walter Stewart bond did not indicate the foundation of a political alliance with anything other than short term significance. Within two years Argyll and Stewart were at feud with one another over the Lordship of Lorn.

Maintenance granted with the intention of defending one party in a feud had the effect of widening and intensifying the dispute by involving other members of the nobility, often at a higher social and political level than the original protagonists. The process allowed the tensions engendered by local or familial dispute to filter upwards on to a wider political stage. The dispute between the Humes and William Sinclair over the lands of Kimmerghame, for example, eventually saw the Earl of Angus and the young James III committed to opposing positions over the issue<sup>5</sup>.

The use of formal, contractual bonds indicated that men were being forced to turn to patrons who did not automatically exercise the duties

of maintenance on their behalf, but this perhaps sheds a reflective light on the way these natural and well established relationships functioned.

Overall, it seems that the network of formal bonded relationships established by a family such as the Campbell Lords of Lochawe, Earls of Argyll, bore little relation, if any, to the Campbells' affinity of natural political allies and adherents, within which the duties of Lordship, service and friendship were discharged automatically, without recourse to contractual guarantees. There may, as was suggested in Chapter One, be a substantial distortion of the pattern because of the survival of evidence; other fifteenth century collections of bonds, such as those granted to the Gordon, Earls of Huntly and the Lords Oliphant, give a brief, but unexplored, impression that formal bonded relationships did reflect and reinforce real and functioning ties of Lordship, service and mutual friendship. Perhaps the most important conclusion to be drawn from a study of the inter-relationship of bonding and feud is that bonding cannot be regarded, purely, as an indication and proof of social and political stability. Bonds were associated with a number of dynamic processes; with pursuing and controlling feud, with consolidating territorial acquisition and expansion; they were employed in regions and periods of political and social discord and change, to recruit support and to neutralise threats. These are functions reflecting a vigorously competitive and ambitious noble society.

The significance of feud and local dispute in terms of "national" or "court" politics is well illustrated by the narrative account of the rebellions of 1488 and 1489<sup>6</sup>. During 1488, it seems that the recruitment of adherents to the Prince's rebel forces and the King's army was often determined by local feuds and the ambitions of



individual members of the nobility. The appearance of Robert, Lord Lyle, Hugh, Lord Montgomery, and John, Lord Drummond, in Prince James' army was, in terms of their own political aims, unsurprising. James III was identified with, and supported, Sir William Murray of Tullibardine and John Ross of Montgrenan, who were exercising the offices of Steward of Strathearn and Bailie of Cunningham in contravention to the hereditary claims of Lord Drummond and Lord Montgomery<sup>7</sup>. If Lord Montgomery and Lord Drummond had supported James III during 1488, his triumph would not have secured for them the offices they were seeking. It seems likely that both Drummond and Montgomery secured promises of concessions with regard to the contentious offices, before they committed themselves to the Prince's rebellion. Similarly, Lord Lyle, a man who had demonstrated considerable loyalty to James III, appeared in rebellion against the King in 1488 because James III had been reconciled with Lyle's arch-enemy, the Earl of Buchan<sup>8</sup>. We may compare the situation with that in fifteenth century England, where many historians view local feuds as a major contributory factor to the wider social and political discord of the Wars of the Roses.

Recent studies of the political consciousness of the Scots nobility have stressed their inability to articulate and justify opposition to the crown on their own account<sup>8a</sup>. Prince James' rebellion allowed baronial resentment to become open opposition. In any event, rhetoric produced for presentation on great public occasions such as parliament should not be taken as the only indication of the ethos by which the nobility lived, and the way they viewed the political system. Although fifteenth century evidence is scanty, there are indications that territorial acquisition and the successful expansion of the family patrimony were the real yardsticks by which the worth of a noble was

judged by his contemporaries and his descendants. The dressing up of baronial self interest in the rhetoric of loyalty to the King and Kingdom reflects the triumph of royal propaganda in defining how men justified their actions, but this did not remove or resolve the tensions built up in a society where a noble's "rightful heritage" could, and should, be defended by force when threatened.

The political transition from the reign of James III to that of James IV has traditionally been regarded as relatively smooth, and the new regime's behaviour has been described as moderate. The eighteen months from February 1488 to October 1489 saw at least four pitched battles between "royal" and "rebel" forces (Blackness, Sauchieburn, Dunkeld and Gartloching). During the same period royal authority was openly defied by rebel forces for a total of eleven months. Aside from the pitched battles, the issuing of letters of fire and sword by the royal protagonists brought considerable violence at the local level, the results of which are only partly recorded in later court cases and in remissions granted to Prince James' adherents.

It seems likely that, in a similar situation in fifteenth century England, many of James III's principal adherents would have ended their political careers on the scaffold. The lack of executions does not mean, however, that the new regime did not set out to persecute and punish men who had adhered to the late King. Huge ransoms were taken from James III adherents captured at Sauchieburn or elsewhere, the threat of forfeiture and execution was used to extort concessions from men such as David, 5th Earl of Crawford<sup>9</sup>, and the parliamentary legislation of October 1488 saw a huge change in local office-holding. After Sauchieburn, the ascendancy of Prince James' supporters within their own localities was confirmed by individual acts of royal patronage and by parliamentary legislation, a process which generated

more resistance in the form of feud. The rebellion of 1488 thus had a profound effect on the political balance in several localities, and this is unsurprising given the objectives of the individual members of the rebel coalition, many of whom had joined the rebellion in order to pursue local disputes.

Resistance to the political and material settlement of 1488 was fierce, prolonged, and came in two forms. Firstly, it came in a series of feuds between members of the new regime and the men they had displaced at the local level. The most remarkable of these feuds must be the sustained campaign mounted by the Cunningham kindred against Hugh, Lord Montgomery's exercise of the office of Bailie of Cunningham<sup>10</sup>. Secondly, the regime faced a large co-ordinated rebellion against its rule during the autumn of 1489.

Perhaps the most intriguing feature of the 1489 rebellion was that the rebel army was not mobilised by, or on behalf of, an alternative claimant to the throne, but by a claim to be fighting for justice and revenge for the death of James III. The rebels produced eloquent and detailed statements of policy, and were too powerful for James IV's government to defeat them militarily. The rebellion was eventually ended by negotiation, and by the granting of several important concessions to rebel demands, although they did not achieve any significant revision of the political settlement of 1488<sup>11</sup>.

