

**A Prosopographical Analysis of Society in East Central Scotland,  
*circa* 1100 to 1260, with special reference to ethnicity**

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## Abstract

The society of the Kingdom of the Scots in the central Middle Ages has long been viewed as experiencing a transition from ‘old’, ‘Celtic’ ways to ‘new’ English norms. This process was once neatly described as ‘Normanisation’, and if such straightforward terms have been abandoned, historians nevertheless still tend to portray political, social, legal, cultural and religious traits of that society as either ‘Celtic’ or ‘Anglo-Norman’. Recent work on ethnicity in general, and on the ways medieval people often used ethnic identity for political purposes in particular, necessitates a new approach to the society of the kingdom’s heartland, north of the Forth. This thesis examines the aristocracy of Scotland north of Forth through the lens of Europeanization, a conceptual framework that is less insular than previous models and more nuanced in its understanding of the role of ethnicity in the sweeping changes that took place across Europe in the twelfth and thirteenth centuries.

This thesis seeks to examine the Europeanizing themes of the spread of charters, the adoption of common European names and the interaction of the chivalric ‘aristocratic diaspora’ with local landholding society through the methodology of prosopography. The role of aristocratic landholders as grantors, witnesses and recipients of charters was studied, based on an analysis of the texts of over 1500 aristocratic, royal and ecclesiastical documents relating to Scotland north of Forth, dating from *circa* 1100 to *circa* 1260. The Appendix is a list of all non-royal, non-ecclesiastical (or ‘private’) charters, agreements, briefs and similar documents, catalogued herein for the first time.

The results of this study are two-fold. First, the thesis involves a degree of reappraisal, in which phenomena which were seen previously as pertaining to either ‘native’ or ‘Norman’ trends are instead examined as part of a single Scottish society. Second, this thesis offers several new findings based on the prosopographical analysis of the charter material, which help to hone our understanding for how Europeanization worked in Scotland. It is now clear that, while the adoption of charters should certainly be seen as a Europeanizing trend, their use by aristocratic landholders followed several stages, none of which adhered to any ethnic bias. This study reveals the prominence of networks in spreading charter use, including one focussed around Countess Ada and other related countesses, in the early stages of aristocratic charter use. Furthermore, the important component of Europeanization, whereby ‘peripheral’ peoples took up common European personal names, can be qualified in the case of Scotland north of Forth, where the society

was already characterised by a diverse intermixing of Gaelic, Scandinavian and Anglo-Saxon names, and where certain Gaelic names were not only maintained by 'native' families, but also adopted by immigrant knights. This thesis shows that the practice of using personal names as evidence for ethnicity does not hold up to close scrutiny. Moreover, the aristocratic diaspora for Scottish earls was a two-way street, and some earls and other Scottish nobles married into some of the most powerful families in western Europe. On the other hand, immigration of knights into Scotland north of Forth resulted in the creation of a new baronial class, one which also incorporated various types of 'native' Scottish landholder. Indeed, even in regions like the Mearns, where the king had a free hand, landholding was balanced between local and immigrant families. Finally, and perhaps most significantly, this study has verified that the notion that Scotland had 'no institutionalised apartheid' was not merely a legal technicality, but a fundamental characteristic of the society. Landholding patterns reveal no evidence of ethnic separation; neither does analysis of assemblies, courts, civil legal proceedings and processes of perambulation. Instead, power was exercised by a diverse aristocratic class. The nature of Europeanization in Scotland is distinct and special, and serves as a fascinating case study of an aristocratic society that was transformed, but in some ways on its own terms.

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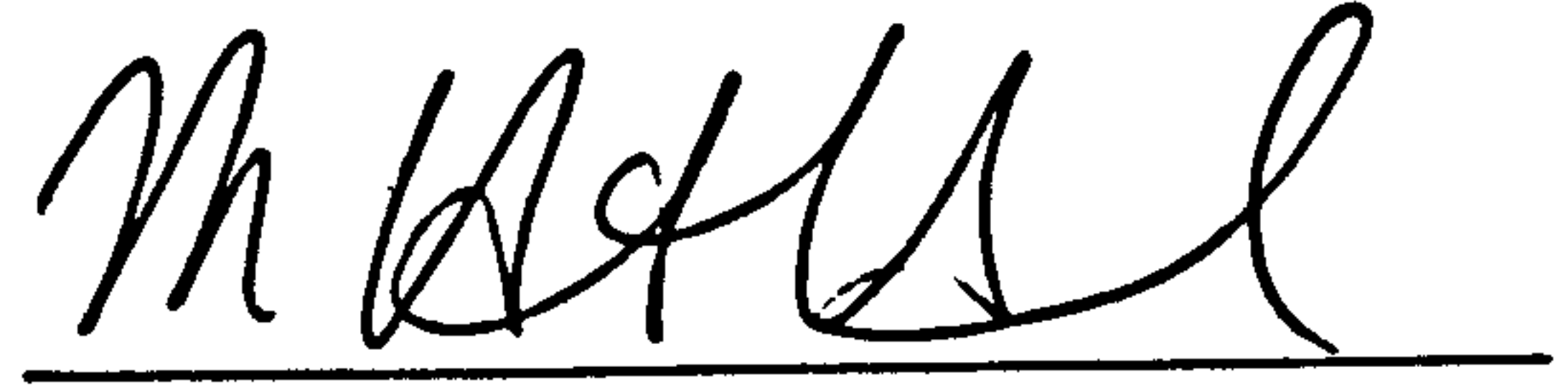
This thesis is dedicated to my parents, who encouraged my interest in history and geography from an early age, and who introduced me for the first time to Scotland. My brother, Danny, and sister, Rachel, have been an enduring comfort for me, and I want to say thanks to both of them. All my friends in the U.S.A. and around the world know that without their support I would never have made it to Scotland.

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## Author's declaration

This thesis is my own composition and is based on my own research. It was not undertaken in collaboration with any other student or researcher. It has not been, and will not be, presented for any other degree, at any other institution.

A handwritten signature in black ink, appearing to read 'M H Hammond', is written above a solid horizontal line.

Matthew H. Hammond

## Abbreviations

<i>Aberdeen- Banff Collections</i> [A.B. Colls.]	<i>Collections for a History of the Shires of Aberdeen and Banff</i> (Spalding Club, 1843).
<i>Aberdeen-Banff Illustrations</i> [A.B. Ill.]	<i>Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff</i> (Spalding Club, 1847-69).
<i>Aberdeen Registrum</i> [Abdn. Reg.]	<i>Registrum Episcopatus Aberdonensis</i> (Spalding and Maitland Clubs, 1845).
<i>Acts Parl. Scot.</i> [APS]	<i>Acts of the Parliament of Scotland</i> , ed. T. Thomson and C. Innes (Edinburgh, 1814 – 75).
Anderson, <i>Early Sources</i> [ES]	<i>Early Sources of Scottish History, 500 – 1286</i> , ed. A.O. Anderson (London, 1922).
Anderson, <i>Oliphants</i>	J. Anderson, <i>The Oliphants in Scotland</i> (Edinburgh, 1879).
Anderson, <i>Scottish Annals</i> [SAEC]	<i>Scottish Annals from English Chroniclers, 500- 1286</i> , ed. A.O. Anderson (London, 1908).
<i>Arbroath Cart. MS.</i>	BL Additional Manuscripts, no. 33245.
<i>Arbroath Liber</i> [Arb. Lib.]	<i>Liber S. Thome de Aberbrothoc</i> (Bannatyne Club, 1848-56), volume 1.
<i>Balmerino Liber</i> [Balm. Lib.]	<i>Liber Sancte Marie de Balmorinach</i> (Abbotsford Club, 1841).
<i>Banff Chrs.</i>	<i>Banff Charters 1232 – 1703</i> , ed. J.H. Ramsay (Oxford, 1915).
Barrow, <i>Chrs. David I</i>	G.W.S. Barrow, <i>The Charters of King David I: King of Scots, 1124 – 53 and of his son Henry Earl of Northumberland</i> (Woodbridge, 1999).
Barrow, <i>East Fife Docs.</i>	G.W.S. Barrow, ‘Some East Fife Documents’, <i>The Scottish Tradition: Essays in honour of Ronald Gordon Cant</i> , ed. G.W.S. Barrow (Edinburgh, 1974), 23- 43.
<i>Beaully Chrs.</i>	<i>The Charters of the Priory of Beaully</i> (Grampian Club, 1877).
BL	British Library
Black, <i>Surnames</i>	G.F. Black, <i>The Surnames of Scotland; their Origin, Meaning and History</i> (New York, 1946).

- Brechin Registrum* [Brech. Reg.] *Registrum Episcopatus Brechinensis* (Bannatyne Club, 1856)
- British Chronology* [HBC] *Handbook of British Chronology*, edd. F.M. Powicke, and E.B. Fryde. 2<sup>nd</sup> edn. (London, 1961).
- Cal. Docs. Scot.* [CDS] *Calendar of Documents Relating to Scotland, i – iii*, ed. Joseph Bain (Edinburgh 1881, 1884, 1887); v, ed. Grant G. Simpson and James D. Galbraith (Edinburgh, 1986).
- Cambuskenneth Registrum* [Camb. Reg.] *Registrum Monasterii S. Marie de Cambuskenneth* (Grampian Club, 1872).
- Chron. Bower* (Watt) Walter Bower, *Scotichronicon*, gen. ed. D.E.R. Watt (Aberdeen, 1993-8).
- Chron. Fordun* Johannis de Fordun, *Chronica Gentis Scotorum*, ed. W.F. Skene (Edinburgh, 1871-2).
- Chron. Holyrood* *A Scottish Chronicle Known as the Chronicle of Holyrood*, ed. M.O. Anderson (SHS, 1938).
- Chron. Melrose* *The Chronicle of Melrose (facsimile edition)* ed. A.O. Anderson and others (London, 1936).
- Cooper, Select Cases* *Select Scottish Cases of the Thirteenth Century*, ed. Lord Cooper (Edinburgh and London, 1944).
- Coupar Angus Chrs.* [C.A. Chrs.] *Charters of the Abbey of Coupar Angus*, ed. D.E. Easson (SHS, 1947), volume 1.
- Coupar Angus Rental* [C.A. Rent.] *Rental Book of the Cistercian Abbey of Cupar Angus* (Grampian Club, 1879-80).
- Culross Chrs.* William Douglas, 'Culross Abbey and its Charters, with notes on a fifteenth-century manuscript', *PSAS* 60 (1925-26), 67- 94.
- Dryburgh Liber* [Dryb. Lib.] *Liber S. Marie de Dryburgh* (Bannatyne Club, 1847).
- Duncan, Kingdom* A.A.M. Duncan, *Scotland: the Making of the Kingdom* (Edinburgh, 1975).
- Dunfermline Registrum* [Dunf. Reg.] *Registrum de Dunfermelyn* (Bannatyne Club, 1842).
- Errol Chrs.* 'Erroll Papers', *Spalding Miscellany*, ii (Spalding Club, 1842)
- Exch. Rolls* [ER] *The Exchequer Rolls of Scotland*, ed. J. Stuart and others (Edinburgh 1878- 1908).
- Familie of Innes* *Ane Account of the Familie of Innes* (Spalding Club, 1864).

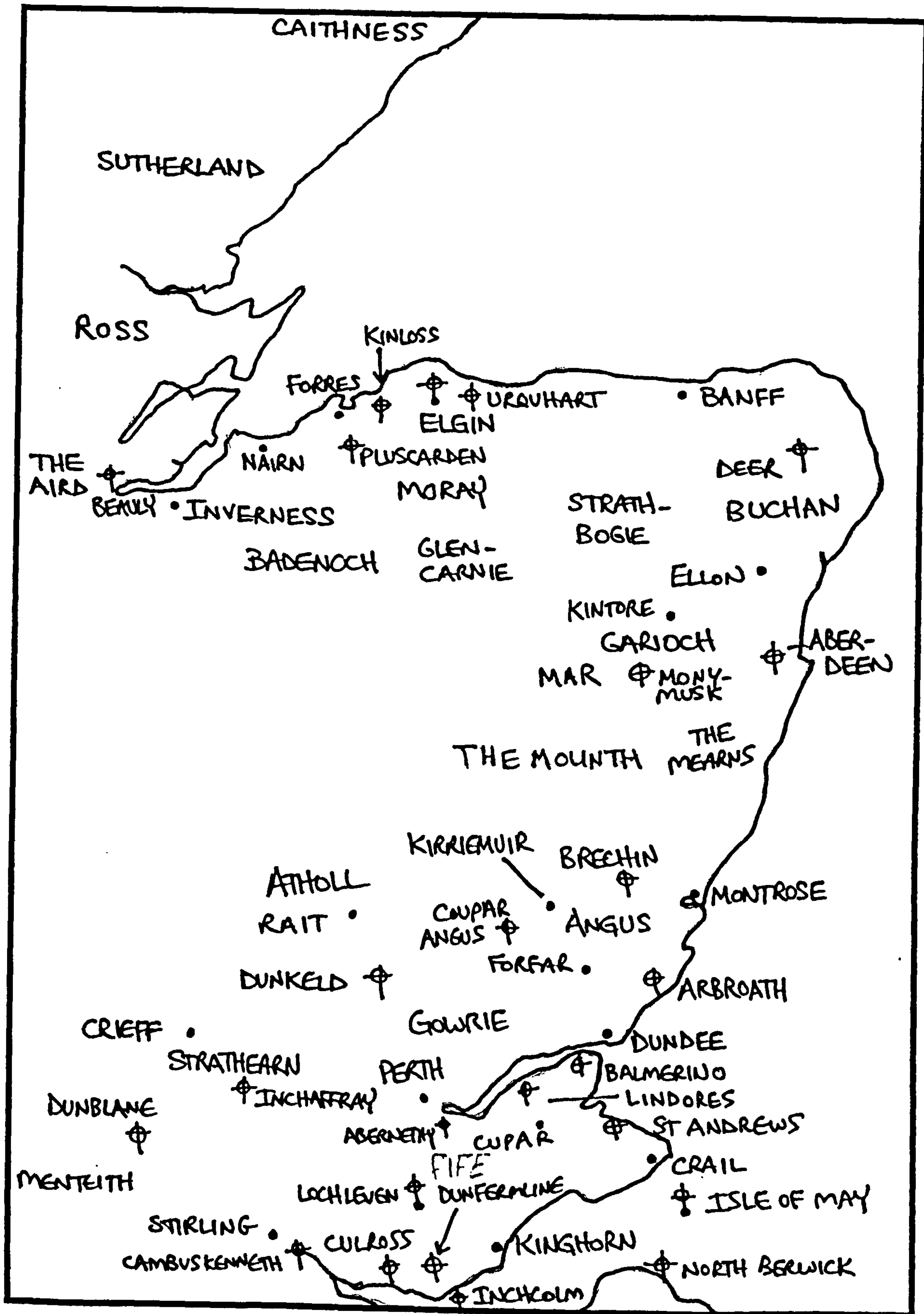
- Fife Court Bk. [Fife Ct. Bk.]* *The Sheriff Court Book of Fife 1515 – 22*, ed. W.C. Dickinson (SHS, 1928).
- Fraser, Cromartie* W. Fraser, *The Earls of Cromartie* (Edinburgh, 1876). Volume 2.
- Fraser, Douglas* W. Fraser, *The Douglas Book* (Edinburgh, 1885). Volume 3.
- Fraser, Grandtully* W. Fraser, *The Red Book of Grandtully* (Edinburgh, 1868).
- Fraser, Grant* W. Fraser, *The Chiefs of Grant* (Edinburgh, 1883). Volume 3.
- Fraser, Lennox* W. Fraser, *The Lennox* (Edinburgh, 1874). Volume 2.
- Fraser, Melville* W. Fraser, *The Melville Earls of Melville and the Leslies Earls of Leven* (Edinburgh, 1890). Volume 3.
- Fraser, Menteith* W. Fraser, *The Red Book of Menteith* (Edinburgh, 1880). Volume 2.
- Fraser, Southesk* W. Fraser, *History of the Carnegies, Earls of Southesk, and of their Kindred* (Edinburgh, 1867). Volume 2.
- Fraser, Sutherland* W. Fraser, *The Sutherland Book* (Edinburgh, 1892). Volume 3.
- Glasgow Registrum [Glas. Reg.]* *Registrum Episcopatus Glasguensis* (Bannatyne and Maitland Clubs, 1843).
- Hist. MSS. Comm. [HMC]* *Reports of the Royal Commission on Historical Manuscripts* (London, 1870- ).
- Holyrood Liber [Holy. Lib.]* *Liber Cartarum Sancte Crucis* (Bannatyne Club, 1847).
- Inchaffray Chrs. [Inchaff. Chrs.]* *Charters, Bulls and Other Documents Relating to the Abbey of Inchaffray* (SHS, 1908).
- Inchaffray Liber [Inchaff. Lib.]* *Liber Insule Missarum* (Bannatyne Club, 1847).
- Inchcolm Chrs.* *Charters of the Abbey of Inchcolm*, ed. D.E. Easson and A. Macdonald (SHS, 1938).
- Innes Review [IR]* *The Innes Review* (1950 -)
- Kelso Liber [Kel. Lib.]* *Liber S. Marie de Calchou* (Bannatyne Club, 1846).
- Kinloss Recs.* *Records of the Monastery of Kinloss*, ed. J. Stuart (Edinburgh, 1872).

- Laing Chrs.* *Calendar of the Laing Charters, 854- 1837*, ed. J. Anderson (Edinburgh, 1899).
- Lawrie, Charters [ESC]* *Early Scottish Charters Prior to 1153*, ed. A.C. Lawrie (Glasgow, 1905).
- Lennox Cartularium [Lenn. Cart.]* *Cartularium Comitatus de Levenax* (Maitland Club, 1833).
- Lindores Chartulary [Lind. Cart.]* *Chartulary of the Abbey of Lindores* (SHS, 1903).
- Lindores Liber [Lind. Lib.]* *Liber Sancte Marie de Lundoris* (Abbotsford Club, 1841).
- Macfarlane, Genealogical Coll. [Gen. Coll.]* *Genealogical Collections Concerning Families in Scotland Made by Walter Macfarlane* (SHS, 1900).
- Macphail, Pluscarden* S.R. Macphail, *History of the Religious House of Pluscardyn* (Edinburgh, 1881).
- Maidment, Analecta* *Analecta Scotia*, [ed. J. Maidment] (Edinburgh, 1834- 7).
- May Docs.* A.A.M. Duncan, 'Documents relating to the Priory of the Isle of May, c. 1140 – 1313', *PSAS* 90 (1956-7), 52 – 80.
- May Recs.* *Records of the Priory of the Isle of May*, ed. J. Stuart (Edinburgh, 1868).
- Midlothian Chrs. [Midl. Chrs.]* *Charters of the Hospital of Soltre, of Trinity College, Edinburgh, and other Collegiate Churches in Midlothian* (Bannatyne Club, 1861).
- Misc. Fraser Chrs.* 'Miscellaneous Charters from ...Sir William Fraser', ed. W. Angus. *SHS Misc.*, iv. (Edinburgh, 1926), 305- 21.
- Misc. Monastic Chrs.* 'Miscellaneous Monastic Charters', ed. D.E. Easson. *SHS Misc.*, viii (Edinburgh, 1951), 5- 16.
- Misc. Panm. Chrs.* 'Miscellaneous Charters and Contracts, from Copies at Panmure House', *Spalding Miscellany*, v. (Spalding Club, 1852).
- Moncreiffs* *The Moncreiffs and the Moncreiffes*, edd. F. Moncreiff and W. Moncreiffe (Edinburgh, 1929). Volume 2.
- Moray Registrum [Moray Reg.]* *Registrum Episcopatus Moraviensis* (Bannatyne Club, 1837).
- Morton Registrum [Mort. Reg.]* *Registrum Honoris de Morton* (Bannatyne Club, 1853).
- NAS National Archives of Scotland, Edinburgh

- Nat. MSS. Scot.* *Facsimiles of the National Manuscripts of Scotland* (London, 1867-71).
- Neville, Earls of Strathearn Acta* Cynthia J. Neville, 'The Earls of Strathearn from the twelfth to the mid-fourteenth Century, with an edition of their written acts'. Unpublished University of Aberdeen Ph.D. Thesis, 1983. Volume 2.
- Newbattle Registrum [Newb. Reg.]* *Registrum S. Marie de Neubottle* (Bannatyne Club, 1849).
- NLS National Library of Scotland, Edinburgh.
- North Berwick Carte [N.B. Chrs.]* *Carte Monialium de Northberwic* (Bannatyne Club, 1847).
- Paisley Registrum [Pais. Reg.]* *Registrum Monasterii de Passelet* (Maitland Club, 1832).
- Panmure Registrum [Panm. Reg.]* *Registrum de Panmure*, ed. J. Stuart (Edinburgh, 1874).
- Patrologia Latina [PL]* *Patrologia Cursus Completus, Series Latina*, ed. Jacques-Paul Migne (Paris, 1844- 55).
- Pitfirrane Writs* *Inventory of Pitfirrane Writs 1230 – 1794*, ed. W. Angus (SRS, 1932).
- Proc. Soc. Antiq. Scot. [PSAS]* *Proceedings of the Society of Antiquaries of Scotland* (1851- )
- Raine, North Durham [ND]* Appendix to J. Raine, *The History and Antiquities of North Durham* (London, 1852).
- Regesta Regum Scottorum [RRS]* *Regesta Regum Scottorum*, ed. G.W.S. Barrow and others (Edinburgh, 1960 - ).
- Reg. Mag. Sig. [RMS]* *Registrum Magni Sigillii Regum Scottorum*, ed. J.M. Thomson and others (Edinburgh, 1877- ).
- St Andrews Liber [St A. Lib.]* *Liber Cartarum Prioratus Sancti Andree in Scotia* (Bannatyne Club, 1841).
- Scone Liber* *Liber Ecclesie de Scon* (Bannatyne and Maitland Clubs, 1843).
- Scot. Hist. Rev. [SHR]* *The Scottish Historical Review* (1903- 28, 1947-).
- Scots Peerage [SP]* *The Scots Peerage*, ed. Sir J. Balfour (Edinburgh, 1904 – 14).
- Scoular, Handlist* *Handlist of the Acts of Alexander II*, ed. J. Scoular (Edinburgh, 1959).
- SHS Scottish History Society

- SHS Misc.* *Miscellany of the Scottish History Society* (SHS, 1893 - ).
- Simpson, Handlist* *Handlist of the Acts of Alexander III, the Guardians, John 1249 - 96*, ed. G. Simpson (Edinburgh, 1960).
- Simpson, Roger de Quincy Acta* Grant. G. Simpson, 'An Anglo-Scottish Baron of the Thirteenth Century: The Acts of Roger de Quincy, earl of Winchester and Constable of Scotland'. Unpublished University of Edinburgh Ph.D. Thesis, 1965. Volume 2.
- Six Early Charters* George S.C. Swinton, 'Six Early Charters', *SHR* 2 (1904 - 05), 173 - 80.
- Spalding Misc.* *Miscellany of the Spalding Club* (Spalding Club, 1841 - 52).
- Stevenson, Illustrations* *Illustrations of Scottish History from the Twelfth to the Sixteenth Century*, ed. J. Stevenson (Maitland Club, 1834).
- Stringer, Earl David Acta* 'The Acta of Earl David', in K.J. Stringer, *Earl David of Huntingdon 1152 - 1219: A Study in Anglo- Scottish History* (Edinburgh, 1985), 212- 74.
- Synod of Perth 1206* 'Decreet of the Synod of Perth, A.D. MCCVI' in *Spalding Misc. v* (Spalding Club, 1852), 209- 13.
- Wigtown Charter Chest* *Charter Chest of the Earldom of Wigtown* (SRS, 1910).
- Yester Writs* *Calendar of Writs Preserved at Yester House 1166 -1503*, edd. C.C.H. Harvey and J. Macleod (SRS, 1930).

# Scotland north of Forth





## One: Ethnicity and the Study of Medieval Scotland

Notions of ethnicity have long been important to the way scholars think about the society of the medieval kingdom of the Scots. Indeed, one may argue that ethnicity has held a more archetypal role in Scottish society than in other lands. In a country that has witnessed several reconfigurations of ethnic identities, incorporating at various times Caledonians, Picts, Angles, Norse and Normans, to name a few, it is perhaps unsurprising that such questions might weigh so heavily on the national psyche. As one recent volume put it, ‘there is still a tendency to talk about the Scottish kingdom and aristocracy after the twelfth century as an admixture of fundamentally opposed impulses or forces.’<sup>1</sup> This thesis will examine the evidence for aristocratic society in Scotland north of Forth to determine whether there is any grounding for this claim. Further, it will seek to establish to what extent lingering stereotypes about ethnic groups may have clouded our view of contemporary society. Finally, the thesis will ascertain whether an approach that goes beyond ethnicity as the defining concept can better describe the Scottish experience at that time.

### *Conceptual Frameworks*

Professional historians and popular writers alike frequently make use of the terms ‘Celt’ and ‘Celtic’ when describing aspects of the society of medieval Scotland.<sup>2</sup> In recent years, research by E.J. Cowan, Colin Kidd, Patrick Sims-Williams and others, has raised serious questions about the usefulness of this concept, particularly when venturing away

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<sup>1</sup> *The Exercise of Power in Medieval Scotland, c.1200 – 1500*, ed. Steve Boardman and Alasdair Ross (Dublin, 2003), 19.

<sup>2</sup> Some of the many recent academic works using the term are *Alba: Celtic Scotland in the Medieval Era*, ed. E.J. Cowan and R.A. McDonald (East Linton, 2000); Cynthia J. Neville, ‘A Celtic Enclave in Norman Scotland: Earl Gilbert and the Earldom of Strathearn, 1171 - 1223’, in *Freedom and Authority: Scotland c.1050 – c. 1650*, ed. T. Brotherstone and D. Ditchburn (East Linton, East Lothian, 2000), 75 - 92; *Crossed Paths: Methodological Approaches to the Celtic Aspect of the European Middle Ages*, ed. Benjamin T. Hudson and Vickie Ziegler (Lanham, 1991); Benjamin T. Hudson, *Kings of Celtic Scotland* (Westport, Conn. and London, 1994); C. J. Neville, ‘Charter-writing and the Exercise of Lordship in Thirteenth-century Celtic Scotland,’ in *Expectations of Law in the Middle Ages*, ed. A. Musson (Woodbridge, 2001), 67 – 89; W.D.H. Sellar, ‘Celtic Law and Scots Law: survival and integration,’ *Scottish Studies* 29 (1989), 1- 27; Keith J. Stringer, ‘Reform Monasticism and Celtic Scotland: Galloway, c.1140 –c.1240,’ in Cowan and McDonald, *Alba: Celtic Scotland*, 127- 65; Alexander Grant, ‘Scotland’s “Celtic Fringe” in the late Middle Ages: the MacDonald Lords of the Isles and the Kingdom of Scotland,’ in *The British Isles 1100 - 1500: Comparisons, Contrasts and Connections*, ed. R.R. Davies (Edinburgh, 1988), 118- 41, James Michael Hill, *Celtic Warfare 1595 – 1763* (Edinburgh, 1986).

from the traditional philological connotations of these terms.<sup>3</sup> It seems that scholars should be especially wary of notions of pan-Celtic solidarity and ‘self-conscious Celtic identity’ in their interpretations of the politics of Scotland, Ireland and Wales in the Middle Ages.<sup>4</sup> For these reasons, ‘Gael’ and ‘Gaelic’ are the preferred terms used in this thesis.

Unlike ‘Celtic’, the ethnic term ‘Norman’ was used in medieval Britain to refer to a particular group of people.<sup>5</sup> There is little or no evidence for Norman ethnic identity in Scotland, however, and the term has been gradually abandoned by scholars in favour of ‘Anglo-Norman’, ‘Anglo-French’ and even ‘Frankish’, which may indeed be the best solution, as contemporary writers of both chronicles and charters preferred *Franci*.<sup>6</sup> Furthermore, John Gillingham has shown recently that the phrase ‘Anglo-Norman’ is anachronistic; ‘there is no extant evidence that anyone in the eleventh or twelfth centuries ever used the term “Anglo-Norman”.’<sup>7</sup> In the narrowest sense, the terms ‘Norman’ and ‘Anglo-Norman’ referred to the duke-kings themselves, whose dynasty ended with the succession of Stephen of Blois in 1135. The most significant influx of French- and Flemish- speakers in Scotland north of the Forth, however, came in the late twelfth and early thirteenth centuries. Furthermore, it was precisely this period, the reign of Stephen, when ‘English’ identity began to supersede ‘Norman’ identity in England, according to John Gillingham.<sup>8</sup> In the century after 1066, monks who were supported by the political

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<sup>3</sup> Patrick Sims-Williams, ‘Celtomania and Celtoscepticism,’ *Cambrian Medieval Celtic Studies* 36 (1998), 1-35; E. J. Cowan, ‘The Invention of Celtic Scotland,’ in Cowan and McDonald, *Alba: Celtic Scotland*, 1-23; Stuart Piggott, ‘Celts, Saxons and the Early Antiquaries,’ in *Ruins in a Landscape* (Edinburgh, 1976), 55-76; Murray G.H. Pittock, *Celtic identity and the British image* (Manchester, 1999); Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800* (Cambridge, 1999); *Idem*, ‘Teutonist Ethnology and Scottish Nationalist Inhibition, 1780-1880,’ *Scottish Historical Review* 74 (1995), 45-68.

<sup>4</sup> Sims-Williams, ‘Celtomania and Celtoscepticism’, 11.

<sup>5</sup> R.H.C. Davis, *The Normans and their Myth* (London, 1976); G.A. Loud, ‘The ‘*Gens Normannorum*’ – Myth or Reality?’, *Proceedings of the Battle Conference* 4 (1981); C. Warren Hollister, ‘Anglo-Norman Political Culture and the Twelfth-Century Renaissance,’ in *Anglo-Norman Political Culture and the Twelfth Century Renaissance*, ed. C. W. Hollister (Woodbridge, Suffolk, 1997); Hugh M. Thomas, *The English and the Normans: Ethnic Hostility, Assimilation, and Identity 1066 – c.1220* (Oxford, 2003).

<sup>6</sup> Compare, for example, R.L.G. Ritchie, *The Normans in Scotland* (Edinburgh, 1954) and G.W.S. Barrow, ‘Scotland’s “Norman” Families’, in *Kingdom of the Scots*, 2<sup>nd</sup> edn. (Edinburgh, 2003), 279-95, first published as ‘Les familles normandes d’Ecosse’ in *Annales de Normandie* 15 (1965) with *Idem*, *The Anglo-Norman Era in Scottish History* (Oxford, 1980). More recently, see Dauvit Broun, ‘Anglo-French acculturation and the Irish element in Scottish identity’, in *Britain and Ireland, 900 – 1300: Insular Responses to Medieval European Change*, ed. Brendan Smith (Cambridge, 1999), 135-53. For an example of the use of *Franci* in royal charters, see Barrow, *Chrs. David I*, no. 161. See also Ian Short, ‘*Tam Angli quam Franci*: Self-definition in Anglo-Norman England’, *Anglo-Norman Studies* 18 (1995), 163-4. Barrow used the term ‘Frankish’ in *Robert Bruce and the Community of the Realm of Scotland* (Edinburgh, 1988), 3<sup>rd</sup> edn., 7.

<sup>7</sup> John Gillingham, ‘Henry of Huntingdon and the English Nation,’ in *The English in the Twelfth Century: Imperialism, National Identity and Political Values* (Woodbridge, 2000), 124.

<sup>8</sup> Gillingham writes, ‘I am convinced that it was by 1140, at the latest’, in ‘Foundations of a disunited kingdom’, in *English in the Twelfth Century*, 99-100.

élite constructed an ethnographical identity for the purpose of legitimating the rule of the dukes of Normandy and the ‘Norman’ kings of England. This identity was an academic and legal exercise that should not be viewed in terms of ‘ethnic identity’ amongst the people at large or even amongst the entire French-speaking élite.<sup>9</sup> If this project served a political and rhetorical function of strengthening *Normanitas*, that did not change the likelihood that many of its practitioners, such as Ailred of Rievaulx, Orderic Vitalis, and William of Malmesbury, were partially or entirely ‘English’ by birth.<sup>10</sup> To Henry of Huntingdon and Geoffrey Gaimar, the relevant historical past of the French-speaking aristocrat in England in the twelfth century was an English history.<sup>11</sup> Ailred of Rievaulx was able to stress the English (House of Wessex) descent of both Henry II of England and Henry’s great-uncle, David I of Scotland.<sup>12</sup> A century after 1066, ‘Normans’ had largely assimilated into ‘English’ in England. With the exception of parts of Fife, little immigration of *Franci* had occurred in Scotland north of Forth by that point.<sup>13</sup> Whatever the social and cultural circumstances for the creation and fostering of Norman identity, these were irrelevant in Scotland. By the time of widespread immigration into the Scottish kingdom, it is clearly obvious that, when writers wished to ascribe an ethnic identity, rather than the more common familial and religious identities, the incomers were *Franci* and *Angli*. While the case of Norman identity is more complicated than that of Celtic, it seems clear that the often unquestioning use of ethnic terms such as these does little to shed light on real questions of ethnic identity in the medieval Scottish kingdom.

In addition to the sometimes uncritical use of ethnic terminology, the study of medieval Scottish society is still often affected by inherent stereotypes about ethnic groups. These problematic views are bolstered by the scheme of periodisation around which most studies of Scottish history still operate, in which the twelfth and thirteenth centuries are seen as a singular, definable era, characterised by the advent of ‘feudal society’. This period is generally seen to have begun with the marriage of Malcolm (Máel Coluim) III to the Anglo-Saxon princess Margaret. The notion of a periodisation demarcation at some

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<sup>9</sup> According to R.H.C. Davis, eleventh-century Normans tried to be ‘French;’ only later when their peoples were assimilating in England and elsewhere did they feel the need to create a ‘Norman’ myth. Davis, *Normans and their Myth*, 12.

<sup>10</sup> Marjorie Chibnall, *Anglo-Norman England 1066- 1166* (New York, 1986), 210; Gillingham, *English in the Twelfth Century*, 99.

<sup>11</sup> *Idem*, ‘Gaimar, the Prose Brut and the Making of English History’ and ‘Henry of Huntingdon and the Twelfth-Century Revival of the English Nation’, in *The English in the Twelfth Century*, 113- 144.

<sup>12</sup> Chibnall, *Anglo-Norman England*, 211.

<sup>13</sup> G.W.S. Barrow, ‘The Beginnings of Military Feudalism’ and ‘Scotland’s “Norman” Families’, in *Kingdom of the Scots*, 279- 336.

point in the late eleventh century has encouraged a tendency among scholars to associate anything old, conservative or backward in that society as 'Celtic', while all innovations are coloured with a 'Norman' brush. Tying into these categories are prejudices about character that go back to the seventeenth- and eighteenth-century ideas about race and its biological role in human society.<sup>14</sup> This phenomenon is also teleological: the tenacity, stubbornness, and conservatism often attributed to the 'Celtic' (in this case, Gaelic) medieval Scots has much more to do with their subsequent, modern struggle for identity and ethnic survival than with their contemporary, medieval experience.

Another preconceived notion relating to 'native' 'Celtic' Scots and the immigrant 'Normans' is their perceived mutual exclusivity.<sup>15</sup> As this thesis will set out to show, this was not the case, and many Scottish aristocrats seem to have played ethnic identity to their advantage. In the relationship between supposedly 'Celtic' and 'Norman' aspects of society, which can be termed 'ethnic-dualist', the two sides are constantly defined against each other, which risks obscuring a fuller understanding of the situation on the ground. In particular, there has been a tendency to depict as 'Norman' and group together all outside influences, regardless of any external set criteria or self-ethnic identification. In a very subtle way, then, the 'Norman' has been equated with anything European, civilised, and cosmopolitan.<sup>16</sup> On the other hand, the idea of the 'Celtic' (or Gaelic or native<sup>17</sup>) has been infused with images of 'Celtic twilight' and often resonates to the themes of sentimental bittersweet decline. The actions of Scottish earls and lords are often depicted as a kind of 'native resistance', a 'reticence toward newfangled ways.'<sup>18</sup> Thus, the dialectic of ethnic dualism conjures up a world in which two very different groups of people take part in a protracted struggle. As this thesis intends to demonstrate, nothing could be further from the truth.

These notions of 'Norman' innovation and 'Celtic' conservatism are grounded in, and developed out of, nineteenth-century views about the meaning of race. In the prevailing whiggish historical atmosphere of the day, all social change was seen as

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<sup>14</sup> Matthew H. Hammond, 'Ethnicity and the writing of medieval Scottish history', forthcoming.

<sup>15</sup> For example, Barrow referred to the Gaelic culture of Scotland as the 'Other Side of the Coin' in *Anglo-Norman Era*, 145-68. Cf. Boardman and Ross, *Exercise of Power*, 19: "'Celtic" or "Gaelic" are contrasted with "Norman" or "English" families or institutions'.

<sup>16</sup> The classic if outdated example of this attitude is to be found in Ritchie: 'The lines on which Scotland has developed as a civilized country were laid down once and for all before the death of King David in 1153, and these lines were Norman.' Ritchie, *Normans in Scotland*, vi.

<sup>17</sup> Some of the problems with the term 'native' are discussed in Boardman and Ross, *Exercise of Power*, 18.

<sup>18</sup> R. Andrew McDonald, 'Matrimonial Politics and core-periphery interactions in twelfth-century and early thirteenth-century Scotland', *Journal of Medieval History* 21 (1995), 236.

progress or regression. Races were believed to have existed in a social hierarchy, and progress was often linked to racial integration; indeed, Scotland's historical evolution was sometimes attributed to, say, the arrival of the Anglo-Saxons (in a very biological sense).<sup>19</sup> In Scotland, these beliefs lent themselves readily to value judgements, and the accepted notions of Teutonic industriousness and moderation won out, for many, over the supposed hot-tempered but lazy Celts.<sup>20</sup> That races constituted 'full ethnic packages' was accepted universally, and both physical and cultural characteristics were believed to be inherent, thus associating such disparate traits as skull shape and modes of dress.<sup>21</sup> History came to be seen as a proving-ground for disagreements over Scotland's ethnic makeup, and antiquarians quarreled over whether Scotland should be considered 'Teutonic' or 'Celtic'.<sup>22</sup> It was in front of this racist backdrop that the study of Scottish medieval history was forged. These ideas informed the work of influential scholars like William Forbes Skene and gave rise to such concepts as 'normanisation' and 'Celtic' reactionism.<sup>23</sup>

Changes in attitudes to the scientific character of race following the Second World War put paid to any overt racial characterisation of Scots (particularly as the notion of Teutonic or Germanic ethnic exceptionalism was no longer seen as a viable academic topic), and the modernising of the discipline under Barrow and Duncan did much to further erode any really explicit assignation of racial qualities to people like medieval Scots or 'Anglo-Normans'. Nevertheless, the legacy of ethnic dualism in medieval Scottish history remains. It is still fairly commonplace for distinctions to be drawn between 'Celtic' and 'Norman' aspects of society. 'Celtic' and 'feudal' or 'Anglo-Norman' law have been depicted as, first of all, two definable systems, itself a tricky proposition, as well as, secondly, two separate systems that are quite distinct from each other.<sup>24</sup> Hector MacQueen

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<sup>19</sup> George Chalmers, *Caledonia: or, a historical and topographical account of North Britain from the most ancient to the present time*, 3 vols (London, 1810 - 24), i, 612.

<sup>20</sup> See for example the opinion of Duncan Keith, who wrote that the language of the Celt was a 'sickly plant, which droops and dies away from its own soil'. Keith, *A History of Scotland, Civil and Ecclesiastical, from the earliest times to the death of David I, 1153*, 2 vols. (Edinburgh, 1886), i, 35-6.

<sup>21</sup> George W. Stocking, *Victorian Anthropology* (New York, 1987), 62- 69; Colin Kidd, 'Teutonic Ethnology', 47- 48; Nancy Stepan, *The Idea of Race in Science: Great Britain 1800- 1960* (London, 1982), 102.

<sup>22</sup> 'Older studies did present the history of medieval Scotland as a straightforward and prolonged battle for supremacy between "Celt" and "Teuton"', Boardman and Ross, *Exercise of Power*, 19; see also Colin Kidd, 'Race, Empire, and the Limits of Nineteenth-Century Scottish Nationhood', *The Historical Journal* 46 (2003), 873-92; *Idem*, 'The Ideological Uses of the Picts, 1707- c.1990', in *Scottish History: The Power of the Past*, ed. E.J. Cowan and R.J. Finlay (Edinburgh, 2002), 169 - 90.

<sup>23</sup> William Forbes Skene, *Celtic Scotland: A History of Ancient Alban*, 3 vols. (Edinburgh, 1876 - 80), i, 460 - 87.

<sup>24</sup> Michael C. Meston, W. David H. Sellar and Lord Cooper, *The Scottish Legal Tradition*, ed. Scott Crichton Styles (Edinburgh, 1991), 34- 6.

has challenged this view.<sup>25</sup> Similarly, the ‘Celtic system of tanistry’ has been set against the standardised, European practice of primogeniture, again as if both were two cut-and-dried systems. Further, the inauguration ceremonies of the Scots kings were, until recently, characterised as antiquated, but recent research has shown them evolving in response to contemporary events.<sup>26</sup> In religion as well, an artificial gap between ‘Celtic Christianity’ and the ‘Roman Church’ is believed to have existed, which in fact is much better understood as the complex relationship between local and universal churches that was playing out in various ways across Europe. The ‘Celtic church’, it is now understood, was a notion created much later in the atmosphere of Presbyterian rejection of Catholicism.<sup>27</sup> More than any other area, though, ethnic-dualist stereotypes survive in discussions of the Scottish aristocracy of the central middle ages. The earls and earldoms are still understood to a large degree to have been bastions of ‘Celtic survival’, enclaves of ‘tenacious conservatism’.<sup>28</sup> Likewise, the accession to an earldom by an ‘Anglo-Norman’ baron has been depicted as a kind of defeat in a culture war. Instead, studies of earls and other aristocratic landholders should look beyond the (assumed) ethnic struggle.

The emergent critical take on many of these assumptions by writers like Thomas O. Clancy, Alex Woolf and Dauvit Broun has been informed by a revolution in thinking about ethnicity within academia, which began in the 1960s.<sup>29</sup> Academics now understand race (or ethnicity, the terms are interchangeable) as socially constructed rather than a biological given. Physical and cultural traits were still understood as the ingredients in ethnic identity, but now these ethnic groups were seen as actively defined by themselves or by others for historically contingent reasons. In other words, opinions about a particular ethnic group can vary, not only over time, but also amongst contemporary individuals. Ideas about ethnic identity can be used situationally to the advantage of an individual or group.<sup>30</sup> For

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<sup>25</sup> Hector L. MacQueen, ‘Scots Law under Alexander III,’ in *Scotland in the Age of Alexander III, 1249- 86*, Norman H. Reid (Edinburgh, 1990), 82, 95.

<sup>26</sup> Dauvit Broun, ‘The Origin of the Stone of Scone as a National Icon’, in *The Stone of Destiny; artefact and icon*, ed. R. Welander, D.J. Breeze and T.O. Clancy (Edinburgh, 2003), 183-97.

<sup>27</sup> Thomas Owen Clancy, “‘Celtic’ or ‘Catholic’? Writing the history of Scottish Christianity, AD 664-1093’, *Records of the Scottish Church History Society* 32 (2002), 6.

<sup>28</sup> G.W.S. Barrow, *Robert Bruce*, 8; *Idem*, *Anglo-Norman Era*, 160; Cynthia Neville, ‘A Celtic Enclave in Norman Scotland’, 75- 92.

<sup>29</sup> Alex Woolf, ‘The Scottish Identity of the Kingdom of Alba in the Twelfth and Thirteenth Centuries’ at *Rannsachadh na Gàidhlig* 3, University of Edinburgh, 21-23 July 2004, *Idem*, ‘Pictish matriliney reconsidered’, *Innes Review* 49 (1998), 147- 67; *Idem*, ‘The “Moray Question” and the Kingship of Alba in the Tenth and Eleventh Centuries’, *SHR* 79 (2000), 145- 64; Clancy, “‘Celtic’ or ‘Catholic’?; Broun, ‘Anglo-French acculturation’, *Idem*, *The Irish Identity of the Kingdom of the Scots* (Woodbridge, 1999).

<sup>30</sup> *Theories of Race and Ethnic Relations*, ed. John Rex and David Mason (Cambridge, 1986); M. Elaine Burgess, ‘The resurgence of ethnicity: myth or reality?’ *Ethnic and Racial Studies* 1 (1978), 265- 85; A.H. Halsey, ‘Ethnicity: a primordial social bond?’ *Ibid.*, 124- 8; Anthony D. Smith, ‘War and Ethnicity: the role

medievalist scholars, the study of ethnic groups is interwoven with that of nascent European nationalisms. Some scholars accept that national identity is a purely modern phenomenon, developing as a result of events like the French and Industrial Revolutions, mass print-culture, and the Enlightenment.<sup>31</sup> Because the idea of a nation relies upon ethnic identity merged with a state or other political unit, the implications are that nations did not exist prior to about 1780, and that whatever type of ethnicity was extant in the Middle Ages would have been quite different without the linguistic-cultural-symbolic complex of the modern nation-state.<sup>32</sup> Academics, however, have criticized this approach, offering various possibilities for other related identities. Sociologists have drawn a distinction between ethnic and civic nations.<sup>33</sup> Susan Reynolds has suggested that many European ethnic communities grew to be coterminous with *regna* (kingdoms), a distinct form of political unit, rather than states, in the central and late middle ages.<sup>34</sup>

In the twelfth and thirteenth centuries, ethnonational terms were used in more restricted senses, to describe peoples (*gentes, naciones, or populi*) and sometimes kingdoms (*regna*).<sup>35</sup> Medieval concepts of peoples varied both from each other and from modern notions. A literate, politico-cultural elite created and utilized ethnic ideas for different purposes. Consequently, use of ethnographic terms in an historical text need not always describe what would now be considered an ethnic group. For example, early medieval legal tracts and codes often incorporated ethnic terminology to distinguish

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of warfare in the formation, self-images and cohesion of ethnic communities', *Ethnic and Racial Studies*, 4 (1981), 375- 97; Robin Cohen, 'The Making of Ethnicity: a modest defence of primordialism', in *People, Nation and State: The Meaning of Ethnicity and Nationalism*, ed. Edward Mortimer and Robert Fine (London, 1999), 3- 11.

<sup>31</sup> This 'modernist' position is presented in Ernest Gellner, *Nations and Nationalism* (Oxford, 1983); Benedict Anderson, *Imagined Communities: Reflections on the origins and spread of nationalism* (London, 1991), and Eric Hobsbawm, *Nations and nationalisms since 1780: programme, myth, reality* (Cambridge, 1990). A critical description of the historiographical debate is offered in Anthony D. Smith, *The Nation in History: Historiographical Debates about Ethnicity and Nationalism* (Cambridge, 2000), esp. chapter two.

<sup>32</sup> Eric Hobsbawm, *Nations and Nationalisms*, 8- 35.

<sup>33</sup> Smith, *Nation in History*, 15- 16.

<sup>34</sup> Susan Reynolds, 'Medieval *Origines Gentium* and the Community of the Realm', *History* 68 (1984), 382- 7.

<sup>35</sup> On medieval identities, see R.R. Davies, 'The Peoples of Britain and Ireland, 1100- 1400: Identities', *Transactions of the Royal Historical Society* 6<sup>th</sup> s. 4 (1994), 1- 20; Susan Reynolds, *Kingdoms and Communities in Western Europe 900- 1300*, 2<sup>nd</sup> edn. (Oxford, 1997). On medieval Scottish identities, see Dauvit Broun, 'Defining Scotland and the Scots before the Wars of Independence', in *Image and Identity: the making and re-making of Scotland through the ages*, ed. Dauvit Broun, R.J. Finlay and Michael Lynch (Edinburgh, 1998), 4- 17; Bruce Webster, *Medieval Scotland: the Making of an Identity* (London, 1997); William Ferguson, *The Identity of the Scottish Nation* (Edinburgh, 1998). On medieval English identities, see Rodney Hilton, 'Were the English English?', in *Patriotism: the Making and Unmaking of British National Identity*, ed. R. Samuel (London, 1989), 39- 43; Alfred P. Smyth, 'The Emergence of English Identity, 700- 1000', in *Medieval Europeans: Studies in Ethnic Identity and National Perspectives in Medieval Europe*, ed. A. P. Smyth (Basingstoke, Hampshire, 1998), 24- 52; Susan Reynolds, 'What do we mean by "Anglo-Saxon" and "Anglo-Saxons"?' *Journal of British Studies* 24 (1985), 395- 414; John Gillingham, 'The Beginnings of English Imperialism', in *English in the Twelfth Century*, 3- 18.

between different groups of people, but Patrick Amory has shown that these supposed ethnic groups often bore little or no relation to the forms of identity individuals found useful.<sup>36</sup> Ethnic terms could also be used to reflect religious affiliations: in early medieval Gaul, *Romanus* was equivalent to Catholic, while *barbarus* meant heathen.<sup>37</sup> Therefore, medieval people seem to have seen themselves as races or ethnic groups, based on perceived notions of shared biological descent, physical characteristics, and things like language, law and custom. Moreover, Robert Bartlett has demonstrated that medieval governments could accommodate successfully both single- and polyethnic communities, and that the language used by some medieval writers ‘allowed a picture of races as changing cultural communities’.<sup>38</sup>

Some recent work in Scottish history has been aimed directly at addressing the issues of ethnic and national identity in the Middle Ages, and this is most successful when it incorporates the new perspectives of understanding identity as malleable and contextual. The Scottish kings, in particular, were able to play notions of ethnicity to their advantage, and could at times seem almost all things to all people. In that regard, it helped that they ruled over a kingdom comprising speakers of at least six vernacular languages: Gaelic, English (or Old Scots), Norse, Welsh, French and Flemish. The legendary basis for their kingship, which conferred legitimacy, was founded on their Irish descent, and they claimed a legendary ancestry from Egyptian pharaohs. At times, however, writers could also flag up their Pictish past, or, following on Isidore of Seville, a pseudo-eponymous Scythian origin.<sup>39</sup> Writers like Jordan of Fantosme and the Barnwell Chronicler could highlight the cosmopolitan Frenchness of kings like William I, *alias* William de Warenne.<sup>40</sup> The ethnic picture we have of the Scots kings is complex, and Scottish ethnogenesis is clearly a more complicated proposition than that of the Irish, the Welsh or even the English. The ethnic view of the kings, however, was changeable according to audience and purpose. If William seemed French, it was the English ancestry of David I, daughter of Margaret and great-

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<sup>36</sup> Patrick Amory, ‘The meaning and purpose of ethnic terminology in the Burgundian laws’, *Early Medieval Europe* 2 (1993), 1- 28; *Idem*, *People and Identity in Ostrogothic Italy, 489- 554* (Cambridge, 1997), 33- 39.

<sup>37</sup> *Idem*, ‘Ethnographic Rhetoric, Aristocratic Attitudes and Political Allegiance in Post-Roman Gaul’, *Klio* 76 (1994), 440.

<sup>38</sup> Robert Bartlett, ‘Medieval and Modern Concepts of Race and Ethnicity,’ *Journal of Medieval and Early Modern Studies* 31 (2001), 39- 56.

<sup>39</sup> Dauvit Broun, *Irish Identity*, 5 n. 29, 74-8, 119 and 195- 200.

<sup>40</sup> *Jordan Fantosme’s Chronicle*, ed. R.C. Johnston (Oxford, 1981), 49.; *Memoriale Fratris Walteri de Coventria: the Historical Collection of Walter of Coventry*, ed. William Stubbs, Rolls Series (2 vols, London, 1872-3), ii, 206.



grandson of Edmund II 'Ironside', that was significant to writers like Ailred of Rievaulx.<sup>41</sup> Therefore, while it was the ancient, mythical, Irish past of the kings that formed the bedrock of their legitimacy, especially to Scots writers, connections with the Anglo-Saxon royal house and Anglo-French nobility could add contemporary relevance and prestige to that foundation. Moreover, it is probable that many Scots earls and magnates were similarly able to straddle two worlds, one Gaelic-speaking, the other French, as preliminary work by Dauvit Broun suggests.<sup>42</sup> This thesis will explore this theme in greater depth.

The concept of 'europeanization', as formulated by Robert Bartlett, offers a less insular framework which has the advantage of eschewing the baggage of ethnic dualism. By seeing twelfth-century cultural change as a Europe-wide phenomenon based on an 'aristocratic diaspora' from France, Germany and the Low Countries, this interpretative structure allows the Scottish experience to be studied in context and similarities and differences to be drawn. Bartlett and other writers have noted, for example, the balanced nature of Scottish cultural change and that there was no wholesale expropriation of 'native' landholders nor any legal distinction between incomers and 'natives', as in other places, like Ireland.<sup>43</sup> Indeed, the Scottish experience, while having much in common with other 'peripheral lands', was unique in the exact nature of its change. This thesis focuses on several of the issues identified by Bartlett as important in the europeanization phenomenon, and seeks to explain the Scottish experience. The second chapter examines the role of charter adoption among Scottish aristocrats and asks to what extent the documents themselves should or should not be understood as tied to ethnicity. The third chapter concentrates on names, which Bartlett identified as central to the process of europeanization, and explains the complex ethnolinguistic onomastic situation in Scotland. The fourth chapter discusses the social networks tying together the Scots aristocracy with the immigrant barons and knights, thus exploring the aristocratic diaspora in further detail, while the final chapter discusses the points of contact between immigrants and 'natives' in various social settings, placing relations on the ground in the context of Broun's *modus vivendi*.<sup>44</sup>

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<sup>41</sup> Ailred of Rievaulx, *Genealogia Regum Anglorum, Patrologia Latina*, vol. 195, 735-6; Cf. Adam of Dryburgh, *De tripartito tabernaculo, PL*, vol. 198, 722-3.

<sup>42</sup> Dauvit Broun, 'Anglo-French Acculturation', 137-40.

<sup>43</sup> Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950-1350* (London, 1993), 51-9, 214-7.

<sup>44</sup> Dauvit Broun, 'Anglo-French acculturation', 140.

## Methodology

Prosopography offers a valuable methodology for analysing large numbers of documents, which often contain little more information about a person than his or her name. The *Oxford English Dictionary* defines prosopography as ‘a study or description of an individual's life and career; hence, historical inquiry, especially in Roman history, concerned with the study of (political) careers and family connections; a presentation of evidence relating to this study.’<sup>45</sup> In recent years, the prosopographical method, fuelled by advances in computerised database technology, has spread beyond its traditional domain to medieval history and beyond.<sup>46</sup> Prosopography is closely related to onomastics (study of the history of names) and offers a way to examine large groups of names in detail.<sup>47</sup> Furthermore, this particular methodology is an effective way to tease out the relationships of family, office and landholding that bound together medieval society. In addition to offering a way of managing large amounts of data, prosopography has been used to tackle ethnic questions. Most notably, Patrick Amory, in his *People and Identity in Ostrogothic Italy 489 – 554*, was able to reconceptualise the notion of barbarian ethnicity in late antique Italy, through the use of prosopographical methods.<sup>48</sup> Thus, this methodology addresses the two main problems of the present study; the tendency of charter evidence to turn up a great deal of personal names, and the peculiarly ethnic nature of medieval Scottish history.

As is well known and recognised by scholars, the central medieval kingdom of the Scots consisted of a loose collection of lands, including Strathclyde, which itself had been a kingdom based on Dumbarton prior to ca. 1018, as well as Lothian (Northumbria north of the Tweed), in addition to the semi-autonomous province of Galloway. The central and eponymous land within the realm, however, was called in Latin *Scotia* (or *Albania*), in Gaelic *Alba*, and has been described by Dauvit Broun as ‘lesser Scotland’ or ‘Scotland proper’ in contradistinction to the ‘greater Scotland’ coterminous with the kingdom's borders. In the twelfth century, the term ‘Scotland’ referred only to this primarily Gaelic-

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<sup>45</sup> *Oxford English Dictionary*, 3<sup>rd</sup> edn. (in progress), OED Online, ed. John A. Simpson (Oxford, 2000 – ).

<sup>46</sup> Large-scale projects have included the Continental Origins of English Landholders, 1066 – 1166 and Prosopography of Anglo-Saxon England.

<sup>47</sup> Katharine Keats-Rohan, *Domesday Names* (Woodbridge, 1997); Iris Shagrir, *Naming Patterns in the Latin Kingdom of Jerusalem* (Oxford, 2003); C.P. Lewis, ‘Joining the Dots: a Methodology for Identifying the English in Domesday Book’, in *Family Trees and the Roots of Politics: the prosopography of Britain and France from the tenth to the twelfth century*, ed. K.S.B. Keats-Rohan (Woodbridge, 1997), 69 – 87.

<sup>48</sup> Patrick Amory, *People and Identity in Ostrogothic Italy 489 – 554* (Cambridge, 1997).

speaking land north of the Firth of Forth.<sup>49</sup> The geographical tract *De Situ Albanie*, which probably dates to 1165 x 84, notably described the country as the figure of a man, whose legs were the Tay and Spey.<sup>50</sup> As Broun has pointed out, there was ambiguity in the exact definition of *Scotia* or *Albania*, even within this single text. Argyll is first described as the head of the body; however, the arms are described as the mountains that divide Scotland from Argyll (*Brachia autem eius sunt ipsi montes qui diuidunt Scociam ab Arregaiche*).<sup>51</sup> That Moray was sometimes seen as part of *Scotia*, sometimes distinct, adds further confusion for the modern scholar.<sup>52</sup> The same general concept was maintained in the thirteenth century by the separate justiciars for *Scotia* and Lothian (and sometimes one for Galloway).<sup>53</sup> This study, then, incorporates all of Scotland north of Forth, excepting the very poorly-attested areas west of Druim Alban, that is, Argyll. The southern border includes the earldom of Menteith but excludes the earldom of Lennox, which was a liminal area between *Scotia* and Strathclyde, and which seems to in many ways have looked to the west and south more than to the east.

The temporal parameters of this study are *circa* 1100 to *circa* 1260. These two dates are not based on the accession or death of kings or nobles, on famous battles or other events. On the contrary, they are deliberately vague in order to avoid giving any false impressions about the neatness of any demarcations of periodisation. *Circa* 1100 as a *terminus post quem* is attractive because it marks a point at which there were effectively no surviving charter sources for Scotland north of the Forth. It lies on the cusp of significant changes in attitudes to the written word and its relation to law and authority. *Circa* 1260 is just as arbitrary as a *terminus ante quem*, and falls in the middle of a king's reign. The 1250s, the period of King Alexander III's minority, saw Scotland governed by two competing aristocratic factions, and had as much to do with the decades preceding it, arguably more, than with the era of Alexander's adult rule. Furthermore, the 1250s witnessed the fruition of charter use by lay landholders of all social levels.

This prosopographical study of Scottish society is based on charters, briefs, agreements or chirographs, and other such pragmatic documents, produced during this long century-and-a-half. Between *circa* 1100 and *circa* 1260, approximately 655 surviving texts

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<sup>49</sup> Dauvit Broun, 'Defining Scotland', 6- 7; *Idem*, 'The seven kingdoms' in *Alba: Celtic Scotland*, ed. Cowan and McDonald, 24- 42.

<sup>50</sup> Marjorie O. Anderson, *Kings and Kingship in Early Scotland*, rev. edn. (Edinburgh, 1980), 240- 1; Anderson, *Early Sources*, i, cxv- cxix.

<sup>51</sup> *Ibid.*, cxvi; Anderson, *Kings and Kingship*, 241.

<sup>52</sup> Broun, 'Defining Scotland', 6- 7.

<sup>53</sup> Barrow, *Kingdom of the Scots*, 81- 8.

of royal charters, brieves and agreements were produced that related to Scotland north of the Forth. Likewise, about 718 such documents of bishops, abbots, and other ecclesiastical figures, dealing with the same region, were identified and consulted for this study. The main focus of the research, however, was on the *circa* 741 non-royal, non-ecclesiastical texts which recorded the acts of laypeople of mostly aristocratic rank. These documents are often referred to as ‘private charters’. This term has been avoided, as the distinction between public and private, especially in government and record-keeping, is unhelpful and misleading when discussing the central middle ages. This large and somewhat varied group of sources can be called, for convenience, ‘charters of lay landholders’ or simply ‘aristocratic charters’. As used in this thesis, the term ‘aristocracy’ (unlike nobility or baronage), is inclusive, and comprises all free landholders, including the comital, baronial, and knightly or gentry levels of landholders. The 741 ‘private’ charters, brieves and agreements are listed chronologically in Appendix A. They include a handful of charters (often quitclaims and sales) by burgesses and small freeholders. Only slightly more than twenty percent of the 741 documents of laypeople survive as contemporary single sheets (which some historians still call ‘originals’); these are shown in the appendix.

The term ‘charter’ is used in this thesis in the broader sense, to refer to all such pragmatic documents. The word is also employed in a narrower manner to indicate the kind of epistolary document described by Geoffrey Barrow in his article ‘The Scots Charter’.<sup>54</sup> The defining quality of these documents is that they, unlike diplomas, were open-ended letters declaring to all that some sort of transaction had taken place. The nature of that act could vary, and the form was remarkably flexible, incorporating within its telltale *formulae* such deeds as donations to monasteries or grants to laypeople (*‘dedisse, concessisse et confirmasse’*), confirmations of such gifts by successors (*‘concessisse et confirmasse’*), resignations or quitclaims (*‘quietam clamasse’*, *‘renunciasse’*, etc.) and even sales (*‘vendidisse’*). Epistolary charters varied significantly in form from the “two-sided” documents known as chirographs (or indenture), which recorded in duplicate agreements between two parties. The side of the document taken by each party had the seals of the other party and/or their guarantors. Since not all such “two-sided” agreements declare that they were made *‘in modum cyrographum’*, the term ‘agreement’ is preferred in this thesis. The documents themselves make use of various names, including *concordia finalis*, *controversia*, and *compositio amicabile*, giving further impetus for a catch-all term

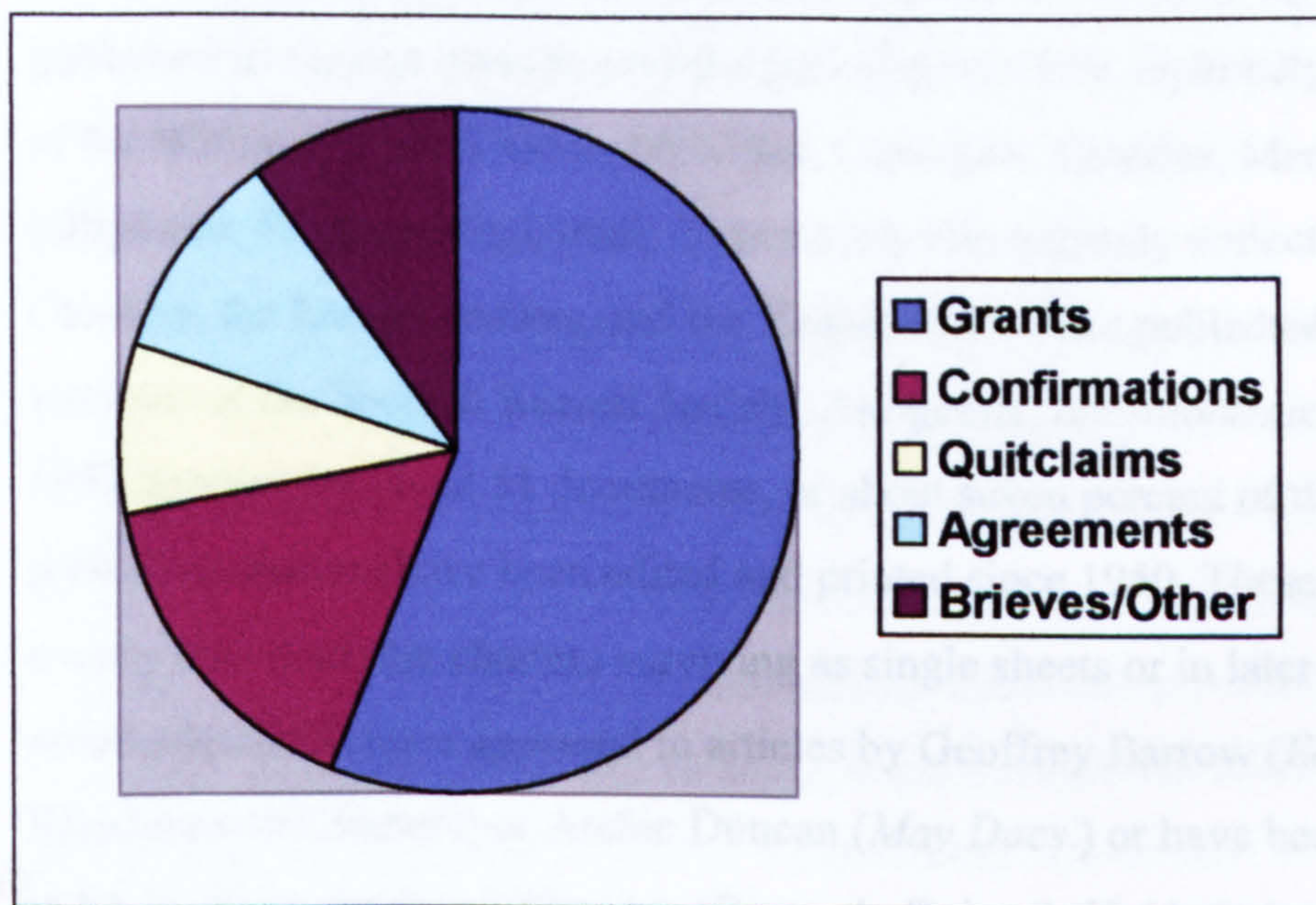
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<sup>54</sup> G.W.S. Barrow, *Scotland and its Neighbours in the Middle Ages* (London, 1992), 94-9.

like agreement. Other, similarly discursive, documents recorded the proceedings of civil cases and criminal trials, but were not written in the “two-sided” form of agreements. The other category of documents constitutes ephemera such as briefs (known in England as writs), letters, memoranda, statements, notifications. Of the 741 documents, around 80 percent were epistolary charters. Of the total, 56 percent were grants (including donations and sales), 16% were confirmations, and 8% were quitclaims and resignations. Approximately ten percent of the surviving texts were agreements, legal proceedings and recognitions of perambulations, with about the same amount consisting of briefs and other ephemera (see Graph 1.1).

