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ABSTRACT

This study attempts to gain some insight into late thirteenth and early fourteenth century Scotland's society by an examination of women's place in its composition. Women are a substantial and vital segment of the population in any period, and a study of their social position provides a method of approach for the whole of society.

The evidence available, although especially abundant for this period in Scotland, is of a limited nature. It has, however, proved to be a richer field than expected and one that certainly is in need of extensive research.

The first chapter discusses the sources examined and how women are identified in them. Identification of women was most commonly associated with marital status. But naming was still very flexible in this period for both men and women and was dependant upon the context in which the name was found. If one desired to stress a particular relationship, this would be reflected in the way the individual was named. Because of its implications for social status this is an important aspect of our study of women in this period.

The second chapter examines women's active involvement in the working of society. This is approached through the areas of marriage and land-owning and the legal system relating to both. The laws governing marriage generally show that a woman was able to be most active as an unmarried widow, when she was legally able to administer her own affairs. The results of this study have revealed a far greater involvement

of women as land-owners in Scotland's society than was expected, as heirs and as holders of dower. Reference to women in the documents are most often in connection with land related problems. Women were also active in commerce and managing financial affairs. The evidence shows that they were not a minor element in society, but took part in a regular way, the economics of the situation usually outweighing any factors of philosophy.

The third and fourth chapters look at women's part in the first War of Independence, by means of a chronological narrative of these years, up to the death of Robert I in 1329. Again, there are enough examples of women actively participating in the war and in related situations to show that they were an effectual and significant part of society. The years after Bannockburn reveal a return to feudal concerns with land, and this is the sphere in which women are most often involved.

The conclusion seems to point to a fundamental and accepted involvement of women as active, important components in Scotland's society. The feudal conservatism of its kingdom during this kperiod is probably in large part responsible, the importance of land itself being the overriding factor in women's favour. This is reflected in the acceptance of women as land-owners, which in turn influenced how they were treated by the law and how they married and operated economically.

THE SOCIAL POSITION OF WOMEN
IN LATE THIRTEENTH AND EARLY FOURTEENTH CENTURY SCOTLAND

1284 - 1329

A Dissertation
presented to the Examiners
of the University of St. Andrews
for the degree
of
Master of Letters
by
Susan Josephine Dunlap



St. Andrews
1977

DECLARATION

This dissertation embodies the results of the higher study undertaken by me on the topic approved by the Senatus Academic of the University of St. Andrews in accordance with the regulations governing the degree of Master of Letters in Arts.

I hereby declare that the following thesis has been composed by me, that the work of which it is a record has been done by myself, and that it has not been accepted in any previous application for a higher degree.

I was admitted under Resolution of University Court, 1967, no. 3, to read for the degree of M.Litt. from October, 1975, in terms of Ordinance D. (Higher Research and Study, pp. 21-24).

S. J. Dunlap

CERTIFICATE

I certify that SUSAN JOSEPHINE DUNLAP has spent no less than two years in full-time academic study in the field of arts, that she has fulfilled the requirements under Ordinance D., Resolution no. 9 of the University Court of St. Andrews (Regulations for Higher Study and Research), and that she is qualified to submit the accompanying dissertation for the degree of Master of Letters (Scottish History).

Professor G.W.S. Barrow

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LIST OF ABBREVIATIONS

The titles contained in the List of Abbreviated Titles of the Printed Sources of Scottish History to 1560 (Supplement to SHR, 1963) are used in this dissertation, with the following additions:

- Barrow, FB : Barrow, G.W.S. Feudal Britain
London: Edward Arnold, 1956.
- Barrow, RB : Barrow, G.W.S. Robert Bruce and the
Community of the Realm of Scotland
(2nd ed.) Edinburgh: University
Press, 1976.
- Chron. Hem. : Chronicon domini Walteri de Hemingburgh
(English Historical Society, 1848-9)
- Edwards, Charter : Edwards, J. "The Templars in Scotland
in the Thirteenth Century."
Scottish Historical Review 5 (1907-8):
19-25.
- Stair Society : Stair Society. An Introduction to
Scottish Legal History. (Edinburgh,
1958).

INTRODUCTION

The starting date for this study was chosen because in 1284 a woman was recognised as heir to the throne of Scotland. It seems highly appropriate to begin our consideration of women in medieval Scotland with this event, although Margaret the Maid died before she ever actually sat upon the throne. 1329, being the year of Robert the Bruce's death, is our cut-off point. This allows us to examine women during a period of serious social upheaval which the conflict with England, from 1296 until 1328, brought into play.

These years also encompass a period in medieval Scottish history for which we are fortunate to have greater documentation available than for the period directly preceding it or that which follows. The competition for the Scottish throne upon Margaret the Maid's death was probably a factor in the burgeoning documentation available for Scotland in this half-century we are to examine. So, too, was the expansion of legal administration under Edward I, with consequences such as greater regularisation of land extents and inquisitions post mortem.

But probably the most important factor in making this amount of documentation available for this period is the first War of Independence. This is made immediately obvious when one compares the single year 1296 to the decade directly before it. Following his defeat of the Scots at Dunbar and

Berwick in 1296, Edward I set about consolidating his conquest through a network of official and legal administration with characteristic thoroughness. The result of the "burst of imperialist activity"¹ is unusually large numbers of records, making this brief period particularly rich in source material.

In the years following the Battle of Bannockburn until the death of Robert I in 1329 there is an abrupt decline in the amount of surviving documents with information about women. This phenomenon seems to result from the death of Edward I in 1307 and the reduced effectiveness of his administrative machine under Edward II, although it is not until the efforts by the English to win the Scottish war begin to truly dwindle that the amount of documentation does as well.

This study began with examination of printed collections of documents directly related to Scotland and to the Anglo-Scottish conflict. The chartularies of religious houses in Scotland were also examined in detail for all references to individual women. The two chronicles studied were Lanercost and Walter of Guisborough's; these were particularly useful with regard to the better-known women in this period, although Lanercost's gossipy tales about erring nuns only seem to cloud the issue. (It appears, however, that further research on this topic could make use of the chronicles for literary evidence of social attitudes about women.)

The study of a society's history is particularly difficult in the Middle Ages because of the type of evidence

¹Barrow, RE, 107

available. In a feudal kingdom such as Scotland, the evidence relates for the most part to those people who held land in one way or another. But in Scotland the majority of people who did hold land were of "fairly small substance".¹ Because it was such a small, self-sufficient and feudally conservative society² it would seem possible to achieve some understanding of medieval Scotland's society as a whole. But it is necessary always to keep the limitations to this in mind; our evidence about many levels of that society is greatly restricted.

The study of women's social position, however, gives us a steady perspective and a method of approach to the history of society in medieval Scotland. An examination of that society from the point of view of a woman's place in it may make it possible for us to gain some sense of its movement and life. It is this life, and a true understanding of it, that the historian seeks to recover. Too often the evidence only allow a limited, one-dimensional glimpse of it. Unfortunately, in late thirteenth century Scotland an individual woman's name often only occurs in passing and we must glean all that we are able from that mention in that particular record. But there are also fuller details available on other individuals, revealing in many cases the character and colour of the period and the life of its society. Social history in any period's context is ambiguous. But it is hoped that this approach will give an added dimension to our study of the History of Medieval Scotland.

¹Barrow, RB, 23.

²Ibid.

CHAPTER ONE

WOMEN AND THE SOURCES

1284-1329

If we turn our attention first to the type of document in which we are most likely to find women in this period, we discover that there is no one type in which they are not found. Throughout the period under consideration, however, it is in the documents that relate to questions of land holding that we most frequently find women. These documents include the charters, inquisitions post mortem and land extents, lawsuits over land holdings, and questions of succession and inheritance.

A second category of document that is another of our richest sources for the names of individual women is the letters of safe-conduct. These were usually for women travelling alone, although there are a few which name a woman with her husband. Most of these date from 1314 to 1329. Women's names are also frequently found in documents appointing attorneys; nearly all of these date before 1292, there being 33 such references during these years as compared to 7 for the rest of our period to 1329.

During the first War of Independence, 1296-1328, all of these continue to be the types of documents in which women are most often found, with the homage rolls and land seizures and restorations of that period being added to those

concerned with land holding. The mention of women in documents related to financial affairs increases greatly in this period of war as well, again due to land seizures and the economic hardships imposed by the war itself. The war also brings a larger number of women into the realm of politics and we find women referred to in such things as letters and military reports.

Before we can focus our attention on the situations themselves in which we find women, it may be well to examine the way in which individual women are presented by contemporary records. To do this, we will consider their actual identification--how women are named--in the documents available to us. .

Throughout our period, the most common way in which a woman is named is by her own Christian name and her relationship to her husband--his wife or his widow. Thus, for example, we see "Alanus de Galeway et Agneta uxor eius"¹ and "Maria, quae fuit uxor domini Alexandri de Syndone"². Of much less frequency are women identified with a Christian and a surname. This surname variously may be the surname connected with her father's family or that of her husband's family. There does not seem to be any set rule for which was given, but throughout our period the surname, when it can be identified, is more often the husband's. When there are several entries for the same individual (as in the instance where one is identified both by a surname and by her relationship to her

¹Stevenson, Documents i, no. 299

²Ibid., ii, no. 385

husband) it appears, as in the case of Alice de Ormestone, that she was more often than not a widow.¹ Alice is one of the repetitions in the Ragman Roll, where she is identified both as "Alice de Ormestone" and "Alice widow of Aleyn de Ormestone".²

Another frequent identification of a woman is by her Christian name and her title, such as "Johanna countess of Atholl"³ or "Margaret countess of Lennox".⁴ There are not as many identifications in this manner as we might expect. In the decade prior to 1284 we see only five such cases, as compared to thirty-two women identified with a surname, thirty as wives of individual men and twenty-eight as widows. In 1292, the year of John Balliol's coronation, we have two cases of identification by title, ten by surname, seven as wives and five as widows.

Women may also be identified with a place-name, as a man's daughter or sister (usually in the context of inheritance), or as heads of religious houses, although in the last instance the woman may also be given a surname (e.g. "Ada de Fraser, prioress of Eccles"⁵). All of these, however, occur with very little frequency in comparison with the larger categories of wives and widows.

A single individual may often be identified in several different ways, depending on the context of the situation.

¹CDS ii, no. 823; Stevenson, Documents ii, no. 385; Rotuli Scotiae, 26

²CDS, Ibid.

³CDS iii, no. 874

⁴Stevenson, Documents ii, no. 645

⁵CDS ii, no. 823

One such woman is Alianora (Eleanor) de Ferrers,¹ who had a lengthy and colourful career in our period, first appearing in a 1289 document in connection with her forcible abduction by William Douglas and last appearing in a 1305 land dispute. She is identified in 1289 as "Alianora de Ferrars", the surname belonging to her deceased husband.² In a 1290 document referring to Douglas' release from prison she is named "Alianora widow of William Ferrars".³ Until 1294 she is alternatively named by her first husband's surname and as his widow. Then she is identified as the Countess of Derby, in connection with a grant of custody to her of the vill of Machynlleth (in Wales) until that heir's majority.⁴ From 1296 she is known as "wife of William Douglas" and then as his widow at his death in 1299.⁵ Then, interestingly, she reverts to her first husband's name. In 1302 she petitioned the King about the balance of Douglas' debt--the fine he was to have paid for marrying her without license of the King.⁶ Her dower lands from her first husband were restored to her⁷ and in 1302-3 she was given leave as the "widow of William de Ferrars", to marry the King's valet, John de Wysham.⁸ But in 1305 she was again

¹She is given the surname "de Lovain" in Scots Peerage iii, p. 140.

²CDS ii, nos. 357, 365; Stevenson, Documents i, no. 56.

³Stevenson, Documents i, no. 101

⁴CDS ii, no. 698

⁵CDS ii, nos. 736, 957, 1054; Stevenson, Documents ii, no. 138.

⁶CDS ii, no. 1309.

⁷Ibid., no. 1310.

⁸Ibid., no. 1399.

referred to as the "widow of William Douglas".¹

Her relative, Elena la Zusche, also appears frequently in the documents from 1272 until 1296. In all but two instances she is named with her husband's surname. In the two exceptions² relating to her involvement in a land dispute, she is called "the widow of Alan la Zusche".

Another later example of an individual woman named in a variety of ways is Elizabeth, wife of Robert de Umfraville, earl of Angus. She is identified as the earl's wife in 1323, in a document dated the 29th June, in which she is mentioned with her husband.³ On the 26th July, however, she is referred to as "Elizabeth de Umfraville"⁴ and in June or July⁵ as the "countess of Angus". This example clearly shows that the mode of identification was influenced by the context of the situation. In questions of inheritance the way the individual was named might lay special emphasis upon family or marital relationships. Also, of course, a woman's marital status was revealed when she was identified either as "widow" or "wife", although often, if she were a widow, she simply took her husband's surname as her own and was only referred to as his widow occasionally. Perhaps this was when she wished to emphasize her connection with his status, rather than depending upon her own. Dervorgulla de Balliol is an excellent example of a widow known almost exclusively by her husband's surname, although this is perhaps because the Galloway family had no surname of its own. The widow of a

¹CDS ii, no. 1691. ²Ibid., nos. 168 and 172.

³Ibid. iii, no. 818. ⁴Ibid. no. 820.

⁵Ibid., no. 819.

man of substantial status, such as Alan la Zusche seems to have been, needed only to use her husband's surname.

A widow who remarried (certainly not unusual in this period) customarily took on her new husband's name and was known as his wife and perhaps eventually as his widow. The exception to this was usually in reference to her dower from her previous husband, when she would be identified, logically, as his widow. Alianora de Ferrars does not seem to fit this axiom, however. This was probably due to the political career of William Douglas, but the way in which she was identified was also related to the context of the situation.

The importance of context in identification can make it rather difficult to trace individuals, or for the historian to realise when he is dealing with the same person, who is being identified with reference to a different relationship. Christiana de Lindesey is one such individual. "Lindesey" was her father's surname and Scots Peerage says she was born in 1266.¹ In 1282, when she was sixteen, she was described as "daughter and heir" of William de Lindesey, but in the same document it is noted that she is also "wife of Ingelram de Gynes" (Engeraud de Guines).² In 1283 she is again identified by her family surname in connection with her inheritance,³ but is thereafter referred to as the wife of de Gynes⁴ and as his widow.⁵ Christiana is good evidence of the fact that in medieval Scotland, as elsewhere in the

¹Scots Peerage iii, p. 5.

²CDS ii, no. 209.

³Ibid., no. 239.

⁴Ibid., no. 151.

⁵Ibid., nos. 837, 842.

same period, women tended to marry for the first time when they were (by our standards) quite young, Christiana being as she was, already married as sixteen.

Because her marriage to de Gynes was noted in the question of her inheritance from her father (since by law her heritage would fall under her husband's administration, although it would remain in her name), the connection between "Christiana de Lindesey" and "Christian, widow of Ingelram de Gynes" is revealed. A less clear-cut case is that of Maria, daughter of Ewen (Euan) of Argyll. Having married four times (1. Magnus, King of Man; 2. Malise earl of Strathearn; 3. Hugh de Abernethy; and 4. William fitz Waren),¹ she is identified in a multiplicity of ways throughout her career. She first appears as "lady Maria Queen of Man" in a document acknowledging her homage in 1291 to Edward I.² In 1296 she is named "Marie Queen of Man" on the Ragman Roll³ and both as "widow of Malise earl of Strathearn"⁴ and as "widow of Hugh de Abernethy"⁵ in land restorations to her that same year. Thereafter she is usually associated with the name of her fourth husband, William fitz Warin, although there are some interesting combinations of names given her. In a document Bain dated 1298-99, she is referred to as "Maria de Argyll, wife of William fitz Warin",⁶ using her own family surname and her husband's name. In a 1299 document she is called "Marie countess of Strathearn, widow of William

¹Scots Peerage vii, pp. 400-401, viii, pp. 346-7.

²CDS ii, no. 508.

³Ibid., no. 823.

⁴Rotuli Scotiae, 26.

⁵Ibid.

⁶CDS ii, no. 1104.

fitz Warin", thus stressing her relationship to the earls of Strathearn.¹

The least frequent mode of identifying women in the documents is that of the place-name identification. From the types of situations in which these women are involved, it seems possible to conclude that they appear to have come from the lower ranks of society. One example is "Alicia of Scotland", a robber named in 1278-79.² But an exception to this conclusion may be "Beatrice of Perth". She first appears in a petition to the King in 1315, in which she said that she was "formerly the King's hostess at Perth."³ Thus she was likely to have been of substantial status, but it may be that this status was related directly and limited to the area of Perth. Later that same year she is named as John of Perth's widow⁴ so this is likely to be another instance of the widow taking her husband's surname, which in this case happens to be a place-name.

Many land-holders in this period were of relatively small substance.⁵ Four such women were named in a 1281-82 manor extent.⁶ All of them are identified by a surname and listed along with twenty-one men as holding land "by cronage" of the manor of Lydel in Cumberland. Note was made that each of their tenants must plough once a year and reap for a day in autumn. Of these four women, the surnames of two, Isabella Ryote and Agnes de la More (whose heirs actually held the land of the manor) seem most likely to have been

¹CDS ii, no. 1117. ²Ibid. no. 146.

³Ibid. iii, no. 436. ³Ibid. no. 437.

⁵Barrow, RB. p. 23. ⁶CDS ii, no. 208.

their husbands' surnames. As these women were holding land in their own names, they were probably also widows.

Within the limits of this study, the practise of identifying oneself with the mother's name rather than the father's is of particular interest. It does not appear frequently in the documents related to Scotland, but often enough for some consideration to be given to its importance for the place of women in Scottish society. David Herlihy has put forth several explanations for this usage on the Continent in the previous centuries.¹ The man who took his mother's name (the matronymic) for purposes of identification might indicate that the father remarried and had children by another wife. It might also be employed to distinguish the man from a like-named father or grandfather, or it might be indicative of illegitimacy.² But the reason a knight or nobleman took his mother's name would seem to be that his inheritance came from her.³ In other words, it was the mother whose economic and/or social standing within the community was of importance. Like the other modes of naming, this practice seems dependant upon the type of situation the individual was involved in (i.e. a court case in his own community, a question of inheritance or land alienation, or situations within a broader political sphere, such as war). While each individual case must be examined in detail to determine why the matronymic was taken by that man in that instance, some cautious conclusions can be made about this custom.

¹Traditio 18, pp. 89-120.

²Ibid., p.96

³Ibid., p.100.

Certainly, with the boundaries of this study it seems to indicate that the woman whose name was taken by her son was of some relatively important status, at least within her own community. Each case will have to be explored to discover the degree of this importance and whether, for example, the man had inherited his land from his mother, or whether the matronymic was simply a regional phenomenon. It could mean that the mother was better known in that particular community, or that taking ones mother's name was socially acceptable in that region. The occurrence of matronymics in the Ragman Roll within close proximity to each other may be indicative of this phenomenon of regional social custom.

The very least we can say when we examine the list of men with matronymics (see Appendix I) is that the women whose names are claimed by their sons must have had some important status. Interestingly, a large proportion of these men's names are found in jury lists, as tenants or petty freeholders, and as burghers--all men whose status related to a limited locality. This is in addition to the men listed in the Ragman Roll who may have had rather more wide-spread status, depending on the nature of their holdings. A comparison of percentages, year by year, of men found in Scottish documents using matronymics and patronymics does not appear to be particularly useful, as the proportion of matronymics is so small. For example, in 1296 there are seven matronymics as compared with fifty-five patronymics. And the usage of a parents' name per se was not wide-spread; in a 1315 list of men called to arms¹ only 3.8% (14 out of 365)

¹Rotuli Scotiae, 145-6.

of the names are patronymics, which seems to be a typical percentage. It would be difficult to trace the social popularity of this usage in Scotland over this half century, as Herlihy attempted to do for several early entire centuries in Europe, but an overall comparison of the usage for the whole medieval period in Scotland might yield further information about the proportions of women of status in its society.

The woman who took a patronymic or matronymic was very rare. Except in cases of inheritance, where she may be named "daughter and heir" of her father (and this employment of the patronymic does not strictly belong to our definition of a true patronymic, which is when the father's name is actually part of the individual's personal name), it seems that it was more usual for a woman to be associated with the name of her husband, depending, of course, upon the context. The two women named in the extent of Lydel manor in this way, Matild fitz Stephen and Emma fitz Vivian, are unusual cases. But it is probable that "fitz Stephen" is simply the surname of Matilda's family or her deceased husband, although possibly her father's name was Stephen. Emma fitz Vivian, however, is mentioned three times in the document translated by Bain as "Emma fitz Vivian", "Emma daughter of Vivian" and "Emma Vivian".¹

A woman who definitely identified herself with her mother's name was Cecilia de Molle, whose name appears in the Kelso charters earlier in the thirteenth century (ca. 1251 and 1260). She was evidently the heir of her mother, who had

¹CDS ii, no. 208.

held extensive lands in Molle; in Cecilia's own grants, to her heir, Gilbert Avenel¹ and to Kelso with her husband,² she is named as "Cecilia, daughter of Eschina de Molle".

The practice of taking the mother's surname rather than the father's also points to a woman of importance, whose children wished to be directly associated with her status. These cases are more difficult to trace, but we have one sure instance occurring in ca. 1275. William fitz Duncan had married Alice de Rumley (Romilly or Rumilly) who was the heir of Robert de Rumley, lord of Skipton. They produced at least four children, one of whom was a son who died in minority, leaving William's estate to be divided between the three daughters. (see Chart II) The third of these daughters was also named "Alice de Rumley", thus taking the same name as her mother and stressing her relationship to her.³

We see, then, that the way a woman was named in the documents very much depended upon the context of the situation and upon her marital status. When her children identified themselves with her name, it is a hint of the important social status such a woman must have had. We will now examine the ways a woman might be involved in society and the kind of status she might hold.

¹Kelso Liber, no. 164.

²Ibid., no. 172.

³CDS ii, no. 64.

CHAPTER TWO

THE INVOLVEMENT OF WOMEN IN LATE THIRTEENTH CENTURY SCOTTISH SOCIETY

Our examination of how women were actively involved in Scotland's society in this period will be by consideration of the legal system in conjunction with the broad topics of marriages and land-owning. These two general areas encompass much of what governed a woman's "social" activities, and the legal procedure related to them is of the utmost importance to our understanding of what her position in society was.

Marriage was vital to the structure of society, as each individual marriage affected at least three families--the two producing the couple and the third which the new marriage stood to create. This in itself makes the form of marriage, the laws governing it, and how it was understood by society essential to a comprehension of that society's structure. And because of the necessary and obvious involvement of women in marriage, it is basic to an understanding of women in society.

Marriage must be considered as an important financial contract in this period, often arranged as a political alliance between families. It could lend considerable status and power to an individual--which was especially important to a woman when she became a widow. The status of the married woman according to the law is very difficult to define.

Holdsworth says it is "one of the most difficult of all the problems of private law. . ."¹

Medieval Scotland followed the precept of Roman canon law, considering marriage a sacrament which made the husband and wife one flesh and gives the husband dominion over the wife.² This had profound implications for his control of her real and moveable property, which was considered to be under his administrative control during the marriage. The jus mariti, says R. D. Ireland, was "an absolute right due to the personal subjection of the wife."³ But while this meant that the husband was considered dominus, he could not do any deed that injured his wife's interest with no benefit to himself, and the jus mariti had the result of his assuming his wife's financial obligations, occurring both prior to and during the marriage.⁴ Although she retained her separate estate, her heritable estate and her paraphernalia, the wife's power over these was limited by her husband's jus administrationis which was a curatorial power.⁵ He could alienate his wife's lands and his alienation would be valid as long as the marriage lasted.⁶ But upon her husband's death a woman in England (and it would seem in Scotland as well) could regain those lands by the writ of entry cui in vita,⁷ or if she predeceased her husband, those lands would

¹W.S. Holdsworth, A History of English Law, p. 520.

²Ibid., p. 521; Stair Society, p. 100.

³Stair Society, p. 100. ⁴Ibid., p. 100-101.

⁵Ibid., p. 104.

⁶Holdsworth, A History of English Law, p. 521.

⁷Ibid., p. 22; F.W. Pollock and F.M. Maitland, The History of English Law Before the Time of Edward I, p. 410.

go to her heirs.¹ Pollock and Maitland, however, doubt that such alienation by the husband would have been considered "rightful" in the thirteenth century, although the woman could not complain about it during the marriage.² The most effectual way for such land to be alienated was a fine to which both husband and wife were parties and to which the wife had given her assent in court.³ It seems, then, that the woman's legal position in marriage was not so much to her disadvantage as it might first appear.

As marriage was such an important alliance for all parties concerned, it may be well to look at the ante-nuptial contracts associated with the making of this alliance. The ante-nuptial contract affords one of the best insights into the political and economic importance attached to it.

We have numerous examples of these contracts from this period, and it appears that in Scotland they are more common before the first War of Independence broke out in 1296, and they occur with less frequency as the period continues. (An examination of the numbers by year of such marriage contracts is summarized in Table I.) We can see that the decade prior to 1296 was particularly rich in these contracts. What conclusion, if any, can be drawn from this must await further research, but it seems possible that the wealthy, land-owning families in Scotland may have been able to devote more of

¹ Holdsworth, A History of English Law, p. 521.