The final three chapters explore the effect of changes in royal policy and patronage in generating violence and feud within the localities. The examination of the Montgomery/Cunningham and Murray/Drummond feuds during the 1490's reinforces the idea that there was a close interaction between local dispute and "national" politics, especially during periods of royal minority. The feud over the Bailiary of Cunningham became linked to the fortunes of political

patrons who were of influence in James IV's minority court. The sudden and dramatic collapse of Montgomery's position as a crown office-holder in the West after the Earl of Argyll's death and the accession of Archibald, Earl of Angus (who was linked with Lord Montgomery's local rival, Lord Kilmaurs) to the Chancellorship, illustrates the importance and function of the ties of lordship and dependence to the local land or office holder involved in dispute. The influence of James IV's mistresses in obtaining or denying royal support to the protagonists involved in the feuds in Cunningham and Strathearn is especially striking.

The heavy involvement of Drummond, Montgomery, Kilmaurs and Murray in rebellion and factional politics was, perhaps, unusual, and reflected the fact that possession of the lands and offices they contested could only be revised by directly changing royal policy.

The career of the Earl of Buchan suggests that violent confrontation between baronial rivals was a fairly common occurrence, and that the development of these disputes often determined a magnate's actions on a wider political stage. The Buchan/Lyle dispute was a feud with great significance for the politics of 1488 and 1489. The Earl of Buchan's return to James III's favour in 1487/8 may have alienated not only Lord Lyle, but perhaps other men who had remained loyal to the King during the Albany crisis of 1482/3 and its aftermath, including the Earl of Argyll. The Buchan/Lyle feud gives the strongest indication that the violence of 1488 was often generated by pre-existing local tensions and, indeed, that the forces adhering to both the Prince and the King reflected these pre-existing divisions. The almost comic changes in political allegiance exhibited by the Earls of Buchan and Lord Lyle in the period 1487-9, emphasise that pursuit of

the dispute between the two men overrode their concern with "national" issues.

The final chapter examines the effect of an aggressive royal financial policy in generating feud and political violence in the localities. The Perthshire feu farming rebellion was a conservative regional rebellion against a crown assignee who was overturning the established political and social status quo. The violence employed by Neil Stewart of Fortingall was a calculated attempt to force the crown to revise its policy by making the grants to Sir Robert Menzies unworkable. The dispute gives an interesting indication of the way in which established ties of lordship and dependence functioned during periods of crisis, with Neil Stewart receiving automatic and committed support from his "lord", John Stewart, Earl of Atholl. The suppression of the rebellion illustrates the way in which James IV had to rely on the co-operation and assistance of one of the Earl of Atholl's magnatial rivals in the area, the Earl of Huntly, in order to achieve a somewhat tenuous political control of the region. There is certainly no indication that Huntly regarded the King's assault on Atholl's jurisdiction as anything other than an opportunity for his own territorial and jurisdictional expansion. The chapter also examines the application of bonds of maintenance and manrent in areas of political and tenurial fluctuation.

Overall, the thesis suggests that baronial feud was a common feature of fifteenth century political life in Scotland, that feud had a profound effect on "national" or "court" politics, and was, in itself, exacerbated and heightened during periods of royal minority or challenges to the rule of adult kings.

FOOTNOTES: CONCLUSION

1. Chapter One, pp. 17-22, 24, 38-41.
2. Chapter Three, pp. 111-122.
3. Chapter Two, pp. 56-66.
4. Chapter One, pp. 27-30.
5. Chapter Three, pp. 123-130.
6. Chapters Four and Five.
7. Chapter Four, pp. 160-171 (Drummond), 172-177 (Montgomery).
8. Chapter Seven, pp. 349, 351-354.
- 8a. R. Mason, 'Kingship, Tyranny and the Right to Resist in Fifteenth Century Scotland', S.H.R., lxvi (October 1987), 125-151.
9. Chapter Four, pp. 178-180.
10. Ibid, pp. 177-8; Chapter Six, pp. 277-280.
11. Chapter Five.

**ABBREVIATIONS**



ABBREVIATIONS USED IN FOOTNOTES

- A.B. Coll. : Collections for a History of the Shires of Aberdeen and Banff (Spalding Club, 1843).
- Abdn. Counc. : Extracts from the Council Register of the Burgh of Aberdeen (Spalding Club, 1844-8).
- A.B. Ill. : Illustrations of the Topography and Antiquities of the shires of Aberdeen and Banff (Spalding Club, 1847-69).
- A.D.A. : Acts of the Lords Auditors of Causes and Complaints A.D. 1466-1494, ed. Thomas Thomson (1839).
- A.D.C., i : The Acts of the Lords of Council in Civil Causes A.D. 1478-1495, ed. Thomas Thomson (1839).
- A.D.C., ii : Acts of the Lords of Council in Civil Causes, 1496-1501, ed. George Neilson and Henry Paton (1918).
- A.P.S. : Acts of the Parliaments of Scotland, ed. T. Thomson and C. Innes (1814- ).
- Arch. Scotica : Archeologia Scotica (1792-1890).
- A.T. : Argyll Transcripts.
- Balfour, Practicks : The Practicks of Sir James Balfour of Pittendreich, ed. P.G.B. McNeill (Stair Society, 1962-3).
- Cawdor Bk. : The Book of the Thanes of Cawdor (Spalding Club, 1859).
- C.D.S. : Calendar of Documents relating to Scotland, ed. J. Bain (Edinburgh, 1881-8).
- Chron. Auchinleck : The Auchinleck Chronicle, ane Schort Memoriale of the Scottis Cronikilis for Addicioun, ed. T. Thomson (Edinburgh 1819/1877).
- C.P.S. (Glas.) : Calendar of Papal Supplications, held by Department of Scottish History, University of Glasgow.
- Crawfurd, Peerage : George Crawfurd, The Peerage of Scotland (Edinburgh, 1716).
- E.R. : The Exchequer Rolls of Scotland, various editors (1878- ).
- Family of Rose : A Genealogical Deduction of the Family of Rose of Kilravock (Spalding Club, 1848).
- Fasti : Fasti Ecclesiae Scoticae Medii Aevi ad annum 1638, compiled by D.E.R. Watt (1969).