Graph 1.1

**Types of non-royal, non-ecclesiastical charters**



The majority of the charters have been published. The largest group of documents survived in manuscript monastic cartularies compiled between the thirteenth and the sixteenth centuries.<sup>55</sup> Most of these were printed by nineteenth century antiquarian societies like the Bannatyne Club, based in Edinburgh, and the Spalding Club, situated in Aberdeen. The largest and most important cartularies, those of the monasteries of Dunfermline, Scone, St Andrews, Arbroath, Balmerino, Cambuskenneth, and the cathedral churches of Aberdeen, Brechin and Moray, were mostly edited by eminent antiquarian

<sup>55</sup> G.R.C. Davis, *Medieval Cartularies of Great Britain: a short catalogue* (London, 1958).

scholar Cosmo Innes and published between the 1830s and about 1875.<sup>56</sup> About 412, or 56 percent, of the non-royal, non-ecclesiastical charter texts, came from these antiquarian printed cartularies. In the late nineteenth and early twentieth centuries, the Scottish History Society picked up where the antiquarian clubs left off and published more monastic collections, with an emphasis on the privately-held caches of 'original' single sheet charters relating primarily to Coupar Angus and Inchaffray Abbeys, as well as printing other overlooked transcripts and manuscripts, like the documents of Inchcolm Abbey and the cartulary of Lindores Abbey, between about 1875 and 1950. Taken together with other, smaller, monastic collections (Beaulieu, Coupar Angus Register *Breviarium*, Culross) printed in this period by organisations like the Grampian Club and the Society of Antiquaries of Scotland, documents from these works account for about 202 or 27 percent of the 'aristocratic charters'. Miscellaneous charters, mostly to lay beneficiaries, were also published in various sources over the period up to 1950, especially in the family histories of Sir William Fraser (Grants, Melvilles, Carnegies, Douglas, Menteith) and others (Oliphants, Panmure Registrum, Moncreiffs). Other family collections, like the Erroll Charters, the Laing Charters, and the Yester Writs, were published in miscellanies and volumes of the Scottish Record Society. Altogether, non-monastic charters printed before 1950 account for about 51 documents, or about seven percent of the total. The remaining published charters have been edited and printed since 1950. These have tended to be mostly non-monastic charters surviving as single sheets or in later transcripts and notebooks. Most have appeared in articles by Geoffrey Barrow (*East Fife Docs.*, Kinninmonth Charters) or Archie Duncan (*May Docs.*) or have been edited as appendices to Ph.D. theses by Grant Simpson (Roger de Quincy), Keith Stringer (Earl David of Huntingdon) and Cynthia Neville (the earls of Strathearn).<sup>57</sup> These documents make up about 36 texts, or five percent of the total. The remaining charters, around 40 (5%) survive in unprinted manuscripts.<sup>58</sup> Many of these texts come from an unprinted Arbroath Cartulary in the British Library, BL Add. 33245. The remainder are single sheet parchments found mostly in the National Library of Scotland (NLS) and the National Archives of Scotland (NAS), and are listed in part one of the bibliography.

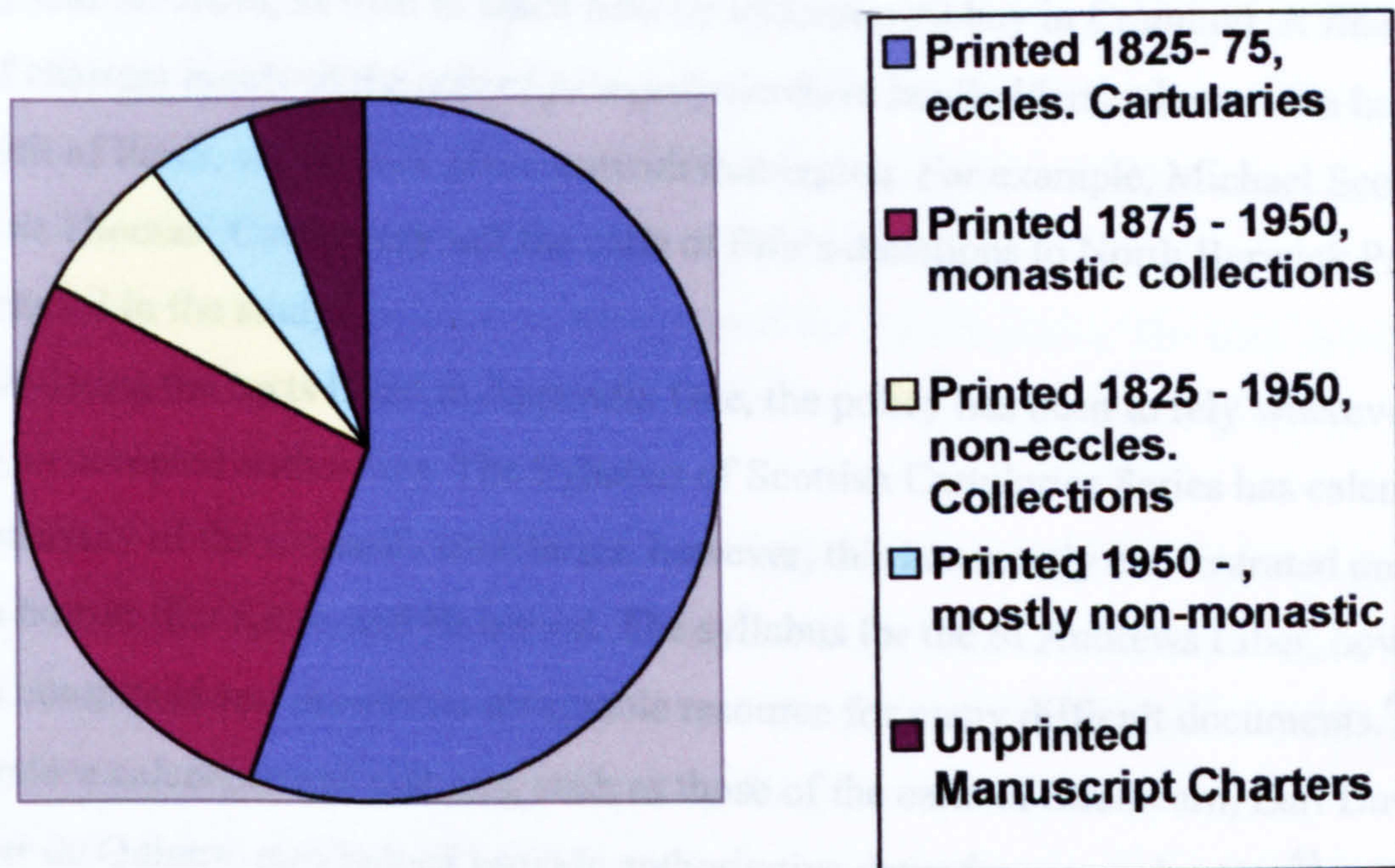
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<sup>56</sup> In addition to these north-of-Forth monasteries, select charters of south-of-Forth houses like Kelso, Dryburgh, Glasgow, Holyrood, North Berwick and Newbattle, relating to lands, churches, or earls benorth the Forth, were included. Their cartularies were published around the same time.

<sup>57</sup> Charters to monastic sources were included as part of their cartularies; for example, charters of Earl David to Lindores Abbey or Gilbert, earl of Strathearn, to Inchaffray Abbey, were included with their respective cartularies.

<sup>58</sup> Obviously, many of the printed charter texts also survive as contemporary single sheets. See Appendix.

Graph 1.2

**Sources of non-royal, non-ecclesiastical charter texts**

The line between Scotland north of Forth and the other parts of the kingdom of the Scots is more difficult to draw in choosing which documents to include, than it is geographically. Similar problems, caused by an abundance of cross-border connections, would be present at the Anglo-Scottish border or indeed along most frontiers in medieval Europe. Sometimes, a single text will include information pertinent to multiple people and locations, some within the area of study, some outwith that zone. The policy employed throughout was to err on the side of inclusiveness. Obviously, all documents from north-of-Forth landholders to individuals and institutions also within that region were included within the 741 'aristocratic charters'. Additionally, there were four further areas where the study went beyond this. All charters to north-of-Forth monasteries were included, even if the grantor or the property involved was located outwith the area. Thus, for example, grants by Hugh de Lacy, earl of Ulster, to St Andrews Priory, Robert de Brus to Arbroath Abbey, and Walter son of Alan, the steward, to Dunfermline Abbey were included.<sup>59</sup> Furthermore, grants of north-of-Forth churches and lands to southern monasteries were included, as with Walter Bisset's donation of the church of Peterculter to Kelso Abbey.<sup>60</sup> A

<sup>59</sup> *St Andrews Liber*, 118; *Arbroath Liber*, no. 37; *Dunfermline Registrum*, nos. 162, 163.

<sup>60</sup> *Kelso Liber*, no. 233. *St Andrews Liber*, *Aberdeen Registrum*, *Panmure Registrum*, *Aberdeen-Banff Illustrations* and *Aberdeen-Banff Collections* do not employ unique numbers for each charter. In this thesis, A

third group of anomalous documents involved tenants and landholders of south-of-Forth monastic properties, in particular, lands held by Dunfermline Abbey held in the region of Carberry and Smeaton, as well as lands held by Inchcolm Abbey in Cramond. A final group of charters involved the acts of *primarily* northern landholders, whose main holdings were north of Forth, which took place outwith that region. For example, Michael Scot's grant to St Thomas' Canterbury and the earls of Fife's donations to North Berwick Priory were included in the study.<sup>61</sup>

In dating the texts listed in Appendix One, the policy has been to rely wherever possible on accepted authorities. The Syllabus of Scottish Cartularies Series has calendared and dated many of the monastic cartularies; however, this has mostly concentrated on southern houses like Kelso and Holyrood. The syllabus for the St Andrews Liber, however, has been completed and proved an invaluable resource for many difficult documents.<sup>62</sup> Other modern calendars and editions, such as those of the earls of Strathearn, Earl David and Roger de Quincy, also helped provide authoritative dates for many charters.<sup>63</sup> Wherever royal charters were used for dating purposes, Geoffrey Barrow's *David I Charters, RRS i* and *RRS ii* were indispensable, as well as the Handlists of Alexander II and Alexander III's charters. The dates used in the older editions were not, as a rule, trusted, and all attempt was made to determine more accurate dates based on the grantors and witnesses, and sometimes by later confirmations of the acts. In undertaking this procedure, aids such as D.E.R. Watt and Athol Murray's revised edition of the *Fasti Ecclesiae Scoticae Medii Aevi Ad Annum 1638*, Watt and Norman Shead's useful *Heads of Religious Houses*, Watt's *Biographical Dictionary of Scottish Graduates to A.D. 1410* were relied upon.<sup>64</sup> Undoubtedly, any errors of dating contained herein are my own.

Personal names play a big part in any prosopographical analysis, and it is important to make clear from the outset the practices used throughout the thesis. For toponymical surnames and by-names, contemporary rather than modern versions of names are

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separate page numbers are given for each unique document from these sources, even when listed in a series, in order to convey the exact number of relevant documents.

<sup>61</sup> Barrow, *East Fife Docs.*, no. 6; *North Berwick Carte*, nos. 3, 6, 7.

<sup>62</sup> *Syllabus of Scottish Cartularies: St Andrews*, ed. Marinell Ash, Ian Cunningham and William Scott (1999). Thanks also to Simon Taylor for allowing me to use his uncompleted calendar of Dunfermline acts.

<sup>63</sup> Neville, *Earls of Strathearn Acta*; Stringer, *Earl David Acta*; Simpson, *Roger de Quincy Acta*.

<sup>64</sup> D.E.R. Watt and A.L. Murray, *Fasti Ecclesiae Scoticae Medii Aevi Ad Annum 1638*, rev. edn. (Edinburgh, 2003), D.E.R. Watt and N.F. Shead, *Heads of Religious Houses in Scotland from Twelfth to Sixteenth Centuries* (Edinburgh, 2001), D.E.R. Watt, *Biographical Dictionary of Scottish Graduates to A.D. 1410* (Oxford, 1977). Thanks also to Norman Shead for allowing me access to his calendar of the acts of Scottish bishops to 1250. Other useful resources included *The Sheriffs of Scotland: An Interim List to c. 1306*, ed. Norman H. Reid and G.W.S. Barrow (St Andrews, 2002).



preferred. Furthermore, names referring to places in Britain are given in English, with 'of' and the name of the place. Thus, David of Lindsey is preferred over David Lindsay or David de Lindeseia; Walter of Moray over Walter Murray or Walter de Moravia. For names referring to places outwith Britain or to terms in Latin or French, the most common Latin form is preferred, with 'de'. For example, the thesis will refer to William de Haya rather than William Hay, and Robert de Montealto for Robert Mowat. In other words, 'of' is always used for British places; 'de' is always used for French places. For both British and French toponymics, the modern Scots or English version of the name is given in brackets in the first instance.

Another area of potential confusion is the usage preferred for Gaelic names. Gaelic names that are well-known to modern readers, such as Duncan, Malcolm and Donald, have been given in their modern English versions. These are always accompanied in the first instance, however, by the contemporary Gaelic spelling (Donnchad, Máel Coluim, Domnall). Other, less familiar Gaelic names, have been given in a standardised version of the medieval Gaelic spelling. For example, Malise is written Máel Ísu throughout. These Gaelic names will always be accompanied by either the Scots rendition of the moniker or the Latin rendering used in the texts. A few very obscure names have been presented in the often difficult orthography of the original source. Names in the vernacular languages, mostly English and Gaelic, are in Roman type; names in Latin are presented in italics.

## Two: The use of charters by Scottish landholders

In 1100, Latin documents like diplomas, briefs, chirographs and charters were virtually unknown in the kingdom of the Scots; by 1260, the last of these, at least, was almost ubiquitous. Anyone undertaking a study of Scottish society using these sources as the primary evidence must seek first to understand the ways in which this demand for 'pragmatic literacy' grew, and prosopography offers new ways of comprehending this important shift to written record. Over and above this, however, the student of medieval Scottish history must realise that the documents he uses are themselves products of the very social changes he seeks to examine. While the spread of charters was not normally described explicitly as a part of the processes of 'normanisation' or 'feudalisation', the use of these Latin documents and their role in the procedures of 'feudal' land tenure were implicit to the arguments. Therefore, the language of the charters was seen as indicative of these processes. R.L.G. Ritchie wrote of Malcolm/ Máel Coluim IV: 'In the Address of his charters the constituted authorities of the realm stood in their Norman array'.<sup>1</sup> The source material for our understanding of central medieval Scottish society can itself be seen as part of the process of 'europeanization'. Robert Bartlett compared charter use with the adoption of silver coinage and included them as cultural features of europeanization, along with such themes as naming practices and universities.<sup>2</sup> The documents must be understood through this lens. Thus, it is necessary to explore the social contexts for the adoption and use of charters by aristocratic landholders in Scotland north of Forth, and to determine whether this process should be tied to ethnic identity or immigrant status.

### *The advent of charter use in the Scottish kingdom*

Bartlett has demonstrated successfully that the 'sequence of charters in a newly documented region follows a fairly regular pattern'. He laid out a four-part scenario for the spread of charter use to peripheral regions across Europe, followed by a more detailed examination of the situation in Pomerania. The first phase was the use of charters by outside authorities for grants of lands or rights within the region. Bartlett identified the

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<sup>1</sup> R.L.G. Ritchie, *Normans in Scotland*, 364. The more explicit features of 'Normanisation', for Ritchie, were castles, sheriffs, burghs and abbeys. See chapter 7.

<sup>2</sup> Robert Bartlett, *Making of Europe*, 269- 91.

spread of papal documents as the most common example of this. Second, ecclesiastics (usually monastic) began producing their own charters within the region. Third, charters began to be written in the name of local rulers (whether kings or magnates), but were produced by the ecclesiastical beneficiaries. Finally, lay rulers and nobles took steps to employ their own scribes in order to record their transactions for them. Thus, the development of 'pragmatic literacy', as it has been called, is typical of the relationship between church and secular figures seeking to exert power and could be termed symbiotic.<sup>3</sup>

Whereas the basic outline developed above holds true in many ways for Scotland, there are certain traits which make that kingdom stand out, mainly due to the existence of the Scots kings and their connections with England. The first charters relating to Scotland were not papal bulls, but rather royal charters.<sup>4</sup> Outside influences, however, were at play, as the earliest Scots royal charters were clearly produced by their beneficiaries, the monks of Durham.<sup>5</sup> The first charters written in the name of a lay landholder in the kingdom of the Scots, which record the granting of Ednam by Thor the Long to Durham, were doubtless produced by those same monks.<sup>6</sup> Furthermore, the early twelfth century saw an apparent increase in letters from popes and archbishops of Canterbury to the kings of Scots.<sup>7</sup> Another important factor was the kings' role as English landholders in the honour of Huntingdon and as earls of Northumberland.<sup>8</sup> That said, it is likely that the majority of David I's charters within Scotland were produced by monastic beneficiaries. Barrow has identified scribal hands in charters of David I which can be associated with Durham and Melrose, and Broun has drawn attention to archival centres based on these and other monasteries.<sup>9</sup> Broun further highlighted that only about forty percent of extant

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<sup>3</sup> *Idem*, *Making of Europe*, 283-4.

<sup>4</sup> Lawrie, *Charters*, nos. 12, 15, 17, 18, 19, 20, 21, 22, 26, 29, 30, 31, 32, which were probably produced at Durham or by the monks of St Cuthbert. A notable exception here is a brieve of Alexander I to Durham, *ESC* no. 27, which was produced by a royal scribe. See Broun, 'The Adoption of Brieves'.

<sup>5</sup> A.A.M. Duncan, 'The Earliest Scottish Charters', *SHR* 37 (1958), 103-35; J. Donnelly, 'The Earliest Scottish Charters?', *SHR* 68 (1989), 1-22; A.A.M. Duncan, 'Yes, the Earliest Scottish Charters', *SHR* 78 (1999), 1-38. The earliest Scots charters from king, bishop and layperson, all appear to have been produced at Durham.

<sup>6</sup> This includes a charter from Thor to Earl David before becoming king, and the earl's response to Thor. *ESC*, nos. 24, 33, 34.

<sup>7</sup> Letter from Lanfranc to Queen Margaret, *ESC*, no. 9; Archbishop Anselm to King Alexander I, 1107, *ESC*, no. 25; Archbishop Ralph to Alexander I, 1120, *ESC*, nos. 38, 39, 40, 1122, no. 42; Eadmer to Alexander I, 1122, *ESC*, no. 41; Pope Calixtus II to Alexander I, 1122, *ESC* nos. 43; Calixtus II to Bishop John of Glasgow, 1122, *ESC*, nos. 44, 45; Pope Honorius II to King David, 1125, *ESC*, no. 55; Honorius II to bishop-elect of Whithorn, *ESC*, no. 63. See also Robert Somerville (ed.), *Scotia Pontificia* (Oxford, 1982), nos. 4-16.

<sup>8</sup> Barrow, *Chrs. David I*, nos. 26-8, 59-66, 72-77; *Regesta Regum Scottorum* i, 98-112, nos. 142-56; *RRS* ii, nos. 1-451, 50-58.

<sup>9</sup> Barrow, *Chrs. David I*, 24; Dauvit Broun, 'The adoption of brieves in Scotland', forthcoming.

contemporary single-sheet parchments of David I and Malcolm IV can be shown to have been written by royal scribes.<sup>10</sup> Dunfermline Abbey played an important role and many of David I's extant brieves relate to that abbey and were probably produced there.<sup>11</sup> Interestingly, however, monks colonising new houses in Scotland did not necessarily bring their charter practices with them from the mother-house: Broun has shown that Dunfermline monks did not begin regularly recording transactions until after 1128 and that such practice was not standard until nearer 1150.<sup>12</sup> Rather, it is likely that monks and canons adopted the form in the second half of the twelfth century through communication with other monasteries, episcopal administration, the papal *curia* and the royal court.

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<sup>10</sup> Broun, 'The Writing of Charters in Scotland and Ireland in the Twelfth Century', in *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker (Turnhout, Belgium, 2000), 120. On the most significant royal scribe from this period, known only as D10, see Barrow, *Chrs. David I*, 24-9, and Broun, 'The changing face of charter scholarship: a review article' *Innes Review* 52 (2001), 205 - 11.

<sup>11</sup> Barrow, *Chrs. David I*, nos. 17, 18, 19, 20, 21, 33, 35, 36, 37, 38, 39, 44, 48, 49, 50, 67, 99, 131, 137, 138, 140, 141, perhaps 142, 152, 171, 172, 189, 190. Broun, 'Adoption of brieves'. Of David's charters relating to Scotland north of Forth, the above 28 have to do with Dunfermline Abbey. Numbers 85, 88, 89, 92, 93, 94, 100, 115, 126, 127, 153, 154, 157, 173, 178, 206, 207, 208, 209, 215 relate to St Andrews bishops, cathedral or hospital, although many refer to properties south of Forth. Numbers 117, 132, 133, 134, 135, 165, 186 relate to the Isle of May, and all but the last two of those were witnessed by Geoffrey, abbot of Dunfermline. If one exempts charters to the cathedral of St Andrews dealing with places south of Forth, then all of David's north of Forth charters and brieves, prior to *circa* 1140 related to Dunfermline.

<sup>12</sup> Broun, 'Adoption of brieves'.

Table 2.1

## Trends in the adoption of charter use in Scotland

1094 – 12 <sup>th</sup> cent.	grants by Scottish kings recorded by Durham monks
1100 –	papal letters to Scots kings and bishops
1115 –	royal grants and brieves to Scone Priory recorded in writing <sup>13</sup>
1124 (prob.)	first Scottish royal grant to baron (Barrow, <i>Chrs. David I</i> , no. 16)
1124 – 53	about 40% of David I's extant charters written by royal scribes <sup>14</sup>
1124 –	development of archives and writing centres, e.g. Dunfermline <sup>15</sup>
1143 – 47	papal protection and/or confirmation of possessions for 5 Scottish monasteries: Newbattle, Kelso, St Andrews, Holyrood, Stirling <sup>16</sup>
1160 – 80	significant growth in royal charters of donation to lay tenants, over half of surviving 'originals' written by Richard of Lincoln, clerk of King William I. <sup>17</sup>
1160s – 80s	first extant charters by lay magnates to lay tenants (relatives of the king Countess Ada, Earl David and Robert of London)
c. 1195 – 1214	all of surviving 'originals' of William I penned by royal scribes <sup>18</sup>
late 12 <sup>th</sup> cent.	first extant chirographs between earls and bishops <sup>19</sup>

The establishment of new, reforming monasteries was clearly the driving force behind the expansion in charter use in the twelfth century, whether royal or episcopal, more important initially than the growth of papal bureaucratic power. Charters produced in the names of bishops began in the dioceses of St Andrews and Glasgow in David I's reign, but surviving texts from many other bishoprics, like Dunkeld, Dunblane and Aberdeen, do not appear until the third quarter of the twelfth century.<sup>20</sup> Most early episcopal charters

<sup>13</sup> Duncan and Broun both now accept these documents of Alexander I as genuine, for different reasons. A.A.M. Duncan, 'The Foundation of St Andrews Cathedral Priory, 1140' *SHR* 84 (2005) 1 - 37; Broun, 'Adoption of brieves'.

<sup>14</sup> Barrow, *Chrs. David I*, 24- 9; Broun, 'Writing of Charters', 120; *Idem*, 'Charter Scholarship', 207.

<sup>15</sup> Broun, 'Adoption of brieves.'

<sup>16</sup> Somerville, *Scotia Pontificia*, nos. 23- 27.

<sup>17</sup> *RRS* ii, 84 – 91.

<sup>18</sup> *Ibid.*; Broun, 'Writing of charters', 120; *Idem*, 'The absence of regnal years from the dating clause of charters of kings of Scots, 1195 - 1222', *Anglo-Norman Studies* 25 (2002), 47 - 56.

<sup>19</sup> All three involve Duncan II, earl of Fife. *St A. Lib.*, 353; *Moray Registrum*, no. 16; NAS RH 6/16.

<sup>20</sup> Norman Shead, 'Scottish Bishops' *Acta* before c.1250: St Andrews and Glasgow', *Die Diplomatie der Bischofsurkunde vor 1250/ La Diplomatie Épiscopale avant 1250* (1993), 548; thanks also to Norman Shead for allowing me to use his unpublished handlist of Scottish bishops' *acta*.

were probably produced by monastic beneficiaries, initially at existing houses at Coldingham and Dunfermline, but increasingly at new establishments at Selkirk/ Kelso (1113/ 1128), Scone (1115), Holyrood (1128), Melrose (1136), St Andrews Priory (1140) and Cambuskenneth (x1147).<sup>21</sup> Probably the earliest surviving text from Robert, bishop of St Andrews, was a grant to Coldingham Priory dated 17 July, 1127, that was clearly produced in a Durham context.<sup>22</sup> The surviving charters of Robert, the only bishop with a substantial number of pre-1150 texts, were probably mostly produced by monastic beneficiaries: of his 26 surviving texts, five were to Durham (or Coldingham) and five were to Dunfermline, five to Holyrood Abbey, seven to St Andrews Priory, and the rest to religious establishments at Kelso, Dryburgh and Glasgow.<sup>23</sup> If survival rates are indicative, papal bulls and charters to bishops were rare prior to the 1150s. Popes wrote letters to Scottish bishops from at least 1100, but these tended to deal with liturgical matters and the diocesan controversy with York.<sup>24</sup> The first surviving papal confirmations of privileges to Scottish monasteries appeared in the 1140s. Innocent II confirmed the possessions of Newbattle Abbey in 1143, Lucius II confirmed the rights of St Andrews Cathedral Priory in 1144, Eugenius III confirmed Holyrood Abbey's properties in 1146 and Cambuskenneth Abbey's possessions in 1147.<sup>25</sup> Such papal confirmations became common practice for Scottish monasteries thereafter.<sup>26</sup> Still, the development of the form and *formulae* of the episcopal charters clearly drew from both papal and royal exemplars, as Norman Shead has shown. On one hand, the bishops adopted the use of the 'plural of majesty' or the 'royal we' long before the Scots kings, in imitation of papal style. On the other hand, as many as thirteen or fourteen pre-1250 bishops of St Andrews, Glasgow and Dunkeld were royal clerks or other members of the king's household.<sup>27</sup>

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<sup>21</sup> Broun, 'Adoption of brieves'.

<sup>22</sup> *ESC*, no. 73.

<sup>23</sup> Raine, *North Durham*, nos. 446 – 50; *Dryburgh Liber*, no. 14; *Dunf. Reg.*, nos. 4, 14, 90, 91, 96; NLS Adv. MS 15.1.18, nos. 11, 12, 21, 82; *Glasgow Registrum*, i, no. 11; *Holyrood Liber*, nos. 2, 9, 10, 19, App. II; *Kel. Lib.*, i, no. 94, ii, nos. 426, 443, 445; *St A. Lib.*, 43, 122-23, 124 (2); *ESC*, no. clxix.

<sup>24</sup> Paschal II sent letters to Bishop Turgot of St Andrews and others, Calixtus II to Bishop John of Glasgow, King Alexander I and others, Honorius II to King David I, Bishop John, and others, as did Innocent II. Robert Somerville, *Scotia Pontificia* (Oxford, 1982), nos. 1 – 22.

<sup>25</sup> *Newbattle Registrum*, no. 263; *St A. Lib.*, 47-8; *Holy. Lib.*, 167-8, App. 1, 1A; *Cambuskenneth Registrum*, no. 23; Somerville, *Scotia Pontificia*, nos. 23, 25, 26, 27.

<sup>26</sup> It appears that papal diplomatic practice had ramifications for Scottish royal charters as well; Broun has shown that papal documents were an influence in the Scots kings' charters' dating form. Dauvit Broun, 'Absence of regnal years', 57.

<sup>27</sup> Norman F. Shead, 'The Household and Chancery of the Bishops of Dunkeld, 1160s- 1249' in *Church, Chronicle and Learning in Medieval and Early Renaissance Scotland*, ed. Barbara Crawford (Edinburgh, 1999), 123- 33; *Idem*, 'Scottish Bishops' *Acta*', 546 –7.

Dauvit Broun has shown that the great majority of extant texts of royal charters of David I and Malcolm IV were to churches rather than to individuals, and has maintained that probably most such grants and confirmations were produced by the scribes of the ecclesiastical beneficiary.<sup>28</sup> Thus, the development of royal charters addressed to lay tenants becomes a critical event in the growth of a nascent royal 'chancery' (in Scotland, the *capella regis*), as well as being an important step in the familiarisation of charters with the aristocratic classes. The first extant royal charter to a lay tenant was David I's grant of Annandale to Robert de Brus (Bruce), probably soon after his ascent to the throne in 1124.<sup>29</sup> Whatever the impetus for this charter of donation, it is clear that it was an extraordinary event and not typical of David's actions at the time. Very few other charters to lay tenants survive, and this may be representative of the actual situation, rather than a distortion based on poor survival rates. Barrow stated that one of the charters of David and Earl Henry of 1136x7 recording the grant of Swinton to Ernulf was penned by the same scribe who wrote the Annandale charter, whom he suggests was the chancellor William Cumin (Comyn, Cumming).<sup>30</sup> At the same time, it must be significant that the Swinton charters specified that Ernulf was to pay 40 s. to the monks of Durham annually, and the documents were preserved in the Durham archive.<sup>31</sup> Toward the end of David's reign, however, the king's grants to lay tenants south of Forth appear to have been recorded in charter form more regularly; these include grants to Walter of Ryedale (Riddell), Alexander de St Martin and Robert de Brus.<sup>32</sup>

While it is clear that royal documents to laypeople were becoming slightly more common by the end of David I's reign, the real turning point in charter production for land grants, together with the implications that holds for production by royal scribes, did not occur until the 1160s and 1170s. Four such texts survive to north-of-Forth landholders from the period between 1160 and 1165, the second half of Malcolm's reign, although only

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<sup>28</sup> Broun, 'Writing of charters', 121. Only about 450 of the 750 surviving original English twelfth-century charters were necessarily written by royal scribes. Even under Henry II, some charters were still being produced by the religious beneficiaries. M. T. Clanchy, *From Memory to Written Record*, 2<sup>nd</sup> edn. (Oxford, 1993), 57.

<sup>29</sup> Barrow, *Chrs. David I*, no 16.

<sup>30</sup> Barrow, *Scotland and its neighbours*, 102.

<sup>31</sup> *Idem*, *Chrs. David I*, nos. 53, 54.

<sup>32</sup> *Ibid.*, nos. 177, 194, 210. David's grant to the burgesses of Montrose is problematic but may have been based on an original; likewise the charters of David I and Malcolm IV to Baldwin, a burgher of Perth, which are anomalous and may represent a later attempt to record contemporary transactions. Barrow, *Chrs. David I*, no. 176, *RRS i*, nos. 121, 171.

one is a contemporary single sheet.<sup>33</sup> Malcolm's charters to laypeople seem to have been produced in an atmosphere of large royal gatherings. The earliest-mentioned grant was dated on Christmas Day at Perth, suggesting a major assembly.<sup>34</sup> The others were witnessed by impressive assemblies of magnates, which stand in stark contrast to the spartan testing clauses of many of his other charters. The grant to Earl Duncan (Donnchad) II of Fife was witnessed by a bishop, abbots, the king's mother and brother, an earl, and several barons; the grants to Philip and Ralph were graced by a similar array of high-ranking dignitaries.<sup>35</sup> The texts of nineteen charters of William I to lay landholders north-of-Forth survive from the first fifteen years of his reign.<sup>36</sup> Amazingly, twelve survive as contemporary single sheets. Barrow has analysed the paleography and assigned all such charters to hypothetical scribes. According to his analysis, seven of those twelve charters were penned by Scribe Ak, whom Barrow has further identified as Richard of Lincoln, king's clerk.<sup>37</sup> Richard appears as a witness to two of these 'originals'. He is also a witness to two of the charters that only survive as copies.<sup>38</sup> The witnesses to William's charters again suggest royal courts with bishops, earls and other magnates often attesting; however, some charters may have been granted outwith such grand assemblies.<sup>39</sup> Thus, it appears that by the 1170s, the recording of royal grants to lay tenants by clerks in the employ of the king was becoming standard practice.

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<sup>33</sup> *RRS* i, nos. 175, 190, 255, 256. There were also a few south-of-Forth charters of donation, including a grant and a confirmation to Walter the steward. *RRS* i, nos. 183, 184. On the possible scribe of the one 'original', see Barrow, *Scotland and its neighbours*, 102.

<sup>34</sup> *RRS* i, no. 175.

<sup>35</sup> *Ibid*, nos. 190, 255, 256.

<sup>36</sup> See table 2.2. These north-of-Forth charters represent the lion's share of his output in this period.

<sup>37</sup> *RRS* ii, 84 – 90. Richard of Lincoln is believed to have been the Richard who later became bishop of Moray. See also Barrow, *Scotland and its neighbours*, 102-3.

<sup>38</sup> *RRS* ii, nos. 42, 116, 133, 140.

<sup>39</sup> For example, *RRS* ii, no. 137 is witnessed by two bishops, four earls, nine barons and three clerks, but no. 131 is witnessed only by the chamberlain and one knight.



Table 2.2

## The first extant royal charters to lay tenants north of Forth, ca. 1160 – ca. 1180

Reference	Tenant	Date	'Original'?	Scribe
<i>RRS</i> i, no. 175	Berowald the Fleming	25 Dec., 1160 Perth	Copy	
<i>RRS</i> i, no. 190	Duncan II, earl of Fife	1160 x 62 Edinburgh	Copy	
<i>RRS</i> i, no. 255	Philip the chamberlain	1161 x 64 Aberdeen	Copy	
<i>RRS</i> i, no. 256	Ralph Frebern	1162 x 64 Forteviot	'Original'	Scribe 'A'?
<i>RRS</i> ii, no. 9	Ralph Frebern	1166 x 71 Perth	Copy	
<i>RRS</i> ii, no. 14	Orm son of Hugh	1165 x 71 Perth	'Original'	Scribe Ak
<i>RRS</i> ii, no. 42	Walter son of Philip	1166 x 71 Edinburgh	'Original'	Scribe Aj R. of Lincoln
<i>RRS</i> ii, no. 43	Henry son of Gregory	1165 x 74 Edinburgh	'Original'	Scribe Aj R. of Lincoln
<i>RRS</i> ii, no. 114	Orm son of Hugh	1166 x 71 Forfar	'Original'	Scribe Aj R. of Lincoln
<i>RRS</i> ii, no. 116	William son of Freskin	1166 x 71 Elgin	Copy	Richard clerk witnesses <sup>40</sup>
<i>RRS</i> ii, no. 131	Robert of Newham	c. 1171 x 74 Stirling	Copy	
<i>RRS</i> ii, no. 133	Gilbert nepos of Bishop Andrew	1172 Stirling	'Original'	Scribe Aj R. of Lincoln
<i>RRS</i> ii, no. 135	Ralph Ruffus	1172 x 74 Perth	'Original'	Scribe Ai
<i>RRS</i> ii, no. 136	Malise son of Earl Ferteth	1172 x 73 Perth	'Original'	Scribe Ai
<i>RRS</i> ii, no. 137	Merleswain	1172 x 74 Perth	'Original'	Scribe Aj R. of Lincoln
<i>RRS</i> ii, no. 140	Gilbert son of Earl of Angus	1166 x 74 Montrose	Copy	Richard clerk witnesses
<i>RRS</i> ii, no. 147	Henry Revel	1173 x 78 Clunie	Copy	
<i>RRS</i> ii, no. 152	Orm son of Hugh	1173 x 78 Perth	'Original'	Scribe Aj R. of Lincoln
<i>RRS</i> ii, no. 153	Aberdeen burgesses	1173 x 84 Perth	'Original'	Scribe Ba
<i>RRS</i> ii, no. 171	Walter of Berkeley	1173 x 82 Kinghorn	'Original'	Scribe Ba
<i>RRS</i> ii, no. 185	Walter of Berkeley	1173 x probably c. 80	Copy	
<i>RRS</i> ii, no. 204	William Hay	1178 x 82 Clunie	'Original'	Scribe Aj R. of Lincoln
<i>RRS</i> ii, no. 205	Earl David	prob. 1178 Perth	Copy	

<sup>40</sup> Richard the clerk also witnesses *RRS* ii, no. 42, and Richard 'my clerk of Lincoln' witnesses *RRS* ii, no. 133.

Another type of document, distinct from charters of donation and confirmation, were those with names like '*concordia finalis*' and '*amicabilis compositio*' which recorded agreements between two parties and, more than with epistolary charters, were written in the voice of a third party explaining the gains and sacrifices of each party. These agreements and settlements were often used to record the outcomes of legal disputes and were often set down in "two-sided", indentured manuscripts known as chirographs. The first of these documents to appear in Scotland recorded agreements between two ecclesiastical organisations or individuals. Agreements between the parish churches of Ednam and Newton were written down and kept in the Durham archive from as early as the second quarter of the twelfth century.<sup>41</sup> Relatively few survive from the twelfth century, but they include agreements between Robert, bishop of St Andrews, and Geoffrey, abbot of Dunfermline, 1139 x 51, Laurence, bishop of Dunblane, and Cambuskenneth Abbey, 1155 x 71, Roger, bishop of St Andrews and Henry, abbot of Arbroath, 1198x9, and Gilbert, prior of St Andrews, and the *céli De* of the same place, 1198x9.<sup>42</sup>

Chirographs and similar documents involving laypeople were rare in the twelfth century, but three survive, recording agreements between Earl Duncan II of Fife and Bishops Hugh and Roger of St Andrews and Richard of Moray, respectively.<sup>43</sup> Other surviving twelfth-century agreements involved Alexander of Stirling and the church of Linlithgow and Niall MacYwar & Henry the physician, king's clerk, both in the 1180s or 90s.<sup>44</sup> The numbers of surviving texts of agreements between lay landholders and ecclesiastics grow steadily in the first decades of the thirteenth century, largely due to the many documents drawn up between bishops of Moray, namely Brice (*Bricius*<sup>45</sup>) of Douglas and Andrew of Moray and such individuals as John Bisset, David of Strathbogie, Walter of Moray son of William of Moray and Gilbert Durward.<sup>46</sup> Documents recording agreements between laypeople and monasteries seem to have grown more common in the thirteenth century, as well. There are records of agreements between May Priory and Duncan of Inchyra and Malcolm *Pincerna* (Butler), respectively, between Adam son of Odo of Kinninmonth and the abbot of Scone, between Philip de Mowbray (Mowbray) and Arbroath Abbey, between Bernard Fraser, Gellin son of Gillecrist (Gilchrist)

<sup>41</sup> *ND*, nos. 447, 448.

<sup>42</sup> *Dunf. Reg.*, no. 4, *Camb. Reg.*, no. 218, *Arb. Lib.*, no. 148, *St A. Lib.*, 318-9.

<sup>43</sup> *St A. Lib.*, 353, NAS RH 6/16, *Moray Reg.*, no. 16. Only the agreement between Duncan and Roger survives as a contemporary single sheet.

<sup>44</sup> *St A. Lib.*, 321-2; *RRS* ii, no. 590.

<sup>45</sup> The Latin *Bricius*, *scoticé* as 'Brice', was used as an alternative form of Gillebride (also spelled Gillebrigte) or Maelbrigte.

<sup>46</sup> *Moray Reg.*, nos. 51, 21, 94, 27, C.O. 6, 30, 31, 74, 258, 33.

'Maccussegerri', William Giffard (Gifford) and St Andrews Priory, respectively, all in the early thirteenth century.<sup>47</sup> Chirographs and other agreements, if survival rates are indicative, were seldom used between two lay parties, at least until the mid-thirteenth century, and when they do occur, it is within the firm context of the king's law. The first such text to survive recorded the settlement made between Maurice senior (also called Murethach) and Maurice junior of Menteith, in the king's court at Edinburgh on 6 December, 1213.<sup>48</sup> The next recorded the settlement made between Adam of Stawell, heir to Coultra and Balmerino, and Queen Ermengarde, at the king's court at Forfar in 1225.<sup>49</sup> The marriage agreement made between Hugh of Abernethy and William of Douglas, dated 6 April 1259, was done at Edinburgh Castle and was witnessed by Alexander Cumin, who had been the most powerful man in the kingdom for most of Alexander III's minority.<sup>50</sup> Other chirographs, like an agreement of 1244 between William de Mortemer (*Mortuo Mari*, Mortimer) and Thomas *Vilator* (Estate-steward), or that made between Gilbert of Cleish and Duncan, his brother Patrick and their wives (1252), were witnessed by the justiciar and clearly involved the king's justice.<sup>51</sup>

Of course, a much more significant trend in the production of documents as a function of the relationship between ecclesiastical institutions and lay landholders was the 'adoption' of the charter, that standard, simplified Scottish epistolary form that encapsulated land grants, confirmations and even quitclaims with a minimum of fuss. This phenomenon must be seen as a kind of cooperation between monks, canons and clerics on the one hand and earls, barons, knights, and burgesses on the other, although in the beginning it is likely the impetus for the production lay squarely on the hands of the churchmen, who found it in their interests to have a piece of parchment recording just who had given what church, land or right. The evidence also seems to suggest that the king had an important role in the process. The landholder, however, risks appearing as a passive agent in the act of charter production. The important event here in the transition 'from memory to written record' was the familiarisation of the donor with the documents themselves, and the attainment by laypeople of seals. If we are searching for agency on the part of the donors at this stage, then we are to find it in the act of sealing the document, not in its writing. According to Michael Clanchy, 'the possessor of a seal was necessarily a

<sup>47</sup> *St A. Lib.*, 393, 396-7; *Scone Liber*, no. 84; NAS RH 6/44; *Arb. Lib.*, no. 121, *St A. Lib.*, 40, 329, 325-6.

<sup>48</sup> Fraser, *Menteith*, no. 7.

<sup>49</sup> *Balmerino Liber*, no. 5.

<sup>50</sup> Fraser, *Douglas*, no. 1.

<sup>51</sup> NAS GD 45/27/98, GD 254/1.

person familiar with documents and entitled to participate in their use.’<sup>52</sup> Unfortunately, very few early aristocratic seals or moulds survive from Scottish charters, but the advent of the ‘sealing clause’ gives a clear indication of who was using seals by the late twelfth century. Based on this evidence, the first individuals to use seals were Earl David, Duncan II, earl of Fife, Gilbert/ Gillebride, earl of Strathearn, Orabilis, daughter of Ness, countess of Mar, ‘Hugh’ son of ‘Hugh’ son of Earl Gillemicheil of Fife and Walter of Lundin.<sup>53</sup>

There is very little direct evidence for who wrote the charters. Scribes rarely identified themselves, although there are a few exceptions.<sup>54</sup> The only aristocratic charter with a self-identified scribe recorded a grant by John Bisset to his leper hospital at Rathven, 1222 x 28, and identified ‘*H capellano meo qui hanc cartam scripsit*’.<sup>55</sup> Bisset’s chaplain Henry appeared in another document.<sup>56</sup> A 1226 agreement between John Bisset and Robert, bishop of Ross, also identifies the scribe: this time, it was the bishop’s chaplain, John, ‘*qui hoc cyrographum scripsit*’.<sup>57</sup> It seems clear that *capellani* were at least in some instances taking up the scribal duties, and their importance in charter production in England has been highlighted.<sup>58</sup> In other instances, however, the witness lists included individuals identified as ‘*scriptores*’. Two examples are those of *Jacobus scriptor* in a charter of William son of Bernard of x25/2/1213<sup>59</sup> and Henry *scriptor*, appearing as a witness in an agreement between William Giffard and St Andrews Priory.<sup>60</sup> Unfortunately, it is impossible to generalise from the sketchy evidence available whether many of these scribes were in the employ of the ecclesiastical establishments or the aristocratic grantors. Further paleographical analysis of contemporary single sheets is necessary before any further inference can be made.

<sup>52</sup> Clanchy, *From Memory to Written Record*, 51.

<sup>53</sup> Stringer, *Earl David Acta*, no. 6; *St A. Lib.*, 288-9; *Lindores Chartulary*, no. 43; *St A. Lib.*, 287-8, xxi; *Inchcolm Chrs.*, no. 4; *Arb. Lib.*, no. 138.

<sup>54</sup> For example, one charter of Roger, bishop of St Andrews was ‘dated at Liston by the hand of Geoffrey of Crawford, 17 June 1201’, *St A. Lib.*, 153-4. ‘*Datum apud listun pro manum Galfridi de crauford xv kl Julii pontificatus nostri anno terciō*’.

<sup>55</sup> *Moray Reg.*, no. 71.

<sup>56</sup> *Ibid.*, no. 72. See also G.W.S. Barrow, ‘Witnesses and the Attestation of Formal Documents in Scotland, Twelfth- Thirteenth Centuries’ *Legal History* 16 (1995), 13.

<sup>57</sup> *Moray Reg.*, no. 258.

<sup>58</sup> In an example involving Scotland south of the Forth, a charter of Peter of Graham dated 1190 x 1238 includes the phrase, ‘*Stephano capellano qui hoc scriptum composuit*’. Fraser, *Elphinstone*, no. 1. In England, in a sample of 126 scribes, twenty were chaplains. David Postles, ‘Country Clerici and the Composition of English Twelfth- and Thirteenth- Century Private Charters’, in *Charters and the use of the written word in Medieval society*, ed. K. Heidecker (Turnhout, Belgium, 2000), 39.

<sup>59</sup> *Arb. Lib.*, no. 67.

<sup>60</sup> *St A. Lib.*, 325-6.

## *Aristocratic grantors and monastic beneficiaries*

Recent research by Dauvit Broun suggests that monasteries may have employed specialist scribes, who worked at or for the house for years, sometimes decades. This scribe was first identified as 'D12' by Geoffrey Barrow as the writer of two David I charters to St Andrews Priory, dated probably 1140 and 1150 x 53, respectively.<sup>61</sup> Barrow also identified 'D12' as the scribe of a charter of Adam of Lour to the same priory, dating to the 1170s and surviving in the cache of mostly St Andrews charters now known as NLS Adv. MS 15.1.18.<sup>62</sup> Broun added to this group a charter of Malcolm, son of Duncan, earl of Fife, to St Andrews, dating to *circa* 1180 x 98, and surviving in the same archive collection.<sup>63</sup> Thus, it would appear that 'D12' was a St Andrews scribe working at that monastery for potentially forty or fifty years, and penning both royal and aristocratic grants to the priory. Relatively few contemporary single sheets survive from the early stages of aristocratic charters in Scotland north of Forth. Among those grants to monasteries from the second half of the twelfth century are charters of Duncan II, earl of Fife, Agnes, countess of Mar, and Henry, earl of Atholl, Saher de Quincy, and Henry Revel (Rivel) and Margaret of Abernethy, to St Andrews Priory, Swain son of Thor to Scone Abbey, Earl David to Lindores Abbey, and Earl Duncan II of Fife to North Berwick Priory.<sup>64</sup> Paleographical analysis of these charters and comparison of surviving contemporary single sheets of kings and bishops to these same monasteries would most likely reveal the existence of other such scribes.

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<sup>61</sup> Barrow, *Chrs. David I*, nos. 89 (NAS 90/1/1) and 208 (NAS 90/1/2).

<sup>62</sup> NLS Adv. MS 15.1.18, no. 44, identified by Barrow in *Chrs. David I*, 97.

<sup>63</sup> NLS Adv. MS 15.1.18, no. 67; Broun, 'Charter scholarship', 207. Further verified and strengthened in personal communication. Broun has also identified an instance of a royal charter written by an episcopal clerk in the diocese of Glasgow. 'Absence of Regnal Years', 13-14.

<sup>64</sup> NLS Adv. MS 15.1.18, nos. 70, 62, 60, 41, 46; BL Addl. Ch. 66568; NLS Adv. MS 15.1.18, no. 40; NAS RH 6/9.

Table 2.3

Beneficiaries of aristocratic charters, 1150 – 1200<sup>65</sup>

		1150s	1160s	1170s	1180s	1190s	1200s
Grants	to churches:	4	16	20	16	39	57
	to individuals:	0	2	3	4	4	7
Confirmations	to churches:	1	3	1	5	6	13
	to individuals:	0	0	0	0	1	0
Quitclaims	to churches:	0	0	0	0	1	3
	to individuals:	0	0	0	1	0	1
Brieves	to churches:	0	0	0	0	0	0
	to individuals:	0	0	1	0	1	1
Settlements (Chirographs)	w/ churches	0	0	0	0	2	3
	w/ eccles. individuals	0	0	0	1	2	1

The survival rate of charters in the twelfth century dealing with Scotland north of Forth is heavily weighted in the direction of St Andrews Cathedral Priory.<sup>66</sup> For example, 54 texts of grants, confirmations and quitclaims from lay landholders to St Andrews Priory or Hospital survive for the period up to *circa* 1210. Conversely, of other houses founded or reformed by 1150, only 16 texts survive for Dunfermline Abbey, four each for the Isle of May and Inchcolm priories, and a paltry three for the great abbey of Scone (see table 2.4). After they began writing down donations in the 1150s, however, the average number of charters to St Andrews priory stayed steady at about ten surviving texts per decade. As the table shows, the growth in numbers in the later decades was due largely to the foundation of new houses at Coupar Angus (x1164), Arbroath (1178), Lindores (1191) and Inchaffray (1200). The great majority of the early charters to Lindores and Inchaffray, however, record grants made by their founders, Earl David and Earl Gilbert of Strathearn, respectively, whereas the grants to the royal foundations at Coupar and Arbroath reflect a relatively broad array of donors.

<sup>65</sup> All dates are based on median of date range, charters reckoned to be 'early 13<sup>th</sup> century' are included in 1200 decade cohort. Individuals are mostly lay landholders, but can include clerics, such as local *personae*. One document belonging to the 1200 group, a letter, was not included, Barrow, 'Judex', App. B, no. 1.

<sup>66</sup> On the survival of charters in Scotland, see G.W.S. Barrow, 'The Pattern of Non-Literary Manuscript Production and Survival in Scotland, 1200 - 1330', in *Pragmatic Literacy East and West, 1200 - 1330*, ed. Richard Britnell (Woodbridge, 1997), and John Hudson, 'Legal Aspects of Scottish Charter Diplomatic in the Twelfth Century: A Comparative Approach', *Anglo-Norman Studies*, vol. 25, 121 - 38.

Table 2.4

**Beneficiaries by monastery, north of the Forth:  
grants, confirmations and quitclaims to *circa* 1210.<sup>67</sup>**

Beneficiary	1150s	1160s	1170s	1180s	1190s	1200s
St Andrews Priory <sup>68</sup>	1	12	12	11	8	10
Isle of May Priory	1	1	1	0	1	0
Dunfermline Abbey	2	2	3	4	1	4
Cambuskenneth Abbey	0	2	1	0	1	2
North Berwick Priory	-	1	0	0	0	4
Coupar Angus Abbey	-	0	2	1	5	10
Arbroath Abbey	-	-	1	6	7	18
Inchcolm Priory/ Abbey	0	0	0	1	2	1
Scone Abbey	0	0	0	1	1	1
Lindores Abbey	-	-	-	0	12	11
Inchaffray Priory/ Abbey	-	-	-	1	3	12
Monymusk <i>céli De</i>	0	0	0	0	1	1

The proliferation of aristocratic charters, then, is inextricably interwoven with the story of monastic benefaction, and this proliferation is as much about the spread of reformed Benedictine and Augustinian monasteries and their search for patrons as it is about the landholding class gaining a familiarity with written record-keeping. Thus, it is necessary to see aristocratic landholders being brought gradually into a 'charter culture'. The first steps were the writing of charters of donation and acquisition of seals in the name of laypeople. Despite this lens through which the landholders can themselves seem secondary, there are clear and significant patterns which characterise the charter adoption/monastic donation process.

<sup>67</sup> Includes only those grantors mentioned in chapter one as within the parameters of the study; therefore, numbers for certain monasteries, such as Cambuskenneth, are incomplete. Not included: Hospitallers: 1 (1150s); Dryburgh Abbey: 1 (1160s); Inverkeilor church: 1 (1170s); St Michaels, Linlithgow: 1 (1190s).

<sup>68</sup> Charters for the hospital of St Andrews are included with those of the priory.

Table 2.5  
 Top twelfth-century grantors of extant charter texts  
 relating to Scotland north of Forth<sup>69</sup>

Grantor	Number of texts, pre-1200	Number of sources, by cartulary or collection
1. Earl David	26	9
2. Duncan II, earl of Fife	11	5
3. Countess Ada	10	6
4. Gilbert, earl of Strathearn	6	3
5. Walter of Lundin (Fife)	5	2
6a. Robert of London (England)	4	4
6b. Saher de Quincy, earl of Winchester	4	4
7a. Walter son of Alan, the steward	3	1 ( <i>Dunfermline Liber</i> )
7b. Malcolm, earl of Atholl	3	3
7c. Morgrund, earl of Mar	3	1 ( <i>St Andrews Liber</i> )
7d. Orabilis, countess of Mar	3	1 ( <i>St Andrews Liber</i> )

It is possible to understand something of the nature of the phenomenon of aristocrats granting charters through analysis of the most frequent grantors in the first few decades of their use north of Forth. Forty-nine of the 74 twelfth-century (or probable twelfth-century) grantors had only one surviving charter text<sup>70</sup>; eleven grantors had only two charters each.<sup>71</sup> Of all 74 twelfth-century lay grantors, 58 granted charters to only one beneficiary. Of those 58 grantors (or parties to agreements), 21 acted as such only in charters to St Andrews Priory, fourteen in charters only to Arbroath Abbey, six in charters only to Lindores Abbey, and four each in charters only to Dunfermline and Coupar Angus Abbeys. This gives an indication of the extent to which charter 'adoption' and survival were attached to the spread of aristocratic patronage and benefaction of the very largest and most powerful monastic institutions, and in what ways our picture of charter

<sup>69</sup> Includes parties to agreements and chirographs.

<sup>70</sup> Gospatric, e. Dunbar, Ela, cts. Fife, Edward, son of Gospatric, e. Dunbar, Roger de Mortemer, Hugh s. Hugh s. Gillemichel, e. Fife, Simon s. Macbeth, Merleswain s. Merleswain, Waltheof s. Gospatric, Constantine of Lochore, Alexander de St Martin, Henry Lovel, Merleswain s. Colban, Simon s. Edward the constable, William de 'Ougilby', William de Lindsay, Robert de Quincy, Robert de Brus, Swain s. Thor, William de Mortemer, Henry Revel, William Uniot, Laurence of Abernethy, Geoffrey de Melville, Richard de Melville, Ada, dr. of Earl David, Bernard Fraser, Humphrey de Berkeley, Gilbert Scot and Christina, Stephen of Blair, David de St Michael, Richard de la Batelle, Gillecrisp, e. Mar, William de Beauair, Richard Lovel, John de Boseville, Norman s. Malcolm, Robert de Ros and Isabella, John Abbot, William Giffard, Gellin s. Gillecrisp, Alan de Lascelles and Amabile, William Wascelin and Mabel, William de Montfort, Walter Murdoch, John de Montfort, William de Camera, William s. Bernard, Bernard s. William, Roger de St Michael, Thomas s. Thancard.

<sup>71</sup> Ness s. William, William de Haya, Adam of Lour, Alexander s. Wm. s. Thor, Malcolm s. Earl Duncan, Walter de Berkeley, Alan s. Walter (*dapifer*), Fergus, e. Buchan, Henry, e. Atholl, Richard de Fréville, William of Lamberton.



'adoption' may be distorted. A few central figures, however, not only granted more surviving texts than others, but also, perhaps more significantly, appear in charters to larger numbers of beneficiaries, indicating a different commitment to new foundations than simply support for a particular monastery (of which they may have been patron). This indicates that Countess Ada (d. 1178), Earl David (d. 1219), Earl Duncan II of Fife (d. 1204) and Earl Gilbert of Strathearn (d. 1223) were more deeply involved in the processes of charter 'adoption' among aristocratic society in Scotland north of Forth than were the other twelfth-century grantors. The common theme visible in all the top twelfth-century grantors (see table 2.5) was some sort of attachment to the king. Robert of London was the king's illegitimate son, Walter son of Alan his steward, Walter of Lundin the son of a royal chamberlain.

The pattern of surviving twelfth-century texts, though fragmentary, is thorough enough to reveal three clear models for understanding this proliferation. The first model describes how the spread of monastic benefaction may have helped increase aristocratic familiarity with charters, through networks centred around individuals close to the king. One such network, which can be teased out of the charter record, was based on Countess Ada. Ada, the widow of Henry, earl of Northumberland, came from the powerful baronial family of Warenne (the main branch held the earldom of Sussex), and was mother to kings Malcolm IV and William I, as well as to prominent Anglo-Scottish baron David, earl of Huntingdon. After her husband's death, Ada ruled personally over a patrimony based on the burghs of Haddington and Crail, founded monasteries, and endowed knights like her chief tenants Alexander de St Martin and Hugh Giffard.<sup>72</sup>

Ada's authority was apparently a factor in the aristocratic marriage alliances as well as in the spread of charter usage. Many of the important twelfth-century grantors were tied together not only in their proximity to the king, but also through their marriages. Geoffrey Barrow suggested that Ela, wife of Earl Duncan II, was the daughter of Countess Ada's brother Reginald de Warenne (Warrand), based on King Malcolm IV's reference to the countess of Fife as his *neptis*.<sup>73</sup> It is also possible that Countess Ela was the daughter of William de Warenne, third earl, who died in 1148, after marrying Ela, daughter of William Talvas, count of Ponthieu.<sup>74</sup> Several shreds of evidence further suggest a connection

<sup>72</sup> Victoria Chandler, 'Ada de Warenne, Queen Mother of Scotland (c.1123 – 1178)', *SHR* 60 (1981), 119 – 39.

<sup>73</sup> *RRS* i, 18, n. 6.

<sup>74</sup> *Early Yorkshire Charters, vol. 7: The Honour of Warenne*, ed. Charles Travis Clay (Edinburgh, 1949), 12-3; see also family tree facing page one.

between countesses Ada and Ela. First, Ela attested a charter of Countess Ada to St Andrews Priory.<sup>75</sup> Second, Ada's tenant Alexander de St Martin witnessed Ela's donation to Dunfermline Abbey.<sup>76</sup> Third, this same Alexander named his daughter Ela.<sup>77</sup>

Table 2.6

Agnes and Morgrund of Mar's charters to St Andrews Priory, ca. 1160–78

SAL 249a	SAL 249b	SAL 248a	SAL 248b	SAL 246b
AGNES	AGNES	MORGRUND	MORGRUND	MORGRUND
Countess Ada	Countess Ada	Countess Ada	Countess Ada	Richard, bishop of St Andrews
Countess Ela		Countess Ela	Countess Ela	Matthew archdeacon
Alexander de St Martin	Alexander de St Martin	Alexander de St Martin	Alexander de St Martin	Duncan, earl of Fife
Hugh Giffard	Robert de capella	Hugh Giffard	Hugh Giffard	Merleswain
	William Giffard	William Giffard	William Giffard	Ness son of William
	William chaplain	Geoffrey	William de Ridal	Geoffrey of Melville
	William capun	Michael	William son of Hugh Giffard	Michael clerk
William sheriff of Crail	Robert of Newham <sup>78</sup>	Edward	William sheriff of Crail	William de Ridal
	Maurice the cook	William of Mar		Malcolm judex of Fife
	Alan of Invermeth	William de Ridal		Alun mac Gillecrist
	Edward	William son of Hugh Giffard		Adam, knight of Ceres
	William of Mar			Adam son of Riccehrin
				Rutherin son of Gillemichel

Charter evidence further suggests a strong link between Countess Ada and Agnes, countess of Mar, and her husband Earl Morgrund, who issued five grants to St Andrews Priory between 1160 and 1178, two by Agnes and three by Morgrund (see table 2.6).<sup>79</sup> Of the five documents, the witness lists of four reveal a strong Countess Ada connection. In addition to Ada herself, the lists include attestations by Alexander de St Martin, Hugh and

<sup>75</sup> *St A. Lib.*, 207-8.

<sup>76</sup> *Dunf. Reg.*, no. 153.

<sup>77</sup> *St A. Lib.*, 388-9.

<sup>78</sup> Robert of Newham was a tenant of Countess Ada at Cambo in Fife. *RRS* ii, no. 131.

<sup>79</sup> Agnes: *St A. Lib.*, 249, 249-50; Morgrund: *Ibid.*, 248, 248-9, 246-7.

William Giffard and William, sheriff of Crail. The fifth charter appears to have been produced in a social context dominated by the bishop of St Andrews, the earl of Fife and other Fife landholders. Furthermore, Countess Ela of Fife's attestation of one of Agnes' charters, and two of Morgrund's, suggests that the three women can be classified as part of a specific social group. Indeed, it is likely that Agnes herself was, like Ela, a niece or cousin of Countess Ada de Warenne. Agnes, daughter of Gundreda de Warenne and Roger of Newburgh, earl of Warwick, was Ada's niece. She would have been still young after the death of her first husband Geoffrey of Clinton, the English chamberlain, in 1153.<sup>80</sup> If Morgrund, earl of Mar, was indeed her second husband, it is probable that Countess Ada was responsible for the match.

There is even evidence that this social network based around Countess Ada brought in the earldom of Strathearn in addition to Fife and Mar. Countess Ela's charter to Dunfermline Abbey included as witnesses William de Aubini and Maud de Senlis. This charter, Dunfermline Register no. 153, is dated between 1154 and 59. Maud de Senlis was William de Aubini's mother; his father was William de Aubini *Brito* II.<sup>81</sup> Whereas King Malcolm IV and William's father had married into the Warenne family, their grandfather, King David I, had married a member of the important house of Senlis. The occasion must have been the marriage of Maud's daughter, William's sister, Matilda de Aubini, to Gilbert, earl of Strathearn. This unique Scottish attestation for these relatives of Countess Matilda suggests a strong Warenne hand in the marriage politics of three Scottish earldoms: Fife, Strathearn and Mar.

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<sup>80</sup> J. H. Round, 'A great marriage settlement', *Ancestor* 11 (1904), 153-7.

<sup>81</sup> *Dunf. Reg.*, no. 153; J. H. Round, *Feudal England* (London, 1909), 474-6; 574.

## The Countess Network

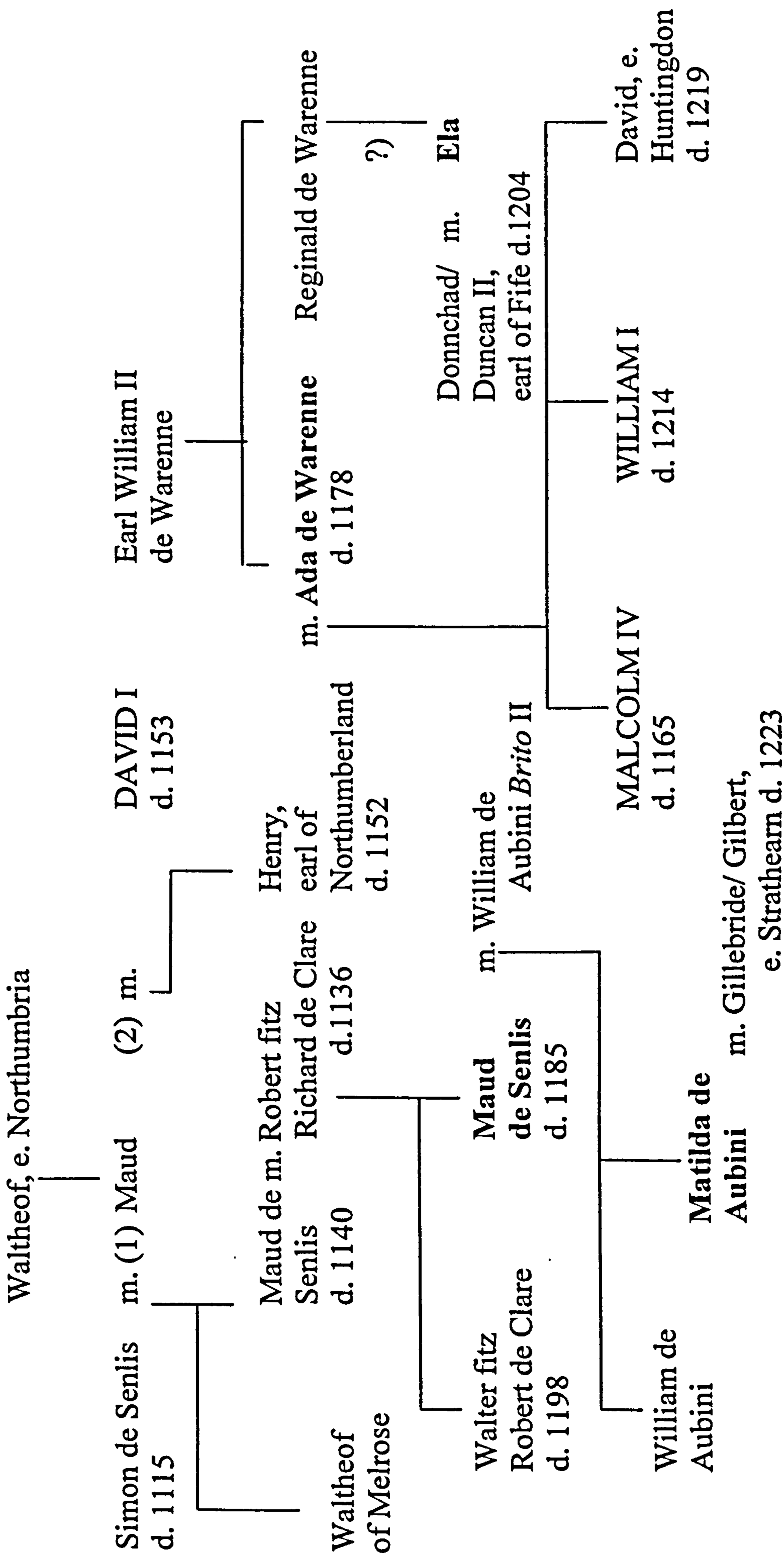


Table 2.7  
Earls and royal charter attestations in Scotland, 1107 – 1214

	Alexander I	David I	Malcolm IV	William I
earls of Fife	0	42	15	148
earls of Strathearn	2	5	9 or 10 <sup>82</sup>	75
earls of Menteith	0	0	1	3
earls of Angus	0	0	12	15
earls of Atholl	1	4	5	19
earls of Mar	1	1	2	10
earls of Buchan	1	1	0	5

The second model elucidates the correlation between proximity to the king, as measured by attestation of royal charters, and the ‘adoption’ of charters. The earls of Fife and Strathearn witnessed far more charters of David I, Malcolm IV and William I than did the earls of Menteith, Angus, Atholl, Mar and Buchan (see table 2.7). Nevertheless, there is a general pattern of increasing attestation of royal charters across all the earldoms. For the earls of Fife, the frequency doubles from about 1.4 attestations of surviving charter texts per year under David and Malcolm, to 3 per year under William. The earls of Angus, Atholl and Mar in particular, witness more royal charters of William than of his predecessors, perhaps indicating that they were brought increasingly into the royal orbit, especially as relates to the king’s monasteries.<sup>83</sup> Thus, the earls of Fife and Strathearn had more contact with the royal court and began to appear as grantors in charters earlier than the other earls. Over the course of the century, however, the earls of Angus, Atholl and Mar appeared more often in royal documents and eventually appeared as grantors in charters themselves, but often in fairly limited contexts. For example, the attestations of the earls of Angus were mainly due to the foundation of the abbey of Arbroath in 1178.

Examination of the attestations of individual earls reveals a pattern whereby the first generation of earls to appear as grantors in extant charter-texts was preceded by substantial witnessing of royal charters in the previous generation (see table 2.8). Thus, Earl Duncan II of Fife, who witnessed 143 or 146 royal charters, was preceded by his father, Duncan I, who witnessed a substantial 37 or 40 royal charters.<sup>84</sup> Similarly, Earl Gilbert of Strathearn, the first earl of Strathearn to appear as grantor in a surviving charter-

<sup>82</sup> One charter, *RRS* i, no. 176, refers to an ‘Earl Fergus’ when ‘Earl Ferteth’ is almost surely meant.

<sup>83</sup> This trend has been remarked upon by G.W.S. Barrow, notably in his article on David I, *Scotland and its Neighbours*, 61-2.