² Pollock and Maitland, The History of English Law Before the Time of Edward I, p.410.

³ Ibid., p. 410; see below pp. 63-65.

their attention to this before the war.

TABLE I Ante-nuptial contracts, specifically identified in the documents

<u>Date</u>	<u>Number of cases</u>
decade prior to 1284	3
1284 - 1295	11
1296 - 1306	9
1307 - 1316	1
1317 - 1329	3

The types of ante-nuptial contracts that can be surely defined involved the maritagium, which might also be in libero maritagio, in "frank" or free marriage. Both types of grant were made with elaborate conditions and G.C.H. Paton says, "It was a deed of great intricacy, and requiring expert conveyencing skill in its drafting."¹ In Scotland it appears this kind of marriage grant could be made by either the husband's or the wife's father. If it were a grant made in frank marriage, there was no service owed to the superior lord until the estate had been inherited three times by the lawful heirs "of the body", i.e. until the "third heir".

The father's grant to the couple, if the woman were his daughter, usually involved some reciprocal agreement by the husband-to-be or his family as to provision of dower. There is such a grant (in frank marriage) made in 1293 by Malise of Strathearn to his daughter Matilda and Robert de Thony (Tony) which is evidence of the complexities involved. He gave to the couple "his manor of Nocketone and Cressingham, and all his land in Wrotham with all its appurtenances, fees and services of freemen and others, and all other things

¹Stair Society, p. 114.

pertaining to the said manor and land; and with the advowsons of the churches of Neketone, Cressingham and Frausham and their vicarages. . ."¹ The conditions pertaining to this grant were lengthy and elaborate, such as the payments that must be made should Matilda not live to the age of twenty or if there were no heirs to the marriage.¹ This document is also indicative of the legal changes that took place in Edward I's reign with regard to the maritagium, with the statute in Chapter I of Westminster II, De donis conditionalibus, which took up the question of conditional grants. It enacted that the precise terms of a grant were to be strictly adhered to, as prior to this the interpretation had been that if a grant one made to the couple and their heirs, once they had produced heirs they might dispose of the property as they wished.² Thus the conditions of these marriage grants were set out in careful detail.

A frank marriage grant might also be given by the husband's father. Such a grant that probably dates to about the same time as the one mentioned above is reported in 1296. Elizabeth, wife of Richard son of Richard Siward, petitioned Edward I (along with a number of other petitions to the King on that same date)(see Chapter Three and Appendix II) for 50 marks worth of land that had been granted to her and her husband in frank marriage by his father.³

¹Stevenson, Documents i, no. 308.

²Barrow, FB, p. 252; E. Mason, "Maritagium and the Changing Law," Bulletin of the Institute of Historical Research 69 (1976)

³Stevenson, Documents ii, no. 385.

It was not necessarily always a parent of the husband or wife who made this type of grant to the couple. In October, 1296, a frank marriage grant made by Richard de Burgh, earl of Ulster, to his sister Egidia and James the Stewart was confirmed by Edward I.¹

Most of our evidence of these ante-nuptial contracts are their incidental mention in a variety of other circumstances. Their reoccurrence in questions of land-owning and rights to property shows that they played an important role in the marriage of daughters and younger sons and in the consolidation of family holdings.

In 1278, reference is made to lands that had been held by Alianora (Eleanor) and Alexander de Balliol in frank marriage, in a command to the sheriff of that area to deliver the lands to Alianora, now Alexander's widow.² Inquisitions post mortem and land extents often refer to the lands held in frank marriage. Property alienation is another circumstance under which these lands will be revealed. One such alienation, a well-known case, occurs with the 1285 grant by Dervorgulla de Balliol to Oxford. The "messuage" consisted of three fees, the third of which belonged to Nicholas de Kingston "wherein he enfeoffed John de Ew with Johanna his daughter in frank marriage and it owes no service."³ This again shows the wife's father making the marriage grant and the characteristic no service being owed from the first two heirs.

¹Stevenson, Documents ii, no. 401; CDS ii, no. 847.

²CDS ii, no. 136.

³Ibid., no. 265.

As the maritagium was a grant made to both the husband and the wife, a widow had no control over this estate on her husband's death unless it had been assigned as part of her dower.¹ In the case of Maria, widow of Nicholas de Biger, the maritagium apparently was part of the estate given to her, as in 1292 the Bishop of Glasgow was given custody over her maritagium and ward and marriage.²

Grants that were made to the husband and wife together are likely to have been marriage grants of one kind or another, although they may not be specifically identified as such. The grant in 1306 by King Edward to Geoffrey de Hartlepool and his wife Anna may be a grant of this type.³ It was, however, the forfeited dower of Christopher Seton's mother, and it may therefore simply be a political reward which included the wife's name because of her own important status.

The 1328-9 grant by Richard Lovel to his son James and his wife Elizabeth is surely a type of marriage grant. It was given to James and Elizabeth and their heirs, "whom failing" it was to revert to Richard.⁴ An agreement made between Bernard de Brus and Robert de Brus ("clerk") in 1325 granted land to Bernard and his wife Agnes. This again may be a type of marriage grant to the couple, or it may simply include the woman's name because of her own status.⁵

¹Mason, "Maritagium and the Changing Law," Bulletin of the Institute of Historical Research

²Rotuli Scotiae, 14.

³CDS ii, no. 1841.

⁴Ibid. iii, no. 977.

⁵Ibid. iii, no. 868

The grant made at the same time by Bernard to his son Bernard and his wife, Matilda, is, however, probably a marriage grant for if the couple failed to have heirs it was to revert to Bernard the father.¹

Marriage contracts were of various types but were usually made with the purpose of gaining some favourable benefit. In a 1278 land dispute, such a contract is mentioned that had been made between two men for the son of one and the female heir of the other: "And to strengthen and ratify these agreements Robert and Alan with one consent granted, that William the son and heir of Alan should, before the Feast of St. John the Baptist, espouse Alicia daughter of Benedict and heir of the said Robert."² This ante-nuptial contract seems to have been made between the two families for purposes of alliance and perhaps to keep the peace between them, although, judging from the evidence of the suit which mentions the agreement, it does not seem to have succeeded.

Provision is made for another of these ante-nuptial agreements in a 1279 inquisition, and it reveals the importance such contracts had for the social and economic status of the woman involved. In an intricate agreement between two half-brothers, John Comyn and Robert, John was to pay Robert's sister Alicia (on the event of Robert's death) "if then unmarried, for her marriage, the value of. . . 20 l of land. . . If Alicia is married at Robert's death the said John or his heirs shall not be bound to pay her any sum."³ Obviously this agreement was to ensure that Alicia was able to make an advantageous marriage.

¹Ibid., no. 869. ²Ibid., ii, no. 133. ³Ibid., no. 168.

The control of marriages by the Crown also is revealing of the importance alliances created by marriage had in medieval Scottish society. It seems likely that the Crown took over these marriages due to some relationship; most probably the woman, either through her own heritage or her deceased husband, were she a widow, was a tenant of the Crown. There are more examples of these women whose right to marry was governed by the King in the earlier decades of our period. Several such women are named in the 1270's and 1280's in lists categorised as "^{ing}concerned ladies". Reference is also made in these lists of individuals who had married without obtaining the King's permission. Variously it was the man, or in some cases, the woman herself, who incurred the punishment for this offence, which was either a heavy monetary fine, a loss of lands, or both.

TABLE II Marriages: Control by the Crown

<u>Date</u>	<u>Number of cases</u>
decade prior to 1284	17
1284-1295	15
1296-1306	5
1307-1316	0
1317-1329	7

Most of the documents examined for this study involve cases in which the English King held this right of a woman's marriage. However, a letter dated 1286, written by the Guardians of Scotland to King Edward (complaining about the actions of his escheator in connection with the Scottish lands of Sir Andrew de Moray and his wife Euphemia)¹

¹She may be the same Euphemia who was the widow of William Comyn and who Scots Peerage says married "Sir Andrew de Moravia" as his second wife. She died in 1288. Scots Peerage ii, p. 126

discusses this custom of the Crown's right of marriage. The Guardian⁶ stated that the woman who held land in both kingdoms was only required to obtain the permission of the King in the kingdom in which she lived and was found when she married.¹ Whether or not this claim by the Guardians was valid in feudal terms, this is revealing of the importance attached to the Crown's right of marriage over such women.

Depending on the value of the lands in the woman's name, this right could give considerable advantage to its holder, as could the feudal right to marriage of any heir, male or female. In the lists "concerning ladies", such as the one from the Assize Roll (Northumberland) 1278-9, evaluation was often made of the woman's holdings, along with a report on her current married state: "Alianora de Balliol is marriageable, and her lands are worth 100 marks yearly."²

This particular list also contains the names of female heirs who were "in the King's gift" and not yet married, two other widows in addition to Alianora de Balliol, and the reports on two women married without permission. In one of these two latter cases, involving a female heir of Thomas de Pontechop, the fault is placed at the man's door: Eustace de Gurlay had not obtained permission from the woman's guardian "acting on the King's behalf."³

Women whose marriage or remarriage was controlled by the Crown are also revealed in the documents in which they are granted permission to marry. Examples of such individuals

¹CDS ii, no. 307; Stevenson, Documents i, no. 15.

²CDS ii, no. 148. ³Ibid.

are numerous, especially in the earlier part of our period. On the 23rd of September, 1274, Alexander III wrote to Edward I to inform him that he had granted permission to Christiana, widow of Walter de Lindesay, to marry Walter de Percy.¹ Except for the Guardians' complaint in the case of Euphemia and Andrew de Moray, there seems to be little evidence of the English and Scottish crowns having a conflict of interests in the same individual. It is possible that Christiana was another woman to whose marriage both kings had some right.

In 1286, Margaret de Novavilla (Neville) was given leave to marry John Gifford.² On the 6th of June, 1292, Johanna de Clare, countess of Fife, paid a bond of 1000 marks and was subsequently given leave to marry "whosoever she wishes."³ In 1292-3 Isabella Comyn was given similar permission,⁴ and Maria, widow of Simon Fresel (Fraser), was permitted to marry Richard Seward in 1294.⁵ All of these women were obviously politically important to the Crown.

There does not seem to have been any time wasted in asserting this right of marriage, especially when it applied to the remarriage of a woman recently widowed. For example, on the 22nd of October, 1286 King Edward commanded his escheator ultra Trent to take security from Elizabeth, widow of Patrick de Sutheyk, not to marry without license. Then

¹CDS ii, no. 23. ²Foedera i, no. 663.

³Stevenson, Documents i, no. 253; CDS ii, no. 602; Rotuli Scotiae, 8b.

⁴Rotuli Scotiae, 16a. ⁵Ibid., 20a.

after he had made an extent of her deceased husband's lands, he was to give her dower therefrom.¹ Again, in 1291, a similar command was given to the escheator citra Trent about Alianora widow of Hugh Lovel, that when she had given security that she would not remarry without license, then he was to give her dower.²

Should the woman then marry without the required license, the consequences would be serious and long-lasting. William Douglas, when he abducted Alianora de Ferrers in 1289, was considered to have married her without this permission. He was arrested and his lands seized. In the end he was to pay what must have been a large sum (100 l) for the right to marry Alianora, for in 1305 the debt was still a matter of contention.³

That the trespass of marriage without leave could have long-felt consequences is also seen in the case of Euphemia, widow of William Comyn. (see above, p. 24) In 1284 she gave her oath to the King not to remarry without his permission and so was given her dower from Comyn.⁴ Three years later William's son and heir, John, having reached his majority, was given seisin of two third parts of his heritage, but the King retained the third part that was his mother Euphemia's dower, as she had remarried without leave.⁵ (This may have been to the Sir Andrew de Moray mentioned above, p. 24.) In 1289 she was dead, and at the inquisition post mortem the land that had been her dower was still in the King's hand.⁶

¹CDS ii, no. 306. ²Ibid., no. 534. ³Ibid., no. 1643.

⁴Ibid., no. 251. ⁵Ibid., no. 318.

⁶Stevenson, Documents i, no. 50.

After an extent of her holdings,¹ at which it was asserted that they consisted of no more than her dower from Comyn, it was again declared to be in the King's hand because of her trespass. William's son and heir, John, then did homage for his mother's forfeited dower on the 25th of May, 1289, and it was granted to him.²

Another such case was that of Matilda of Carrick. She married Nicholas de Akenleg without leave from the King and in 1292 her lands were forfeited to Robert Wardwyke as a result.³ Matilda later suffered further losses of her lands in England for her support of the Scots in the War of Independence.⁴

One rather interesting case of this sort was probably the direct result of the English Crown's need for revenues in 1292. The King commanded that a late fee be collected from Maria, widow of Nicholas de Ridley, for her remarriage and that her dower of 100s then be restored. It seems that the King had just learned that such a payment might be collectable: ". . .learning that widows of those holding of the King in drengage in Tyndale, were wont in the time of Alexander, late King of Scotland, to make a fine for leave to remarry. . .", he ordered that the fee be collected.⁵ There appears to have been a standard charge for the remarriage of the widows of the Crown's tenants, as well as control of the remarriage itself.

¹Stevenson, Documents i, no. 52.

²CDS ii, no. 376.

³Stevenson, Documents i, no. 299.

⁴e.g. CDS ii, no. 731.

⁵CDS ii, no. 557.

Of the possible legal impediments to the formation of a particular marriage, one of the most rigid and frequently invoked in this period is that of consanguinity. This prohibition is "one of the striking characteristics of mediæval Canon law",¹ which was so important in Scotland. It extended to the seventh degree of the canonical computation, each "degree" numbering the generations from the original common ancestor. Marriage was conceived as having been instituted by God not only for the propagation of the human species but also for the spread of true charity among men, which would only be achieved among strangers, not kindred.² The prohibition to the seventh degree was of course enormously inconvenient and so was probably often ignored. J.D. Scanlan says that possible causes for this ban include an instinctive revulsion from incestuous unions, the Scriptural texts condemning in general marriage between kin, and the promiscuity to which small rural communities were apparently prone.³ If the degree of relationship was within the forbidden degrees then a papal dispensation was required for the marriage. This was the case in 1307 when the King wrote to the Pope asking a dispensation be granted for the marriage of Mary de Monthermer and Duncan earl of Fife.⁴ And in 1311 the King asked the Pope to grant a dispensation for the marriage of Roger Moubray and Margaret, daughter of Alexander de Abernethy.⁵

¹Stair Society, p. 77. ²Ibid. ³Ibid.

⁴CDS iii, no. 8.

⁵Ibid., no. 220.

Consanguinity was an obvious cause for the dissolution of a marriage, should it be discovered. We have only one example of a divorce from this period which relates to Scotland, granted because it had been "discovered" that the husband and wife were related within the forbidden degrees. In 1285 Alice de Marche (daughter of Hugh comte de la Marche) was granted (as the plaintiff) a divorce from Gilbert de Clare, seventh earl of Hertford and third of Gloucester. As the plaintiff she was granted a generous settlement from Gilbert's lands.¹ In a papal dispensation of 1289 for Gilbert's subsequent marriage with Princess Joan of Acre² he and Alice were said to be related in the second degree. Princess Joan, Edward I's daughter, whom he married in 1290³ was said to be related to him with ⁱⁿ the third degree.⁴

This example of a divorce settlement is very unusual but shows one of the alternatives to marriage that existed for the woman in this period--its dissolution--although it was undoubtedly rare. This particular case obviously involved politics, with de Clare subsequently marrying Edward's daughter.

A more common alternative to marriage for women in this period was the Church. Our examples of churchwomen are not numerous, as there were so few religious houses for women founded in Scotland. The names that we have of such women

¹Foedera i, 654. ²Ibid., 731.

³Chron. Hem., p. 20, no. 2.

⁴Gilbert de Clare's daughter from this marriage, Johanna, married Duncan, ninth earl of Fife.

are limited to the female heads of these houses, for the most part. They occur frequently in the homage rolls during the war. (See Chapter Three).

We do have an example of one unmarried woman, apparently an heir who never married, Ela de Ardro's. She appears on the Ragman Roll¹ and in a 1296 petition to King Edward for the restoration of her inheritance, 20 marks' worth of land in the King's hand.² The petition states that she is 60 years old, has never married and "numquam erga dominum regem deliquit." It seems possible that she was related to Margaret, widow of Hugh de Peresby, who married John de Soules.³ Margaret was the daughter of Merleswain, lord of Innergelly, who had owned Ardross, and she was one of his heirs.⁴ She granted her lands to Dryburgh Abbey and any that might come to her in the future through "decease of heirs", which indicates that she was a co-heir, probably with this Ela.⁵

Unmarried, elderly women heirs like Ela were undoubtedly unusual. There is a reference in 1316 to four sisters who were co-heirs; the fourth of these, like Ela, died a spinster ("quarta virgo mortua est").⁶ Judging from these two

¹CDS ii, no. 823.

²Stevenson, Documents ii, no. 385; see Appendix II

³T. McMichael, "The Feudal Family of de Soules" Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society, 3rd series, xxvi, 163-93., p. 176.

⁴Ibid., p. 192.

⁵Dryburgh Liber, nos. 20, 21, 290.

⁶Melrose Liber, no. 400.

isolated occurrences, the woman who had never married was very rare--and such a woman who, in addition, was a land-owner of consequence, as Ela de Ardros appears to have been, certainly was.

The holding of land was of fundamental importance in this period, and it may be said that the entire structure of the medieval economy was based upon the land.¹ Certainly in most of the area that was known as Scotland in the late thirteenth century this was true. The way society functioned was based upon the land, following the Norman feudal customs introduced in large measure during the time of David I. It is obvious that land-holding, as it had developed by 1284, is essential to our understanding of women's involvement in the functioning of thirteenth century Scottish society.

There were two basic ways that a woman could be a landholder in this period: either as an heir or as a widow with dower. If land were alienated to her it was usually because she was already in one (or both) of these two categories. This was not invariably so, however, and there was a third way, though less common, in which a woman gained land. That was through a marriage grant (land usually granted to both her and her betrothed, by either her own or his family; there are also cases, however, of women being given land by their families long before they are of an age to marry).²

¹M.M. Postan, Medieval Economy and Society, pp. 45-80.

²see below, p. 50.

Given the importance of land in feudal society, it follows that there would be complex laws governing its inheritance. Scotland followed the rule of primo geniture for the male and equal division between female heirs. But the matter of inheritance was often not so straightforward and simple.

The variety of situations involving female inheritance are fascinating in themselves, but before we examine them in detail it is worth noting the matter-of-fact attitude that prevails with regard to such inheritance. The female heir had the disadvantage of potential foreign involvement in the family. This was in the form of her husband and his family. He would become the legal administrator of her holdings, presumably with his own and his family's interests at heart. A female heir, then, was not such a simple case to begin with; her marital connections might or might not carry a threat to the family's standing.

Isabel Milne, in her discussion of heritable rights in the history of Scots law, speaks of "the persistence of family kinship" in Scotland which modified the feudal relationship there;¹ and Professor Barrow points out the "indisputable fact that the family as a whole, rather than any single father-to-son dynasty, was the dominant social unit in Scotland."² This is of utmost importance in the acceptance of female heirs. The feudal structure made it logical to hope for a male to inherit. It seems, however, that in the final analysis the vital and essential role of the land itself outweighed sexual considerations.

¹Stair Society, p. 148. ²Barrow, RB, p. 7.

The implied sense of matter-of-factness should be noted, as it is a recurrent theme in regard to women throughout the period we are considering. The concerns that related to land-holding were practical ones; the way women were involved was equally practical.

Perhaps the most commonplace incidence of female inheritance was the daughter who shared the inheritance with her sisters.¹ Many examples survive in the documents of women who were the co-heirs of their father's estate, as well as those who were co-heirs of their mother's (her heritage and/or dower). Direct evidence of such women (i.e. those who were expressly identified as daughters-and-co-heirs) is available throughout our period.

One straightforward case of such female inheritance is seen in 1292. Nicholas de Biger was succeeded by his two daughters, Alda and Margerie.² It is likely that they were minors at his death, as the document refers to the Bishop of Glasgow holding the right of their ward and marriage.

Another example of co-heirs comes to light in May of 1296 in an extent made of lands in Northumberland which were held by two sisters, Idonea and Margery de Weltdene³. Further mention is made of them in September of the same year, when their land that had been given to Johanna Comyn was

¹The frequency of female succession was compared in this study to that of succession by males, in cases reported for this period by Scots Peerage; the percentage of women succeeding was 23.5.

²Rotuli Scotiae, 14a.

³Stevenson, Documents ii, no. 359.

restored to them.¹

In 1303 two daughters (whose Christian names are not given) were the co-heirs of Andrew de Crawford.² Their heritage must have been valuable as there was some wrangling about the daughters' ward and marriage between Robert de Kethe and Sir Nigel Campbell. Likewise, in 1314 Edmund Comyn died, leaving his estate to be divided (after dower was given to his widow, Maria) between his two daughters, Euphemia and Maria.³

Cases of daughter-co-heirs often survive in records of homages performed for heritage. We have an example occurring in 1278 with John Bisset Junior's three daughters, Cecilia, Elizabeth and Mulrella (Murial).⁴ As all three daughters were married, the administrative rights to each one's share (or "purparty") of Bisset's estate fell under her husband's control. Thus the document records each of them appointing her husband to receive her purparty at the King's court. (It is interesting to note that in an extent done of Bisset's estate in 1279 the women and their husbands are termed "heirs" together.⁵) Isabella, wife of John de Knockes, was also the co-heir of her father, Robert de Ros of Werk. In 1310-11 her husband asked for her purparty from the King.⁶

If, however, a woman were a widow at the time she inherited she would herself perform the homage. Such is the situation for two of the three daughter-co-heirs of Robert de Quency, early of Wynton.⁷ In 1274 his widow

¹Rotuli Scotiae, 28a. ²CDS ii, no. 1406.

³CDS iii, no. 395. ⁴CDS ii, no. 129. ⁵Ibid., no. 163.

⁶CDS iii, no. 199. ⁷CDS ii, no. 36.

Roger

Alianora de Vaux had died and her dower was divided between the three daughters--Elena la Zusche, Margaret de Ferrars and Elizabeth with her husband, Alexander Comyn, early of Buchan. Here, then, we see daughter-co-heirs dividing their mother's dower as part of their inheritance and adding this to what they had inherited from their father. Both Elena and Margaret, being widows, performed their own homage for the lands falling to them. In 1281 when Margery, one of the co-heirs of Richard de Montfichet, became the widow of Nicholas Corbet she too performed her own homage for her purparty which she had formerly held with her husband.¹

Some occurrences of co-inheritance are not as easy for the historian to sort out as those we have discussed thus far. An example is that of the four female co-heirs of Christiana Bruce, widow of the Competitor. Their relationship to her is not clear. Christiana, the daughter of Sir William de Ireby,² was married three times: firstly to Thomas Lascelles, secondly to Adam de Gesemuth (Jesmond) and thirdly to Robert Bruce the Competitor. She died in 1305 and an inquisition held in that year found that she had four female co-heirs, all of whom were married.³ The document states each heir's age and the eldest was thirty. This would mean that she had been born in 1274-5. Christiana was married to Robert Bruce by 1275, so the heirs could have been daughters of that marriage, but the document states

¹CDS ii, no. 194. ²Scots Peerage, ii, p. 432.

³CDS ii, no. 1690.

that Christiana and Robert died without "joint lawful heirs of their bodies." There are, therefore, two possible ways for the four women to have been related to Christiana:

(a) The document may have been mistaken as to their ages and they were her daughters by one of her previous marriages; or (b) (the more likely possibility) that they were related in some other way--as nieces or cousins, perhaps.

There is much indirect evidence in our period for examples of shared inheritance among daughters, which often comes to light in subsequent generations. Thus we have the curious reference in 1279-80 to a man and a woman as co-heirs.¹ Christiana de Maulëa and Alexander de Balliol were referred to as the heirs of Robert de Valoigne in a statement about the fees they owed the King. Closer examination reveals that in actual fact Christiana was a co-heir with her two sisters and that Alexander was the heir of one of those sisters.²

Another illustration of this kind of indirect evidence of daughter-co-heirs is from a 1303 inquisition concerned with the services due from the land of "Dalserfe" (Dalserf, in the Middle Ward of Clydesdale).³ John Comyn's grandfather, John, had given it in frank marriage with his daughter to Sir William Galbraith. As we have already seen, such grants were often made with the stipulation that no services were due until the third heir, which was the concern of this particular inquisition. The jury determined the third heir

¹CDS ii, no. 170.

²J.H. Round, Ancestor, p.133; see Chart I.

³CDS ii, no. 1420.

from whom the services were now due, and in passing the document mentions four daughter-co-heirs. Only the eldest is named (Johanna), for it was through her that the right to Dalserfe had passed to her son. This particular inquisition's concerns were only with one part of the inheritance which the four daughters of William Galbraith and Willelma Douglas shared. But here again we see how women gained rights to lands, although the holding might be considerably reduced in size if it were shared between a number of sisters and if dower had been given from it as well. This was probably an important factor in the feudal feeling of aversion toward female heirs.