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- Highland Papers : Highland Papers, ed. J.R.N. Macphail (S.H.S., 1914-34).
- H.M.C. : Historical Manuscripts Commission.
- James IV Letters : The Letters of James the Fourth 1505-13, ed. R.K. Hannay and R.L. Mackie (S.H.S., 1953).
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- Moray Reg. : Registrum Episcopatus Moraviensis (Bannatyne Club, 1837).
- Mort. Reg. : Registrum Honoris de Morton (Bannatyne Club, 1853).
- Nisbet, Heraldry : A. Nisbet, A System of Heraldry, new edition (Edinburgh, 1816).
- N.L.S. : National Library of Scotland.
- N.R.A. : National Register of Archives.
- O.P.S. : Origines Parochiales Scotiae (Bannatyne Club, 1851-5).

- Pinkerton, History : J. Pinkerton, The History of Scotland from the Accession of the House of Stuart to that of Mary, with Appendixes of Original Papers (London, 1797).
- Pitscottie, Historie : R. Lindesay of Pitscottie, The Historie and Cronicles of Scotland.
- Pollard, Henry VII : A.F. Pollard, The Reign of Henry VII (London, 1913).
- Prot. Bk. Simon : Liber Protocolorum M. Cuthberti Simonis Notarii Publici et Scribae Capituli Glasguensis 1499-1513 (Grampian Club, 1875).
- Prot. Bk. Young : Protocol Book of James Young 1485-1515, ed. G. Donaldson (S.R.S., 1952).
- R.C.A.H.M.S. : The Royal Commission on the Ancient and Historical Monuments of Scotland.
- R.M.S., ii : Registrum Magni Sigilli Regum Scotorum, A.D. 1424-1513, ed. J.B. Paul (1882).
- Rot. Scot. : Rotuli Scotiae in Turri Londinensi et in Domo Capitulari Westmonasteriensi Asservati, ed. D. Macpherson (1814-19).
- R.S.S., i : Registrum Secreti Sigilli Regum Scotorum, Volume i, ed. M. Livingstone (1908).
- S.H.R. : Scottish Historical Review.
- S.H.S. Misc. : The Miscellany of the Scottish History Society, (S.H.S., 1843- ).
- S.M. : Miscellany of the Spalding Club (Spalding Club, 1841-52).
- S.P. : Scots Peerage, ed. J.B. Paul (1904-14).
- S.R.O. : Scottish Record Office.
- T.A. : Accounts of the Lord High Treasurer of Scotland, various editors (1877- ).

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## APPENDICES

T A B L E: ONE

Assessations of the Earldom of Strathearn

<u>Lands</u>	<u>1486 (24th June)</u>	<u>1488 (July)</u>	<u>1492 (18th May<sup>a</sup> and 22nd October<sup>b</sup>)</u>
"Drumquharagain"	John Murray of Trowan	Maurice Drummond	John Murray (of Balloch)
Blackford	Clement Murray	William Drummond	Humphrey Murray of Abercairny
Dowald	Andrew Murray	Thomas Drummond	Andrew Murray
Bordland of Balloch	John Murray of Trowan	David Drummond <sup>o</sup>	John Murray of Trowan
Cargartland	John Murray of Trowan	David Drummond <sup>o</sup>	John Lord Drummond
Guiltballoch	John Murray of Trowan	David Drummond <sup>o</sup>	John Murray of Balloch <sup>a 1</sup> John Lord Drummond <sup>b</sup>
Easter Lochlane, Wester Lochlane and Trowan	John Murray of Trowan	David Drummond <sup>o</sup>	John Murray of Trowan <sup>FF</sup>
Dry Isle and Loch of Monzievaird	-	David Drummond <sup>o</sup>	John Murray of Trowan <sup>FF</sup>
Eight Merks of Crieff	William Murray <sup>*</sup>	John Lord Drummond	William Murray
Quoig	Thomas Murray	John Dow	Thomas Murray (Coppe) <sup>2</sup>

T A B L E: ONE (continued)

Assedations of the Earldom of Strathearn

<u>Lands</u>	<u>1486 (24th June)</u>	<u>1488 (July)</u>	<u>1492 (18th May<sup>a</sup> and 22nd October<sup>b</sup>)</u>
Fordie	Elizabeth Fraser, widow of Alexander Murray and John his son	Sir William Drummond <sup>x</sup>	Elizabeth Fraser <sup>a 3</sup> Sir William Drummond <sup>6</sup>
Easter Dalgarous (Dalginross?)	Bricio Neisch	Walter Drummond	Mariote (Bricii Neissone's widow) <sup>4</sup>
Balmuick	Elizabeth Fraser/John Murray	Sir William Drummond <sup>x</sup>	Elizabeth Fraser <sup>a 3</sup> Sir William Drummond <sup>b</sup>
"Lettirbannachty"	Andrew Murray	Sir William Drummond <sup>x</sup>	Andrew Murray <sup>3</sup>
Milnab	John Murray of Trowan	John, Lord Drummond	John Murray of Balloch
"Le Port"	William Murray of Tullibardine	Sir William Drummond <sup>x</sup>	William Murray of Tullibardine
"Morale" and Glentarken	Elizabeth Fraser/John Murray	Sir William Drummond <sup>x</sup>	Elizabeth Fraser/ Sir William Drummond <sup>3</sup>

NOTES ON TABLE ONE

Assedations of the Earldom of Strathearn

- 1 Demitted through the death of David Drummond.
- 2 Demitted by John Dow.
- 3 Demitted by Sir William Drummond.
- 4 Demitted by John, Lord Drummond.
- o David Drummond, John, Lord Drummond's second son, executed before 18th May 1492.
- x Sir William Drummond, Lord Drummond's first born son and heir.
- \* William Murray, son of Sir William Murray of Tullibardine.  
John Murray is styled 'of Trowan' or 'of Balloch'.
- FF Claimed in feuferme by John Murray.

## APPENDIX A

Appendix A lists and describes a brief selection of formal bonds of service or maintenance granted in the fifteenth century which are not noted in Dr. Wormald's study or discussed in the text of Chapters 1-8. In addition, bonds described by Dr. Wormald which can be shown to be linked to tenure or feud are also included. On occasion a brief description of the context of the bond is given where this seems to be useful in establishing the bond's purpose.

**1. 17th December 1413, Dundee.**

Sir Patrick Gray, Lord of Broxmouth, becomes "man of speciale retenew" to Alexander Lindsay, Earl of Crawford. The earl gives Gray, in liferent, the town of Alyth.

Gray Inventory, Court of the Lord Lyon, vol. ii, Bundle II, No. 9.