<sup>84</sup> See note 85.

text, was preceded by Earl Ferteth, who attested to nine or ten royal charters. This pattern continues in their sons' generation. Malcolm, son of Earl Duncan II, witnessed some 38 charters of William I before becoming earl in 1204. Interestingly, younger sons of earls also appear in royal charters as witnesses. Máel Ísu (*scoticé* Malise) son of Earl Ferteth witnessed twelve of King William's charters. This would seem to signify, among the families of the earls of Fife and Strathearn at least, that the sons of the earl were also appearing with some regularity at the king's court and were gaining experience and familiarity with the production of Latin charters.

Table 2.8

**Earls with highest number of attestations 1107 to 1214<sup>85</sup>**

Earldom	Earl	Years <sup>86</sup>	Attestations
Fife <sup>87</sup>	Constantine	c. 1130	2
	Gillemicheil	c. 1130 – c.1136	3
	Duncan I	c. 1136 - 1154	37 (or 40)
	<b>Duncan II</b>	1154 – 1204	143 (or 146)
	Malcolm I	1204 – 1230 (to 1214)	5 (as earl)
Strathearn	Máel Ísu I	d. 1141x	7
	Ferteth	1160 - 1171	9 or 10
	<b>Gilbert</b>	d. 1223 (to 1214)	75
Menteith	Gillecríst	1163 x64 – 1189x	3
	<b>Maurice I</b>	1189 x 1202 - res. 1213	1
Angus	Gillebride	c. 1150x53 – 1187 x 89	26
	Adam	d. x 1199	1
	<b>Gillecríst</b>	d. x 1206	0
	Duncan	1204x06 – x1225	0
Atholl	Matad	d. 1139 x 59	6
	<b>Malcolm</b>	1153 x 59 – 1187x 98	22
	Henry	x 1198 – x 1211	1
Mar	Ruadri	fl. 1128 x 36	1
	<b>Morgrund</b>	1150 – 1182 x 83	3
	Gillecríst	1187 x99 – 1203x	10
Buchan	Gartnait	c. 1150	2
	Colbán	1173 - 1178x	2
	<b>Fergus</b>	1187 x99 – x1214	3

\* the first earl to appear as a grantor in a surviving charter-text is boldfaced

<sup>85</sup> Earl Henry's charters are not included.

<sup>86</sup> Dates from A.A.M. Duncan, in *Handbook of British Chronology*, 466- 91.

<sup>87</sup> Three charters of Malcolm IV witnessed by the earls of Fife could refer to Earl Duncan I or II. *RRS* i, nos. 120, 159, 173.

The attestations of other earls appear to have been much more haphazard, following no obvious pattern. Gillebride, earl of Angus, appears 26 times, but his three successors appear only once between them. Similarly, Malcolm, earl of Atholl, attested 22 royal charters, his successor Henry appears only once. The earls of Menteith and Buchan, conversely, seem to have spent very little time with the king. That said, there was still a general increase in the frequency of earls witnessing royal charters. Furthermore, the tendency for earls who appear first as grantors to be presaged by earls who were witnesses to royal charters seems to hold true beyond Fife and Strathearn. Earls (or mormaers) Gillebride of Angus, Matad of Atholl and Colbán of Buchan all witnessed royal charters, prefiguring the appearance of Earls Gillecrist (Gilchrist), Malcolm and Fergus (Fearghus) as grantors in charters to monastic beneficiaries.<sup>88</sup> Earl Gillecrist's charters were to Arbroath Abbey, Fergus' to Arbroath and St Andrews Priory, while Malcolm's charters were to St Andrews, Coupar Angus Abbey and Dunfermline Abbey. All of these monasteries were royal foundations, with the exception of St Andrews, which had the reputation of being the chief ecclesiastical authority in the realm and the advantage of holding the bones of an apostolic saint.

The third model shows how the founding of a monastery by an aristocrat could lead to a proliferation of documents. Earl David founded a Tironensian monastery at Lindores, Fife, in 1191. His subsequent grants and confirmations to the abbey account for fourteen of the 28 surviving texts produced in his name and relating to Scotland north of Forth. Analysis of other aristocratic donors to Lindores Abbey reveals that most were either relatives or tenants of the founder (see Genealogical Tree 2.2). Surviving charter-texts record grants made to the abbey by David's son Earl John, his daughter Isabella and two illegitimate children, Henry of Brechin and Ada, as well as Henry's son William of Brechin.<sup>89</sup> David's nephew, Robert of London, also illegitimate, was a donor also.<sup>90</sup> David's daughter, Ada, was married to Máel Ísu, son of Earl Ferteth of Strathearn, which explains the appearances as donors of Máel Ísu, his brother Earl Gilbert, nephews Earl Robert and Fergus, Earl Máel Ísu II and Robert, brother of the steward of Strathearn.<sup>91</sup> Earl David's daughter Isabella, her husband Robert de Brus IV, and Henry of Hastings II, son

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<sup>88</sup> Earl Gillebride witnessed Barrow, *Chrs. David I*, no. 136, *RRS i*, nos. 131, 157, 159, 173, 190, 197, 226, 227, 239, 243, 254, 255, *RRS ii*, nos. 13, 28, 136, 137, 150, 153, 197, 205, 206, 229, 272, 282, 345. Earl Matad witnessed Barrow, *Chrs. David I*, nos. 33, 44, 54, 67, 120. Earl Colbán witnessed *RRS ii*, nos. 197 and 205.

<sup>89</sup> *Lind. Cart.*, nos. 15- 21, 60, 36, 55, 61, 62.

<sup>90</sup> *Ibid.*, no. 85.

<sup>91</sup> *Ibid.*, nos. 29, 127, 30, 42, 43, 24, 26, 28, 32, 25, 27, 31, 44, 35, 111.

of Earl David's (legitimate) daughter Ada, all appear as donors in charters to Lindores as well.<sup>92</sup> Earl David's tenants and members of his household also made grants to Lindores, including William Wascelin, Robert Griffin, David de St Michael and Norman of Leslie.<sup>93</sup> Men within the circle of David's successor, Earl John, also made grants to the abbey, including Simon de Quarantilly ('Garentuly'), Bartholomew Fleming (*Flandrensis*) and William de Campania (Champagne, Champnay).<sup>94</sup>

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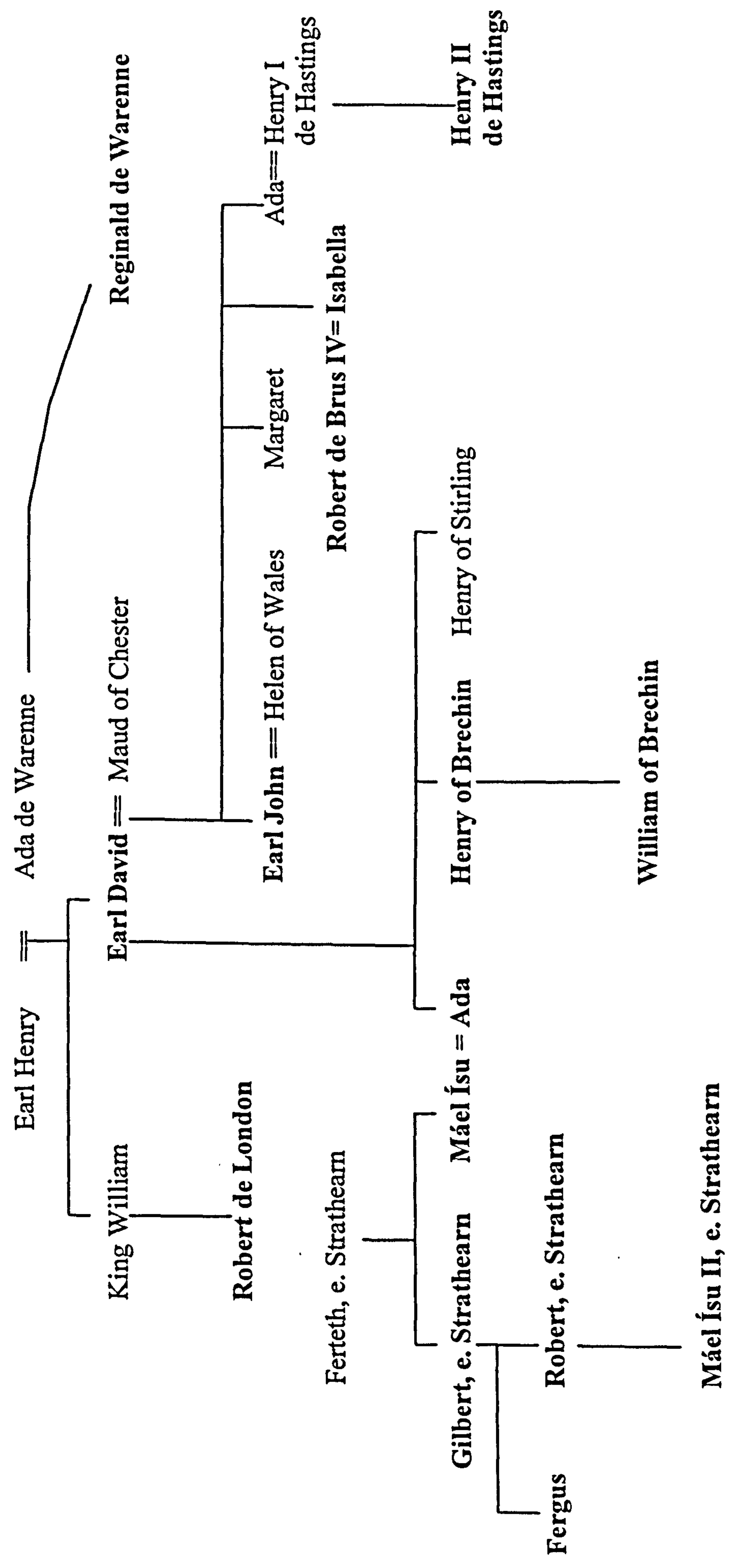
<sup>92</sup> *Ibid.*, nos. 40, 41, 116, 118.

<sup>93</sup> *Ibid.*, nos. 37, 39, 38, 81, 83, 84.

<sup>94</sup> *Ibid.*, nos. 56, 57, 59, 87, 88.



## Earl David and Lindores Abbey



Names in boldface are donors to Lindores Abbey

Gilbert, earl of Strathearn's foundation of Augustinian canons at Inchaffray in 1200 produced a similar cache of charters, many of which survive as 'originals'. The texts of some 23 documents of Earl Gilbert survive from the Inchaffray archive, along with a further eight texts of his son Robert and more than seven of his grandson, Máel Ísu II.<sup>95</sup> Other donors to appear in the charters included members of the earls' family, such as Fergus son of Earl Gilbert, and landholders in Strathearn, like Tristram of Gorthy, Theobald of Petlandy, Robert of Methven, Duncan of Megginch and Saher de Quincy, who held Gask.<sup>96</sup> Compared to Lindores, however, support for Inchaffray was based more narrowly on the earls themselves. Donations to later aristocratic foundations depended even more on the support of the founders alone. Earl Malcolm I's Cistercian house at Culross (c. 1217) was endowed generously by its founder, but produced very few documents that survive to this day and thus little record of early benefaction.<sup>97</sup> Only three pre-1260 texts survive to the Cistercian monks at Deer Abbey – two are from the founder William Cumin, earl of Buchan; one is from local landholder William Pratt.<sup>98</sup> Only two texts of aristocratic grants survive from John Bisset's house of Valliscaulians at Beaully, one from William Bisset, the other from Laurence, son of Patrick the janitor of Inverness.<sup>99</sup> Whether there were archives at Culross, Deer and Beaully that were subsequently lost can only be speculated upon; in any event they were founded well after the first blush of reform monasticism (and charter culture) hit Scotland. Lindores and Inchaffray, on the other hand, are indicative of the way aristocratic patronage of monasteries could spread the familiarity and use of charters down the social ranks to younger sons and tenants.

These three models, the influence of an overarching aristocratic figure like Countess Ada, the proximity of certain earls to the royal court, and the establishment of new monasteries by lay magnates, offer insights into how familiarity with documentation, its rituals and its uses may have spread to those further removed from the king's household, and to those landholders further down the social scale. One model which does not appear to hold water is the notion that immigrant knights effectively brought charter use with them from England and France. There are three reasons to suggest that incomers were introduced to charters of donation once they were firmly established in Scotland.

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<sup>95</sup> *Inchaffray Chrs.*, nos. 2-5, 9, 11-17, 19, 25, 27, 28, 33, 34, 37, 39, 41, 43 – 7, 51, 52, 55, 58, 76, 77, 86-8; *Inchaffray Lib.*, Appendix nos. 2, 8, 9, 12, 14.

<sup>96</sup> *Inchaff. Chrs.*, nos. 75, 26, 56, 57, 63, 38.

<sup>97</sup> *Culross Chrs.*, 69-71; *Analecta Scotia*, no. 6.

<sup>98</sup> *Aberdeen-Banff Illustrations*, ii, 426-7, 427-8, iv, 3.

<sup>99</sup> *Beaully Chrs.*, 4, 2.

First, Dauvit Broun has demonstrated in the case of Dunfermline Abbey, that the monks adopted the use of pragmatic documents in Scotland, rather than bringing their practices with them from England.<sup>100</sup> Second, it is difficult to accept the notion that growth in royal grants to lay landholders in the 1160s and 70s was based on demand by immigrant knights, because nearly as many of those early royal charters went to ‘native’ Scots (see table 2.2). Third, the top twelfth-century grantors of charters included as many Scottish earls and magnates as immigrant families (see table 2.5). Finally, that the majority of twelfth-century grantors appear only in one or two documents, usually to a single monastic beneficiary, suggests that it was the initiative of the ecclesiastics, not the laypeople, that lay behind a document’s production.<sup>101</sup> The only strong exception to this is the family of de Quincy, who, in addition to holding lands in Fife and Strathearn, were also earls of Winchester, English magnates of the highest level – they must have been exposed to charter use at courts of English king, bishops, and abbeys.

### *Aristocratic charters to other laypeople*

The numbers of charters (and chirographs) involving lay landholders as grantors (or parties) grew significantly in the thirteenth century. Of the approximately 735 documents dealing with lay landholders north of Forth, *ca.* 1150 to *ca.* 1260, roughly 598, over eighty percent, were produced after *circa* 1200 (see table 2.9).<sup>102</sup> The number of surviving texts from around the first twenty years of the thirteenth century (169) was over double that of the previous twenty years (83). The numbers of documents continued to increase in the years between 1220 and 1239 (221 texts) but levelled off by the period between 1240 and *circa* 1260 (208). Furthermore, of the total 735 documents, fewer than fifteen percent of surviving charter texts were grants to or agreements with other laypeople.<sup>103</sup> All but a

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<sup>100</sup> Broun, ‘Adoption of brieves’.

<sup>101</sup> Further research of this topic, particularly of handwriting of those few contemporary sheets that do survive, is necessary.

<sup>102</sup> This does not include the *notitia* of land grants to Deer and St Serf’s, Loch Leven, which Dauvit Broun has argued persuasively should be viewed in a different light from Latin charters. Dauvit Broun, *The Charters of Gaelic Scotland and Ireland in the Early and Central Middle Ages*, Quiggin Society Pamphlets on the Sources of Mediaeval Gaelic History, 2 (Cambridge, 1995); *Idem*, ‘Property-records in the Book of Deer’, in *Studies on the Book of Deer*, ed. Katharine Forsyth, forthcoming; Kenneth Jackson, *The Gaelic Notes in the Book of Deer* (Cambridge, 1972). Thanks also to Simon Taylor for allowing me to use his translations and notes to the Loch Leven material in the St Andrews *Liber*.

<sup>103</sup> Dating non-royal, non-ecclesiastical charters in the twelfth and thirteenth centuries is difficult. They were seldom given a date of time (most of the examples when this does occur are agreements with bishops and other clergy). Usually, charters are dated using the witness list to ascertain the earliest and latest dates at which the charter could have been written, e.g. 1201x 1213 (although this method is not infallible,

handful of these, however, were from the second half of the period in review, indicating a significant shift in charter use among laypeople. If the first fifty or sixty years constituted a phase defined by the overriding importance of the monasteries, royal court, and top magnates closest to the king, then the second half of this period were characterised by a transition to the use of charters by lesser landholders and burgesses, as well as the widespread adoption of charters as a method of recording land grants between lay landholders.

Table 2.9

**Non-royal, non-ecclesiastical charters, according to charter median date**

	exact date or year	median date spread	'x 11nn' dates	'Circa' dates	Total
1140 - 1159	0	4	0	1	5 <sup>104</sup>
1160 - 1179	2	33	3	8	46
1180 - 1199	0	58	6	19	83
1200 - 1219	11	95	15	48	169
1220 - 1239	40	94	16	71	221
1240 - 1259	63	35	16	67	181
1260 <sup>105</sup>	3	12	3	9	27
<b>totals</b>	<b>119</b>	<b>331</b>	<b>59</b>	<b>223</b>	<b>732<sup>106</sup></b>

Fewer than twenty twelfth-century charter texts from lay landholders, to lay landholders survive.<sup>107</sup> If one errs on the side of liberality with the dating, it is possible to

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considering the points made in the previous section). Often, sufficient information about the witnesses does not survive. Sometimes, charters can be dated according to when these grants were confirmed by a dated royal, episcopal or papal charter. These often do not have a start or earliest date, e.g. 'x 1213'. For some charters, there are no confirmations and the witnesses are not sufficiently well-known, and all we can do is assign a 'circa' date based on the diplomatic or what is known about the grantor. Charters with either an exact date or a firm date range account for about 61% of the approximately 735 non-royal, non-ecclesiastical documents. The remainder have been given 'circa' or 'x' dates. It is important to be able to assign dates, not least to see how the numbers change over time, in order to examine any significant patterns or trends. Because of the previous problems, however, the date range of many Scottish charters is quite long. The average date range for the 332 charters which can accurately be dated according to that method is roughly thirteen years.

<sup>104</sup> Two of the five pre-1159 charters were from the earls of Dunbar to the Isle of May Priory, which were included in the study as per the parameters discussed in chapter one. *May Docs.*, nos. 53, 54.

<sup>105</sup> Charters in the '1260' category are either in the year 1260 or have a mean date post-1260, but may have been granted before.

<sup>106</sup> Six charters are pre-1140 *notitiae*; a further three are undateable.

count nine charters of Earl David to lay landholders relating to Scotland north of Forth, to such beneficiaries as Hugh Giffard, Malcolm son of Bertolf, Gilbert *nepos* of Andrew, bishop of Caithness, Robert Furnage, Henry de Boiville (Boyle), Robert and Simon of Billingham and Gillecrist, earl of Mar.<sup>108</sup> Other twelfth-century charters to laypeople were granted by Countess Ada (to Alexander de St Martin), Robert of London (to Roger Frebern), Earl Gilbert (to Malcolm son of Earl Duncan) and Walter of Lundin.<sup>109</sup> Significantly, these were the top six individual twelfth-century grantors of charters (see table 2.5). Unfortunately, of the charters to laypeople, only Countess Ada's grant and three of Earl David's charters survive as contemporary single sheets.<sup>110</sup> Consequently, it is difficult to ascertain who was writing the charters in the absence of sufficient paleographical evidence; however, comparison of these surviving documents with contemporary royal and ecclesiastical charters to laypeople may be instructive. Countess Ada<sup>111</sup>, Earl David<sup>112</sup>, Robert of London<sup>113</sup>, Earl Duncan II<sup>114</sup> and Earl Gilbert<sup>115</sup> all had *clerici* associated with them, often described as *clericus comitis* (or *clericus meus or eius*) in witness lists. It is unclear exactly what were the duties of these *clerici* and it is known that sometimes the word was used interchangeably with *capellanus*.<sup>116</sup> Whether it was these *clerici* who produced these early charters to laypeople is unclear, but what is significant is that these few individuals were also the same group of magnates whose proximity to the king and monastic benefaction to diverse institutions stands out. Furthermore, these charters to laypeople from this group began shortly after the phenomenon of royal charters to laypeople began to grow in earnest. In other words, if royal charters to laypeople grew substantially in the 1160s, then charters to laypeople from

<sup>107</sup> The exact number depends largely on how one assigns documents that may have been written before 1200, but whose median date is after 1200 (for example, a charter dated 1190 x 1214).

<sup>108</sup> *Yester Writs*, no. 4; Stringer, *Earl David Acta*, nos. 55, 28; *Arb. Lib.*, no. 135; Stringer, *Earl David Acta*, nos. 10, 8, 9, 56.

<sup>109</sup> *Laing Chrs.*, no. 2; *Misc. Panm. Chrs.* v, no. 3; Barrow, 'The Earls of Fife in the Twelfth Century', *PSAS* 87 (1952-53), 51-62, no. 2; *Inchcolm Chrs.*, no. 4.

<sup>110</sup> *Laing Chrs.*, no. 2 is in the Laing Charters, EUL. Stringer, *Earl David Acta*, no. 28 is NLS Ch. 7710; no. 56 is BL Harl. Ch. 83.C.24. *Yester Writs*, no. 4 is GD 28/4 at the NAS.

<sup>111</sup> Her clerk, William Giffard, appears as witness in several of her charters, although she seems to have had another clerk named William, who may also have been her chaplain. *Dunf. Reg.*, no. 151, *St A. Lib.* 207-8, *Laing Chrs.*, no. 2; William as clerk, *St A. Lib.*, 207-8, as chaplain *St A. Lib.*, 209.

<sup>112</sup> Earl David's *clerici* included Robert, Philip, Henry and Richard. *Yester Writs*, no. 4, Stringer, *Earl David Acta*, no. 28, *St A. Lib.*, 41-2, *Arb. Lib.*, no. 83, *Lind. Cart.*, nos. 5, 82, *Inchcolm Chrs.*, no. 5, *Arb. Lib.*, nos. 135, 136, *Lind. Cart.*, nos. 37, 38; see also K. Stringer, *Earl David of Huntingdon*, 150-4.

<sup>113</sup> *Arb. Lib.*, no. 61; *Arbroath Cart. MS*, fols. 147<sup>r-v</sup>.

<sup>114</sup> Hugh, *St A. Lib.*, 241b & a, 243a. Walter, who appears also as a chaplain, *N.B. Chrs.*, nos. 3, 5, 6.

<sup>115</sup> John, *Inchaff. Chrs.*, no. 2. William de Haya, see *Inchaff. Chrs.*, nos. 28, 34, 37, 43, 44, 45. He is only called 'de Haia' in the first charter.

<sup>116</sup> See William, *clericus/capellanus* of Countess Ada, and Walter, *clericus/capellanus* of Earl Duncan II.

King William's mother (Ada) and brother (David) began to trickle out by the 1170s. If the Scots kings first took advantage of their ecclesiastical beneficiaries' charter-writing to open up a new forum for their symbolism of power, through terminology and physical appearance, then the charters of Earl David, Countess Ada, and, to a lesser degree, Robert of London and Earls Duncan and Gilbert seem to be emulations of the king's new practice of recording his land grants in charters to his tenants. In this sense, these documents would have drawn a direct link between these grantors and the king, thus becoming a display of the power of the magnates.

Table 2.10

**Numbers of charter texts from lay landholders, to laypeople**  
(Grants, confirmations, quitclaims, brieves, but not agreements)

1140 - 1159	0
1160 - 1179	6
1180 - 1199	9
1200 - 1219	20
1220 - 1239	21
1240 – <i>ca.</i> 1260	39

Table 2.10 shows the substantial shift that took place in the early thirteenth century, whereby aristocratic charters to laypeople grew markedly. The initial growth was among the comital and higher baronial classes early in the thirteenth century; of the twenty documents indicated in 1200 - 19, half were granted by earls. Many of the others were granted by major barons like Philip de Moubray and Walter Olifard II. Of the sixty surviving texts from between 1220 and *circa* 1260, however, only about twenty percent were granted by earls. A large number of these later charters to laypeople were granted by what may be termed 'local barons', men like Constantine of Lochore, Ralph of Kinnaird, Gilbert of Ruthven and John of Inchyra.<sup>117</sup> The expansion down the social scale in charters both to monasteries and to laypeople was echoed by a similar expansion of individuals possessing seals (based on the textual evidence). The shift in charters to laypeople and possession of seals is almost certainly to be linked with legislation of Alexander II on

<sup>117</sup> NLS Ch 6002; Macfarlane, *Genealogical Coll.* i, 53 (Kinnaird no. 3); NAS GD 212/V6/DC 65; *Erroll Chrs.*, no. 10.

dissasine dating to 1230.<sup>118</sup> This statute sought to systematise royal justice in claims of dissasine and required a royal writ or brieve ‘to be sent to the justiciar or sheriff commanding them to determine the justice of the complaint’.<sup>119</sup> It is not unlikely that this streamlining of royal justice sent the demand for written evidence of sasine through the roof, thus accounting for the acceleration of bureaucratic record-keeping in the mid-thirteenth century. Furthermore, from the 1230s, there was a marked increase in the number of non-chirograph documents given an exact date of time. There are seven extant texts of grants, confirmations, quitclaims and sales with an exact date (either the exact day or month and year), surviving from the 1230s (see Appendix One). In the 1240s, sixteen texts survive, including several new, more discursive texts classified as statements, memoranda, obligations and ratifications. Twenty-one fully dated texts are extant from the 1250s. The emergence of exact dates in aristocratic charters and the legal implications of this practice have never been examined by historical scholars, although this topic certainly justifies such analysis.

In conclusion, the charters recording grants and other acts made by aristocratic landholders on Scotland north of Forth should not be linked to any sense of ‘Anglo-Norman’ ethnic identity. Certainly, their spread was part of larger processes of europeanization affecting both secular and ecclesiastical administration, but the weight of the evidence suggests clearly that immigrant knights coming north to Scotland did not bring ‘charter culture’ with them. Rather, familiarity with the documents percolated down from the king, and grew alongside benefaction and patronage of reformed monasteries. Furthermore, aristocratic involvement in royal documents, in terms of both witnessing and receiving the kings’ charters, was balanced fairly evenly between Scottish magnates and immigrant landholders.

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<sup>118</sup> Hector MacQueen, *Common Law and Feudal Society in Medieval Scotland* (Edinburgh, 1993), 137-8; John Hudson, ‘Legal Aspects of Scottish Charter Diplomatic in the Twelfth Century: A Comparative Approach’, *Anglo-Norman Studies* 25 (2003), 121-33. Thanks to Cynthia Neville for pointing this out to me.

<sup>119</sup> *Ibid.*, 138. *Idem*, ‘Canon Law, Custom and Legislation: Law in the Reign of Alexander II’, in *The Reign of Alexander II, 1214-49*, ed. Richard D. Oram (Leiden, 2005), 243 – 6.

### Three: Personal Names and Scottish Society

Scholars have used personal names as evidence for the ethnic identification or ethnocultural milieu of individuals in medieval Scotland, and done so widely. The unfortunate lack of documentation compared to England and much of continental Europe has meant that names are often the only clues that historians have to work with. Yet surprisingly, perhaps, there has been little explicit academic scrutiny of the use of personal names in medieval Scottish society. Where they have been used, often anecdotally and in passing, writers have generally relied upon the notion that names are a natural expression of ethnicity. There may, indeed, be circumstances where a name can tell us something about an individual's ethnic identification. These instances, however, should be explicitly and critically examined, rather than relying upon the simplistic idea that a particular name automatically places someone in a particular ethnic group.

The use of personal names as historical evidence works best when dealing with naming traditions specific to a certain family or other social context. For example, Barbara Crawford mentions Earl Magnus, of the Angus earls of Caithness, 'whose name suggests that his mother had been a member of the Orkney earldom family.'<sup>1</sup> Presumably, further explanation would have elucidated the connection: that St. Magnus was a member of the family of the earls of Orkney, thus making it a personal name with specific ties to that kin group. Another example of unproblematic use of personal names involves cultural or literary associations, such as the use of the name Tristram among the lords of Gorthy in Strathearn, a topic which will be explored further below.<sup>2</sup>

Scholars get into trouble when they expand the use of personal names to broader cultural and linguistic identifications. One common mistake is the taking of all non-Gaelic names as evidence for 'Anglo-Norman' or even Anglo-Saxon/ English ethnic identification. An example is the assertion that 'certainly the non-Gaelic character of the personal names used by the family from their earliest appearance in the record until the fourteenth century strongly supports an Anglo-Norman origin'.<sup>3</sup> The family in question, the lords of Kinnear in Fife, included people with the names Simon son of Michael, Simon son of Simon, and later, Matthew and John. All of these names are biblical ones, taken

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<sup>1</sup> Barbara Crawford, 'The earldom of Caithness' *Northern Scotland* 2 (1976-77), 110. Reprinted in *Essays on the Nobility of Medieval Scotland*, ed. K.J. Stringer (Edinburgh, 1985), 25- 43.

<sup>2</sup> R.L. Graeme Ritchie, *Chrétien de Troyes and Scotland* (Oxford, 1952), 16, n. 1

<sup>3</sup> Simon Taylor and J. Michael Henderson, 'The medieval marches of Wester Kinnear, Kilmany Parish, Fife', *Tayside and Fife Archaeological Journal* 4 (1998), 233.



from the names of Christ's disciples, with the exception of Michael, who appears in both testaments. Biblical names were not specific to one linguistic tradition within Christianity, which helps explain the popularity of these names in the central middle ages, particularly John, one of the most popular men's names across Europe.<sup>4</sup> Scholars have not acknowledged the difficulties in using these universal names as evidence for 'Anglo-Norman' immigration. The names of the Kinnear family, for example, may be compared with that of Simon of (Wester) Feddal, in Strathallan, who named his son Gillemuire.<sup>5</sup>

An example of direct and extensive links has been made in R. Andrew McDonald's article on 'matrimonial politics and core-periphery interactions.'<sup>6</sup> McDonald uses personal name evidence in broad strokes. Occasionally, this causes little concern, such as in his assertion that 'the witness lists of the twelfth century provide striking testimony to the various ethnic elements – Gaelic, Brittonic, Anglo-Saxon, Scandinavian and Norman – which comprised the medieval kingdom of Scotland.'<sup>7</sup> More questionable is McDonald's claim of Anglo-Norman ancestry for two wives of earls of Dunbar (Sibilla and Alina) based solely on their names, without explanation or exploration of alternative possibilities.<sup>8</sup> This uncritical approach to the subject is most evident in the following excerpt:

'In them [i.e., witness-lists to two well known monastic charters], Gaels with names like Duncan, Ferteth and Uhtred witness alongside the unmistakably Norman Richard de Morville and Ranulf de Sules, while the Anglo-Saxon or Anglo-Scandinavian Aelwyn mac Arkil and the Anglo-Saxon Gospatrick stand shoulder to shoulder with Walter de Lyndsey and Philip de Coleville.'<sup>9</sup>

McDonald is clearly aiming to point out the multi-ethnicity of the twelfth-century Scottish kingdom, which in itself need not be problematic. Rather, it is the use of personal names as direct evidence for ethnicity which may be a cause for concern. Uncritical connections like these raise several questions: What makes Duncan, Ferteth and Uhtred Gaels, and why does one of them (Uhtred) have an Anglo-Saxon name? What are the implications of Aelwyn mac Arkil's name, in which a father with a Norse name is tied to a son with an Anglo-Saxon name by means of a Gaelic naming convention? Why is

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<sup>4</sup> Iris Shagrir, *Naming Patterns in the Latin Kingdom of Jerusalem* (Oxford, 2003), 23- 6.

<sup>5</sup> *Lind. Cart.*, no. 23.

<sup>6</sup> R. Andrew McDonald, 'Matrimonial Politics and core-periphery interactions in twelfth-century and early thirteenth-century Scotland', *Journal of Medieval History* 21 (1995), 227- 47.

<sup>7</sup> *Ibid.*, 228.

<sup>8</sup> *Ibid.*, 235.

<sup>9</sup> *Ibid.*, 234. Statement inserted in brackets is mine.

Gospatrick such an Anglo-Saxon name, when the Gos- element is actually Brittonic? What makes Philip de Colville so 'Norman', given that his kinsman Thomas calls himself 'Scot' in one of his charters?<sup>10</sup>

*Problems with using personal names as evidence for ethnicity in the Scottish context*

Personal names are the only thing we know about many medieval individuals, and they certainly offer an intriguing window into understanding a culture. Their use, however, is complicated. The first problem with approaches such as that outlined above is the conception of ethnicity inherent in the analysis. For example, the approach used by McDonald assumes that an ethnic group can be easily quantified, that the definition was agreed upon by all in the twelfth century, and that these delineations are easily recognizable by scholars some eight hundred years later. Furthermore, McDonald presupposes that a language is a natural characteristic of an ethnic group and that personal names represent an unproblematic aspect of that linguistic marker. The first area of criticism, therefore, is simply conceptual: scholars should let go of the obsession for identification, and the need to attribute a given individual to a particular 'culture' or 'system'. This method excludes the possibility of greater complexities that are inherent in human society. The newer approach to ethnicity understands ethnic markers as malleable things that could be actively utilised and manipulated by individuals. This understanding is particularly important in the study of personal names. The act of choosing a name becomes an action laden with meaning and symbolism: this realisation has led many scholars to a new methodology of personal names.<sup>11</sup> Moreover, besides 'ethnicity' being malleable, there is also the very real possibility that other considerations or motivations (such as family) 'trumped' ethnicity, as it were, making it less important than previously thought.

The second problem is less frequently discussed and involves the written translation of personal names. The implications of the fact that nearly all the contemporary documents were in Latin have rarely, if ever, been discussed in the Scottish context. Historians view names in vernacular languages (Gaelic, French, English, Norse) through

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<sup>10</sup> 'Ego Thomas de Colevilla cognomento Scot', *Melrose Liber*, no. 192, at p. 172.

<sup>11</sup> David Herlihy, 'Tuscan Names, 1200- 1500' *Renaissance Quarterly* 41 (1988), 561- 82; Stephen Wilson, *The Means of Naming* (London, 1998); *Personal Names Studies of Medieval Europe: Social Identity and Familial Structures*, ed. George T. Beech, Monique Bourin and Pascal Chareille (Kalamazoo, 2002); Shagrir, *Naming Patterns*.

the prism of a *lingua franca*: Latin. Due to this situation, and depending on the ability and/or preference of the scribe, personal names could either be rendered ‘untranslated’, as it were, in one of the vernaculars, or, more often, ‘translated’ or altered in a form more palatable to Latin-literate eyes and ears. The imperative of standardisation, furthermore, may smooth over a more complex contemporary reality. It is likely that many power-brokers on the ground in medieval Scotland were aware of these ambiguities and exploited them.

Some names were merely given an orthography that made sense to a Latin reader. For example, Forlaith, meaning ‘perfect princess’ in Gaelic (medieval spelling: Forbflaith), was rendered *Forveleth* in Latin, while Dearbhfhorgaill became *Dervorguilla*. Muriel is a latinised form of Muirgheal.<sup>12</sup> The Scots royal names Donnchadh and Máel Coluim (‘servant of S. Columba’) typically became *Dunecanus* and *Malcolmus*, which gave rise to their Scots forms Duncan and Malcolm.<sup>13</sup> Máel Ísu (‘servant of Jesus’) and Máeldomhnaich (‘servant of the Lord’), important names in the earldoms of Strathearn and Lennox, became *Malisius* and *Maldovenus*.<sup>14</sup> Gillebrigte [or Gillebride] (‘servant of St Bridget’) was rendered as either *Gillebertus* (like the French Gilbert) or as *Bricius*. For example, Gilbert, earl of Strathearn, was also called on at least one occasion ‘Gillebride’, while Gillebride, earl of Angus, was written at least once as ‘Gilbertus’.<sup>15</sup> Furthermore, Professor Barrow has suggested that Gillebrigte MacLeoid of Brechin was the same person as *Bricius*, prior of the *céli De* of Brechin.<sup>16</sup> *Murinus* was a latinised form of Máel Runaid (modern Irish Maolruanaí).<sup>17</sup> Non-Gaelic names were also latinised; for example, the Anglo-Saxon Waltheof was written as *Waldevus*.<sup>18</sup> Thorald could apparently be rendered *Durandus* in Latin.<sup>19</sup> The Old Norse female name Idunnr was latinised as *Idonea*.<sup>20</sup>

<sup>12</sup> Donnchadh Ó Corrain and Fidelma Maguire, *Irish Names* (Dublin, 1981), 72, 107, 141; Geoffrey Barrow, ‘Scots in the Durham *Liber Vitae*’, in *The Durham Liber Vitae and its Context*, ed. David Rollason, A.J. Piper, Margaret Harvey, Linda Rollason (Woodbridge, 2004), 109-16.

<sup>13</sup> Alternative spellings of *Dunecanus* include *Donecanus* (*Inchaff. Chrs.*, nos. 39, 51), *Dunechano* (*St A. Lib.* 154b), and *Dunccano* (*St A. Lib.* 158). This last one could be a transcription error for *Dunecano*. Máel Coluim appears as *Malcallano* in *St A. Lib.*, 298, 298-9.

<sup>14</sup> Ó Corrain and Maguire, *Irish Names*, 129.

<sup>15</sup> *RRS* ii, no. 282; *RRS* i, no. 190.

<sup>16</sup> G.W.S. Barrow, ‘The Lost Gàidhealtachd’, in *Scotland and its Neighbours in the Middle Ages* (London, 1992), 112.

<sup>17</sup> Ó Corrain and Maguire, *Irish Names*, 130-1. Two Scottish examples are Murinus of Kinloch, Fife, and Murinus, steward of Strathbogie. See *St A. Lib.*, 255-6, 256-7; *Inchaff. Chrs.*, no. 42; *Moray Reg.*, no. 35.

<sup>18</sup> E.g., *Waldevo filius Merleswani*, *St A. Lib.*, 271-2; *Waldef filium Merlesuein*, Barrow, *East Fife Docs.*, no. 2.

<sup>19</sup> Barrow, *Chrs. David I*, 95-6, 109, 158-9, 179.

<sup>20</sup> Patrick Hanks and Flavia Hodges, *A Dictionary of First Names* (Oxford, 1990), 161.

Other Gaelic names were rendered as if they were existing Latin names. Hence the Gaelic Aoife became *Eva* in Latin.<sup>21</sup> Eógan was generally translated as *Eugenius*, as in the case of Ewen son of Conan of Atholl.<sup>22</sup> There seems to have been a three-way conflation of Áed (modern Gaelic Aodh), the Anglo-Saxon Eggu and the latinised form, *Hugo*. This is most evident in the case of ‘Hugo’, grandson of Gillemicheil, earl of Fife, whose name is written alternately as Eggu<sup>23</sup> and *Hugo*.<sup>24</sup> Despite the lack of surviving substantiation, John Bannerman interprets these names as translations of the Gaelic personal name Áed.<sup>25</sup> Evidence for the use of *Hugo* for the Gaelic name Áed comes from 1257, when ‘Ath’ son of Malcolm Macnaughton is called ‘Hugo’ brother of *Gillebertus* Macnaughton in another charter of the same year.<sup>26</sup> Niall could be transliterated as *Nigellus*, as in the case of Niall, earl of Carrick.<sup>27</sup> Gille Ísu (‘servant of Jesus’), otherwise written as Gillise, may have also been rendered in Latin as *Elias*.<sup>28</sup>

The evidence of witness lists suggests that practice varied greatly: use of the vernacular or latinised form of a name was dependent on factors that are now beyond the historian’s grasp. For example, the Gaelic name Muiredach was latinised as *Mauricius*.<sup>29</sup> In 1213, King William adjudicated a case between *Mauricius senior* of Menteith and *Mauricius junior* his brother, in which the presumably illegitimate elder brother ceded the earldom to his younger brother of the same name. In the king’s charter, dated 7 Dec. 1213 at Edinburgh, both men are called *Mauricius*.<sup>30</sup> An agreement between Gilbert, prior of St Andrews, and the *céli Dé* of the same place made between February 1198 and August 1199 was attested by Murethach, earl of Menteith, who is presumably the same individual as *Mauricius senior*.<sup>31</sup> Presumably, the younger Maurice was also known as Murethach. As with Gillebrigte/ Gilbert, earl of Strathearn, Murethach/ Maurice may have used his two names to his advantage, depending upon the cultural context.

<sup>21</sup> Ó Corrain and Maguire, *Irish Names*, 16, 181.

<sup>22</sup> *Lind. Cart.*, no. 73, *C. A. Rent.*, no. 38. See also *C. A. Chrs.*, no. 40; Macphail, *Pluscarden*, 199; *Dunf. Reg.*, nos. 127 and 326.

<sup>23</sup> Egu, *RRS* ii, no. 28. For this name, see also Eggou Ruffus, *St A. Lib.*, 382-3, and Ego, son of Gilbert of Kinross, *Dunf. Reg.*, no. 325.

<sup>24</sup> Hugo, *St A. Lib.*, xxi.

<sup>25</sup> John Bannerman, ‘MacDuff of Fife’, in *Medieval Scotland: Crown, Lordship and Community*, ed. Alexander Grant and Keith J. Stringer (Edinburgh, 1993), 33.

<sup>26</sup> *Inchaff. Chrs.*, no. 85, 86. ‘Gilbert’ MacNaughton also appears in both charters.

<sup>27</sup> Ó Corrain and Maguire, *Irish Names*, 146; Hector L. MacQueen, ‘The Kin of Kennedy, ‘Kinkynol’ and the Common Law, in *Crown, Lordship and Community*, 284.

<sup>28</sup> G.W.S. Barrow, ‘The early charters of the family of Kinninmonth of that ilk’, in *The Study of Medieval Records*, ed. D.A. Bullough and R.L. Storey (Oxford, 1971), no. 3, at 120-21.

<sup>29</sup> Ó Corrain and Maguire, *Irish Names*, 140.

<sup>30</sup> *RRS* ii, no. 519.

<sup>31</sup> *St A. Lib.* 318-9. Maurice/ Murethach’s first appearance is a charter of 1187x95, i.e. *RRS* ii, no. 337.

The ambiguity surrounding this particular name could even take place within a single witness list, presumably penned by a single scribe. A confirmation by Gregory, bishop of Dunkeld, of the church of St Trinity of Dunkeld to Dunfermline Abbey, dating between 1162 and 1169, included *Mauricius* the canon and Murethac, clerk of the bishop of Caithness (that is, Bishop Andrew ‘Scot’). *Mauricius*, who was most likely a canon of Inchcolm but possibly a canon of Scone or Dunkeld, appears alongside people with the Gaelic names *Bricius* (Gillebrigte), Duftach, and Gillemuire, as well as a priest called Somerled.<sup>32</sup> Why is one given the Gaelic name and the other, the Latin name? Was this to distinguish one from the other, or did it signal some kind of real linguistic or cultural difference? This example again drives home the difficulty of relying on assumptions about personal names and ethnicity. Indeed, one need not assume that names had to fall into an ‘either/or’ scenario regarding ethnic identity. Gilbert/ Gillebrigte (earl of Strathearn)’s cultural sophistication and seeming adeptness at working within both the Gaelic and Anglo-Norman arenas, coupled with the resultant popularity of the name, suggests that in a society where aristocrats were searching for a way to work the ‘ethnocultural *modus vivendi*’ to their advantage, this sort of ambiguity could be gainfully manipulated.<sup>33</sup>

The implications of this are difficult to interpret. It means that, effectively, the name historians choose to give to any medieval person bearing one of these Latinised names involves some sort of assumption about cultural association and ethnic identity. Aed is probably the most likely contestant for the ‘real’ name of ‘Hugo’ the grandson of Gillemicheil, earl of Fife, yet that decision is based on the assumption that the latinised French name Hugo or Hugh, or the Anglo-Saxon (?) name Eggou were unlikely choices for an early-twelfth-century earl of Fife and his descendants. By the same token, if it were not for the single attestation of Earl Gilbert of Strathearn as ‘Gillebryd’, scholars would be left with only the likelihood or the possibility that he was ‘really’ a Gillebrigte. These value judgements should be more transparent. The ramifications are that whenever a scholar is interpreting the name Gillebertus – no matter whether that individual seems to belong to a ‘Gaelic’ or ‘Anglo-Norman’ family – that scholar must decide whether to assign a Gaelic, French, or English/ Scots name, or, alternatively, to leave the name purposely vague. It is probable that in many instances, the names of Gilbert/ Gillebrigte, earl of Strathearn, Maurice/ Murethach, earl of Menteith, and Hugo/ Eggu/ Aed are indeed indications of the ability they had for manipulating strategically different ethnocultural

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<sup>32</sup> *Dunf. Reg.*, no. 124

<sup>33</sup> Broun, ‘Anglo-French acculturation’, 152.

scenarios. If that is the case, then it would be misleading to think of Gillebrigte or Aed as their 'real names', and Gilbert and Hugo as 'translations'. For men like these, it would seem, ethnic identity could be played to their advantage, according to the situation.

The third problem relates to the issue of names as evidence for ethnic identity within specific families. Tying together trends or apparent trends in naming practices to supposed shifts in ethnic populations is difficult, risky and, in the case of Scotland north of Forth, unwise. The underlying problem with this approach is the notion, based on linear or positivist history, that there was a natural progression. The most obvious supposed progression in this period is that from 'Gaelic society' to 'Anglo-Norman society', suggesting an uncomplicated development from strange, unfamiliar Gaelic names to normal, recognisable 'European' names. This was simply not the case.

If names and languages are not evidence for belonging to an ethnic group, then how should one view them? Personal names should rather be seen as belonging to a particular language and naming tradition. A naming pool, the collection of names available to people in a society, could incorporate various naming traditions. Just about every combination of languages and naming traditions can be seen in twelfth- and thirteenth-century Scotland. For example, Gilleserf mac Rolf represents Gaelic and Norse; that 'mac' (son of) was used rather than *filius* may suggest that he was seen as living in a Gaelic-speaking society.<sup>34</sup> The same may be true of Ælwin mac Arkil, King David's *rannaire*, whose name combines Anglo-Saxon and Norse elements in a Gaelic context.<sup>35</sup> Ædmund son of Gillemicheil's name shows a convergence of Gaelic and Anglo-Saxon traditions;<sup>36</sup> the same situation occurs in the name of Gospatrick 'Macmadethyn'.<sup>37</sup> The charters are full of instances where immigrant families adopted Scottish or Gaelic names in the second generation, including Ramsay, Hay, Mortimer, Lochore, Melville and Lascelles.<sup>38</sup>

Indeed, the evidence seems to suggest that personal names may have little to do with ethnic identification at all. It is difficult to know what to make of the family of Swain of Forgrund (Longforgan, Gowrie), a man with a Scandinavian name who gave one son the Flemish name Archibald, and the other son the name 'Hugo', which could be Aed, Eggu or

<sup>34</sup> *Dunf. Reg.*, no. 196. (1231) Rolf is from the ON Hrólfr. Hanks and Hodges, *First Names*, 285.

<sup>35</sup> Barrow, *Chrs. David I*, nos. 33, 34, 38.

<sup>36</sup> *Arb. Lib.*, no. 67.

<sup>37</sup> *Aberdeen Registrum*, i, 14-5 (1211x33).

<sup>38</sup> For example, Duncan of Ramsey, *Balm. Lib.*, nos. 46, 47; Ness of Ramsey, *Dunf. Reg.*, no. 145, *Balm. Lib.*, nos. 37, 39; Malcolm de Haya, *Arb. Lib.*, nos. 114, *Coupar Angus Chrs.*, nos. 42, 44; Constantine de Mortemer, *St A. Lib.*, 237, 238, *Arb. Lib.*, no. 135; Constantine of Lochore, *Dunf. Reg.*, nos. 158, 177, 179, 193; Malcolm de Maleville, *Dunf. Reg.*, nos. 144, 145, *St A. Lib.*, 245; Duncan de Lascelles, *St A. Lib.*, 260, 275.

Hugh. Yet this type of mixing of linguistic naming pools seems to be more the norm than the anomaly. The *abs*, later barons, of Abernethy were descended from Gillemicheil, earl of Fife. Eggu (latinised as *Hugo*), his grandson, decided to name his own son Orm, a Norse name (ON Ormarr). Orm, in turn, called his son Laurence, the name of an early saint.<sup>39</sup> These could tell us something about the marriage connections of the family, if we had such information; on the other hand, they may tell us nothing about the ethnic identity of this family whatsoever. The earls of Angus, a similarly ‘native’ kin-group, incorporated the names Magnus and Matilda. Malcolm, earl of Atholl, married Hextilda daughter of Uhtred, a very Anglo-Saxon sounding woman, and named their son Henry, a Continental Germanic or ‘European’ name. The family of the *abs* of Brechin ‘started’ with a man with the Norse name Leod (Ljótr). Most of his descendants had Gaelic names like Domnall, Máel Ísu or Máelbrigte, but some had more universal new testament names like John and Michael. It is difficult to determine a family’s ethnicity based solely on the names.<sup>40</sup>

Similar mixing could take place among the immigrant families. The Douglasses, a Flemish family settling first in Upper Clydesdale before moving to Moray and other areas, adopted French names (William), held on to Flemish names (Archibald), and may have taken Gaelic names (‘*Bricius*’ or Gillebrigte). Another Flemish settler, William the Fleming, gave his son the Anglo-Saxon name Aelwin, coupled with the by-name Cambrun.<sup>41</sup> His son, in turn, had the Gaelic name Eógan. If this was acculturation, it could work the other way: Berowald the Fleming gave his son the universal religious name John, who gave his son the French or Anglo-Norman name Walter. In yet another Flemish family, one that would become associated with Leslie in the Garioch, Bertolf named his sons Malcolm and Norman.

The fourth problem relates to religious names. Because all groups involved were Christian, names from the Bible and the period of the Early Church can not be assumed to reflect a particular ethnic or linguistic background, in principle at least. Different societies tended to have different ways of dealing with, and varying preferences for, religious names. Scotland seems to have had a predilection for Old Testament names, including popular names like Adam and David as well as less common examples, such as Samson,

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<sup>39</sup> Laurence was the name of a third-century Roman martyr, as well as a seventh-century archbishop of Canterbury (canonised) and (Lawrence O’Toole) a twelfth-century Irish reformer. David Hugh Farmer, *The Oxford Dictionary of Saints*, 5<sup>th</sup> edn. (Oxford, 2003), 311-315.

<sup>40</sup> On the earls of Angus, see *Arb. Lib.*, nos. 114, 115, 229. For the earls of Atholl, see Stevenson, *Illustrations*, 16–18. On the Brechin *abs*, see *Arb. Lib.*, nos. 72, 74, 74bis, 89, 228, 229.

<sup>41</sup> Cambrun may be a mangling of the Gaelic *cam shrón*, meaning ‘crooked nose’, or alternatively is a hybrid of the Gaelic *cam*, ‘crooked’, and the French *brun*, ‘brown’.

Methuselah, Abraham, Daniel, Elias, Isaac and Samuel.<sup>42</sup> With other biblical names, however, Gaelic society tended to add one degree of separation, particularly favouring the words *gille-* and *máel-*, both meaning ‘servant of’. Thus, instead of naming a child Jesus, Mary, or Peter, Gaelic opted for the ‘servant of Jesus’, the ‘servant of Peter’, *et cetera*. Sometimes, however, religious names were used outwith these conventions, as in Cristin son of ‘Rodhri’ and Simon son of Macbeth.<sup>43</sup> The likelihood that some New Testament names, including Pól (for Paul), and Eoin/ Iain (for John), were used in Gaelic society, complicates the trend that the names of Christ’s disciples were clearly growing more popular as a result of the europeanization of naming patterns on the continental level, as well as the growing homogenisation of church culture as a result of the expansion of the papacy and the twelfth-century reform.<sup>44</sup> People like Nicholas son of *Bricius* (Gillebrigte) the priest of Kirriemuir in the early thirteenth century show that New Testament names were being used in Scotland north of Forth.<sup>45</sup> This issue is complicated further by the fact that many people entering a religious life gave up their given names and adopted names in religion. This suggests that not all biblical names, especially among clerics, can be taken as evidence for the parents’ naming preferences.<sup>46</sup> These criticisms should not suggest that religious names should be stripped of all cultural context. Even though Philip was one of the twelve disciples, there is no evidence for his name existing in Scotland north of Forth before the Anglo-French immigration, and Philip was a common name in France. Other New Testament names, such as Andrew, Simon, Paul and Thomas, however, may have been used in Scotland north of Forth independently of the new ‘europeanising’ trends. Furthermore, it is likely that Scots using the common ‘gille’ and ‘máel’ saint’s names, like Gillethomais or Gillandres (Gillanders), simply dropped the prefix as it became socially acceptable, or had the prefix omitted for them by the scribes writing the charters.

Historians should acknowledge the fact that the use of biblical names is culturally complicated, and that Latin’s position as a *lingua franca* often distorts the original linguistic context of many names. They should also accept that people living in medieval Scotland north of Forth may not have seen their vernacular names as evidence for any

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<sup>42</sup> For example, Abraham, chaplain of Gilbert, earl of Strathearn, *Inchaff. Chrs.*, nos. 3,5,11,12; Elias of Kinninmonth, *Moray Reg.*, nos. 62, 63; Isaac son of Samuel, *Scone Lib.*, no. 125; Samson son of Gilbert, *Ibid*, no. 84. Hanks and Hodges, *First Names*.

<sup>43</sup> *St A. Lib.*, 346-7; *Camb. Reg.*, no. 216.

<sup>44</sup> For example, John, the second prior of Inchaffray, and John, the *ab* of Brechin. *Johanne priore de Incheaffray, Lind. Cart.*, nos. 30, 31. *Johanne abb’ de Brechyn, Arb. Lib.*, no. 228. For Paul, see Ó Corrain and Maguire, *Irish Names*, 153.

<sup>45</sup> *Arb. Lib.*, C.O. IV.

<sup>46</sup> John, prior of Inchaffray, is a good candidate: his church was dedicated to St John the Evangelist.



ethnic identification, or, for that matter, that they may have seen a name as an indicator of multiple or changing identities. This clearly seems to be borne out by the mixing of naming pools evident in the family lines mentioned above. The implication of this problematisation is that names cannot be taken simply as evidence for ethnic identification. That leaves two possible alternatives. Firstly, there may have been a great deal of ‘intermarriage’ between families speaking different languages, who may have ascribed to various ethnic identities. Secondly, names from several different linguistic traditions may have all seeped into the Scottish naming pool, allowing people access to many different names without necessarily an ethnic marker being attached. Probably, to a certain extent, both of these trends were taking place.

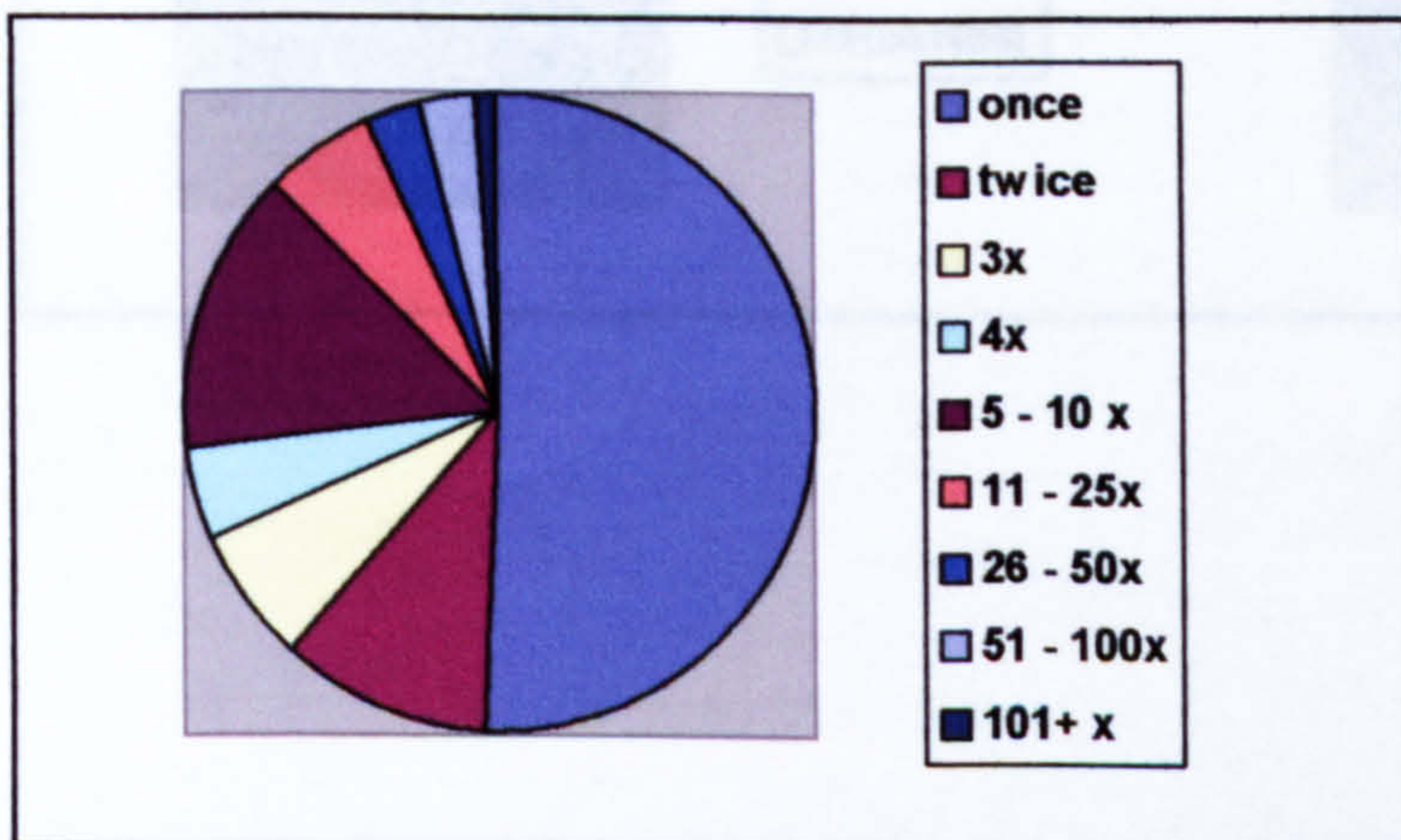
Finally, it should be stated that the modern scholar encounters problems and must make decisions when writing medieval names. These decisions carry ramifications for how the reader interprets the name. For example, an author, in choosing to be true to his or her sources, can offer the name in medieval Latin. On the other hand, the author can opt for accessibility and familiarity, rendering the name in a modern equivalent. For example, if the source contained a name written as *Malcolmus de Moravia*, the modern writer could give it as Malcolm Murray. A third option is also available – the scholar may decide to render the name in a medieval vernacular version, which, as already has been mentioned, is a process complicated by medieval translation issues. In this instance, the scholar could choose to give the name as Máel Coluim of Moray, perhaps purposely hoping to avoid the familiarity of modern surnames like Murray, giving prominence to non-English vernaculars, and seeking to emphasise the different-ness of medieval society. Thus, writers must decide between trying to indicate some of the complexities and idiosyncracies of medieval spelling, on the one hand, and avoiding potentially misleading modern standardisations on the other. In this chapter, personal names have normally been represented in their modern vernacular form, whether that be English, Gaelic or another language. However, in the case of extremely rare or otherwise unknown names, the original spelling from the medieval source has been preserved. In other instances, where the context dictates, alternate versions such as the most common medieval Latin spelling, have been presented in addition to the relevant modern vernacular form. In order to avoid confusion, Latin names are given in italic type, while both medieval and modern vernacular names are presented in roman.

## Prosopographical analysis of personal names

A total of 354 distinct names occur in the prosopography, including three names appearing only in the Durham *Liber Vitae* (Anna, Dearbhfhorgaill, Perpetua).<sup>47</sup> Of course, names which occur only among the clergy were not included in this study. Furthermore, only the names of actual individuals in the historical record were studied: names which occur only as the second element of patronymic names have not been considered. Neither were the names from the *Dublin Guild Merchants' Roll*, which will be discussed briefly, included in this analysis.

Graph 3.1

### Occurrence of all names.



The naming pool under analysis constitutes those held by the 2846 laypeople who were included in the prosopography. Slightly over half of the names occurred only once in the documentary record, while names appearing more than ten times comprised perhaps an eighth of the total body of names. This rate of 'rare names' was much higher than throughout western and southern Europe, where names occurring only once in a given corpus tended to vary between seven and 21 percent.<sup>48</sup> The large number of 'rare names' appearing in this prosopography and the high number of Gaelic names appearing only once are clearly functions of the uneven survival of documents in Scotland north of Forth. The five most frequently occurring names, conversely, accounted for some thirty percent of the total individuals on record, or 846 individuals. Sixty (17%) of the names were female, with

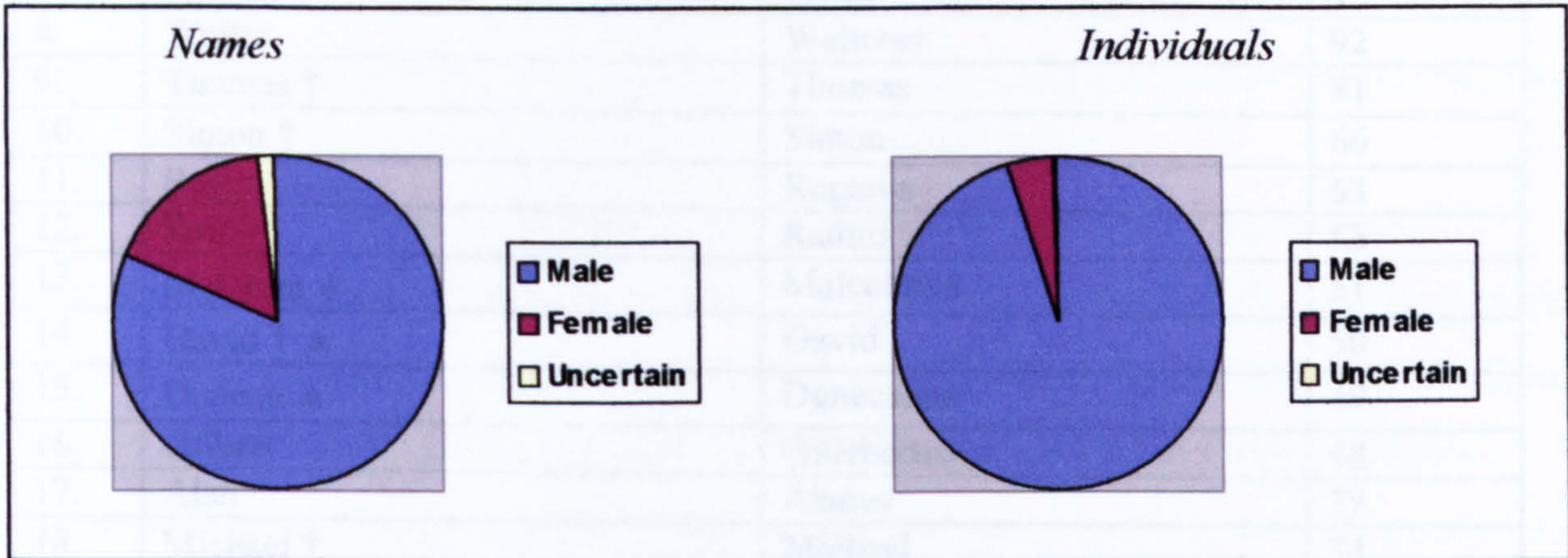
<sup>47</sup> *Liber Vitae Ecclesiae Dunelmensis*, ed. Joseph Stevenson, Surtees Soc. Vol. 13 (Durham, 1841); Stevenson, *Illustrations*, 16- 18; Barrow, 'Scots in the Durham *Liber Vitae*', 109- 16.

<sup>48</sup> Shagrir, *Naming Patterns*, 100.

288 male names (81%) and six names of uncertain gender.<sup>49</sup> Of the individuals included in the study, 128 were female, 2712 were male, and six were indeterminable. Thus, while male names accounted for 81% of the total naming stock, males as a cohort comprised a much larger 95% of the total individuals.

Graph 3.2

**Gender of names versus sex of individuals.**



1	William	284
2	Richard	151
3	Robert	148
4	Ricardo	113
5	Adams	87
6	Richard	83
7	John	81
8	James	66
9	John	53
10	John	48
11	John	34
12	John	33
13	Alexander	31
14	Richard	29
15	Thomas	28
16	Richard	26
17	Philip	24
18	Andrew	21
19	Richard	21
20	Richard, Parol	18
21	James	17
22	Stephen	16

<sup>1</sup> names of biblical figures or early major saints (1<sup>st</sup> century AD - 500 AD)  
<sup>2</sup> names of Scottish or English kings (pre-1000)

The study most frequently selected names to Scotland north of Forth (see above table) reflect the diversity evident in the Scottish naming pool and the popularity of "universal" European names, including many taken from biblical and classical antiquity. The top most commonly occurring names are either Continental or biblical, and are comparable to major European names in Europe at this time. For example, the top ten names in Great Britain and Ireland are common with the Scotland north of Forth list. William, John, Peter, and Hugh, other names on the Great Britain list, however, do not occur at

<sup>49</sup> The six disqualified names were Adino, Adlilis, Airimam, Levis, Miruld, Phenich.

Table 3.3

## Most frequently-attested male names

	name – modern English form	name – medieval Latin form	People
1.	William ♠	Willelmus	296
2.	Robert	Robertus	171
3.	John † ♠	Johannes	169
4.	Richard ♠	Ricardus	113
5.	Adam †	Adamus	97
6.	Henry ♠	Henricus	93
7.	Hugh	Hugo	92
8.	Walter	Walterus	92
9.	Thomas †	Thomas	81
10.	Simon †	Simon	66
11.	Roger	Rogerus	63
12.	Ralph	Radulf	53
13.	Malcolm ♠	Malcolmus	51
14.	David † ♠	David	50
15.	Duncan ♠	Dunecanus	49
16.	Gilbert	Gillebertus	48
17.	Alan	Alanus	39
18.	Michael †	Michael	34
19.	Peter †	Petrus	33
20.	Geoffrey	Galfridus	32
21.	Alexander ♠	Alexander	31
22.	Gilchrist	Gillecrist	29
23.	Patrick	Patricius	28
24.	Nicholas †	Nicholas	26
25.	Philip †	Philippus	24
26.	Andrew †	Andreas	21
27.	Reginald	Reginald	21
28.	Randolph	Randulf, Ranulf	18
29.	James †	Jacobus	17
30.	Stephen †	Stephanus	16

† names of Biblical figures or early major saints (1<sup>st</sup> century AD x 500 AD)

♠ names of Scottish or English kings (post-1000)

The thirty most frequently-attested names in Scotland north of Forth (see above table) reflect the diversity evident in the Scottish naming pool and the popularity of ‘universal’ european names, including many taken from biblical and classical antiquity. The ten most commonly-occurring names are either Continental or biblical, and are comparable to similar lists from other places in Europe at this time. For example, the top ten names in Genoa in 1188 include names in common with the Scotland north of Forth list - William, John, Henry and Hugh. Other names on the Genoa list, however, do not occur at all in the Scottish prosopography, including *Ansaldo*, *Rubaldus*, *Lanfranc* and *Otto*. The

most popular names in Poitou in 1200 were similar to the Scottish list, including William, John and Walter, but also Peter and Geoffrey, which were less common in the Scotland north of Forth sources, and Raynald, which does not appear in the Scottish prosopography.<sup>50</sup> An area with more in common with the Scotland north of Forth situation was the Latin kingdom of Jerusalem. The crusades resulted in people from across western Europe living in Palestine; the introduction of these names from outside, as it were, may explain the similarity to Scotland north of Forth. The ten most common names in the Latin kingdom between 1188 and 1219 include five from the Scottish top ten (John, William, Hugh, Simon, Robert) and three from the next ten most common names (Ralph, Geoffrey, Peter).<sup>51</sup>

The approximately 354 names (see Appendix for complete list) reveal a combination of Insular names, those which had been used in the British Isles for centuries, as well as Continental names, which became gradually more popular in the twelfth century. Insular names, those which are usually associated with speakers of Gaelic, Brittonic, Anglo-Saxon and Norse, account for nearly half of the total naming pool (see graph 3.4).<sup>52</sup> Continental names, many of which grew rapidly in popularity across Europe at this time, make up slightly less than a third.<sup>53</sup> ‘Universal’ religious names, those which were accessible to all western Christians, make up a further thirteen percent of the surviving names, and their popularity was due in part to the same europeanizing processes which saw common secular names sweep across Europe.<sup>54</sup> The five most frequently-attested names are evidence of these trends; William, Robert and Richard are continental while Adam and John are ‘universal religious’ names.