Thus far we have examined cases in which women inherited from one or the other parent. There were, however, a number of other relationships which made it possible for a woman to become an heir. Frequently she might inherit from a sibling who had no living (legitimate) offspring. In 1274 an inquisition held at "Traqueyr" (Traquair) found that Agatha Spick held the right to a house and its land in that vill because her brother had bought the holding and had "died seised therein".¹ Apparently Robert Spick had no other heirs and his sister Agatha had inherited his holdings.

Another woman who was heir to her brother is mentioned in the 1274 extent of Robert de Ros of Werk and his wife Margaret's lands.² Laderina, wife of John de Bella Aqua (Bellewe) is mentioned as "one of the sisters and heirs" of Peter de Brus. Here, then, we see sisters sharing the

¹Ibid., no. 34.

²Ibid., no. 16.

inheritance of a brother just as they would that of a parent, had there been no male heir.¹

A woman might also become the heir of her sister. This happened to Maria, wife of Nicholas de Graham, rather late in her own lifetime. She was over 40 when she inherited from her sister Muriel, the countess of Mar² (she had been born in 1248).³ Maria and Muriel were the daughters of Margery de Muscamp and Malise, earl of Strathearn.⁴ Their mother had been one of the two daughter-~~do~~-heirs of Robert de Muscamp, and it was her share of that inheritance that she passed on to her daughters, who divided it between them. Muriel married William earl of Mar, and when she died in 1291 without an heir, her heritage fell to her sister Maria. In 1292 Maria's husband, Nicholas de Graham, did homage for her lands.⁵

¹The curious thing about this particular case is that Margaret, Robert de Ros' wife, is described in the same extent as "the last born daughter and one of the heirs of Peter de Brus". This is odd, as Laderina was Peter's heir as his sister. There are two possible explanations; the first being that the name "Peter de Brus" actually refers to two different men--one whose sisters were his heirs and one whose daughters were. The other possibility is that it is one and the same Peter, whose daughters-and-heirs having died without heirs themselves, his sisters then took the inheritance.

²Stevenson, Documents i, no. 258; CDS ii, no. 549.

³Scots Peerage viii, p. 247.

⁴CDS ii, no. 1770; Scots Peerage vi, pp. 567-7; viii, p. 247.

⁵CDS ii, no. 1770; The command for Thomas de Normanville to give "them" (i.e. Nicholas and Maria) seisin of her lands may be the explanation for a jury finding in 1306 that they held the lands in "conjunct seisin" and not "in marriage", meaning perhaps that they held it together as her inheritance and not as a marriage grant.

Finally, an example of a sister inheriting from her brother which was the direct result of the conflict between Scotland and England: In 1305 an inquisition held at Selkirk¹ determined that Isabella, wife of Edward de Kethe, was the sister and next heir of Andrew de Synton, who had held the sheriffdom of Selkirk. He had been captured at Dunbar and taken to the castle of "Fodruigeye" ^{Fotheringay} where he had died. This may well be a case of a man dying young and unmarried. His sister Isabella then inherited the sheriffdom.

There were a number of other circumstances under which a woman could inherit, involving the woman who was related as a niece, as a cousin, as an aunt, or as a granddaughter. Of these less frequent types of female inheritance, we have more examples of those which involved nieces. The earliest occurs in 1300 and involves Matilda and Emma de Karrig (Carrick)² who became the heirs of their uncle, Richard de Levinton. They were the co-heirs of Richard's brother Roland. When their uncle died without living heirs of his body, his two nieces shared his estate with his nephews (offspring of Richard's other brothers).

Another woman who inherited land as a niece is seen in the instance of Alice, widow of Thomas de Soules. In 1303-4 the lands of her uncle John de Mulcastre were restored to her, as she was among those Scots whose lands had been seized by Edward I and restored after they had done homage.³ It would seem that as his niece, Alice was her uncle's only heir, although there is also the possibility that these

¹CDS ii, no. 1681.

²Ibid., no. 1140.

³Ibid., no. 1594.

particular lands were only her portion of his estate.

There is an interesting case, coming to light in a 1292 court case, which appears to be very unusual and shows women inheriting as aunts from their brother's daughter.¹ Richard de Kyrkebride entered a suit against Robert and Christiana Bruce for "the sixth part of the half of the manor of Glassanby" (a holding about which Robert and Christiana had already been to court once in 1275).² The manor of Glassanby had belonged to Helewysse de Aykton, Richard's cousin, who had died without an heir of her body. The right then "resorted" to her father's sisters, Euphemia, Margery, Isabella, Eva, Juliana and Agnes. Thus we have six sisters sharing the inheritance of their niece. (Richard, from whose lawsuit we have this information, claimed that his right to that part of the manor came "by three descents" from Euphemia, eldest of the six sisters.)

Two other women inherited as aunts much later in our period, in 1316.³ An inquisition held at Newcastle-upon-Tyne found that Adomar Comyn's nearest heirs were his father's sisters, Johanna, who was married to David earl of Atholl and Elizabeth. The holdings thus inherited were extensive; they included four manors which had once been worth 500 marks yearly. Johanna and Elizabeth were also the nieces and heirs of Aymer de Valence, earl of Pembroke.⁴ (The document is also interesting in that it gives the women's ages. Johanna was 24 and Elizabeth, apparently as

¹ Ibid., no. 645. ² see below, p. 48.

³ CDS iii, no. 512.

⁴ Scots Peerage i, p. 429.

yet unmarried, was 16. Elizabeth later married Richard Talbot.¹

There was also the possibility of a woman inheriting land as a grand-daughter. An instance of this is revealed in a 1306 petition to the King by Eva and Margery de Rotherforde, who were the heirs of their grandfather, Nicholas de Rotherforde.² The two sisters were suing for rent from mills in Northumberland which had belonged to their grandfather and from which he had been ousted because of "this war".

Co-inheritance among women was common, so the lands held by women were likely to be smaller than those of male heirs, although this was of course dependant upon the particular holdings themselves. It was also possible for a woman to be the sole heir, in which case her holdings could be very extensive indeed. The position of the female heir could be very favourable in these terms. And the female heir might stand to gain more than the widow if she had no other heirs to share the heritage with.

A woman who was sole heir to an estate often inherited as a daughter. We may see this occurrence in better perspective if we look at the incidence of female succession in one particular family. An interesting illustration is the line of succession discussed in a "memorandum" concerning the descendants of ^{Waltheva} William, lord of Airdale, composed about 1275.³

¹Scots Peerage i, p. 508.

²CDS ii, no. 1879.

³Ibid., no. 64.

Walthere
William had two brothers whom the document states (*wrongly?*) were illegitimate: Gospatrick earl of Dunbar and Dolfin earl of Northumbria. *Walthere* William's own heir, his son Alan, died without an heir of his body, and so the document is actually concerned with the descendants of William's sister Ethelreda. Her son, William fitz Duncan, succeeded Alan, being his nephew. This William married Alice de Rumley (Romilly or Rumilly) and they had four children, three girls and one boy. The boy died in minority, leaving the three daughters to split the heritage among them. The eldest daughter, Cecilia, had the honour of Skipton from her mother, which descended in turn to her daughter, Hawysia, her sole heir. Hawysia's heir was a male who was himself succeeded by a female, Avelyna (who married Edward I's brother Edmund).¹ Thus, from the first of the three daughter-co-heirs we have two examples of succession through a female sole heir (assuming the document has accurately named all offspring).

The second of William and Alice's daughters was Amabillis, who was succeeded by her son, Richard de Lucy. His estate in turn was divided between his two daughters, Amabillis and Alice de Lucy. The third daughter of William and Alice was Alice who took her mother's surname. She was married twice but died without heirs.

Another interesting aspect of this case is that the document notes that the three co-heirs, Cecilia, Amabillis and Alice, were all married in their minority. It would seem to uphold the theory that women tended to marry young

¹ Ibid., no. 46.

in this period, especially if they were heirs with extensive holdings as these three probably were.¹

Much of our evidence of female sole heirs is found in chartularies. Here we may see an heir alienating all or part of her heritage to religious houses or to other individuals. Such a woman who was a sole heir is found in a charter in the Kelso collection, dating to c. 1270, when Alice de Gordon, identified as the daughter and heir of Thomas de Gordon, junior, confirmed the grants made by her father and her other ancestors to Kelso.² For a woman to be confirming the grants made by her father in this way seems to indicate that she was his sole heir.

Similarly, in another Kelso charter in 1329, Alice, the daughter of Hugh de Auldburgh, granted her heritage of a holding in the vill of Roxburgh to Margaret and Roger de Auldton.³ Alice is identified in the document as "filia et heres" of Hugh, and although it is not possible to state categorically that she was Hugh's only heir, it seems likely that she was. If Hugh had had other heirs it is probable that some mention of them or their holdings would have been made in the numerous charters involving Alice de Auldburgh.⁴ Usually, too, women are identified in the documents either as "daughter and heir" or "daughter and co-heir".

Also included among our examples of such women sole heirs is Johanna Wyshard. She was married to Adam de Roule and is another illustration of this "daughter and heir"

¹see Chart II. ²Kelso Liber, no. 120.

³Ibid., no. 483. ⁴Ibid., nos. 483-89.

identification, being the heir of Henry de Haliburton. No mention is made of any other heirs in the grant she made to Kelso of forty acres in Molle.¹

The evidence of a female sole heir is more definite in the case of Margaret, wife of David de Brechin. She was the daughter of Alexander de Bonkill and had been married to Sir John Stewart (of ^{Jedburgh} Bonkill), who was killed at Falkirk in 1298.² Thus she was both a widow with dower and (in 1300) an heir. In 1300 an inquisition was held at Carlisle to determine who held Alexander de Bonkill's manor of Ulvesby.³ It was ascertained that Margaret was his "daughter and heir" but, as she "remains with the King's enemies in Scotland," the manor was kept in the King's hand. In 1304 Margaret and her husband, along with many other Scots, came to the King's peace by doing homage.⁴ It is most obvious here that she was her father's sole heir, in that she and her husband did homage "for the lands of Alexander de Bonkil her father."⁵ This would seem to indicate that this was for the entirety of his lands, which she had inherited.

That she was her father's only heir is also apparent in the case of Christiana de Lindeseye, when in 1283 her husband, Ingeram de Gynes (Enguerand de Guines), did homage for all her father's land held in capite.⁶ Here, too, Christiana is identified as "daughter and heiress".

¹Ibid., no. 168. ²Scots Peerage ii, p. 221.

³CDS ii, no. 1135. ⁴Ibid., nos. 1584, 1594.

⁵Ibid., no. 1594. ⁶Ibid., no. 239.

In 1290 there is another clear case of a woman who was the sole heir in the instance of Lucia, daughter of Robert de Tweng. In an account of financial receipts she is identified as "daughter and heir", in the King's custody by reason of her minor age.¹ One cannot but wonder how often female heirs were under age when they inherited. Certainly if their holdings were of much value they would need the protection afforded by a guardian. But of course their prospects for an advantageous marriage alliance were heightened by their inheritance, especially in a case such as Lucia's, where she was the only heir.

Finally in our consideration of the woman who was a land-owner through inheritance it will be useful to examine some instances which are illustrative of how complicated a question of inheritance might become. The documents for this period, especially the years prior to 1296, are filled with court cases involving disputes over inheritance. Often, of course, these involved women.

An interesting story of such a dispute is seen in the case of Helewysa de Levyntone. The surname "de Levyntone" was either her own family name or that of a previous husband, as she was married to Eustace de Balliol at the time of her death.² Her heritage, which definitely included the barony of Levyntone³ and lands in Gamelesby and Glassanby⁴ was divided among seven male heirs, two of whom are specifically identified as her "cousins" (Walter

¹Stevenson, Documents i, no. 109.

²CDS ii, no. 4. ³Ibid., no. 146. ⁴Ibid., no. 51.

de Cony¹ and Roland de Carrick²). It seems likely, then, that Helewysa herself had been the heir of a co-heir and that these cousins were the offspring of the other original co-heirs.

The partitioning of the heritage seems to have been handled clumsily by Edward I's escheators, as there were a number of complaints about it. The first came from Helewysa's husband, Eustace de Balliol, in 1272-3, when he claimed that as "he had living issue by his said wife 'seen of men and baptised'" all of her lands should belong to him for life "by the law of England." The escheator was commanded to inquire into the matter and if the facts bore out Eustace's case, then he was to have seisin of all his wife's lands.³ This seems to be a reference to the law of "curtesy" in England which was the husband's right to hold his wife's lands for the remainder of his life, if issue had been born alive. It was not necessary, however, for the issue to survive, which explains why Helewysa's heirs were her cousins and not her own children.⁴

In 1274 Eustace was dead and the co-heirs of Helewysa did homage for their shares.⁵ In the same 1274 document note is made of the co-heirs' complaints that the escheator had not divided the shares properly and the King ordered him to equalise them.

¹Ibid., no. 21. ²Ibid., no. 42. ³Ibid., no. 4.

⁴Theodore F.T. Plucknett, A Concise History of the Common Law, p. 508; Holdsworth, History of English Law, pp. 185-9; Pollock and Maitland, History of English Law Before the Time of Edward I, pp. 414-15.

⁵CDS ii, no. 28.

The next event in the story of Helewysa's heritage occurred in April of 1275, when, one of the co-heirs, (Roland de Carrick) having died, his widow did homage for his share.¹ Two months later a further dispute arose out of the partitioning, when Christiana and Robert Bruce entered a plea of novel disseisin for certain lands in Gamelesby and Glassanby.² They claimed that Robert de Warthewyc, sub-escheator in Cumberland had ejected them from the lands and delivered "five parts of the same to . . . the heirs of Helewysa wife of Eustace de Balliol." The jury found in the Bruces' favour and the five parts were recovered. What is of special interest to us in this document is the inclusion of Matildis widow of Roland de Carrig as being herself one of Helewysa's heirs; she is not properly identified as widow of one of the heirs.

A postscript may be added to the tale of the de Levyntone heritage, as it was further divided in 1300.³ Sarra, widow of one of the original co-heirs, Richard de Levyntone (who had been a minor at the time of the original partitioning in 1274) died, and her dower from Richard was divided into six parts. These were delivered to the nephews of Richard, who were his heirs (i.e. offspring of the co-heirs). Richard had two female co-heirs as well; his nâeces Emma and Matilda de Karrigg (Carrick) who were probably the daughters of Matilda and Roland. Their share of a sixth part of Sarra's dower was withheld as they dwelt "with the enemy of Scotland." The document is interesting as it shows how the rules of co-inheritance

¹Ibid., no. 42. ²Ibid., no. 51. ³Ibid., no. 1140.

were strictly adhered to down through subsequent generations. It is also indicative of how extensive holdings dwindled in size as a result of such subdivision.

Another interesting and complicated story of inheritance which also involves a woman is preserved in the chartulary of Melrose.¹ Eustacia, the widow of Reginald le Cheyne, granted the advowson of the Church of Ochiltree to Melrose, c. 1316, and in doing so, she explains her right to the holding in unusual detail.

Her grandfather, Sir John de Coleville, was one of at least seven children² and as the eldest son was the heir. He in turn gave the kirk of Ochiltree to the older of his two brothers, William, and gave the barony of Ochiltree to the younger brother Thomas. When Thomas died without a lawful heir of his body, William claimed the barony (the document says he succeeded his brother "as being (his) true and lawful heir"). This, however, was against the wishes of the eldest brother John: "which fact greatly displeased (him) for he did not wish at all to allow his brother William to be simultaneously lord of the barony of Ochiltree and parson of the kirk of that place." A lawsuit ensued; in the meantime the eldest brother John died and was succeeded by his son William.

When William (the brother who had claimed both the barony and the kirk) died, his four sisters came to claim his heritage. They cited the law³ which stated that William

¹Melrose Liber, no. 400. ²see Chart III.

³Glanvill, bk. VII, cap. 1.

John's son, could not simultaneously be the heir and the lord.¹

William's reaction to this was to go to England and give the whole barony of Ochiltree along with the advowson to his daughter Eustacia, who was then three years old. This grant by William to his daughter seems an excellent example of the way in which a lord such as William ensured that a daughter was provided with holdings although she did not stand to inherit anything (as in this case Eustacia had a brother who would have inherited all of his father's lands). Thus it was possible for a woman to become a land-owner without being either an heir or a widow. It seems very reasonable to assume that William conferred the barony and advowson upon his daughter that she might eventually make a good marriage, with her holdings being to her advantage in this respect. At the time the document which tells Eustacia's story was composed, she was herself a widow and so would have had further holdings as dower and any she herself may have acquired. And being a widow she was free to make the grant to Melrose which the charter documents.

The state of being an unmarried widow completely changed the way in which a woman might operate in society. She had dower from her husband and she was herself administrator of it, as well as of any inheritance holdings she

¹From our point of view this quick legal action taken by the four women is interesting. However, three of them were married, so the possibility must be taken into account that one or more of the husbands may have been behind the action.

might have. Of course, if she remarried her new husband then controlled the administrative rights to her holdings, although legally he could not "waste" them in any way.¹

By the beginning of the fourteenth century dower seems to have been clearly established as a full third of the husband's lands granted to his wife at his death. During the earlier part of the thirteenth century it had consisted of a third of the land held by the husband at the time of marriage, unless he had specified less.² A custom held that the third to be given as dower was declared at the church door.³ In a document dated 27th August, 1290, William de Vescy refers to this custom: he had promised Queen Eleanor that his son John "should endow his wife Clemencia, her cousin, at the church door with a dower of 200 l of land in the manors of Newesham and Sprouston and elsewhere. . ."⁴

But by the time of Edward I dower also applied to land acquired subsequent to the marriage and any previous endowment of less than the full third ceased to prevent the widow from demanding its entirety, although an endowment of more than the third probably would have been reduced.⁵ Under this system dower would have been finally set after the husband's death, usually at the inquisition post mortem. "In this way," Plucknett points out, "dower

¹ Plucknett, Concise History of Common Law, pp. 506-9.

² Ibid., p. 506. ³ Stair Society, p. 111.

⁴ CDS ii, no. 444.

⁵ Plucknett, Concise History of Common Law, p. 506.

ceased to be a gift and becomes an estate."¹

Although as our period progresses the legal procedure concerning dower and marriage grants becomes more standardised, it continues to be a complex problem and one whose history has not been completely unravelled by legal historians. It went under the term "dos", which confusingly was also applied to the "tocher" and "maritagium", the gift made to the couple by the bride's family, which in early times was made at the same time as the dower, at the time of marriage.² Dower might also be termed "terce".

Her administrative rights were the vital element in the woman's changed position when she became a widow. Now she herself controlled her lands (not her husband with the jus administrationis). But dower was also important to the widow's new position. Dower could expand the individual's sphere of influence beyond the rights she already had over any inheritance she held. Dower holdings, which could be extensive and valuable, also made the woman an attractive marriage prospect. The new husband would then control the dower while the woman lived, and so his sphere of influence expanded as well.

An important point to grasp in understanding dower is that it was usually held by the widow for her life only. In some continental customs the widow's interest was absolute,³ but in Scotland, as in England, it was a one-

¹Ibid. ²Stair Society, p. 107.

³Plucknett, Concise History of Common Law, p. 507

third liferent interest in the husband's heritable estate.¹ The granting of dower to the widow became automatic legal procedure, but it complicated the issue for the heir, intruding as it did upon his resources and reducing them by a third during the widow's lifetime. In spite of this it is surely established as the widow's right in our period.

And, indeed, in several instances we see the husband's heir providing for the widow in ways additional to the dower, or simply making certain she obtained full dower. An inquisition dated 10th August, 1279 reveals such an occurrence: the document states that before his death, John Bisset had "dowered" his stepmother, Lady Agatha Bisset, in lands, rents and mills (which are identified and values given) "besides her terce".² Despite the confusing terminology, this seems to be an example of the heir adding to the widow's dower holdings. Presumably the holdings granted to Lady Agatha by her stepson held the same liferent stipulation as the rest of her dower would have done.

Likewise, in 1299 the son and heir of William Fitz Warin promised to pay his father's widow (Maria Argyll, countess of Strathearn) 300 "marks of silver" for William's moveable goods and chattels and to undertake his father's debts and "relieve" Maria. He also quitclaimed to her a right to ward and marriage and all his father's goods in Ireland. Finally, he stated that he would obtain her dower

¹Stair Society, p. 111. ²CDS ii, no. 163.

in Ireland and England for her.¹

There are numerous examples throughout our period that are indicative of the legal strength of the dower right. Women appear regularly in our documents in connection with aspects of dower. Many come to light during the period of the Anglo-Scottish conflict and will be discussed in that context. It will be useful, however, to examine a few in detail here that the usual procedure for such endowment may be seen.

In 1284 we have an example which shows clearly an instance when dower was set after the husband's death: Edward I commanded that his clerk give Elena, widow of Geoffréy de Lucy, dower upon her husband's lands "according to the extent made".² Another instance in which this is clear is that of Margery del Wra in 1291. In that year an inquisition was held at Werke in Tyndale which determined that Margery's husband, Richard del Wra, had been seised in ~~desne~~^m of a messuage and twenty-four acres. The jury stated that Margery was dowered in one third of the messuage and eight acres. Here again we see the dower set after the husband's death and in this case the third portion is made obvious.³

That the dower was a grant for the lifetime of the holder only is openly stated in many instances and can be inferred from others. On 7th November, 1285 the King

¹CDS ii, no. 1117. ²Ibid., no. 256.

³Ibid., no. 554.

committed his manor of Whetele to Constanca de Biherne "in compensation of the 100 l due to her as part of her dower in the manor of High Peak." The grant was made "for her life".¹

This liferent aspect of dower also becomes evident when the woman holding dower died. If the man from whom she had the dower had one or more heirs, then those heirs took the dower upon the widow's death. It could not descend to her own heirs of any other marriage (frequently, of course, the heir was the product of the same marriage). We see this happening in 1274 after the death of Alianora de Vaux, widow of Roger de Quency, earl of Wynton. Roger's heirs were his three daughters, Elena la Zusche, Margaret de Ferrars and Elizabeth Comyn. The connections of this family with Scotland's history are important throughout our period and the lands involved must have been extensive. Upon Alianora's death her dower was divided among the three co-heirs, each of whom did homage to Edward I for her "purparty".² Sarra widow of Richard de Levynstone is a similar case. When she died in 1300 her dower from Richard was divided into six parts and distributed to Richard's heirs.³

Occasionally we see the King taking the dower "into his hand" upon the death of the widow; this may have happened because there were no heirs or was merely

¹Ibid., no. 277. ²Ibid., no. 36.

³Ibid., no. 1140; see above, p. 48.

procedural because the land had been held of the Crown. Whatever the reason behind such action, it does reveal the liferent character of the dower and that the widow's rights to the holding ended with her death and did not descend to her own heirs. There is an occurrence of this kind in 1294 with the death of Eva Lovel, who had held dower from her husband, Hugh. The lands in question were taken in the King's hand, in this case due to the minority of Hugh's heir. The King granted to John de Soules the custody of all the lands which Eva held in dower until the heir's majority, "wishing to do (John) a farther favour".¹

The actions of a widow with regard to her dower holding is also revealing of its liferent character. We see this in two separate instances. In 1277 Ethona widow of Christian son of Naughton granted her dower lands in Argyll (along with her own lands in Atholl) to Sir Hugh de Abernethy with the agreement that he would pay the rents due to her and those due to the King from the lands in Atholl. It was specified by Ethona that the grant was effective for her lifetime.² And in 1296 Cecilia wife of Thomas de Quinquersteynes (and the widow of Ingelram Pessun) quitclaimed all her dower holdings in the English and Scottish lands of Ingelram. Upon the face of it this action would seem to deny the liferent quality of the dower, but presumably it was possible in this particular instance as she made the grant to her husband's heir (his grandson, Stephen Pessun).³

¹CDS ii, no. 703. ²Fraser, Douglas, no. 7.

³CDS ii, no. 735.

It is evident that dower was basic to a favourable position. As a widow, a woman became an active member of the landed classes and the dower extended her economic base:

Although dower was held for the widow's lifetime only and for this reason may seem less advantageous (from the point of view of her family) than lands she held as inheritance, as it could not become part of the heritage she passed on to them, it could actually bring substantial economic advantage to her and her subsequent husband(s). The reasoning behind the giving of dower would seem to have been two-fold: both to provide the widow with a "selling point" for remarriage and also to provide her with some income during her lifetime. The latter was probably the more immediately important of the two. During the wars of Independence numerous cases of dower losses caused by the conflict brought petitions for monetary support from widows to Edward I.¹

Certainly, while she had control of dower land, the widow (and her new husband if she had one) would exploit it to the best economic advantage. Occasionally this brought her into competition with other land holders, as is seen in a case brought before the "justices itinerant" at Carlisle in 1292.² Geoffrey de Moubray complained to the justices about Christiana and Robert Bruce and their use of her dower holdings. Robert Bruce was Christiana's third husband;³ it is not clear from which of her two

¹see Chapter Three. ²CDS ii, no. 645.