**2. 3rd November 1419.**

Henry Earl of Orkney, Lord Sinclair, and Adam Dalzell of "Buthagh" came to an agreement by which Adam became "... dwelling and retenei man fer all the terme of said Adamys life..." to the earl. In return the earl was to infeft Adam in the lands of Drumcruilton in the barony of Enoch, Dumfriesshire, in blench ferm under a reversionary arrangement by which the lands were to return to the earl if he gave eighty pounds to Dalzell at the Kirk of Durisdeer within ten years of the indenture. The indenture suggests that Dalzell's occupation of Drumcruilton was a matter of some debate. If the reversion did not take place within ten years then Drumcruilton was to remain with Adam and his heirs for ever. If he was subsequently troubled by the earl, or the earl's wife or heirs, then the earl's lands and barony of Roslin were to be distrained.

N.L.S., Advocates Manuscripts, 22.2.18, 'Miscellania Scotica Curiosa', f34.

**3. 4th March 1424.**

Murdoch, Duke of Albany confirmed a charter of the deceased William Lindsay of the Byres, by which Lindsay granted William Elphinstone the lands of Pittendreich for Elphinstone's homage, service "ac retinencia sua speciali". The original charter is engrossed, specifying that the lands were granted "pro homagio et servicio suo, necnon pro sua retinencia speciali...pro toto tempore vite sue".

S.R.O., Elphinstone Writs, GD156/1/1/6.

The original charter probably dates from c1396, since on 16th September 1396 William Lindsay issued a precept of sasine of the lands of Pittendreich to William Elphinstone, with a detailed entail to William's brothers, corresponding to the charter above.

S.R.O., Elphinstone Writs, GD156/1/1/8.



Interestingly, William Lindsay had received the lands of Pittendreich only two years before the grant to Elphinstone. On 29th June 1394, Robert III confirmed the lands of Pittendreich, resigned by William Keith, Marischal of Scotland, and his wife, Margaret Fraser, to Sir William Lindsay.

S.R.O., Elphinstone Writs, GD156/1/1/4.

4. **23rd March 1442.**

George Leslie of Ballinbreich accepted that Walter Ogilvy of Beaufort should become his tenant and be given heritable possession of the lands of Dunbog and Contrahill in Leslie's barony of Ballinbreich in Fife, "giffin to... Waltir be... the erle of craufurde to be haldin of... George...." If Leslie gave Ogilvy lands of equivalent value in the Lordship of Fettercairn, Ogilvy would resign Dunbog and Contrahills to Leslie. In addition, "Waltir is cummyn speciale man of retenew" to Leslie. If Leslie gave Ogilvy the lands of "bayne and... adnagu..." to be held of the Earl of Crawford, then Ogilvy would be immediately "dischargit of his retenew made to George", and Leslie would return "agayn his letter", i.e. Ogilvy's obligation of retinue service was to be effective only for the period in which Leslie was his feudal superior in the Ballinbreich lands. Interestingly, the indenture stipulated that Ogilvy was "oblist to reset... George in his (Ogilvy's) house of Banff als oft as hym nedis..." and would "trawel anys witht... George on his awyn cost to the Lord of Gordon for the recoveryng of the... sewyn dawachis". If the lands could "nocht be recoverit be tretty at the Lorde of Gordon,... Walter oblissis hym to tak al part witht... George syk as he tackis agan the Lorde of Gordon in that mater...."

S.R.O., Earl of Rothes Cartulary, GD204/No. 657.

5. **Before 1st August 1442.**

Sir Robert Keith gave "lettrez of retenew" to Alexander Seton, Lord of Gordon, as part of an arbitration by which Seton renounced claims against certain Keith estates.

R.M.S., ii, No. 278.

The above agreement was part of a complicated dispute over the descent of the estates of Sir Alexander Fraser of Touchfraser,

**20th February 1440, Edinburgh.**

A notarial instrument which narrated that Alexander Seton, Master of Gordon, Lord of Tullibody, requested the nullification of indentures made by his mother in prejudice of his heritage, before the three estates in parliament. Robert Keith, on behalf of William Keith, Marischal of Scotland, protested against Seton's revocation, and appealed that it should not prejudice William Keith or his heirs in their heritage.

N.L.S., Titles of Keith Earl Marischal Papers, Ch. No. 17088.

## 29th July 1428.

The indenture revoked by Alexander Seton in 1440 had been entered into by Lady Elizabeth Gordon in July 1428, when she ratified an excambion made between Sir William Keith and William, Lord Lindsay of the Byres.

S.R.O., Lindsay Papers, GD203/12/3.

## 6. 30th September 1444, Aberdeen.

James Forbes, son and heir of Alexander Forbes of that ilk, gave a bond of manrent to Alexander Seton of Gordon for the duration of James' life. Forbes bound himself to become Seton's man of "special retinue".

S.R.O., Gordon Castle Muniments, GD44/13/8/1.

## 30th September 1444, Aberdeen.

On the same day as the above bond of manrent, in front of the same witnesses, Alexander Seton, as baron of Cluny, granted James Forbes the lands of Corsindae, Kebbaly, and others in the barony of Cluny.

S.R.O., Lord Forbes Collection, GD52/406.

## 4th October 1444, Aberdeen.

Sir Alexander Forbes gave his obligation to Alexander Seton of Gordon, that when Seton granted him other lands in the barony of Cluny, he would resign the lands of Corsindae back to Seton.

S.R.O., Gordon Castle Muniments, GD44/40/10.

## April 1443.

In the year preceding the rendering of manrent and the grant of land, Sir Alexander Forbes and Sir Alexander Seton had been at feud. David, Earl of Crawford, Sheriff of Aberdeen sent a letter to his sheriff depute, Sir Alexander Forbes, informing Forbes that the King had been informed of the "hereschip" made by the Lord of Gordon (Seton) on Forbes and his allies.

S.R.O., Lord Forbes Collection, GD52/63.

The barony of Cluny had recently fallen to Sir Alexander Seton as heir to his grandmother, Elizabeth Keith. Elizabeth Keith died in 1437, from which date Alexander Seton senior, husband of Elizabeth Keith's daughter, Elizabeth Gordon, had uplifted the rents of Aboyne and Cluny.

E.R., v, 9.

**8th July 1468, Aberdeen.**

Alexander, Earl of Huntly, issued a precept of sasine in favour of William, Lord Forbes, of lands in the baronies of Cluny, Aboyne and Midmar.