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<sup>50</sup> Shagrir, *Naming Patterns*, 69.

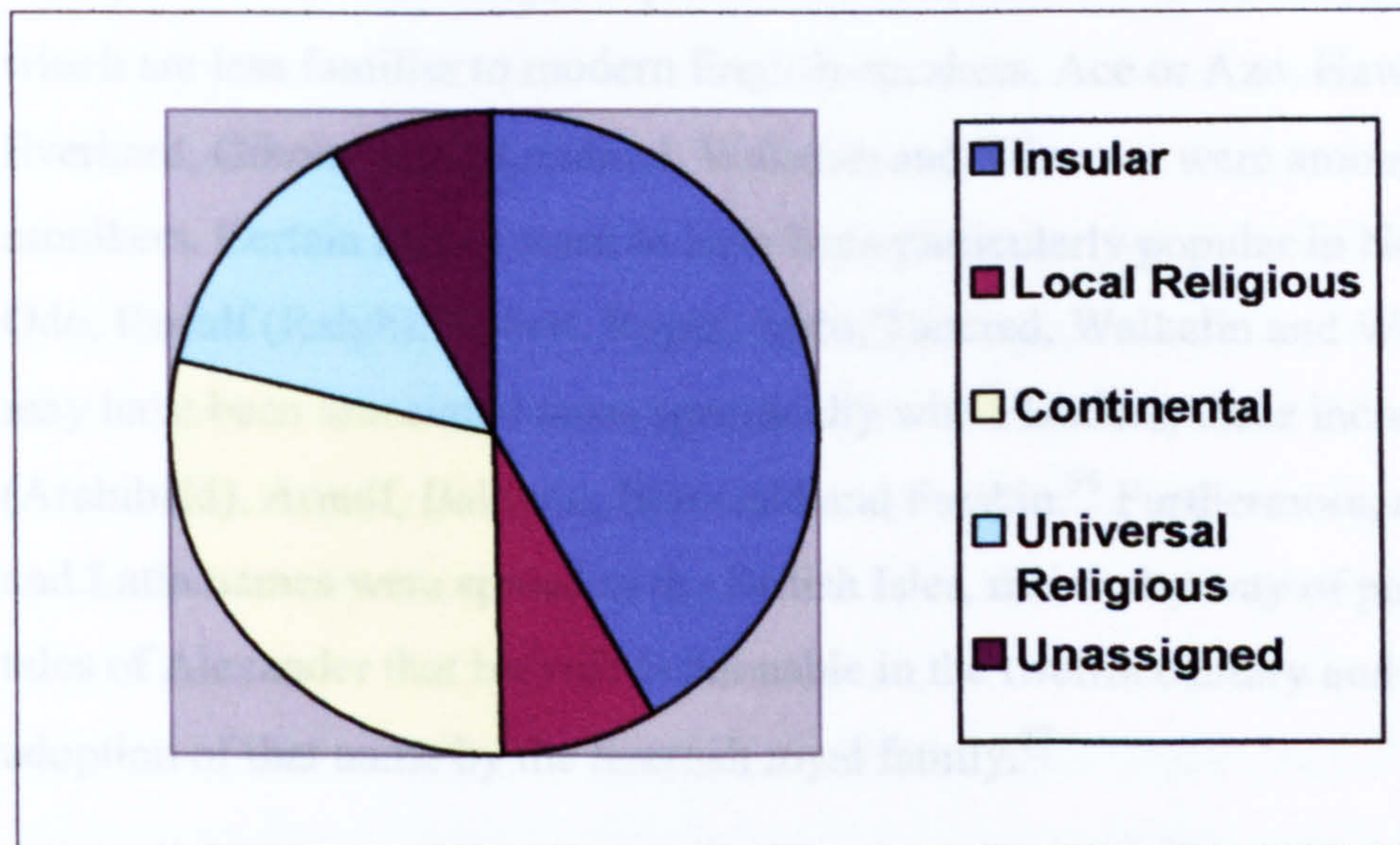
<sup>51</sup> *Ibid.*, 70.

<sup>52</sup> This includes the secular Insular and Local Religious categories, as seen in the graph, which account for 176 names, or 49.7 percent.

<sup>53</sup> Continental names comprised 28.8 percent, or 102 in total.

<sup>54</sup> A total of 47 universal religious names, which are defined as biblical names from the Old and New Testaments in addition to Church Fathers and other saints’ names prior to 500 AD.

Graph 3.4

**Personal Names – local and European**

\* Local Religious names include all *gille-*, *mael-* and *guas-* saints' names. Universal religious names are those held by Old and New Testament Biblical figures, including the Apostles, the Church Fathers and other pre-500 saints, such as early martyrs. Insular names are those associated with the Gaelic, Brittonic, Anglo-Saxon and Scandinavian-speaking areas of the British Isles. Continental names include those associated with countries on the continent of Europe.

The diversity of Insular names evident in the prosopography reflects the multicultural nature of Scottish society in the central middle ages. These included names that were common in various other parts of the British Isles, such as Donnchad, Cinaed, Gillecrist, Domnall, Alwin, Uhtred, Dolfin, Magnus, Thorald and Orm.<sup>55</sup> A few of these names were among the more interesting and idiosyncratic surviving examples, such as Mervin (i.e., Welsh Myrddyn), Macdufath, Sorn, Liulf, Merleswain and Ragewin. Some of these names may have been peculiar to Scotland north of the Forth; for example, Bridin, Gartnait and Gilletalargyn may not occur in records outwith that region. Whereas Insular names make up the largest group of names, they were also the least frequently attested in the sources, which tend to favour incomers.

<sup>55</sup> On mutual influence of Gaelic and Scandinavian names, see Brian Ó Cuiv, 'Personal names as an indicator of relations between native Irish and settlers in the Viking period' in *Settlement and Society in Medieval Ireland*, ed. John Bradley (Kilkenny, 1988), 79- 88.

Conversely, many of the Continental names which appear with great frequency in the prosopography are still in common use today. Alongside such easily recognisable examples as Robert, Henry, Ralph and Geoffrey, however, there existed Continental names which are less familiar to modern English-speakers. Ace or Azo, Hawise, Aimeri, Durand, Everhard, Giboïn, Imbert, Odiel, Waleram and Winemar were among the lesser-known monikers. Certain names seem to have been particularly popular in Normandy, such as Odo, Radulf (Ralph), Robert, Roger, Serlo, Tancred, Walkelin and Wenenc. Other names may have been associated more specifically with Flanders; these included Erkenbald (Archibald), Arnulf, Baldwin, Berowald and Freskin.<sup>56</sup> Furthermore, a number of Greek and Latin names were spread to the British Isles, mainly by way of popular stories, like the tales of Alexander that became fashionable in the twelfth century and may have led to the adoption of that name by the Scottish royal family.<sup>57</sup>

### *Women's names*

Women's names account for seventeen percent of the total names, but only 4.5% of the individuals in Scotland north of Forth 1100 – 1260. These sixty surviving names exhibit a much larger percentage of Continental and Universal Religious names than the naming pool as a whole. Fewer women's names appeared in the texts, and those that are mentioned are usually the wives and daughters of immigrant knights. Nevertheless, it is clear that Scottish-born aristocrats did continue to use Gaelic names to a certain extent. For example, the name Forbhlaith, meaning 'sovereignty', suggested an aristocratic context and was indeed used by the earls of Atholl.<sup>58</sup> Other insular aristocratic names included Dearbhfhorgaill (*scoticé* Dervorguilla), Muirgheal (*anglicé* Muriel), Bethoc and Eithne. Many women seem to have been named for queens or important countesses. Queen Margaret of Scotland, David I's wife Maud, Countess Ada de Warenne and Ela, countess of Fife, probably account for the popularity of these names in Scotland north of Forth, which comprise four of the ten most frequently-attested names. Saint's names were also

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<sup>56</sup> P. H. Reaney and R. M. Wilson, *A Dictionary of English Surnames*, rev. edn. (Oxford, 1997), 25; Hanks and Hodges, *Dictionary of First Names*, 275, 283, 285; T. Forssner, *Continental-Germanic Personal Names in England* (Uppsala, 1916), 35, 41, 76.

<sup>57</sup> Stephen Marritt, 'Coincidences of Names, Anglo-Scottish Connections and Anglo-Saxon Society in the late Eleventh-Century West Country', *SHR* 83 (2004), 150-70.

<sup>58</sup> Ó Corrain and Maguire, *Irish Names*, 107.

significant among women's names, including Agatha, Agnes, Cecilia, Christina, Juliana, Mary, Margaret and Perpetua. Moreover, a notable characteristic of women's names is the tendency toward classical names, extending beyond those associated with religious figures. It is likely that Continental names spread more quickly among women. Illustrative of this is the case of landholders in Crambeth (Dowhill, Fife), in 1252, wherein two brothers with common Insular names, Duncan and Patrick, are married to two sisters with common Continental names, Christina and Ela.<sup>59</sup> This scenario stands in stark contradistinction to that posited for post-conquest England, where Cecily Clark saw strong survival of Anglo-Saxon names among women.<sup>60</sup> Freya Verstraten, however, has suggested that in the case of Ireland, marriage of local aristocrats to 'Anglo-Norman' women may have provided one social context for the adoption of foreign names, especially among daughters.<sup>61</sup> This scenario seems to hold true in the case of Gillebrigte/ Gilbert, earl of Strathearn, who married Matilda d'Aubini and had daughters named Matilda and Cecilia.<sup>62</sup>

Table 3.5  
Most frequently-attested female names

1.	Margaret, Margerie † ♠	Margareta, Margeria	12
2.	Matildis, Mahald ♠	Matilda, Maud	11
3.	Ada, Eda ♠	Ada	11
4.	Christina, Christine †	Christina, Christian	11
5.	Amabilla, Mabilia	Mable, Annabella	7
6.	Eva †	Eve, Eva	7
7.	Ela ♠	Ela	6
8.	Mary †	Maria	5
9.	Isabella	Isobel, Isabella	5
10.	Juliana †	Juliane, Juliana	3
11.	Emma	Emma	3

† Biblical, religious, or saints' names

♠ names of major Scottish noblewomen or queens

<sup>59</sup> NAS GD 254/1.

<sup>60</sup> Cecily Clark, 'Women's Names in Post-Conquest England,' *Speculum* 53 (1978), 236; Shagrir, *Naming Patterns*, 4.

<sup>61</sup> Freya Verstraten, 'The English names of Irishmen in the thirteenth and fourteenth centuries', International Medieval Congress, Leeds, July 12 – 15, 2004.

<sup>62</sup> *Inchaff. Chrs.*, no. 11; Neville, *Earls of Strathearn Acta*, no. 43.

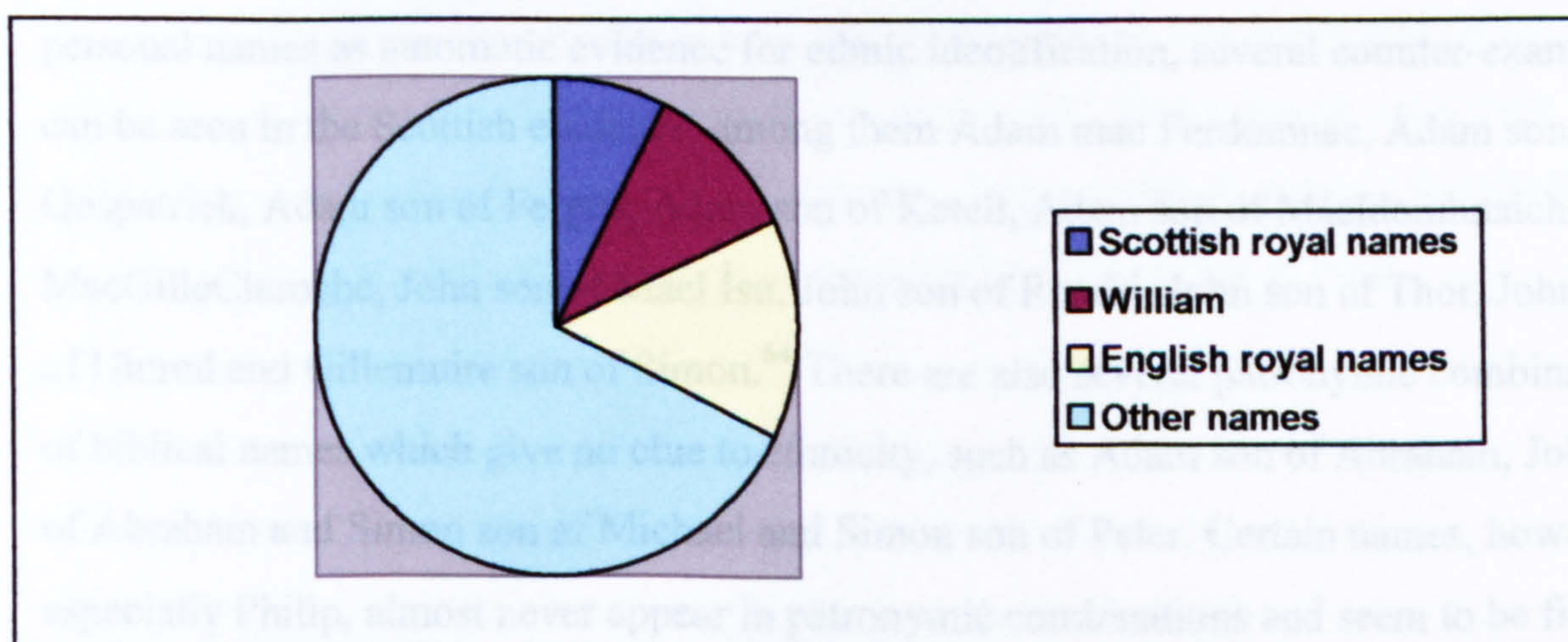


## Royal names

Many of the most frequently-attested names were those held by kings of Scotland and England. Taking in names held by kings of these two countries between 1000 and 1260, 296 people for whom record survives were called William. A further 405 people had the names of English kings, and 217 individuals held the same names as Scots kings. English kings in particular had names which were among the most common in western Europe at that time, including William, Henry, Robert, Richard and John. These names account for five of the ten most frequent names in the Scotland north of Forth charters. Alexander, David, Donnchad (*scoticé* Duncan) and Máel Coluim (*scoticé* Malcolm) were the most commonly-held names of Scottish kings, and account for four of the names in the top twenty most frequently occurring. Donald, Edgar, Kenneth, Lulach and Macbeth were other Scots royal names attested in the corpus. Other English kings' names included Edmund, Edward, Ethelred and Stephen. Alfred appears only once in the prosopography. Constantine was also an important name; a version of this Roman imperial name was employed by Pictish kings as well as three kings of Scotland north of Forth prior to 1000 and was used by ten individuals in the records.

Graph 3.6

### Percentage of individuals with post-1000 English and Scottish royal names.



\* Note: William, the name of William I Conqueror, William II Rufus, and William I the Lion of Scotland, was also the most common name in Scotland north of Forth *ca.* 1150 – 1260.

## *Religious names*

A significant proportion of the names attested in Scotland north of Forth could be described as religious. Many of these names occur in the Bible. Among the Old Testament figures on record were Adam and David, as well as the less-frequently-occurring Abraham, Daniel, Elias, Isaac, Michael, Samson, Samuel, Sara, Seth and Solomon. Old Testament names may have been more prominent in the Gaelic kingdom of Scotland north of Forth than elsewhere in the British Isles. New Testament names occur regularly as well. The names of most of Christ's apostles were used in medieval Scotland north of Forth, including Andrew, Bartholomew, James (*Jacobus*), John, Mark, Matthew, Peter, Philip, Paul, Simon, Stephen and Thomas. Other New Testament names include Jordan, Joseph, Mary and other generally Christian names like Christina and Noel. While all of these names were available, in theory, to Christians of all ethnic and linguistic shades, it is probable that some of these names were used in Scotland north of Forth independently of the Anglo-French immigration. Peter and Andrew, for example, may have been used already. On the other hand, other biblical names, such as Philip, appear to have been very popular among French-speaking aristocrats and its popularity is probably due to the influx of Anglo-French knights. Robert Bartlett observed that, in colonial Ireland, biblical names like Adam, John and Simon could be linked to men with 'French descent', citing as examples names like Simon fitz William.<sup>63</sup> While we must still be careful of using personal names as automatic evidence for ethnic identification, several counter-examples can be seen in the Scottish evidence, among them Adam mac Ferdornac, Adam son of Gospatrick, Adam son of Fergus, Adam son of Ketell, Adam son of Máeldomhnaich MacGilleCleroche, John son of Máel Ísu, John son of Ruadri, John son of Thor, John son of Uhtred and Gillemuire son of Simon.<sup>64</sup> There are also several patronymic combinations of biblical names which give no clue to ethnicity, such as Adam son of Abraham, John son of Abraham and Simon son of Michael and Simon son of Peter. Certain names, however, especially Philip, almost never appear in patronymic combinations and seem to be firmly tied to an Anglo-French cultural context. While it appears certain that people using names from the Old English, Gaelic and Scandinavian linguistic traditions were also using

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<sup>63</sup> Robert Bartlett, 'Colonial Aristocracies of the High Middle Ages', in *Medieval Frontier Societies*, ed. R. Bartlett and A. MacKay (Oxford, 1989), 26. Bartlett points out the difference between the Irish and the Scottish situations on 19.

<sup>64</sup> In the order given, *ESC*, no. 223; *Moray Reg.*, no. 107; *A.-B. Ill.* ii, 427-8; *Balm. Lib.*, no. 30; *NAS RH* 1/2/31; *Arb. Lib.*, no. 1; *St A. Lib.*, 349; *Dunf. Reg.*, no. 181; *A.-B. Ill* ii, 427-8; *Lind. Cart.*, no. 23.

biblical names like Adam and Simon, it is also likely that the popularity of these names grew in the late twelfth and especially thirteenth centuries, given the rise of popular piety throughout western Europe, and that this reformed culture was more firmly entrenched among the Europeanising immigrants, and that this trend can be seen across the frontiers of Europe.<sup>65</sup>

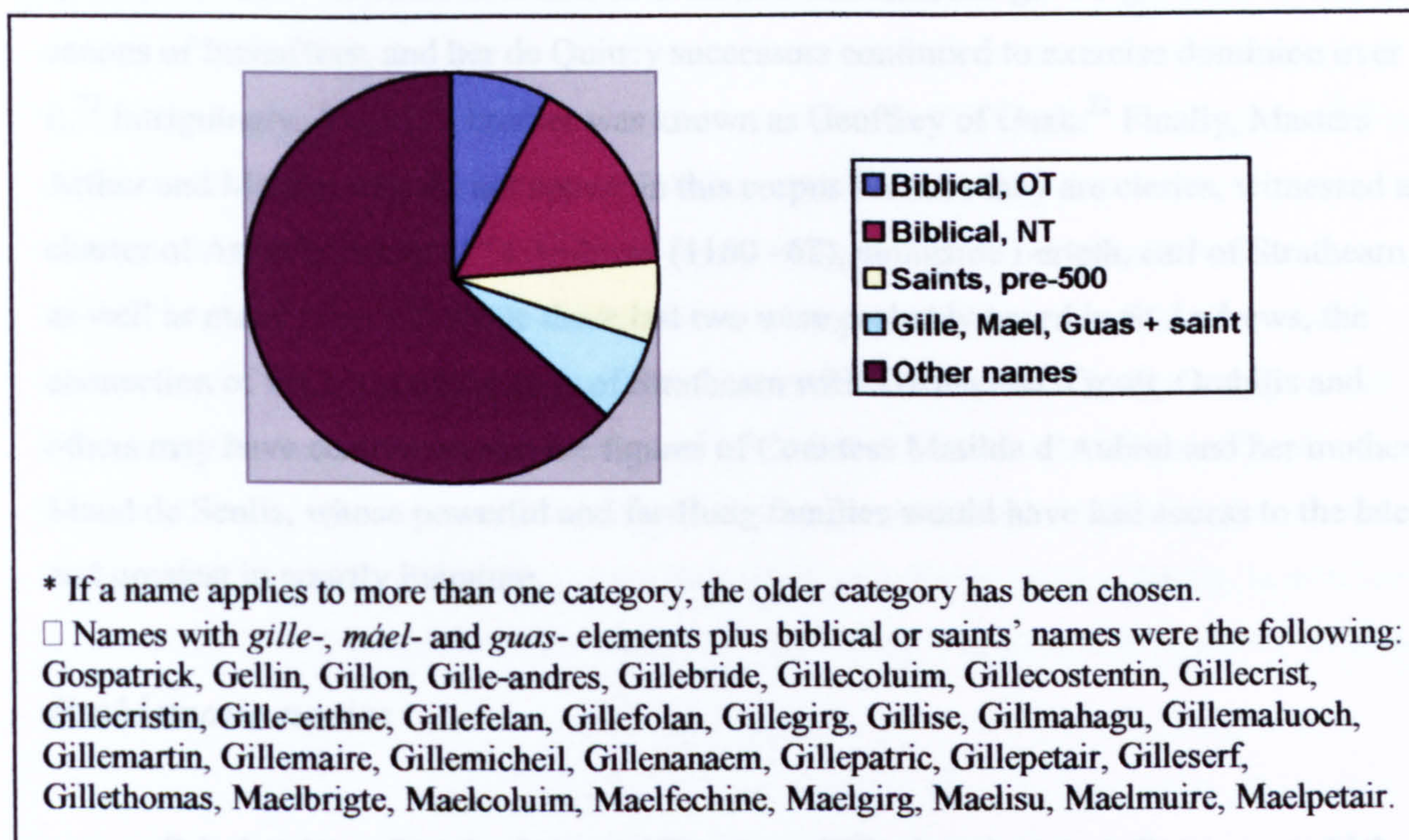
The names of saints who did not appear in the Bible can also be termed 'religious', though with some qualification. Saints are individuals with their own ethnocultural contexts: their names are drawn from their own cultures' naming pools and other non-sainted people shared their names both before and after their deaths. For this reason, it is best to restrict this survey to those saints who lived prior to 500, mostly in the near east and Mediterranean spheres. In these instances, the personal names attached to these saints spread widely in northern Europe due to the fame and renown of these holy men. The explosion of Gaelic and Anglo-Saxon saints after 500 makes it virtually impossible to tell whether the popularity of any given name is due to the saint who held it. Most of the pre-500 saints whose names appear in Scotland north of Forth were church fathers and early Christian martyrs; these included Agatha, Agnes, Alexander, Augustine, Benedict, Cecilia, Christina, Clement, Eustace, Felix, Germanus, Gervase, Gregory, Joachim, Juliana, Laurence, Margaret, Martin, Maurice, Nazarius, Nicholas, Paulinus, Perpetua and Sylvester.<sup>66</sup> After 500, the sheer number of Irish saints ensured that virtually every Gaelic name could be called a saint's name. By the central Middle Ages, however, in Scotland north of Forth, it became popular to form names using terms like *Máel-* and *Gille-* ('servant or client of') to names, often saint's names. Old Welsh had an equivalent, *Guas-*, which was used in forming the name *Gospatrik*. These names (as seen in the chart) accounted for a significant proportion of names in Scotland north of Forth.

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<sup>65</sup> Shagrir, *Naming Patterns*, 25-7.

<sup>66</sup> Farmer, *Dictionary*.

Graph 3.7

**Proportion of individuals with religious names.***Literary names*

Another special group are literary names: those with connections to the popular *chansons de geste*, *lais* and other romance poetry and prose of the twelfth-century renaissance. Scottish locations featured prominently in the stories focussed on the 'matter of Britain', and Scots kings apparently relished the fact that Edinburgh castle was known as the 'Castle of Maidens'.<sup>67</sup> A small group of individuals in Scotland north of Forth held names apparently drawn from contemporary literature, and all of them seem to have a Strathearn connection. Gilbert, earl of Strathearn, was in contact with the famous Tristan and Yseult: a major tenant was Tristram of Gorthy and Gilbert's second wife's name, Ysenda, was a form of Yseult.<sup>68</sup> According to R.L.G. Ritchie, Ysenda's father, Lugan (Luguen, to Ritchie), was named after a character in the lay of Yder.<sup>69</sup> Orabilis, daughter of Ness of Leuchars, was named for the daughter of King Desramed in the William, count

<sup>67</sup> Several royal charters were given the place-date '*apud Castellum Puellarum*'. This was used on occasion for over a century. Cf. *Dunf. Reg.*, nos. 39 & 84, *St A. Lib.*, 217-8.

<sup>68</sup> *Inchaff. Chrs.*, nos. 26, 46, 57, 58; see also Ritchie, *Chrétien de Troyes*, 16, n. 1; Duncan, *Kingdom*, 448-9. See also R.S. Loomis, 'Scotland and the Arthurian Legend', *PSAS* 89 (1955-6), 1-21.

<sup>69</sup> *Ibid.* See also Cynthia J. Neville, 'The Earls of Strathearn from the twelfth to the mid-fourteenth century, with an addition of their written acts', unpublished University of Aberdeen Ph.D. Thesis (Aberdeen, 1983), 272.

of Orange, cycle of *chansons de geste*, and her name continued in the families of de Quincy and Sai.<sup>70</sup> Orabilis held land at Gask in Strathearn; she gave eight acres of it to the canons of Inchaffray, and her de Quincy successors continued to exercise dominion over it.<sup>71</sup> Intriguingly, Ysenda's brother was known as Geoffrey of Gask.<sup>72</sup> Finally, Masters Arthur and Merlin, who do not appear in this corpus because they are clerics, witnessed a charter of Arnald, bishop of St Andrews (1160–62), alongside Ferteth, earl of Strathearn, as well as many others.<sup>73</sup> While these last two were probably based in St Andrews, the connection of the court of the earls of Strathearn with Tristan and Yseult, Orabilis and others may have centred around the figures of Countess Matilda d'Aubini and her mother, Maud de Senlis, whose powerful and far-flung families would have had access to the latest and greatest in courtly literature.

### *Problematic names*

Scholars have found a few specific names difficult to interpret. One name which has proved some difficulty for historians is Ness or Nessi. Ten individuals are known to have held it in the period under analysis, starting with a 'Nesse' of ca. 1100 in the Loch Leven *notitiae* and including various people living in the Fife and Stirlingshire area, such as Ness of Calatria, Ness of Balmule, and, most famously, Ness son of William, lord of Leuchars. Others included Ness, seneschal of Malcolm II, earl of Fife, and Ness of Walton, in addition to individuals attached to immigrant families, that is, Ness of London, Ness Fraser and Ness of Ramsey.<sup>74</sup> Perhaps the name spread due to the apparent importance of Ness of Leuchars. The name seems unproblematically to stem from OI *Ness*.<sup>75</sup>

Another difficult name is Eggu or Eggou. The most famous person with this name was Eggu son of 'Hugo' son of Gillemicheil, earl of Fife, progenitor of the family of the abs of Abernethy. Eggu was latinised as 'Hugo', suggesting that the father may have also

<sup>70</sup> Ernest Langlois, *Table de Noms Propres de Toute Nature compris dans les Chansons de Geste imprimées* (Paris, 1904), 499–500; William, *Count of Orange: Four Old French Epics*, ed. Glanville Price (Letchworth, Herts, 1975), 216. Grant G. Simpson, 'An Anglo-Scottish Baron of the Thirteenth Century', unpublished University of Edinburgh Ph.D. Thesis (Edinburgh, 1965), 13.

<sup>71</sup> *Inchaff. Chrs.*, nos. 21, 38, 42, 45.

<sup>72</sup> Neville, 'Earls of Strathearn', 272; *Inchaff. Chrs.*, nos. 27, 46. Richard's heir was one Joachim, another rare French name.

<sup>73</sup> *St A. Lib.*, 130-2; Watt, *Scottish Graduates*, 18, 390; Ritchie, *Chrétien*, 16, n.1. This Arthur was probably the son of Abraham, Earl Gilbert's chaplain. *Inchaff. Chrs.*, no. 26.

<sup>74</sup> *St A. Lib.*, 115-6; J.M. Todd and H.S. Offler, 'A medieval chronicle from Scotland', *SHR* 47 (1968), 158; *Inchcolm Chrs.*, no. 21; *St A. Lib.*, 282; *St A. Lib.*, 40; *St A. Lib.*, 380; *Moncreiffs*, no. 5; *Dunf. Reg.*, no. 145.

<sup>75</sup> Ó Corrain and Maguire, *Irish Names*, p. 145.

been Eggu.<sup>76</sup> Another, slightly later, example exists in Eggou Ruffus, a landholder in *Lingoch* (Lingo, Fife) in the first quarter of the thirteenth century.<sup>77</sup> The name also appears as a patronymic element in the name *Gillemur mac egu* in the early thirteenth century, as well as perhaps in *Egii Gillepatricio*, indicating probable OE/ Gaelic combinations.<sup>78</sup> The name was still in use in the mid-fourteenth century.<sup>79</sup> Ego or Eggo has survived as a surname in Aberdeenshire until modern times, and may have been a gaelicisation of Adam.<sup>80</sup> John Bannerman believed it to be an orthographical attempt on Hath or Aed.<sup>81</sup> Alternatively, the name may be related to Old English *Ecgtheow*, but does not appear in *Domesday Book* or Searles' *Onomasticon*.<sup>82</sup> Another difficult name is that of Beolin or Boli, a man who was *judex* of the Mearns. His name could be OI *Beollán* or alternatively may stem from ON *Boli*. *Saher*, a name associated with the de Quincy family, is also hard to establish. It may come from OE *\*saehere* ('sea + army') or from CG *Sigiheri* ('victory + army').<sup>83</sup>

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<sup>76</sup> Compare *St A. Lib.*, 213-6/ *RRS* ii, no. 28 ('Egu') to *St A. Lib.*, xxi ('Hugo').

<sup>77</sup> *St A. Lib.*, 382-3. The name Lingo survives in Lingo House and the village of West Lingo near Largoward, Fife.

<sup>78</sup> *Scone Lib.*, no. 84; *St A. Lib.*, 329.

<sup>79</sup> *Dunf. Reg.*, no. 325

<sup>80</sup> Black, *Surnames*, 241.

<sup>81</sup> Bannerman, 'Macduff', 33.

<sup>82</sup> K. Keats-Rohan and David E. Thornton, *Domesday Names: an Index of Latin Personal and Place Names in Domesday Book* (Woodbridge, 1997); W. G. Searle, *Onomasticon Anglo-Saxonicum* (Cambridge, 1897). Thanks also to Alaric Hall for this useful suggestion.

<sup>83</sup> Patrick Hanks and Flavia Hodges, *A Dictionary of Surnames* (Oxford, 1988), 473.

## *Other approaches to personal names as evidence*

Scholars have recently frowned upon using personal names as evidence for ethnic identification; instead, many commentators now concentrate on the possible motivations in choosing names for their offspring.<sup>84</sup> Parents often sought to use names as a means of protection, luck or favour in the world, which sometimes led them to name their children after various saints, kings, local power figures and important previous family members. According to Iris Shagrir, ‘numerous examples of meaningful name choices observed in contemporary name giving practices attest to the common ascription of significance, symbolic or other, to the personal name.’<sup>85</sup> Moreover, as David Herlihy would have it, names are threefold messages which identify the bearer, recall the past by casting the memory to those who have died, as well as pointing to the future by serving as expressions of hope and destiny.<sup>86</sup> Furthermore, according to Patrick Amory, personal names can ‘demonstrate family, prestige, humility, fashion, religion or profession, and several of these at once.’<sup>87</sup> It is through the exploration of these motivations that historians should seek to exploit the rich and varied anthroponymic tapestry of Scotland north of Forth.

### *Uses of names within families*

One identifiable trait in naming patterns which has been commented upon by scholars is the tendency for certain personal names to run in particular families. These family naming traditions can be seen in kin-groups in Gaelic, English, French and other linguistic contexts, both within and outwith the kingdom of the Scots. For example, the Breton name Alan, which was adopted fairly broadly across the Anglo-French aristocracy, was typical in the family of FitzAlan/ Stewart, the Scottish branch of which tended to alternate Alans with Walters. Another example is the association of the name *Gospatricius* or Gospatrick (and later simply Patrick) with the family of the earls of Dunbar. Within Scotland north of Forth, family naming patterns are most noticeable within the earldoms of Fife and Strathearn. The earls of Fife favoured the old Scottish royal names Donnchad/ *Dunecanus* and Máel Coluim/ *Malcolumus*, as exemplified in the earls Duncan I (d. 1154),

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<sup>84</sup> Patrick Amory, *People and Identity*, 86- 91; Herlihy, ‘Tuscan Names’, 561- 82.

<sup>85</sup> Shagrir, *Naming Patterns*, 2.

<sup>86</sup> Herlihy, ‘Tuscan Names’, 561.

<sup>87</sup> Amory, *People and Identity*, 87.

Duncan II (d. 1204), Malcolm I (d. 1228x30) and Malcolm II (d. 1266), as well as various cadet members of the family. The name Máel Ísu/ *Malisius* was particularly associated with the earls of Strathearn, who had three ‘Malise’ earls in the period 1100 – 1260 and more thereafter.<sup>88</sup> Other names that were particularly associated with families included Merleswain, which was used by the lords of Ardross and Kennoway, and Freskin, which was associated with the Flemish family who took the toponym *de Moravia*. It seems likely that, in a primarily oral society, certain names were almost like labels or brands attached to a particular family, as in the case of Máel Ísu with Strathearn, Gospatrick/Patrick with Dunbar, and Merleswain with the lords of Kennoway.

Dauvit Broun has commented on the fact that Scottish earls like Fife and Strathearn did not find it incongruent to continue using Gaelic names, while at the same time adopting the cultural norms of the Anglo-French aristocracy.<sup>89</sup> Similarly, the lords of Ardross and Kennoway seem to have found it perfectly normal to continue using the rare Anglo-Scandinavian name Merleswain (and another, Waltheof) while adopting the cultured latinate moniker *Scholastica*.<sup>90</sup> Furthermore, immigrant families who married into Scottish earldoms in some cases continued the naming traditions of the previous comital line. For example, William Cumin, who married Margaret, daughter and heiress of Fergus, earl of Buchan, named one of his own sons Fergus.<sup>91</sup> A similar circumstance occurred with the adoption of the unique name Orabilis by the de Quincy family after Robert de Quincy’s marriage to Orabilis daughter of William of Leuchars, probably in the 1150s. Their granddaughter by way of Saher de Quincy, earl of Winchester, was called Orabilis, whose son William de Harcourt named his own daughter Orabilis.<sup>92</sup>

Given the prominent role played by the kings of Scots in introducing foreign-born knights to Scotland north of Forth, it is not surprising that many immigrant families adopted names associated with the Scottish royal family. The motivations behind the tactical naming practices apparent in the following evidence could be manifold: families may have sought to show gratitude, gain attention and curry favour with the kings all at the same time. They may also have sought to advertise to potential opponents their strong connections with the powerful royal family for protection and security. One unexpected consequence of this tendency was the introduction of previously foreign and unknown

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<sup>88</sup> For the families of Fife and Strathearn, cf. Dauvit Broun, ‘Anglo-French acculturation’, 138.

<sup>89</sup> *Ibid.*

<sup>90</sup> Shagrir, *Naming Patterns*, 10; *Inchcolm Chrs.*, no. 25.

<sup>91</sup> Alan Young, *Robert Bruce’s Rivals: The Comyns, 1212- 1314* (East Linton, 1997), xi; *Lind. Cart.*, no. 140.

<sup>92</sup> Simpson, ‘Anglo-Scottish Baron’, 306-7. The use of the name by Orabilla Sai, wife of Reginald de Warenne, suggests possible further connections. *Scone Lib.*, no. 87.



names to various kin-groups. Immigrant families adopted a few Gaelic names, such as Donnchad and Máel Coluim, through this process, while existing Scottish kin-groups found themselves giving children continental names like Henry and William. This process was an important step in the development of a common Scottish naming-pool.

Several knightly families who gained lands in Scotland north of Forth due to their services to the kings of Scots began to name their children after their benefactors. David was apparently not a very widespread name before David I, which draws one to admit the possibility that people like David Giffard, David of Hastings, David of Lindsey, David of Lochore and David de St Michael were named after the king. Given the Gaelic nature of the name, it seems particularly likely that Malcolm Bisset, Malcolm de Lascelles (Lessels), probably a son or brother of Alan son of Walter de Lascelles, Malcolm de Maleville (Melville), Malcolm son of Bertolf of Leslie and Malcolm of Moray (*de Moravia* or Murray), son of John of Moray, sheriff of Perth, were named after Scots kings Máel Coluim III and IV. Malcolm, the brother of Reginald de Warenne the younger, was given that name to point out the Warenne connection to the monarchy through Malcolm IV's mother, Countess Ada de Warenne (Warrand). It is harder to make such pronouncements about King William I, due to the popularity of the name. However, it is likely that many of the second-generation immigrant aristocrats born during his long reign were named after that king. Alexander, the name given to William's son and heir, born in 1198, must have been the inspiration behind Alexander Stewart (*senescallus*), whose family broke with Walter and Alan, with Alexander Cumin, earl of Buchan, whose father William became the first knight of immigrant ancestry to gain a Scottish earldom, as well as people like Alexander of Moray, son of Richard of Moray and sheriff of Inverness, Alexander son of William son of Thorald, sheriff of Stirling, and Alexander of Douglas, sheriff of Elgin. Some families even turned to older Scottish royal names, given the existence of Constantine son of Ness of Leuchars, Constantine de Mortemer (Mortimer) and Constantine of Lochore. The same process could also occur among burgesses, another class of immigrants who owed much to the monarch. Geoffrey son of Martin, burgess of Perth, named his sons Henry and David, clearly after David I and his son Earl Henry.<sup>93</sup> Lambur or Lambin, burgess of St. Andrews, named his sons William and (appropriately) Andrew.<sup>94</sup>

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<sup>93</sup> *Scone Lib.*, no. 21

<sup>94</sup> *Misc. Fraser Chrs.*, no. 8.

Perhaps the most striking example of this sort of tactical naming is evident from the naming practices of the de Haya (Hay) family. Between 1178 and 1182, William I gave Erroll to William de Haya his butler (*pincerna*), who in turn gave three of his sons the royal names Malcolm, William and David.<sup>95</sup> Other sons were named Robert and John, names used by the English royal family.<sup>96</sup> Another possible relation was Malcolm *pincerna*, who may have been named for Malcolm IV.<sup>97</sup> The names David and Malcolm continued in the next generation, along with the name Gilbert, probably under the influence of nearby magnate Gilbert, earl of Strathearn, to whom the Hays had some relation.<sup>98</sup> If this were true, we may have three generations of Hays being named after the Scottish royal family. Unfortunately, it is difficult to know exactly how these processes worked with less well-recorded families, and many marriage links have doubtless been obscured.

Several comital families in Scotland north of Forth, regardless of whether their forebears appear to us as 'native' or were more recent immigrants, follow a clear trend of naming sons after kings of Scots, which may have been a tactical move to exhibit their loyalty and allegiance to the monarch. This is more apparent with the contemporary kings' names David (David I, David, earl of Huntingdon), Henry (Henry, earl of Northumbria), Máel Coluim/ Malcolm (Malcolm IV), William (William I) and Alexander (Alexanders I, II, and III); however, older Scottish royal names such as Donnchad/ Duncan and Domnall/ Donald were used as well. Closest to the kings was David, earl of Huntingdon, who presumably had his father Earl Henry in mind when he named his two illegitimate sons Henry (i.e., of Brechin and of Stirling). Henry of Brechin may have had his uncle King William in mind when naming his own son William, thus drawing attention to his royal connection.

This is a well-known phenomenon in the family of the earls of Fife, who were descended from the kings of Scots and used traditional royal names like Constantine (Earl Constantine, d. ca. 1130) Donnchad/ Duncan (Duncan I, d. 1154, Duncan II, d. 1204;

<sup>95</sup> *RRS* ii, no. 204.

<sup>96</sup> *C. A. Chrs.*, nos. 26, 35, 42, 40, 48; *Balm. Lib.*, no. 39.

<sup>97</sup> Barrow believed that Malcolm *pincerna* was William's son Malcolm de Haya. He might rather have been a brother, given the dates of several charters and the fact that a younger son was unlikely to inherit the butler position. *RRS* ii, 37 and *RRS* i, 34.

<sup>98</sup> There are four pieces of supporting evidence for a Hay- Strathearn connection: 1) David *de Haya*, lord of Erroll, refers to Máel Ísu II, earl of Strathearn, as '*consanguineo meo*'. 2) David married a woman named Eithne, the same name held by Earl Gilbert's mother. 3) A man named Adam son of Gilbert grants a charter (confirmed by Alexander II) to David, referring to him as his nephew. Earl Gilbert is not otherwise known to have had a son named Adam, however, further examination of Adam's landholdings from his other charters may suggest this link. 4) David de Haya named his son Gilbert.

Duncan son of Duncan II) and Máel Coluim/ Malcolm (Malcolm I, d. 1228x30; Malcolm II, d. 1266) and David (David of Strathbogie). Earl Duncan II named his sons Malcolm, Duncan, David, William and John. It is received wisdom that the earls of Fife drew attention to their special position through their use of royal names; however, it has not been widely discussed that kings' names were used broadly among several of the earldoms. This is most evident in the family of the earls of Atholl, who claimed descent from both Máel Muire, younger brother of Malcolm III, and Donald III *Bán*, kings of Scots.<sup>99</sup> Malcolm, earl of Atholl (d. 1187 x 98) may have been named for King Malcolm III or Malcolm IV; four of his children have names shared by the Scots royal family, including Henry, earl of Atholl (d. x1211), Duncan, Malcolm and Margaret (presumably, for David I's mother, St Margaret).<sup>100</sup> Malcolm also had a *nepos* called Constantine.<sup>101</sup> Furthermore, Malcolm named one of his daughters Bethoc, which may have been a deliberate attempt to flag up her descent from Bethoc, the only daughter of King Domnall III *Bán*, her ancestor by way of Hextilda of Tynedale, and beyond that to Bethoc, daughter of King Máel Coluim II.<sup>102</sup> In a similar way, Alan Durward, sometime earl of Atholl and claimant to the earldom of Mar, named one of his daughters (by Margerie, illegitimate daughter of King Alexander II) Ermengarde, the name of King Alexander's mother.<sup>103</sup> In a culture still dominated by orality and memory, names were clearly chosen to send important signals, and were meant to make an impression.

Similar trends can be seen in the earldoms of Mar and Angus. Morgrund, earl of Mar, named two of his sons Malcolm and Duncan, while Gillecrisp, earl of Mar, also named a son Malcolm. Duncan, earl of Mar, had a son, William, and a nephew, David.<sup>104</sup> The earls of Angus prior to the thirteenth century seem not to have cared for royal names, choosing Gillebride (d. 1187x9) and Gillecrisp (Gilchrist) (d. 1206) and names like Adam and Angus instead. Earl Gillebride, however, named one of his younger sons William.<sup>105</sup> Earl Gillecrisp named his son and heir Duncan, perhaps under the

<sup>99</sup> Bartlett, *Making of Europe*, 275; Duncan, *Kingdom*, 628.

<sup>100</sup> 'Earls of Atholl', *Scots Peerage*, i, 415-26; Barrow, 'Durham Liber Vitae', 112; Duncan, *Kingdom*, 635.

<sup>101</sup> Barrow, 'Durham Liber Vitae', 112.

<sup>102</sup> Bartlett, *Making of Europe*, 275, and gen. tree.

<sup>103</sup> Matthew H. Hammond, 'Hostiarii Regis Scotie: the Durward family in the thirteenth century', in *The exercise of power in medieval Scotland, c. 1200 – 1500*, ed. Steve Boardman and Alasdair Ross (Dublin, 2003), 135-8.

<sup>104</sup> *Lind. Cart.*, no. 26, *Moray Reg.*, no. 107.

<sup>105</sup> 'Earls of Angus', in *Scots Peerage* i, 160-8. Gillebride was the first earl of Angus to appear extensively in royal charters.

influence of the powerful earl of Fife, while Duncan named his own son Malcolm.<sup>106</sup> William Cumin, earl of Buchan, named two of his sons William and Alexander.<sup>107</sup> Even Harald Maddadson, earl of Orkney and son of Matad, earl of Atholl, chose to name one of his sons David.<sup>108</sup>

These patterns were not confined to established earldoms, where families with an established power base simply sought to gain the king's favour. In new earldoms, one imagines, tactical naming could be even more important as a way of showing gratitude to the monarch for raising them to new heights in power and prestige. For example, Ferchar (Farquhar) Macintsacairt (Mactaggart) was knighted by the new king Alexander II and invested with the earldom of Ross sometime in the next two decades.<sup>109</sup> Ferchar named his two sons William and Malcolm, for the father and uncle of Alexander II, one assumes. William became the next earl of Ross, and the name continued in the family until the later fourteenth century. William, king of Scots, made Hugo son of Freskin of Moray, lord of Sutherland, an act which probably resulted in the following succession: Hugo's son, Sir William, lord of Sutherland; his son, William, being made the first earl of Sutherland; his son, William, following as second earl.<sup>110</sup>

Naming children after earls was another phenomenon, particularly among the lesser landholding baronage or gentry. Duncan II, who was earl of Fife for fifty years, was probably the inspiration behind naming choices of such Fife aristocrats as Duncan son of Alan de Lascelles<sup>111</sup>, Duncan son of Hamelin, who was Ness of Leuchar's chamberlain, Duncan son of Adam of Kilconquhar, probably Duncan II's nephew<sup>112</sup>, Duncan of Crambeth or Dowhill. Areas bordering on Fife, where the earl's charter attestations show his personal influence, were also full of likely candidates for this trend, including Duncan son of Máel Ísu, the son of Gille na Naem ('servant of the saints'), steward of Strathearn, Duncan, *persona* of Kinross, Duncan of Inchyra, Duncan of Megginch, Duncan son of Edward of Newtyle and Duncan son of Michael Scot son of Malothen. The family of

<sup>106</sup> Barbara Crawford, 'The earldom of Caithness and the Kingdom of Scotland, 1150 – 1266' in *Essays on the Nobility of Medieval Scotland*, ed. Keith J. Stringer (Edinburgh, 1985), 25- 43.

<sup>107</sup> Alan Young, *Comyns*, x- xi.

<sup>108</sup> Bartlett, *Making of Europe*, 275; Duncan, *Kingdom*, 628.

<sup>109</sup> 'Earls of Ross' in *SP* vii, 230- 5; Alexander Grant, 'The Province of Ross and the Kingdom of Alba', *Alba: Celtic Scotland in the Medieval Era*, ed. E.J. Cowan and R. A. McDonald (East Linton, 2000), 88 - 126; R.A. McDonald, 'Old and new in the far North: Ferchar Maccintsacairt and the early earls of Ross, c.1200 – 74' in *Exercise of Power*, 23- 45.

<sup>110</sup> 'Earls of Sutherland', *SP* vii, 317- 24.

<sup>111</sup> Barrow, *Anglo-Norman Era*, 115, for Lascelles.

<sup>112</sup> *St A. Lib.*, 381.

Ceres, almost certainly knights in the service of the earls of Fife used both royal and Fife-related names, including Duncan, Alexander, David, Malcolm and Margaret.

It is harder to tell whether the use of the name Máel Coluim was due to its use by Malcolm IV and previous kings, or whether it can be attributed to the two thirteenth-century earls of Fife. Earldoms which came more clearly into the royal orbit at that time seem to have been influenced by the naming traditions of the earls of Fife. The earls of Mar and Angus, for example, were appearing more frequently as witnesses to royal charters, at a time when sons in both earldoms were called Donnchad and Máel Coluim.<sup>113</sup> It is quite possible that these names were chosen in imitation of the pre-eminent earls of Fife. Moreover, there is some evidence to suggest that retainers and dependents named female children after countesses. This certainly seems true in the case of Ela, daughter of Hugh of Nydie, who was in the circle of the earls of Fife, probably named for Duncan II's wife.<sup>114</sup>

Within the earldom of Strathearn, it is clear, dependents, retainers and other people with importance under the earls keenly adopted the name Máel Ísu (*scoticé* Malise), which we have seen was particularly associated with the comital family. For example, Gille na Naem, the steward (*dapifer, senescallus*) of Earl Gilbert, named his sons Máel Ísu and Robert, both names used by earls of Strathearn. Similarly, Anecol thane of Dunning, who appears prominently in Gilbert's charters, named his sons *Bricius* (or Gillebrigte, Gilbert's Gaelic name) and Máel Ísu. This influence was widespread among the local clergy of Strathearn as well: there was a *persona* of Fowlis Wester called Robert and *personae* of Crieff, 'Kilbride', Dunblane, Fowlis Wester, Gask and Strowan called Máel Ísu.<sup>115</sup> This influence may have happened at higher levels as well: Henry, earl of Atholl, had a brother named Máel Ísu, and Gilbert de Haya, lord of Erroll, may have been named for Earl Gilbert.<sup>116</sup>

Another family that used tactical naming were the 'of St Andrews' family, which was descended from Robert de Quincy and Orabilis of Leuchars by way of a sister of Earl Saher I who died in 1219. This cadet branch of the family which, as their name suggests, remained in East Fife, quite clearly used the personal names associated with their far more

<sup>113</sup> Duncan and Malcolm, sons of Morgrund, e. Mar; Malcolm, son of Gillecrist, e. Mar; Duncan, son of Gillecrist, earl of Angus (d.1214x25); Malcolm son of Gillecrist, earl of Angus (d. 1236x42). *HBC*, 466- 91.

<sup>114</sup> *Misc. Fraser Chrs.*, no. 8. Ela married Alexander of Blair (i.e., Blairgowrie), of uncertain relation to Duncan of Blair.

<sup>115</sup> *Inchaff. Chrs.*, no. 5, *Lind. Cart.*, no. 27, *Inchaff. Chrs.*, no. 30, *Camb. Reg.*, no. 122, *Lind. Cart.*, no. 53, *Inchaff. Chrs.*, no. 10, *Lind. Cart.*, no. 45.

<sup>116</sup> *Dunf. Reg.*, no. 148.

renowned and powerful cousins. Saher I de Quincy, earl of Winchester, for example, was the father of Roger de Quincy, and had two nephews calling themselves Saher of St Andrews and Roger of St Andrews. Saher's son was named after Robert de Quincy, the family's progenitor who had married into the Leuchars inheritance.<sup>117</sup> A similar phenomenon may have occurred in the Douglas family, who, like the '*de Moravia*', later Murray, family, were founded by Flemish immigrants. The Douglases followed the Murrays from West Lothian into Moray and Sutherland, adopting the name of the Murray progenitor Freskin along the way.<sup>118</sup> It is important not to underestimate the significance and distinctiveness of immigrant families adopting Scottish names like Donnchad, Máel Coluim, Gillebrigte and Máel Ísu. This practice stands in stark contradistinction to 'Anglo-Norman' settlement in Ireland, where immigrants' use of Gaelic names was unheard-of.<sup>119</sup> This anthroponymic landscape was clearly the result of networks and negotiations of power, culture and ethnic identity within the Scottish kingdom, which differed from those in the rest of the British Isles.

Similar motivations can be seen to be at work in the selection of personal names associated with saints and other religious figures. The existence of máel- and gille- names makes possible the discussion of naming after saints within a specifically Gaelic-speaking context. Naming a child for a saint is recognised as a deliberate act sought to bestow upon the child fortune, protection or favour.<sup>120</sup> The types of saints represented in these names display the variety of religious individuals Gaelic-speaking Scots perceived as authority figures. These names show that people attached significance to biblical figures like Jesus Christ (Gille Ísu/ Gillise, Máel Ísu/ Malise, Gille Críst/ Gilchrist) and the Virgin Mary (Máel Muire, Gille Muire). The appearance of names suggesting devotion to the apostles Andrew and Peter (Gille Andrais, Gille Petair, Máel Petair), both of whom were venerated in the Gaelic kingdom of Alba, should come as no surprise. The apostle Thomas and the archangel Michael are also reflected in the names Gille Thomas and Gille Míchel. Furthermore, St Martin, St Cyrus and saints in general were invoked (Gille Martain, Gille Giric, Máel Giric, Gille na Naem). The most famous Irish saints provided the inspiration for some of the most popular names, stemming from Columcille/ Columba (Gille Coluim/ Gillecolm, Máel Coluim), Bridget (Gillebrigte, Máel Brigte) and Patrick (Gille Pátraic). Names also reveal a connection with local and lesser-known Irish and Scottish saints, such

<sup>117</sup> Simpson, 'Anglo-Scottish Baron', 306-7.

<sup>118</sup> Freskin of Douglas. *Moray Reg.*, App. to the Preface, no. 1.

<sup>119</sup> Verstraten, 'English names of Irishmen'.

<sup>120</sup> Herlihy, 'Tuscan Names', 565-6.

as Constantine (Gillecostentin), Mahago (Gillmahagu), Moluag (Gillemeooc), Serf (Gilleserf) and Talargan (Gylletalargyn).

*By-names, nicknames and surnames*

By the twelfth century in Scotland north of Forth as elsewhere across Europe, a growing population coupled with greater social and geographical mobility was necessitating the use of second names or by-names as identifiers. These by-names were applied with greater fluidity and flexibility than modern surnames, despite the fact that they ultimately proved to be the inspiration for such family names. Perhaps the most common types were second names based on place (toponymics) and those based on relationship to a parent or forebear (patronymics, matronymics), but other types included names based on office, which applied more to the aristocratic class, or occupation, which occurs mostly in the merchant or burgess class. Moreover, many names developed from nicknames identifying individuals based on physical or mental characteristics, or through comparison with an animal or other thing. The evolution from single names to double names, however, was not simple. During our period, single names still existed, particularly among the poor and the cloistered religious (as well as among kings and earls), while some families had made the complete transition to using toponymics, patronymics, ethnic identifiers, titles of office and occupation and nicknames as proper surnames or family names. In between these two extremes stood the majority of people in our period, who may have used several names, depending on the context, including by-names associating himself with one or more places, parents' names or by-names. Such names were not always hereditary.<sup>121</sup>

Inhabitants of Scotland north of Forth in the twelfth and thirteenth centuries held a wide variety of by-names and surnames similar to that identified by P.H. Reaney in *The Origin of English Surnames*. By-names and nicknames of various sorts were used, usually in the vernacular language rather than translated into Latin. That many of these names are written in French (Gigant, Curpeil, Moyne, Simple) and English or Scots (Burnet, Gray, King, Lang) is significant. Given the relative frequency of physical nicknames throughout the Gaelic-speaking world, it is odd that none or very few turn up in this corpus ('Aed with a beard' being a probable exception). The surname Cameron is generally taken to be a physical nickname in Gaelic, i.e., *cam shrón* 'crooked nose.' The evidence suggests,

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<sup>121</sup> Wilson, *Means of Naming*, 118- 37; P. H. Reaney, *The Origin of English Surnames* (London, 1967).

however, that the name being used in east central Scotland in the thirteenth century was actually a toponymic taking its name from a place Cambrun, now Cameron in Fife.<sup>122</sup>

Many nicknames related to personal size, as in Abraham, Gilbert and William 'the small'<sup>123</sup> and in Alan Lang (meaning tall).<sup>124</sup> Thomas *Gigant* (giant) must have applied to a very large man;<sup>125</sup> whereas, presumably, Ralph le Neyn (Fr *nain*, dwarf) was more diminutive, although it is possible that these by-names were ironic.<sup>126</sup> Many nicknames made the transition from personal by-name to family name, at which point, of course, the descriptor may cease to be literally true. There is no reason to believe that all descendants of Ralph I le Nain or Robert le Grand, progenitor of the Grant family, were necessarily small or big, respectively.<sup>127</sup> *Bel* connoted beauty.<sup>128</sup> Probably the most common nicknames were those concerning peoples' physical appearance, particularly colouring. *Niger* or Black, and *Albus* or White were both used, as were various words for brown (Brun, Burnet), red (Rufus, Ruffus, Russo, Rousel), blond (Blundus) and grey (Griser, Gray).<sup>129</sup> Colour terms could refer to skin or hair, as in the case of blond and grey. Hair was a major inspiration for names, allowing for people with curly hair (Crisp, Crispin), fair hair (Fairfax), short hair (OF *curt peil*) (Curpeil), or no hair at all (Bald)!<sup>130</sup> Beards were

<sup>122</sup> Simon Taylor, by correspondence. Most likely the Cameron in Markinch ph., not the one nearer to St Andrews.

<sup>123</sup> Abraham the small; also, Gilbert the small, *Balm. Lib.*, no. 25; William the small, *Arb. Lib.*, C.O. 4.

<sup>124</sup> Alan Lang. NAS GD 212/1/6, Dupplin Charters 65 & 49; Gilbert *longus*, Fraser, *Southesk*, no. 26.

<sup>125</sup> *Lind. Cart.*, nos. 76, 77; *Coupar Angus Rental*, nos. 54, 57.

<sup>126</sup> Barrow, *Anglo-Norman Era*, 188. Ralph II le Nain was lord of Inverugie St Fergus in Buchan.

<sup>127</sup> Fraser, *Grant*, no. 7.

<sup>128</sup> *Willelmo bel*, *St A. Lib.*, 267; Reaney, *Origins*, 242.

<sup>129</sup> On these types of names, see Reaney, *Origins*, 233-8; *Hugone Niger*, *Arb. Lib.*, no. 2; *Johanne Nigro*, *Moray Reg.*, App. nos. 1, 3; *Radulfo Nigro*, Barrow, *East Fife Docs.*, no. 3; *Willelmus Niger*, *St A. Lib.*, 144-7; *Adam Albo*, *Arb. Lib.*, nos. 39, 41, 43, 44, 46; *Alan Albo*, *C. A. Chrs.*, no. 31; *Johanne Albo*, *Balm. Lib.*, no. 25, *Inchaff. Chrs.*, nos. 70, 73, 74; *Renigod albo*, *St A. Lib.*, 208; *Simone Albo*, *Lind. Cart.*, no. 8; *Adam Brun*, Fraser, *Menteith*, no. 2; *Philippo le Brun*, *Moncreiffs*, no. 5; *Willelmus brun*, *Dunf. Reg.* nos. 149, 191; NLS Ch. 862; Burnet means 'dark brown', see Reaney, *Origins*, 247. *Henrico Burnet*, NLS 34.6.24, 377; *Radulf Burnet*; NAS GD 45/27/98; *Waldevus Rufus*, *St A. Lib.*, 387-8; *Adam Ruffus*, *Inchaff. Chrs.*, no. 38; *Alexander Ruffi* or *Russi*, *Moray Reg.*, nos. 85, 86; *David Ruffus (de Forfar)*, *C. A. Chrs.* nos. 10, 11, *St A. Lib.*, 276, *Glas. Reg.*, no. 117; *Eggou Ruffus*, *St A. Lib.*, 382-3; *Radulfo Ruffo* (or *Russo*), *C. A. Rent.*, no. 35, *Dunf. Reg.*, no. 163, *Arb. Lib.*, no. 35, *St A. Lib.*, 325-6; *Robert Ruffo* or *Russo*, *St A. Lib.*, 382; *Utting Ruffi* or *Russi*, *Lind. Cart.*, no. 18; *Willelmo Ruffo* or *Russo*, *St A. Lib.*, 269-70; *Roberto Rousel*; *St A. Lib.*, 388-9; *Roberto Russel*, *Abdn. Reg. i*, 26-7; *Ada Blundo*, *Arb. Lib.*, no. 188; *Gaufrido Blundo*, *RRS ii*, no. 388; *Hugone Blund*; *Misc. Fraser Chrs.*, no. 14; *Johannes Blundus* (seneschal of the countess of Angus), *Dunf. Reg.*, no. 83, *Arb. Lib.*, nos. 49, 114, 115, *Arbroath Cart. MS*, fols. 146<sup>v</sup>-147<sup>r</sup>, 151<sup>r-v</sup>, 151<sup>v</sup>-152<sup>r</sup>; *Richard Blundus*, NAS GD 212/1/6, 'Inchaffray Charters', 3; *Willelmus Blundus* (sheriff of Scone) *Scone Lib.*, no. 94, *Arb. Lib.*, no. 250, *C. A. Rent.*, no. 61, *St A. Lib.*, 279; *Domino Hugone Gray*, *Misc. Fraser Chrs.*, no. 14; *Henricus Griser*, *Lind. Cart.*, no. 38. The possibility exists, given the amount and nature of the evidence, that the bynames Ruffus and Blundus were actually being used as surnames by this time and that the individuals carrying those by-names were members of the same families.

<sup>130</sup> On these, see Reaney, *Origins*, 235; *Roger Crespen*, NAS GD 212/1/6, 'Inchaffray Charters', 3; *Willelmus crispus*, *Dunf. Reg.*, no. 183; *Willelmo fairfex*, *Misc. Fraser Chrs.*, no. 4; *Rogero curpeil*, *St A. Lib.*, 354; *Henricus Baldus* (goldsmith of Perth), *Scone Lib.*, nos. 82, 86, 90, 97.



also important, as in the case of *Aead cum barba*, and various residents of Perth called Redbeard and Whitebeard.<sup>131</sup>

A number of nicknames come from favourable or unfavourable statements on individuals. Sometimes these are metaphorical, in the cases of Robert called 'King' and Bartholomew Moyne the knight ('the monk').<sup>132</sup> Other examples include John called 'Starnes' (probably Stern), William Simple (at that time a positive term denoting honesty and straightforwardness), Edmund Ironside and William Strangson, meaning 'Strong son'.<sup>133</sup> Another name, *Andrea granservise*, is surely a nickname in French suggesting 'grand service'.<sup>134</sup> Máel Ísu Threepenny and Richard Money penny (from 'many pennies') were presumably complimentary by-names.<sup>135</sup> Occasionally names of this type evolved into surnames, as in the cases of the Wiseman family, burgesses of Elgin, and the Noble family in Menteith.<sup>136</sup>

Many other nicknames appear to be uncomplimentary. Examples of this phenomenon include Thomas Grim and John *pigate*, which may be a word for thief.<sup>137</sup> The name Best is in fact not a compliment, but rather is related to the word beast.<sup>138</sup> These names often developed into surnames, as in the case of Richard Crassus and his son John Crassus, whose by-name-cum-surname probably was a latinisation of the English nickname 'craske' meaning 'fat or lusty'.<sup>139</sup> Two prominent north-eastern families in the mid-thirteenth century were Pratt and Cheyne, both of whose names come from unfavourable nicknames. Cheyne is simply *le chien*, or the dog.<sup>140</sup> Pratt came from an Old English word which could be interpreted as denoting either trickery or cunning; it seems to have already become a family name for the relatives of Walter Pratt, sheriff of

<sup>131</sup> Barrow, *Chrs. David I*, no. 56; *Scone Lib.*, nos. 82, 88, 89; *Balm. Lib.*, nos. 22, 25.

<sup>132</sup> *Robertus dictus King*, NLS Adv. MS 15/1/18, no. 37; Reaney and Wilson, *Dictionary*, 265; *Domino Bartholomeo Moyne Milite*, Stringer, *Earl David Acta*, no. 6, Reaney, *Origins*, 168-9.

<sup>133</sup> *Johannem dictum starnes filium thome filii thore*, *Inchaff. Chrs.*, no. 88; *Willelmus Symple*, Fraser, *Melville*, no. 11, Reaney, *Origins*, 5; 'O Fr free from duplicity, honest, straightforward', cf. *Magistro Adam Simplice*, *St A. Lib.*, 292-3; *Edmundo Irenside*, *Dunf. Reg.*, no. 176, *St A. Lib.*, 346-7; *Willelmo Strangune*, Simpson, *Roger de Quincy Acta*, no. 21, cf. 'Strangman', Reaney, *Origins*, 193.

<sup>134</sup> *Dunf. Reg.*, no. 193.

<sup>135</sup> *Malisio treisdeneris*, *Inchaff. Chrs.*, no. 7; *Ricardi manipeni*, *St A. Lib.*, 269, 284-5. Reaney, *Origins*, 250.

<sup>136</sup> Wiseman, *Moray Reg.*, nos. 28, 31, 33, 98, 99, 120; Noble, Fraser, *Menteith*, no. 2, NAS RH 1/2/51;

<sup>137</sup> Grim, *St A. Lib.*, 379; *Pigate* is a latin word referring to larceny, see R.E. Latham, *Revised Medieval Latin Word-List* (Oxford, 1965). John *pigate*, *St A. Lib.*, 269.

<sup>138</sup> Reaney, *Origins*, 256; *Willelmus Beste*, Fraser, *Menteith*, no. 2.

<sup>139</sup> Reaney, *Origins*, 257; *Johannus Crassus filius et heres Ricardi crassi*, *Dunf. Reg.*, no. 199; *Ricardo Crasso*, or *Ricardo le cras*, *Ibid.*, nos. 171, 174, 175, 198.

<sup>140</sup> *Henrico le chen militem*, *Arb. Lib.*, no. 273; *Domino Reginaldo le Chen*, Neville, *Earls of Strathearn Acta*, no. 58. A latinised form is to be found in *Frater Robertus Kanis*, *C. A. Chrs.*, no. 34.

Invernairn.<sup>141</sup> In addition to these names were several Norman French family names which had originated as by-names using the French *mal-* ('bad, evil'), including Malveisin ('bad neighbour'), Malherbe ('bad plant', 'weed'), Maleville (whence Melville, meaning 'bad estate or village'), Mautalent (Maitland) ('discourteous person'), Maleverer ('poor harrier'), Mauduit ('badly-educated') and Maupetit ('bad, small').<sup>142</sup>

Other nicknames used as by-names in medieval Scotland north of Forth were those based on animals, plants, and other things. The name Golightly is self-explanatory. Kay, as in *Ricardus kai*, probably comes from the word for jackdaw.<sup>143</sup> Elias Cockerel and Elyfaunt mac Gillebride seem straightforward enough, even if how they obtained their names sadly remains a mystery.<sup>144</sup> Robert Spannells by-name is from Spaniel, a Spanish dog.<sup>145</sup> Willelmo Apilgarth's name indicates an apple orchard and Willelmo Sper's name, a spear.<sup>146</sup> John *Hacchepetit*'s name suggests a small axe.<sup>147</sup>

Most other by-names came from non-specific, general places. Examples from Scotland north of Forth include names indicating 'Northerner' (Norreys) and 'Southerner' (Sureys).<sup>148</sup> Green indicated a village green rather than the colour.<sup>149</sup> Kerr (Middle English for 'wet ground') and Bogman both suggest people living near a marsh, while Brook suggests a stream.<sup>150</sup> Many of the by-names used as surnames by Anglo-French immigrant families included non-specific place-references, such as *Montefixo* or *Montfichet* ('fixed mountain?'), *Montfort* ('strong mountain'), *Monte Alto* or *Muhaut* ('high mountain'), as well as *de Bosco* or *del Bois* (Boyce) ('of the wood'), *Veteri ponte* or *Vieuxpont* ('old bridge'), *Male ville* ('bad estate') and *Beau Air* ('beautiful air').<sup>151</sup> One of the few Gaelic by-names in the corpus is *gall*, meaning 'foreigner' (usually a Norseman), as in *Gillecrist*

<sup>141</sup> *Oxford English Dictionary*, online 3<sup>rd</sup> edn.; Reaney and Wilson, *Dictionary of English Surnames*, 360; Reaney, *Origins*, 222. *Waltero Prath, vicario [sic] de Invernarrin, Moray Reg.*, nos. 71, 72; *Arb. Lib.*, no. 227; *Willelmo Prat, Abdn. Reg. i*, 14-5, *Moray Reg.*, nos. 85, 86, *A.B. Ill. iv*, 3; *Domino Johanne Prate, Fraser, Grant*, nos. 6, 7; *Michaele Prat, laici, Lind. Cart.*, no. 57. Pratt was not a vicar but a sheriff (*vicecomes*), as indicated in *The Sheriffs of Scotland*, ed. Norman H. Reid and G.W.S. Barrow, 31.