³Scots Peerage ii, p. 432.

previous husbands she held these particular lands, which consisted of "4 carucates and 600 acres of wood in Boulton and Bastingthwait". De Moubray claimed 300 l in damages, saying that the Bruces had cut down 1000 oaks and "made and carried off marl from a rood of land" in excess of her dower. Christiana and Robert Bruce's reply to this was that they had taken "nothing but reasonable estovers for 'burning, building, and enclosing', as entitled." From this incident the economic importance that a dower holding might have is apparent.

Four years later we see Christiana dealing with the dower she now held from Robert. A document dated 29th August, 1296 is the rather elaborate agreement made between Christiana and Robert's son and heir, Robert Bruce lord of Annandale.¹ It is apparently a juggling of control, as Robert exchanged certain lands with Christiana for those she held as dower from his father. She reserved the dower she already held from her previous husband, Adam de Jessemuth (Jesmond), but granted the advowson she held from that to Robert. This exchanging also seems indicative of the economic advantage the dower could contain.

Now that we have examined the fundamentals of dower we may look at a case which shows that the setting of dower was by no means yet a fully standardised procedure in the beginning of this period. It is an interesting story connected with the dower that Isabella Beaumont received from her husband John de Vescy.

¹CDS ii, no. 826.

John de Vescy probably died during the year 1289. Edward I's queen, Eleanor, took a personal interest in the matter, as Isabella was her kinswoman, and the Queen undertook to ensure that she was well provided for. On 30th December, 1289 the Queen wrote to the sheriff of Northumberland, Richard Knout, and commanded that he travel to Scotland to see about Isabella's dower.¹ The wording she employs is interesting. She wished to endow Isabella with the manor of Sprouston, which had belonged to John de Vescy, "and," she says, "we have heard that the law and custom of that country is such that she should have the moiety under the name of dower. . ."² The Queen also commanded Richard Knout to discover "what she shall have, the third part or the half, according to the usages of the country." It almost seems as though dower is being used here as a legal excuse for the Queen to provide for Isabella during her lifetime, and she stresses throughout the letter her concern for her kinswoman. "We require you faithfully to take the trouble, to the utmost of your power and skill, to see that she has her full share therein, so that she be no loser in anything from want of advice or help of friends. . ." It is especially interesting to note, however, the Queen's unsureness as to the legal requirements for dower in Scotland. This may indicate that it was still somewhat ambiguous in this period.

The consequences of the Queen's command to the sheriff Richard Knout also seems to indicate tense Anglo-Scottish

¹Stevenson, Documents i, no. 79; CDS ii, no. 395.

²Stevenson, Ibid.

relations. Knout wrote to the Guardians of Scotland in February of 1290 requesting a safe-conduct in order to see to the matter of Isabella's dower.¹ It was presumably through this request that the Guardians knew that Knout would be in Scotland and he was arrested and kept a prisoner in Roxburgh castle when he arrived in that vicinity.² The Guardians ordered him to appear before them, referring to his "illegal poindings against the laws and customs of the March" that he had to answer for. This may be in reference to the seizure of the lands of William Douglas (as a penalty for the abduction of Alianora de Ferrars³) of which Knout had been in charge. Knout later petitioned the King for damages of 2000 l for "his own loss and disgrace."⁴ Isabella Beaumont, whose dower was the original cause for his trip to Scotland, was holding dower in Sprouston in 1297. She did not, however, get a half of the manor as the Queen seems to have hoped, but only a third.⁵

It is difficult to say which was the better position for a woman as a land-owner to be in--whether the unmarried widow, or the heir, married or unmarried, or the remarried widow. From the point of view of economic control over her holdings the first alternative--the unmarried widow--seems to be the most favourable. The heir might, however, stand

¹Stevenson, Documents i, no. 85; CDS ii, no. 408.

²Stevenson, Documents i, no. 90.

³see below, p.73.

⁴Stevenson, Documents i, no. 90. ⁵CDS ii, no. 895.

to own more lands than a widow, especially if she were sole heir: the widow would get one third, the heir the remaining two thirds, plus the dower lands upon the widow's death.

We have already seen how the widow held the administrative rights over her lands while she remained unmarried. Although she could not pass her dower lands on to her heirs, she could exploit them to her economic advantage during her lifetime. There are also some interesting examples of widows who acted as executors of their deceased husband's estate. One such widow was Margery Moygne, who, as the executor of her husband William le Orfeur's (the goldsmith) estate, became embroiled in a lengthy lawsuit in 1291 with Roger Bartholomew, burgess of Berwick.¹ Another widow who is identified as her husband's executor was Elizabeth, widow of David de Langeton, in 1321-2.²

As a widow, a woman was entitled to alienate her own lands and often the grants made by such women emphasize this. Mariota, "Lady of Hume" and widow of Patrick Edgar, granted all her rights in the vill of Laynall to Coldstream Priory "in her urgent necessity." She uses the wording which seems to be a formula often employed by widows granting land, saying that the grant is made "in her lawful widowhood" and that she gives the rights to Coldstream "as freely as any widow in the kingdom of Scotland in her viduity could grant or give."³ This is essentially the same wording used by Eustacia, widow of Reginald le Cheyne, in her grant

¹Stevenson, Documents i, no. 305.

²CDS iii, no. 758.

³Coldstream Chartulary, no. 13.

to Melrose.¹

When we see a woman granting land by herself in this period we may assume, then, that she was a widow, although she may not be specifically identified as such. This is undoubtedly so in the case of the grant confirmed by the King on the 5th of May, 1276, made by Agnes de Balliol to her son Ingelram de Balliol. Agnes must have been a widow when she made this grant.²

Often it is not directly stated in the sources that a woman was a land-owner, but it is possible to infer the instances when this was so. For example, two things may be deduced from a woman doing homage. There are numerous examples of this during the Wars, especially on the "Ragman Roll" of 1296, and it is in this way that the names of many women in our period survive. Firstly, we can say that the woman was likely to be a widow, otherwise her husband would have performed the homage. (If she were a church woman she was usually identified as such.) And as homage was usually done for specific land holdings, we can also assume that the woman doing homage held land.

Another source of evidence of probable women land-owners is the matronymic. The woman whose status was important enough that her children wished to be identified with her undoubtedly held lands, perhaps in considerable quantity in the locale. This was definitely so in the case of Cecilia, daughter of Eschina de Molle, as the grant

¹Melrose Liber, no. 400.

²CDS ii, no. 72.

mentioning her describes the lands she had inherited from her mother.¹ It is also apparent in the case of Alicia de Rumley, who took her mother's surname and from whom she inherited land, the honour of "Cokermu" (Cockermouth, Cumberland).²

But by far our richest source of women who are likely to have been land-owners are the documents of land alienation in which they are named together with their husbands. There are numerous examples of this throughout our period: In 1271, Hugh de Crawforde and his wife Alicia made a grant of "Draffane" to Kelso Abby.³ In 1300, Adam son of Adam of Gordon and his wife Amabilla granted lands to Kelso. This charter is interesting as Adam says, "I have given and granted by the agreement and wish of Amabilla my wife and my heirs. . ." ⁴ This wording occurs in other charters of this type, but the grant made simply by the husband and wife together is by far the more typical. And, finally, in a 1304 inspeximus of a mid-twelfth century grant, William de Russendale and his wife Godeheulde are reported to have given the land called 'Greshoppa' (Kershope) to the Hospital of St. Peter at York.⁵

In February of 1275, Elizabeth, wife of Alexander Comyn, earl of Buchan, petitioned Edward I to allow her husband to come to him for her share of her heritage as she herself was pregnant and "near her delivery" and

¹Kelso Liber, no. 164. ²CDS ii, no. 64.

³Kelso Liber, no. 474. ⁴Ibid., no. 119.

⁵CDS ii, no. 1606.

wished to remain in Scotland.¹ It seems possible to conclude from this that, although a husband acted in his wife's name concerning her lands, it was very necessary that she be technically involved in his actions, in this case by being physically present at a ceremony. And by means of the writ cui in vita, the widow was able to regain any of her lands that her husband had alienated during the marriage, unless her name appeared with his as consenting to the grant.² This technical involvement of the woman in her husband's administration of her lands would also seem to be an explanation for the inclusion of the wife's name in documents of land alienation. There would be no reason for her name to appear otherwise.

Thus it seems likely that when such a grant was made in both the husband and wife's names that there was land that belonged to the wife involved. Frequently we see the same husband making grants of land with no mention of his wife, although they may, in other instances, have made a grant together. This is so in William de Russendale's case: He also granted other lands to the Hospital of St. Peter in York with no mention of his wife's name.³ This would seem to be further proof that when his wife's name was included in a grant she was legally connected with the specific lands involved, especially as the couple did not

¹Ibid., no. 40.

²Pollock and Maitland, History of English Law Before the Time of Edward I, p. 408.

³CDS ii, no. 1606.

in every case alienate land together.

This is made even more obvious when we see a wife confirming, in a separate charter, a grant that had been made by her husband. There are two examples of this occurring in the grants made to Kelso Abby: One dated 1260, in which a woman now a widow confirms an agreement that had been made by her husband and herself with Kelso (Matilda, widow of Richard de Lincoln¹); another from c. 1260-75 in which Emma, the wife of Radulf de Birneulle, agreed to grants of holdings in Berwick to Kelso made by herself and her husband together.² A woman's legal right to the land granted by her husband is also obvious in the grants which the husband made with her "consent", as in the instance of a grant that William de Veteripont made to York in 1294 with the consent of his wife, Mahald.³

Two other ways in which we see women's names appearing in documents of land alienation may be significant. One is the frequent mention of grants made for the good of the soul of the grantor's wife, whose name is then given (e.g. Sibella, the wife of Walter de Bolebeche in 1280⁴). A wife's name was not automatically included in this way; the more usual formula is for the good of the grantor's own soul and those of his ancestors and his successors. It may be then of some significance when a woman's name was given in this way.

A woman's name may also appear in such a document as a witness. This is not a frequent occurrence but reveals that

¹Kelso Liber, no. 173. ²Ibid., no. 45.

³CDS ii, no. 690. ⁴Kelso Liber, no. 264.

that the woman was of important status and thus undoubtedly held lands herself. We have a very early example of this in c. 1230, when Eustacia de Vescy's name appears as witness to a grant made to Kelso.¹ A 1304 inspeximus reports a "Lady Euphemia (wife of Robert II de Brus) as witness to a grant made by Robert Bruce of a house and its lands in Lochmaben to the brethren of St. Peter of York."² And in 1316 Ermigera de Soules appears as witness to the grant made to Melrose by Eustacia le Cheyne.³

From the volume of such indirect evidence of women who owned land in Scotland we may conclude that a substantial proportion of the land-owners in the late thirteenth century in Scotland were actually women. Probably the largest percentage of these lands legally owned or held by women were under the administrative control of men, either husbands or guardians. Such indirect evidence as we are dependent upon for this conclusion does not allow us in most instances to define the actual lands held by women. It does, however, cast new light on the involvement of women in Scotland's society in this period, which would seem to be rather more extensive than we have hitherto assumed.

Although we are not able to identify the type of holding in many cases (i.e. whether inheritance or dower), lands belonging to women are often mentioned in passing in land grants, employed to geographically locate the piece

¹Ibid., no. 269. ²CDS ii, no. 1605.

³Melrose Liber, no. 397.

of land being alienated. So the land that was part of the dower of Matilda, countess of Angus, is referred to in a grant made to Melrose before 1285 by Guido de Normanville.¹ In 1281-2 "the lady of Aldingham in Furness" was mentioned as holding half a fee in a land extent,² and in 1315 Anabilla Ayre was said to hold ten acres of John de Cheseholm in an inquisition post mortem.³ Roger Nurys, burgess of Berwick, in a grant of his land in Corsgate to the nuns of Coldstream identified its location: "it extends in width and breadth between the land of Osbert Dute on one side, and the land of Margaret Bernham on the other. . ."⁴ In c. 1293 Robert Brun the younger of Preston granted to Sir Alexander Bonkill all the lands of Preston which he had held of a Lady Agnes of Preston.⁵

Women land-owners also are revealed when they, probably as widows, alienate land themselves. There are many examples of such women who were active as land-owners. An interesting one appears in the Coldstream Chartulary, probably occurring rather late in our period. Ysouda, "the daughter of Wido the glass maker", granted to Coldstream all her right in a part of the mill of Sepley which she had apparently inherited from her father. She was in secular habit and made the grant to the nuns "of her free choice".⁶ In this case she does not appear to have been a widow but was probably an unmarried heir.

¹Melrose Liber, no. 340. ²CDS ii, no. 208.

³Ibid., no. 461. ⁴Coldstream Chartulary, no. 49.

⁵Fraser, Douglas, no. 8.

⁶Coldstream Chartulary, no. 54.

It is evident, then, that women were extensively involved in ownership and administration of land in medieval Scotland. From the consideration of this aspect of their involvement in society, we may now turn to that of the legal system. There are many colourful stories involving individual women alluded to in the court cases that survive in the records. Generally, it is possible to divide the legal questions in which we find women into two categories: those that had to do with criminal cases and lawsuits that involved questions of land-holding.

By far the largest number of women's names occur in connection with the latter. It is not possible or necessary for our purposes to go into the details of individual cases here. Before the conflict with England broke out the legal questions concerning land in which we find women mentioned were most often disputes over inheritance rights. Land disputes that involved the usage of lands, such as a dispute over grazing animals or location of pasture rights, are also seen. (An example is that of 1279 which involved Christiana and Alexander de Bonkill and a question about grazing animals.)¹

As in all other aspects of land-owning the law seems to have been more concerned with the land than the individual. Thus it is difficult to draw any conclusions as to the law's treatment of women from these kinds of cases. This matter-of-fact attitude toward women is one we have already seen in questions of inheritance. It would seem to indicate that in this area of medieval Scottish society's

¹CDS ii, no. 149.

concerns were very practical. The land itself was the over-riding factor in the disputes brought before the courts.

It is in the area of criminal law that we might expect social attitudes toward women to reveal themselves more fully. Keeping in mind that social attitudes of any period are by their very nature difficult, if not impossible, to document (except of course when we have opinions categorically stated of which there is little evidence in this period), we will examine some of the few criminal cases in which we find women.

The majority of the cases that we have (that are not directly linked with the later war) are early in our period and concern robberies.

In 1299 the Assize Roll of Cumberland reports that a man named John Baret was "taken" on the suspicion of burglary of the house of Agnes, widow of John son of Henry. He was also suspected of stealing a crop and "robbing a woman unknown". The case was taken before twelve jurors and he was acquitted. From the wording it is not possible to ascertain whether the widow Agnes actually brought the accusation herself, but at any rate she did not win the case.¹ Nor are we able to tell from this small piece of evidence what social class the woman belonged to, although we may deduce from her husband's name (identifying himself as he did with the Christian name of his father) that he was known in a relatively small area. It is in such cases brought before law courts that we often find the names of

¹CDS ii, no. 147.

women who are likely to have been from the so-called lower ranks of society. For instance, the inquisition into the death of Agnes, wife of John Cupre, who was killed by a piece of millstone while grinding corn in 1279, may be an example of such an individual.¹

Another case of a woman bringing an accusation of robbery into the courts (which she did not win) also occurred in 1279 and appears in the Assize Roll for Northumberland.² Beatrice de Quitfeld accused Thomas of Wytewel of Newcastle of sending six men (one of which was the parson of Quitfeld) to rob her house of goods to value of 100 marks. Inexplicably, Beatrice withdrew her charges and Thomas was acquitted; probably she realized she could not win the case and withdrew so that the fines she would have to pay for bringing a "false claim" before the jury would not be so high as if she lost the case in the courts. She was "sent to gaol" and her pledges, individuals who attested for one in court and were bound to assure any necessary fines were paid, were "in amercement", which was standard procedure. It was, however, stated by the jury that the alleged trespass had occurred in Tyndale "in the kingdom of Scotland out of the kingdom of England, and the truth cannot be inquired into here."³

We also have a case of a woman who was herself accused of robbery--one "Alicia of Scotland"--in 1278-9. She had been indicted and had escaped from the vill of Neuton-Reny (Newton Reigny, Cumberland). The sub-sheriff was fined 8 1 for her escape and he was to "answer with" Isabella

¹CDS ii, no. 168. ²Ibid., no. 148. ³Ibid.

de Fortibus, countess of Albemarle and presumably holding the lordship which included Newton Reigny.¹

In 1286 another accusation was brought against a woman. Roger the rector of Witfeld (or Quitfeld, as above) Church in Durham complained about a curious incident which had occurred fourteen years before, and about which he sought justice. He claimed that Simon Fraser and his brother Andrew "sent 32 of their servants who bound him, and having taken him with his feet tied under the belly of a sumpter horse into Scotland, robbed him of his goods, and at the end of eight days left him for dead about midnight in Selkirk forest. Meanwhile, Beatrix de Whitfeld (Quitfeld) and her son Robert, cousins of the said malefactors, forcibly entered his church of Witfeld and are wasting its fruits." Beatrix and Robert were excommunicated by the bishop of Durham for this, but because of their relation to William Fraser, chancellor to the King of Scotland, Roger could get nothing done about them.² This case definitely seems as though it was a local political feud.

Most of the cases did not involve such serious political overtones. In 1278-9, this time a case with the woman as plaintiff, Editha the widow of Richard Bullock had accused four men (apparently some years earlier) of killing her husband "in the field of Cambok" and they had fled. Editha did not appear in court and she and her pledges were fined, but a writ of outlawry was issued against the four men.³

In 1292 another woman, Isabella de Dalruskan, brought

¹Ibid., no. 146. ²Ibid., no. 290. ³Ibid., no. 146.

an accusation against a man for the death of her husband, Robert Molendinarius, which was also dismissed and she and her pledges fined.¹ This seems most often to be the pattern with legal cases of this kind involving women. An indepth examination of women and criminal law in Scotland will be necessary, however, before we can draw any definite conclusions about the treatment of women in the criminal courts. The pattern that seems to emerge from the documents studied thus far is a rather negative one: women more often lost cases than won them. But there is an important aspect to this which must be considered, and that is that women of important economic and political status may have been more likely to win such a lawsuit. (It must be remembered that we are discussing criminal cases here and not those which involved questions about land.) This possibility is brought to our attention by the cases of abduction taken before the law courts. We have three detailed examples of such cases, all of which involved women of obviously important status.

Abduction, as we have seen, was legally acceptable if the woman (and her family if she were a minor) acquiesced. Of the three cases of abduction to be examined, however, only the first resulted in a marriage. Both of the other two were failures for the men perpetrating them, and one of these brought serious retribution along with failure. From the point of view of women and their treatment by the law courts it is interesting and worthwhile to examine these incidents in some detail.

¹Stevenson, Documents i, no. 299.

The first abduction, a well known case, occurred in 1289. Alianora (Eleanor) de Ferrars was in Scotland visiting her kinswoman (sister of her mother-in-law), Elena la Zusche, when William Douglas carried her off "into the interior of Scotland."¹ She had come to Scotland to receive her dower from the lands of her dead husband, William de Ferrars. Edward I requested the Guardians of Scotland arrest Douglas and Alianora "wherever found"² and the Sheriff of Northumberland, Richard Knout, was ordered to seize Douglas' lands and chattels.³ Alianora, however, apparently decided to agree to marriage with Douglas, for in 1290 Douglas was released from prison and his lands returned to him.⁴ In January of 1291 a "fine" was set for him to pay for leave to marry Alianora;⁵ and in February the King granted him the marriage of Alianora for 100 l.⁶ (In 1302 the debt was still outstanding and Alianora, now as Douglas' widow, was responsible for its payment.)⁷

The man who abducted Dyonisia (Denise) de Bechfeld (or de Ba) was not so successful. The story is a complicated one which seems to involve some sort of regional feud, the full details of which are not available to us. Dyonisia was the widow of Gilbert de Ba,⁸ when she was abducted by a group of men who took her to Scotland and tried to persuade her to marry Richard de Swethoppe. It was not until 1279 that she managed to get the case resolved

¹CDS ii, no. 358. ²Ibid., no. 357. ³Ibid., no. 358.

⁴Stevenson, Documents i, no. 101. ⁵Ibid., no. 129.

⁶CDS ii, no. 468. ⁷Ibid., no. 1309.

⁸Page, Three Early Assize Rolls, p. 178.

in the courts. Dyonisia gave the story to the jury in this way:¹ She was travelling on the royal way with her uncle, John de Papingham, on the Mildeburne moor, when, near Opineteleche Bridge, a group of seven men, vi et armis, carried her off. They took her to a place called Illyscaghe (Ellishengh near Otterburn) in the liberty of Redesdale, where Walter de Swethoppe was steward. Among the seven men who abducted her were William de Swethoppe and his brother John. They were trying to force her into a marriage with Walter de Swethoppe's son, Richard. ". . .Because she in no way assented" to marry Richard, the men then took her to Jedburgh in Scotland. Dyonisia claimed this was all under the instigation of Walter. Her uncle, John de Papingham, went to Walter and complained, but Walter entirely denied having anything to do with the matter. Dyonisia's uncle then collected together some friends and rescued Dyonisia from Jedburgh after she had only been there one day.

She then took the case to a Scottish court, but the Swethoppes were acquitted, and Dyonisia undertook to return to England. She felt she was still in danger from the Swethoppes and she was worried about the trip through Redesdale: "because of fear of (those men) she did not dare to return to England until at length she and her friends made an agreement with a certain William son of Radulf, chief forester of Redesdale", so that he would guarantee her safe-conduct through Redesdale. But when she reached Harbottle, Walter heard of her arrival and arrested her for entering the liberty with force and arms, and she had to pay him a

¹Page, Three Early Assize Rolls, pp. 369-72; CDS ii, no. 148.

fine of 10 l. This rather smacks of simple revenge.

Dyonisia claimed 200 l in damages. The Swethoppes tried to get the case dismissed as it had already been tried in a Scottish court. Dyonisia had also indicted the same group on a robbery charge and for disturbing the King's peace, which had also been dismissed.¹ She won this case and settled for a fine from the Swethoppes of 20 marks and 100 s from the King. Only her accusations against Walter de Swethoppe, that he was the instigator of her abduction on behalf of his son Richard, were dismissed. Walter was, however, to repay the 10 l he had demanded from her in Redesdale.

It is interesting to note that Dyonisia had already lost two cases against the Swethoppes, yet she seems to have been determined to get retribution for the abduction and finally was satisfied. William Page theorizes about her social status: "From her pledges, viz., John de Herle, Walter de Tyndale, and John de Lethgreyns, it would appear she was a person of some standing in the county."² Indeed, it seems unlikely that a woman of lower economic status could have afforded the time and expense of pursuing the matter in the courts.

It is interesting, too, to see Dyonisia's support in the form of her uncle who was her mother's brother. Not only is this indicative of close family ties, but also that a widow of social importance such as Dyonisia had protectors; she obviously had holdings of considerable value and there were

¹Page, Three Early Assize Rolls, pp. 350-51

²Ibid., p. xxv.

always dangers such as this one of abduction.

This incident is complicated by the Swethoppes and what appears to have been some sort of regional feud. This theory seems upheld by a dispute taken to the courts in 1275 which also involved Walter de Swethoppe, this time as the plaintiff. Walter complains that "in the last disturbance of the realm" Gilbert de Umfraville had imprisoned him in his castle of "Hirbotel" (Harbottle) and had "extorted" a fine of 100 marks from him. Later, after peace had been declared, Walter said that Gilbert "by his wife Elizabeth and his men" extorted 10 l from him "by threats of burning his house and goods. . ." Walter further accused de Umfraville of destroying his house in Doctrees, and "cutting out the timber, did his will with it, and drove two heifers of Walter's and their sequela, from his common pasture, to his forest of Redesdale. . ." The King took Walter and his possessions under his protection for "Gilbert so disquiets and afflicts him, that though formerly he could entertain his visitors hospitably, he has now scarcely sufficient for himself and his children."¹

Obviously, the issue of Dyonisia de Bechfeld's abduction is clouded by politics. It is interesting for our purposes, however, to note in the above account the involvement of Gilbert de Umfraville's wife Elizabeth. This may be an illustration of a woman acting for her husband in his absence, an activity so often associated with medieval women. (See E. Power, "The Position of Women", p. 417

¹CDS ii, no. 58.

for example).

8/ Further along in our period, in 1299, we have another incident of abduction, involving Johanna de Clare, the countess of Fife. She was the daughter of Gilbert de Clare and Johanna, Edward I's daughter, and she was also the widow of Duncan, the ninth earl of Fife (who had been murdered in 1299).¹ In 1292 she was given license by the King to marry "whomever she wishes",² but she was apparently still unmarried in 1299 when Herbert de Morham abducted her and tried to force her to marry him.³ He was in command of the force besieging Stirling Castle at the time, and he took her prisoner as she was travelling from Stirling to Edinburgh "with no better protection than a safe-conduct".⁴ Morham took her "by force" to his brother Thomas' house at Castlerankine. In her accusation Johanna charged that he imprisoned her there because she would not agree to marry him; she pleaded that she had given her oath to the King not to marry without his license (as we have seen she had already obtained this). She also charged that Morham had "seized her jewels, horses, robes, and goods to the value of 2000 l, to her grave loss and scandal. . ."⁵ Morham had made a mistake in attacking the King's kinswoman and Johanna won some retribution for her damages; Morham was to pay her 80 l yearly for her life, although he was given rights over certain of her holdings in return.⁶

¹Scots Peerage, iv, p. 11.