S.R.O., Lord Forbes Collection, GD52/414.

**8th July 1468, Aberdeen.**

On the same day as the above precept and in front of the same witnesses William, Lord Forbes, bound himself in manrent to the Earl of Huntly and George, Lord Gordon, the earl's son. The bonds specified that William's heirs could only hold the lands if they were prepared to be bound in manrent to the Earl and his successors. If they refused to be so bound they would lose the lands.

S.R.O., Gordon Castle Muniments, GD44/13/8/3 and 4.

**7. 1st May 1446.**

Alexander, Earl of Crawford, took William Bonar, citizen of St. Andrews, and his (Bonar's) goods within the realm, especially within Angus and Fife, in "special maintenance, supowell and defence...". Crawford was to defend Bonar's possession of lands in Crawford's barony of Inverarity unless Bonar "takis sic pert aganis us that it be in the undoyng of oure persone."

S.R.O., Murthly Castle Muniments, GD121/2/3/3.

**8. 6th February 1453, Caerlaverock.**

John Maxwell was to become man to Lord Maxwell, in exchange for maintenance, for the space of two years, after John had received possession of the lands of Nether Pollock, freed of the other half of ward and relief.

Fraser, Pollock, i, 170-1.

**9. 14th December 1456, Slains.**

On the above date William, Earl of Erroll, Lord Hay and Constable of Scotland, conducted an assise which found that the Earl's cousin, Gilbert Hay, son of the deceased Nicholas Hay, should hold the lands of "Cassingray" in the barony of Erroll, in Fife, of the Earl of Erroll by the service of "ward, releif, mantrent and service".

S.R.O., Lindsay Papers, GD203/2/No. 8.

**10. 16th April 1461, Perth.**

A notarial instrument recording a promise by Walter Tulch (or Tulloch) of that ilk, son and heir of the deceased Walter Tulloch, to become a man of "speciale retenew" to Sir Andrew Ogilvy of Inchmartin. Walter was to marry with Ogilvy's advice, and was not to sell or alienate his lands without Ogilvy's consent.

Fraser, Melvilles, iii, 44-5.

**May - July 1452, Sheriff Court of Forfar.**

Sir Alexander Ogilvy of Inchmartin took legal action "upoun Wat of Touloch of that ilke as tweching the mariage of him selfe and of his sone and his ayre".

Fraser, Melvilles, iii, 35-7.

**11. 26th July 1465, Edinburgh.**

James III confirmed letters of David, Earl of Crawford, to Mr. James Lindsay, Provost of Lincluden, Keeper of the privy seal, John Lindsay of Covington (James' brother) and John Lindsay (John's son), of the bailiary of the Lordship of Crawford with Custody of the Castle. The earl was himself confirming a grant made by his father Alexander, Earl of Crawford, (d. September 1453) to James Lindsay ("than persone of Douglas") and his brother, of the bailiary of Crawford with custody of the castle and the mailfree occupation of the Mains of Crawford, "midillow, the Crukitstane and Litolclide", for their lifetimes. (The grant may have been made during the period of Douglas/Crawford co-operation in the early 1450's.) David ratified the gifts and promised to defend his father's grant because the three Lindsays "ar becummyn men til us far al the dais of thaire lyffis... as is... contenit in thaire lettres of manrent made to us...." In return for the manrent, the earl assigned the above lands and offices to the Lindsays as their "fee". Crawford was bound to defend their possession against "al thaime that liiff or dee may".

N.L.S., Lockhart of Lee Collection, Acc. No. 5474, Bundle 58.

**29th July 1465, Castle of Crawford Lindsay.**

David, Earl of Crawford issued an obligation promising not to "do ony harme breke or prejudice to the... gyft of balyery made and gevin be oure derrast fadir...."

N.L.S., Lockhart of Lee Collection, Acc. No. 5474, Bundle 58.

It would seem that David, Earl of Crawford, had contested the Lindsay's rent free occupation of the Crawford lands. The arbitration of the dispute, conducted at Edinburgh, left the Lindsays in continued occupation of the lands as "men" by manrent to David, Earl of Crawford.

**12. 20th November 1471.**

John, Lord Darnley gave a bond of "manteenance and... gud lordschip..." to John Maxwell of Nether Pollock. Darnley granted Maxwell the lands of "Glanderston" in liferent.

Fraser, Maxwells of Pollock, i, 184.

**13. 29th June 1472, Huntly.**

Alexander Dunbar of the Westfield rendered a bond of manrent, for life, to George, 2nd Earl of Huntly.

S.R.O., Gordon Castle Muniments, GD44/13/8/5.

**16th July 1472, Huntly.**

George, Earl of Huntly, granted Sir Alexander Dunbar various lands in the barony of Cluny.

R.M.S., ii, No. 1065.

**14. 23rd September 1475, Ruthven (Badenoch).**

In an agreement between Lachlan MacKintosh of "Gellovie" and George, Earl of Huntly, the earl gave Lachlan the marriage of the heiresses of the Baron MacNiven and the ward of his lands. In return, Lachlan obliged himself to give bonds guaranteeing that he, and his heirs or sons who occupied the lands, would perpetually stand in special manrent and service to the earl and his heirs, and to none other. Lachlan promised to marry the heiresses to his sons by the advice and counsel of the earl. If not, the lands were to be returned to the earl.

S.R.O., Gordon Castle Muniments, GD44/13/7/3.

The above bond was given at the height of the dispute between the Earl of Huntly and John MacDonald, Lord of the Isles. The obligation of manrent service was to be carried with possession of the MacNiven lands.

**4th April 1497, Lochcanmor.**

William Lachlanson MacKintosh, son of the deceased Lachlan MacKintosh mentioned above, gave his bond of manrent to Alexander, Lord Gordon, for the duration of his life.

S.R.O., Gordon Castle Muniments, GD44/13/7/7.

**3rd April 1497, Lochcanmor.**

George, Earl of Huntly, Lord of Badenoch, directed a precept of sasine to his baillies in Badenoch, ordering them to infeft William MacKintosh and Isabella MacNiven, his spouse, in conjunct fee in the lands of Dunachton Mhor, Dunachton Beg and others in the Lordship of Badenoch, i.e. the MacNiven lands which were to be held in manrent service according to the earl's grant of 1475.

S.R.O., MacKintosh Muniments, GD176/18.