<sup>142</sup> Reaney, *Origins*, 243. cf. Robert Maunduet, *Dunf. Reg.*, no. 178; Maupetit, *Lind. Cart.*, no. 16; Mautalent, Reaney and Wilson, *Dictionary*, 294.

<sup>143</sup> *C. A. Chrs.*, no. 27; Reaney, *Origins*, 267-8; Reaney and Wilson, *Dictionary*, 260.

<sup>144</sup> *Helya Cockerell, C. A. Chrs.*, no. 38; *Elyfaunt mac Gyllebride, Moray Reg.*, no. 50.

<sup>145</sup> *Roberto Spannells, C. A. Rent.*, no. 61; Reaney, *Origins*, 262-3.

<sup>146</sup> *Apilgarth, Camb. Reg.*, no. 80, Reaney, *Dictionary*, 37; *Sper, Scone Lib.*, no. 86, *Balm. Lib.*, no. 25, 30; Reaney, *Origins*, 247.

<sup>147</sup> *Willelmo Galithli, Arb. Lib.*, no. 93, 94; *John Hacchepetit, St A. Lib.*, 261-2.

<sup>148</sup> *William Noreys, Moray Reg.*, no. 258; *John Norreys, Lind. Cart.*, no. 67; *Willelmo Sureys, Moray Reg.*, no. 258; Reaney, *Origins*, p. 54.

<sup>149</sup> *Hugh Grene, Moray Reg.*, no. 106; *Ralph Gren, Balm. Lib.*, no. 28.

<sup>150</sup> *Henry Boggeman, Second Report of the HMC* (London, 1874) App., 166 ('Montrose Muniments' no. 7); Kerr (dweller by the marsh, Reaney and Wilson, *Dictionary*, 84), see *Patrick Ker, Lind. Cart.*, no. 23; *Villielmo Bruch, C. A. Rent.*, no. 38, prob. Brook, see Reaney, *Origins*, 50, 201.

<sup>151</sup> Reaney, *Origins*; Reaney and Wilson, *Dictionary*, *infra*.

*gall*.<sup>152</sup> Many of these nicknames had clearly formed into family names before they reached Scotland. Revel was originally a nickname meaning ‘pride or rebellion’,<sup>153</sup> and Lovel and Lovat came from a nickname meaning ‘wolf’.<sup>154</sup> Bisset began as a diminutive nickname meaning ‘one with grey hair’, as did Basset (‘short’), but both had clearly become family names by the thirteenth century.<sup>155</sup>

Names of office and occupation were frequently used in Scotland north of Forth as well. By-names from positions were most commonly employed by members of the households of prominent lay nobility, bishops and abbots, and the king. Individuals using the qualifiers *de Camera*, *de Prebenda* and *de Liberatione* were associated with specific royal household positions.<sup>156</sup> Many by-names taken from offices held in the service of earls, barons and bishops included *Judex*, *Dapifer*, *Senescallus*, *Marescallus*, *Pincerna*, *Hostiarius*, *Theinus*, *Vicecomes*, *Prepositus*, *Constabularius*, *Rennaire* or *Rennarius* and *Naperer* (*Napparius*).<sup>157</sup> Other positions involved military duty of one sort or another, such as Waite (‘watchman’), Sergeant, *Balistarius* (‘crossbowman’), Squier (‘esquire’), and Janitor (‘light horseman’).<sup>158</sup> Other names involved estate management. *Marus* was not an uncommon term, clearly related to the Scots *mair* and Gaelic *maer*.<sup>159</sup> A unique and possibly similar by-name is *Vilator*, meaning an estate-steward.<sup>160</sup> Another, much more common, term is *Dispensator* or *Dispensarius*.<sup>161</sup> Another by-name coming from office is *Forestarius*.<sup>162</sup> It is interesting to note that, with the exception of the lower-rank guard-duty positions, by-names of office are almost always given in Latin. It is also important to note that by-names of office, unlike by-names of occupation, were seldom used as

<sup>152</sup> *Inchaff. Chrs.*, no. 3,5,9, 13.

<sup>153</sup> Reaney and Wilson, *Dictionary*, 376.

<sup>154</sup> *Ibid.*, 286.

<sup>155</sup> Reaney, *Origins*, 237.

<sup>156</sup> *RRS* ii, 33- 6.

<sup>157</sup> Examples included *Hutyngo marescallo* (of Bp. Brice), *Moray Reg.*, no. 21; *Roger marescallus episcopi Brech*, *Arb. Lib.*, no. 228; *Stephano Camerario* (of Bp. Hugh), *St A. Lib.*, 353; *Fercardi senescalli de Badenach*; *Gilberto senescallo de Urchard*; *Petro constabulario de Cupre*, *N. B. Chrs.*, no. 3; *Reinaldo preposito*, *St A. Lib.*, 208; Gilbert, earl of Strathearn’s *rannaire* was known as *Henricus Rennarius Inchaff. Chrs.*, no. 9 and Norman son of Malcolm was often known simply as Norman the constable (of Inverurie) *Arb. Lib.*, no. 128, *Lind. Cart.*, nos. 15, 16, 59, 3. Gille na Naem and his son Máel Ísu were called *dapifer* or *senescallus* – the qualifier *de stratheryn* was added to charters produced outwith Strathearn. *Inchaff. Chrs.*, no. 25, *C.A. Chrs.*, no. 35, *Inchaff. Chrs.*, no. 47, *Dunf. Reg.*, no. 148 *Ada Nappario*, *Lind. Cart.*, no. 83.

<sup>158</sup> Edulf Waite; Ricardo Sergant, *Camb. Reg.*, no. 73; Stephen balista (*balistarius*= cross-bowman, Reaney, *Origins*, 301); Thomas Squier, *St A. Lib.*, 346-7; *Patricio janitore*, *Moray Reg.*, no. 258.

<sup>159</sup> *Dunecano Maro*, Stringer, *Earl David Acta*, no. 56; *Roberto le mare*, *St A. Lib.*, 382-3; *Henrico Mare*, *Balm. Lib.*, no. 12; *Stephano le mare*, Barrow, *East Fife Docs.*, no. 4.

<sup>160</sup> Thomas *Vilator* (estate-steward) NAS GD 45/27/98.

<sup>161</sup> *Eutropio dispensatore*, Barrow, *East Fife Docs.*, no 3. *Thoma dispensatore episcopi Moraviensis*, *Moray Reg.*, no. 87; *Henrico Dispensatore*, *Inchcolm Chrs.*, no. 10; *Roberto dispensario*, *Inchaff. Chrs.*, no. 5.

<sup>162</sup> *Marninus Forestarius*, *Camb. Reg.*, no. 81; *Rogero forestario*, *Balm. Lib.*, no. 36.

surnames. This tendency was less true, however, for royal offices, including the positions associated with the royal chamber, livery and provender mentioned above. Two important exceptions were the family of the stewards of Scotland, who used the Latin term *Dapifer* in the twelfth century, the more prestigious-sounding *Senescallus* in the thirteenth century and the name Stewart in the vernacular, and the *Hostiarius* or Durward family, which was using the by-name of office as a surname by the 1230s.<sup>163</sup>

By-names of occupation were usually employed by merchants and town-dwellers; however, they were sometimes used of people outwith the trades proper.<sup>164</sup> Rural occupational by-names in Scotland north of Forth included Lockhard<sup>165</sup> ('herdsman in charge of the sheep- or cattlefold'), Bond (a *bondus* or bondsman)<sup>166</sup>, Shepherd (*Bercarius*)<sup>167</sup>, Fowler (*Oiselario, Aucupis*)<sup>168</sup>, Hunter (*Venatore*)<sup>169</sup>, and Miller (*Molendarius*)<sup>170</sup> as well as Windmiller (*Ventusator*)<sup>171</sup>. Most occupational names, however, related to town-life. Many names described the handling of textiles and leather, such as Tanner (*Tannatorem, Bercarius*)<sup>172</sup>, Saddler (*Bastar*)<sup>173</sup>, Dyer (*Tinctore*)<sup>174</sup>, Tentman<sup>175</sup>, presumably a tentmaker, Hood-maker (*Caperon, Hood*)<sup>176</sup>, Hose<sup>177</sup>, Pelterer (*Pelliparius*)<sup>178</sup> and Taylor (*Talliatore, Taillur*).<sup>179</sup> Other names were to do with the manufacture of weapons, including Fletcher (i.e., arrow-maker) (*Fleccarius*)<sup>180</sup>, Helmet-maker (*Galeator*)<sup>181</sup>, Shield-maker (*Lorimer*)<sup>182</sup> and Furbisher (*Furbur*)<sup>183</sup>. Names to do

<sup>163</sup> Hammond, 'Durward family', 121-2.

<sup>164</sup> Gustav Fransson, *Middle English Surnames of Occupation, 1100 – 1350* (Lund, 1935), Bertil Thuresson, *Middle English Occupational Terms* (Lund and Copenhagen, 1950), and Reaney, *Origins*, 176-91.

<sup>165</sup> Malcolm Locard, *St A. Lib.*, 257. Reaney and Wilson, *Dictionary*, 282.

<sup>166</sup> *Ada Bonde, Camb. Reg.*, no. 79.

<sup>167</sup> *Patricius Bercarius, Ibid.*, no. 81.

<sup>168</sup> *David Oiselario, Lind. Cart.*, no. 37; *Willelmo Aucupis, Arb. Lib.*, no. 144.

<sup>169</sup> *Gillemur venatore, RRS ii*, no. 28.

<sup>170</sup> *Henrici molendarii, Arb. Lib.*, no. 140.

<sup>171</sup> *Thurkin ventusator, Inchcolm Chrs.*, no. 10.

<sup>172</sup> Patrick *Bercarius* (the tanner), see Latham; *Alano tannatorem, Balm. Lib.*, no. 25.

<sup>173</sup> Reginald *Bastar* (a Baster is a sadler), Reaney, *Origins*, 179.

<sup>174</sup> *Arnaldo tinctore, Lind. Cart.*, no. 66; *Dernaldo tinctore, Balm. Lib.*, no. 25; *Willelmo tinctore, Scone Lib.*, no. 89.

<sup>175</sup> Henry Tenteman, *Inchaff. Chrs.*, no. 71.

<sup>176</sup> A *Caperon* is a maker of hoods. Reaney, *Origins*, 33 (*Caperon*, man of Matthew, bp. Aberdeen) Also *Willelmo Capon, St A. Lib.*, 208, 249-50, 264, 313, and *Willelmo Caperun, A.B. Ill.*, ii, 18-9; Another example of product as name is Hod. (Hood). Robert Hod/ Hode (of Leith), *Dunf. Reg.*, no. 199, *Inchcolm Chrs.*, no. 13, *Moray Reg.*, no. 31, 120, C.O. 6. Hood-maker, Reaney, *Origins*, 246, n. 1.

<sup>177</sup> James Hose, *C. A. Chrs.*, no. 31; John Hose, *N.B. Chrs.*, no. 9.

<sup>178</sup> *Willelmo pellipario, St A. Lib.*, 263-4.

<sup>179</sup> *Serlo talliatore, Lind. Cart.*, no. 66; *Symoni Taillur, Scone Lib.*, no. 89.

<sup>180</sup> *Ricardo fleccario, St A. Lib.*, 255-6, 256-7.

<sup>181</sup> *Willelmo Galeatori, RRS ii*, no. 523.

<sup>182</sup> *Roberto de Lorimer, C. A. Chrs.*, no. 10; *Mathei Lorimarii de Perth, Scone Lib.*, no. 95.

<sup>183</sup> *Rogerus Furbarius, Ibid.*, no. 89; *Johannis Furbur, Ibid.*, no. 96. Fransson, *Surnames of Occupation*, 151.

with production and building included Ironworker (*Ferruarius*)<sup>184</sup>, Smith (*Faber*)<sup>185</sup>, Goldsmith (*Aurifaber*)<sup>186</sup>, Brick-builder (*Bricmolis*)<sup>187</sup>, Mason (*Cementario*, Mason)<sup>188</sup>, Bell-maker (*Clochere*)<sup>189</sup>, Glazier (*Vitrearius*)<sup>190</sup>, Die-cutter, stonecutter or engraver (*Incisoris*)<sup>191</sup> and Carpenter (*Carpentarius*).<sup>192</sup> Many occupational names were based on food, such as Baker (*Pistore*)<sup>193</sup>, Brewer (*Braciator*)<sup>194</sup>, Cockin, a type of bread-baker<sup>195</sup>, Cook (*Cocus*)<sup>196</sup>, Crocker (*Croc*)<sup>197</sup>, Fermenter (*Fermento*)<sup>198</sup>, Larderer (*Larderarius*)<sup>199</sup>... Other positions included servant, porter<sup>200</sup> and teindman<sup>201</sup> and 'Hanselin'<sup>202</sup>. More artistic or esoteric roles included Painter (*pictore*)<sup>203</sup>, 'tinkler'<sup>204</sup>, Diviner (*phythonius*)<sup>205</sup>, Singer (or Enchanter?)<sup>206</sup>, Horn-maker or -blower (*le Horne*)<sup>207</sup>. Occupation names were much more likely to evolve into family names than by-names of office. They are frequently given in vernacular, usually English, as well as translated into Latin. These names are in keeping with those used in urban settings across Western Europe at this time.

Patronymics and matronymics were very frequent in Scotland north of Forth. These were used as by-names; that is, the individual was identified as the son or daughter of a particular father, or, in very rare occasions, a mother. Patronymics were particularly widespread among Gaelic names, sometimes written with the Latin *filius* or *filia* and

<sup>184</sup> Reaney, *Origins*, 163; Roberto ferrone, *Inchaff. Chrs.*, no. 7.

<sup>185</sup> *Hulfchillo fabro*, *St A. Lib.*, 264-5.

<sup>186</sup> *Paganus aurifaber de Edinburgh*, *Inchcolm Chrs.*, no. 8.

<sup>187</sup> *Willelmo bricmolis* = brick-builder? *Arb. Lib.*, no. 61.

<sup>188</sup> *Hugone Cementario*, *Camb. Reg.*, no. 73; Osberto mason, *Culross Chrs.*, 71-2.

<sup>189</sup> *Radulpho clochere*, *Moray Reg.*, no. 258.

<sup>190</sup> *Ricardo vitreario*, *Ibid.*, no. 121.

<sup>191</sup> *Serlo incisoris*, *Scone Lib.*, no. 46.

<sup>192</sup> *Octer carpentarius*, *St A. Lib.*, 40.

<sup>193</sup> *Aldredo pistore*, *Scone Lib.*, no. 40.

<sup>194</sup> *GilleAndr' le bracur*, Barrow, 'Kinninmonth', no. 5; *Nicholao de Clacmanan Braciatori domini Regis Scocie*, Simpson, *Roger de Quincy Acta*, no. 26; *Roberto braciatore de Nodris*, *Dunf. Reg.*, no. 200; *Walkelino braciatore*, *Arb. Lib.*, no. 90.

<sup>195</sup> William Cokin, *Balm. Lib.*, no. 25, see Reaney, *Origins*, 164 n.

<sup>196</sup> *Herveo Coco*, *Dunf. Reg.*, no. 168; *hamone coco*, *Inchaff. Chrs.*, no. 7; *Mauricio coquo*, *A.B. Ill.*, ii, 18-9.

<sup>197</sup> Robert Croc, *St A. Lib.*, 257. Reaney, *Origins*, 190.

<sup>198</sup> *Laurencio fermento*, *NAS RH 1/2/32*.

<sup>199</sup> *Alano le larderer, laici*, *Lind. Cart.*, no. 57; *Heugone Larderario*, *C. A. Rent.*, no. 30.

<sup>200</sup> Alan the porter, *HMC, Appendix to the Second Report*, 166, no. 4.

<sup>201</sup> *R decimario*, *Inchaff. Chrs.*, no. 55.

<sup>202</sup> *Alano hanselin*, *Dunf. Reg.*, no. 213.

<sup>203</sup> *Willelmo pictore*, *Ibid.*, no. 171.

<sup>204</sup> James 'tinkler'. According to Reaney and Wilson, the name signifies a tinker or worker in metal in northern English usage; *Dictionary*, 448.

<sup>205</sup> Hugh Phiton (*phythonius* = a diviner). *Balm. Lib.*, no. 31; *Lind. Cart.*, no. 19.

<sup>206</sup> Robert *chaunterel*, *Arb. Lib.*, no. 56. The name seems to be a diminutive form of chanter, meaning either a singer or an enchanter or magician. Reaney, *Origins*, 174. Cf. William Chaunteil, *Panmure Registrum* ii, 205-7, and William *Chanteres*, *NLS 34/6/24*, 377.

<sup>207</sup> Robert le Horne, *NLS 15/1/18*, no. 68. Cf. Horner and Hornblower (one who makes or blows a horn), in Reaney and Wilson, *Dictionary*, 238.

sometimes with the Gaelic *mac* for son or *inien* for daughter. Patronymics were also used frequently among individuals with Scandinavian and Old English names, and to a lesser extent by people with continental names. They occur frequently among Flemings, who did not use toponymics based on Continental places. Examination of Earl David's followers reveals the extent to which many 'Anglo-Norman' immigrants employed patronymics.<sup>208</sup> Despite the trend identified by anthroponymists of such patronymic by-names gradually evolving into surnames during this period, there is very little evidence of this in Scotland north of Forth. In order for this to occur, a family progenitor's name is taken as a surname for the kin group, as with the MacDuffs of Fife. This probably took place in Scotland north of Forth to a greater degree than the evidence allows. Occasionally kinship groups identified themselves by an important progenitor rather than by a place or occupation or office. This seems to have been the case with the descendants of Leod, *ab* of Brechin, who called themselves MacLeod.<sup>209</sup>

The existence of matronymics is something of a mystery. Illegitimacy may have been a cause, but it was apparently not the only one.<sup>210</sup> William *filius Emme* was the oldest son of William de Vieuxpont II and Emma de St Hilaire.<sup>211</sup> Perhaps he was known as this due to widowhood or even personal preference. Richard son of Maud or Matilda was the name of John of Inchyra's seneschal<sup>212</sup>, while William of Brechin, descendant of Earl David, referred to Robert *filio Mabilie* or *de Mabilie* as '*tunc serviente meo de Lundors*'.<sup>213</sup> Another example is a David son of Margaret.<sup>214</sup> Matronymics could also be used to point attention to a maternal grandfather, as in the case of Gillecrisp mac inien Samuel.<sup>215</sup>

There are a few clues and signs of the gradual shift of using patronymics as by-names to surnames. A few individuals' names are given with the *filius* element left out, which was often done when using such a progenitor's name as a family name. An example is *Johanne Winemer*, described elsewhere as *Johanne filio Winemer*.<sup>216</sup> One family using

<sup>208</sup> Among his 'Inner Circle' were Walkelin son of Stephen, Robert son of Robert and Richard son of William. Stringer, *Earl David*, 156-7. See also Robert son of Warnebold, the husband of Richenda de Berkeley, *Arb. Lib.*, no. 261.

<sup>209</sup> Gilandr' mac leod', *Arb. Lib.*, no. 229; Malbride Macleod, Barrow, 'Judex', no. 2; *Malisio filio Leodi*, *RRS* i, no. 255. It is likely that the descendants of Domnall *ab* of Brechin called themselves MacLeod to differentiate themselves from the other branch of the family, the progeny of John *ab* of Brechin. See gen. tree, and Barrow, 'Lost Gàidhealtachd', 113, n. 43.

<sup>210</sup> Reaney, *Origins*, 78-9.

<sup>211</sup> Stringer, *Earl David*, 161; *Idem*, *Earl David Acta*, no. 28, *Yester Writs*, no. 4

<sup>212</sup> *Scone Lib.*, nos. 95, 118.

<sup>213</sup> *Lind. Cart.*, nos. 61, 140.

<sup>214</sup> *Misc. Fraser Chrs.*, no. 14.

<sup>215</sup> *RRS* ii, nos. 15, 344, 345, 137, 206. Perhaps called Gillecrisp mac Samuel in *RRS* ii, no. 30.

<sup>216</sup> *St A. Lib.*, 271-2, 269.

the personal name of a progenitor as their surname was Uviet (modern Wingate). The Uviets who later held land in Fife were descended from Uviet (from OE Wulfgeat) the White.<sup>217</sup> The norm for local gentry, however, was to adopt a toponymic.

### *Toponymical names*

Names based on places were used for various purposes in various ways. Different toponymics could be used by a single individual and could change from generation to generation. For example, Muriel, daughter of Peter of Pollock is cited as both Muriel of Pollock and Muriel of Rothes, the estate she held in the Northeast. Her daughter Eva, presumably by her husband Walter Murdoch, however, took her father's surname.<sup>218</sup> The *de Moravia* or Murray family started out using a patronymic from the first lord of Duffus, Freskin.<sup>219</sup> For whatever reason, this system was soon abandoned and the familiar *de Moravia* developed. The branch of the family that became lords and later earls of Sutherland eventually dropped the *de Moravia* and adopted Sutherland as their surname. *De Moravia* was still not a simple family name, however, as in the following case. In the 1220's and 1230's, there were two contemporaneous Walter de Moravia's, one the lord of Duffus and the other, lord of Petty and Boharm. People sought to avoid confusion by either combining the toponymic family name with a patronymic *Waltero de Moravia filio quondam Hugonis de Moravia* with *Waltero de Moravia filius quondam Willelmi de Moravia*, or else they dropped it all and used new toponyms, allowing a juxtaposition between *Domino Waltero de Duffus* and *Domino Waltero de Petyn*.<sup>220</sup> In a similar way, Earl David's illegitimate sons were known as Henry of Brechin and Henry of Stirling.

The practice of naming a family after a place without doubt reached its first flush of youth in Normandy. Many of the immigrant families were using toponymics as surnames before they ever arrived in Scotland north of Forth, and many of these took their names from places in Normandy and the rest of France. The more prominent of these were the families of de Balliol, de Brus (Bruce), Giffard (Gifford), de Haya (Hay), de Lascellès (Lessels), de Meniers (Menzies), de Montgomery, de Mortemer (Mortimer), de Moubray

<sup>217</sup> G.W.S. Barrow, 'Companions of the Atheling', *Anglo-Norman Studies* 25 (2003), 37-9.

<sup>218</sup> *Moray Reg.*, no. 111, *St A. Lib.*, 326-7; *Moray Reg.*, no. 106; NLS Adv MS 29/4/2[x], 231r-232v; *Moray Reg.*, no. 112.

<sup>219</sup> E.g., Hugh Freskin, *Moray Reg.* App. no. 1, and William son of Freskin, *Arb. Lib.*, nos. 90, 91.

<sup>220</sup> *Moray Reg.*, nos. 31, 33, 35, 74, 87, 94, 108, 120. Not sure which of these two, if either, is Walter of Innes (nos. 31, 35, 87, 120).

(Mowbray), de Normanville, de Quincy, de Senlis, de St Clair (Sinclair), de Somerville, de Umfraville, de Valognes (Vallance), de Vaux (Vans) and de Warenne (Warrant).<sup>221</sup> Less well known names also point to northern French derivations: Beton (Beaton) from Béthune, Pas-de-Calais, Beumys (Beamish) from Beaumais-sur-Dive, Calvados, Quarantilly or Garentuly (Grandtully) from Carantilly, Harcourt from Harcourt in Eure, Nuers probably from Noyers in Eure, d'Oyly from one of several Ouilys in Calvados, Say from Sai in Orne, and Wyville apparently from Gouville in Eure.<sup>222</sup> The well-known family of Cumin (Comyn, Cumming) seems to have come from the village of Comines, in Nord/ Pas-de-Calais on the Belgian border.<sup>223</sup> Several other families immigrating ultimately from France had taken a surname based on a place in England, by the time they reached Scotland north of Forth, such as the families of Berkeley (Barclay)(Berkley by Frome, Somerset), Ramsey (Ramsey, Lincolnshire), Lindsey (Lindsey, Lincs.) and Hastings (Hastings, Sussex). Other immigrant families ended up adopting toponymics based on place-names within the Scottish kingdom, such as the Murrays, Douglasses, and the lords of Lundin in Fife. This may have also been true of the Lochore and Kinnear families. Others, such as the Giffards and the Melvilles, brought their names from places in France and gave their name to new settlements in Scotland.

It is important to understand the social implications of this toponymical usage. Typically, the more powerful and established families, such as the de Quincys and de Hayas, had names based on places in Normandy. Families from areas where toponymics were not used, such as Flanders and Brittany, normally developed a surname once established in Scotland. Thus, some Flemish families took Scottish place-names as toponymics, like the Douglas, Murray and Leslie families, while others merely used the generic term Fleming. The Breton family of FitzAlan, however, took the surname of office Stewart rather than a toponym. Other immigrant families took place-names as surnames once they were established in Scotland, like the Lundin family, most likely because they were not sufficiently established in their previous homeland to warrant such a name. Furthermore, many Scottish families, particularly of the lower aristocracy, adopted this form of surname, perhaps in conscious imitation of immigrant families, or perhaps merely out of necessity as second names became commonplace.

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<sup>221</sup> Modern Scots forms from Barrow, 'Scotland's "Norman" Families', and *The Anglo-Norman Era in Scottish History*, Appendix B, and Black, *Surnames*.

<sup>222</sup> Reaney and Wilson, *Dictionary*.

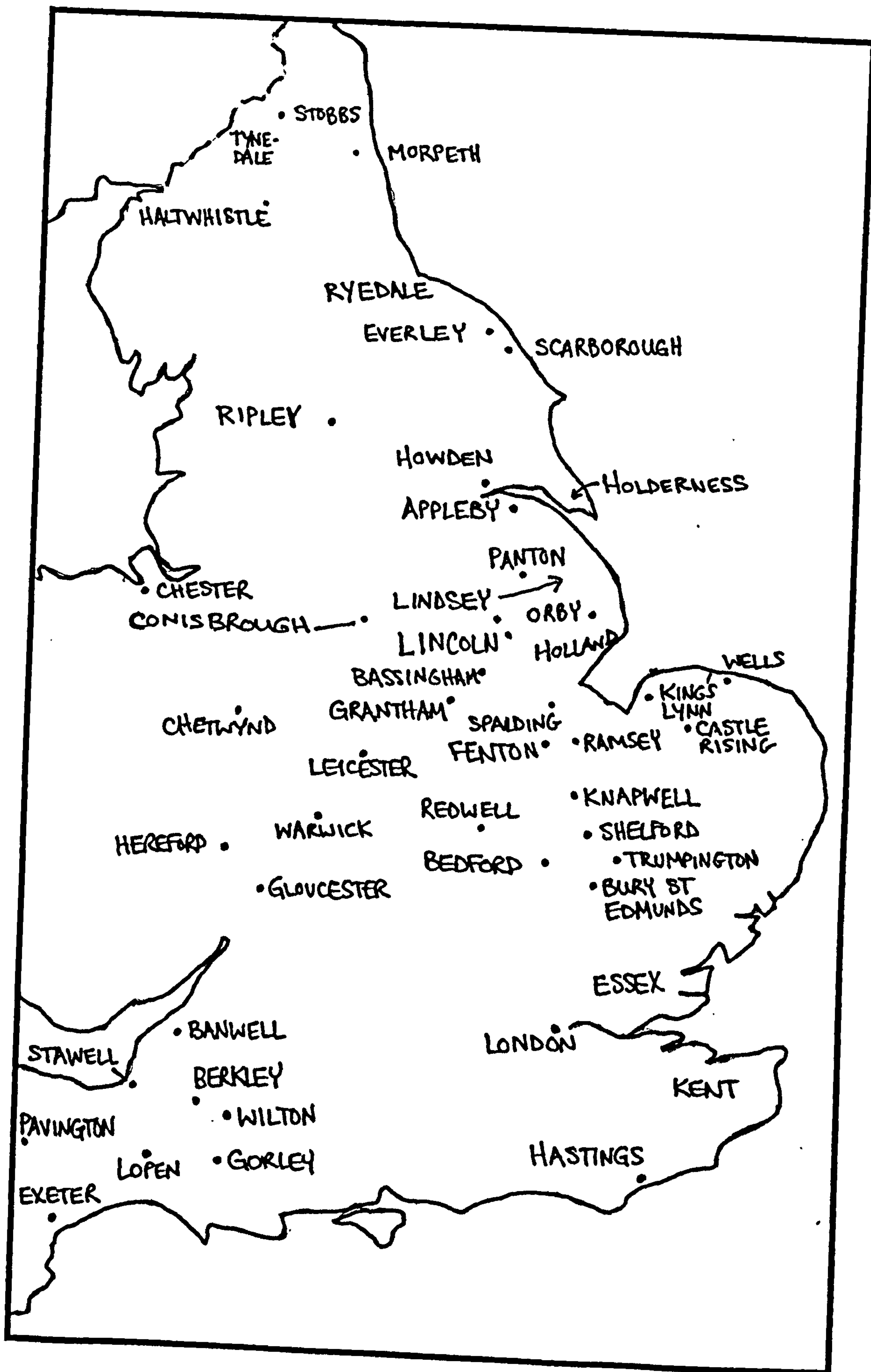
<sup>223</sup> *Idem*, 120.



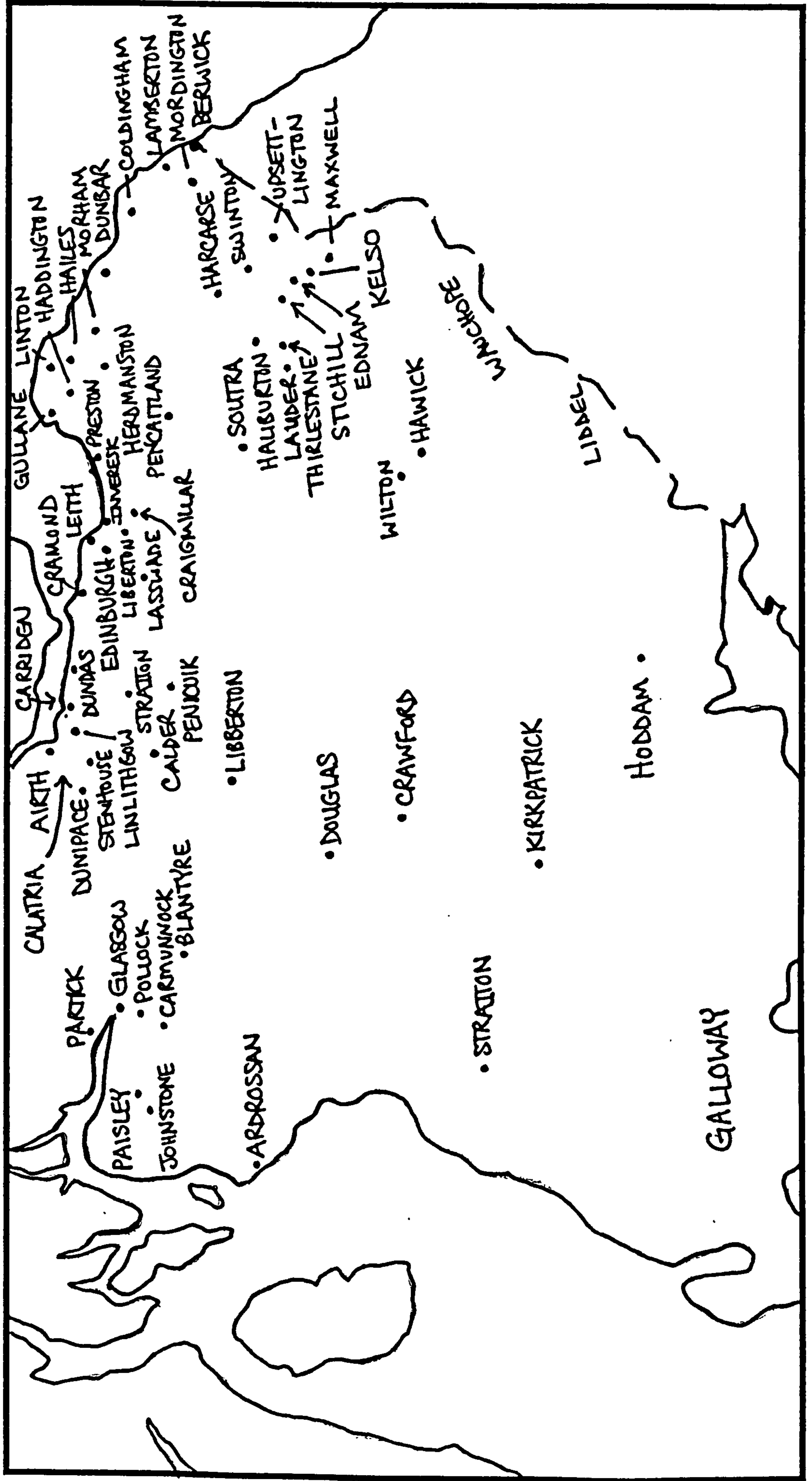
The use of toponymics as family names in Scotland north of Forth became very popular, for example, among the cadet branches of several earldoms, who took the names of the estates they held as toponymics. Several families associated with the earls of Fife did this, including those who took the names Abernethy, Kilconquhar and Strathbogie. The same is true of branches of the earls of Angus (Ogilvie) and Strathearn (Glencharnie). The adoption of place-names as family names grew apace in the thirteenth century, particularly among the lower gentry, who tended to take the place of the lands they held, apparently regardless of their families' origins or heritage. Families from the lower gentry or baronage with surnames based on places in Scotland north of Forth included Benholm, Blair, Cameron, Cargill, Cleish, Denmuir, Dunning, Feddal, Forgan, Forgandenny, Gask, Gorthy, Inchyra, Kinnaird, Kilspindy, Leslie, Lour, Meldrum, Moncreiffe, Nydie, Orrock, Rattray, Rossie, Strachan and Tibbermore. Some freeholders and smallholders may also have used place-names, especially those people associated with Carberry, Fauside and Smeaton in Lothian. A number of people, mostly burgesses, also had toponymics associating them with various towns and burghs, including Aberdeen, Clackmannan, Crail, Elgin, Forfar, Inverness, Perth, St Andrews, Scone and Stirling.

For many individuals in Scotland north of Forth, however, toponymics were only being used as by-names, with no affiliations for the rest of the family. Because they were only used for individuals, these names probably give a clear idea where many people came from. A large number of places in Scotland north of Forth were used for toponymic by-names, including Anstruther, Beath, Cargill, Dairsie, Fearn, Glenbervie, Inchmartin, Kinghorn, Naughton, Pittenweem, Ruthven and Slains. Many places in southern Scotland were cited, including Ardrossan, Blantyre, Partick, Pollock, Paisley, Carmunnock, Johnstone and Glasgow (in Strathclyde), Douglas and Crawford in the Upper Clyde, Hawick, perhaps Wilton, Liddel, Wauchope in the western Borders and Haliburton, Kelso, Ednam, Lauder, Maxwell, Harcarse, Stichill, Swinton, Upsettlington, Thirlestane, Berwick, Mordington, Lamberton and Coldingham in the eastern border. The most place-names, however, came from the Lothians and Falkirk area, indicating people from Airth, Dunipace, Calatria, Carriden, Stenhouse, Linlithgow, Calder, Penicuik, Musselburgh and Inveresk, Cramond, Edinburgh, Leith, Lasswade, Craigmillar, Restalrig, Preston or Prestonpans, Gullane, Monkton, Smeaton, Carberry, Fauside, Haddington, Hailes, Herdmanston, Linton, Morham, Pencaitland, Dunbar and Soutra. Liberton (Midlothian or Lanarkshire) and Straiton (Midlothian or Ayrshire) may refer to various places.

# Toponymical Names from English places



# Toponymical Names from Scotland south of Forth



Analysis of toponymics may give us a greater indication of the places in England from which many people living or working in Scotland north of Forth came. Many of the place-names are so common that they cannot be tied down, such as Newton, Park, Thorpe, Twyford and Walton. Many well-known towns and regions are attested, including London, Exeter, Gloucester (perhaps), Hereford, Warwick, Leicester, Essex, Kent, Bedford, Bury St Edmunds (probably), Wells and York. Many of the names come from areas that have been associated with the Scottish royal family (Huntingdon, Northumbria) and regions from which major immigrant families arrived, mainly Somerset and Yorkshire. Places represented include Haltwhistle, Morpeth, Tynedale and Stobbs, from Northumbria; Ripley, Scarborough, Everley, Howden, Conisbrough, Rydale, and Holderness, from Yorkshire; Knapwell, Trumpington, Shelford and Redwell from the area around the Honour of Huntingdon; Berkley, Stawell, Lopen, and perhaps Pavington, Stratton, Gorley, Wilton, Wells and Banwell from Somerset and bordering counties. A large number of names appear to come from Lincolnshire, perhaps through trade links along the coast; these include Lindsey, Ramsey, Lincoln, Holland, Orby, Bassingham, Grantham (Graham), Spalding, and possibly Appleby, Panton, Ingleby, Rowe, Fenton and Hartford as well, with (King's) Lynn and (Castle) Rising in next-door Norfolk also showing up. There are surprisingly few names from outwith these areas; one of these appears to be Chetwynd in Shropshire.

Many of the individuals with these names were in the followings of Anglo-Scottish barons like Earl David, his son Earl John, and Roger de Quincy, earl of Winchester and constable of Scotland.<sup>224</sup> Thus, many of these individuals may have spent little or no time in Scotland north of Forth. Furthermore, William and Bartholomew of Knapwell and Sir Richard of Redwell were associated with de Quincy.<sup>225</sup> Sir Geoffrey of Appleby, B of Paunton and Hugh of Panton attested charters of Earl John.<sup>226</sup> Richard of Rising witnessed charters of Countess Ada.<sup>227</sup> Simon of Orby appears in the context of the diocese of Moray, which had strong links to the diocese of Lincoln.<sup>228</sup> Several others appear to be

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<sup>224</sup> Philip of Chetewind, Robert of Hereford, Robert of Trafford, Everard of Trumpington, Warin of Thundersley, Richard of Wix, Bernard of Ripley, *Magister* Eustace of Shelford, William of Shelford were all followers of Roger de Quincy. Simpson, 'Anglo-Scottish Baron', 122-8; *Idem*, 'The Familia of Roger de Quincy, Earl of Winchester and Constable of Scotland', in *Essays on the Nobility of Medieval Scotland*, ed. K.J. Stringer (Edinburgh, 1985), 102-30. Walter of Bassingham and John of Wilton were in Earl David's 'outer circle', according to Stringer. *Earl David*, 87, 156-7.

<sup>225</sup> Simpson, *Roger de Quincy Acta*, no. 21, Add. Chrs., nos. 12, 13; *Lind. Cart.*, nos. 131, 135.

<sup>226</sup> *Lind. Cart.*, nos. 17, 19.

<sup>227</sup> *St A. Lib.*, 208, 208-9.

<sup>228</sup> *Moray Reg.*, nos. 59, 64, 65, 79, 80, 87. Richard of Lincoln was bishop of Moray from 1187 to 1203; Radulf of Leicester, treasurer of Lincoln, was elected bishop of Moray *ca.* 1252. *Fasti Ecclesie Scoticanæ*

living in Scottish burghs like Perth. Others, like Ralph of Spalding and William of Warwick, attested charters by immigrant landlords in the Mearns.<sup>229</sup> Others were undoubtedly associated with Scotland north of Forth- William of Holderness was a knight of Earl Duncan II of Fife and Thomas of Conisbrough was a knight of Alan Durward.<sup>230</sup>

One noticeable aspect of the toponymical information is the seemingly complete lack of names from Ireland, Wales and Northwest England. Presumably one would find more of these names in a study of society in southwest Scotland; nevertheless, it seems odd that there would be so few onomastic connections between Scotland north of Forth and these important regions. Luckily, a cursory glance at the Guild Merchant Rolls of Dublin, unique documents for this period, reveals strong contacts between the important Irish city and the land of Scotland north of Forth. Toponymics of guild members in Dublin between the years ca. 1190 and 1265 reveal a significant number of people coming from the kingdom of the Scots, with the largest number coming from southwestern burghs like Ayr. Seven individuals were named as having come from Stirling, four from Perth, one from Dundee, one from St Andrews, one from Moray, another from Drum Alban (Breadalbane) and two from 'Scotia'.<sup>231</sup>

Several individuals appearing in the corpus are described using ethnic or regional by-names. Unlike families 'originating' in Normandy, Flemish people seem not to have used toponymics as by-names or surnames. Immigrant families from Flanders in Scotland tended to use patronymics and often eventually took a Scottish place-name as a surname. Still, many Flemings were simply described in the charters as *Flandrensis* or Flamang. It is notable that both the Latin and English descriptors were used for many of these individuals, including Bartholomew, who followed Earl David up from Huntingdonshire<sup>232</sup>, Hugh<sup>233</sup> and Simon, witness to a charter by David.<sup>234</sup> Others included Everard *Flandrensis*, a tenant of Earl David in Perth<sup>235</sup>, Richard *Flandrensis*, Jordan *le flamang*, Thomas *Flandrensis*, seneschal of Seton, and Berowald *Flandrensi*, who received

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*Medii Aevi Ad Annum 1638*, rev. ed., ed. D.E.R. Watt and A.L. Murray (Edinburgh, 2003), 278-9.

Furthermore, the diocese of Moray adopted the Lincoln diocese's constitutions. *Moray Reg.*, nos. 49.

<sup>229</sup> *Arb. Lib.*, nos. 127, 122.

<sup>230</sup> Holderness, *St A. Lib.*, 241, 243; Conisbrough, *Lind. Cart.*, no. 80.

<sup>231</sup> *The Dublin Guild Merchant Roll, c. 1190 – 1265*, ed. Philomena Connolly and Geoffrey Martin (Dublin, 1992).

<sup>232</sup> Bartholomew *Flandrensis*, *Lind. Cart.*, nos. 59, 84, *Arb. Lib.*, no. 295; Flamang, *C. A. Chrs.*, no. 48, *Moray Reg.*, no. 122. See also Stringer, *Earl David*, 87.

<sup>233</sup> Hugh *Flandrensis*, *Panm. Reg.* i, cliv, NAS GD 45/27/98; Flamang, *Abdn. Reg.*, ii, 268-9.

<sup>234</sup> Simon *Flandrensis*, *Arb. Lib.*, no. 83; Flammang, *Lind. Cart.*, no. 3.

<sup>235</sup> *Lind. Cart.* no. 2, p. 4

a toft in Elgin from King Malcolm IV.<sup>236</sup> This regional toponymic was used predominantly as a by-name for specific individuals, however, the descendants of Berowald may have adopted Fleming as a surname.<sup>237</sup> The connection to Earl David reflects the fact that many Flemish knights seem to have held land in the Garioch.

Other ethnic by-names include English and French. These were simply by-names and never caught on in Scotland north of Forth as family names. Examples include Richard *Anglim*, Richard *Anglico* and Warin son of Robert *Anglici*.<sup>238</sup> Individuals described as 'French' included Adam *Franceis*, William *Franceis* and Walter *Francigena*, where 'franceis' is OF for *français* and 'francigena' is Latin.<sup>239</sup> Two lay individuals are described in the charters as Bretons: Hugh *Brito*, a follower of Earl David, and Henry *Brittu*.<sup>240</sup> The ethnic by-names of several people indicated their connections to various regions in the kingdom of France, including the Cotentin peninsula in Normandy (*Costein*)<sup>241</sup>, Le Mans and Maine (*Mansel*)<sup>242</sup>, Picardy<sup>243</sup>, Burgundy<sup>244</sup> and Lorraine (*Loereng*).<sup>245</sup> Holland, however, referred to a district of Lincolnshire rather than the Low Countries.<sup>246</sup>

That leaves only one place: Scotland. The by-name Scot is used by various people in Scotland north of Forth during this period, but what are we to make of it? It makes sense that people coming from far-flung lands like Flanders and Lorraine should be described by their distinguishing place of origin, but why call anyone already living in Scotland a Scot? The context suggests that being a Scot in certain social arenas was uncommon. The by-name Scot was most commonly used by people in religion, especially *magistri*, such as *Magister Isaac Scot* and *Magister Robert Scot*.<sup>247</sup> University graduates at this time had to go abroad to gain their qualifications, and it may be that they got their by-names in Paris or Bologna. For example, Richard *Scotus* of St Victor succeeded Hugh of St Victor as head of

<sup>236</sup> Richard, *Arb. Lib.*, nos. 144, 229; Jordan, *Dunf. Reg.*, no. 151; Thomas, *Idem*, nos. 178, 182, 185, 187; Berowald, *RRS i*, no. 175.

<sup>237</sup> Walter son of John son of Berowald Fleming, *Familie of Innes*, 52-3.

<sup>238</sup> *Ricardus Anglim*, Fraser, *Menteith*, no. 7, *Ricardo Anglico*, *N.B. Chrs.*, no. 10; Warin son of Robert English (*Anglici*) *Inchcolm Chrs.*, nos. 11, 17.

<sup>239</sup> *Ada Franceis*, *Camb. Reg.*, no. 79; *Willelmi Franceis*, *C. A. Chrs.*, no. 20; *Waltero Francigena*, *St A. Lib.*, 266-7.

<sup>240</sup> *Dunf. Reg.*, no. 189, *Lind. Cart.*, no. 129; *St A. Lib.*, 266-7.

<sup>241</sup> Ralph *Costein*, *Camb. Reg.*, no. 59; Robert *Constant*, *St A. Lib.*, 257.

<sup>242</sup> Ralph *Mansel*, *RRS i*, no. 214; Robert *Maunsel*, *Arb. Lib.*, nos. 74bis, 89, 93, 94.

<sup>243</sup> *St A. Lib.*, 169. *Magistro Hugone Pikardo*.

<sup>244</sup> *St A. Lib.*, 117-8; G.W.S. Barrow, 'The Origins of the Family of Lochore' *SHR* 77 (1998), 252-4.

<sup>245</sup> John of Loereng/ le Loereng, *C. A. Chrs.*, no. 22, *C. A. Rent.*, no. 28, Anderson, *Oliphants*, no. 3; Sir Roger de Loreng, *Panm. Reg. i*, cliv, *Moray Reg.*, no. 83. On these ethnic and regional names, see Reaney *Origins*, 65-8.

<sup>246</sup> *Scone Lib.*, no. 84; Reaney, *Origins*, 337.

<sup>247</sup> *Arb. Lib.*, nos. 147, 148, *St A. Lib.* 140a.

that important Parisian school.<sup>248</sup> The name 'Scot' could be used as a by-name, as in the case of John 'the Scot', earl of Chester and Huntingdon, and no doubt in the case of the *magistri*. It has been suggested that Scot became a surname in Northumbria because it was given to Gaelic speakers in those English-speaking lands.<sup>249</sup> Scot appears to have been used as a surname by three distinct families at this period. At least one descendant (either direct or through a brother or sister) of Andrew 'the Scot', bishop of Caithness, was known as Scot: Gilbert Scot of Monorgan, his *nepos*.<sup>250</sup> Walter Scot of Allardyce in the Mearns was given land there by King William.<sup>251</sup> The name Walter (Walter of Allardyce also named his son Walter) may be a clue to a connection to the more famous Scotts of Buccleuch, but this is pure conjecture.<sup>252</sup> It is unknown why the third family, that of Michael Scot, which would become known as the Scotts of Balwearie, Fife, began to use the surname.<sup>253</sup>

### *Two brief case studies*

The royal burgh of Perth offers a useful microcosm for examining what different kinds of names can tell us. Many of the burgesses, such as David son of Geoffrey and James son of Ketell and Robert of Perth seem to have adopted the Perth name as a toponymic.<sup>254</sup> Other people's names suggest links with places in Scotland north of Forth and the rest of the kingdom of the Scots, places like Crieff, Scone, Dundee and Berwick.<sup>255</sup> Other toponymics suggest certain burgesses immigrated from England, people such as Richard of Leicester, Henry of Bedford, Nicholas of Scarborough, Geoffrey of (King's) Lynn, Robert of 'Standford' and Walter of St Edmund (Bury St Edmunds).<sup>256</sup> The most common method of naming among the burgesses of Perth, and others associated with

<sup>248</sup> *PL* 196, ix- xiv; 'Richard de Saint Victor', in *Dictionnaire de Spiritualité, Ascétique et Mystique*. Tome XIII (Paris, 1988), 594.

<sup>249</sup> Black, *Surnames*, 714.

<sup>250</sup> *St A. Lib.*, 41-2, 269-70, 270, 282-3; *Lind. Cart.*, no. 8; Stringer, *Earl David Acta*, no. 28. The personal names Gilbert and Magnus, combined with the locations of the family's estates in Monorgan and their descent from Andrew, bishop of Caithness, suggests a possible connection to the family of the earls of Angus and Caithness.

<sup>251</sup> *RRS* ii, no. 404. Richard 'le Scot' of Rankilburn and Murthockston swore fealty to Edward I in 1296 and held land in Selkirkshire. *SP*, ii, 226- 49. Sir Walter, who died in 1402, another Sir Walter of Buccleuch, who died x 9/2/1469, and many more Walters over the following centuries.

<sup>252</sup> Walter son of Walter, *Arb. Lib.*, no. 89.

<sup>253</sup> *Dunf. Reg.*, nos. 174, 179, 196, 223; *Moncreiffs*, no. 2, Barrow, *East Fife Docs.*, no. 6 and pp. 30- 32.

<sup>254</sup> *C. A. Chrs.*, no. 10, *Scone Lib.*, no. 89.

<sup>255</sup> *Inchaff. Chrs.*, nos. 69, 70, 71, *Balm. Lib.*, no. 30, *Scone Lib.*, no. 88.

<sup>256</sup> *Idem*, nos. 79, 82, 86, 88, 95; *Inchaff. Chrs.*, nos. 69, 70, 71.

Perth, was patronymic. Individuals and patronymic combinations indicated personal names from various linguistic traditions, including Old English, Continental Germanic, Scandinavian, Gaelic and religious – names like Duncan son of James of Perth, James son of Uchtred, James son of Ketell, Robert son of Fulco and William son of Hawock.<sup>257</sup> Many inhabitants had nicknames and by-names included the brothers Alan, Geoffrey and Osbert Redbeard, William Whitebeard, Henry Bald, Geoffrey the Blond and John White. More obscure by-names included David Yeap (Bent), John Haylbotyl and Máel Ísu ‘Threepennies’<sup>258</sup> Occupational names included John Cockin, John Furbur, Matthew Lorimer, Robert Smith, Serlo the tailor and Theodoric the dyer. I have not found meanings for several other compelling names, such as Arnald *niterius*, Arnald *rupe*, John *Ylbaren* and John *Sparcund*.<sup>259</sup> It is possible that personal names can expand our understanding of the cultural makeup of the city, and place it within a broader geographical context. For example, *Willelmus filius Johel* suggests as a patronymic the Breton Judhael, often anglicised as Joel.<sup>260</sup> Breton names were significant across Britain at this time.<sup>261</sup> William son of Ketell gave his daughter the Breton name Wymarc.<sup>262</sup> These names may suggest Breton cultural contacts not previously recognised in Perth. This most important burgh of Scotland north of Forth should certainly be seen within a British-Isles framework, as the foregoing evidence, coupled with the number of burgesses in Dublin from ‘St John’s Town’ reveals.

Another brief test case involves looking at the names of poor farmers, peasants and neyfs to see if they conform to any particular naming patterns. A few charters survive from the thirteenth century describing the transfer of unfree peasants. Conventional wisdom would suggest that the underclass in Scotland north of Forth had fairly conventional Gaelic names, a belief that is partially borne out by the evidence. For example, Earl David quitclaimed to Gillecrist, earl of Mar, between 1199 and 1207, Gillecrist sons of Gillekungal, two Gillecrist, Gillenem and Gillemartin, the four sons of Set.<sup>263</sup> Furthermore, in a charter of 25 March 1258, Máel Ísu II, earl of Strathearn, granted to

<sup>257</sup> *Dunf. Reg.*, nos. 144, 166; *Scone Lib.*, nos. 86, 90, 97; *C. A. Chrs.*, no. 10, *St A. Lib.*, 393, *Scone Lib.*, nos. 97, 82, *Balm. Lib.*, nos. 22, 25; *Inchaff. Chrs.*, nos. 69, 70, 71, 73, 74. Hawock is an OE name meaning ‘hawker’, Reaney, *Origins*, 245.

<sup>258</sup> *Scone Lib.*, nos. 82, 90, *Inchaff. Chrs.*, no. 69; *Dunf. Reg.*, no. 304.

<sup>259</sup> *Scone Lib.*, nos. 80, 82, 96; *Lind. Cart.*, no. 74.

<sup>260</sup> *Scone Lib.*, nos. 82, 90, 97, *St A. Lib.*, 393.

<sup>261</sup> Reaney, *Origins*, 147-49.

<sup>262</sup> *Scone Lib.*, no. 97.

<sup>263</sup> Stringer, *Earl David Acta*, no. 56.



Inchaffray Abbey Gilmuri Gilendes and all his descendants.<sup>264</sup> Other charters, however, suggest that many peasants had universal European, English or Continental Germanic personal names. For example, less than two months later, on 9 May 1258, Earl Mael Ísu II granted and quitclaimed to Inchaffray a man with the name John Starnes, that is, a universal biblical name and an English by-name. His full name *Johannem dictum starnes filium thome filii thore*, reflects the use of Scandinavian names in the family as well.<sup>265</sup> Norman of Leslie quitclaimed John son of Thomas of Malind to Lindores Abbey on 12 July 1253.<sup>266</sup> Cristina, daughter of Walter Corbet, granted to St Andrews Priory Martin son of Uviet (Uviet comes from the OE name Wulfgeat).<sup>267</sup> Finally, William, abbot of Scone, and Adam son of Odo (of Kinninmonth) came to an agreement over a Sampson son of Gilbert in a document of 1206x 27.<sup>268</sup> This is reflected in the late-thirteenth-century genealogies of tenants of Dunfermline Abbey, which reveal a blending of Gaelic, Scandinavian, English and continental naming traditions, resulting in such combinations as Bridin son of Sithech son of Edwald (no. 331), Eugene son of Alwin Cameron son of William Fleming (no. 326) and Maurice son of Richard son of Gillecristin Mantauch (no. 328).<sup>269</sup>

### *Trends and Conclusions*

How does Scotland north of Forth fit into larger European and British Isles-wide trends, and on what points does it differ? Without a doubt, personal naming practices in Scotland north of Forth are in line with what was happening across the European world, particularly in respect of 'gradual decreasing variety of personal names being used for an ever growing population'.<sup>270</sup> More and more, as across the continent, a common name stock was being built up, mainly using a relatively small number of continental Germanic, classical Greek and Latin, as well as biblical, mainly New Testament, names. Old English and Scandinavian names declined, as across Britain. Despite the frequency of certain New Testament names like John and Thomas, Old Testament names, as in England,

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<sup>264</sup> *Inchaff. Chrs.*, no. 87.

<sup>265</sup> *Inchaff. Chrs.*, no. 88.

<sup>266</sup> *Lind. Cart.*, no. 84.

<sup>267</sup> *St A. Lib.*, 262-3; for Wulfgeat see Barrow, 'Companions', 37.

<sup>268</sup> *Scone Lib.*, no. 84; NAS RH 6/44.

<sup>269</sup> *Dunf. Reg.*, nos. 326, 328, 331; Simon Taylor, 'Babbet and Bridin Pudding', *Nomina* 17 (1994), 111-16. Maurice and Eugene may be latinised versions of Murethach and Ewen.

<sup>270</sup> Shagrir, *Naming Patterns*, 5.

were used less often.<sup>271</sup> Scotland north of Forth was also in line with European patterns regarding the use of saint's names and the copying of names used by the royalty and high nobility.<sup>272</sup>

Scotland north of Forth, however, varied greatly with some other regions on the edges of the centralising European culture. For example, according to Bartlett, 'Irish names occur in these charters only when Irish ecclesiastics witness them or when there is mention of Irish antecessores, former and dispossessed holders and tenants'.<sup>273</sup> As we have seen, Gaelic names occur frequently in charters from Scotland north of Forth, in numerous variant contexts. Another difference in Scotland is that Old Testament names continued to be relatively popular, particularly among the clergy. In general, then, Scotland north of Forth conforms to the over-riding trend of the Europeanization of personal names. These Europe-wide patterns are attenuated, however, by the preservation of certain idiosyncratic names, like Gospatric and Máel Ísu, within particular aristocratic kindreds. The prevailing pattern was that, due to the influence of the kings and a few noble families, several Gaelic and Scandinavian names, like Duncan, Malcolm, Kenneth, Angus and Ronald, joined the common naming pool which has continued in Scotland up to the present day.

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<sup>271</sup> *Idem*, 9-10.

<sup>272</sup> Bartlett, *Making of Europe*, 270-80.

<sup>273</sup> Bartlett, 'Colonial Aristocracies', 28.

## Four: Social Networks and the Aristocracy

Study of the aristocracy of twelfth- and thirteenth-century Scotland came into its own with Geoffrey Barrow, Archibald Duncan, and Grant Simpson leading the way in the 1950s and 60s, and a second generation of scholars including Alexander Grant and Keith Stringer eagerly contributing to a vital discussion of Scotland's place in such important themes as 'feudalism' and the Anglo-French knightly order.<sup>1</sup> The most in-depth examination of the Scottish aristocracy to emerge in this period was Barrow's *Anglo-Norman Era in Scottish History*, which, for the first time, examined the English and French background behind many of the aristocratic families pouring into the kingdom of the Scots. Further works by other authors have explored the roles of Earl David of Huntingdon, Roger de Quincy, the Cumins (Comyns), the earls of Strathearn and others in Scottish society. For scholars interested in the historic core of the kingdom, the lands between the Forth and the Mounth, this mostly excellent work can sometimes seem incomplete. For example, in *The Anglo-Norman Era*, Barrow mentioned certain individuals, like Philip de Valognes or Roger de Moubray, who held land north of Forth as well as elsewhere. Moreover, he discussed certain families in his invaluable Appendix B, some of whom were important north of Forth (Berkeley, Lascelles, Mowat, Revel) and several who were unknown there (Esseby, Ferseley, Horsey, Pessun).<sup>2</sup> The great thrust of the work is on settlement in southern Scotland, with particular attention paid to Clydesdale.<sup>3</sup> There has been hitherto no study of 'Scotland proper', the lands represented (more or less) by the justiciarship of Scotia, as distinct from the other constituent regions of the kingdom.

The first and most obvious obstacle standing in the way of a unified approach to Scottish aristocratic society has been the strong tendency to treat the topics of the immigrant knights and 'their' institutions (sheriffs, burghs, etc.) as fundamentally distinct and thus deserving of a certain degree of separation from the 'native' landholders and the older institutions (thanes, judices, shires, etc.). In short, 'native' and 'Norman' have been

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<sup>1</sup> G.W.S. Barrow, *Kingdom of the Scots*, 2<sup>nd</sup> edn. (Edinburgh, 2003); *Idem*, *Scotland and its neighbours in the Middle Ages* (London, 1992); *Idem*, *The Anglo-Norman Era in Scottish History* (Oxford, 1980); Duncan, *Kingdom*; Stringer, *Earl David*; Simpson, 'Anglo-Scottish Baron'; *Idem*, 'Familia of Roger de Quincy'; *Medieval Scotland: crown, lordship and community: essays presented to G.W.S. Barrow*, ed. A. Grant and K. Stringer; Young, *Robert Bruce's Rivals*; Cynthia J. Neville, 'A Celtic Enclave in Norman Scotland', 75-92.

<sup>2</sup> Barrow, *Anglo-Norman Era*, Appendix B, 172 - 98. One could make the same complaint about Barrow's fascinating article on 'Scotland's 'Norman' families' (in *The Kingdom of the Scots*)— whilst Barrow clears up many misconceptions about families like de la Carneille and Quarrantilly, there are so many more families important north of Forth that we are kept guessing about.

<sup>3</sup> *Ibid.*, chs. 2 and 3, 30 - 90.

viewed and treated as two different subjects; despite the fact that writers like Barrow and Duncan sometimes went to great lengths to highlight the continuities in Scottish society. For example, in 'The beginnings of military feudalism', Barrow mentions several 'native' landholders, but only to the extent that they fit into the model of feudal landholding for military service. Those 'natives' who were not granted land in exchange for knight-service are not mentioned.<sup>4</sup> Furthermore, in these works, there is much greater emphasis placed on how a particular family got to Scotland (especially north of Forth), rather than on what that family did, who they married, and larger patterns of assimilation over time.

Geoffrey Barrow has written on the 'native' society of Scotland north of Forth, and the continuing role that it played, and has taken pains to stress that it was not marginalised or disenfranchised, as happened in Ireland and Wales. The difficulty for the student of that region is the way in which the 'native' tends to be viewed in isolation from the 'Norman'. In his chapter entitled 'The other side of the coin' in *The Anglo-Norman Era*, Barrow sought to 'redress the balance' by highlighting the continuities in Scottish society, particularly in the continuing importance of the earls.<sup>5</sup> He writes, 'the Anglo-Continental incursion brought feudalism and human settlement of much of the land, yet it fell short of obliterating many fundamental features of Scottish society'.<sup>6</sup> Scholars trained in the mid-twentieth century tend to see the world of neat, coherent systems which may overlap for a time (e.g., the overlap between the introduction of the sheriff and the demise of the thane or the *judex*, or the gap between the advent of the Cistercians and the end of the *céli Dé*). There is a clear acknowledgement that these things can coexist; however, it is combined with a reticence to accept that such coexistence is natural or normal.

There is also a second but related tendency among late twentieth-century historians of Scottish aristocracy to draw sometimes unhelpful delineations. Barrow's work on shires and thanes was prefaced by the descriptor 'pre-feudal Scotland'.<sup>7</sup> These institutions are holdouts from an earlier system, we are to suppose, which belonged properly to the 'earlier, darker centuries'.<sup>8</sup> There are two concerns about this work. First, as Barrow clearly recognised, there was no magic date when Scotland woke up and became 'feudalised': this process, whatever we are to make of it or call it, was a long and

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<sup>4</sup> Barrow, *Kingdom*, 256-7.

<sup>5</sup> *Idem*, *Anglo-Norman Era*, 156-161.

<sup>6</sup> *Ibid.*, 156.

<sup>7</sup> Barrow, 'Pre-feudal Scotland: shires and thanes', chapter 1 in *The Kingdom of the Scots*, 7-56.

<sup>8</sup> *Ibid.*, 7.

makeshift one.<sup>9</sup> This makes it difficult to establish when ‘pre-feudal’ Scotland ended, exactly. If we are to take the ‘end’ of thanages as the terminus, then we must go much farther into the late Middle Ages. The second and more important problem is that virtually all of the charters and similar documents providing evidence for these thanes and shires are themselves a result of the processes that Barrow would call ‘feudal’ and previous generations might have termed ‘normanising’. The same thinking can be seen to be at work in ‘The Lost Gàidhealtachd’, in which Barrow attempts to summon up a ‘fossil record’, in order to tease out the surviving remnants of Gaelic society in lowland Scotland.<sup>10</sup> In this article, he briefly discusses several ‘native’ families as well as questions of *apdaini*, *cán*, *coinnmed*, and other ‘survivals’. Again, the topic under consideration has been characterised as something inaccessible, a virtual lost civilisation leaving only ‘fossils’ and clues. This Gàidhealtachd belongs properly to before the imaginary ‘feudal line’ in time. Furthermore, these ‘survivals’ are presented as isolated incidences, as idiosyncratic, as existing outside the normal contemporary system.

Any attempt to reconstruct a pre-‘feudal’ or pre-‘norman’ society from twelfth- and thirteenth-century charters is bound to result in failure: these documents can only tell us directly about the time and the society that produced them. That society was one that included both ‘Scottish’ or ‘native’ aspects as well as new European influences and aristocratic immigration on a vast scale, even north of Forth where its impact was somewhat less than in parts of the south. This is perhaps due to the lingering, almost intuitive, sense that what is Gaelic or Scottish should be seen in a different light than what was foreign. By this line of reasoning, two distinct specimens deserve two different microscopes. In the period from 1150 to 1260 in Scotland north of Forth, however, all of these things co-existed. And while some of these institutions may have been in decline, and others in the ascendant, they were all part of one living, breathing society. There has been little attempt in the past to study the juncture where these two, perhaps sometimes illusory, groups meet up. Prosopography can help to redress this imbalance.

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<sup>9</sup> *Idem, Kingdom*, 288

<sup>10</sup> *Idem, Scotland and its neighbours*, 105-26.

## *Groups in landholding society*

### *The earls*

As Barrow pointed out in 'The Lost Gàidhealtachd', the earls maintained their penultimate position in the kingdom's power structure, especially north of Forth.<sup>11</sup> As the Scots kings sought to construct a more effective and modern judicial framework, the most powerful earls gained an extra badge - the role of justiciar. Unlike in Lothian, this virtually viceregal position was most frequently held by the pre-eminent *comes*. In the late twelfth century this was Earl Duncan II of Fife, in the early- to mid- thirteenth, Earl William Cumin of Buchan.<sup>12</sup> As in other western European realms, Scots kings took pains to control the power of this magnatial upper class. Kings could strip provinces of their earls, as David I did with Moray in 1130.<sup>13</sup> By the mid-twelfth century, Gowrie and the Mearns had lost their *mormaers* or earls as well.<sup>14</sup> These events, however, were extraordinary, and usually, the king had to rely on his role as supreme judge to curb the strength of the earls. The earldom of Menteith was split in 1213 between two half-brothers after a court case before the king.<sup>15</sup> In the Menteith case, the disinherited only kept his half for a life term; whereas, when the king similarly split Mar by 1228, the lands going to the Durwards were heritable. The title and half the lands went to Duncan, son of Earl Morgrund, the rest of the lands going to Thomas of Lundie, the king's doorward, as the descendant of Earl Gillecrisp.<sup>16</sup> Caithness was similarly split, not once but twice – first to carve out the earldom of Sutherland for a branch of the Murray (*de Moravia*) family; secondly to create the lordship of Strathnaver.<sup>17</sup> Furthermore, the patchwork nature of the earldom of Angus, which consisted of a few scattered estates based around Monifieth on the coast and Kirriemuir in the uplands, suggests that that earldom may too have been divided up at one point. Moreover, the king was not only able to eliminate or partition earldoms, Alexander

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<sup>11</sup> The term 'earl' is used throughout this thesis; however, the Latin *comes* may in many instances have reflected vernacular Gaelic usage of the term 'mormaer'.