²Rotuli Scotiae, p. 8b; Stevenson, Documents i, no. 253; CDS ii, no. 602.

³CDS ii, no. 1606. ⁴Barrow, RB, p. 149.

⁵CDS ii, no. 1066. ⁶Ibid., no. 1108.

From these examples it seems that a woman of high social standing who was widowed was in much danger of such attempts made on her as abduction. But it also appears that because of her status, such a woman stood to win some compensation in the courts if she were abducted and later prosecuted. Judging from Dyonisia de Bechfeld's difficulties, however, this may not have been an easy task even for a wealthy, important woman, and it may have been extremely difficult indeed for a woman of lesser rank. This appears so in another case given in the same assize roll which tells the story of Dyonisia de Bechfeld's abduction. Alicia, widow of Robert de Coupelande, had appealed Gervase Avenel, John his son, Gervase his brother, "and others" of rape and breaking the King's peace. She did not appear, however, "and only sued at three courts" and so lost the appeal.¹

The documents available do not afford us much opportunity to observe women's involvement in other aspects of society. Thus far we have seen their involvement in the areas of marriage, land-owning and law. Land-owning was, as we have already discussed, the basic economic factor in medieval society in late-thirteenth century Scotland. But active trade and commerce became increasingly important as the period advanced, indicated by the growth of the burghs. The evidence for the involvement of women in this area is very sketchy for Scotland, but the few examples that we do have show that, as with land-owning, there was a more pervasive involvement

¹CDS ii, no. 148.

of women than we have assumed. Just as with land-owning the woman who was active in trade and commerce was likely to have been a widow.¹ As a widow and/or heir she was likely to have financial holdings that would have allowed her to engage in commerce.

One of the most important pieces of evidence that we have of women's involvement in commerce in this period is a 1291 safe-conduct, given by the Bishop of Bath to Walter Deacon, a merchant.² The Bishop's letter, dated March 4th, informs us that Walter Deacon was from Perth and was the "merchant of Jane (Johanna) de Clare, countess of Fife." Here Johanna de Clare is a clear example of a woman carrying on the business affairs of her estate, just as did other lords, it being the general custom of wealthy land-owners to employ merchants to transact business dealings for them abroad. As the widow of the earl of Fife, she undoubtedly held extensive dower lands and was administrating her holdings; the employment of a merchant to carry on her affairs in foreign markets is indicative of this.

Local trade was also an important part of active commerce, as the market and burgh towns show. Crail, being a seaport, was especially important in this respect and in the late-thirteenth century it was part of the dower held by Isabel Beaumont, widow of John de Vescy. In 1294 she petitioned the King for the right to hold a weekly market

¹or simply an unmarried heir, although this, as we have seen, was a rare state for a woman to remain in for long.

²Stevenson, Documents i, no. 131.

and an annual fair there.¹ This, too, shows a woman as overlord of an estate and operating it to the best economic advantage. From the extent of women's involvement land would follow their involvement in commerce, although we have very little evidence.

In 1314-15 there is yet another example of a woman actively involved in commerce. The King ordered the arrest of Flemish vessels and goods in London, following the "plundering" of a vessel belonging to Alice countess Marshal, with a cargo valued at 2000 l.² This is further evidence that a woman with economic assets over which she had her own administrative control would invest them as would a man with similar holdings and position.

A woman with inheritance and dower holdings who had remarried probably had substantial experience in managing business and money affairs. This was a skill that she might bring to her subsequent marriages and even as a married woman persist in practising. We see an instance of this in 1284, when Isabel de Balliol wrote to Robert Burnel, bishop of Bath (who was one of Edward I's foremost administrators) about a debt of her husband, Alexander de Balliol. She herself was the heir of Robert de Chilham and the widow of David earl of Atholl,³ and she probably had extensive property from both. Her letter to the bishop is interesting as it shows a married woman active in financial affairs which concerned her husband. It may have been that

¹Stevenson, Documents i, no. 331; CDS ii, no. 704.

²CDS iii, no. 417.

³see Chapter Three, p. 116.

Alexander was absent at the time the debt came due, and so Isabel was required to deal with the matter. It was obviously urgent; they could not ascertain why the 300 marks demanded was due and the sheriff had said they could not have respite if they had not paid at Easter, "unless by favour of court." Isabel was a royal kinswoman (being grand-daughter of one of King John's bastards¹) and it may be because of this relationship that she herself undertook to write to the Queen and to Robert Burnel.² In 1291, Isabel and her husband were granted the right to hold a weekly market and annual fair at their manor Chilham in Kent; Isabel's name is probably included because Chilham was her inheritance, but it is likely she was involved in the manor's business affairs along with her husband.³

Although the evidence for specific women involved in trade and commerce in this period is scarce, what little there is seems to point to a similar situation to that which we have seen with women holding land. That is, that the value of the land was itself more important than whether it were owned by a man or by a woman. In commerce it seems that if a woman had the means she could enter the economic market in the same manner as a man with the same means would have done; it was the position given to her by those financial means that was the important thing. We know that the proportion of women "active" in the running of society in this period was lower than that of men. We know too that the basic attitude of medieval law was that

¹Cochrane, Complete Peerage i, 305.

²CDS ii, no. 254. ³Ibid., no. 509.

whenever possible it was better to have a man in control than a woman. It grew out of something like a vicious circle: because a woman might marry and be under the influence and control of her husband, theoretically an unknown quantity, it was not favourable to the interests of a family to put too much power in a woman's hands; because a woman was by law "under her husband's rod"¹ her marriage took on this quality.

Essential to the understanding of how medieval society operated is the Church. This is equally true of Scotland, but because of the small number of religious houses for women that were founded in Scotland, the Church seems to have been rather a minor element in the involvement of women in Scottish society in this period.

We have observed that women were extensively involved throughout medieval Scottish society as active and basic components of that society. Although in most instances this involvement was not particularly dramatic, and indeed is one that has been rather seriously overlooked by historians of the period, the war in Scotland at the end of the thirteenth century affords us a different perspective on the whole situation. This period of crisis and upheaval in the society not only increases the amount of information available to us about individual women, but also reveals women as they were functioning in a distinct historical period. Having explored the background of women's basic

¹C.T. Flower, Introduction to the Curia Regis Rolls, p. 235.

involvement in late-thirteenth century Scotland's society, we can now turn to an examination of women in this period of conflict from 1296 to 1314.

CHAPTER THREE

WOMEN DURING THE WAR OF INDEPENDENCE

1296-1314

Most of our information about women during the first War of Independence is related to land-holding. In view of the importance land had in this period and the involvement of women in owning and operating holdings this is perhaps not surprising. 1296 in particular is a unique year for the history of women in Scotland's society because of the sudden and enormous increase in the names of individual women available to us. This is due in large part to the Ragman Roll and the massive lists of homages collected that year. Many of the names only survive in this one record and do not appear elsewhere. The Ragman Roll gives us the sense that we have only been glimpsing the tip of the iceberg as far as the proportions of women holding land in this period are concerned.

The war resulted in tremendous social upheaval and because it created a unique time in history we see women acting in circumstances that we would not otherwise. Although a period such as this does not directly reveal the typical situation of more stable and settled times, it may do so indirectly as it shows society being forced away from its normal activities. We can then observe not only the new, abnormal state but will also, hopefully, be informed as to

what the more normal state had been.

A general study of this period in Scottish History always involves the consideration of such outstanding and famous women as the Countess of Dunbar and Isabel, countess of Buchan. These two women are both dramatic figures in the cause of Scottish Independence, but they also raise important questions about the role of women in general in Scottish society. We have examples of individual Scottish women who were equally active on the side of the English, so it is not merely some kind of overwhelming Scottish patriotism we see at work. What, then, do these women represent? The first thing that comes to our attention in these cases is the ability to act promptly and positively in a crisis--and (which seems most significant) independently of their husbands.

The wars in Scotland should be considered as a chronological sequence. As the conflict progresses we can observe a wider range of examples of women acting in its context. It was a spectacular and vital time in Scotland's history; individuals--both men and women--each played their part in its development, often directing the flow of its progress in one way or another. This is an essential period for the consideration of Scottish women. But while it is a colourful time of dramatic incidents, we must relate these happenings to the basic fabric which constructed the background society from which these individuals emerge.

In March of 1296 war finally broke out in earnest between John Balliol and Edward I. It was on the 27th of

April that the Battle of Dunbar took place. The story of Patrick earl of Dunbar's wife is a well known one, told in Walter of Guisborough's Chronicle in detail.¹ She was a Scottish loyalist, although her husband apparently underestimated the strength of her loyalty to the Scots, for she was in a position to trick his garrison and open Dunbar Castle to the Scottish forces in her husband's absence.² It is not necessary to go into detail here, as the story of the countess has been told many times elsewhere. So, too, has that of Isabel, countess of Buchan, and her crowning of Robert I³ ten years later in 1306. It is significant, however, that in both instances these women were acting independently of their husbands' policies and adhered themselves with forces politically hostile to them.

Although we would probably question in any case the statements made by earlier historians of women in Scottish society (such as Harry Graham who, in 1908, speaks about "that somewhat primitive age that preceded the reformation",⁴ and who says, "The wives were for the most part mere beasts of burden, the girls slaves"⁵), perhaps we would still be more likely to expect a woman of this period to act in the same interests as her husband, if her own actions showed up independently of his at all. The efforts of the Countess of Ross on the side of the English go along, in part, with these expectations. She is an interesting example to follow

¹Chron. Guis., 277-8.

²Barrow, RB, p. 101. ³Ibid., p. 213.

⁴H. Graham, A Group of Scottish Women, p. 1.

⁵Ibid., p. 2.

in the wake of the Countess of Dunbar. Her husband, William earl of Ross, had been among the many important Scots captured at Dunbar fighting for the Scots' cause and Balliol, but the countess herself comes to our attention fighting for the English. Her interests, however, unlike the Countess of Dunbar, do seem to have been those of her husband.

Earl William was among those Scots captured at Dunbar who were sent to the Tower. He was a prisoner there in July of 1297 when Henry, bishop of Aberdeen, John Comyn of Buchan, and Gartnet (Gratney), son of the earl of Mar wrote to Edward I praising the actions of his wife in the English cause and recommending earl William's release.¹ Later the constable of Urquhart Castle also wrote on her behalf and told the story: Andrew of Moravia (the son of Sir Andrew de Moray, see above, Chapter Two, p. 24.) and Alexander Pilchys, "some evilly disposed people having joined (them)", attacked Urquhart Castle. The Countess of Ross quickly sent a man to the constable of the castle with the message that she had nothing to do with the attack, but advising his surrender. The constable refused to do this. The Countess then sent her army under the command of her son to assist in the defence of Urquhart. They successfully defended the castle against a night assault and the besiegers withdrew.²

The Countess' assistance with her army brought her "great praise" and the release of her husband from the Tower.

¹Stevenson, Documents ii, no. 456; CDS ii, no. 920.

²CDS ii, no. 922.

Her actions on behalf of the English seem calculated to achieve just those results, although the earl of Ross continued to work on the side of the English until defeated by Bruce in 1308. He had been one of those supporters of Balliol who would not support Bruce and worked for the English cause instead, until he submitted to the "royal dignity" and from thenceforth was a loyal subject of Robert I. He seems to have been a man with strong convictions; he had strenuously defended Ross against Bruce, but when the earl swore to serve King Robert well and faithfully, he fully committed himself to that cause.¹

Miss Bandel, in her article about the attitude of the English Chroniclers toward women,² says that by the end of the thirteenth century a special attitude toward women who acted in some outstanding way is increasingly evident in the English post-Conquest chronicles. During the previous two centuries the woman who was exceptional--one who was an able administrator, for example, or a brave fighter--provoked no surprise on the part of the Anglo-Saxon chronicler. However, post-Conquest chroniclers, according to Miss Bandel, tended to say such a woman had "man-like" virtues and to comment on such women as special and unique, very different from the usual members of her sex.³ The Countess of Ross' positive military action on behalf of the English defence of Urquhart might have

¹Barrow, RE, p. 252.

²B. Bandel, Journal of the History of Ideas, 16 (1955), 113-118.

³Ibid., pp. 114-116

prompted such comment, but the "high praises" accorded her seem to be political in nature, the release of earl William from the Tower being clearly the object in view. No special comment about the Countess as a woman acting on her own is made.

We have already seen a number of cases in which women took it upon themselves to act vigorously for some cause, usually their own economic defence, as in land disputes or questions of inheritance. Dyonisia de Bechfeld was not a person to be easily defeated, nor was Elizabeth, wife of Gilbert de Umfraville, who commanded her husband's military forces in his absence.¹ Neither of these cases provoked surprise that was recorded in the documents. Forceful action on the part of women in the war, then, must not have been considered exceptional, no more surprising than that a woman would defend her rights to a certain piece of land. Women like the Countess of Dunbar and the Countess of Buchan have become romantic folk-heroines in their strong support of Scottish Independence, made perhaps more romantic as they so obviously went against their husbands' policies, but that it happened to be women doing these things does not seem to make them very unusual in contemporary eyes. The political stance itself seems to take precedence, as did the land itself in questions of land-owning. The important question of how much this attitude in Scotland differed from that in England must be the subject of further research.

¹see above, Chapter Two, p. 76.

It would be well at this juncture to return to the chronological consideration of the war's progress. Following the Scottish defeat at Dunbar, massive numbers of Scots free-holders gave their homage to Edward I at Berwick in August of 1296, recorded in the Ragman Roll. Graph I¹ shows how the numbers of women's names given in the documents examined jumps in that year and this is largely due to the Ragman Roll itself. Some of these are expressly identified as widows (e.g. "Alice widow of Philip de Haliburton"); others we know were widows because of references to them as such in other documents (e.g. "Alice de Ormestone"² and "Margaret de Penicoke" (Penicuik)³). A large number of the women whose names are recorded in the Ragman Roll are simply given a place-name (e.g. "Beatrice of Carlisle") or a surname and no indication of their marital status. As they were responsible for the holding(s) for which they did homage, they must have been either unmarried widows or heirs.

Many of the women whose names appear in the homage rolls of 1296 are also recorded among those whose lands were restored to them that same year as a result of their homage. "Christine Lockarde" is on the Ragman Roll⁴ and "Christiana Locard" 's lands in Peebles and Linlithgow were restored to her in September.⁵ A few women are recorded only as having

¹ p. 133.

² CDS ii, no. 823; Stevenson, Documents ii, no. 285.

³ CDS ii, no. 823; Rotuli Scotiae, 26a.

⁴ CDS ii, no. 823.

⁵ CDS ii, no. 853; Rotuli Scotiae, 26a.

land restored to them, although this must have been due to an earlier performance of fealty. Emma, the widow of Hugh de Neubotel, is a case in point,¹ as is Maria, widow of Philip de Keth (Keith).²

Also in 1296 we have the names of women whose lands were forfeited by their adherence to the Scots cause. The seizure of Scots' estates was a phenomenon that continued throughout the war, and 1296 saw the first spate of these seizures. Beginning in April of 1296, any lands in England belonging to adherants of John Balliol were taken and any Scots residing on those lands were to be removed.³ Maria, wife of Alan de Cambertone, was apparently included among these Scots, for her dower holdings (a third of Camberton) was seized. The water mill rent of 20 s at Stebbing that was part of Alianora de Ferrars' dower had been granted to John de Dalham (presumably for her lifetime) by William Douglas, and it was also seized. Alienations made since Christmas of 1294 were not exempt.⁴ And Douglas' two-year-old son Hugh, who had been born in England, was arrested. Many lands seized during this period before August, 1296, were later restored to the Scots who did homage to Edward I. There is no record of restoration to Maria, Alan de Cambertone's wife, however, and Alianora's lands were not restored until after Douglas had died in prison.⁵

Following the homages taken at Berwick in August of

¹Rotuli Scotiae, 26a. ²Ibid.

³Stevenson, Documents ii, no. 358; CDS, ii, no. 736.

⁴CDS ii, no. 736. ⁵Ibid., no. 1054.

1296, a number of petitions for financial assistance were made by women to the King that September. The document that lists these petitions is one of our richest sources of information about individual women in this period. Both wives and widows petitioned the King, explained their circumstances and asked for certain sums or specific lands to be restored to them. (See Appendix II)

Maria, wife of Richard Siward, was among the petitioners. Her husband was in "the King's prison" (he was in the Tower along with other Scots captured at Dunbar)¹, and she said that he held 500 marks' worth of land, which included her own dower and inheritance. She also pointed out that she had nine children to care for, four of whom were the children of Richard and his former wife and five of whom were her own by Simon Fraser, her former husband. She was granted 60 l of land for the "sustenance" of herself and her children.² Later in 1296 she was also granted an annuity of 40 l along with her daughter-in-law, Elizabeth.^{3,4}

There were a number of other women whose husbands had been captured at Dunbar. Among these were Emma, wife of William Clapham. She asked for 10 l of land and was given 50 s. Agnes, wife of Alexander Meyners, asked for 260 marks of land that was her husband's inheritance and 60 l of land

¹Barrow, RB, 104.

²Stevenson, Documents ii, no. 385.

³Rotuli Scotiae, 28a

⁴Maria was still alive in 1311 when she requested permission to send her attorneys in her stead to recover her dower lands in England, as she was "so feeble in body". (CDS iii, no. 205.).

that was her own. She was granted 50 marks for her support. It is interesting to see these women whose husbands had fought against Edward I receiving financial support from him. We can only conclude that the Crown's responsibility for the wives of its tenants, which these men must have been, when those tenants were unable to support their wives, was a very strong and tenacious custom indeed. But probably in 1296 Edward I was using these monetary grants as a kind of political salve to restore peace as quickly as possible to Scotland.

Some of the women petitioners had husbands who were absent in foreign lands. Edward Letham was in France with Thomas Randolf and his wife petitioned the King for a 100 marks of land that Patrick earl of Dunbar held that had belonged to her husband. She also had, she said, nine children, but her petition was refused. Alice, wife of William de Lindesey, who was in Rome and had been gone three years, asked for all the lands of William that were her inheritance, which were worth 60 l a year. She was granted 10 l.

The petitions are particularly rich in incidental information about some of the women. For example, we discover that Petronilla, widow of Thomas le Chaundeler, had been married twice. She sought her dower from Thomas, who had died of old age; she also asked for the dower of twenty years past from her previous husband, William de Veteri Ponte (Vieuxpont or Vipont), worth 20 l. Her petition for the first dower only was granted.

Eva, wife of Alexander Comyn of Badenaugh (captured at Dunbar), had also been married previously. She asked for

24 marks' worth of land from Alexander's inheritance and also 60 l that was her dower from Alexander de Moireve (Murray) her former husband.

The widows included among these petitioners usually stated how long they had been widows, another interesting piece of information we are not often able to obtain about women in this period. For example, Alice, widow of Alan de Ormestone, had been a widow for seven years; Agnes, widow of John de Burneville, twenty; Margaret, widow of Malcolm Ramsey, thirteen. These women all sought dowers of various amounts and all were granted. One widow, Christian, widow of Godishalke de Colonia, asked not only for her inheritance but also for the lands she herself had acquired since the death of her husband, further proof that widows were frequently economically active land-owners.

One of the women, Ela de Ardros, who was unmarried,¹ gives her age in her petition; she was sixty years old. Her sister, Margaret de Soulis, later also joined in petitioning the King for her dower, "since he has granted all the ladies of Scotland their terces and 'dowairis'". (The term "dowairy" is probably the French word dowaire, meaning "marriage portion", not "dower", which was "terce".)² These petitions by women in 1296 are, then, particularly valuable for our purposes; no other document gives us so much information about so many women.

A number of these same petitioners were among the Scottish wives and widows also granted an annuity by Edward I

¹see above, Chapter Two, p. 31.

²CDS ii, no. 870.

in 1296. Alice, wife of William de Lindesey, is one such example; she was granted 10 l as an annuity.¹ But Christiana, wife of John Vallibus, who was also granted an annuity in 1296-7 was not among the group of petitioners discussed above. Her grant was probably made to her early in 1297, as the large number of women's petitions were taken care of in the autumn of 1296.

It is in this same context of performance of fealty and petitions for restoration of lands (which seems to become a standardized procedure in 1296 in Scotland) that we have most of the names of churchwomen that are available. Most of these are on the Ragman Roll: Ada, prioress of Eccles; Alianora, prioress of Lencludan; Alice, prioress of Manuel; Anneys, prioress of South Berwick; Eve, prioress of Hadington; Mariorie (Marjorie), prioress of Halistane; and the prioress of St. Leonard-next-Perth.²

Among these, the prioress of St. Leonard petitioned the King for 60 s worth of land in Perth, which was granted.³ The prioress of Hadington petitioned for dwellings that she held in the vill of Berwick.⁴ Both of these are among the list of women petitioners to the King in September, 1296, and both may have been petitioning for personal holdings. Ada, abbess of Lastelleryk, had lands restored to her on 31st August, 1296, by the King's "special grace", presumably after she had done homage to

¹Rotuli Scotiae, 26a. ²CDS ii, no. 823.

³Stevenson, Documents ii, no. 385.

⁴Ibid.

Edward I.¹

K/ These, then, are all the names of churchwomen that we have for this period in Scotland, except for one further example. She was a nun at Coldstream Priory named Beatrice de Hodesak (Hodsoch) and we have slightly more information about her than about the abbesses and prioresses who were merely named in the homage rolls.

She is first mentioned in 1310 in a letter from Archbishop Greenwood to the Bishop of St. Andrews (William Lamberton), dated 10th June.² She had fled from Coldstream, where she had been "for many years", "because of the imminent war in parts of Scotland". Her prioress had not given her liberty to leave and she had escaped to an anchorite house near Doncaster. The Archbishop wrote to Lamberton asking his advice on how to deal with the "erring sheep" who had fled with "such rashness" and whom he now found in his diocese. In Lamberton's reply he excused Beatrice, saying that "because of the present war of the Scots, our good people are devastated and even carried away by (them)." Many had been scattered from religious houses, he said. The priory of Coldstream had been had been plundered and the nuns dispersed, and Beatrice was not able to return for fear of her life. Therefore he recommended that she be given five quarters of grain a year for her sustenance.³

From Lamberton's comments it seems probable that many

¹Rotuli Scotiae, 24b

²Letters from Northern Registers, no. 123.

³Ibid., note 1.

of the women in religious houses in Scotland were affected by the war like Beatrice and were forced to flee to safer regions. Coldstream itself suffered much damage in the war.¹

As part of his rehabilitation programme for Berwick after its capture in 1296, Edward I had a survey made of its burgh tenements during 1297.² Included among the names of those holding tenements are several women. An "empty place" was described as once belonging to Margaret Salle; the holding was 18 paces wide and 78 long and she had rented it by the year. Mariota Rede had rented a holding for 4 d a year. Alice de Monachis had also rented a holding ("burgus diruptus"), with a house with cellar and balcony near the Hidegate and a cellarage near "le Nesse". A large holding (108 paces by 252 paces) and now empty has been rented for 19 d a year by Isabella le Taylour and two men, Thomas MacOffoke and Andrew le Gras. (She may be the same Isabel who was the widow of David "le Taillur" on the Ragman Roll³ and who had her land restored to her on 3rd September, 1296.⁴) These women who rented holdings in Berwick are probably indicative of other women with similar holdings in other burgh towns. They are also likely to have been widows, identified only with a surname as they all are,

¹Stevenson, Documents ii, no. 358; Coldstream Chartulary, p. 77.

²Stevenson, Documents ii, no. 418.

³CDS ii, no. 823.

⁴Rotuli Scotiae, 26a.

or possibly women who had inherited the described holdings. At least one of these women, Margaret Salle, who held an "empty place", may have either been dead or had fled from Berwick.

Another woman with a holding in Berwick had been granted it by the King. This may have been some sort of marriage grant and part of Edward's campaign to build up Berwick as an English town with English burgesses.¹ Gunnora and her husband, Adam the Armourer, petitioned the King about her holding in Berwick in 1297, saying that the parson of Ford and Walter de Goswyk, bailiff of Berwick, were demanding four marks a year for it, which she claimed she ought to have been quit by the King's charter for 20 s. "And the aforesaid parson and Walter distrained her from day to day for the aforesaid four marks, so that she could not dwell in the aforesaid." She had obtained a writ that the parson and Walter were to cease their demands, but "they did not cease. . . (and) have distrained her greviously."² She petitioned the King that she might hold the tenement in peace.