**15. 6th November 1475, Dunbar Castle.**

Alexander Stewart, Duke of Albany, Earl of March, Lord of Annandale and Man, Great Admiral of Scotland and Warden of the East and Middle Marches, took his "cousins" John Swinton of that ilk and John Swinton, his son and heir apparent, in his special maintenance.

H.M.C. Report, xiii; Portland Manuscripts, ii, 2-3.

At the time of Albany's grant of maintenance. John Swinton of that ilk was involved in a dispute with Lawrence, Lord Oliphant, over the lands of Cranschaws in Berwickshire, of which Albany was superior.

c.f. S.R.O., Swinton of that ilk Charters, GD12/No's. 49, 50, 51, 53, 54, 55, 58, 59.

**16. 10th May 1482, Dalkeith.**

Bond of manrent by James Gifford of Sheriff Hall to James 1st Earl of Morton.

Mort. Reg., ii, 245-7.

The bond came as the result of an arbitration of disputes between the two men, entered into in the Tolbooth of Edinburgh on 26th February 1482.

S.R.O., Morton Papers, GD150/194.

**17. 21st July 1482, Reidpath.**

George, Earl of Huntly, constituted Alexander Hume bailie for life of the earl's lands of Gordon and Fogo. On the same day the earl granted Hume a lease of Fogo, for life, for a yearly rental of forty merks, for which lease and bailiary Alexander Hume was bound in manrent service to the earl.

H.M.C. Report, xii, Appendix Part 8, 139.

**9th August 1490.**

Alexander Lord Gordon received sasine in the lands and Lordship of Huntly and Gordon in Berwickshire.

H.M.C. Report, xii, Appendix Part 8, 137.

**8th August 1490, Perth.**

Alexander Hume of that ilk, (tenant of the lands of Fogo in the Lordship of Huntly) his kin, friends and followers became bound to Alexander, Master of Huntly, i.e. Hume's new feudal superior in the Berwickshire lands.

S.R.O., Gordon Castle Muniments, GD44/13/7/6.

**18. Before 9th December 1482.**

John Bruce of Stanehouse gave a bond of manrent to Robert Lord Fleming. The bond is referred to in an action by Bruce against Fleming and his bailie, Andrew Oliphant, for troubling him in the twelve merkland of Dumbulls, given to him in liferent for his service.

A.D.A., 103.

John Bruce of the Airth or Stanehouse was involved in a tenurial dispute with the Lords Fleming over the lands of Dumbulls, with Bruce claiming heritable possession of the lands in March 1482. The dispute was still unresolved in 1494.

N.L.S., Miscellaneous Accession No. 342. Fleming of Wigtown, Ch. No's 16069 and 16072.

**19. 9th May 1486, Dundee.**

David, Earl of Crawford, Lord Lindsay, obliged himself to "mayntene, suple and defend" his "lovit cusing and man" Sir David Lindsay of Beaufort, "becauß of his manrent maid til us". Crawford granted Sir David "for his manrent and service... for all the dais of his life, the tane half of the lands of petpullokkis..." in the Lordship of Brechin, and a yearly rental of 46s. 8d. from the mailles of the other half. David Lindsay was to hold the lands for his lifetime, "he makand us service and manrent yerely for all uthir exaction".

N.L.S., Crawford and Balcarres Collection, Accession No. 9769/Box E/68.

**16th November 1512, Edinburgh.**

The Lords of Council gave John, Earl of Crawford, heir of David, Earl of Crawford, a certain term to prove that Sir David Lindsay of Edzell had discharged the deceased Earl of the warrandice of the tack of the "tane" half of "petpullokkis", and the mailles of the other half, for Sir David's lifetime, and of the profit of the half lands for a period of twenty four years. i.e. Sir David Lindsay of Beaufort and Edzell had not received the "fee" due for his manrent service from, at the latest, 1488. This may reflect the fact that Sir David Lindsay appears to have been attached to Alexander, Master of Crawford, who supported Prince James against James III and his (Alexander's) own father, David, Earl of Crawford, during 1488.

N.L.S., Crawford and Balcarres Collection, Acc. No. 9769/Box B/117.

**16th July 1498, Edinburgh.**

An action before the Lords of Council to see David Lindsay, his kinsmen and servants, to be exempt from the jurisdiction of the Earl of Crawford and his bailies.

A.D.C., ii, 275.

**26th September 1511, Edinburgh.**

An exemption was granted to Sir David Lindsay of Edzell, because of the "dedlie feid, unkyndness and dedlie inmite baith of ald and new betwixt... John Erle of Crauford, baron of Glenesk... and David Lindsay... tennent of the forsaid erle of his said barony of Glenesk...", from the Earl of Crawford's jurisdiction.

R.S.S., i, No. 2307.

21st April 1513.

A decreet arbitral between John, Earl of Crawford, and Sir David Lindsay of Edzell decided "anent concord and maner of standing in tyme tocum, notwithstanding any displesour done be... Schir David to the said Lord, the said Lord sall tak him in manrent and kindenes and hertlie service fer all the dais of his life, he kepand in tyme tocum his parte as efferis a man and servand to do to his Lord. And the said Lord sall suple and defend him as efferis ane Lord to do till his servand... Schir David sall gife his band of manrent frelie... and the said Lord... his letter of mantenance...."

N.L.S., Crawford and Balcarres Collection, Acc. No. 9769/Box B/123.

20. 2nd November 1486, Edinburgh.

A promise of a bond of manrent by James Livingstone of Manerston to James, 1st Earl of Morton. Livingstone is described as tenant of the half lands of Blith in the barony of Linton. The bulk of the indenture is concerned with clarifying Livingstone's tenurial status. Morton "... of his benyng will and favour discharged and quitclaimed for him and his successors, me and myn ayr nixt efter me (Livingstone)" of all wards, reliefs, marriages, "courte to plante, herezeld, bludwyte", notwithstanding the fact that Livingstone held the lands in ward and relief and marriage, according to the charter made to him by the earl. Livingstone therefore bound himself and his next heir who would occupy the half lands of Blith to the earl "and his successors for all the dayis of my life and of myn ane ayris lyfe in manrent and service."

S.R.O., Morton Papers, GD150/209.

18th April 1485, Edinburgh.

An action before the Lords of Council between Henry Livingstone of Manerston (James' father) and James, Earl of Morton, over the debate between the two parties as to whether the half lands of Blith were held in ward and relief, feufarm, or blenchferm. The Lords of Council, acting as amicable arbiters, declared that the lands of Blith were to be held by Henry Livingstone, of Morton, in feufarm for a pair of gilt spurs or 12d. Stirling "but ward, relief or marriage", because the casualties of ward, relief and marriage had been expressly discharged by a charter of the deceased John Graham of Tarbolton.