<sup>12</sup> Barrow, *Kingdom*, 110-11.

<sup>13</sup> Duncan, *Kingdom*, 166.

<sup>14</sup> *Ibid.*, 125; *RRS* i, no. 245; Alexander Grant, 'Thanes and Thanages, from the Eleventh to the Fourteenth Centuries' in *Crown, Lordship and Community*, 46.

<sup>15</sup> *RRS* ii, no. 519; Fraser, *Menteith*, no. 7.

<sup>16</sup> *Exercise of Power*, 55, 124.

<sup>17</sup> Crawford, 'Earldom of Caithness and the Kingdom' in *Essays on the Nobility*, 34.

II was able to create new ones, as in Carrick and Sutherland, or revive old ones, as with Ferchar Maccintsacairt in Ross.<sup>18</sup>

The effect of all this earldom-messaging by the monarch was to create, in effect, a two-tiered order. For the most part, the earls of Angus, Menteith, and even Mar may have had power in their own provinces, but had little sway on the 'national' stage. The earls of Fife, Strathearn and Dunbar, on the other hand, stood on a higher plane, and were closer to the king than the others, although this situation reflected political realities rather than any *de jure* separation. After *circa* 1211, the earls of Buchan joined this club, with the powerful William Cumin, earl of Buchan, and his son Earl Alexander Cumin, taking a pre-eminent position, stunted only by the occasional ambitions of Alan Durward. Barring the upward trajectory of the Cumin family that was in many ways the story of thirteenth-century Scotland, the earls in this period owed their position to two things: descent and marriage. The latter will be considered later in the chapter.

Several Scottish earldoms seem to have been able to claim descent from the Scottish royal line and other great potentates. John Bannerman has argued that the earls of Fife were descended from King Dubh (962-6), although it is perhaps more likely that Gillemichel mac Duf, who witnessed a charter of David I to Dunfermline Abbey, 1127 x 31, was simply the son of another mormaer of Fife called Dubh, than a descendant of the tenth-century king of that name.<sup>19</sup> Nevertheless, the Fife earls' use of 'royal' names like Constantine, Duncan (Donnchad) and Malcolm (Máel Coluim), coupled with their penultimate status in the twelfth century, suggests a familial connection with the royal house. With the earls of Atholl, we are on firmer footing (see Gen. Tree 4.2). In fact, if the *Orkneyinga Saga* is to be trusted on this point, there is a good case for considering the Atholl line to be the most prestigious in mid-twelfth century Scotland. The saga writer touted that Earl Matad was the 'best-born of all the chieftains in Scotland', based on his father, Máel Muire, son of King Duncan I (1034 -40) and brother of Malcolm III (1058 -93) and Donald III (Domnall Bán) (1093 -7).<sup>20</sup> Furthermore, Matad's son, Earl Malcolm (d. 1187 x 98), married Hextilda, widow of Richard Cumin and daughter of Uhtred son of Waltheof of Tynedale, who had married Bethoc, daughter of Donald (Domnall) III Bán.<sup>21</sup>

<sup>18</sup> Carrick and Sutherland were segments of Galloway and Caithness that had been broken off and moved to the hands of those loyal to the king. Duncan, *Kingdom*, 187, 529, 547.

<sup>19</sup> John Bannerman, 'Macduff of Fife', in *Crown, Lordship and Community*, 20-38.

<sup>20</sup> *Orkneyinga Saga: The History of the Earls of Orkney*, trans. Hermann Pálsson and Paul Edwards (Harmondsworth, 1978), 119, cf. *The Orkneyinga Saga*, trans. Alexander Burt Taylor (London, 1938); *ES* ii, 140.

<sup>21</sup> *ES* ii, 39; *SP* i, 416-17; Barrow, 'Durham Liber Vitae', 112.

The earl referred to 'the kings, my predecessors, reposing there' (i.e., in Dunfermline Abbey).<sup>22</sup> The earls of Dunbar were also able to draw connections with the kings of Scots. Octreda, daughter of Gospatrick, earl of Northumbria, was married to Duncan (Donnchad) II; her brother was Gospatrick, first earl of Dunbar (d. 1138).<sup>23</sup> Additionally, it has been common belief for over a century that Earl Gospatrick (d. 1067x 72) of Northumbria's father Maldred son of Crinan the thane was indeed the offspring of Crinan, abbot of Dunkeld (d. 1045), son of King Malcolm II (1005- 34) and father of Duncan I (1034- 40). The identification, based on Symeon of Durham, turns entirely on the rarity of the name Crinan, and Geoffrey Barrow now doubts that it is correct.<sup>24</sup> Even the earls of Orkney, vassals of the kings of Norway, were able to say they were descended from the kings of Scots. Sigurd, earl of Orkney (d. 1014), had married a daughter of Malcolm II. His granddaughter Ingibiorg married Malcolm III.<sup>25</sup> Moreover, the powerful Earl Harald Maddadson (d. 1206) was able to draw on the same line of descent as his father, Earl Matad of Atholl. Through these ties of 'blood', it seems likely that the earls were able to play up their special status in Scottish society.

### *Younger sons, illegitimate children and cadet branches of earls' families*

As elsewhere across western Europe, the aristocracy was constantly faced with the problem of dealing with excess children. Unlike in other countries, younger sons of Scottish earls tended neither to go off in search of fame and fortune, nor to look to the church for alternative career options. Younger sons often played major roles within the earldom, were landholders in their own right, and sometimes even established successful cadet branches which rose to great prominence.

<sup>22</sup> *Dunf. Reg.*, no. 147. *Regum predecessorum meorum ibidem requiescencium*. SP i, 417.

<sup>23</sup> *ES* ii, 38-9, 91; Charles Phythian-Adams, *Land of the Cumbrians: a study in British provincial origins A.D. 400 – 1120* (Aldershot, Hants, 1996), 134- 6.

<sup>24</sup> According to Symeon of Durham, 'Gospatric, son of Maldred, Crinan's son, went to King William and obtained the earldom of Northumbria, bought for much money. For the honour of that earldom pertained to him by his mother's right. For his mother was Aldgitha, the daughter of earl Uhtred, who had her by Elfgiva, daughter of King Ethelred. This Aldgitha her father gave in marriage to Maldred, son of Crinan ... This Gospatric was the father of Dolfín, Waldeve and Gospatric.' *Historia Regum* (Rolls Series, no. 75, 1882-5), ii, 199. Translation from Anderson, *Scottish Annals*, 96. In *De Obsessione Dunelmi*, Symeon of Durham, wrote that Earl Uhtred gave his daughter Aldgitha to 'Maldred, son of Crinan the thane; and by her Maldred had Gospatric...' Rolls Series no. 75, vol. i, 215-6; translation from *SAEC*, 80-1. The identification rests chiefly on Symeon's statement that Maldred was the son of Crinan. Cf. Barrow's comments in 'Companions of the Atheling', 36, nn. 4 and 5.

<sup>25</sup> Duncan, *Kingdom*, 100.



Younger sons of the earls of Fife managed to establish three successful dynasties. Hugh, Eggu or Aed, grandson of Earl Gillemicheil of Fife, held land at Markinch in Fife and Yester in East Lothian.<sup>26</sup> His son Orm held the abbacy of Abernethy and a huge swathe of land stretching across northern Fife and southern Perthshire, taking in Balmerino, Coultra, Lindores, across to Abernethy and Dron in the west.<sup>27</sup> In addition, King William granted Inverarity in Angus to Orm, 1166 x71.<sup>28</sup> Eventually, the abbey was converted into a house of Augustinian canons, and the lands were made into a barony. The family taking its name from Abernethy was operating on the top tier of the Scottish baronage by the late thirteenth century. Adam, son of Earl Duncan I, appeared frequently in charters of his brother, Earl Duncan II, and other Fife nobles.<sup>29</sup> He married Orabilis of Leuchars after her divorce from Robert de Quincy.<sup>30</sup> Adam's son was almost certainly Duncan son of Adam of Kilconquhar.<sup>31</sup> Duncan's son was probably the Adam of Kilconquhar who went on to become earl of Carrick.<sup>32</sup> Earl Duncan II's son, David, witnessed many of his brother, Earl Malcolm I's, charters.<sup>33</sup> By 1226, David was lord of Strathbogie in Banffshire.<sup>34</sup> David's descendant, David II of Strathbogie, succeeded to the earldom of Atholl, and he was knighted by Alexander III on Christmas Day, 1264.<sup>35</sup> All of these Fife cadet branches were successful and all rose to the highest echelons of aristocratic society. Furthermore, both David II of Strathbogie, earl of Atholl, and Adam of Kilconquhar, earl of Carrick, went on to make the ultimate knightly gesture – going on crusade. Adam died at Acre in 1269 or 71; David died on King Louis' crusade to Tunis.<sup>36</sup>

Other earldoms gave rise to successful spin-offs as well. Gilbert, son of Earl Gilbert of Strathearn, inherited the lordship based around Kinveachy and Glencarnie in the north, spawning an important if overlooked baronial lineage.<sup>37</sup> Gilbert, son of Earl Gillebride of Angus and brother of Earl Gillecrist, witnessed four of his brother's charters.<sup>38</sup> Gilbert

<sup>26</sup> *St A Lib.*, xxi; *RRS* ii, nos. 28, 85, 459.

<sup>27</sup> Barrow, *Kingdom*, map 12; *RRS* ii, no. 152.

<sup>28</sup> *Idem*, no. 114.

<sup>29</sup> *St A Lib.*, 241-2, 242-3, 243-4, 258-9, 259-60, 263-4; *N.B. Chrs.*, nos. 3, 6.

<sup>30</sup> *St A Lib.*, 287.

<sup>31</sup> *Ibid.*, 271-2, 381.

<sup>32</sup> *Chron. Bower* (Watt), v, 383.

<sup>33</sup> *Misc. Fraser Chrs.*, nos. 4, 8; *Fraser, Melville*, no. 4; *Dunf. Reg.* nos. 144, 145; *Moray Reg.* nos. 50, 62, 63; *Aberdeen-Banff Collections*, 407-9; *N.B. Chrs.*, no. 7; *Morton Registrum*, i, App. 1.

<sup>34</sup> *Moray Reg.*, nos. 30, 34, 35.

<sup>35</sup> *Chron. Bower* (Watt), v, 349.

<sup>36</sup> *Ibid.*, 369, 377, 383.

<sup>37</sup> *RRS* ii, nos. 206, 474; *Fraser, Grant*, nos. 3, 6. The lordship initially passed to Gilbert's brother Gillecrist before moving to Gilbert. Alasdair Ross, 'The lords and lordship of Glencarnie' in *Exercise of Power*, 159-74.

<sup>38</sup> *Arb. Lib.*, nos. 39, 41, 43, 46.

received from King William, Ogilvie with nearby Kilmundie, as well as Pourie north of Dundee.<sup>39</sup> This family also became a significant baronial kin. Another cadet branch of the earls of Angus, probably a son of this same Gilbert, became earls of Caithness and Orkney (see Gen. Tree 4.1).<sup>40</sup> Merleswain was son of Earl Colbán of Buchan, probably by a first marriage to a descendant of Merleswain, sheriff of Lincoln (Colbán held the earldom by right of his wife, Eva, daughter of Gartnait).<sup>41</sup> His descendants were important nobles in Fife and held a demesne based on Ardross and Kennoway in Fife, which also included Fettykil (Leslie) by the mid-thirteenth century.<sup>42</sup> The family name ended in the third quarter of the thirteenth century, when Scholastica and Margaret, daughters of Merleswain son of Waltheof, married Richard (surname unknown) and Hugh of Pearsby, respectively (see Gen. Tree 4.10).<sup>43</sup> Gospatrick son of Waltheof was a grandson of Gospatrick, the last earl of Northumbria, and nephew of Gospatrick I, earl of Dunbar (d. 1138).<sup>44</sup> His son Waltheof was lord of Inverkeithing, Fife, as well as Dundas and Dalmeny in Lothian.<sup>45</sup> This line also ended with daughters, Galiena and Christina, who married Philip de Moubray and Duncan de Lascelles, respectively, in the early thirteenth century (see Gen. Tree 4.9).<sup>46</sup>

Many younger sons did not appear to make fortuitous marriages or establish lasting dynasties. In their own lifetimes, however, many of these comital offspring played an important role in local politics, usually in the households of their titled brothers. Earl Duncan II and Countess Ela of Fife had several sons, including Earl Malcolm I. The other sons – Duncan, David, William and John - all appeared as witnesses in charters of the earls. David and Duncan appeared with frequency in the charters of their brother Earl Malcolm I.<sup>47</sup> This evidence would appear to indicate that David and Duncan were a part of Earl Malcolm's household, at least for part of their lives. David became lord of

<sup>39</sup> *RRS* ii, no. 140.

<sup>40</sup> *Moray Reg.*, no. 110; *Reg. Mag. Sig. 1424-1513*, no. 804; *ES* ii, 513, 587, 614-6; *Inchaff. Chrs.*, no. 86; *Arb. Lib.*, no. 229; *Misc. Fraser Chrs.*, no. 11; Crawford, 'Earldom of Caithness and the Kingdom', 34-7.

<sup>41</sup> Barrow, *Chrs. David I*, no. 172; *RRS* i, no. 175; *St A. Lib.*, 258-9, 259-60; *Misc. Fraser Chrs.*, no. 4; *Mort. Reg.* i; App. 1; *A.B. Ill.* ii, 427-8; Barrow, 'Companions of the Atheling', 36-7. It may also be significant that Colinton in Midlothian was named Colbanstoun in the Middle Ages. Two individuals, William of 'Colbaynston' and Thomas of 'Villa Colbani', have names based on this place, which may have been named after this figure. *Moray Reg.*, no. 53; *RRS* ii, no. 383. Margaret R. Scott, 'The Germanic toponymicon of southern Scotland: place-name elements and their contribution to the lexicon and onomasticon'. Unpublished University of Glasgow Ph.D. thesis, 2004, vol. 2, 621.

<sup>42</sup> Barrow, *East Fife Docs.*, no. 2; *N.B. Chrs.*, no. 7; *Inchcolm Chrs.*, no. 18.

<sup>43</sup> *Inchcolm Chrs.*, no. 25; *Dryburgh Liber*, 20; *Inchcolm Chrs.*, 140-1.

<sup>44</sup> Barrow, *Chrs. David I*, nos. 68, 69, 126; Phythian-Adams, *Land of the Cumbrians*, 134-5.

<sup>45</sup> *Dunf. Reg.*, no. 165; NAS RH 6/34; NAS 1/2/20; *Inchcolm Chrs.*, no. 7.

<sup>46</sup> *Dunf. Reg.*, nos. 166, 211, 222; Feet of Fines, 10 John, 1/12/1208, as in *Cal. Docs. Scot.* i, no. 429.

<sup>47</sup> *Misc. Fraser Chrs.*, nos. 4, 8; Fraser, *Melville*, no. 4; *Dunf. Reg.*, nos. 144, 145; *Moray Reg.*, nos. 50, 62, 63; *A.B. Colls.*, 407-9; *N.B. Chrs.*, no. 7; *Mort. Reg.* i, App. 1; *Arb. Lib.*, no. 89.

Strathbogie. Duncan married Alice Corbet and witnessed charters of William son of Earl Patrick of Dunbar and his wife Christina, daughter of Walter Corbet.<sup>48</sup> In his case, it was not necessary to establish a viable cadet branch, because Malcolm I died childless, allowing the earldom to pass to Duncan's son, Earl Malcolm II.

Sometimes younger sons were able to make the leap to another household or 'circle' based on marriage. Máel Ísu son of Earl Ferteth of Strathearn, who married Earl David of Huntingdon's illegitimate daughter Ada, used the style 'son of Earl Ferteth' or 'brother of Earl Gilbert of Strathearn' in his charters.<sup>49</sup> He witnessed several charters of Earl David, including those to Malcolm son of Bertolf, Earl Gillecríst of Mar, and his own wife Ada.<sup>50</sup> At the same time, however, Máel Ísu had a fishery in Gowrie and appeared frequently as a witness to his brother's charters, especially in the 1190s and early 1200s, holding Muthill and other lands in Strathearn from his brother.<sup>51</sup> Younger sons of earls would sometimes appear in the context of other earldoms. For example, an otherwise unknown Madith or Maduff son of the earl of Menteith witnessed charters of Isabel, countess of Atholl, dealing with Invervack and Tulach.<sup>52</sup> Sir Fergus Cumin witnessed a charter dealing with Collessie in Fife.<sup>53</sup> John son of the earl of Mar attested to Earl Malcolm I of Fife's grant of Livingston to Archibald Douglas.<sup>54</sup>

More often, however, they stayed in the earldom, where they often held lands and a good deal of sway. Earl Gilbert's sons Gillecríst (I), William, Ferteth, Robert, Fergus, Máel Ísu, Gillecríst (II) frequently witnessed his charters, often alongside members of the comital household like stewards, *rannairean*, clerks and chaplains.<sup>55</sup> Fergus became quite powerful in his own right, holding a significant lordship based on Feddal, Bennie and Cathkin in 'Cathermothel', with outliers at Rothens and Meikleour.<sup>56</sup> Fergus and his wife Muriel had their own household with Roger *de Luvethot* being described as 'my knight' as

<sup>48</sup> *Moray Reg.*, nos. 30, 35; *St A. Lib.*, 262-3, 278.

<sup>49</sup> *Lind. Cart.*, nos. 29, 127; *Arb. Lib.*, no. 86.

<sup>50</sup> Stringer, *Earl David Acta*, no. 55, 56; *Lind. Cart.*, nos. 5, 6, 9; *St A Lib.*, 238-9.

<sup>51</sup> *Arb. Lib.*, no. 86; *RRS ii*, no. 136. Earl Gilbert's charters – *Inchaff. Chrs.*, nos. 3, 4, 5, 9, 11, 12, 13, 14, 15, 16, 17, 25, 28; *C. A. Rent.*, no. 50; Neville, *Earls of Strathearn Acta*, no. 27.

<sup>52</sup> *C. A. Chrs.*, no. 39; *C. A. Rent.*, no. 30. Madith is perhaps a son of the disinherited Earl Murethach, or an illegitimate son of Earl Maurice the younger.

<sup>53</sup> *Lind. Cart.*, no. 140.

<sup>54</sup> *Mort. Reg. i*, App. 1.

<sup>55</sup> *Inchaff. Chrs.*, nos. 3, 4, 5, 9, 11, 12, 14, 15, 16, 17, 19, 25, 28, 33, 34, 37, 39, 42; *Lind. Cart.*, no. 30; *Scone Lib.*, no. 125. The older Gillecríst died in 1198 and was buried at Inchaffray (*Inchaff. Chrs.*, no. 9). See also Neville, 'Earls of Strathearn', 244-5. The younger Gillecríst appears in charters *Inchaff. Chrs.* 25 and two royal grants *RRS ii*, no. 474 and Fraser, *Grant*, no. 3, where the facsimile makes it clear that Gillecríst, not Gilbert, is intended.

<sup>56</sup> *Arb. Lib.*, no. 87, *C. A. Chrs.*, no. 35, *Lind. Cart.*, nos. 24, 26, 28, 32.

well as Fergus the steward, Roger the dispenser and Thomas the clerk.<sup>57</sup> His brother Máel Ísu, on the other hand, became the *persona* of Gask.<sup>58</sup> The situation appears to be similar in other earldoms, such as Angus, where younger sons like Angus, son of Earl Gillebride, and his son Adam, and Hugh, son of Earl Duncan, continue to appear in a familial context.<sup>59</sup>

Illegitimacy among the aristocracy may have become a barrier in terms of inheritance, but it was clearly not a cause for shame, and what were at one time euphemistically called 'natural' sons and daughters occupied prominent positions from the king down to barons and other knights. King William's illegitimate son, Robert of London, referred to himself as 'son of the lord king of Scotland', and, after 1215, 'brother of the lord king'.<sup>60</sup> Robert was a major landholder in southern Fife (Outh and the burgh of Inverkeithing) and Angus (Ruthven).<sup>61</sup> Robert's uncle, Earl David of Huntingdon, had three illegitimate children, all of whom held prominent positions. The children were named after his parents, Henry and Ada. Henry 'of Brechin' and Henry 'of Stirling' witnessed charters of their father and his retainers and Henry of Brechin held land at Inverquiech near Robert of London's Ruthven. Henry of Brechin was active in Angus affairs, married Juliana, perhaps a daughter of Ralph of Cornhill, and was the progenitor of a baronial family using the Brechin toponymic. Henry's son William continued his role as an important figure in local politics and founded a *Maison Dieu* or hospital at Brechin.<sup>62</sup> Henry of Stirling's court was in Inchmartine, Gowrie, where he established a private chapel in 1241.<sup>63</sup> Earl David's daughter, Ada, married Máel Ísu, son of Earl Ferteth of Strathearn and brother of the powerful Earl Gilbert.<sup>64</sup> Ada held land at Balmaw in Newtyle, Angus, probably from her father.<sup>65</sup>

In earldoms (and other lordships) that went to outsiders by marriage, illegitimate sons and other male kin seem to have provided a much needed degree of continuity, allowing the newcomer to be surrounded to a certain extent by known and respected figures in the region. Welcoming them into their household as knight and ensuring their

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<sup>57</sup> *Lind. Cart.*, nos. 24, 26.

<sup>58</sup> *Lind. Cart.*, nos. 27, 44. Cf. *Inchaff. Chrs.* nos. 51, 61; Neville, *Earl of Strathearn Acta*, no. 43, where the benefice is not mentioned, and *Lind. Cart.*, no. 53, where he is just called *persona* of Gask.

<sup>59</sup> Angus and Adam - *Arb. Lib.*, nos. 47, 48, 52, 53, 227, 228; Hugh - *Arb. Lib.*, nos. 112, 115, 250, C.O. IV, V; *Yester Writs*, no. 15.

<sup>60</sup> *Inchcolm Chrs.* 7; *Arb. Lib.*, no. 61; *St A Lib.*, 381; *Dunf. Reg.*, nos. 167, 168.

<sup>61</sup> *Lind. Cart.*, no. 85; *Misc. Panm. Chrs.*, no. 3; *Arb. Lib.*, no. 61.

<sup>62</sup> *C. A. Rent.*, no. 72; *Lind. Cart.*, nos. 19, 60; *CDS* i, no. 365; *Brechin Registrum* i, no. 2; *Panm. Reg.* ii, 205-7.

<sup>63</sup> Fraser, *Melville*, no. 11; Barrow, 'Lost Gàidhealtachd', 107.

<sup>64</sup> *Lind. Cart.*, no. 29.

<sup>65</sup> *Ibid.*, no. 36.

lands, these earls could show their magnanimity through conciliatory gestures, indicating that while some things may change, much would stay the same. In Buchan, Earl Colbán's sons, Merleswain and Magnus, appeared to be prominent in northeastern affairs after the accession of Earl William Cumin.<sup>66</sup> Earl Fergus' son, Adam, also witnessed charters of Earl William Cumin.<sup>67</sup> In Atholl, Constantine mac Máelmuire, probably a grandson of Máelmuire son of King Duncan (Donnchad) I, attested to a charter of Earl Thomas of Galloway. Also in Atholl, Earl Henry had an illegitimate son, Conan, who issued charters as 'Conan son of Henry the late earl of Atholl' to Lindores and Coupar Abbeys, and held land in Glen Erochty, presumably from the earls.<sup>68</sup> Conan's Lindores charter significantly was witnessed by relatives of earls Alan Durward (1233-5), David Hastings (c. 1242 – 7?) and probably Thomas of Galloway (c. 1211 – 31).<sup>69</sup> Conan's son, Ewen, confirmed the Coupar charter as Ewen son of Conan son of Earl Henry of Atholl.<sup>70</sup> Ewen married Mary, daughter of Conghal son of Duncan of the family of the hereditary stewards of Strathearn, but it is not clear if they had children.<sup>71</sup> Ness son of William, lord of Leuchars, also had bastard sons. While the estates went through his daughter Orabilis to Robert de Quincy and his successors, Ness's sons Constantine and Patrick continued to play a role in Fife. The two brothers witnessed a charter of Saher de Quincy, earl of Winchester, concerning 'Davach Icthar Hathyn', as 'sons of Ness my grandfather'.<sup>72</sup> Patrick also witnessed a charter of his sister Orabilis, as well as charters of Saher de Quincy and his son Roger de Quincy.<sup>73</sup>

### *Ecclesiastical dynasties*

In a time when the church was only beginning to get serious about reforming the sexual habits of the clergy, the lines between lay society and religious were blurred. Despite the likelihood that the written records were usually produced and maintained by monks and clerics who wished to push an agenda of celibacy, enough evidence survives

<sup>66</sup> *A.B. III*, ii, 426-7, 427-8; *Arb. Lib.*, no. 227; *Moray Reg.*, no. 85.

<sup>67</sup> *Glas. Reg.*, no. 117; *A.B. III*, ii, 426-7, 427-8. Alan Young, 'The Earls and Earldom of Buchan in the Thirteenth Century, in *Crown, Lordship and Community*, 174-202.

<sup>68</sup> *Lind. Cart.*, no. 73; *C. A. Rent.*, no. 37; *C. A. Chrs.*, no. 52.

<sup>69</sup> *Lind. Cart.*, no. 73.

<sup>70</sup> *C. A. Rent.*, no. 38

<sup>71</sup> *Inchaff. Lib.*, App., no. 18.

<sup>72</sup> *St A Lib.*, 291

<sup>73</sup> *St A Lib.*, 290-1; *St A Lib.*, 255-6, 256-7; *Dunf. Reg.*, no. 155.

that there were families of priests and others associated in some way, however loosely, with the church, who constituted a significant and oft-overlooked element of landholding society.

The most well-recognised segment of this group were the *abs*, men associated with abbacies or *apdaini*. Barrow doubted the extent to which *apdaini* and *abs* represented any position that we would recognise as the leader of a religious house.<sup>74</sup> While aristocratic laymen were given these positions from time to time, most famously in the cases of Ethelred, earl of Fife, abbot of Dunkeld and son of Malcolm III and Margaret, and the descendants of Hugh (Aed?) son of Earl Gillemicheil of Fife, abbots of Abernethy. We know very little about many of these *abs*, although some of them, such as Malcolm *ab* of Kilspindie and 'Maurice' *ab* of Arbirlot, appear in several charters.<sup>75</sup> While this topic deserves greater scholarly attention, it is at least clear that these *abs* were often associated with families that can be broadly described as dynasties depending on ecclesiastical benefices for their lands. The family that we can say the most about were the Abbs of Brechin, the descendants of Leod, abbot of Brechin, who included Samson, bishop of Brechin, Domnall, abbot of Brechin, Maelbrigte or Brice, prior of the *céli Dé* of Brechin, John *ab*, lord of Edzell, and his sons Morgrund *ab* and John *ab* (see Gen. Tree 4.12). Geoffrey Barrow has examined this kin-group in some detail.<sup>76</sup>

These families of ecclesiastical men (who also acted much as secular lords would) were often closely attached to the families of earls. In the case of the earls of Angus, there is evidence for a relationship lasting for perhaps fifty years. All of Earl Gillecrisp of Angus' charters to Arbroath Abbey made between 1199 and 1205 were witnessed by 'Brice my chaplain'.<sup>77</sup> Brice the chaplain or Brice the chaplain of Kirriemuir (probably the earls' *caput*) witnessed further charters of Earl Duncan of Angus (1204 x 06)<sup>78</sup> and Earl Malcolm of Angus (1214 x 25).<sup>79</sup> As Brice *persona* of Kirriemuir, he witnessed two charters of Matilda, countess of Angus, 1242 x 3.<sup>80</sup> Earl Malcolm conferred the abbacy of Monifieth, which was the centre of the coastal portion of their demesne, on Nicholas son of Brice the priest of Kirriemuir, 1214 x 42, for 16 *solidii* annual rent.<sup>81</sup> Countess Matilda confirmed

<sup>74</sup> Barrow, 'Lost Gàidhealtachd', 120-22.

<sup>75</sup> Malcolm, *Lind. Cart.*, no. 74, *St A Lib.*, 284-5, *Scone Liber*, no. 84; Maurice, *Arb. Lib.*, nos. 39, 41, 43, 46. Could he be the person mentioned as M chaplain of Arbirlot in a charter of the same time, *Arb. Lib.*, no. 44?

<sup>76</sup> Barrow, 'Lost Gàidhealtachd', 111-14.

<sup>77</sup> *Arb. Lib.*, nos. 39, 41, 43, 44, 46, 50.

<sup>78</sup> *Ibid.*, nos. 47, 52.

<sup>79</sup> *Ibid.*, nos. 48, 53, 112.

<sup>80</sup> *Ibid.*, nos. 49, 114.

<sup>81</sup> *Ibid.*, no. C.O. IV.

the grant in her widowhood, 1242 x 3.<sup>82</sup> Nicholas son of the presbyter had witnessed a charter alongside his father, 1214 x 26.<sup>83</sup> Nicholas *ab* of Monifieth witnessed two charters of Countess Matilda and was a juror at Forfar in 1250.<sup>84</sup> It is clear from this evidence that a) the earls of Angus were in control over the lands of the *apdaine* of Monifieth, b) that they saw fit to grant these lands to a family of priests already closely associated with the earls and based on their probable *caput* at Kirriemuir, and c) that subsequent to the grant of the abbacy, these clerics began using the title or byname *ab*. In this light, it is interesting that the only charters witnessed by 'Maurice' *ab* of Arbirlot were those of Earl Gillecrisp of Angus.<sup>85</sup>

The seemingly close relationship between the earls and a family of clerics has its analogs in other regions. Brice, *persona* of Crieff, the *caput* of Strathearn, witnessed charters of Earl Gilbert of Strathearn and his son Robert between ca. 1199 and ca. 1223.<sup>86</sup> Brice seems to have also travelled with the earl, witnessing charters alongside the earl outwith Strathearn.<sup>87</sup> He named his son Máel Ísu, a moniker associated with the comital line, and witnessed alongside him on three later occasions.<sup>88</sup> Máel Ísu followed his father as *persona* of Crieff.<sup>89</sup> By the time of Earl Máel Ísu II (1245- 71), the church had a rector named Sir Nicholas who was also the earl's chamberlain.<sup>90</sup> It is not clear whether there is any connection between Nicholas and the earlier *personae*, but his close position vis-à-vis the earl would certainly be in keeping with the trend. There was also a priestly family based on Cargill in Gowrie, who were tenants of the Muschets at Laystone nearby. This family had names such as Bernard, Paulinus, Adam and Peter.<sup>91</sup>

If there was a feeling that the 'abbacies' were past their sell-by date, this seems to have been balanced by a notion that the lands should still be kept for mainly religious ends, or at least be given to people who were nominally clerics rather than convert them into secular lordships, which would become known as baronies. The exception to this was

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<sup>82</sup> *Ibid.*, no. C.O. V.

<sup>83</sup> *Ibid.*, no. 112.

<sup>84</sup> *Ibid.*, nos. 49, 114, 250.

<sup>85</sup> *Arb. Lib.*, nos. 39, 41, 43, 46. Could he be the 'Maurice the priest' from the 1206 Arbuthnott trial? *Synod of Perth 1206*, 209- 13.

<sup>86</sup> Gilbert- *Inchaff. Chrs.* nos. 4,5, 14, 27, 28, 33, 34, 37, 39; *Lind. Cart.* nos. 30, 43. Robert - *Inchaff. Chrs.* nos. 41, 47, 51; *Lind. Cart.* no. 31. He also witnessed a charter of Walter of Ruthven, *Scone Liber*, no. 125. See also *C. A. Chrs.*, no. 9, *Arb. Lib.*, no. 213, *Inchaff. Chrs.*, nos. 23, 30, 31, *Lind. Cart.*, no. 45, 49.

<sup>87</sup> *Scone Liber*, no. 125.

<sup>88</sup> *Inchaff. Chrs.*, nos. 34, 47; *Lind. Cart.*, no. 43.

<sup>89</sup> *Lind. Cart.*, no. 27; ca. 1235. Also see nos. 45, 49.

<sup>90</sup> *Inchaff. Chrs.*, nos. 86, 87; *Lind. Cart.*, no. 35.

<sup>91</sup> Anderson, *Oliphants*, no. 5; *Scone Liber*, no. 83; *C. A. Chrs.*, nos. 6, 7, 8, 40; *Arb. Lib.*, no. 88; *Inchaff. Chrs.*, nos. 7, 49; *Lind. Cart.*, no. 33; *C. A. Rent.*, no. 35.

Abernethy, surely because of the powerful position of the hereditary abbots and their relation to the earls of Fife. However, this should be balanced against the fact that the lands of the new monasteries of Lindores and Balmerino were carved out of the large shire associated with Abernethy.<sup>92</sup> Many of the *apdaini* were taken over by the bishops and priors of St Andrews, the new abbey of Arbroath, other bishoprics like Dunkeld and Brechin.<sup>93</sup> Rossie in Gowrie (*Rossinclerach*) was given to Matthew, archdeacon of St Andrews (later bishop of Aberdeen), by King David I, who in turn gave it to the priory.<sup>94</sup> Furthermore, when *apdaini* were granted to individuals rather than institutions, there was clearly a notion that they should go to people who were in some sense ecclesiastical. This has already been seen in the case of Monifieth, but it was also the case with the lands of the *apdaine* of Inverlunan, which made their way into the hands of Henry the physician, clerk of the king of Scotland and *persona* of Inverlunan.<sup>95</sup> Moreover, while there is no evidence that Rossie in Angus or Benholm in the Mearns were ever *apdaini*, they were also granted to probably hereditary clerks. William I granted Rossie to Henry son of Gregory the clerk, 1165 x 74; the later family using the toponymic Rossie is probably descended from him.<sup>96</sup> William gave Benholm to Hugh, brother of Elias the clerk, who otherwise appears as Elias the clerk of Benholm in a charter of Earl Duncan II of Fife.<sup>97</sup> The lands were confirmed to Hugh's son, also Hugh, and the descendants used the toponymic Benholm.<sup>98</sup>

### *Administrative class*

Another stratum of society involved those figures who handled local administration for the king – the thanes who oversaw his demesne lands, and the *judices* or *breitheamhan* who sometimes oversaw local legal matters on his behalf. In the twelfth and thirteenth centuries, much of the power of the thanes and probably the *judices* was handed over to new *vicecomites* or sheriffs. Many of the north-of-Forth sheriffdoms, such as Aberdeen, Forfar, Kinross, Scone and Kincardine, were based on thanages, as Alexander Grant has pointed out.<sup>99</sup> But the majority of thanages, especially north of the Tay, continued well past

<sup>92</sup> For a map of this 'shire', see Barrow, *Kingdom*, map 12.

<sup>93</sup> Barrow, 'Lost Gàidhealtachd', 121-2.

<sup>94</sup> *RRS* i, nos. 120, 194.

<sup>95</sup> *RRS* ii, no. 590, 1189 x 95.

<sup>96</sup> *Ibid.*, no. 43.

<sup>97</sup> *Ibid.*, no. 350; *St A Lib.*, 243.

<sup>98</sup> *RRS* ii, no. 428.

<sup>99</sup> Grant, 'Thanes and Thanages', 50- 1, 72- 81, esp. Map B.



the thirteenth century. Thanages and *judices* were sometimes heritable, and many of the early sheriffs appear to have been drawn from the same class - Macbeth sheriff of Scone may have also been thane of Strathardle.<sup>100</sup> William son of Thorald and his son Alexander, prominent sheriffs of Stirling in the late twelfth and early thirteenth centuries, are one example of an early vicecomital dynasty.<sup>101</sup> Other sheriffs were drawn from this class of local royal servants, like Geoffrey son of Richard, the steward of Kinghorn, who was sheriff of Fife, 1212x13 and subsequently, of Perth.<sup>102</sup> The administrative class also included other local figures like mairs, foresters, constables, marshals and janitors. Most thirteenth-century sheriffs, however, were prominent local knights who did not hold the position heritably- men like Thomas Malherbe, sheriff of Forfar, and Roger de Mortemer, sheriff of Perth.<sup>103</sup>

Unlike with sheriffs, the positions of thanes and *judices* seldom were given to immigrants. *Judices* and other officials were sometimes associated with particular regions and were sometimes in close proximity to specific earls. It is difficult to determine what was the role of a man like Bridin mac Martin, mair of Gowrie in 1224.<sup>104</sup> *Judices* at least seemed to often be linked with earldoms, as in the cases of Fearchar, *judex* of Buchan, Constantine, *judex* of Strathearn, Gillecrist, *judex* of Lennox, Gilmakali, *judex* of Caithness, Kerald (i.e., Cairel), *judex* of Angus, and Malcolm, *judex* of Fife.<sup>105</sup> Constantine the *judex* witnessed a great deal of Earl Gilbert's charters to Inchaffray Abbey, but it is worth noting that only in a charter of Laurence of Abernethy to Arbroath Abbey is the 'judex of Strathearn' tag applied: it is evident that within his own province, simply 'judex' was sufficient.<sup>106</sup> Constantine's ties to the local comital family were expressed through the names of his sons, Gilbert and Gillecrist, the names of the earl and his eldest son.<sup>107</sup> In Angus, again, links are evident between the earls and the *judices*. Here, we have the best evidence of a central-medieval family of *judices*, with Malcolm the *judex*'s two sons, Kerald and Adam, both acting in that role, and the daughter of Kerald, Christina, granting a

<sup>100</sup> *Ibid.*, 78; *Arb. Lib.*, no. 35.

<sup>101</sup> *Camb. Reg.*, no. 132; *RRS ii*, nos. 308, 323, 375, 452. *Sheriffs of Scotland*, ed. Reid and Barrow, 9, 13, 41-2. Could William son of Thor be a son of Thorald, sheriff of Edinburgh and brother of Swain son of Thor of Ruthven? Barrow, *Chrs. David I*, nos. 86, 87, 116, 151, 178, 216; *RRS i*, 46; *SP iv*, 234. Swain and William are listed next to each other as witnesses to a charter of William I, *RRS ii*, no. 258.

<sup>102</sup> *St A Lib.*, 316-8; *ND*, no. 61; *Scone Lib.*, no. 125.

<sup>103</sup> *Arb. Lib.*, no. 229; *Scone Lib.*, no. 46.

<sup>104</sup> *C.A. Chrs.*, no. 34.

<sup>105</sup> *Abdn. Reg.*, i, 14-5; *Arb. Lib.*, no. 35; Fraser, *Lennox*, no. 203; *Moray Reg.*, no. 259; *Arb. Lib.*, no. 229; *St A Lib.*, 246-7. Appendix A to Barrow's article on 'The *Judex*' is an invaluable list of *judices*. Barrow, 'The *Judex*', in *Kingdom of the Scots*, 61-5.

<sup>106</sup> *Inchaff. Chrs.* nos. 3, 4, 5, 9, 11, 12, 13, 14, 15, 16, 17, 19, 25; *Arb. Lib.*, no. 35.

<sup>107</sup> *Lind. Cart.*, no. 29; *Inchaff. Chrs.*, nos. 39, 41.

charter of certain lands to yet another *judex*, Duncan.<sup>108</sup> Gilbert d'Umfraville, earl of Angus, granted 'Petmulin' (Pitmuies?) to Duncan, 1262 x 85.<sup>109</sup> These judices were also marrying into local dynasties. Forbhflaith, daughter of Brice the *judex*, married Gillandres MacLeoid, of the family of the abbots of Brechin, by 1232.<sup>110</sup> Indeed, it seems as though there may have been lands that went hand-in-hand with the office of *judex*, as Kerald's daughter, Christina, signed over her lands to another *judex*, Duncan. On the other hand, Forbhflaith seems to have inherited the lands of Cardean and Braikie from her father and taken them to her husband, Gillandres.<sup>111</sup>

Similarly, thanes could be a part of such regional webs of marriage and landholding. It is clear that the position was often hereditary. The family taking their name from Idvies in Angus are one example. Malcolm (Máel Coluim), Gille Ísu (Gillise) and Máel Ísu (Malise) of Idvies appear a few times between 1206 and 1254, usually in the context of a perambulation. Gille Ísu is the only one explicitly called a thane, but it is likely that the others fulfilled this function too.<sup>112</sup> The family taking its name from Forgan (i.e., Longforan, Gowrie) were also almost certainly thanes, despite never being explicitly called such.<sup>113</sup> The thanes of Dunning in Strathearn show how such families could fit into the regional social hierarchy. Anechol, thane of Dunning, witnessed several charters of Earl Gilbert, who referred to him on more than one occasion as '*theino meo*'.<sup>114</sup> Earl Robert referred to Brice, son of Anechol, as '*senescallo meo*'.<sup>115</sup> Brice's brother, Máel Ísu, had a name specifically associated with the comital dynasty.<sup>116</sup> Máel Ísu apparently married Muriel, daughter of Conghal son of Duncan of the hereditary stewards of Strathearn and lords of Tullibardine.<sup>117</sup>

<sup>108</sup> *Arbroath Cart. MS*, fols. 141<sup>v</sup>-142<sup>r</sup>, 152<sup>r-v</sup>; *Arb. Lib.*, nos. 133, 227, 228, 229; *Brech. Reg.*, App. 1; *St A. Lib.*, 254; NLS Adv. MS 34/6/24, 376-7; Barrow, 'Judex', 62-3.

<sup>109</sup> Fraser, *Douglas*, no. 4; Barrow, 'Judex', 63.

<sup>110</sup> *Brech. Reg.*, no. 2.

<sup>111</sup> *Ibid.*, NLS Adv. MS 34/6/24, 377.

<sup>112</sup> *Synod of Perth 1206*, 213; *Arb. Lib.*, nos. 228, 366; *Arbroath Cart. MS*, fol. 146<sup>r-v</sup>.

<sup>113</sup> Grant, 'Thanes and Thanages', 78.

<sup>114</sup> *Inchaff. Chrs.*, nos. 4, 14, 16, 17, as *theino meo*, nos. 9, 11, 12, 15, 19; *Lind. Cart.*, no. 43 as well.

<sup>115</sup> *Inchaff. Chrs.*, no. 58.

<sup>116</sup> *Lind. Cart.*, no. 28; *Inchaff. Chrs.*, no. 88.

<sup>117</sup> *Inchaff. Chrs.*, lxxvi.

*Finding a context for the emergent baronial class*

There has always been something of an obsession with the 'origins' of Scots baronial families, as evident in the *Scots Peerage* and the works of Sir William Fraser. Due to the fact that written historical evidence for such families only becomes available in the twelfth century, however, the notion of 'origins', as with 'natives', is highly dubious. Any family that appears to have been in Scotland when records began tends to be seen as 'native'; however, this is based on cultural assumptions rather than evidence. It is impossible to know whether certain families had been there for centuries or only a generation or two. Instead, it should be noted that families who were not explicitly known to be immigrants *tend* to fall into the previously outlined categories- earls and their families, an ecclesiastical aristocracy including what have problematically been termed 'lay-abbots', and royal administrators such as thanes and *judices*. All of these groups would come into play, along with a strong influx of immigrant knights, in the gradual development of a baronial class in Scotland by the early thirteenth century. Nevertheless, it should be stated that all aristocratic families who were not immigrants seem to be connected in some way either to royal service or to the church, whether reformed or traditional. These connections are not always immediately obvious. The family taking the name of Monorgan in Longforgan parish were descended from Gilbert Scot, nephew of Bishop Andrew (Scot) of Caithness, from whom they acquired the lands and the ethnic by-name (see Gen. Tree 4.11).<sup>118</sup> Likewise, the family of Michael Scot and Duncan Scot, lords of Rungally and Cairns in Fife, also seems to have held their lands ultimately through ecclesiastical connections (see Gen. Tree 4.8). As Barrow has pointed out, Rungally and Cairns were lands earlier held by the *céli Dé* of St Andrews; furthermore, Michael's father Malothen was probably Malothen mac Madethin, whose father was most likely the Matadin mac Mathusalem who witnessed a charter of Gillecrist, abbot of the same religious house.<sup>119</sup> Families such as these went on to form part of the baronage of Scotland, indistinguishable from families with no ecclesiastical connections.

One salient point often overlooked in the quest for 'origins' is the uncomfortable truism that for many aristocratic families, there is no evidence whatsoever as to the provenance of the progenitor. It is this unfortunate lack that has led many historians down

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<sup>118</sup> Barrow, *Chrs. David I*, no. 156; Stringer, *Earl David Acta*, no. 28; *RRS* ii, no. 133; *St A. Lib.*, 41-2, 269-70, 270, 282-3; *Lind. Cart.*, nos. 8, 65; Fraser, *Melville*, no. 11; *Paisley Registrum*, 183-99.

<sup>119</sup> Barrow, *East Fife Docs.*, 31-2.

the unenviable road of relying on difficult terrain such as the use of continental personal-names as supposed 'proof' of immigrant status. Chapter three, however, has shown that such information cannot be relied upon as an indicator of ethnicity. Instead, the historian must admit that, for many families, there simply is not enough evidence to show conclusively whether they were 'natives' or 'Normans'. Indeed, that one cannot easily distinguish between the two from other factors in this society is probably a more telling trait. For example, in Fife, the family using the toponymic 'of Ceres' were associated with the earls of Fife, first emerge in the record early in the rule of Earl Duncan II and emulated the comital family in naming children Adam, Duncan and David. For all of this and the fact that Adam is called *miles* and seems to have been a close associate of Earl Duncan II, there is nothing to say whether the family were newcomers or longstanding landholders in the area.<sup>120</sup> A similar uncertainty clouds the early history of most other families of 'lower baronial' or gentry rank, especially those taking names of Scottish places as toponymics, including the families of Cameron, Denmuir, Kilmaron, Kinglassie, Logie, and Wemyss in Fife, Abernyte, Blair, Craigie, Inchtute, Lundie, Kettins, Kinross and Methven in Perthshire and Kinross, and Benvie, 'Kinnardley' and Strachan in Angus and the Mearns.

The immigrant knights who flooded into Scotland during this period have all too often been seen as a monolithic or homogenous group based on their assumed cultural difference to the 'native' Scots. There should be more effort made to understand the contexts which brought them north of the Forth. In this chapter, there is only space to attempt a brief illustrative categorisation of groups settling in 'Scotia proper'.

It is instructive to note that many of the so-called 'immigrant' knights were families coming from Lothian and other parts of the Scottish kingdom. For example, a younger branch of the earls of Dunbar, based around Gospatrick son of Waltheof, was a major landholder at Inverkeithing in South Fife as well as in Dalmeny across the Forth. While their lands were later inherited, mainly by the de Moubray family, others were able to establish more lasting dynasties.<sup>121</sup> One such family came from Lamberton in Berwickshire. William of Lamberton was lord of Bourtie in the Garioch in the last quarter of the twelfth century and his son Alexander acquired Linlathen in Angus, by marriage to Eda, daughter of Henry of 'Kinpunde' from King William.<sup>122</sup> This family kept the

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<sup>120</sup> It is clear that Adam of Ceres was not the same person as Adam, the brother of Earl Duncan II. *St A. Lib.*, 263-4; Barrow, 'Kinninmonth', no. 7.

<sup>121</sup> *Dunf. Reg.*, nos. 166, 211, 222; *Arb. Lib.*, nos. 119, 121.

<sup>122</sup> *St A Lib.*, 266-7, 267; *RRS* ii, no. 564; Scoular, *Handlist*, no. 86; Barrow, *Kingdom*, 218n; Stringer, *Earl David*, 81.

toponymic 'of Lamberton' despite their northern acquisitions, eventually giving rise to the famous Bishop William Lamberton of St Andrews. Another family, however, eschewed this pattern. Hugh son of Gospatrick of Swinton in Berwickshire (both Lamberton and Swinton were held by St Cuthbert's, Durham) came into possession of Arbuthnott in the Mearns. His descendants took the by-name 'of Arbuthnott'.<sup>123</sup> Others came from other parts of the kingdom: Muriel, daughter of Peter of Pollock (near Glasgow) and her husband Walter Murdoch held lands in Moray, and of course Thomas of Galloway took over the earldom of Atholl.<sup>124</sup>

A few families, especially in Fife, appear to be descended from a handful of knights who came north to Scotland in the late eleventh and early twelfth centuries. Barrow has examined these in detail in his article on 'The Companions of the Atheling'. These included the line of Gospatrick son of Waltheof, lord of Inverkeithing and Dalmeny, probably Merleswain son of Colbán, lord of Ardross and Kennoway and the family of Uviet, lords of Luscar Eviot.<sup>125</sup> To this group of early immigrants we may wish to add the person of Robert the Burgundian, that 'furnace and fire of all iniquity', from whom it can now be confirmed were descended the family taking its name from Lochore.<sup>126</sup> Robert was lord of Lochore by *circa* 1130 and thus can be classified among the group of early migrants.

In the secondary works, the role of the king in fostering immigration is stressed throughout.<sup>127</sup> Yet, there are mitigating factors here that should be considered. Often, the king granted lands north of Forth to men who were fulfilling an official function in his household. Two of the biggest recipients of lands in Angus and the Mearns, Walter of Berkeley and Philip de Valognes, held the position of chamberlain throughout most of King William's long reign.<sup>128</sup> Malcolm IV granted Lundin in Fife to Philip the chamberlain.<sup>129</sup> Some of Roger de Quincy's lands were specifically associated with the constablenesship.<sup>130</sup> Unlike with Valognes, Berkeley and Quincy, it is impossible to establish with any firm conviction whether many of the other royal officials were indeed immigrants. Often, continental personal names are the only indication that these men may

<sup>123</sup> *N.B. Chrs.*, no. 3; *Synod of Perth 1206*, 209-13; *Arb. Lib.*, nos. 65,67,68,70, 89, 93, 94; *SP i*, 273-5.

<sup>124</sup> *Paisley Reg.*, 98-9; *C.A. Chrs.*, no. 12; *Moray Reg.*, nos. 106, 107; *C.O.* 3, *C.O.* 5; *Arb. Lib.*, no. 99.

<sup>125</sup> Barrow, 'Companions of the Atheling'.

<sup>126</sup> *St A Lib.*, 117-8. Many thanks to Simon Taylor for lending me his translation and notes. See also Barrow, 'Family of Lochore', 252-4.

<sup>127</sup> Duncan, *Kingdom*, 177-8.

<sup>128</sup> *RRS ii*, 33.

<sup>129</sup> *RRS i*, no. 255.

<sup>130</sup> Simpson, *Roger de Quincy Acta*, no. 26.

have been incomers. The ultimate provenance of the family of Thomas son of Malcolm of Lundie (Angus), king's doorward, is unknown, although they were related by marriage to the earls of Atholl and Mar.<sup>131</sup> Similarly, the 'origins' of the family of Malcolm *Pincerna*, the king's butler, are unclear, although they apparently held Elcho in Perthshire.<sup>132</sup> To this list could be added lesser figures whose 'origins' are unknown, such as Geoffrey son of Richard of Kinglassie, steward of Kinghorn, and Robert son of Henry the butler, lord of Cassingray, Fife.<sup>133</sup> Kings even granted lands to sometimes lower-level servants. Alexander II granted Balcaskie in Fife to Ivo son of Nigel the cook.<sup>134</sup> William I confirmed Panbride in Angus to Walkelin, his brewer.<sup>135</sup>

Furthermore, many of the families establishing themselves in Scotland north of Forth were there due to the patronage of either Countess Ada, Earl David, or both, rather than the king himself. Peter, the brother of Philip de Valognes, king's chamberlain, was married to Gundreda, a relative of Countess Ada de Warenne.<sup>136</sup> The Giffords, tenants of Countess Ada in East Lothian and Crailshire, later acquired Fintry in Angus from Earl David in 1173 x4.<sup>137</sup> King William later augmented these holdings with Tealing and Powgavie.<sup>138</sup> William de Montfort was probably a tenant of Countess Ada in Crailshire before being granted Kinneff in the Mearns by King William.<sup>139</sup> William of Lamberton was a tenant of Earl David in the Garioch before receiving Linlathen, Angus.<sup>140</sup> One of Earl David's knights, William Wascelin, held land at Newtyle, Angus.<sup>141</sup> The Olifards were landholders in Huntingdonshire. Also associated with the earl of Huntingdon was Walter Olifard I, who witnessed many of Earl David's charters and became justiciar of Lothian. Other Olifards became lords of Arbuthnott in the Mearns and Colzie in Fife.<sup>142</sup> The family of Luvetoft may have also come from Huntingdon.<sup>143</sup> The Mortimer family, lords of Fowlis Easter, also had strong connections to Earl David.<sup>144</sup> The Hastings family,

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<sup>131</sup> Hammond, 'Durward family', 118-29.

<sup>132</sup> *Scone Liber*, no. 106; *St A Lib.*, 396-7.

<sup>133</sup> *RRS* ii, nos. 286, 470, 471.

<sup>134</sup> Simpson, *Handlist*, nos. 75, 76.

<sup>135</sup> *RRS* ii, no. 209.

<sup>136</sup> *Panm. Reg.* ii, 86.

<sup>137</sup> *Yester Writs*, no. 4.

<sup>138</sup> *RRS* ii, no. 418.

<sup>139</sup> *Lind. Cart.* 75; *RRS* ii, no. 335.

<sup>140</sup> *St A Lib.*, 266-7, 267, 267-8; *RRS* ii, no. 564; NLS Adv. MS 34.6.24, 271.

<sup>141</sup> *Lind. Cart.*, no. 37.

<sup>142</sup> *Six Early Chrs.*, no. 3, *RRS* ii, no. 484.

<sup>143</sup> *Inchaff. Chrs.*, lxxxii.

<sup>144</sup> *Inchcolm Chrs.*, no. 5.

who held Dun in Angus and lands at Flinder in the Garioch, were connected to Earl David by marriage: his daughter Ada married Henry I of Hastings.<sup>145</sup>

Other families that would come to be thought of as lesser baronage were in the service of major immigrant lords, and may have in some cases been immigrants themselves. The family taking its name from Kinloch in Fife were almost certainly descended from Uhtred, butler of Ness of Leuchars.<sup>146</sup> The family of Nydie were evidently the progeny of Hugh, the steward of Hugh, bishop of St Andrews.<sup>147</sup> The Warennes who were established in Fife and southern Perthshire must have immigrated through the influence of Countess Ada. The family of Luvetot (Yvetot, Normandy), came north with Matilda d'Aubini, countess of Strathearn.<sup>148</sup>

Finally, the relationship between the burghs and rural landholdings has not been adequately explored. It is now clear that many rural landholders had strong connections to royal and ecclesiastical burghs. The family taking its name from Inchyra in Gowrie, who also held Rossie in Gowrie, were descended from James of Perth, who was probably James son of Simon, one of the king's grieves of that burgh.<sup>149</sup> His son Duncan of Perth was one and the same as Duncan of Inchyra.<sup>150</sup> The family taking its name from Meigle had strong if somewhat garbled links with the burgh of Forfar and were possibly descended from the burgess named Uvard or something similar.<sup>151</sup> Eva of Carsegownie in Angus was daughter of Walter Lorimer (i.e., the spur-maker) and had clear connections to Forfar as well.<sup>152</sup> Matthew son of Duffyth, burgess of Arbroath, had a son named Matthew who held Conon to the north of Arbirlot.<sup>153</sup> The family taking its name from Inverkeilor were descended from Adam and Robert, his son or *nepos*, both stewards of Arbroath Abbey.<sup>154</sup> The family descended from Augustine of Elgin, probably a burgess, later became lords of Inverallan in Strathspey.<sup>155</sup>

<sup>145</sup> Stringer, *Earl David*, 180-1.

<sup>146</sup> *St A Lib.*, 255-6, 256-7, 287; *Inchaff. Chrs.*, no. 42; Simpson, *Roger de Quincy Acta*, no. 25.

<sup>147</sup> Barrow, 'Kinninmonth', 112.

<sup>148</sup> Neville, 'A Celtic Enclave in Norman Scotland', 89.

<sup>149</sup> *RRS* ii, no. 211 and p. 261.

<sup>150</sup> *St A Lib.*, 162-3, 315-6; *Dunf. Reg.*, nos. 144, 166; *Misc. Fraser Chrs.*, no 7.

<sup>151</sup> *Arbroath Cart. MS*, fol. 80<sup>r-v</sup>; *C.A. Rent.*, no. 70; *RRS* ii, no. 201; *Scone Liber*, no. 96; *St A Lib.*, 276.

<sup>152</sup> *NLS Adv. MS* 34/6/24, 377.

<sup>153</sup> *Arb. Lib.*, nos. 58, 115, 228, 250.

<sup>154</sup> *Arb. Lib.*, nos. 39, 41, 43, 44, 46, 47, 52, 58, 63, 67, 68, 72, 74, 82, 89, 93, 94, 98, 116, 124, 125, 127, 133, 228, 306; *Arbroath Cart. MS*, fols. 141<sup>v</sup>- 142<sup>f</sup>, 147<sup>r-v</sup>, 152<sup>f</sup>; Barrow, 'Judex', *App. B.*, no. 2.

<sup>155</sup> *Moray Reg.*, no. 128.

## *Networks and connections*

### *Comital class*

The most powerful and prestigious of the Scottish earldoms were able to aspire to joining the top ranks of the francophone western aristocracy (see Gen. Tree 4.3). In particular, the marriages made by the Scottish royal family resulted in new marriage ties for certain earldoms. Maud de Senlis (d. 1140), wife of David I, had a granddaughter from her previous marriage to Simon de Senlis I (d. 1115), also called Maud de Senlis, who married William d'Aubini *Brito* II (d. 1166).<sup>156</sup> Their daughter, Matilda d'Aubini, married Gilbert, earl of Strathearn (d. 1223).<sup>157</sup> Ada de Warenne, wife of David I's son and heir apparent, Henry, earl of Northumberland (d. 1152), was perhaps responsible for the marriage of two probable Warenne ladies to Scottish earls (see also chapter two). It has long been thought that Ela, wife of Earl Duncan II of Fife, was a niece or similar relation of Countess Ada. Barrow suggested that she was a daughter of Reginald de Warenne, Ada's brother.<sup>158</sup> Furthermore, Ela's only surviving charter was witnessed by Earl Duncan, as well as Countess Ada's tenant, Alexander de St Martin, as well as Matilda d'Aubini's mother, Maud de Senlis, and her brother, William d'Aubini.<sup>159</sup> This suggests that Ela and even Ada may have been behind the marriage of Matilda to Earl Gilbert.

Moreover, charter evidence suggests a strong link between Countess Ada and Agnes, countess of Mar, and her husband Earl Morgrund, who issued five grants to St Andrews Priory between 1160 and 1178, two by Agnes and three by Morgrund.<sup>160</sup> Of the five documents, the witness lists of four reveal a strong Countess Ada connection. In addition to Ada herself, the lists include attestations by Alexander de St Martin, Hugh and William Giffard and William, sheriff of Crail. The fifth charter appears to have been produced in a social context dominated by the bishop of St Andrews, the earl of Fife and other Fife landholders. Furthermore, Countess Ela of Fife's attestation of one of Agnes'

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<sup>156</sup> J. H. Round, *Feudal England*, 474-6; 574. See also Clare family tree insert between pages 472 and 473. *The Manuscripts of the Duke of Rutland*, iv (HMC, 1905), 106-7. The family of Aubini, Albini or Aubigny *Brito* (i.e., Breton) was quite distinct from the family of Aubini Pincerna, later earls of Arundel. The family of Countess Matilda had come from St-Aubin d'Aubigné in Brittany; the other family had come from St-Martin d'Aubigny near Coutances, Normandy. J.C. Holt, *Colonial England, 1066- 1215* (London, 1997), 181.

<sup>157</sup> *Inchaff. Chrs.*, no. 9.

<sup>158</sup> *RRS* i, 18. See also Elisabeth van Houts, 'The Warenne view of the past 1066 – 1203', *Anglo-Norman Studies* 26 (2003), 103- 21.

<sup>159</sup> *Dunf. Reg.*, no. 153.

<sup>160</sup> Agnes: *St A Lib.* 249, 249-50; Morgrund, 248, 248-9, 246-7.



charters, and two of Morgrund's, suggests that the three women can be classified as part of a specific social group. Furthermore, it is likely that Agnes herself was, like Ela, a relative of Countess Ada de Warenne. Indeed, Ada had a niece named Agnes, a daughter of Gundreda de Warenne and Roger de Newburgh, earl of Warwick. She would have been young after the death of her first husband Geoffrey of Clinton, the chamberlain, in 1153.<sup>161</sup> If Morgrund, earl of Mar, was indeed her second husband, it is probable that Countess Ada was responsible for the match.

The earldoms of Fife and Strathearn in particular were able to maintain their position within the upper echelons of 'Anglo-French' aristocracy. In fact, Earl Gilbert married his daughter, Matilda, to Earl Duncan II's son, Malcolm, and it is likely that the Senlis and Aubini connection was still an important factor. Malcolm I earl of Fife's recently-discovered second marriage, however, reveals the continuing importance of royal marriages for Scotland's earls. Just as the Senlis and Warenne families had been influential, so too was William I's wife, Ermengarde. The queen, who stayed in Scotland apparently until her death in 1234, was daughter of Richard, *vicomte* of Beaumont-sur-Sarthe. Ermengarde's sister, Constance, married Roger IV de Tosny, and their daughter Margaret, it is now known, was a countess of Fife. Her husband 'N' can only have been Malcolm I, who died in 1228 or 1230, for Margaret had returned to Maine, a widow by 1236.<sup>162</sup> Of the other earldoms, the earls of Mar were the only magnates to approach this level of marital prestige. As we have seen, Agnes, wife of Morgrund, earl of Mar, was probably a member of the Warenne family. Morgrund's successor, Earl Gillecrisp, married Orabilis, daughter of Ness son of William of Leuchars, ex-wife of Robert de Quincy and Adam, son of Earl Duncan I of Fife.<sup>163</sup> This marriage continued the outward-looking trend set by Morgrund and Agnes.

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<sup>161</sup> David Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick: New Men and Magnates in the Reign of Henry I', *Bulletin of the Institute of Historical Research* 55 (1982), 113-23. Crouch points out that Agnes 'could only have been an infant' at the time of her marriage to Geoffrey, at 121. Clinton had strong ties to the Beaumont family. See also J. H. Round, 'A great marriage settlement', *Ancestor* 11 (1904), 153. One of the witnesses in a charter of Earl Roger of Warwick (1123-53) was one William Giffard. See also *Idem*, *Feudal England*, 216; and 'Surrey' in G.E. Cokayne, *The complete peerage of England, Scotland, Ireland, Great Britain and the United Kingdom, extant, extinct or dormant*, rev. edn., vol. XII/1, ed. Geoffrey H. White (London, 1953), 491-507 (2000 microprint reprint, volume 5), and 'Warwick' in *Complete Peerage*, vol. XII/2, ed. Geoffrey H. White with assistance of R.S. Lea (London, 1959), 357-68 (2000 reprint, vol. 6); *Pipe Roll of 31 Henry I*, ed. Joseph Hunter (London, 1929), 105. Note also the presence of Robert 'de Novo Burgo'.

<sup>162</sup> Daniel Power, "'Terra Regis Anglie et Terra Normannorum sibi invicem adversantur': les héritages anglo-normands entre 1204 et 1244", in *La Normandie et l'Angleterre au Moyen Âge*, ed. Pierre Bouet and Véronique Gazeau (Caen, 2003), 200-2, and by personal correspondence with Dr. Power.

<sup>163</sup> *St A Lib.*, 287, 287-8, 290-1.

Closer examination of these major 'Anglo-French' baronial families reveals that their influence on settlement in Scotland north of Forth was greater than just the marriage of Senlis, Warenne, and Beaumont daughters to Scottish kings and earls. They were actually wide-ranging, powerful networks which help explain the integration of the kingdom of Scots into the western European ruling society (see Gen. Trees 4.4, 5, 6). These families were heavily interlinked. For example, Maud de Senlis, step-daughter of King David I, married Saher de Quincy I. Their son, Robert de Quincy, married Orabilis, daughter of Ness of Leuchars.<sup>164</sup> Their son, Saher de Quincy IV (d. 1219), was the first earl of Winchester, in addition to inheriting the Leuchars lands, and he married Margaret, daughter of Robert (Beaumont), earl of Leicester (d. 1190). Margaret's brothers were Robert, earl of Leicester (d. 1204), and Roger, bishop of St Andrews (d. 1202). One of Earl Robert (d. 1190)'s sisters, Isabella, married Simon de Senlis II, earl of Huntingdon, who was the brother of the aforementioned Maud de Senlis, wife of Saher I de Quincy. Earl Robert of Leicester's other sister, Margaret, married Ralph IV de Tosny (d. 1162), of the main branch of that family. Ralph IV's grandfather, Ralph III de Tosny (d. 1126), had married Alice, daughter of Earl Waltheof of Northumbria and thus sister to the Maud who had married Simon de Senlis and David I. Ralph IV and Margaret's son, Roger IV de Tosny (d. 1208 x 09), married Constance de Beaumont-sur-Sarthe (a different family from the earls of Leicester Beaumonts), the sister of Queen Ermengarde. Their daughter Margaret was evidently the wife of Malcolm I, earl of Fife and later benefactor of the monastery of Parc d'Orques.<sup>165</sup>

A grand network linked up the families of Beaumont (earls of Leicester), Warenne, Senlis, Quincy, Aubini *Brito*, Clare, Tosny (Conchès and Belvoir) and Beaumont-sur-Sarthe, drawing in at different times the earldoms of Surrey (or Warenne), Leicester, Warwick, Northumberland, Huntingdon, Northampton, Pembroke, Winchester, Fife, Strathearn and Mar.<sup>166</sup> It is important to keep in mind that this vast web made Scottish

<sup>164</sup> Alex Woolf has suggested that Ness of Leuchars was actually a son of William III earl of Warenne who married a daughter of one of the earls of Fife, thus allowing for their large estates taking in Lasthisk and probably Collessie as well as Leuchars. This would also explain Orabilis' high 'eligibility' on the noble marriage circuit. This could also explain how Reginald de Warenne became a landholder in Fife.

<sup>165</sup> 'Earls of Leicester', in *Complete Peerage*, vol. 7, ed. H.A. Doubleday and Lord Howard de Walden (London, 1929), 521-47 (2000 reprint, vol. 3); Lucien Musset, 'Aux origines d'une classe dirigeante: les Tosny, grands barons normands du X<sup>e</sup> au XIII<sup>e</sup> siècle' *Francia* 5 (1977), 45-80; *Early Yorkshire Charters*, vol. 7: *The Honour of Skipton*, ed. Charles T. Clay (1947), 1-16, and vol. 8: *The Honour of Warenne*, ed. Charles T. Clay (1949), 7-14, and gen. tree; Round, *Feudal England*, gen. trees as 472-3 and 575.