During the last years of the 1200's petitions from women in Scotland to Edward I continued. Usually these were for some sort of financial aid. On October 3rd, 1297, the sheriff of Warwick and Leicester was commanded to allow Isabel Comyn, countess of Buchan, to fell underwood in the wood of Whitewick (Leicestershire) to the amount of 10 l "for her sustenance". On November 18th she was allowed

¹Barrow, RB, 100.

²Stevenson, Documents ii, no. 149; CDS ii, no. 967.

to sell a further 10 l worth.¹ The countess of Buchan was evidently still in Edward's favour at this time. Our next reference to her is as a prisoner in 1306 (after Bruce's coronation).² The war also brought financial hardship to Johanna de Clare, countess of Fife. In 1299 she made an agreement with John de Hastings to whom she owed 960 marks which she could not pay "owing to the Scottish war" and the fact that Herbert de Morham (who had abducted her earlier in the year) had plundered her goods and chattels.³

The hardships of war were coupled with individual unscrupulousness in the story of Christiana, wife of William son of Galfrid of Haukerstoun, and her struggle with the Templars for her lands. The tale is told in detail in a 1354 charter.⁴ She was the daughter and heir of Robert the Scot and had three sons by her husband, William. As the administrative rights to her inheritance had passed to her husband upon their marriage, he took it upon himself to grant the land to the Templars for his lifetime in return for his maintenance. He and Christiana appear to have lived separately the rest of their married life; William "lived in the house of the Temple and the said Christiana his wife dwelt in a certain residence on the said property assigned to her though barely sufficient for the support of herself and her boys. . ." ⁵ While her husband lived, Christiana could do nothing to alter the situation, but upon his death she regained the administrative

¹CDS ii, no. 955. ²Ibid., no. 1851. ³Ibid., no. 1108.

⁴Edwards, Charter. ⁵Ibid., p. 18.

rights to her own lands. When William had died the Master of the Templars evidently decided to secure his hold on the property, perhaps reckoning on Christiana's ignorance of her right to it and he informed her that he had bought the land from her husband and that she would have to leave. Christiana was having none of this: "this (she) controverted and expressly denied, declaring to him that her husband neither sold to him the said land nor could in any manner do so, as that land was her property and not her husband's."¹ Obviously women who were land-owners in this period were prey to such dangers and needed to be well informed of their legal position.

But having a knowledge of the law and one's rights was not insurance against the threat of physical coercion. When Christiana denied the Templars' claim, the Master called upon his followers to forcibly evict her from the house. They dragged her to the door, but "when she had reached (it) she put her arms in the vault of the door and thus twining them she held on firmly so that they could not pull her forth." Christiana was a strong woman in many ways, but she was no match for the men under the Templars' Master: "Seeing this one of the followers of the Master drew out his knife and cut off one of Christiana's fingers, and they thus forcibly and wrongfully expelled her, wounded by the amputation of her finger, sobbing and shrieking, from her home and heritage, and the Master foresaid in this manner intruded himself by main force

¹ Ibid., p. 18.

'de facto', seeing that he could not do so 'de jure'."¹

Christiana, however, took the matter before Edward I, who was "greatly moved", and she won the case and had her lands restored to her. But when the war broke out "the gates of justice were closed".² The Templars again evicted Christiana and took possession of her land. In 1298, at the time of the Battle of Falkirk, Christiana's eldest son and heir, Richard Cook, heard of the same Templars' Master coming into the area leading a troop of Welshmen who were serving under Edward I against the Scots. Richard went to the Master to demand the return of his mother's land, but the Master had him murdered. The Templars kept the land until 1309 and dissolution of the Templars in Scotland. Under Robert I, Christiana's next son finally managed to regain his right to the land.³

This story, although it may have been embroidered in its retelling in the later fourteenth century, shows the brutal reality of the dangers any land-owner had to face, especially, as in this case, a widow. The war increased these dangers and often there must have been no recourse to the law or courts of justice for a women in Christiana's position; it was simply a matter of survival.

Throughout this period of war we have cases of women who petitioned for the release of their husbands captured in various battles or who travelled to Scotland to ransom them. One such case occurs early in 1299 after the Battle of Falkirk in July, 1298. In April, 1299 Maria (Mary) de

¹Ibid., p. 18.

²Ibid., p. 19.

³Ibid.

Argyll managed to effect a prisoner exchange between the Scots and the English. At her "prayer", her husband, William fitz Warin (a prisoner "on the King's behalf") was to be exchanged "body for body" for Henry de Seintcler (Sinclair), and nine other English prisoners exchanged for nine other Scots prisoners.¹ Three days later, on the 10th April, she obtained a protection and safe-conduct until Ascension Day from the King that she might travel to Scotland to see her husband.²

During the summer of 1299 the Scots raided as far as the outskirts of Edinburgh.³ They were aided by a woman, Margaret of Penicuik, and her son Hugh.⁴ Margaret's name appears on the Ragman Roll ("Margarete de Penicoke").⁵ Having done homage to Edward I and having had her lands restored to her,⁶ she was then among the women who petitioned for aid in September of 1296.⁷ She was the widow of Nigel of Penicuik and stated that she had been widowed for twenty years. She asked for 20 marks for the land that had been her dower, which was granted. But by 1299 she was working actively against the English. A letter from John de Kingston, constable of Edinburgh Castle, written on 9th August, 1299, to Walter de Langton, Lord Treasurer of England, describes her activities.⁸ She had apparently taken in her son (Hugh) "who is against the peace" and de Kingston

¹CDS ii, no. 1062. ²Ibid., no. 1104.

³Barrow, RE, 151.

⁴Stevenson, Documents ii, no. 527.

⁵CDS ii, no. 823. ⁶Rotuli Scotiae, 26a.

⁷Stevenson, Documents ii, no. 385. ⁸Ibid., no. 527.

reported that "other ill-doers were there harboured and received."

Margaret of Penicuik, therefore, is another Scottish woman whom we know fought actively for the Scots cause. She is especially interesting as an individual who had come to Edward's peace in 1296. Three years later, even after monetary aid from the English King, she had allied herself firmly to his enemies. Her actions, interesting as they are representative of women's involvement in the war, also reflect the building momentum of feeling in Scotland against the English forces.

By 1300, Edward's line against the Scots "rebels" had begun to harden. Those Scots who had come to his peace in 1296 had had their lands restored easily, but by this time it was becoming increasingly difficult to disassociate oneself with the appellation "rebel" once it had been applied. Individual cases were being weighed more carefully after the rebellion of William Wallace and the carnage of Falkirk in 1298. The war in Scotland now seems to be a matter to be taken more seriously by Edward than perhaps it had been before. In 1299-1300, Adam de Twynham, "a Scotsman and liege", had taken Edmund de Twynham and Isabella ("his own sister") into England without a warrant. Edmund and Isabella were described as "enemies and rebels", but as they were then admitted by the King, Adam was pardoned for his offence.¹

The conflict continued. Throughout the war we see

¹CDS ii, no. 1154.

an increased involvement of the Crown in the welfare of widows. It was probably not an unusual involvement (for example, we have already discussed the Crown's remarriage of its tenants' widows and heirs) but with the upheaval and economic hardship caused by the war there are far more examples of this during the period of actual conflict. However, our references to women in these years before 1304 are sparse. In January of 1302 a nine-month truce was agreed upon, and during that period we have a complaint sent to Edward I by Margaret, widow of Robert de Ros of Werke. She had held in dower the manors of "Belestre" (Bellister) and "Playmelor" (Plenmeller) in the franchise of Werke in Tyndale for eighteen years but had been ejected from them by the Bishop of Durham, who had given the manors in fee to Brian fitz Alan. Although fitz Alan was one of Edward's important lieutenants working in Scotland, he commanded that there be a writ issued from the chancery to the bishop "to do justice".¹

The involvement of the Crown in the remarriage of widows was also coloured by the war. In 1303 Marie, who had been the widow of William Heroun, was given respite from the balance owed on a fine for her marriage to John Cambous, until "Martinmas next". This was apparently because Cambous had been killed in Scotland "in the King's service in Sir John Segrave's company."²

Also in 1303 a grant was made to Clemencia, widow of John de Vescy, Junior, and to Isabella, widow of John de Vescy, Senior, of all the forfeitures of their tenants in

¹CDS ii, no. 1339. ²Ibid., no. 1388.

the manor of Sprouston.¹ Obviously, as lands of Scots continued to be seized and redistributed to Edward I's supporters, some women were among those profiting by it, and again we see provision made for the widows of the Crown's tenants.

Throughout 1303 the Scots continued their guerrilla attacks against the English strongholds. In the autumn of that year John Comyn raided the Lennox as far as Drymen with as many as 100 mounted men and 1000 foot, prompting Margaret, countess of Lennox, to quickly send to Edward I for help. Comyn, she wrote, "has sent a large part of his host across the Forth into Lennox to destroy and ruin those persons who have come to your peace."² Here again we see a woman in an important position, active in the war, and this is a further indication that there were such women allied with both the Scots and the English. Now the women who were administrators of their own estates, heritage and/or dower, found themselves in the midst of military conflict. Some of these women, like the Countess of Ross for the English or Margaret of Penicuik for the Scots, took forceful positive action in one way or another, thrusting their own efforts into the conflict--as did many other important land-owners. Others, like the Countess of Lennox and many other women who petitioned Edward for monetary aid, girded themselves as best they could for survival. This was also true of many people who did homage to maintain or regain their Scottish lands, both in 1296 and in 1304.

¹CDS ii, nos. 1348 and 1399.

²Stevenson, Documents ii, no. 645.

1304 is another year for which we have larger than usual numbers of women's names. Again this is due to an extensive programme of homages and land restitutions, following the submission of John Comyn and other Scots magnates to Edward I. Throughout 1304 there are numerous examples of women mentioned in this context. In May the chancellor was commanded to restore her dower lands in England to Agnes de Blanctyr (Blantyre), "a Scottish rebel received in peace".¹ Sir David de Wemes (Wemyss) and his wife Margery were also termed "rebels" who had done fealty and to whom Margery's dower lands outside of Berwick were restored as a result.² Christiana, wife of Sir Ketel de Letham, also had her dower from her previous husband, Stephen Peisson, restored to her.³ Margaret, daughter and heir of Alexander Bonkill, had her heritage restored to her after she and her husband, David de Brghyn (Brechin), did homage,⁴ as did Alice, widow of Thomas de Soules. In Alice's case, her inheritance was from her uncle, John de Mulcastre.⁵

That the strictures concerning seizure of rebels' lands were thoroughly enforced is seen in the case of Elena de Prenderlathe, brought before a jury in 1304. She had been granted a holding in the lands of John Wyshard, worth 20 marks, for seven and a half years. This was for her service to the Queen of Norway, Edward's niece. She had only had the holding for half a year when it was seized because of John Wyshard's "rebellion". So, although Elena presumably had been uninvolved with the Scots herself, any land connected

¹CDS ii, no. 1544. ²Ibid., no. 1538. ³Ibid., no. 1584.

⁴Ibid. ⁵CDS iii, no. 1594.

to a Scots "rebel" was seized, regardless of who was in temporary possession. Elena was petitioning to hold the land until the 140 marks in arrears were paid to her, "for she has had nothing else for the 8 years she served the late Queen of Norway, (the King's) sister's daughter, whom God keep."¹

The case of Elena de Prenderlathe brings up the interesting question of social class. The names of the women preserved in the documents of this period usually belong to what was obviously an upper, landed class. There are degrees of status and wealth within this broad group that we are able to discern to some extent, but we realise that we know next to nothing about the women who belonged to the much larger social group who worked the land or engaged in burgh trade and commerce, but who had no land holdings themselves. The war, however, affords us a few tantalizing glimpses of women who probably belonged to this group.

Elena de Prenderlathe, evidently, was from an important family to have obtained the position of serving woman to a member of the royal family. It is unlikely, however, that she had any holdings of her own, except those that she was given for serving the Queen of Norway. Still, in no way can we classify her as one of the broad "peasant" class that was also unlanded. But in 1304 we have the brief mention of a Matilda Scot who was sent to Stirling to make ropes for the King's siege-engines around Stirling Castle. She was included in a group of male rope-makers (Adam son of William

¹CDS ii, no. 1596.

"le Ropere", Henry Bonkk", and Alexander Scot, who was probably a relation to Matilda) who were paid 3 d a day, while she was paid 2½ d.¹ A pay roll of the army in Scotland and the north of England for 1303-4 mentions "10 men and a woman making ropes" as having been paid.²

Matilda Scot certainly belonged to that large class of Scottish society about which we have so little specific information. Later in the war period there are names of two other women who probably were also members of this class. In a 1310-11 list of persons to whom money was due for "flesh and fish bought for the King at Berwick by William de Burgo" is included the name of Ewstacia (Eustacia) Brice. She was owed 20 d for cod.³ And on 20th November, 1313, a misfortune befalling Mariota of Carlisle (before 1307) was given "royal attestation". She apparently had been passing through Edward I's army on its march to Scotland when she tripped and fell among the wagons and the wheel of one of the wagons had cut off her right ear. Mariota may have been a person of rather more status and influence than the previous two women, as she gained this recognition of her misfortune from Hugh le Despenser, albeit at least six years later.⁴

The two women engaged in the trades of making ropes and selling fish clearly belong to a very different social group than most of the women about whom we have information in this period. But it would seem that women were active members in that society as well. We can make no comparisons

¹CDS ii, no. 1589. ²Ibid., no. 1599.

³CDS iii, no. 209. ⁴Ibid., no. 343.

here between classes as to opportunities for women to participate actively in society, as in trade or in land-owning, because of the lack of sufficient evidence. But these small shreds of information we have about the lower classes are all the more important as there is so little evidence that survives at all, and the fact that we have these individual women named in the documents is significant.

In 1306 Robert Bruce rose up against Edward I in earnest and the murder of John Comyn in February set the wheels of revolution swiftly rolling. Bruce was crowned (for the second time) by the Countess of Buchan on Palm Sunday, March 27th. She was about twenty, the sister of the young Duncan earl of Fife. Her participation in the ceremony of the King of Scotland's coronation as a member of the clan MacDuff "meant that at least a part of the ancient tradition could be retrieved"¹ and accordingly the second ceremony was held because of her significant and symbolic involvement. The overriding factor here was her kinship tie, not that she was a woman--the same attitude we have seen with regard to women throughout our period, whether they are involved in questions of inheritance or land-owning disputes or carrying on trade.

Edward I was taken by surprise by the uprising of Bruce² and greatly angered by the murder of Comyn. In April he had appointed Aymer de Valence as his special lieutenant in Scotland with "wide and drastic powers".³ De Valence was sent under "the terrible dragon banner,

¹Barrow, RB, p. 213. ²Ibid., p. 214. ³Ibid., p. 215.

which meant that no mercy would be shown"¹ and the war now entered a particularly brutal period. The slaughter and persecution that followed was part of a "new and deliberate policy of terrorizing the Scots into submission."² Part of this vicious campaign was the capture of Bruce's wife, his two sisters, his daughter who was 12 years old, and the Countess of Buchan. Professor Barrow says, ". . .the peculiarly maniacal quality of King Edward's vengeance has always seemed most startling in his treatment of the women prisoners."³ Bruce's wife (Elizabeth de Burgh) was confined in the manor house of Burstwick in Holderness with two women companions, "elderly and not at all gay."⁴ She later sent a complaint to Edward and said that "though he had commanded his bailiffs of Holderness to see herself and her attendants honourably sustained, yet they neither furnish attire for her person or her head, nor a bed, nor furniture of her chamber. . . ." She asked that he amend the situation, and pay her servants, or that she be allowed a yearly sum for her sustenance.⁵ In 1311-12 she was moved to Windsor,⁶ and 10 l was paid to John de Bentle for her expenses.⁷ In February of 1312-13 she was allowed 20 s a week for the support of herself and retinue at Shaftesbury (Shaston).⁸ On March 12th (1313-14) the King commanded

¹Ibid. ²Barrow, RB, p. 228. ³Ibid., p. 229.

⁴F. Palgrave, Docs. Hist. Scot., p. 357.

⁵CDS ii, no. 1963.

⁶Foedera, ii, p. 155; CDS iii, no. 239.

⁷CDS iii, no. 299.

⁸CDS iii, no. 305; Foedera ii, p. 201.

that she be moved from the abby of Barking to Rochester Castle "where the constable is directed to assign her a sufficient chamber and 20 s weekly for expenses. That she may take exercise within the castle and the priory of St. Andrew at suitable times, under sure guard."¹

The first of Bruce's two sisters, Christiana, formerly the Countess of Mar (her first husband was Gratney earl of Mar),² was the widow of Christopher Seton. She was sent to the Gilbertine nunnery of Sixhills in Lincolnshire.³ Bruce's other sister, Mary, and the Countess of Buchan were given the harshest treatment. They were put into cages of timber and iron which were placed within towers or turrets of Roxburgh and Berwick castles.⁴ They were forbidden communication with anyone except the English women who brought their food and drink and were "exposed to the mockery (perhaps also, occasionally the pity) of passers-by, treated for all the worls as though they were beasts in a menagerie, save that they were allowed the convenience of a privy."⁵ Isabel, countess of Buchan, was not released from her cage for nearly four years; then in 1310 Edward II allowed her to be removed to the house of the Carmelites in Berwick, and in 1313 she was placed in the custody of Sir Henry Beaumont.⁶ Bruce's sister Mary was later transferred to Newcastle. She was discussed as a possibility for various prisoner exchanges in 1310;⁷ in 1311-12 Philip de Moubray was

¹CDS iii, no. 354; Foedera, ii, 244.

²Scots Peerage, ii, pp. 434-5. ³CDS ii, no. 1910.

⁴Palgrave, Docs. Hist. Scot., pp. 358-9; Chron. Guis., p. 367.

⁵Barrow, RB, p. 230. ⁶Rotuli Scotiae, 85b.

⁷CDS iii, no 131; Rotuli Scotiae, 86b.

was to try to exchange her for his brother Richard; ". . .if he cannot effect this, (he) is to get what ransom he can for her, and apply it towards his pay in Scotland."¹

Bruce's young daughter, Marjorie, was also to have been put in a cage in the Tower of London, and not allowed to speak to anyone or be spoken to, except by the constable of the Tower.² But Edward later revoked this command and Marjorie was sent to the Yorkshire Gilbertine nunnery at Watton.³ Marjorie and Bruce's sister Mary were finally freed after Bannockburn in 1314.⁴

The winter of 1306-7 is somewhat of a mystery in the career of Robert Bruce. The immediate period following his coronation was a struggle for survival for Bruce and his followers, which included women in their ranks. Fordun says that Bruce was aided by a woman in that winter of 1306-7 to return to Carrick: ". . .with the help and by the power of Christiana of the Isles, a noble lady who wished him well. . ."⁵ Professor Barrow concludes that this Christiana is the Christiana of Mar who was the daughter and heir of Alan Macruarie, lord of Garmoran. She had inherited many lands and islands of the west--Knoydart, Moidart, Arisaig, Rum, Eigg, Uist, Barra and Gigha, and had married Duncan of Mar. Her husband had been the brother of Bruce's first wife and brother-in-law of Bruce's sister.⁶ The kinship tie may have been responsible for her assisting Bruce as she did. It is interesting to note that Christiana was an heiress of

¹CDS iii, no. 244.

²Palgrave, Docs. Hist. Scot., p. 359.

³CDS ii, no. 1910. ⁴CDS iii, no. 393.

⁵Barrow, RB, 241. ⁶Ibid.

substance and that in 1296 she is recorded as performing her own homage to Edward I.¹ On the Ragman Roll she is identified as Duncan's widow, which is probably an error² as Duncan himself is also on the Roll. It may be, then, that women with extensive holdings of their own did homage themselves for their own lands even if their husbands were alive.

Bruce was also helped to survive in Carrick in 1307 by another women, Christian of Carrick, who was "marvellously happy at Bruce's return" and who may have been his mistress.³ Bruce had natural children named Neil of Carrick and Christian of Carrick, which would suggest that this Christian who helped him in 1307 had at one time been his mistress.⁴ She was of "good family" and a kinswoman of Bruce, and she brought him forty men to add to his force.⁵

Edward I's harsher policy toward Scotland is also seen in the seizures of Scots' lands. Now mothers of Scots were being ejected from their holdings for their sons' rebellion. Cecilia, Stephen Pesson's mother, lost her dower lands in the manor of Berghby, in Lincoln, because of her son joining the Scottish forces.⁶ Ermina, mother of Christopher Seton (who had been hanged, drawn and quartered),⁷ was more fortunate and managed to maintain her dower, but on her death it was to revert to the King.⁸

¹CDS ii, nos. 308 and 823.

²Barrow, RB, 241, n. 3. ³Ibid., 243. ⁴Ibid., n.1.

⁵Ibid., 243. ⁶CDS ii, no. 1838. ⁷Ibid., no. 1839.

⁸Ibid., nos. 1861, 1904.

The sheriff of Roxburgh's report on September 12th, 1307, to the King about a dispute between Johanna de Wake and William Soules is a further indication of the unpleasant climate of the war at this time. In spite of instructions, neither William nor the Justiciar of Lothian nor the sheriff of Roxburgh had attended the dispute.¹ On September 12th the sheriff was responding to the repeated commands of the King to give Johanna her dower in the valley of Lydal and settle the matter. The sheriff reported that "nothing can be done, as William de Soulis is beyond seas² and has no goods in his district." He went on to say, "The poor tenants have fled into England with their goods for fear of the enemy."³

The atmosphere had changed again by 1310 when Edward II undertook his campaign in Scotland. In this year we begin to have more references in the documents to women again. (see Graph no. I) There are very few in 1308 or 1309; the death of Edward I may be the cause for this phenomenon, producing a possible decline in the efficiency of his administrative organization that had produced so much of the documentation available from this period.

Women are the frequent recipients of political gifts and monetary aid during this time. For example, in May of 1309 Edward II ordered that Johanna, widow of Roland le Mareshal, be given a gift of wine, although no reason for

¹McMicheal, "Feudal Family of de Soulis", p. 187.

²McMicheal suggests this means the Firth of Forth.

³CDS iii, no. 11.

or in France or
Ireland?

the gift is given.¹ These gifts seem to have been political in nature, for the most part, either for the widows of men who had performed some outstanding service for the King or women who had themselves supported the English cause. Margery, widow of Sir Duncan de Ferendraghe (Frendraught) (who had been sheriff of Banff and one of the Scotsmen who never submitted to Bruce),² was given financial support from 1310 until 1328 because her husband had been killed "in the King's service". In 1310 she was to be supported while at York;³ in 1311-12 she was given the Templars' manor of Wetherby in Yorkshire.⁴ She was given various monetary gifts in 1317 (40 marks),⁵ in 1319⁶ and 1319-20 (10 marks).⁷ As late as 1328 she was still receiving an annuity.⁸

Margaret, wife of Pieres Gavaston of Cornwall, also profited from her husband's services to the English Crown in Scotland, where she and her husband were granted Werke in Tyndale in 1311. In 1310-11 Edward II also gave Agnes countess of Strathearn the price of 2 qrs. of wheat for her support at Berwick and Maria Comyn, wife of Hugh Ridel, was given the value of 4 qrs. "for support of herself and family at Berwick."⁹ The 1314 case of Johane (Johanna or Joan), widow of Sir James de Torthorald, is a clear case of political repayment for her husband's services to the

¹Rotuli Scotiae, 64b. ²Barrow, RB, 272.

³CDS iii, nos. 147, 176. ⁴Ibid., no. 256.

⁵Ibid., no. 574. ⁶Ibid., no. 642.

⁷Ibid., no. 701. ⁸Ibid., no. 952.

⁹Ibid., no. 208.

English cause. On 8th December, 1314, she acknowledged her receipt of 8 qrs. of wheat and 10 qrs. of beans and pease from the King's stores at Carlisle "for the sustenance of herself and her children".¹ She was still being paid an annuity in 1327.²

Women are also frequently seen in the often complicated questions of forfeitures of Scots' lands during these years. Land was seized if any close relative of the owner was declared a rebel, as we have seen. Such a case occurred in 1309-10: Alexander de Balliol had held for his lifetime (apparently by the law of "curtesy") "the castle and manor of Chileham with all its manors in Kent and elsewhere", which had been the inheritance of his wife Isabella. (She was a co-heir of Richard de Chilham.)³ These had been taken from Alexander because of Isabel's son and heir, John earl of Atholl, had been hanged for treason.⁴ He had been present at Robert Bruce's coronation and was the victim of Edward I's campaign of vengeance that followed, being the first earl to be executed in England in 230 years.⁵ The attempt to free him on the plea that he was a kinsman of the King through his mother Isabel, who was a granddaughter of one of King John's bastards,⁶ was met with scorn by Edward I.⁷ Alexander de Balliol, then, as his stepfather, lost his right to John's mother's holdings,

¹CDS iii, no. 406. ²Ibid., nos. 789, 849, 935.

³Scots Peerage, i, 425.

⁴He was Isabel's son by her first husband, David earl of Atholl; she was the earl's second wife and she died in 1291-2. Scots Peerage, i, 425.

⁵Barrow, RB, 229. ⁶Comp. Peer., i, 305.