A.D.C., i, 117\*.

The indenture of November 1486 thus re-established the earl's right to traditional feudal casualties from the lands of Blith (ward, relief and marriage), while maintaining Livingstone's exemption from these casualties for two generations.

The Morton/Livingstone tenurial dispute had been active since the 1470's, e.g. S.R.O., GD150/No's. 160, 168, 171, 172. Mort. Reg., ii, 224-6.



21. **8th September 1491, Luncarty.**

Alexander Innes of "Aberchirder" bound himself to be a "leill trew man and servande... to ane noble lorde, Alexander Lord Gordon, ande master of Huntlie...."

S.R.O., Gordon Castle Muniments, GD44/13/8/7.

**8th September 1491, Luncarty.**

George, Earl of Huntly, issued a precept of sasine in favour of Alexander Innes, son of James Innes of that ilk, and Janet Gordon (George's sister), of the lands of Rothmackenzie, Badenspink, Blairmaud, Ordens, and others, in the forest of Boyne.

Ane Account of the Familie of Innes, (Spalding Club, 1864), 19-20, 87.

22. **19th February 1493, Inverness.**

Ewyne McAlayne (i.e. Ewan Allanson, Captain of Clan Cameron) bound himself to be leal and true to his "trest friend and master" Farquhar MacKintosh, son and heir of Duncan MacKintosh, Captain of Clan Chattan. Allanson reserved his allegiance to Alexander of the Isles of Lochalsh. If Farquhar and Alexander of the Isles quarrelled, Ewan would attempt to bring about a reconciliation. If this was unsuccessful, Ewan would support Farquhar against Alexander. Similarly, Alexander was bound to ensure that Ewan fulfilled the terms of the bond. The bond appears to have been an attempt to neutralise Allanson's clientage under Alexander of the Isles, and to prevent Ewan and Alexander working together against Clan Chattan in Lochaber, where Clan Chattan was involved in a long running dispute with Clan Cameron over the lands of Glenloy and Loch Arkaig.

S.R.O., MacKintosh Muniments, GD176/15.

**5th December 1505, Edinburgh.**

A legal action brought by Farquhar MacKintosh (represented by his cousin William MacKintosh of Dunachton) against Ewan Allanson for the wrongful occupation of the lands of Glenloy and Loch Arkaig for a period of eight years (i.e. from c1497 at the latest).

S.R.O., Court of Session Records (A.D.C.), CS5/xvii/f76r.

23. **19th January 1501, Mugdock.**

Robert Stirling of "Bavglas" became "man and servande..." to William, Lord Graham.

S.R.O., Montrose Muniments, GD220/1/A2/5/5.

24. **15th August 1501, Edinburgh.**

Mr. Richard Lawson became bound in manrent to William, Earl of Erroll, and William, Master of Erroll.

Erroll Charters, No. 167.

Richard Lawson had represented the Provost and bailies of the burgh of Edinburgh in a dispute between the burgh and the Earl, which had ended in a compromise agreement two weeks before Lawson's bond was rendered, on 30th July 1501.

Erroll Charters, No. 166.

**25. 6th April 1502, Peebles.**

Bond of manrent by Walter Hunter of Polmood to John Lord Hay of Yester, specified as baron of Olivercastle and overlord of the lands of Polmood.

S.R.O., Yester Writs, GD28/254.

**26th April 1502.**

Instrument of sasine following on a precept by John, Lord Hay of Yester, Sheriff of Peeble, baron of Olivercastle, in favour of Walter Hunter of Polmood in the lands of Polmood, in the barony of Olivercastle. The precept was issued at Neidpath on 25th January 1501.

S.R.O., Yester Writs, GD28/255.

**26. 1st April 1503, Haddington.**

Sir Patrick Hamilton of Kincavil became "man and servant" to George, Lord Seton, for all the days of his life. Hamilton's bond was given because of Seton's expenses in obtaining the office of Sheriff of Linlithgow, and the Constabulary of Blackness Castle, (significantly Hamilton's bond included the obligation that his "housis" would be open to receive Seton whenever Seton required) over which offices Seton "has done to me (Hamilton) therintill efter his poware at my desire".

S.R.O., Court of Session Records, CS5/xvi/f211r.  
(13th March 1505).

At the time the above bond was engrossed in the records of the Lords of Council, Seton and Sir Patrick Hamilton were in dispute over the sheriffship of Linlithgow.

S.R.O., Court of Session Records, CS5/xvi/f60-1.  
(7th February 1505).

**27. 5th March 1504, Inverchebit.**

Alexander "Crome" MacAllan became "lele trew mane and servande" to Alexander, Earl of Huntly.

S.R.O., Gordon Castle Muniments, GD44/13/8/9.

Alexander "Crome" MacAllan was the head of the Clan MacAllan in the Lordship of Strathavon or Stratha'an. On 27th January 1477, Alexander had been given sasine of the lands of Inverchabok Mhor (where the 1504 bond of manrent was issued) and the office of Toscheachderach of Strathavon by Alexander Stewart, bailie of Walter Stewart of Strathavon.

S.M., iv, 135.

**10th December 1482, Edinburgh.**

Walter Stewart of Strathavon accepted George, Earl of Huntly, and his heirs, as heirs to the Lordship of Strathavon if Walter failed to have legitimate heirs male of his own.

S.R.O., Gordon Castle Muniments, GD44/6/1/2, 3, and 4.

S.R.O., Aboyne Charters, GD181/179.

S.R.O., Mar and Kellie Muniments, GD124/1/1131.

**31st August 1490, Innes.**

Alexander, Lord Gordon, was given possession of the Lordship of Strathavon, following on the resignation of Walter Stewart. Walter Stewart reserved his liferent and his wife's terce. Alexander, Lord Gordon, then, had become Alexander "Crome" MacAllan's feudal superior in Strathavon.

S.R.O., Gordon Castle Muniments, GD44/6/1/5.

(Walter's resignation, 15th February 1490), and GD44/6/1/6.

(31st August 1490, a royal charter of confirmation).

S.R.O., Mar and Kellie Muniments, GD124/1/1132.