<sup>166</sup> It is interesting and clearly not a coincidence that many of these families, namely Tosny (Toeni), Beaumont and Warenne, in addition to Mortemer, Montfort and Montgomery, were among the first to adopt the use of toponymical surnames. All were in use by 1066. Holt, *Colonial England*, 183.

kings and earls not just related to major aristocratic families, but actually an intricate part of this system. Furthermore, rather than some sort of cultural subjection, these relationships allowed earls like Fife and Strathearn to rise to levels of power that would have been hitherto unimaginable. These linkages also brought Scottish earls within reach of some of the most powerful people in the British Isles. Returning to Maud de Senlis, King David's stepdaughter: after the death of Saher I de Quincy, she married Robert fitz Richard de Clare (d. 1134x6), son of Richard de Clare and grandson of Gilbert, count of Brionne (d. 1040). Robert and Maud's son, Walter, was the *dapifer* of the king of England; his sister Maud took her mother's toponymic 'de Senlis' and married William II de Aubini Brito (d. 1166), son of William I de Aubini Brito (d. 1155x6) and Cecily de Belvoir, granddaughter of Robert de Tosny. It was their daughter Matilda who married Earl Gilbert of Strathearn. Robert fitz Richard de Clare's brother was Gilbert fitz Richard of Tonbridge, whose son, Gilbert fitz Gilbert, earl of Pembroke, married Isabel, sister of Robert (Beaumont), earl of Leicester (d. 1168), progenitor of the aforementioned Beaumonts. Isabel and Gilbert's son was the famous 'Strongbow': Richard fitz Gilbert, earl of Pembroke. In 1284, Duncan III, earl of Fife (d. 1289), was able to marry Joanna de Clare, daughter of Gilbert, earl of Gloucester, and Alice, daughter of Hugh de Lusignan, count of La Marche and Angoulême. Joanna was a descendant of Gilbert fitz Richard I, lord of Tonbridge, whose brother Robert had married Maud de Senlis, stepdaughter of David I.<sup>167</sup>

It seems clear enough that many French and Anglo-French families were introduced to Scotland as a result of this network. Perhaps the most obvious and long-lived was that of de Quincy, from the death of Saher I de Quincy, ca. 1156 x 8, to that of Roger de Quincy, constable of Scotland (by right of his wife, Helen of Galloway), who died in 1264. The *de Valoniis* or Valognes family seem to have found success in Scotland through ties to the Warenne family (see Gen. Tree 4.17). Gundreda (d. 1224), daughter of Reginald de Warenne, niece of Countess Ada and probable sister to Countess Ela of Fife, married Peter de Valognes. His brother, Philip, became King William's chamberlain until his death in 1215, as well as lord of Panmure and Benvie in Angus. He was succeeded in the position by his son William, who died in 1219. Moreover, the family of Munfichet or Montfiquet, who held Cargill, Perthshire and Kincardine in Menteith, were probably

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<sup>167</sup> Michael Altschul, *A Baronial Family in Medieval England: the Clares, 1217 – 1314* (Baltimore, 1965), tables 1 and 2, after page 332.

connected to the William de Montfiquet who married Margaret, daughter of Gilbert son of Richard de Clare.<sup>168</sup>

The aristocracy of England and France were not the only people Scottish earls wished to make connections with through marriage. The powerful Norse earls of Orkney were another magnet for Scottish comital interest. Furthermore, from the mid-twelfth century onwards, the history of the Caithness and Orkney earldoms would be closely linked with major Scottish earldoms. Margaret, daughter of Earl Hakon and sister of Earl Paul, married Matad, mormaer or earl of Atholl, circa 1133.<sup>169</sup> After Matad's death, Margaret married Earl Erlend of Orkney (d. 1156). Matad and Margaret's son, Harald Maddadson, was earl of Orkney from 1139 to 1206. His first wife was Affrica, daughter of Earl Duncan (I?) of Fife; secondly he married Hvarflod (Forbhflaith) daughter of Malcolm MacHeth, earl of Ross.<sup>170</sup> A cadet branch of the earls of Angus succeeded to the joint earldoms of Caithness and Orkney after the death of Earl John in 1231. It is likely that one of the earls, probably Earl Gillebride of Angus (d. 1187 x 89), married a sister or daughter of Earl Harald *Ungi* ('the Younger') of Orkney. Magnus I, earl of Caithness (d. 1239), Gilbert, earl of Orkney and Caithness (d. 1256), and Magnus II, earl of Orkney and Caithness (d. 1273), were all descendants of an earl of Angus, which is usually considered one of the least influential of the Scottish earldoms.<sup>171</sup> Malise II, earl of Strathearn (d. 1271), married Matilda, daughter of Gilbert, earl of Orkney and Caithness, some time before 1257.<sup>172</sup>

Of course, the earls often married their sons and daughters off to other members of the Scottish comital class or other local aristocrats. As early as the the first half of the twelfth century, Gartnait, mormaer or earl of Buchan, married Ete, possibly a daughter of Gillemicheil, earl of Fife.<sup>173</sup> As already mentioned, Malcolm I, earl of Fife, married Matilda, daughter of Gilbert, earl of Strathearn.<sup>174</sup> Similarly, Malise, son of Earl Ferteth of Strathearn, married Ada, a daughter of Earl David of Huntingdon.<sup>175</sup> Moreover, Earl

<sup>168</sup> RRS ii, no. 334; Round, *Feudal England*, 473, 575.

<sup>169</sup> SP iv, 6; Pálsson and Edwards, *Orkneyinga Saga*, 119, 137-9; ES ii, 139-40, 191-3; Duncan, *Kingdom*, 635.

<sup>170</sup> SP i, 416, ii, 315-6; Pálsson and Edwards, *Orkneyinga Saga*, 190, 218; ES, ii, 238, 348; Duncan, *Kingdom*, 192-3.

<sup>171</sup> Barbara Crawford, 'Earldom of Caithness and the Kingdom', 34-9.

<sup>172</sup> *Inchaff. Chrs.*, no. 86

<sup>173</sup> Broun, 'The Writing of Charters in Scotland and Ireland', App. 2, 126-31, nos. 3, 4; cf. Jackson, *Book of Deer*, nos. 3, 4.

<sup>174</sup> Neville, *Earls of Strathearn Acta*, no. 27.

<sup>175</sup> *Lind. Cart.*, nos. 9, 36.

William of Mar married Elizabeth, daughter of Earl William Cumin of Buchan.<sup>176</sup> Quite instructive are the family of royal doorwards, who were quite successful at marrying into comital families. Malcolm of Lundie almost certainly married a daughter of Earl Gillecrisp of Mar.<sup>177</sup> Thomas son of Malcolm of Lundie evidently married a daughter of Malcolm, earl of Atholl.<sup>178</sup> Finally, Anna, a daughter of Alan Durward, was the wife of Colbán, earl of Fife.<sup>179</sup>

Sometimes, members of earls' families and even the earls themselves married into seemingly minor local landholding families, perhaps for land or to shore up local support. For example, Earl Gilbert of Strathearn chose as his second wife Ysenda, a daughter of Lugan of Kinbuck, while marrying his daughter Cecilia to Walter of Ruthven.<sup>180</sup> In Buchan, Earl William Cumin's sister, Idonea, was wedded to Adam son of Gilbert, a minor baron with connections to the lords of Galloway and the Stewards, while Agnes, one of his daughters, married a local landholder Philip of Feodarg or Meldrum.<sup>181</sup>

### *Baronial class*

The result of successive waves of immigration between 1150 and 1250 in Scotland north of Forth was the emergence of a new baronial class incorporating incoming knights and members of the already extant cadet branches of earldoms, administrative class and ecclesiastical aristocracy. As with the earldoms, evidence on this new group of lay landholders is often incomplete.

The evidence for marriage is sketchy. For many knights, barons and even earls, we either know nothing at all about their wives or only their personal names. The source material that we do have on the marriages of immigrant knights and other members of the emergent baronial class, however, does suggest a few patterns. First, it is clear that many knights, whether 'native' or immigrant, married and acquired lands from local heiresses, particularly in cases wherein the wives' explicit consent is mentioned. William son of Patrick the brewer may have inherited his lands at Kintillo from his wife Eva, while Hugh of Calder may have received Buttergask by right of his spouse, Sara.<sup>182</sup> Similarly, it is

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<sup>176</sup> *Chron. Bower (Watt)*, x, ch. 25.

<sup>177</sup> Hammond, 'Durward family', 138.

<sup>178</sup> *Ibid.*

<sup>179</sup> Kinnoull Charters, no. 114.

<sup>180</sup> *Inchaff. Chrs.*, no. 46; *Panm. Reg.* ii, 82-3.

<sup>181</sup> *Mort. Reg.* ii, no. 5; *A.B. Colls.*, 561.

<sup>182</sup> Eva swore she had no right to Kintillo while touching the Gospels; *Moncreiffs*, no. 3. On Buttergask, *Scone Liber*, no. 24; *RRS* ii, no. 508.

probable that Walter of Lundin held certain lands in Benholm through his wife, Christina, and that Humphrey of Berkeley's wife, Agatha, brought Ardoyne into that family.<sup>183</sup> Alan II de Lascelles seems to have inherited the estate of Naughton or Forgan in northeast Fife by right of his wife Amable, and Duncan Scot of Rungally probably acquired Balwearie through marriage to a daughter of Richard of Balwearie.<sup>184</sup> Things are altogether more clear-cut for larger estates and more important barons. It is quite clear that Robert de Quincy and his offspring held Leuchars in Fife by marriage to Orabilis, daughter of Ness, and that Galiena, daughter of Waltheof of Inverkeithing, married Philip de Moubray.<sup>185</sup> Likewise, the evidence that Henry Revel wedded Margaret, daughter of Orm of Abernethy, and that Robert son of Warnebald, a southwestern baron, married Richenda, daughter and heiress of Humphrey of Berkeley in the Mearns, is unproblematic.<sup>186</sup>

Once families were settled in Scotland north of Forth, they tended to forge marriage alliances with other families holding land around them, regardless of their immigrant status. The salient point here is that the man or woman to be wedded was in a position to bring something to the family in terms of lands and rights in the locality, and because of this basic requirement, the categories mentioned above seem to have mattered very little. Marriage patterns seem to give little or no priority to whether people belonged to the groups identified as comital/ cadet branches of earldoms, 'ecclesiastical' aristocracy, administrative class, immigrant knight, etc. Nor indeed is it possible to draw any distinction between incomers from Lothian or the southwest and those from England or France. Baronial families sought most often to forge links with major landholders in the area, as, for example, Gilbert II of Glencarnie married Margerie, sister of John Pratt, or as Philip de Maleville (the family were landholders as Tannadice and Kinblethmont) married, Eva, daughter of Walter son of Sibald, who held Mondynes in the Mearns.<sup>187</sup> Less often, individuals, usually women, would marry men from elsewhere in the realm, as when Sibylla de Valognes married Robert de Stuteville, lord of Liddel, or when a daughter of Walter of Berkeley married Ingelram de Balliol, a landholder in the southwest.<sup>188</sup> The real exception to the rule were the rare occasions when members of Scottish baronial families

<sup>183</sup> *Arb. Lib.*, no. 138; *RRS* ii, nos. 344, 345, 346; *Arb. Lib.*, no. 89. Agatha may have been a daughter of Henry de Boiville, to whom Earl David had granted Ardoyne. Stringer, *Earl David Acta*, no. 10.

<sup>184</sup> *St A Lib.*, 260; *Dunf. Reg.*, no. 223; Barrow, *East Fife Docs.*, 31-2.

<sup>185</sup> *St A Lib.*, 209, 291; *Dunf. Reg.*, no. 222.

<sup>186</sup> *RRS* ii, nos. 147, 152; *St A Lib.*, 271; *Arb. Lib.*, no. 261, *Arbroath Cart. MS*, fols. 146<sup>r-v</sup>, 146<sup>v</sup>-147<sup>r</sup>, 151<sup>r-v</sup>, 152<sup>r-v</sup>; Barrow, *Anglo-Norman Era*, 57, map 7.

<sup>187</sup> Fraser, *Grant*, no. 8; *Arb. Lib.*, nos. 93, 94.

<sup>188</sup> *Panm. Reg.* ii, 124; Keith J. Stringer, 'Periphery and Core in Thirteenth-Century Scotland: Alan son of Roland, Lord of Galloway and Constable', in *Crown, Lordship and Community*, 112.

married people from far afield. For example, Duncan de Lascelles married Christian of Windsor, while David II of Strathbogie wedded Isabella of Chilham.<sup>189</sup>

It is sometimes possible to identify certain ‘nexuses’ or ‘clusters’, based on patterns of marriage and landholding. One such nexus, drawing in the families of Maule, Forgan, Mortimer, Stuteville, Valognes and even the earls of Fife, was based primarily in the area of southern Angus and eastern Gowrie. Already by the early 1160s, William *Masculus* (Maule) was in possession of Fowlis Easter, and an early charter to St Andrews Priory was witnessed by major tenants of Earl David (see Gen. Tree 4.15).<sup>190</sup> William had three daughters; one married Archibald son of Swain of Forgan, and they held Fowlis while William Maule was still alive.<sup>191</sup> Cecilia, another daughter of William Maule, married Alan son of Swain son of Thor, lord of Tibbermore and Ruthven.<sup>192</sup> The other daughter, Christina, married Roger de Mortimer, son of Constantine de Mortimer, who had associations with Earl David.<sup>193</sup> Afterwards, the Fowlis estate stayed in the Mortimer family.<sup>194</sup> Christina was apparently dead by 1195, and Roger seems to have married Elizabeth, a daughter of Earl Duncan II of Fife.<sup>195</sup> Whereas the elder branch of the Maule family in Scotland passed along with Fowlis Easter to the Mortimer name, a cadet branch of the Maules continued in the region. Peter Maule, perhaps a descendant of William Maule’s nephew Richard, married Christina de Valognes, daughter of William de Valognes (the chamberlain who died in 1219) and heiress to the estate of Panmure. While the Valognes, like the Maules and Mortimers, had probably come to Scotland through connections to Countess Ada and Earl David, the name of Valognes was to disappear. Christina’s aunt, Sibylla de Valognes, married Robert de Stuteville, lord of Liddel.<sup>196</sup> Sibylla’s sister Lora married Henry de Balliol, who was not related to the Balliol family that were ancestors of King John.<sup>197</sup> Henry proved to be the link between the two families that had held the chamberlainship previously, Berkeley and Valognes, and subsequently held the position himself.<sup>198</sup> Henry’s brother, Ingelram (or Enguerrand) de Balliol, sheriff

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<sup>189</sup> Barrow, *Anglo-Norman Era*, 115-6; CDS ii, no. 1721; Alasdair Ross, ‘Men for all seasons? the Strathbogie earls of Atholl and the Wars of Independence, c.1290- c.1335’, *Northern Scotland* 20 (2000), 3.

<sup>190</sup> *St A Lib.*, 40-1, 41-2.

<sup>191</sup> *RRS* ii, no. 302.

<sup>192</sup> *Panm. Reg.* ii, 82-3.

<sup>193</sup> He witnessed the following charters of Earl David: *St A Lib.*, 237, 238; *Arb. Lib.*, no. 135; *Lind. Cart.*, no. 10; cf. *Arb. Lib.*, no. 136.

<sup>194</sup> *RRS* ii, nos. 302, 338, 375; *St A Lib.*, 265-6; NAS GD 45/27/98.

<sup>195</sup> *Gen. Coll.* i, 46-7, no. 2.

<sup>196</sup> *Panm. Reg.* ii, 124.

<sup>197</sup> *Idem* ii, 135-7.

<sup>198</sup> *HBC*, 177-8.

of Berwick, married a daughter of Walter of Berkeley, who was chamberlain from c. 1171 – c. 1190, and received Inverkeilor in Angus from the king by 1182.<sup>199</sup> The estates at Inverkeilor passed through Ingelram de Balliol to his son, Eustace de Balliol (see Gen. Tree 4.16).<sup>200</sup>

Another nexus of families and estates was based around the de Moubrays. Philip de Moubray married Galiena, daughter of Waltheof, lord of Inverkeithing, Fife, Dalmeny, Midlothian, and probably Moncreiffe, Perthshire. While the Moubrays continued to hold these lands, they were apparently based at Kelly in Angus.<sup>201</sup> The estates in Perthshire were held by tenants and were split between the family taking its name from Moncreiffe and that calling itself for Kinmonth.<sup>202</sup> Matthew of Moncreiffe married into another local baronial family, that of Denmuir ('Dundemor').<sup>203</sup>

Perhaps most interesting is the cluster based around the family of 'de Haya', now known as the Hays, who, in addition to being rather prolific, had a knack for making successful marriages and emerged as one of the pre-eminent Scottish baronial families by the late thirteenth century (see Gen. Tree 4.7). Their marriage patterns follow a two-stage trend. William de Haya was the king's butler and received Erroll by 1182; he married Eva of *Petmulin*, perhaps the daughter of Máel Ísu of Pitmilley, Fife, a tenant of Countess Ada.<sup>204</sup> The family probably augmented their local holdings through further marriages to heiresses. Only the names survive of David de Haya's wife Eva, William junior's wife Ada, and Thomas de Haya's wife Ada, but it is likely that they inherited further lands in Gowrie, especially in the case of William junior, who became lord of Aithmuir.<sup>205</sup> It seems that getting on the good side of local magnates was part of this strategy, as David de Haya also married Ethen (Ethona or Eithne), a likely daughter of Earl Gilbert of Strathearn. Not only was the earl's own mother also named Ethona, but David's son Gilbert de Haya referred to a later earl, Máel Ísu II, as his *consanguineus*.<sup>206</sup> In the second stage, the de Haya family extended their holdings through marriage into important baronial families. John de Haya, brother of David, married Juliana de Lascelles, probable daughter of Alan I de Lascelles, lord of Naughton in northeast Fife.<sup>207</sup> Their son, Peter de Haya, went on to

<sup>199</sup> *RRS* ii, nos. 171, 185.

<sup>200</sup> *Arbroath Cart. MS*, fol. 143<sup>v</sup>-144<sup>r</sup>; *Arb. Lib.*, no. 366.

<sup>201</sup> *Ibid.*, no. 119; Barrow, *Anglo-Norman Era*, 185-6.

<sup>202</sup> *Moncreiffs*, nos. 1, 3, 4, 5.

<sup>203</sup> *Ibid.*, no. 7.

<sup>204</sup> *RRS* ii, nos. 204; 383; *St A Lib.*, 208-9, 209, 313, 313-4.

<sup>205</sup> *C. A. Chrs.*, no. 47.

<sup>206</sup> *Malisio de Strathern consanguineo meo, Lind. Cart.*, no. 78.

<sup>207</sup> *Lind. Cart.*, no. 66; *C.A. Rent.*, no. 67.



marry his probable cousin, Margerie daughter of Alan II de Lascelles and inherit the Lascelles estates; from them were descended the de Hayas of Naughton.<sup>208</sup> The main branch of the family, based at Erroll, continued successfully, as Gilbert de Haya, lord of Erroll, married Idonea, daughter of Earl William Cumin of Buchan.<sup>209</sup> Under the patronage of the most powerful noble family in the kingdom, the de Hayas gained further lands, such as Upper Coull in Mar and Dronley in Angus.<sup>210</sup>

Among smaller landholders, marriage connections were forged mainly with other minor aristocrats in the region. The evidence of marriages is even less plentiful than with earls and barons, but the same conclusions regarding 'native' or 'immigrant' status appear to apply. For example, Alexander of Ogilvie, of a cadet branch of the earls of Angus, married Dionisia, a daughter of John of Kinross.<sup>211</sup> Likewise, Ela, a daughter of Hugh of Nydie, tenants of the bishops of St Andrews, married Alexander of Blair, a Gowrie landholder who was probably in the service of the earl of Fife.<sup>212</sup> Gilbert Scot of Monorgan, a nephew of Andrew Scot, bishop of Caithness, married Christina, daughter of Merleswain, a major landholder in Fife.<sup>213</sup> Similar links can be drawn between the families of Denmuir and Moncreiffe, Kinnaird and Invertule, and Balwearie and Scot of Rungally.<sup>214</sup> Again, occasionally, there is enough evidence to identify nexuses of smaller landholding gentry. Margaret, daughter of Duncan son of Adam of Ceres in Fife, married Michael Scot, son of Malothen and lord of neighbouring Rungally.<sup>215</sup> Their son, Duncan, married into another Fife dynasty, the lords of Kinglassie and Balwearie.<sup>216</sup>

There is a good deal of evidence for strong and enduring links between aristocratic families in Fife and Buchan. It is likely that the Ete, daughter of Gillemicheil, who was married to Gartnait, earl of Buchan, *circa* 1130 was a daughter of the earl of Fife of that name.<sup>217</sup> The following earl or mormaer of Buchan, Colbán, seems to have held this position by right of his wife, Eva, daughter of Gartnait, 1150 x 72.<sup>218</sup> It is noteworthy that the only other Scottish earl of this period with the name Colbán was earl of Fife in the

<sup>208</sup> *St A Lib.*, 108. The estates were split, however, with part going to the progeny of Richard of Moray, Margerie's second husband. *St A Lib.*, 109, 109-10.

<sup>209</sup> NAS RH 1/2/31; *C. A. Rent.*, no. 55.

<sup>210</sup> NLS Adv. MS 15/1/18, no. 68; *Erroll Chrs.*, no. 11.

<sup>211</sup> *Misc. Fraser Chrs.*, no. 11.

<sup>212</sup> *Ibid.*, no. 8.

<sup>213</sup> *St A Lib.*, 269-70.

<sup>214</sup> *Moncreiffs*, no. 7; NLS Adv. Ch. A.3; *Dunf. Reg.*, no. 223.

<sup>215</sup> *Ibid.*, no. 174.

<sup>216</sup> *Ibid.*, no. 223; Barrow, *East Fife Docs.*, 32.

<sup>217</sup> Broun, 'Writing of Charters', App. II, nos. 3, 4; cf. Jackson, *Book of Deer*, nos. 3, 4; also cf. *Dunf. Reg.*, no. 3; Barrow, *Chrs. David I*, no. 171.

<sup>218</sup> Broun, 'Writing of Charters', App. II, no. 6. Cf. Jackson, *Book of Deer*, no. 6.

1260s.<sup>219</sup> Merleswain, lord of Ardross and Kennoway in Fife, was a son of this Earl Colbán of Buchan, and the earl witnessed charters of both Merleswain and Merleswain son of Merleswain to St Andrews Priory.<sup>220</sup> A Merleswain 'son of the earl of Buchan' witnessed charters of Malcolm I, earl of Fife (1215 x 25), and William Cumin, earl of Buchan (1219 x 33), but it is unclear if this was the same person as Merleswain son of Colbán or perhaps was another son.<sup>221</sup> By the time of Earl William Cumin, it is clear that Merleswain and his descendants were tenants of the earls of Buchan, at least for Kennoway. The earl and countess confirmed Merleswain's grant of Kennoway church and lands at Kilmux to St Andrews.<sup>222</sup> There are other hints to the extent of the lands held by the line of Merleswain, which must have previously been held by Colbán. Earl William Cumin also confirmed the grant that Countess Ada had made to Dryburgh Abbey of the church of Kilrenny and lands at Pitcorthie in the same parish.<sup>223</sup> Margaret of Ardross, daughter of Merleswain son of Waltheof, resigned lands at Innergellie in Kilrenny parish, circa 1281.<sup>224</sup> This environment of cooperation between Fife and Buchan at the comital level may have encouraged the settlement of other landholders from Fife in the northern province. For example, Earl Fergus of Buchan (c.1187 – c. 1212) granted lands to John son of Uhtred in a charter witnessed by Malcolm I, earl of Fife, and several of his retainers.<sup>225</sup> Also witnessing this charter were Gospatrick and Malothen mac Madethyn; Malothen further attested to a charter of Earl Malcolm I to Elgin Cathedral, 1206 x 15.<sup>226</sup> Earl William Cumin granted Kindrucht and Strichen to Gospatrick mac Madethyn, 1210 x 33.<sup>227</sup> It is possible that this Malothen was the father of Michael Scot of Rungally in Fife, and that Malothen's father was Matadin mac Mathusalem, who witnessed charters of Earl Duncan II of Fife in the 1160s or 70s.<sup>228</sup> Michael son of Malothen witnessed Earl Malcolm I's charter of Livingston and Hermiston to Archibald Douglas, along with Merleswain, son of the earl of Buchan and many others.<sup>229</sup> Michael Scot's charter to St Thomas', Canterbury, was

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<sup>219</sup> *Chron. Bower* (Watt); Kinnoull Charters, no. 114.

<sup>220</sup> *St A Lib.*, 258-9, 259-60.

<sup>221</sup> *Mort. Reg.* i, App. 1; *A.B. Ill.*, ii, 427-8; cf. *Moray Reg.*, nos. 85, 86.

<sup>222</sup> *St A Lib.*, 251, 251-2, 253, 254. See also Young, 'Earldom of Buchan', 180.

<sup>223</sup> *Dryb. Lib.*, nos. 16, 18; *RRS* ii, no. 89.

<sup>224</sup> *Dryb. Lib.*, no. 290.

<sup>225</sup> *A.B. Colls.*, 407-9. In this charter, the Latin 'filio Maded' is used rather than the Gaelic 'mac Madechin'. It is possible that the Uhtred in question was Uhtred, butler of Sir Ness of Leuchars. It is also noteworthy that Ness had a steward named Edolf, while Earl William Cumin's steward was Robert son of Edolf. *St A Lib.*, 287; NAS RH 1/2/32.

<sup>226</sup> *Moray Reg.*, no. 50.

<sup>227</sup> *Abdn. Reg.* i, 14-5.

<sup>228</sup> *St A Lib.*, 241-2, 242-3, 243-4.

<sup>229</sup> *Mort. Reg.* i, App 1.

witnessed by Sir Bernard of 'Beckery' (Petkery), which may have been Pitkierie, also in Kilrenny parish.<sup>230</sup> Like Rungally and Cairns, *Pethkeryn* was also among the lands held by the *céli Dé*. Finally, another largely obscured connection between Fife and Buchan linked Meldrum with Lundin in Fife: Walter of Lundin referred to Philip of Feodarg (Meldrum) as his kinsman (*cognato meo*).<sup>231</sup>

### *Case studies, contexts and trends*

Two topics in the study of the incomers settling in Scotland north of the Forth in this period deserve further attention – the contexts that brought them into the region in the first place and the trends that might be identified regarding change in society over the century or so that this was taking place. Furthermore, it should be acknowledged that immigrant knights often had to accommodate themselves to the extant structure, and not the other way round. First, incoming families often sought to make marriage ties with the families of Scottish earls. Eventually, immigrants were allowed (by the king) to marry into and inherit Scottish earldoms, but not without a good deal of continuity. Second, individual immigrants often found their way into Scottish society by serving in the households of earls. Third, incoming knights were sometimes tenants of Scottish earls, although the evidence for this is less conclusive than that for direct tenants of the king. Finally, two diachronic trends will be examined – the dying out or decline of various immigrant families over this period and the adoption of toponymical surnames based on Scottish places.

While the evidence is surely incomplete, and there are a great many daughters of earls for whom their husband is unknown, it is still quite clear that many male and female members of immigrant families sought to link themselves with the powerful magnates of Scottish society through wedlock. Orabilis, daughter of Ness of Leuchars, was married to both Adam son of Earl Duncan I of Fife and Gillecrisp, earl of Mar, after her divorce from Robert de Quincy.<sup>232</sup> Alice Corbet married Duncan, son of Earl Duncan II of Fife (their son was Earl Malcolm II), as her relative Christina Corbet was wed to William son of Earl Patrick I of Dunbar.<sup>233</sup> Elizabeth, daughter of Earl Duncan II, married Roger de Mortimer

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<sup>230</sup> Barrow, *East Fife Docs.*, 31-2.

<sup>231</sup> *Misc. Fraser Chrs.*, no. 14.

<sup>232</sup> *St A Lib.*, 287, 287-8.

<sup>233</sup> *St A Lib.*, 262-3, 278.

of Fowlis Easter.<sup>234</sup> As has been discussed, David de Haya of Erroll probably married Ethen, a daughter of Earl Gilbert of Strathearn – they were clearly related to the earls by the time of Gilbert de Haya.<sup>235</sup> Moreover, Walter Olifard I may have married Christian, daughter of Earl Ferteth of Strathearn, but the evidence is late.<sup>236</sup> Henry earl of Atholl's wife Margaret may have been a member of the Cumin family.<sup>237</sup>

The first men from outwith Scotland north of Forth to become earls (that are known) were Thomas of Galloway, who married Isabella, daughter of Earl Henry of Atholl, and William Cumin, who was betrothed to Margaret, daughter of Fergus, earl of Buchan; both occurred around 1210.<sup>238</sup> In Alexander II's reign, more earldoms would become available as lines devolved to females. William Cumin's son, Walter, was allowed to marry Isabella, the heiress to Menteith and take over the earldom.<sup>239</sup> John Cumin married Matilda, daughter of Earl Malcolm of Angus but died soon after the earl; the earldom instead went to her next husband, Gilbert de Umfraville, and their offspring.<sup>240</sup> After the murder of Patrick of Atholl in 1242, the earldom went by way of Earl Henry's other daughter, Forbhflaith, to her husband, David of Hastings, although it would later fall on the lords of Strathbogie.<sup>241</sup> David of Hastings' family already held land in Angus and Garioch before he married Forbhflaith.<sup>242</sup> David's presumable relation to Henry of Hastings, husband of Ada, daughter of Earl David of Huntingdon (his namesake?), must have been a major factor in his being chosen to marry Forbhflaith. William Cumin had been a landholder in Kirkintilloch before his marriage, but he rose to great heights as earl and justiciar and was able (presumably) to negotiate the marriages of Walter and John Cumin. The Umfravilles were total strangers to Scotland north of Forth before their assumption to the earldom of Angus and they deserve to be the subject of further investigation.

King William was probably aware of the likelihood that Atholl and Buchan would become available after the deaths of Earls Henry and Fergus, and he must have picked candidates of both sufficient stature and loyalty to marry the heiresses. Thomas' marriage

<sup>234</sup> *Gen. Coll.* i, 46-7, no. 2.

<sup>235</sup> See note 205, above; cf. Neville, 'Earls of Strathearn', 245.

<sup>236</sup> *SP* viii, 241; Neville, 'Earls of Strathearn', 245.

<sup>237</sup> Hammond, 'Durward family', 127.

<sup>238</sup> *RRS* ii, nos. 489, 522.

<sup>239</sup> *C. A. Rent.*, nos. 30, 32, 34; *NLS Ch.* 6004; *Moray Reg.*, nos. 85, 86.

<sup>240</sup> *Chron. Melrose*, 90-1, *sub annis* 1242 & 1243.

<sup>241</sup> *C. A. Chrs.*, nos. 50, 52; *C. A. Rent.*, nos. 31, 32, 86.

<sup>242</sup> *Panm. Reg.* i, cliv; *Lind. Cart.*, no. 118. For John Hastings, perhaps David's father, see *Arb. Lib.*, nos. 47, 52, 86, 90, 91, 142; *C. A. Chrs.*, no. 55; *C. A. Rent.*, nos. 35, 48.

to Isabella should be seen in the context of the marriage of his brother Alan son of Roland, the constable, to Margaret, Earl David's oldest daughter, in 1209, and the role both Alan and Thomas were to play in the campaign against Guthred or Gofraid mac William in 1211.<sup>243</sup> William Cumin's part in this same conflict and his role as sheriff of Forfar must also be considered. Not only did these earls need to know the north in order to serve the king there, but they also had to be known and respected enough by the lower levels of the aristocracy in those regions to be seen as legitimate figures. The ascendance of Thomas and William to these, the first of the Scottish earldoms to fall to 'outsiders', has not been examined in this light, but there is every indication that a certain degree of care was taken to ensure continuity and legitimacy.

William Cumin's connections to the earldom of Atholl must have played a large part in his success as earl of Buchan. William's mother, Hextilda of Tynedale, was a direct descendant of King Domnall III Bán, by way of his daughter, Bethoc. Furthermore, Hextilda's second husband was Malcolm, earl of Atholl.<sup>244</sup> That William Cumin's stepfather was an important Scottish earl was probably a major factor in his accession to the earldom of Buchan. These ties seem to have played out in other ways: the Cumins seem to have accompanied Earl Malcolm of Atholl and his family on a pilgrimage to Durham Cathedral, where their names were inscribed in the *Liber Vitae*.<sup>245</sup> It is possible that Earl Henry's wife, Margaret, was a member of the Cumin family, and William Cumin's son, Walter Cumin, earl of Menteith, played a powerful role in the widowhood of Countess Isabella.<sup>246</sup> Furthermore, Walter Bower saw Alexander and John Cumin as relatives of the slain Patrick of Atholl.<sup>247</sup>

When an outsider succeeded to an earldom, there was evidently a good deal of continuity. This must be seen within its proper context, that is, ensuring stability within a time of change. For this reason, the countesses (heiresses to the earldom) maintained a good deal of control, at least legally, for they often issued parallel charters to their husbands, particularly in the case of Buchan.<sup>248</sup> Furthermore, the new earls seem to have purposely surrounded themselves with the male descendants of the previous ruling kin-group. Although the male line of an earldom had come to an end, there were still generally

<sup>243</sup> This role was foreshadowed by that of their father Roland in the 1187 Mac William rising. Stringer, Alan of Galloway, 'Periphery and Core', 86-7.

<sup>244</sup> *ES* ii, 39; *Dunf. Reg.*, no. 147.

<sup>245</sup> Barrow, 'Scots in the Durham *Liber Vitae*', 112.

<sup>246</sup> *C. A. Rent.*, nos. 30, 32, 43.

<sup>247</sup> *Chron. Bower* (Watt), v, 181.

<sup>248</sup> Countess Margaret included as a co-grantor: *A.B. Ill.* ii, 427-8; *Arb. Lib.*, no. 130; *Dryb. Lib.*, no. 18; *St A Lib.*, 251-2. Countess Margaret issued parallel charters: *St A Lib.*, 250, 251, 251-2, 252-3, 253, 254, 250.

'illegitimate' sons of the previous earl and other disqualified male relatives. This was probably part of a deliberate strategy to draw lines of continuity. In Atholl, the hitherto unrecognised Constantine mac Máelmuire was almost certainly son of the Máelmuire who seems to have held the earldom in wardship for the young earl Malcolm, perhaps in the 1150s.<sup>249</sup> Constantine appears to have travelled to Durham with Earl Malcolm and the Cumins, where he is called *nepos* of the earl.<sup>250</sup> Constantine mac Máelmuire further appeared as a witness to a charter of Thomas of Galloway, earl of Atholl, doubtless representing a degree of authority in terms of the old kin-group.<sup>251</sup> In Atholl, this continuity can be seen in the enduring role of Conan, an illegitimate son of Earl Henry, and his son Ewen.<sup>252</sup> One should envisage a similar role for figures like Merleswain and Magnus, sons of Colbán, and Adam son of Earl Fergus, in Buchan. Men such as these must have had a good deal of influence among local landholders and would have provided invaluable support for new earls like William Cumin and Thomas of Galloway.

One of the contexts for immigrants coming to Scotland was serving in the household of the earls and other great magnates, and many of these men went on to become landholders in Scotland. Many of the dependents of the earls of Fife had bynames suggesting they had emigrated to Scotland from places outwith Scotland north of Forth. William of *Samelthon* (Samuelton?, unidentified) was steward of Earl Duncan II of Fife.<sup>253</sup> Milo de Raiville and William of Holderness (East Riding of Yorkshire) were described as Duncan's men and William of Wyville (Lincolnshire) witnessed many of the earls' charters.<sup>254</sup> Earl Malcolm II's steward or seneschal in 1245 was Sir Ness, who was most likely Ness of Ramsey, son of Ness of Ramsey (Huntingdonshire or Essex), to whom the earl granted lands at Lindifferon.<sup>255</sup> Other members of the earls' household or circle had Scottish toponymics, men like Adam of Ceres, Alexander of Blair and Thomas of Kilmaron. The earl of Fife seems to have held the lands represented by the parish of Ceres: Earl Malcolm granted to Alexander of Blair lands at Teasses in that parish and it is likely

<sup>249</sup> Barrow, *Chrs. David I*, no. 136, also see p. 176; Jackson, *Book of Deer*, 81-3.

<sup>250</sup> Barrow, 'Durham *Liber Vitae*', 112.

<sup>251</sup> Anderson, *Oliphants*, no. 3.

<sup>252</sup> *Lind. Cart.*, no. 73; *C. A. Rent.*, nos. 37, 38; *C. A. Chrs.*, no. 52; *Inchaff. Lib.*, App., no. 18.

<sup>253</sup> *St A Lib.*, 243-4. Duncan II also had a steward named Astin. *Misc. Fraser Chrs.*, no. 4.

<sup>254</sup> On Milo, see Barrow, 'Durham *Liber Vitae*', 113; *St A Lib.*, 241, 243, 259-60. On William of Holderness, see *St A Lib.*, 241, 243. On William of Wyville, see *St A Lib.*, 260, 269, 273; *Dunf. Reg.*, no. 144, *Moray Reg.*, no. 50; *Misc. Fraser Chrs.*, no. 7; *Laing Chrs.*, no. 6; *N.B. Chrs.*, nos. 7, 10.

<sup>255</sup> *St A Lib.*, 44, 282. Cf. *Culross Chrs.*, 69-71; *Dunf. Reg.*, no. 145; *St A Lib.*, 245; *Balm. Lib.*, no. 37; *Moray Reg.*, no. 16; *N.B. Chrs.*, no. 7; NAS GD 20/1/6/189. Duncan of Ramsey held Clatto, Fife, 1240 x 53, and it is likely that they were tenants of the earl of Fife for this land. *St A Lib.*, 328.

that the family of Ceres were also tenants.<sup>256</sup> William of Kilmaron held lands from the earl in Lothian.<sup>257</sup> Other earls had tenants who may have been immigrants. William Olifard held Invervack in Atholl from Earl Thomas of Galloway (1210 – 31), to whom he referred as ‘my lord’.<sup>258</sup> Nigel of Luvetoft, a landholder at Dalpatrick, was probably a tenant of the earls of Strathearn.<sup>259</sup>

David, earl of Huntingdon (d. 1219) and his son John, earl of Huntingdon (1219 – 37) and earl of Chester (1232-37), were also major landholders in Scotland north of Forth, holding the lordship of the Garioch, as well as Dundee, Longforgan, and other lands. Many members of their considerable households spent a fair amount of time north of Forth, witnessing charters of the earls. Most significant of these were William Wascelin<sup>260</sup>, Walkelin son of Stephen and his son Henry<sup>261</sup>, Robert and William de la Carneille<sup>262</sup>, Hugh Brito<sup>263</sup>, Henry and Simon de Boiville<sup>264</sup>, and Simon de Quarantilly (‘Grandtully’).<sup>265</sup> Many of these men became tenants of the earls in Scotland, Wascelin at Newtyle, Angus, Hugh Brito at Flinder, in the Garioch, Henry de Boiville at Ardoyne, and possibly Walter de la Carneille at Guthrie, Angus.<sup>266</sup> Similarly, apparently immigrant knights were in the service of Robert of London, the king’s illegitimate son, including Robert de Annou, Simon Maleverer and William Avenel.<sup>267</sup> Other ‘Anglo-Scottish barons’ like Saher and Roger de Quincy, earls of Winchester and, in the case of Roger, constable of Scotland, also had men in their service, many of whom were probably immigrants from their English holdings. Many of the men associated with Roger de Quincy, such as Philip of Chetwynd (Shropshire?), Robert of Hereford, Warin of Thunderley (Essex?), and Richard of Wix (Essex?)<sup>268</sup>, do not seem to have settled in or held lands in Scotland; indeed, one of de Quincy’s stewards was Murinus of Kinloch, a family that had already been in the service

<sup>256</sup> *Misc. Fraser Chrs.*, no. 7

<sup>257</sup> *Mort. Reg.* i, App. 1.

<sup>258</sup> *C. A. Rent.*, no. 28.

<sup>259</sup> *Inchaff. Chrs.*, no. 55.

<sup>260</sup> Stringer, *Earl David Acta*, nos. 6, 55; *St A Lib.*, 41-2, 237, 238, 269-70; *Lind. Cart.*, nos. 2, 3, 4, 5, 7, 8, 29, 36, 37, 39, 75, 81, 82; *Arb. Lib.*, no. 83.

<sup>261</sup> *St A Lib.*, 237, 238, 269-70, 325-6; *Arb. Lib.*, no. 83; *Lind. Cart.*, nos. 2, 3, 4, 6, 7, 8, 10, 13, 29, 75, 85, 86.

<sup>262</sup> *St A Lib.*, 313; Stringer, *Earl David Acta*, nos. 28, 55; *Lind. Cart.*, no. 39.

<sup>263</sup> *Dunf. Reg.*, no. 189; *Lind. Cart.*, no. 129.

<sup>264</sup> *Lind. Cart.*, nos. 3, 5, 15, 16, 17, 56, 59; Stringer, *Earl David Acta*, nos. 10, 56; *Panm. Reg.* ii, 203-4.

<sup>265</sup> *Lind. Cart.*, nos. 17, 18, 56, 57, 59, 83; *Moray Reg.*, no. 33; *Misc. Fraser Chrs.*, no. 14. For a history of the names ‘de la Carneille’ and ‘Quarantilly’, see Barrow, Scotland’s ‘Norman’ families, 293-4.

<sup>266</sup> *Lind. Cart.*, nos. 10, 129; Stringer, *Earl David Acta*, no. 10; *RRS* ii, no. 473.

<sup>267</sup> *Arbroath Cart. MS*, fols. 147<sup>r-v</sup>; *NAS GD 160/189/3*; *Dunf. Reg.*, no. 167; *Arb. Lib.*, nos. 61, 256; Barrow, *East Fife Docs.*, no. 5; *Misc. Panm. Chrs.*, no. 3.

<sup>268</sup> *Lind. Cart.*, no. 137; Simpson, *Roger de Quincy Acta*, nos. 25, 26; *St A Lib.*, 336, 337; *Six Early Chrs.*, no. 6. See also Simpson, ‘The Familia of Roger de Quincy’, 115.

of the family and holding lands in Fife under Ness son of William of Leuchars.<sup>269</sup> Conversely, another steward of Saher and Roger was William of Shelford (Cambridgeshire), who along with members of his family, Simon, Thomas and Master Eustace, appears in Scottish charters of the earls.<sup>270</sup> The constables of Leuchars, among them Elias Sweyn and Peter Basset, were also in the service of the de Quincys.<sup>271</sup>

Another aspect of society in Scotland north of Forth that has been largely overlooked is the tendency of many families to decline in importance, die out in the male line, or even leave Scotland altogether. Power is always in flux, and any study of aristocracy must give notice to the constantly changing nature of its distribution. During this period, of course, many families failed to produce male heirs, the result being that some of the families that were the most influential in the late twelfth century had become eclipsed or had totally disappeared by the mid thirteenth. For example, as chamberlains, the Valognes family were at the highest echelons of society, until William de Valognes died in 1219, leaving the estates to be divided among three heiresses, Christina, Sibylla and Lora. The chief estate, Panmure, went to the Maules, the chamberlainship went to Henry de Balliol, and other lands went to Robert de Stuteville.<sup>272</sup> Another family associated with the chamberlainship, the Berkeleys, lost their position of prominence after the chief estates at Inverkeilor went to Eustace de Balliol, nephew of the aforementioned Henry, and the Mearns estates went to Robert son of Warnebald and his wife Richenda, who outlived him.<sup>273</sup> After the death of Earl John *de Scotia* in 1237, the Huntingdon estates were divided among the families of Balliol, Bruce, and Hastings.<sup>274</sup> The considerable estates of Roger de Quincy, earl of Winchester and constable of Scotland, were divided among heiresses in 1265.<sup>275</sup> The Murray of Duffus line ended in two heiresses, Mary, who married Reginald le Cheyne, and Christian, married to William of Federeth.<sup>276</sup> The same thing occurred fairly often with families of less land, as well. The family taking their name from Kinglassie married into the Scots of Rungally, later of Balwearie.<sup>277</sup> The line of Merleswain of Kennoway was subsumed in the third quarter of the thirteenth century.<sup>278</sup>

<sup>269</sup> *Inchaff. Chrs.*, no. 42, *St A Lib.*, 255-6, 256-7.

<sup>270</sup> *Inchaff. Chrs.*, nos. 38, 42; *St A Lib.*, 255-6, 256-7, 292-3, 336, 337; Simpson, *Roger de Quincy Acta*, Add. nos. 12, 13; *Dunf. Reg.*, no. 155; *C. A. Chrs.*, no. 19; *Camb. Reg.*, no. 70.

<sup>271</sup> Simpson, *Roger de Quincy Acta*, nos. 21, 25; *Six Early Chrs.*, no. 6; *Balm. Lib.*, no. 13.

<sup>272</sup> *Panmure Reg.*, ii, 124, 135-7.

<sup>273</sup> *Arbroath Cart. MS*, fol. 143<sup>v</sup>-144<sup>r</sup>; *Arb. Lib.*, no. 263.

<sup>274</sup> Stringer, *Earl David*, 180-181; Duncan, *Kingdom*, 533.

<sup>275</sup> Duncan, *Kingdom*, 532.

<sup>276</sup> *Moray Reg.*, xxxvi – xl.

<sup>277</sup> Barrow, 'East Fife Docs.', 32.

<sup>278</sup> *Inchcolm Chrs.*, no. 25; *Dryb. Lib.*, no. 290.



Some families did not last long as Scottish landholders. Henry Revel married Margaret, daughter of Orm, abbot of Abernethy, and held Balmerino and Coultra *de jure uxoris* in the 1170s.<sup>279</sup> Richard Revel, Henry's nephew, inherited the lands in the first quarter of the thirteenth century, but at that point they fell on his brother, Adam of Stawell, a landholder in Somerset. Queen Ermengarde bought the whole estate from him in 1225 in order to establish a Cistercian monastery there.<sup>280</sup> Similarly, one of Earl David's knights, William Wascelin, may have been representative of the experience of many household retainers of Anglo-Scottish barons. Earl David granted him Newtyle in Angus, but after his death, his wife Mabel took it to her new husband Robert Griffin.<sup>281</sup>

By the thirteenth century, the adoption of toponymical surnames was commonplace. Families taking their names based on places in Scotland north of Forth can be described in greater detail. Many immigrant families that were already using toponymical surnames tended to continue the use of these names, indicating places in France (de Haya, de Balliol, de Warenne, de Valognes) and England (Lindsey, Ramsey, Berkeley, Hastings). Many of the tenants of these great baronial families who moved to Scotland, however, were only using patronymics and several of these adopted the use of toponymics based on Scottish place-names. It is harder to identify these individuals as immigrants; however, Moncreiffe, Meigle, perhaps Kinnaird and Inverpeffer and probably several others began in this way. There are several clear instances of families taking their names from Scottish places, even though those estates were held by upper-level immigrant barons. In some cases, as with Moncreiffe (which was held by the de Moubrays), the family adopting the toponymic was probably immigrant. The stewards of Arbroath Abbey, of uncertain background, adopted the by-name 'of Inverkeilor', despite that estate being held by the Berkeleys and later, by the Balliols.<sup>282</sup> Similarly, the family of Rossie, Angus, were tenants of the Malherbes (see Gen. Tree 4.14).<sup>283</sup> The family of Arbuthnott held those lands from the Olifards, the family of Kinloch held their lands from the de Quincys, and the family of Cargill had their lands from the Munfichets (Muschets).<sup>284</sup> Flemish immigrant families, who, unlike their Norman counterparts, did not use toponymics, also tended to develop surnames once in Scotland. It was also possible for families to drop the

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<sup>279</sup> *RRS* ii, nos. 147, 152.

<sup>280</sup> *Balm. Lib.*, nos. 3, 4, 5, 6; *St A Lib.*, 271-2.

<sup>281</sup> *Lind. Cart.*, nos. 37, 39.

<sup>282</sup> *Arb. Lib.*, nos. 72, 74; *RRS* ii, nos. 171, 185.

<sup>283</sup> *Arb. Lib.*, nos. 63, C.O. X.

<sup>284</sup> *Synod of Perth 1206*; Simpson, *Roger de Quincy Acta*, nos. 23, 25; *RRS* ii, no. 334; Anderson, *Oliphants*, no. 5.

use of a toponymic based on a place outwith Scotland north of Forth in favour of a local place-name, as when a branch of the family of Swinton took the name Arbuthnott. Likewise, the family of de la Carneille most likely took the name of their estate, Guthrie.<sup>285</sup> Of course many non-immigrant families were also adopting the use of surnames at the same period, among them the families of Ogilvie, Abernethy, Glencarnie and many more besides. The adoption of toponymical surnames based on Scottish place-names was an important and perhaps overlooked trend that indicated a change in identity and sense of place among many people, especially immigrants, who were definitively associating themselves, not with their ancestral, but with their adopted, homeland.<sup>286</sup> The widespread use of Scottish toponymics by such a broad swathe of aristocratic kin-groups of varying backgrounds served as an indicator of the growth of a new baronial class that was distinguished only by its local attachments.

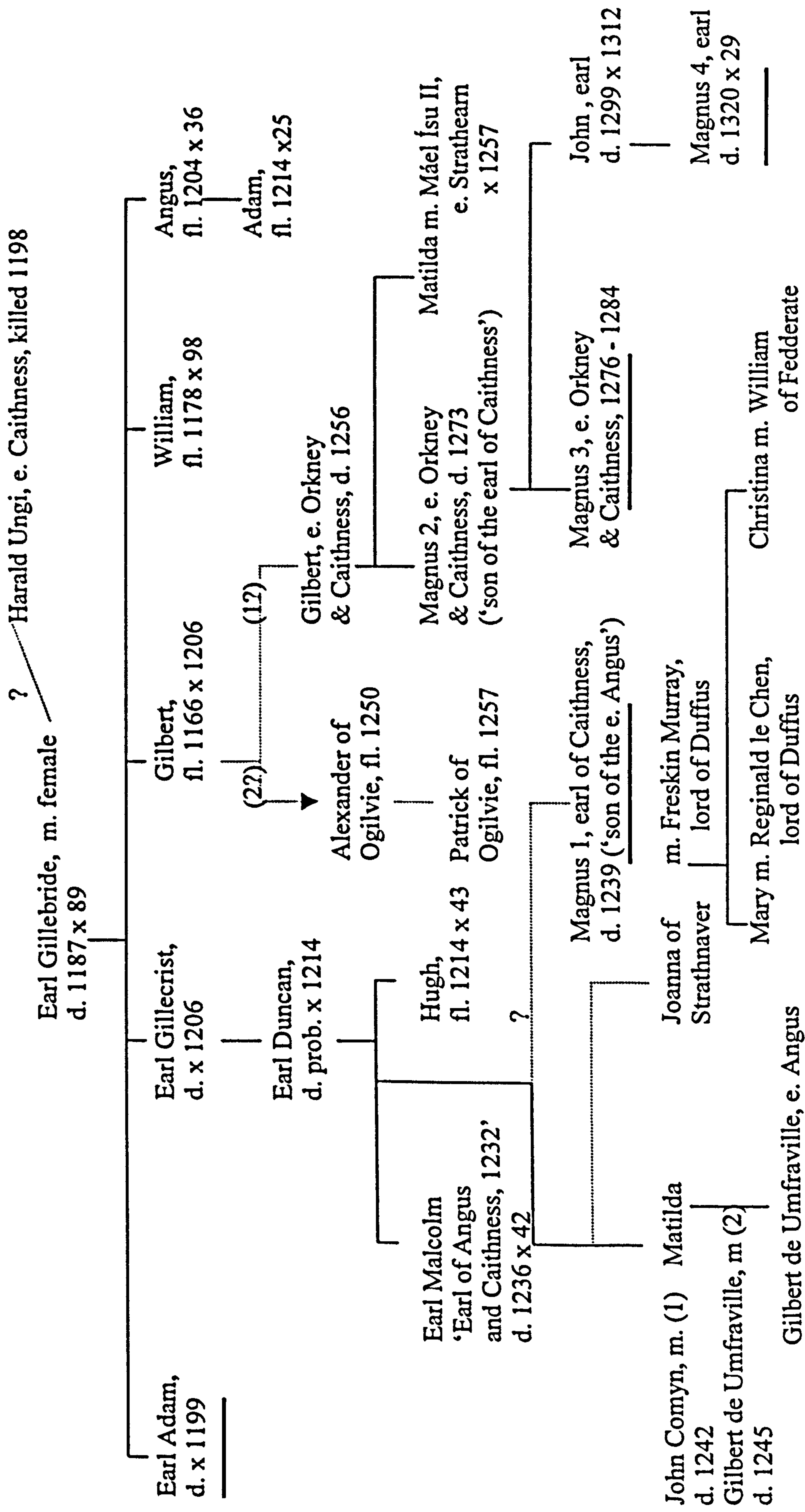
By the mid-thirteenth century, a new aristocracy had developed in Scotland north of the Firth of Forth, one which drew on the many strands of Scottish society, taking in cadet branches and illegitimate children of earls and other magnates, as well as members of the old ecclesiastical dynasties and administrative class, while mixing with the incomers who were settling in Scotland, having come from France, England, or other parts of the kingdom. Many of these people came due to the influence of queens and countesses like Countess Ada de Warenne and Queen Ermengarde de Beaumont; others were in the service of great cross-border lords like David, earl of Huntingdon, and Roger de Quincy, earl of Winchester. Still others came north to serve as officers and retainers for the Scottish earls or the king. Through ties of marriage and landholding, a new baronial aristocracy emerged, one defined by its position in the society of the kingdom of the Scots, and not by beliefs about ethnic difference.

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<sup>285</sup> Barrow, *Kingdom*, 294.

<sup>286</sup> According to J.C. Holt, the adoption of local toponymics was also a way of 'staking out title' to the new lands. See Holt, 'What's in a name? Family nomenclature and the Norman Conquest' in *Colonial England*, 194. Holt also offers several useful caveats for understanding toponymical surnames, 193.

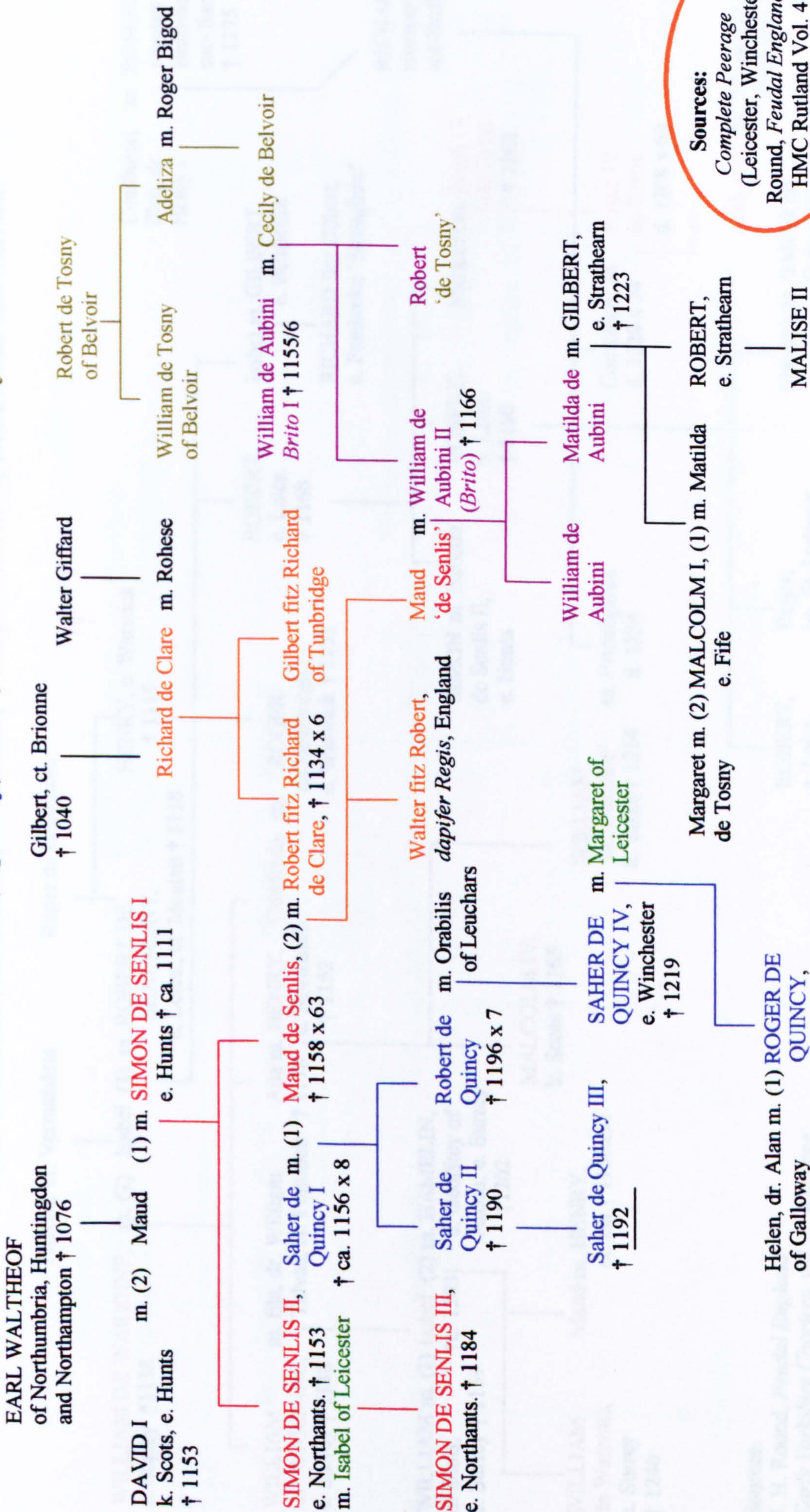
#### 4.1: Earls of Angus, earls of Caithness and lords of Ogilvie







### 4.4: Senlis, Quincy, Clare, Aubini Brito and Tosny Belvoir

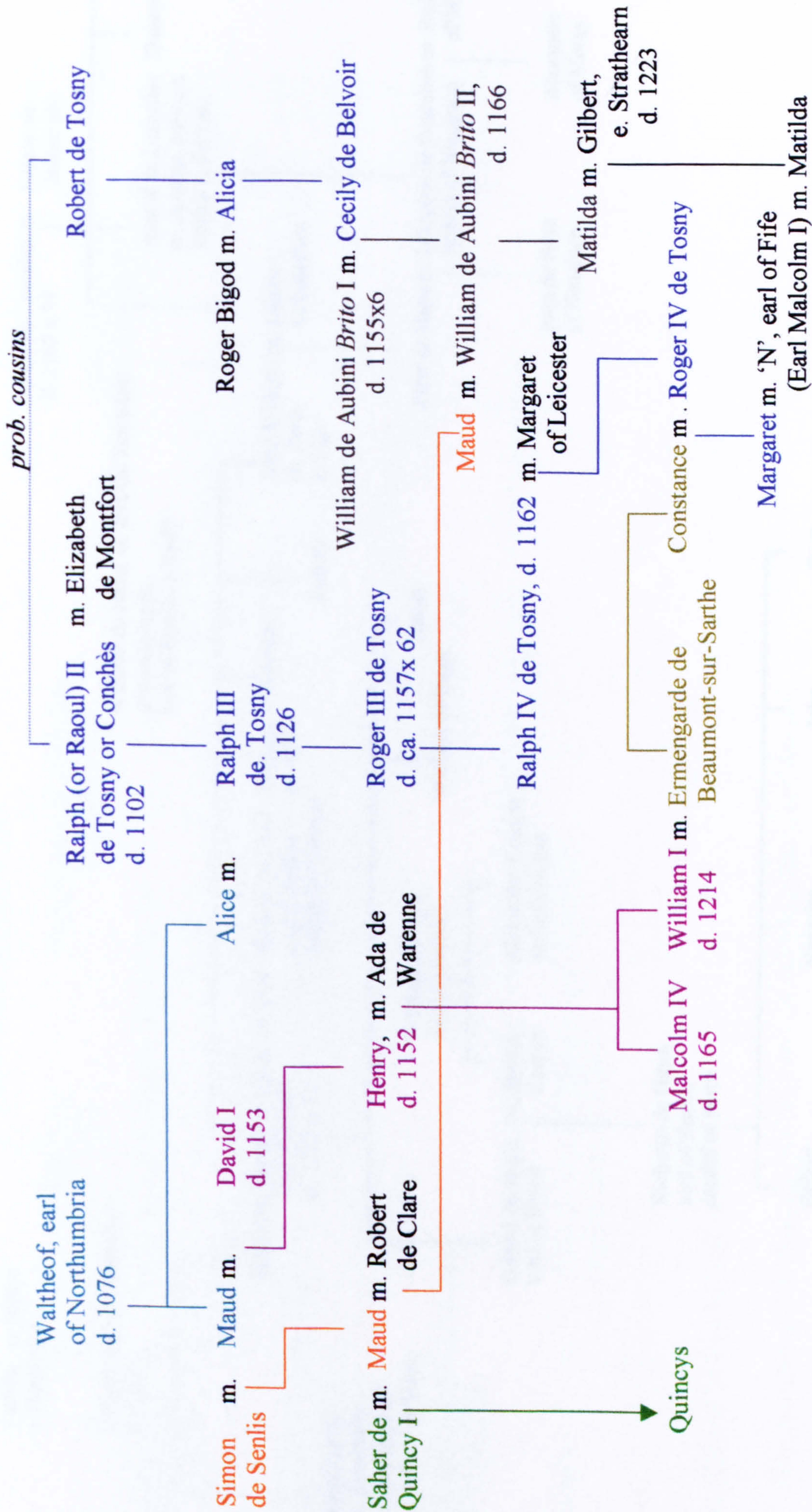


**Sources:**  
 Complete Peerage  
 (Leicester, Winchester)  
 Round, Feudal England  
 HMC Rutland Vol. 4

Colour key: Senlis – red. Quincy – blue. Beaumont/Leicester – green. Aubini- purple. Tosny of Belvoir – dark yellow.