⁷Barrow, RB, 229.

which were granted to Bartholomew de Badlesmere and his wife Margaret. Alexander did receive monetary compensation for the lands and an annuity of 230 marks from the couple, after doing homage to them.¹

Agnes de Vescy is mentioned in another case of forfeiture in 1311-12. Her lands in "Appeltreriggs" were included with lands belonging to eleven other Scots "rebels" that had been granted to Robert Hastang (Hastings) "for his good service". Agnes and the others had regained their lands by submitting to the King, and the document lists lands of seven other Scots granted to Hastings instead.

Women are also mentioned along with their husbands in attempts to obtain forfeited lands. In a document Bain dates 1307-14, William de Lasceles and his wife Margery petitioned the King for the forfeited lands of Phillip the Scot and his wife, Elizabeth Andre.² And in June, 1314, a grant was made to Hugh le Despenser and his wife Alianora of John de Graham's forfeited lands.³

Women continued to have a direct involvement in the war throughout the period leading up to Bannockburn. In 1310, Isabel, widow of John de Vescy, who was apparently a strong supporter of the English throughout the war (she was the sister of Henry Beaumont and Edward II's cousin), was paid 4l 2 s 8 d for keeping Sir Adam de Moray as a prisoner in Bamburgh Castle from 7th November 1307 until 12th July, 1308.

¹CDS iii, no. 128. ²Ibid., no. 412. ³Ibid., no. 361.

An individual woman about whom we have only a single reference is an excellent example with which to end this phase of our discussion of women during the first War of Independence. In a list of forces dispatched by Edward II from York to the garrison at Berwick in August of 1314 is the name of Juliana de Coldingham, who is said to be a "spy" (exploratrix), and her maid.¹ This tantalizing mention of the female "spy" raises important questions about the participation of women in the war and the capacities in which they were involved.

Certainly, our many examples of women on both the Scottish and English sides show an active and important involvement; these women were not merely wives who kept the home fires burning while their men went out to fight and die, and who then became widows seeking pensions (although surely a large number of the female petitioners in 1296 fall into this category of war victims rather than that of war participants). The period up to, and indeed after, Bannockburn was a brutal one of tremendous upheaval, and women in Scotland joined the male members of their society in the struggle for survival. Perhaps more often than not this survival was of a personal rather than /"patriotic" nature. The countess of Ross joined the English fighting for the political leverage of freeing her husband. Margaret of Penicuik's raids against the English may have been local and territorial loyalty at work. The countess of Lennox's efforts on Edward I's behalf were certainly for territorial survival. We should remember, however, the countess of

¹CDS iii, no. 400.

Euchan whose involvement was definitely political.

These are all more dramatic and outstanding examples of individual women in the war; yet any consideration of this period of conflict brings one into contact with these women's names. What do their actions signify about the place in women in Scotland at that time? The less dramatic examples of women in the war seem consistent with what we have already observed about women's involvement in medieval Scotland's society. That is, a matter-of-fact attitude toward the individual. A person's sex seems relatively incidental in this period. Of course, there is the example of the female rope-maker who got paid $\frac{1}{2}$ d less than her male colleagues. How much of a case for female oppression can we build out of this, or, for example, out of the custom of forcible abduction? The order of medieval society was a hierarchy. That society's sense of oppression seems to have come more out of individual cases of economic injustice--seen in the land disputes and criminal cases in the courts--than from one's place in the hierarchy. Marriage, succession, land, political power were of more immediate and vital concern to Scottish society.

CHAPTER FOUR

WOMEN AND THE REIGN OF ROBERT I

1314-1329

The war with England continued in substance until 1328 and the Treaty of Edinburgh. But the character of the struggle was so changed after Bannockburn that it is appropriate to consider the final fifteen years of our period in the context of the reign of Robert Bruce as Robert I, King of Scotland, and to explore what the situation for women was like during those fifteen years.

As the state of conflict went on, many of the circumstances in which we find women continue to be related directly to the war. Particularly interesting are the cases of wives who travelled to Scotland to seek the release of their husbands or other male relations who had been taken prisoner there. One such woman was Margaret Fresel (Fraser). (She may be the same woman who is identified as the wife of Gilbert Fraser in 1296¹ and later as his widow²) In September of 1314 she was given a safe-conduct to go to Scotland to petition for the release of Gilbert Peche.³ She is identified as the wife of Egidius (Giles) Peche, so Gilbert was probably a kinsman of her

¹Rotuli Scotiae, 35a.

²Palgrave, Docs. Hist. Scot., 142.

³Rotuli Scotiae, 134b.

husband. In November of 1314 she was given another safe-conduct to go to Scotland to petition for a William Peche's release, presumably another relative.¹ The following March she was given a safe-conduct back to England "from the King's business" along with a valet and her maid servant, Lora de Wodeforde.² We have no further information on the success or failure of her mission.

In October of 1314, Margery, wife of David de Brechin, was also given a safe-conduct to Scotland to see about the release of her husband. She was the daughter of Alexander de Bonkill and had first been married to John Stewart of Jedburgh or Bonkill, who had been killed at Falkirk.³ She was definitely not successful in her attempt to rescue her husband from Scotland. David de Brechin was "a brave and gallant knight who had distinguished himself in 'Balliol' or English service" against Bruce before Bannockburn.⁴ He was convicted of treason at Scone in 1320 with the "Soules conspirators" and was condemned to hanging and beheading at Perth.⁵

These efforts on the part of various women to win the release of their husbands continued into the 1320's. In 1322, Margery, wife of John de Gosewyk, was given a safe-conduct to Scotland "to ransom her husband, a prisoner there."⁶ The regular Scots raids into the north of England throughout this period provoked a petition from "six poor

¹Rotuli Scotiae, 134b. ²Ibid., 140b.

³Scots Peerage, ii, 221.

⁴Barrow, RE, 430. ⁵Ibid.

⁶CDS iii, no. 789.

women of Ripon" to the King in 1324 about their husbands who were hostages in Scotland. They had been captured following a raid on the liberty of Ripon; the raiders would have burned the town and church but for the hostages, said the women, and they now feared their husbands would die in prison if nothing were done. The King commanded that a "formal letter" be sent to the Archbishop of York about the matter.¹

It is particularly interesting to see the system of political pressures and rewards resulting from the war in which women were involved during this time. For example, in 1328 Johanna, wife of David Bruce and also Edward II's sister, was instrumental with her husband in obtaining the pardon of Adam son of Richard of West Swynburne for his support of the Scots during the war.² In 1314 the King promised to pardon Thomas de Veer for marrying Agnes, widow of Pagan Tybetot, without a license, if he maintained "at his own cost" 20 men-at-arms for the defence of Carlisle against the Scots from 1314-15. In 1315 the pardon was granted, de Veer having fulfilled the bargain.³ It is significant that we see here control of a widow's remarriage being manipulated for political and, in this case, military gain. In 1314 Sir James de Perriers was pardoned for marrying Ela, widow of Sir Griffith de la Pole, and released from his fine of 100 marks, "as he has since been made prisoner in Scotland and ransomed."⁴

¹CDS iii, no. 858. ²Ibid., no. 964.

³Ibid., no. 468. ⁴Ibid., no. 382.

Other political rewards that women frequently benefitted from were for their husbands' military services. For example, in 1318 a grant was made, "for his good service, and a certain sum paid 'in camera'", to Sir William de la Beche and his wife Euphemia. They gained all the lands that Maria, widow of Edmund Comyn, held in the heritage of Euphemia and her sister Maria. (That her inheritance was involved makes clear the reason for Euphemia's name being included in the grant.) The King had seized the lands because of Maria Comyn's reported adherence to the Scots.¹

In 1327, Meliora, widow of Gilbert de Glyncarny, was granted 20 l a year, also for her husband's good service. She was "without means".² The financial problems and hardships caused by the war are responsible for many of the references we have to women during this period. In 1328, Meliora again petitioned the King, saying that she and her children had been disinherited "for their great loyalty to the King's ancestors and to himself", and reminding him of the aid her husband had given him during the war.³ The King, "taking pity" on her, granted her 20 l a year for her life-time.⁴

In 1315, Beatrice of Perth petitioned the King for financial assistance. She had received nothing of the 124 l from Edmund Hastings or the 20 l from John son of Marmaduke that the King had commanded be given her. She besought him to "take pity on her, she having lost her husband and all her worldly goods" because of her allegiance

¹CDS iii, no. 595. ²Ibid., no. 939.

³Ibid., no. 950. ⁴Ibid., no. 951.

to him, and she reminded him that she had been his hostess "of the town of St. John."¹ In June of 1315 she was given 10 l for her relief,² in 1316, 10 marks,³ and in 1319-20 she was given 40 s.⁴

In 1318, Maria, widow of Edmund Comyn petitioned the King for a safe-conduct back to England, "being in fear of her life where she is." She said that after her husband had been killed at Stirling, she went to Scotland under the King's safe-conduct. While she was there, Gilbert de Middleton "raised war in Northumbria" and destroyed her possessions there, so she had remained in Scotland "with a friend who supported her." She had now "bought some beasts and other things to live on" and wished to return to England.⁵ As it turned out, Robert I did justly by her; she was later provided for in Scotland "until she can recover her rightful dower according to the assize of the land"⁶, which she had lost to William de la Beche and his wife.⁷

An inquisition post mortem held in April of 1324 ascertained that Ingelram de Gynes (Enguerand de Guines) had held half ^{the} a barony ^{of} in Kendal through the heritage of his wife Christiana, who was still alive. The holding had suffered much from the ravages of war and the document states: "The chief manor is on the island le Holme in the lake of Wynandermere, and is worth nothing, as it needs great

¹CDS iii, no. 436. ²Ibid., no. 437.

³Ibid., no. 504. ⁴Ibid., no. 701. ⁵Ibid., no. 627.

⁶Barrow, RB, 393. ⁷See above, p. 123.

repair."¹ A similar inquisition held in May of 1324 as to the manor of Moureholm in Lancaster "and other lands", also part of Christiana's heritage, stated: "Bestial all dead of murrain or carried off by the Scots."² Christiana was given a safe-conduct to Scotland that July to see to her "affairs" there, her retinue not to exceed 40 horse.³

And in the summer of 1323, Elizabeth countess of Angus petitioned the King for 50 l he had granted her which had not been paid. She also wished to be released from a debt "for vituals" she had bought at Newcastle, and she explained that her lands in Northumberland "are utterly wasted by the Scots, and the tenants dead or ruined. . ." She said she made the petition "that she be not put to shame in her old age."⁴ (By 1328 she was dead.⁵) The King commanded that the countess be paid her annuity of 50 l, but that it be ascertained first whether the tenants of the vills required to pay her "shall be sufficient persons, and not such as have been ruined by the Scots."⁶

Women were having various problems with their land holdings during this period because of the war. Adam de Kyrkeby and his wife Lucia held land in frank marriage by gift of William de Paxton, once worth 66 s 8 d, but "now nothing" in 1315 because of "hindrance by the rebels."⁷ In 1318-19 Christiana and her son John Mautalent lost their holdings to Thomas Gray, forfeited as they were "rebels with the Scots."⁸

¹CDS iii, no. 837. ²Ibid., no. 838. ³Ibid., no. 842.

⁴Ibid., no. 819. ⁵Ibid., no. 968. ⁶Ibid., no. 820.

⁷Ibid., no. 461. ⁸Ibid., no. 635.

In 1317 there was some confusion over grants to Margaret, widow of John Comyn, and to Margaret, widow of Pieres de Gavaston. Margaret Comyn had been granted the manor of "Harewelle" which had later also been included in a grant of lands given to Margaret Gavaston for her life. The solution was to give Margaret Comyn 30 l yearly, because of her husband's "good services" and because his lands in Scotland were "laid waste".¹

But in spite of these upsets and confusions over land, the basic legal processes seem to have continued intact. We begin to see a resurgence of the types of land-related cases that were so numerous before 1296. These are basic and typical questions of inheritance, marriage grants, land disputes, that we are already so familiar with from that earlier period. It is significant that we see a multiplication of this type of situation, in which women were most often involved, during these last fifteen years of Robert I's reign. This is probably due to his feudal conservatism that was so important in the re-establishment of the old processes of land-owning. We do not, therefore, see any definite change in the situation for women as land-owners or their involvement in land-related matters during this final period. Rather, we see them in circumstances that hark back to the period prior to the war. Land-owning as it had been in that period continued throughout the war, but it had been overshadowed by the upheaval of the conflict and such things as the forfeitures of Scots' lands.

¹CDS iii, no. 551.

Grants involving forfeited lands did help to re-establish the old patterns as well. In 1318 John de Cauntone and his wife Alicia petitioned for a marriage grant that had been given to Alicia and Thomas de Soules, her previous husband, by William de Soules. It had been seized because Thomas had joined the Scots. As Thomas had died, Alicia and her new husband sought the restoration of the lands.¹ In 1328-9, we have a standard marriage grant being made, such as was typical throughout the period: Richard Lovel granted two manors in Somerset to his son James Lovel and his wife Elizabeth, provided they had lawful heirs of their bodies; if not it was to revert to Richard.² An agreement made between Sir Murdac de Menetethe (Menteith) and Sir William de Ferrars in 1316-17 was very similar to such a marriage grant. De Ferrars granted his manor of Groby in Leicestershire to Menteith, who thereupon regranted it to de Ferrars and his wife Elizabeth; if they failed to have heirs of their bodies then the manor was to revert to Menteith.³

The situations related to questions of marriage during this period are also very similar to what we have already seen. In a 1316 land extent Philip de Lindesey is described as holding his dead wife Beatrice's manor of Wykingby "for life, by the courtesy of England",⁴ another example of that law being put into practice. Another custom related to marriage that we see again is that of abduction. In 1315, William de Montacute sent three knights and 36

¹CDS iii, no. 614. ²Ibid., no. 977.

³Ibid., no. 534. ⁴Ibid., no. 498.

esquires to rescue the Lady de Clifford "ravished by John le Irreys at Bernard castle" (i.e. Barnard Castle, County Durham). They seem to have persisted in the rescue attempt for nearly a month, but apparently then returned to the King without achieving success. This case indicates that in spite of the social upheaval the war had caused, basic social customs continued in much the same vein as they had done before the war.

Questions about inheritance reflect this as well. We see disputes over succession and complaints of disinheritance, as well as standard cases of inheritance, none of which display any marked change for the involvement of women. Johanna, wife of David earl of Atholl, is a good example of this: she was the co-heir of Adomar Comyn in 1316 (as his aunt);¹ in 1326 she was declared co-heir of John Comyn (as his sister).² The same processes and rules governing inheritance that we observed previously are seen to be in continuation here.

It seems possible to conclude, then, that the involvement of women in Scottish society continued on much the same basis throughout the whole of our period. Because of the war we are able to see women in a different context from that in which we would have done otherwise. We see individuals acting positively in crises, not merely as victims of them, and are able to glean more of individual personality than is the usual case. These final years after Bannockburn reveal the hardships that had to be coped with,

¹CDS iii, no. 512. ²Ibid., no. 886.

the attempt to settle the upheaval as the old patterns of society's life re-emerged and a primary feudal concern with the land returned to the fore. The fact that we do see this return is vital to our understanding of women's place in society. Although a consideration of this period of Scotland's history attracts one's attention more immediately to women like the countess of Euchar and Agnes of Dunbar and the political role women played in Scottish history, it seems that only by an in-depth consideration of women's involvement in other basic aspects of society's workings will it be possible to understand women in the political realm. That we have so many specific examples of women actively involved in the war, both for the Scottish and the English, is extremely significant. But that there is also such an extensive involvement of women in society as land-owners is an indication that the social position of women was perhaps a more important factor in medieval Scotland's history than has been realized.

CONCLUSION

All that need be said in general about the status of women is that the widow or spinster was an unfettered litigant, while the married woman was unable to appear without her husband, whom she was bound to obey; as it was crudely said, she was under his rod (sub virga sua).¹

Thus does C. T. Flower dismiss any further discussion of women's status in the Middle Ages. The recent upsurge of interest in women in this historical period, however, shows that it is not a simple topic so easily discounted as by Flower.

We have seen that the evidence we are dealing with is of a limited nature. In the confines of this particular period we are fortunate to have a greater abundance of documentation than is usual for Scotland in the thirteenth century. We have been able, therefore, to amass information on numbers of individuals that, but for documents like the Ragman Roll, would not otherwise be available to us. Often this evidence is no more than a name, but the use of the matronymic, for example, reveals that women could be regarded as a serious and important element of the society. This conveys a sense of social respect for the woman with wealth, which in medieval Scotland meant the land over which a person had power.

¹C. T. Flower, Introduction to the Curia Regis Rolls (Seldon Society, 1943), p. 235.

"Social position" is a nebulous concept. We cannot define it easily in any society, in any historical period. A society is composed of many different levels; it is a complex organism. And, as the evidence for medieval Scotland limits us in general to a study of members of that class which held land, although these holdings may have been quite small,¹ we are even further restricted in the conclusions which we can draw about the society as a whole.

This examination of women's social position in medieval Scotland shows us a substantial proportion of the population and its involvement in a feudal kingdom. Land was of the utmost importance in this feudal society and the circumstances in which we find women reflect this. Situations related to some aspects of land-owning are those in which women are more often involved than any other. We have seen that their participation in this realm as land-owners was very extensive and that women were frequently active in society in this capacity.

It is apparent that the prominence Canon Law held in Scotland and the less complex laws (as compared to those in England) governing land-owning were to the advantage of women there. The importance of the family unit as a whole in Scotland was also certainly to their benefit.

Women are also seen as active participants during the war. This is the sphere in which they have been most usually noted by historians prior to now. Incidents politically important to the course of Scottish history brought individual women into focus. But there has been no examination of the milieu from which these individuals emerged into the dramatic

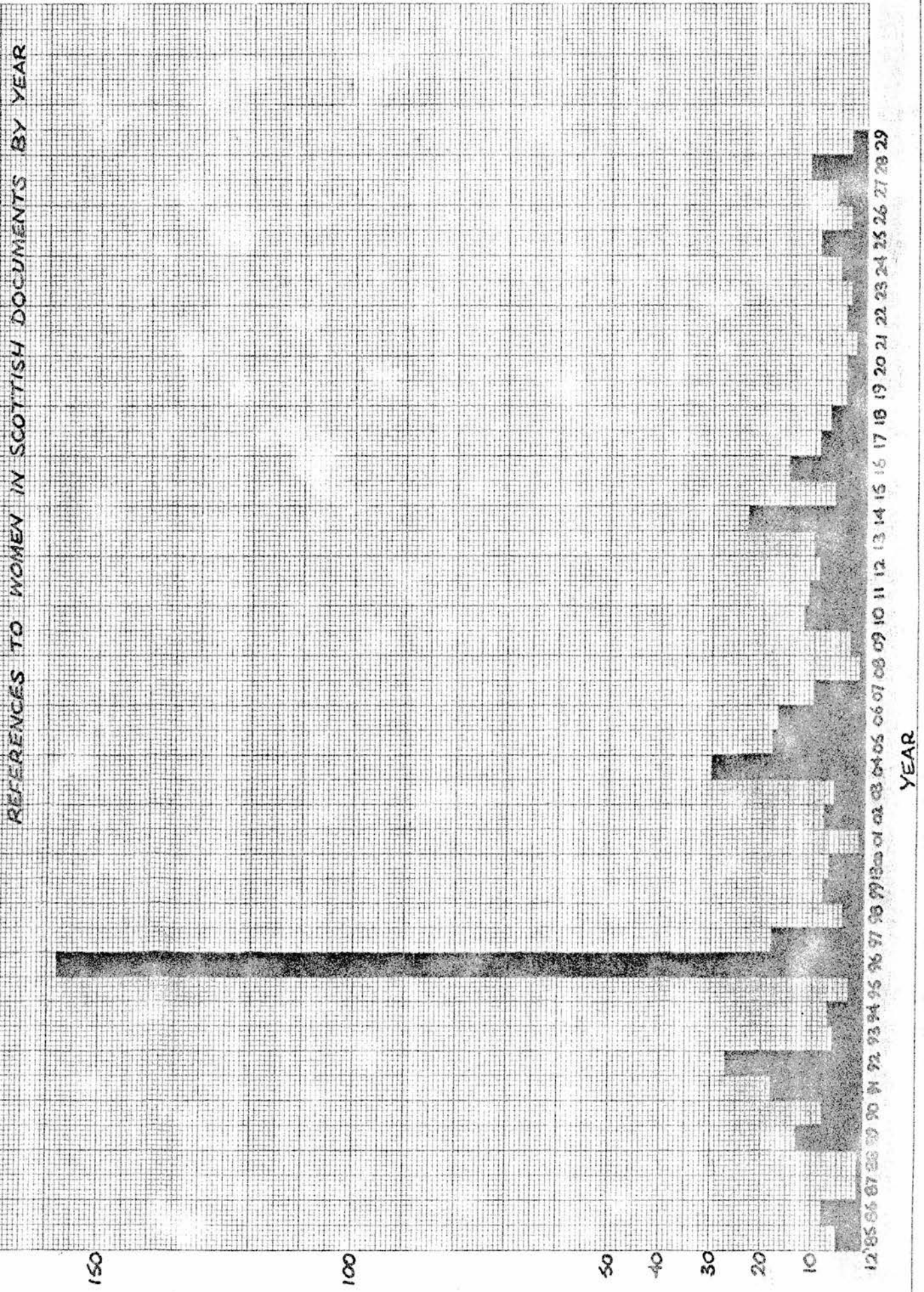
¹Barrow, RB, 23.

light of the political realm. It is hoped that this paper has revealed the broadly based nature of women's active involvement in the construction of Scotland's society.

Like all research, this study has served to open doors to further research. This is especially indicated in the area of the law. It appears that much may be gained from an in-depth study of women and legal history over a somewhat broader period, comparing the situation in Scotland to that of England and the Continent.

In conclusion, we must realize that this is not an ultra-specialized topic, but one that is vital to the whole of medieval Scotland's social history--and one that is due serious reconsideration by historians.