A seventeenth century chronicle of the Gordon family used by Charles Gordon, 11th Marquis of Huntly, in compiling the Records of Aboyne in 1894, claimed that Walter Stewart had had an illegitimate son, who was disinherited by his father's dealings with the Earl of Huntly. The son, John, "... assisted by the Grants and the Clan Allan, (of whom Alexander "Crome" MacAllan was head) moved the countreymen to disobey and not to acknowledge the Earl or his deputies. Alexander Gordon of Drummin (the principal castle in Strathavon) came out of Badenoch..., at night..., accompanied with 200 men... when the whole people were within the kirk, he... filled the kirk door... with... wood, and called for fire... part of the Grants and Clan Allan, who were associated with... John Stewart, were within the kirk..., and were forced to give pledges to Alexander Gordon for obedience and good order in time coming; which pledges were sent to Strathbogie to Earl Alexander...".

The Records of Aboyne, ed. Charles Gordon (New Spalding Club, Aberdeen, 1894).

The original chronicle was not found in searches of the S.R.O. and N.L.S., but the Earl is correctly named, and an Alexander Gordon of Drummin was certainly alive on 24th January 1498, when he witnessed a bond of manrent rendered by Robert Stewart of Clava, in Inverness, to Alexander, Lord Gordon.

S.R.O., Gordon Castle Muniments, GD44/13/8/8.

28. 16th January 1506, Dornoch.

Hugh Sutherland of Pronsee and Andrew Kinnaird of that ilk entered into a marriage contract by which John Kinnaird, Andrew's son and heir, was to marry Christian, daughter and heiress of Hugh. If Hugh had further heirs, he was to infest Andrew and his heirs in the lands of Pronsee. The parties were to enter into a mutual bond of manrent.

S.R.O., Register House Charters, RH6/686.

16th January 1506, Dornoch.

Hugh Sutherland of Pronsee gave Andrew Kinnaird of that ilk, by charter and sasine, the lands of Pronsee in the Earldom of Sutherland for services to be done, and for Andrew's defence of Hugh. Andrew was not to uplift the rents of the lands during Hugh's lifetime, unless it was known that Hugh had produced male heirs by his spouse.

S.R.O., Register House Charters, RH6/687.

## APPENDIX B

The Rebellion of 1488: The Division of the Political CommunityJames III adherentsPrince James'  
adherentsBishops

William Elphinstone,  
Bishop of Aberdeen.

Robert Blackadder,  
Bishop of Glasgow.

James Chisholm,  
Bishop of Dunblane.

George Brown,  
Bishop of Dunkeld.

Robert Culquhoun,  
Bishop of Lismore.<sup>o</sup>

Andrew Stewart,  
Bishop of Moray

Abbots

Robert Bellenden,  
Abbot of Holyroodhouse.

George Shaw,  
Abbot of Paisley.<sup>o</sup>

Thomas Cranston,  
Abbot of Jedburgh.<sup>o</sup>

Henry Arnot,  
Abbot of Cambuskenneth.

Earls

John Stewart,  
Earl of Atholl.

Archibald Douglas,  
Earl of Angus.

James Stewart, <sup>T</sup>  
Earl of Buchan.

Colin Campbell,  
Earl of Argyll.

David Lindsay,  
Earl of Crawford.<sup>o</sup>

Alexander Lindsay,  
Master of Crawford.

John Douglas,  
Master of Morton.

Lords of  
Parliament

Alexander, Lord  
Abernethy of  
Rothimay.

John Stewart,  
Lord Darnley  
(Earl of Lennox).

James Ramsay, <sup>T</sup>  
Lord Bothwell.

John,  
Lord Drummond.<sup>o</sup>

William,  
Lord Borthwick.

Andrew,  
Lord Gray.<sup>o</sup>

John,  
Lord Carlisle.

Patrick Hepburn,  
Lord Hailes.

Robert, Lord Crichton  
of Sanquhar.

Alexander,  
Lord Hume.

James III adherentsPrince James'  
adherentsLords of  
Parliament  
(continued)Alexander,  
Lord Forbes. <sup>T</sup>William,  
Lord Graham.John,  
Lord Hay of Yester.Thomas Stewart,  
Lord of Innermeath. <sup>T</sup>Alexander Cunningham,  
Lord Kilmaurs,  
(Earl of Glencairn) \*William,  
Lord Ruthven. <sup>T</sup>Barons  
Knights  
and LairdsRobert Charteris  
Amisfield. <sup>T</sup>James Bonar of  
Easter Rossie.Sir William Douglas  
of Cavers. <sup>O</sup>Sir Alexander Dunbar  
of the Westfield. <sup>T</sup>Sir John Dundas  
of that ilk. <sup>O</sup>Thomas Fotheringham  
of Powrie. <sup>T</sup>Cuthbert Grierson  
of Lag.Alexander Innes  
of that ilk. <sup>T</sup>Sir James Rutherford  
of that ilk.Stephen Lockhart  
of CleghornCuthbert Murray  
of Cockpool. <sup>T</sup>Robert,  
Lord Lyle.Hugh,  
Lord Montgomery. <sup>O</sup>Laurence,  
Lord Oliphant. <sup>O</sup>Sir Duncan Campbell  
of Glenorchy.

Walter Ker of Cessford.

William Knollis,  
Preceptor of  
Torphichen,  
(Lord St. John).James Shaw  
of Sauchie.Sir William Stirling  
of Keir.John Wallace,  
Laird of Craigie. <sup>O</sup>

James III adherentsPrince James'  
adherentsBarons  
Knights  
and Lairds  
(continued)Sir Adam Murray  
of Drumcrieff.James Murray\*  
of Polmaise.Sir William Murray  
of Tullibardine.Sir John Ross  
of Hawkhead.Sir John Ross<sup>T</sup>  
of Montgrenan.David Scott<sup>O</sup>  
of Braxholme.Thomas Sempill\*  
of Elliotston.Thomas Somyr  
of Balzeordie.Thomas Turnbull of  
Greenwood and Lyne.

- Index :
- <sup>O</sup> = Direct documentary proof from grants, remissions, or Papal supplications that these men were actively involved at Sauchieburn.
  - \* = Died as a result of Sauchieburn.
  - <sup>T</sup> = Summoned for treason in 1488.

The table is by no means exhaustive, and concentrates only on men for whom there is strong direct evidence that they participated personally, with their adherents, in the struggle between James III and Prince James. The identification of James III adherents is made easier by the treason charges and legal cases brought against them in 1488, by the new regime.