Graph I

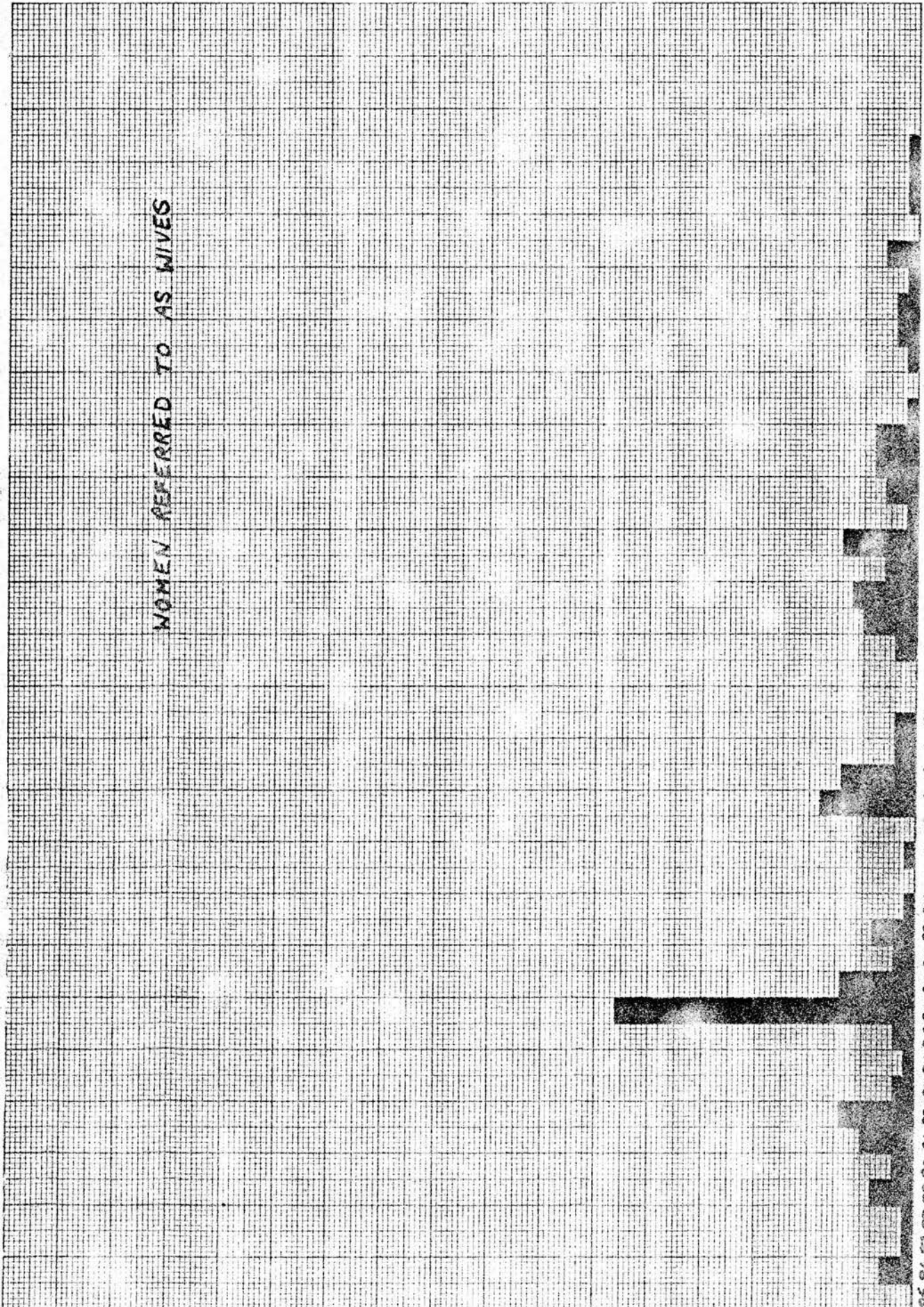


Graph II

WOMEN REFERRED TO AS WIVES

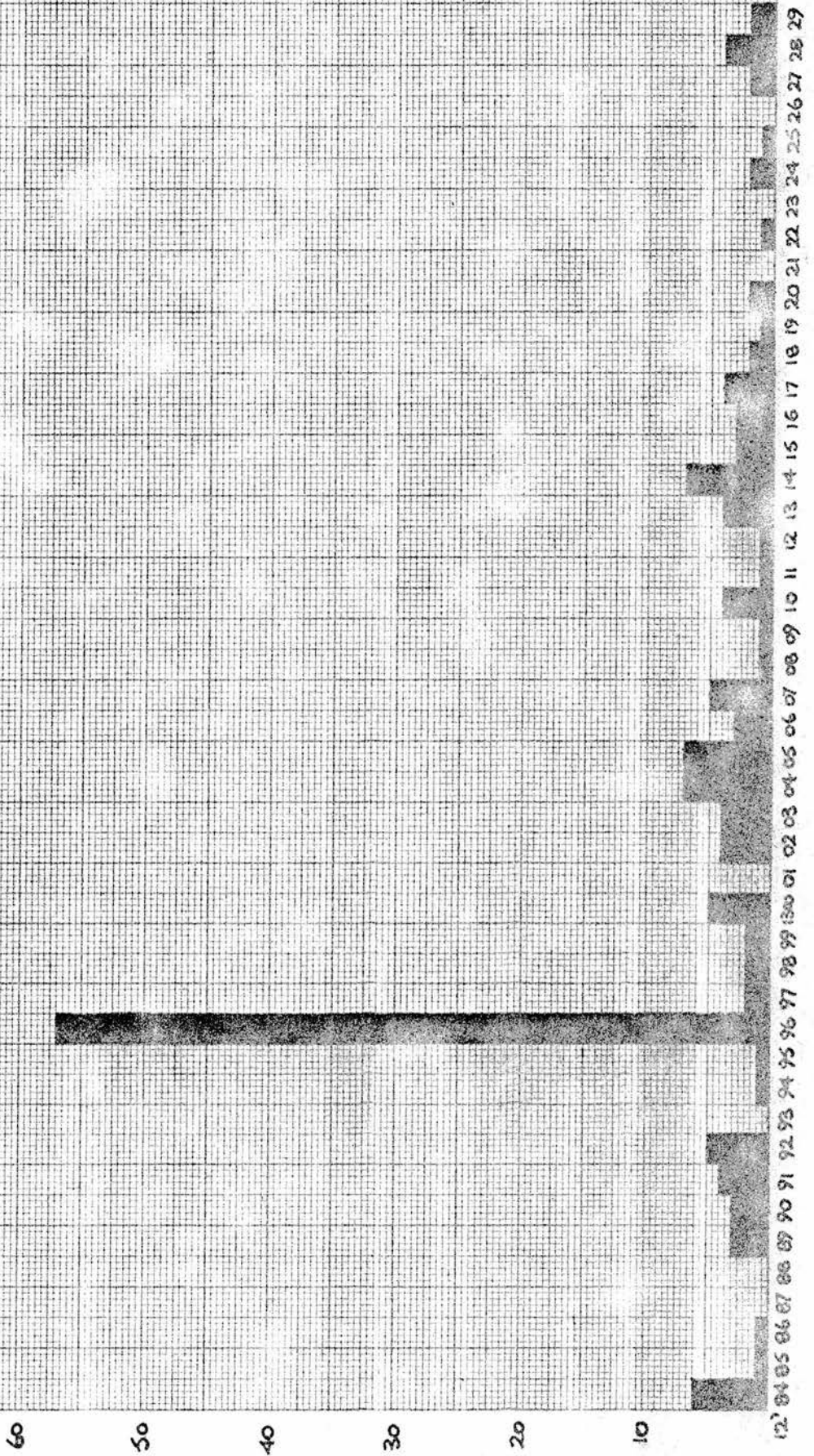
50
40
30
20
10

12 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29



Graph III

WOMEN REFERRED TO AS WIDOWS



Graph IV

REFERENCES TO DOWER

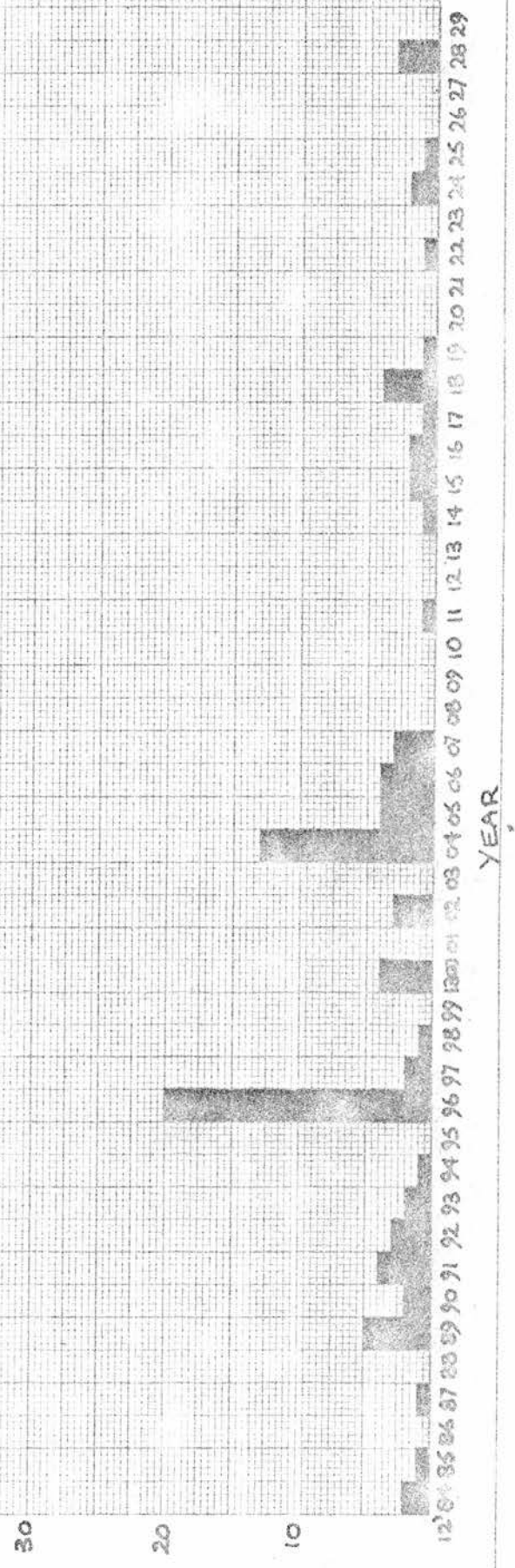


CHART I (From J.H. Round, "Comyn and Valoignes", Ancestor 11; p. 133)
(relevant names capitalized)

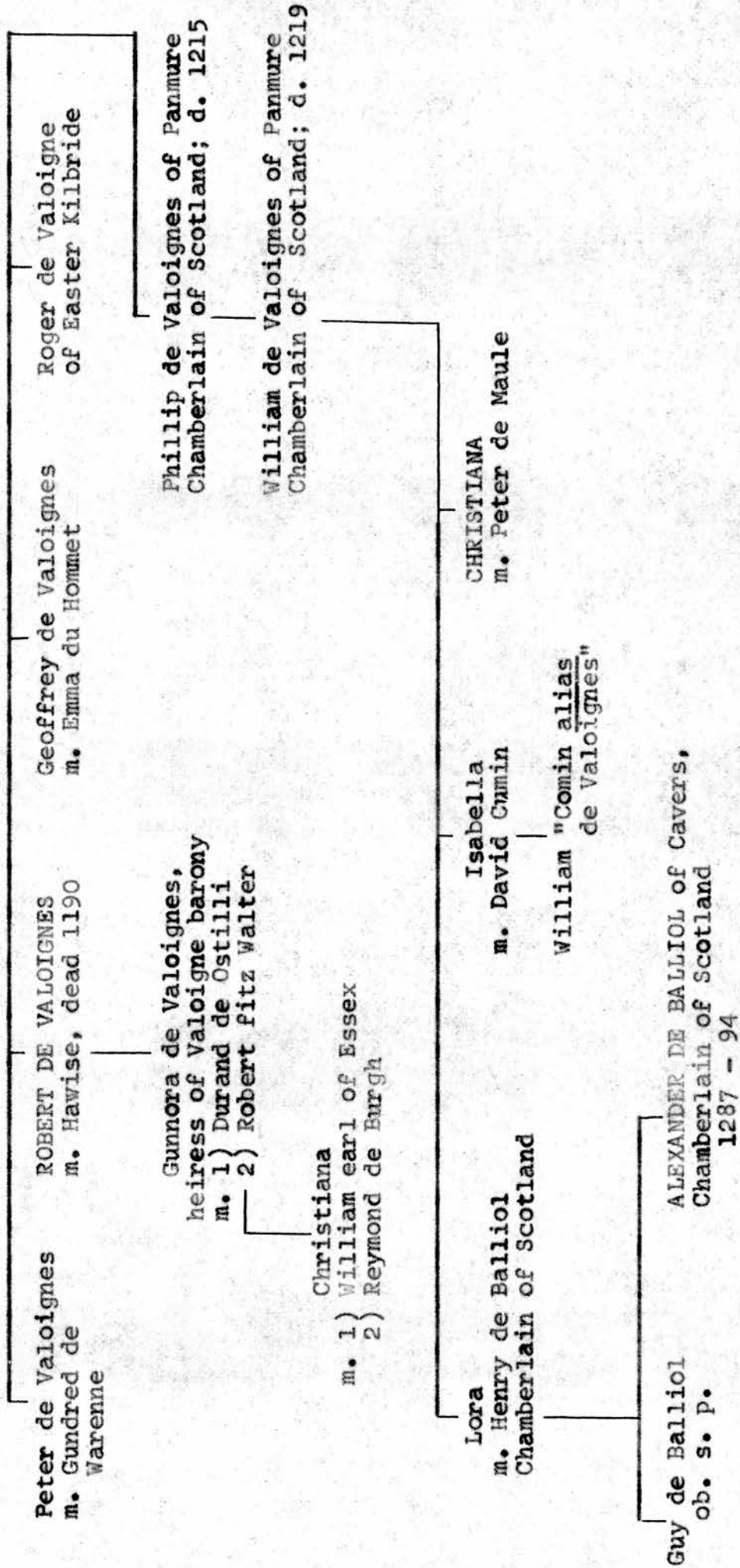
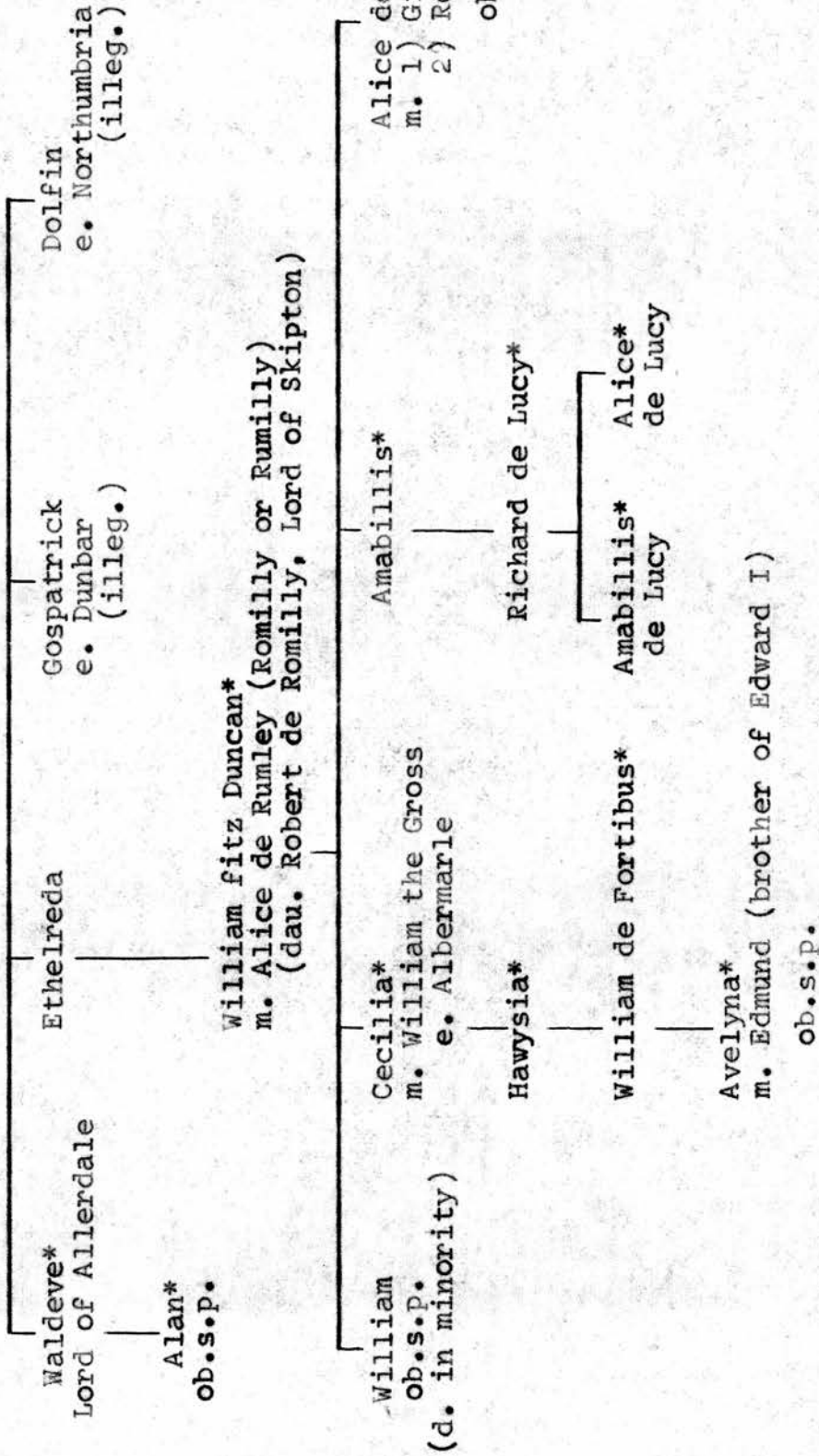


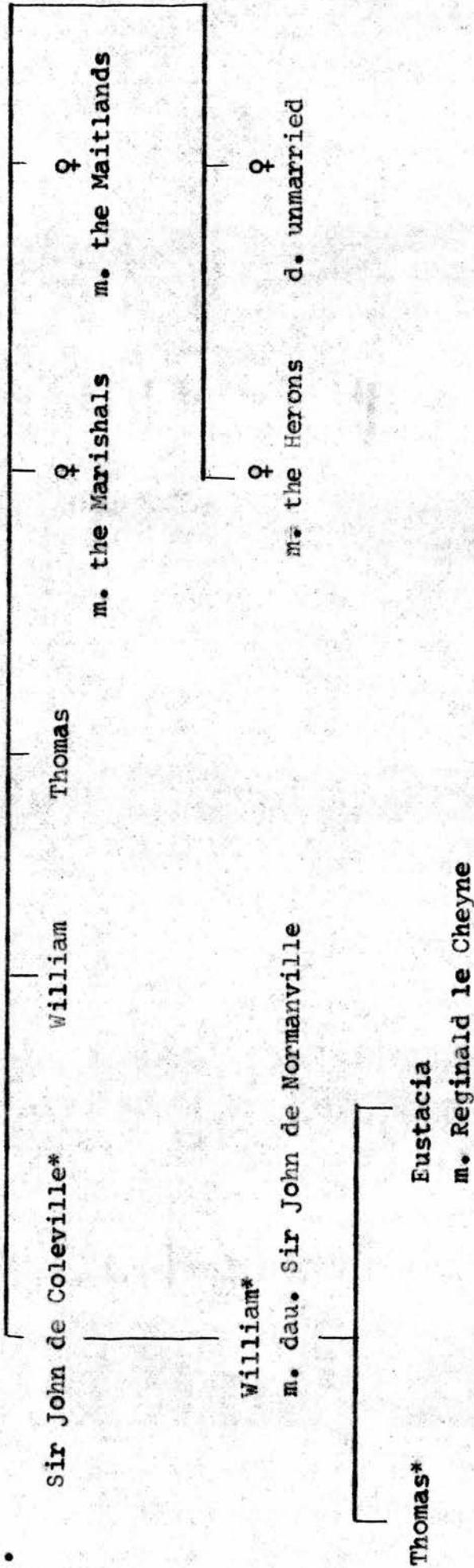
CHART II (CDS ii, no. 64)



*heir

CHART III

(Melrose Liber, no. 400)



APPENDIX I

Examples of Matronymics

<u>Year</u>	<u>Name</u>	<u>Context</u>	<u>Reference</u>
1278-9	John son of Aldericha	plaintiff in court case	<u>CDS ii, no. 147</u>
1287	William son of Euphemia de Gateriswyke	defendant in land suit	<u>Stevenson, Documents i, no. 18</u>
1289	John son of Amabilla de Bydin (Bydun)	juror	<u>Stevenson, Documents i, no. 52</u>
1296	William le fitz Eve	burgess	<u>CDS ii, no. 819</u>
"	Richard son of Matilldis (Matilda) de Dugi'	Balliol adherant	<u>CDS ii, no. 736</u>
"	Gilbert fitz Beatrice	Ragman Roll	<u>CDS ii, no. 823, p. 199</u>
"	Alein fitz Avelyn	"	<u>CDS ii, no. 823, p. 202</u>
"	Thomas Florieson	"	<u>CDS ii, no. 823, p. 206</u>
"	Patrick Aliceson	"	<u>CDS ii, no. 823, p. 207</u>
"	Geffray Isabelsone	"	"
1297	Philip fitz Emma	"commissioner" to Edward I	<u>Stevenson, Documents ii, no. 418</u>
"	Thomas fitz Ivetta	burgess	"
"	William son of Margerie	bailiff of Crail	<u>CDS ii, no. 880</u>
"	Gilbert son of Margerie	"	"
1301	Thomas le fitz Margaret	"notorious thief"	<u>CDS ii, no. 1227</u>

APPENDIX I (continued)

<u>Year</u>	<u>Name</u>	<u>Context</u>	<u>Reference</u>
1302	Thomas son of Ivetta (repeat)	juror	<u>CDS ii,</u> <u>no. 1313</u>
1303	John son of the widow	juror	<u>CDS ii,</u> <u>no. 1420</u>
1303-4	Patrick son of Juliana	juror	<u>CDS ii,</u> <u>no. 1436</u>
"	Robert son of Christiana de Cragg'	freeholder	<u>CDS ii,</u> <u>no. 1608</u>
"	Robert son of Avota	freeholder	"
1305	William son of Megge	juror	<u>CDS ii,</u> <u>no. 1675</u>
"	Hurin son of Mariota	juror	"
1307	William son of Matilda	juror	<u>CDS iii,</u> <u>no. 13</u>
-	Alan son of Thomas son of Elene	land grant	<u>Cold. Chart.,</u> <u>no. 32</u>

APPENDIX II

Scottish women whose estates had been seized and who petitioned Edward I for assistance in 1296.

Hugh le Despenser, Walter de Beauchamp, John de Drokensforde and John de Benstede were the committee set up to judge the women's petitions.

(This list is based on the single document given in Stevenson, Documents ii, no. 385.)

<u>Name</u>	<u>Stated Situation</u>	<u>Asked</u>	<u>Grant</u>
Agnes, widow of John de Burnville	widow for twenty years	68 m (dower)	granted
Agnes, wife of Richard Marshall, son of David Marshall	husband captured at Dunbar	60 marks (marriage grant from Richard's father)	20 marks
Agnes, wife of Alexander de Meyners	husband captured at Dunbar	260 marks (husband's inher.) 60 l (Agnes' inher.)	50 marks
Alice, widow Philip de Haliburton	widow for two years	30 m (dower)	granted
Alice, wife of William de Lindesay	husband at Rome for the past three years	60 l (Alice's inheritance)	10 l
Alice, widow of Alan de Ormestone	widow for seven years	19 m (inher.) 14 m (dower)	granted
Anabella, widow Patrick de Graham	husband fought against the English at Dunbar	inheritance and dower	required to petition in Scotland
Christiana, widow of Godishalke de Colonia	asked for lands she has acquired since the death of her husband, as well as her inheritance; Godishalke dead for ten years.		granted
Christiana, wife of Edward de Letham	husband in France with Thomas Randolph; she has nine children	100 m (land held by Patrick earl of Dunbar)	given nothing

APPENDIX II (continued)

<u>Name</u>	<u>Stated Situation</u>	<u>Asked</u>	<u>Grant</u>
Isabel, wife of Andrew de Synton	husband captued at Dunbar	20 m	5 marks
Johanna, wife John le Butillier	husband held 20 m of land in Scotland		10 m
Johanna, wife of John Comyn the son	granted 200 m of land in Tyndale to hold at the King's pleasure, "until he has ordered otherwise"; without escheats, wards, and reliefs.		
Johanna, wife of Nicholas de la Hay	husband held 250 m worth of land in Scotland		62 <u>l</u>
Margaret, widow of Nigel de Penycoke (Penicuik)	widow for twenty years	20 m (dower)	granted
Margaret, widow of Malcolm de Ramsey	widow for fourteen years	20 m (inheritance)	granted
Margaret, widow of Ness de Ramesey	widow for twenty years	60 <u>l</u> (inher.) 20 m (dower)	granted
Maria, wife of Simon Fraser	he had held 200 m worth of land in Scotland	grant for her sustenance and her children	50 m
Maria, wife of Duncan the Scot son of Michael Scot.	husband captured at Dunbar	10 <u>l</u>	60 <u>s</u>
Maria, wife of Richard Siward	husband in King's prison she has 9 children (4 are those of Richard and his previous wife, 5 are those of Maria and Simon Fraser)	50 marks: (Richard's inheritance: Maria's dower)	60 <u>l</u>
Maria, widow of Alexander de Syntone	widow for four years	20 m (dower)	granted
Mariota, wife of Edmund Ramsey	husband captured at Dunbar	60 <u>l</u>	10 marks because he was captured <u>in campo</u> (i.e. in the open battle.

APPENDIX II (continued)

<u>Name</u>	<u>Stated Situation</u>	<u>Asked</u>	<u>Grant</u>
Christiana, wife of Stephen Pessun	husband in France with Thomas Randolf	24 <u>l</u>	given nothing
Countess of Atholl	granted 100 <u>l</u> worth of land outside of the earldom of Athol for her support; "and if the lands outside are not sufficient that she shall receive the surplus at the exchequer of Scotland inmmony, without escheats, etc."		
(Margaret) Countess of Ross	granted 100 <u>l</u> worth of land outside of the earldom of Röss for her support; "and if the lands outside are not sufficient, that she shall receive the surplus at the exchequer in money, without excheats, etc."		
Dervorgulla, widow of Robert de Chartres	widow for nine years (dowered for the past six)	60 m (dower)	granted
Ela de Ardros	60 years old and has never married	20 m (inher.)	granted
Elena, widow of Alexander de Blare	widow for thirteen years	10 m (dower)	granted
Elizabeth, widow of Alan de Longemore	widow for thirty years	4 m (dower)	granted
Elizabeth, wife of Richard son of Richard Siward		50 marks: (marriage grant from Richard's father)	
Emma, wife of William de Clapham	husband captured at Dunbar	10 <u>l</u>	10 <u>s</u>
Eustacia, widow of Reginald le Chen (Cheyne)	widow for three years "and more"	dower and inheritance	granted
Eva, wife of Alexander Comyn of Badenagh	husband captured at Dunbar	24 m (Alexander's inheritance) 60 <u>l</u> (dower from Alexander de Morreve)(Murray)	30 m
Isabel, widow of Simon de Dundemore	widow for six years	dower	granted

APPENDIX II (continued)

<u>Name</u>	<u>Stated Situation</u>	<u>Asked</u>	<u>Grant</u>
Petronilla, widow Thomas le Chaundeler	Thomas died the previous Christmas of old age, also widow of William de Veteri Ponte for twenty years	20 m (dower from Thomas) 20 l (dower from William)	value of first dower granted
Prioress of Haddington	-	holdings in Berwick	-
Prioress of St. Leonard of Perth	seised by Alex. III in Perth	60 <u>s</u>	-
Sarra, widow of Duncan del Glen	widow for four years	her inher- itance	granted

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