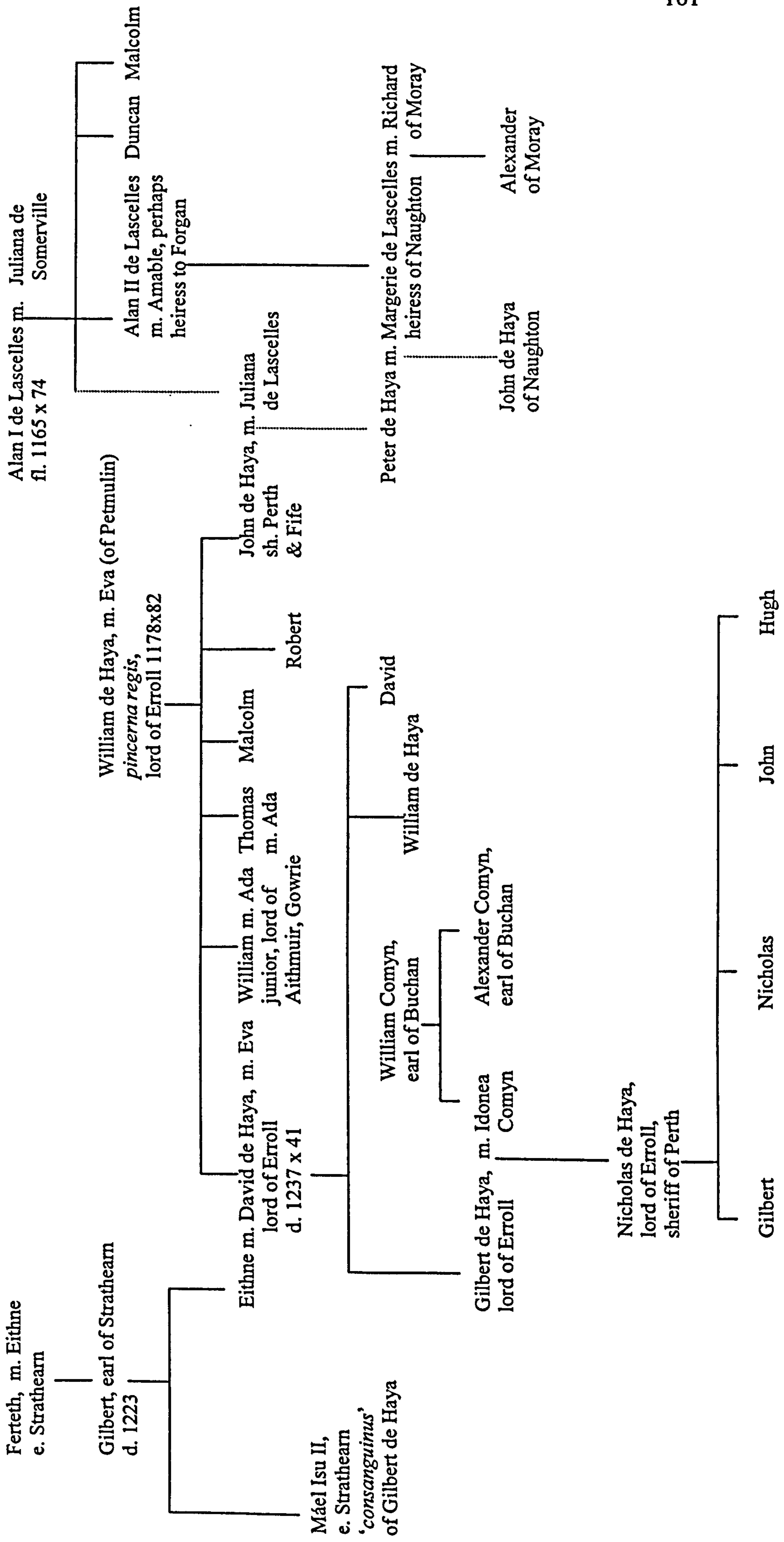


## 4.6: Tosny

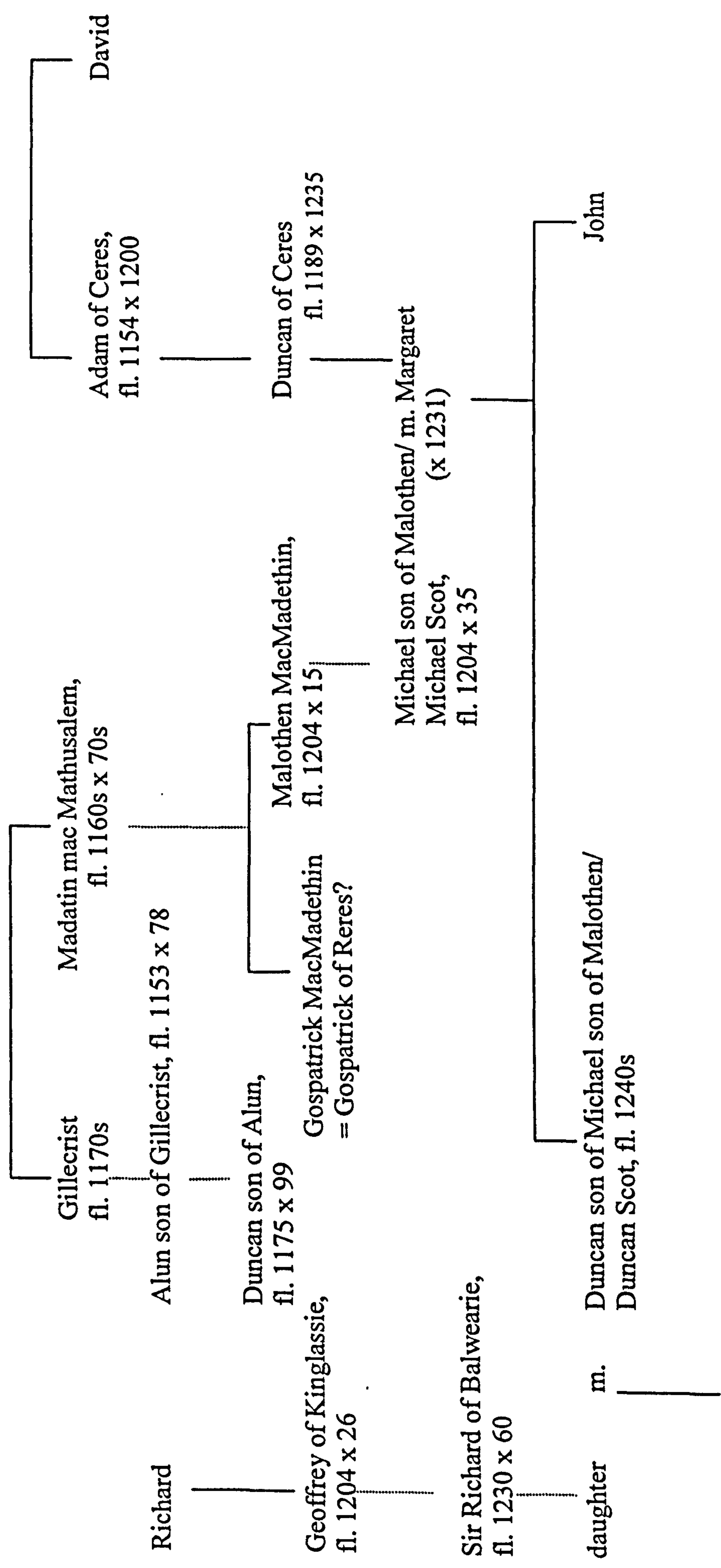




### 4.7: The de Hayas and their connections



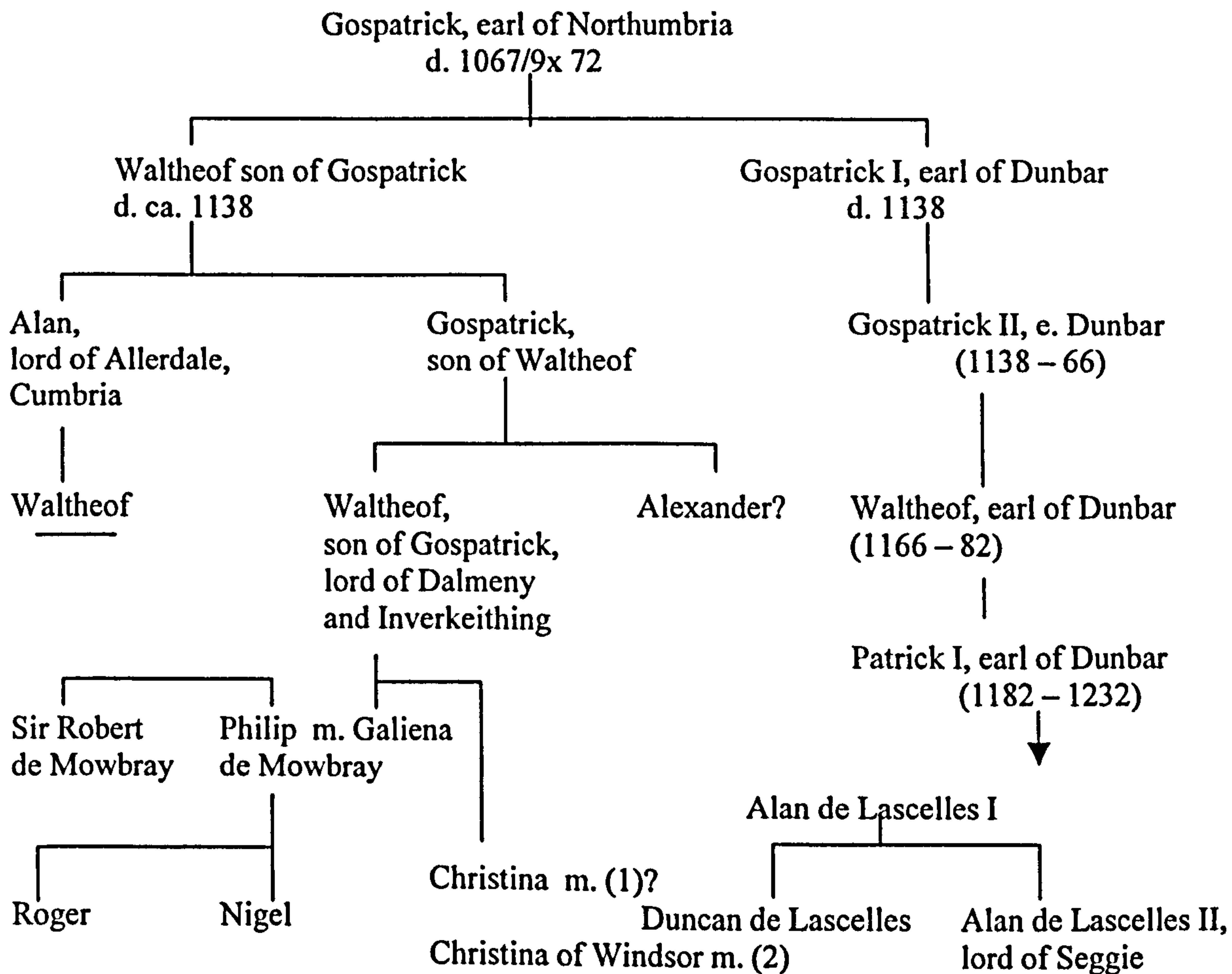
4.8: Conjectural Genealogical Tree: Scot (of Rumgally), Ceres and Kinglassie/ Balwearie



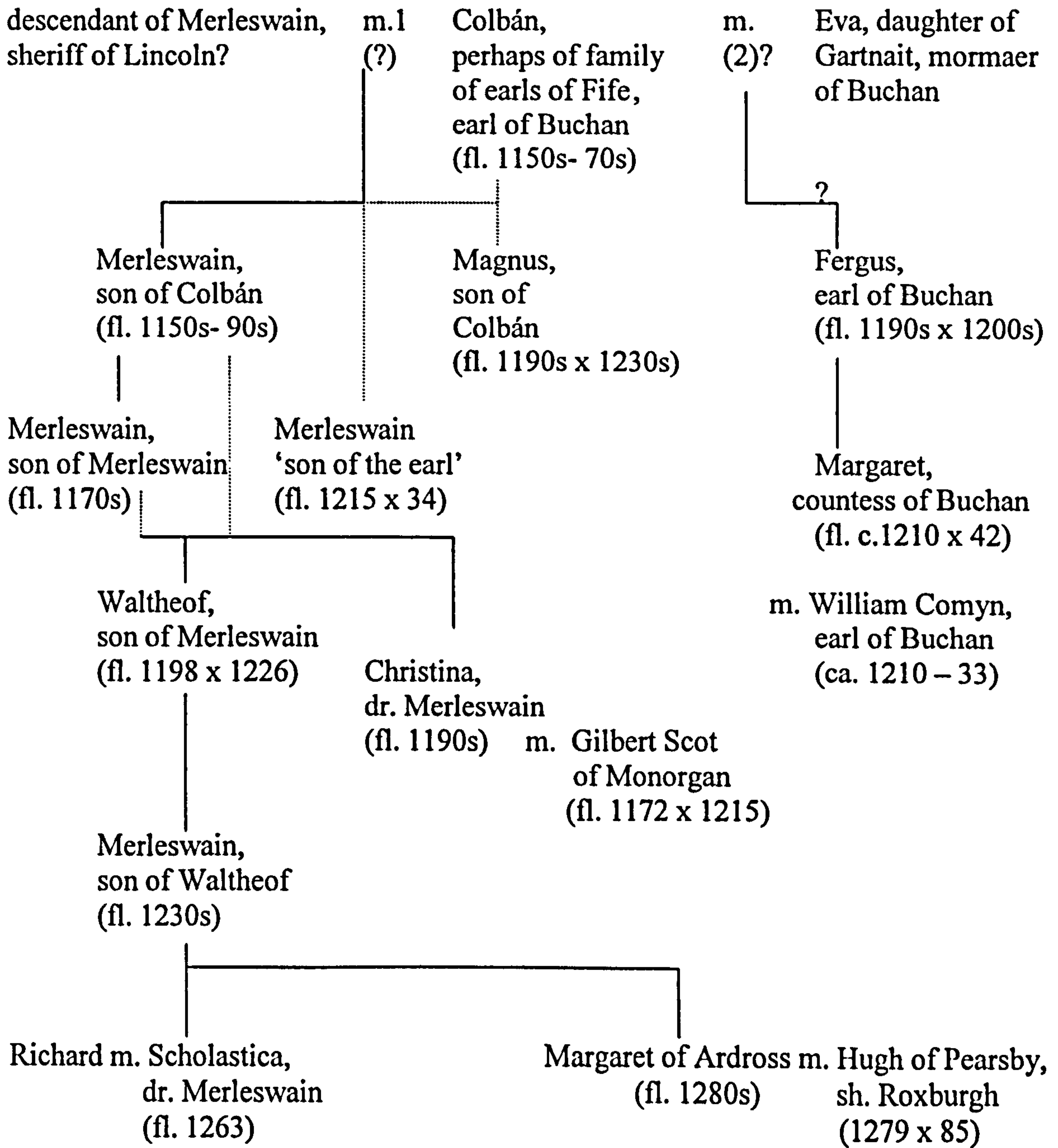
Sir Michael Scot of Balwearie

\* Gillecrist, brother of Matadin, possibly same as Gillecrist mac inien Samuel.

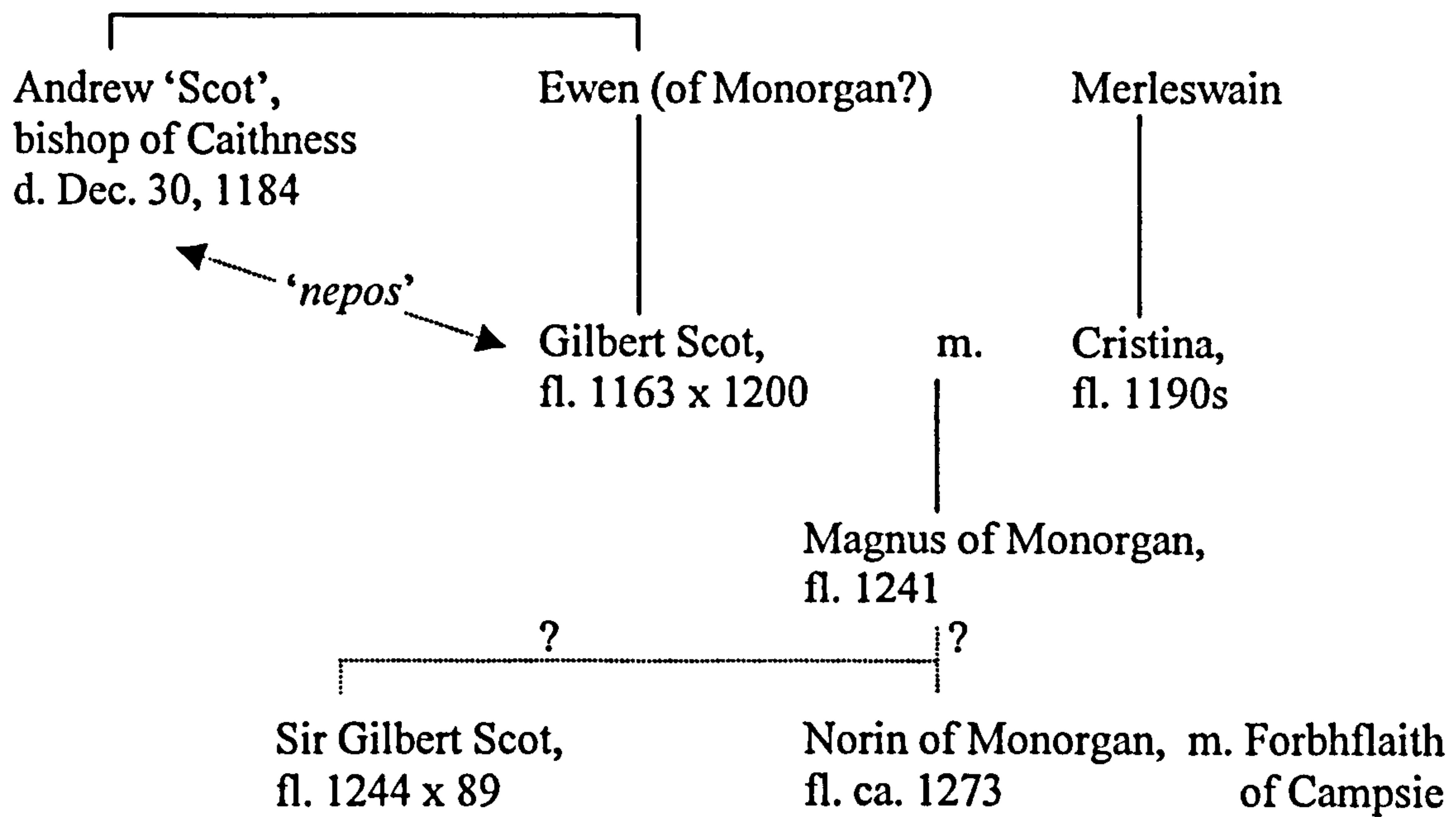
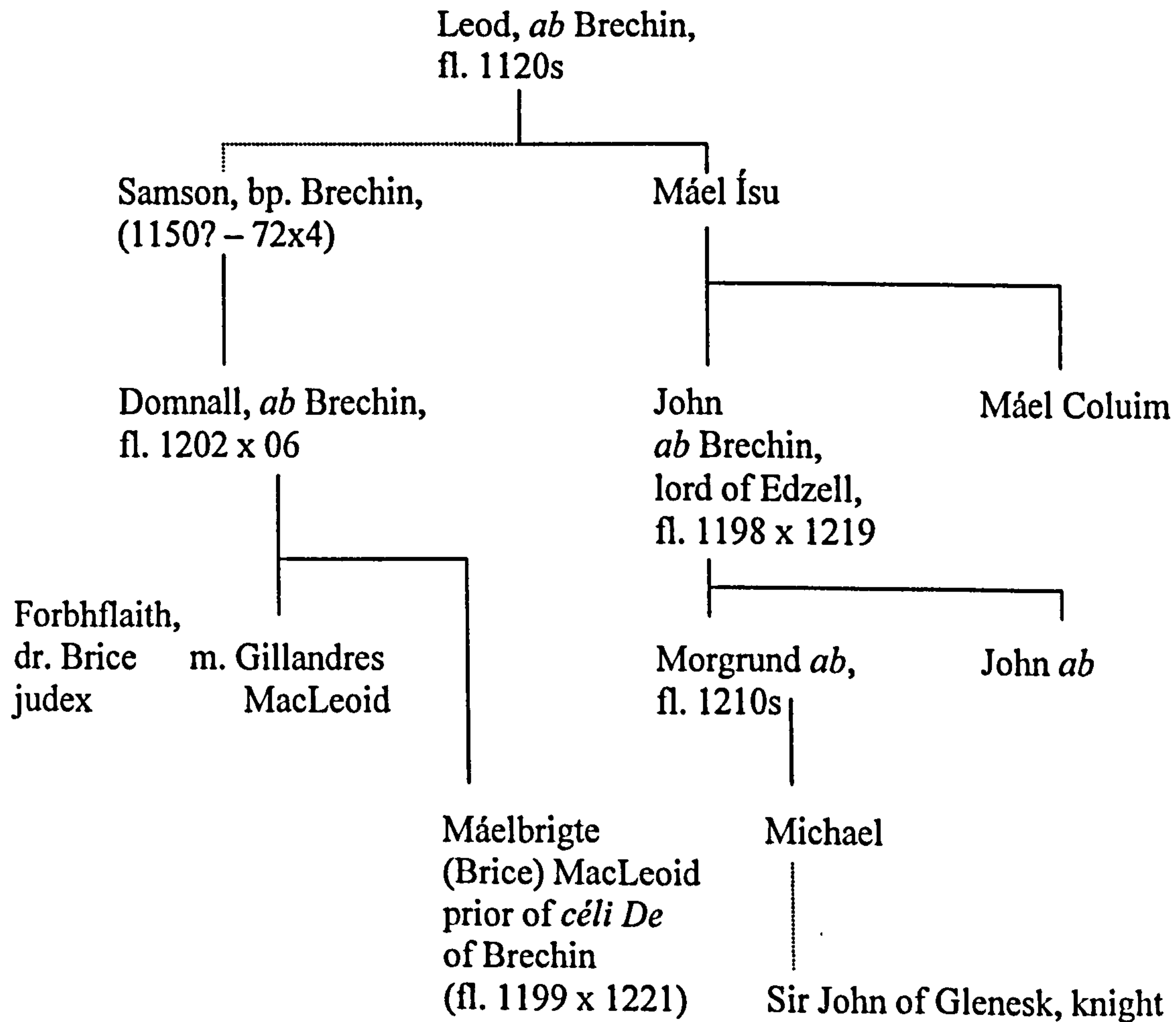
### 4.9: Lords of Inverkeithing and the Earls of Dunbar



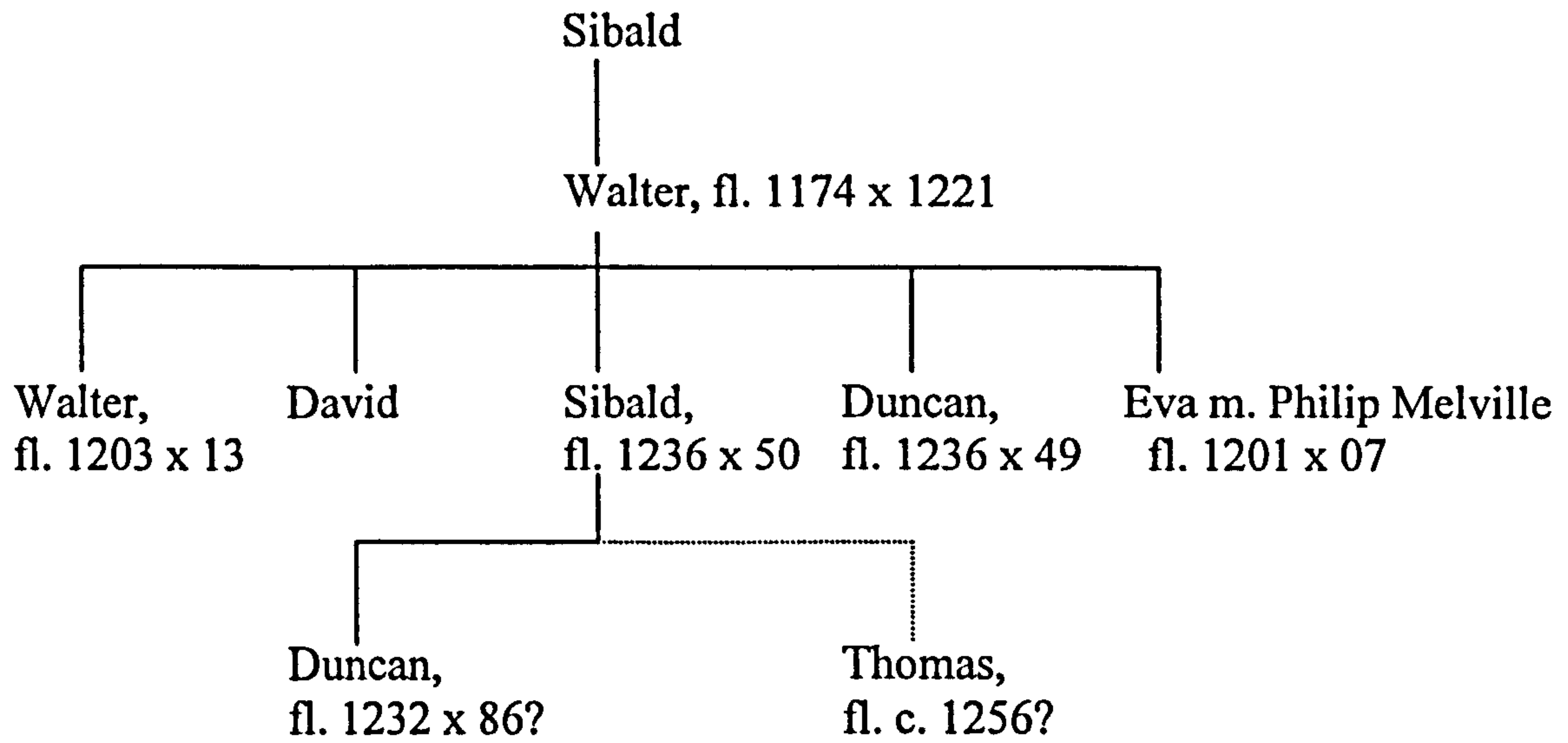
## 4.10: Lords of Ardross and Kennoway



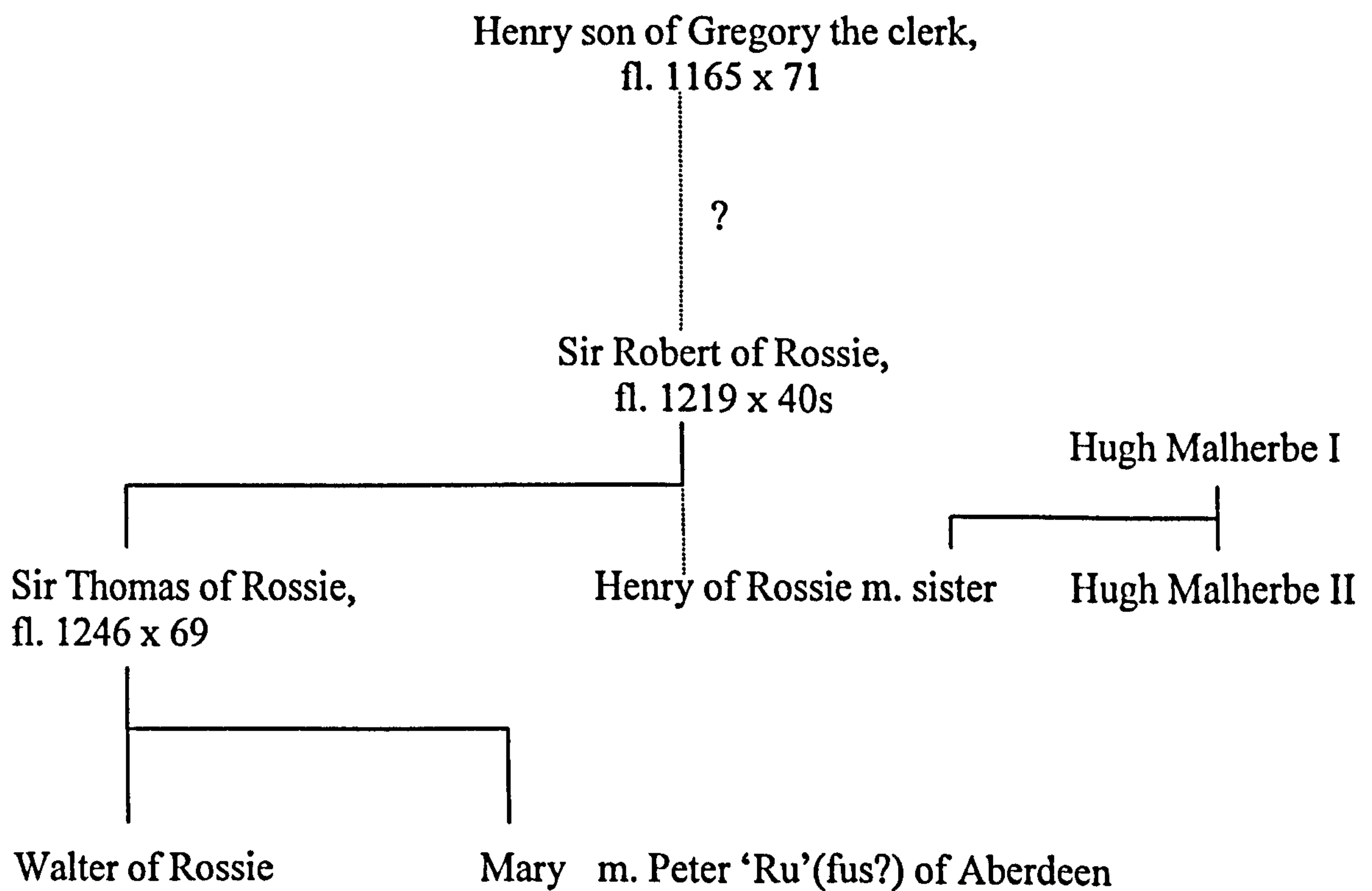
## 4.11: Scot of Monorgan

4.12: MacLeoid/ *ab* of Brechin

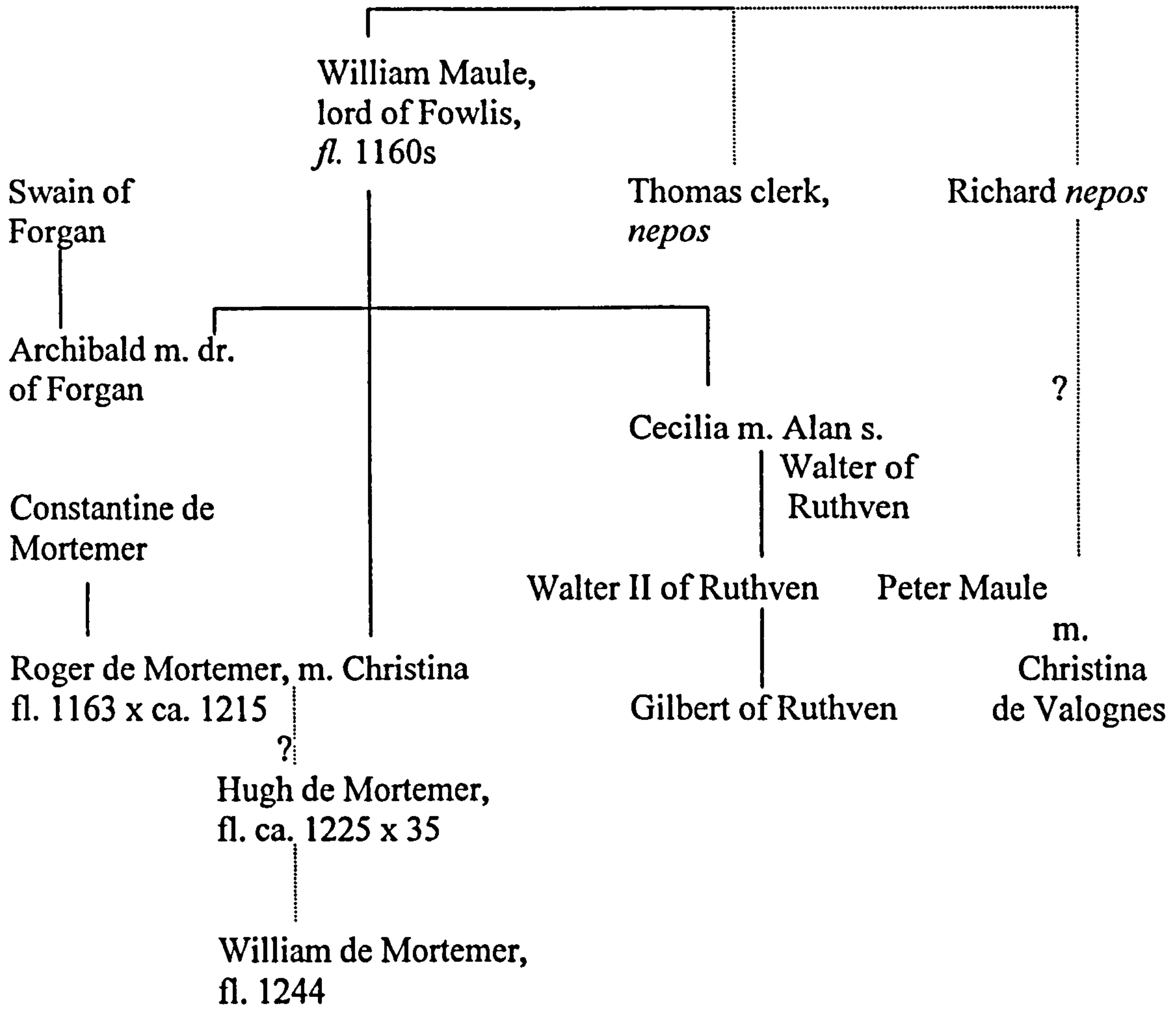
### 4.13: Family of Sibald



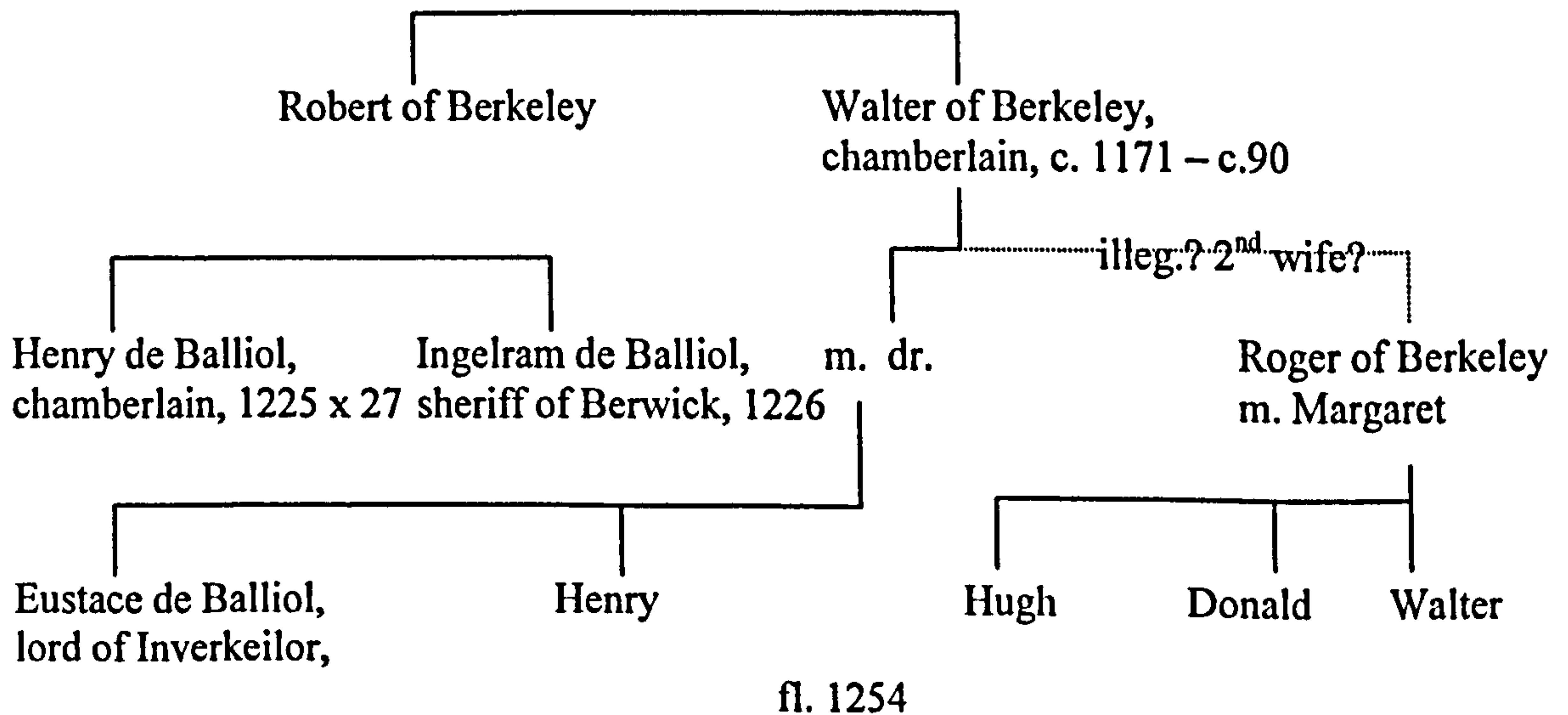
### 4.14: Family of Rossie, Angus



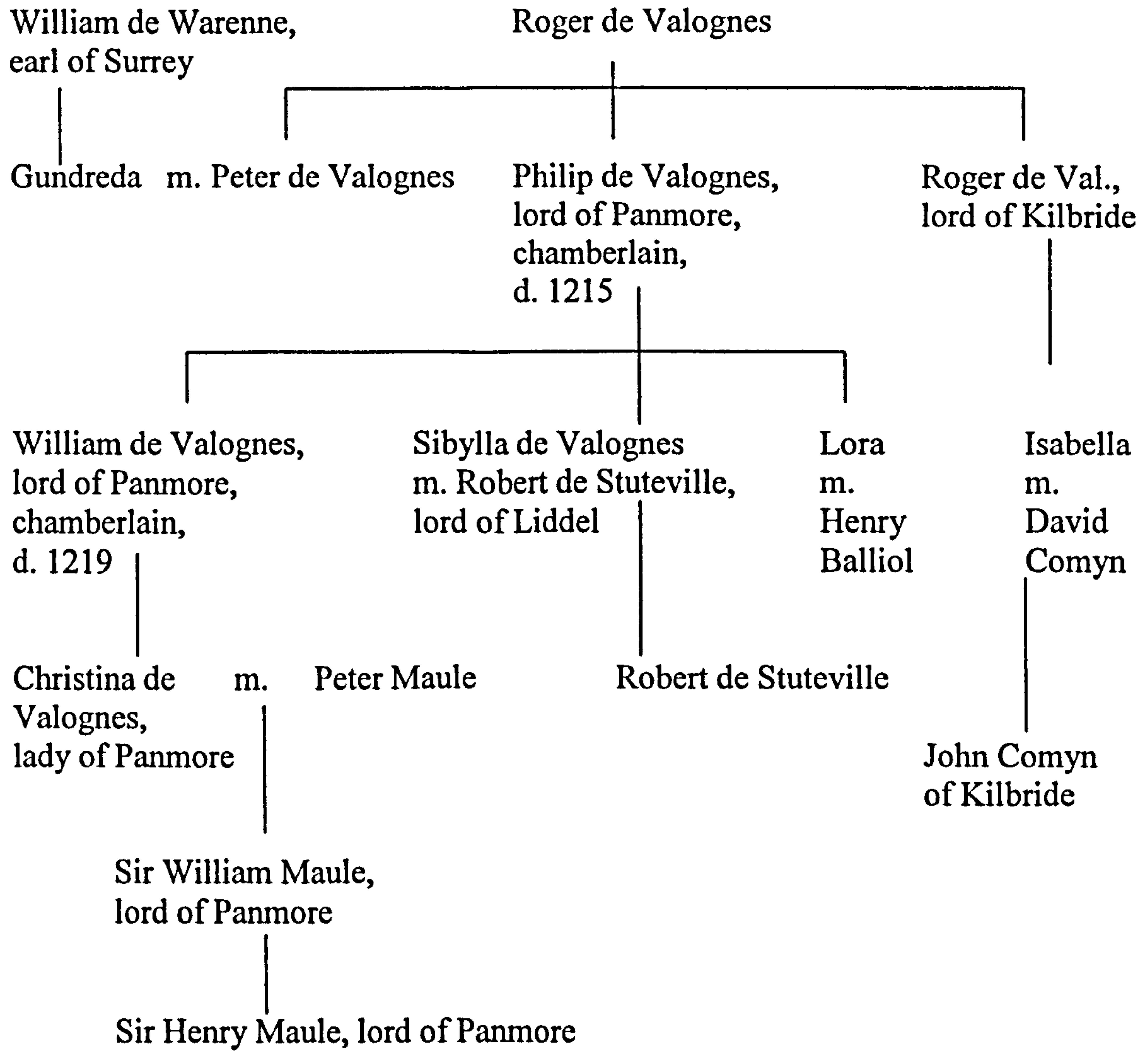
**4.15: Lords of Fowlis Easter, Angus  
(Maule and de Mortemer)**



**4.16: Lords of Inverkeilor, Angus  
Berkeley and de Balliol**



## 4.17: de Valognes





## Five: Landholding, Assemblies and Courts

Dauvit Broun has drawn attention to a ‘kind of *modus vivendi* between Anglo-French and Gaelic culture among the upper echelons of society’, particularly in the kingdom’s east midlands.<sup>1</sup> The prosopographical analysis revealed this characteristic sense of balance at work in landholding patterns as well as in the social contexts revealed in the documents. In Scotland north of Forth, there was no ghettoisation based on ethnic identity, and Scots were not pushed to the margins to make way for immigrants. This view does not depart substantially from the thrust of recent work on the topic; nevertheless, it deserves to be clarified in the context of this thesis and examined in greater detail as relating to east midlands of Scotland north of Forth in particular. Landholding patterns in regions such as Fife, Angus and the Mearns reveal no clear pattern of alienation or segregation. Angus in particular will serve as a useful model for the patchwork nature of Scottish society: its pattern includes lands held by the king and members of the royal family, in this case earls of Huntingdon, by the local bishops and monasteries, by the ecclesiastical dynasties and administrative classes (such as thanes and *judices*) discussed in chapter four, by the local earls and cadet branches of their families, as well as by some immigrant knights scattered about in no clear pattern. The Mearns, a small region north of Angus, had been forfeited to the crown, probably in the early twelfth century, and was held entirely by the king as a royal forest or collection of thanages. This region offers a counterpoint to the patchwork model of Angus. But even here, where the king was free to alienate all his land to immigrant knights, it was done only partially, and a balance was struck with many thanages apparently continuing in the hands of local families.

Close examination of the surviving documentary evidence, furthermore, suggests that ethnic distinctions were not only absent from the larger physical context in the form of landholding, but that such concerns were apparently nonexistent in more immediate social settings such as assemblies, courts and perambulations. The various types of documents, including charters of donation and confirmation, chirographs and settlements, briefs, legal proceedings and recognitions of perambulation all present opportunities for understanding social distinctions and hierarchies. Within the framing of the document itself is ensconced a social reality, offering the scholar clues as to how people were grouped in the mind of the scribe, and, by proxy, the grantor or other authority who put his seal to the

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<sup>1</sup> Dauvit Broun, ‘Anglo-French acculturation’, 140.

document. These social distinctions were not rigid, however, and it was possible for a person to appear in different contexts. For example, royal briefs are more intimate and immediate documents than the less ephemeral confirmation charters; the witness lists of the briefs tend to reflect the people closest to the king. Conversely, royal confirmation charters of the privileges of major monasteries tended to imply large, formal assemblies, in which the witnesses were often listed hierarchically in order of their relative 'official' significance (although usually with a strong ecclesiastical bias), rather than their actual position in king's retinue. The appearance of the chancellor in a brief has different connotations than alongside the steward and constable in a large assembly. The perambulation records, on the other hand, often make a distinction between two groups of people within a single document: the local 'good men', freeholders of some standing in the locality, and the relevant aristocratic locals making up the court. While these documents present different notions of social distinctions, what they manifestly and uniformly fail to present is any notion that society should be ordered according to language, provenance or ethnic identity.

### *Patterns of Landholding*

Angus serves as a useful microcosm for landholding society in Scotland north of the Forth. Aspects of landholding in that region have been examined in various arenas, but have tended to focus on distinct groups, such as the monasteries or immigrant lords, rather than seeing the province as a whole.<sup>2</sup> Furthermore, study of aristocratic landholders has been centred on particular families, rather than seeking out larger patterns.<sup>3</sup> Thus, an holistic overview of the region is called for. The county had an earl, a bishopric (Brechin, though many parish churches pertained to the dioceses of St Andrews and Dunkeld), older monasteries and new (Restenneth, Arbroath), royal demesne and a sheriffdom at Forfar, as well as burghs: royal (Forfar, Montrose), baronial (Dundee) and monastic (Arbroath).<sup>4</sup> In

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<sup>2</sup> For example, Keith Stringer, 'Arbroath Abbey in context, 1178 – 1320' in *The Declaration of Arbroath: History, Significance, Setting*, ed. Geoffrey Barrow (Edinburgh, 2003), 116- 41; Barrow, 'Lost Gáidhealtachd', 111-14; *Idem, Kingdom*, 260; Grant, 'Thanes and Thanages', 76- 8.

<sup>3</sup> Barrow, 'Scotland's "Norman" Families' and 'The Beginnings of Military Feudalism' in *Kingdom of the Scots*, 250- 95.

<sup>4</sup> G.S. Pryde, *The burghs of Scotland* (Glasgow, 1965).

their true context, immigrant knights should be seen as only one type of landholder within a loose and diverse arrangement of lands.

Arbroath Abbey and the earls of Angus were the most important single landholders. Arbroath held large swathes of territory, including the whole shires of Arbroath (and Ethie), Dunnichen and Kingoldrum, which correspond roughly to the modern parishes.<sup>5</sup> The abbey of Balmerino in northeast Fife held the 'forest' of Barry in southeast Angus.<sup>6</sup> In addition to these elements, large sections of the county were granted to immigrant knights, either by the king or Earl David. Our picture of landholding in Angus is relatively full, and reflects a broad diversity of aristocratic classes. The estates held by the earls were fairly small and patchwork in nature. It is clear from their donations to Arbroath Abbey that the earls held lands roughly equating to the parishes of Monifieth (including Portincrag), Murroes, and Stradighty (now Mains) in the south of the county on the Firth of Tay.<sup>7</sup> Further upland, the earls held Kirriemuir: they granted the church there and lands nearby to the same abbey.<sup>8</sup> It is also clear from a charter of 1257 of Máel Ísu II, earl of Strathearn, whose wife was a descendant of the earls of Angus, that Cortachy had been part of the earls' patrimony.<sup>9</sup> The Ogilvie family, a cadet branch of the comital line, was in possession of Ogilvie and Kilmundie, in Glamis parish, as well as Pourie, in Murroes parish, by royal grant.<sup>10</sup> That the earls held Murroes suggests that Pourie at least may have previously been part of their patrimony, but Ogilvie and Kilmundie, in Glamis parish, must have been part of the thanage of Glamis.<sup>11</sup>

The quasi-ecclesiastical aristocracy were also well represented in Angus. The lords of Abernethy, a cadet branch of the earls of Fife as well as an ecclesiastical dynasty, received royal grants of Inverarity as early as 1166x 71 and Dunlappie near Edzell in 1222.<sup>12</sup> Donald *ab* of Brechin held the *dabhach* of Bolshan in Kinnell parish: he gave it to Arbroath Abbey in 1202x6.<sup>13</sup> Gillandres MacLeoid, his son, held lands scattered across Angus in 1232, including the upland estates of Navar and Tillyarblet, Keithock to the north of Brechin and Combraid or Mainsbank in Kinnell parish. He also held, by marriage to Forbhflaith daughter of Brice the *judex*, Cardean, in Airlie parish on the very western

<sup>5</sup> *RRS* ii, no.197; Stringer, 'Arbroath Abbey in context', 125

<sup>6</sup> *Balm. Lib.*, no. 8; Scoular, *Handlist*, no. 186.

<sup>7</sup> *Arb. Lib.*, nos. 39, 40, 43, 50.

<sup>8</sup> *Ibid.*, nos. 44, 112.

<sup>9</sup> *Inchaff. Chrs.*, no. 86.

<sup>10</sup> *RRS* ii, no. 140.

<sup>11</sup> Grant, 'Thanes and Thanages', 52.

<sup>12</sup> *RRS* ii, no. 114; Scoular, *Handlist*, no. 60.

<sup>13</sup> *Arb. Lib.*, no. 74bis; *RRS* ii, no. 466.

border of the county, and Braikie, which bordered directly on the Combraid estate.<sup>14</sup> From the other branch of the same kin-group, John *ab* son of Máel Ísu was lord of Edzell in 1198 x 1210.<sup>15</sup> His son, Morgrund, held Cairncross in Glenesk.<sup>16</sup> Nicholas son of Brice held the *apdaine* of Monifieth from the earls of Angus and adopted the style Nicholas *ab* of Monifieth.<sup>17</sup> That Maurice *ab* of Arbirlot witnessed charters between 1199 and 1205 suggests that there was another such *apdaine* based on that parish.<sup>18</sup> Finally, Rossie in the northeast of Angus in the parish of Inchbrayock was held by Henry son of Gregory the clerk in 1165 x 71.<sup>19</sup> The bishop of Brechin had Stracathro and other estates near Brechin.<sup>20</sup>

Members of the administrative class held lands across Angus, although the evidence for this is more difficult to assess. Geoffrey Barrow has noted several places in Angus that may be identified with various *judices*. Brice *judex* held the lands at Cardean and Braikie.<sup>21</sup> Duncan *judex* held 'Abernaftathar' from Christina daughter of Kerald (Cairell) *judex*, as well as 'Petmulin' from Gilbert, earl of Angus; Barrow suggested that these may be Invernaughty in Easter Leitifie, Alyth parish, Perthshire, and Pitmuies, Kirkden parish, respectively.<sup>22</sup> (Leitifie is near Cardean). Beolin *judex* was given the toponymic 'of Fern' and, as Barrow pointed out, Careston, which is adjacent to Fern (or Fearn), was probably named for Kerald *judex*.<sup>23</sup> Furthermore, there were several thanages dotted throughout Angus. The earliest direct evidence is of Gille Ísu, thane of Idvies, which may have been roughly equivalent to the modern parish of Kirkden.<sup>24</sup> The earliest evidence for Glamis as a thanage comes from 1264, but King William's grant of Ogilvie and Kilmundie in that parish suggests that it was royal land by 1174.<sup>25</sup> Inverkeilor had been a thanage before the same king gave it to Walter of Berkeley in the 1170s. Old Montrose, now known as the parish of Maryton, had a thane named John in 1250. Forfar, a royal *manerium* and seat of the sheriff, may have had a thane previously.<sup>26</sup> According to

<sup>14</sup> *Brech. Reg.*, no. 2; Barrow, 'Lost Gáidhealtachd', 112.

<sup>15</sup> *Arb. Lib.*, no. 72; *RRS* ii, no. 487.

<sup>16</sup> *Panm. Reg.* i, cliv; Barrow, 'Lost Gáidhealtachd', 113.

<sup>17</sup> *Arb. Lib.*, nos. C.O. IV, 49, 112, 114, 250.

<sup>18</sup> *Ibid.*, nos. 39, 41, 43, 46, 70.

<sup>19</sup> *RRS* ii, no. 43.

<sup>20</sup> *Ibid.*, no. 229.

<sup>21</sup> *Brech. Reg.*, no. 2; Barrow, *Kingdom*, 62.

<sup>22</sup> *Ibid.*, 63; NLS, MS Adv. MS 34/6/24, 377; Fraser, *Douglas*, no. 4.

<sup>23</sup> Barrow, 'Judex', 62-3.

<sup>24</sup> *Arb. Lib.*, no. 228; Grant, 'Thanes and Thanages', 77.

<sup>25</sup> *Ibid.*; *RRS* ii, no. 140.

<sup>26</sup> Grant, 'Thanes and Thanages', 77; *Arb. Lib.*, nos. 56, 250.

Barrow, Inverlunan (or Redcastle) may have had a thane, 1189 x 95.<sup>27</sup> Alexander Grant has identified several other thanages from fourteenth-century evidence, including Kinnaber (now Montrose), Menmuir, Clova, Downie (Kirkbuddo), Tannadice, Aberlemno, Monifieth and Kinalty, all of which seem to have corresponded to medieval parishes and may well have existed before 1260.<sup>28</sup>

King William must have also had control of Dundee and Newtyle, which he granted to his brother, Earl David, 1178 x 82.<sup>29</sup> In the area of Dundee, the earl granted Craigie to his daughter, Isabella de Brus, as well as giving Fintry to Hugh Giffard.<sup>30</sup> In Newtyle, David gave Balmaw to another daughter, Ada, and her husband Máel Ísu son of Earl Ferteth of Strathearn, while granting the estate of Newtyle itself to one of his vassals, William Wascelin.<sup>31</sup> Among other Angus landholders with connections to the king were the royal doorwards, Thomas of Lundie and his son, Alan Durward, who held Lundie as well as the large upland estate of Lintrathen.<sup>32</sup> Walkelin, the king's brewer, held Inverpeffer in Panbride parish in the late twelfth century.<sup>33</sup> Robert of London, King William's illegitimate son, held Ruthven.<sup>34</sup>

Some of the landholders in Angus used toponymical bynames or surnames that indicated a connection to a place within the kingdom of the Scots. For example, John of Morham held the church of Panbride, 1219 x 38: Morham is in East Lothian.<sup>35</sup> Likewise, Alexander of Lamberton, Berwickshire, held Linlathen in Dundee parish by 1214.<sup>36</sup> Eva of Carsegownie held those lands near Aberlemno.<sup>37</sup> Thomas of Rattray (Gowrie) held lands bordering Kingoldrum in 1253.<sup>38</sup> Ralph of Strachan in the Mearns held 'Breutulach'.<sup>39</sup> Finally, the family of Lour or Nevay held those lands and Kinreich.<sup>40</sup>

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<sup>27</sup> *RRS* ii, no. 590 (App.)

<sup>28</sup> Grant, 'Thanages and Thanages', 76-8.

<sup>29</sup> *RRS* ii, no. 205. Niall or Neil is not referred to as thane, but Barrow suggests that he may have filled that role at some time.

<sup>30</sup> *Lind. Cart.*, nos. 40, 41; *Laing Chrs.*, no. 5.

<sup>31</sup> *Lind. Cart.*, nos. 9, 10, 36, 37.

<sup>32</sup> *Arb. Lib.*, nos. 141, 295; *C.A. Rent.*, no. 62; *C.A. Chrs.*, no. 55.

<sup>33</sup> *RRS* ii, no. 209.

<sup>34</sup> *Arb. Lib.*, no. 61.

<sup>35</sup> *Arb. Lib.*, nos. 24, 25.

<sup>36</sup> Scoular, *Handlist*, no. 86.

<sup>37</sup> NLS Adv. MS 34/6/24, 377.

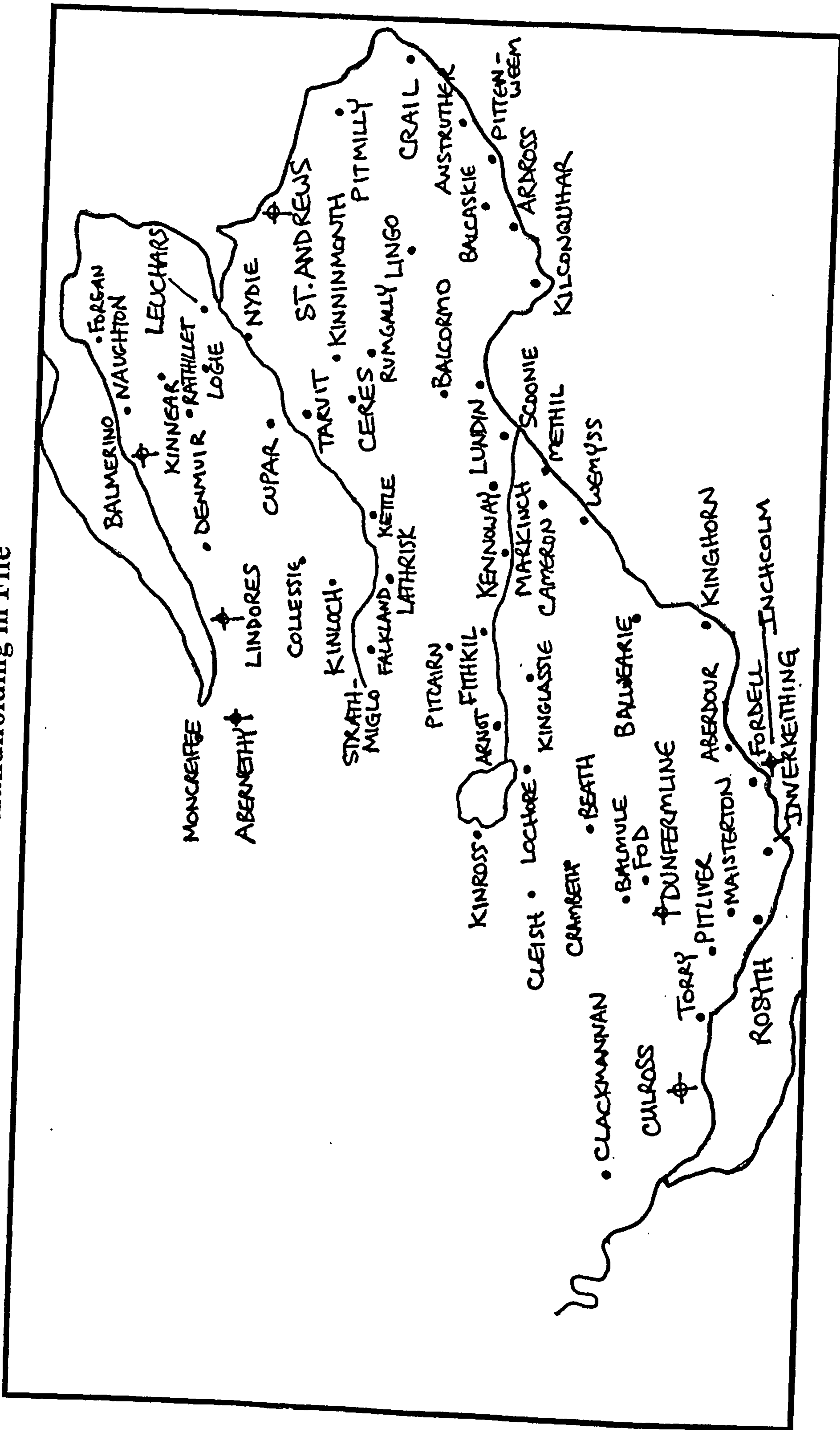
<sup>38</sup> *Arb. Lib.*, no. 294.

<sup>39</sup> *Brech. Reg.*, App 1. 'Breutulach' was probably either Bractullo bordering Idvies or the Bractullo that lies between Monikie and a place with the rather unlikely name of Carrot.

<sup>40</sup> *C.A. Chrs.*, nos. 10, 59; BL Add. Ch. 76699.



# Landholding in Fife



Furthermore, the king had granted many estates in Angus to knightly families who had immigrated from England and France. Philip de Valognes held Benvie and Panmure, which was inherited by Peter Maule.<sup>41</sup> William Maule, and later Roger de Mortimer, held Fowlis Easter.<sup>42</sup> William I granted Inverkeilor, previously a thanage, to Walter of Berkeley in 1173 x 82.<sup>43</sup> Walter de la Kerneille held Guthrie by 1205 x 7, and Thomas Malherbe granted nearby Balneaves in Kinnell parish to Arbroath Abbey.<sup>44</sup> Hugh son of Hugh Malherbe held Rossie on the south side of the Montrose Basin.<sup>45</sup> Richard de Maleville (Melville) held Kinblethmont north of Arbroath in 1189 x 99; he also granted the church of Tannadice to St Andrews Priory x 1189 x 95.<sup>46</sup> In addition to Fintry, the Giffards also had Tealing, a few miles to the north, from King William, as well as nearby Pitpointie.<sup>47</sup> William, earl of Mar, granted Dronley to Sir Gilbert de Haya in 1251, although it is not clear how the earl of Mar obtained it.<sup>48</sup> Similarly, the earls of Buchan held land at Finavon, but it is not known how they came by it.<sup>49</sup> Neighbouring Auchterhouse was probably in the hands of the Ramsey family.<sup>50</sup> Philip de Moubray was given permission to have an oratory at his court at Kelly in Arbirlot parish.<sup>51</sup> John of Hastings may have been lord of Dun.<sup>52</sup>

The pattern presented in Angus, of a diverse assortment of lands held by monasteries, earls, ecclesiastical dynasties, bishops, royal officials and baronial immigrant knights, holds true for much of the rest of Scotland north of Forth, especially in Gowrie and Fife. The landholding situation in Fife was similarly varied. The bishops, priory and *céli Dé* of St Andrews were in control of large tracts of land, mainly based around the large parish of St Andrews St Leonards.<sup>53</sup> Dunfermline Abbey was also a major landholder in south Fife.<sup>54</sup> Relatively small areas of Fife were in direct royal control, the exceptions being Kingskettle, Falkland, Dairsie and Kellie, for whom thanes are all recorded by the 1160s.<sup>55</sup> The large 'shire' of Abernethy reached from northeastern Fife to Perthshire; this was apparently under the control of the abbot of Abernethy until parts of it were broken off

<sup>41</sup> *RRS* ii, no. 405; *Arb. Lib.*, no. 366.

<sup>42</sup> *St A. Lib.*, 40-1, 41-2, 264-5; *RRS* ii, nos. 302, 338, 375.

<sup>43</sup> *RRS* ii, no. 171.

<sup>44</sup> *RRS* ii, no. 473; *Arb. Lib.*, nos. 98, 303.

<sup>45</sup> *Ibid.*, nos. 63, C.O. X.

<sup>46</sup> *Ibid.*, no. 143; *RRS* ii, no. 333.

<sup>47</sup> *Ibid.*, no. 418; *St A. Lib.*, 325b.

<sup>48</sup> NLS Adv. MS 15/1/18, no. 68; *Erroll Chr.*, no. 11.

<sup>49</sup> *Arb. Lib.*, no. 310, cf. nos. 85, 132. See also *RRS* v, no. 219.

<sup>50</sup> *Arb. Lib.*, no. 263; *St A. Lib.*, 284a.

<sup>51</sup> *Ibid.*, no. 121.

<sup>52</sup> Duncan, *Kingdom*, 177. John of Hastings was sheriff of the Mearns, 1165x 78, *Synod of Perth 1206*, 210.

<sup>53</sup> Marinell Ash, 'The diocese of St Andrews under its "Norman" bishops', *SHR* 55 (1976), 106 – 9.

<sup>54</sup> *Dunf. Reg.*, nos. 237, 238, 239, 240, 272.

<sup>55</sup> Grant, 'Thanes and Thanages', 80- 1.



for various purposes.<sup>56</sup> Earl David established a Tironensian monastery on his lands at Lindores, *ca.* 1190/1?, while his sister-in-law Ermengarde bought the easternmost regions of the old shire to set up the Cistercian house of Balmerino in the 1220s.<sup>57</sup> In the southwest, Earl Malcolm I of Fife founded another Cistercian house at Culross, and endowed it generously with lands in the area.<sup>58</sup> There was a royal burgh at Dunfermline in the 1120s. Countess Ada was in possession of the shire of Crail and had a burgh there, 1165 x 71.<sup>59</sup> The sheriffs of Fife were based at either of these two burghs.<sup>60</sup> The king also had burghs at Inverkeithing by 1162 and Kinghorn by 1172.<sup>61</sup> The bishops of St Andrews controlled the burgh of that name; in 1266, Lindores Abbey was granted the right to have their own burgh (Newburgh).<sup>62</sup> The patrimony of the earls of Fife, like the earls of Angus, was fairly small in comparison to the province as a whole – it focussed on the central parishes of Markinch, Scoonie, Cupar, Largo and Kilconquhar, where the earls donated churches to St Andrews Priory and North Berwick Priory.<sup>63</sup> King Malcolm IV granted to Earl Duncan II with his niece Ada (*recte* Ela), lands at Falkland, Rathillet, Strathmiglo and Strathbraan and Kingskettle, 1160 x 62.<sup>64</sup> King William gave Auchtermuchty to Earl Malcolm I, 1209x 10.<sup>65</sup> The earls had tenants such as Alexander of Blair at Teasses, Richard son of Andrew of Linton in Tarvit parish and Ness son of Ness of Ramsey at Lindifferon.<sup>66</sup> Much of the remainder of Fife was divided up among aristocratic landholders of varying rank. The large estate of Leuchars in the northeast was held by Ness son of William and later by Saher and Roger de Quincy. They also held large sections of central Fife, based around the parishes of Lathrisk and Collessie.<sup>67</sup> The family of Merleswain held Ardross and Kennoway, apparently through inheritance from Earl Colbán of Buchan, a probable member of the Fife earls' kin-group.<sup>68</sup> Naughton or Forgan in the

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<sup>56</sup> Barrow, 'Pre-feudal Scotland', 42.

<sup>57</sup> *Lind. Cart.*, no. 2; *Balm. Lib.*, no. 1.

<sup>58</sup> *Culross Chrs.*, 69- 71.

<sup>59</sup> Pryde, *Burghs*, 3- 9

<sup>60</sup> *Sheriffs of Scotland*, ed. Reid and Barrow, 18- 9.

<sup>61</sup> Pryde, *Burghs*, 10 – 13.

<sup>62</sup> *Ibid.*, 37- 42.

<sup>63</sup> *St A. Lib.*, 241, 241-2, 242-3; *N.B. Chrs.*, no. 6, 7.

<sup>64</sup> *RRS i*, no. 190.

<sup>65</sup> *RRS ii*, no.490.

<sup>66</sup> *Misc. Fraser Chrs.*, no. 7; N.T. Campbell, 'Early Charter at Inveraray' *SHR* 8 (1910-11), 222; NAS GD 20/1/6/189.

<sup>67</sup> This landholding pattern would seem to support Alex Woolf's hypothesis that Ness's father William had married a daughter of the earl of Fife, which would also explain why the earl of Fife confirmed the grants of the church of Leuchars. *St A. Lib.*, 254-5, 255-6, 256-7, 287, 287-8, 288; *Lind. Cart.*, no. 131.

<sup>68</sup> *RRS ii*, no. 137; *St A. Lib.*, 258-9, 259-60.

north of the county were held by the family of Lascelles.<sup>69</sup> Other families held small lordships, mainly along the Forth coast, including those taking their names from Anstruther, Balcaskie, Cameron, Lundin, Methil and Wemyss, Balwearie, Rosyth and Cleish.

The Mearns, otherwise known as Kincardineshire, a small county straddling the Mounth between the River North Esk and the River Dee, offers us a different model for landholding society in Scotland north of Forth. Unlike Angus and Fife, in the Mearns there were no earls, cathedrals or monasteries. King William gave away much of this county to immigrant knights and the picture there would appear to be much more homogeneous. The monarch granted four ploughgates in Conveth (Laurencekirk) to Agatha, wife of Humphrey of Berkeley, as well as giving seven *dabhachs* in Fordoun in forest to Humphrey.<sup>70</sup> He also granted Kinneff to William de Montfort, Benholm to Hugh brother of Elias the clerk, Allardyce to Walter son of Walter Scot and Strachan to William Giffard.<sup>71</sup> Furthermore, there is evidence that Earl David held Ecclesgreig (St Cyrus) and perhaps Inverbervie.<sup>72</sup> The family of Swinton had taken over the old thanage of Arbuthnott by 1206.<sup>73</sup> William son of Bernard held 'Rath' in Catterline by the end of William's reign.<sup>74</sup> Richard de Fréville held Mondynes in Fordoun parish by 1188.<sup>75</sup> Walter son of Sibald and Philip de Maleville were also landholders in Fordoun parish.<sup>76</sup> Stephen of Kinnardley held Drumsleed and Pittengardner in Fordoun parish.<sup>77</sup>

A county like the Mearns would seem like the perfect example for the 'Normanisation' argument, as it appears to have been among the most heavily 'feudalised' parts of Scotland north of Forth.<sup>78</sup> Although little detailed study has been done on the Mearns as a distinct region, one might expect the absence of local earls and monasteries to allow a complete and unencumbered implantation of baronial lords. This view would discount the important issue of thanes, of which there were a large number in the Mearns. Alexander Grant captured the scene best when he noted that there were ten other thanages

<sup>69</sup> *St A. Lib.*, 260, 274, 274-5, 275, 340-1.

<sup>70</sup> *RRS* ii, nos. 344, 345, 346. The earls of Buchan may have also held land in Fordoun, see *Arb. Lib.*, nos. 85, 132, 310.

<sup>71</sup> *RRS* ii, nos. 335, 340, 350, 404, 428.

<sup>72</sup> *St A. Lib.*, 238. David's son Earl John held Inverbervie in the 1230s, *Lind. Cart.*, no. 18.

<sup>73</sup> *Synod of Perth 1206*, 209-13.

<sup>74</sup> *Arb. Lib.*, nos. 67, 68. Probably The Reath south of the village.

<sup>75</sup> *Ibid.*, no. 90.

<sup>76</sup> *Ibid.*, nos. 93, 94.

<sup>77</sup> *Ibid.*, nos. 242, 245.

<sup>78</sup> Barrow, *Kingdom*, 260, 289.

within a ten-mile radius of the centre of the thanage of Kincardine.<sup>79</sup> Grant's study confirmed thanages at Birse, Arbuthnott, Conveth and Ecclesgreig in the twelfth century and one at Uras by 1224.<sup>80</sup> He also showed there were thanes at Cowie by 1281, at Durriss and Aberluthnott under Robert I, and Kincardine, Fettercairn and Newdosk by *circa* 1345. Despite the lack of direct evidence, there is much to suggest that such places were thanages well before those dates. That Kincardine was in royal hands is borne out by its citation in the place-dates of several charters of William I and Alexander II, and that it was the seat of the sheriffdom from King William's reign.<sup>81</sup> William granted to William Giffard a full toft at Cowie, 1196 x 99.<sup>82</sup> The Exchequer Roll accounts for 1264 include repairs made at a house at Cowie and a house, bridge and vessels at Durriss, and the earl of Buchan was keeper of the forest at both these places in 1292.<sup>83</sup> The 1266 Rolls include expenses for a new park at Kincardine.<sup>84</sup> As Grant points out, both 1264 and 1266 include waitings at Fettercairn, which was not expressly called a 'thanage' in the record until 1345.<sup>85</sup> Again, as mentioned by Grant, Newdosk is listed in a thirteenth-century list of the king's rents.<sup>86</sup>

There is evidence for further royal lordship in the Mearns outwith these identified thanages. The Exchequer Rolls for 1266 also mentioned expenses for 'wardship of the land' (*custodia terre*) at Garvock.<sup>87</sup> The thirteenth-century list also included Culter, which at that time encompassed the modern parish of Maryculter in Kincardineshire and Peterculter north of the Dee in Aberdeenshire.<sup>88</sup> The king held Kinneff, Strachan and Benholm, whose names correspond to those of medieval parishes, and granted these to various individuals. He probably also granted St Cyrus to Earl David, which corresponds to the medieval parish of Ecclesgreig.<sup>89</sup> By contrast, the grants to Humphrey of Berkeley and his wife Agatha specified certain ploughgates and *dabhachs*, rather than granting the whole estate. It is significant in this context that Kincardine itself, seat of a royal castle and sheriffdom, was within the parish of Fordoun, and that the king granted the seven

<sup>79</sup> Grant, 'Thanes and Thanages', 39, n. 4.

<sup>80</sup> *Ibid.*, 75-6.

<sup>81</sup> *RRS* ii, nos. 358, 423, 428, 494, 496; Scoular, *Handlist*, nos. 66, 103, 109, 144.

<sup>82</sup> *RRS* ii, no. 410.

<sup>83</sup> Grant, 'Thanes and Thanages', 75; *ER*, i., 12; *Rot. Scot.*, i, 10. The Latin term *vasorum* could refer to farming or hunting equipment or boats.

<sup>84</sup> *ER*, i, 21.

<sup>85</sup> *Ibid.*, i, 12, 20.

<sup>86</sup> *APS*, i, 110. The parish of Newdosk existed in medieval times but disappeared in the modern era.

<sup>87</sup> *ER*, i, 21.

<sup>88</sup> *APS*, i, 110; Ian B. Cowan, *The Parishes of Medieval Scotland* (Edinburgh, 1967), 164. The list also refers to '*Carta de Cull*', but this probably refers to Cullen rather than Cowie, which is spelt 'Collyn' in the Exchequer Rolls.

<sup>89</sup> Grant, 'Thanes and Thanages', 76.

*dabhachs* there in forest.<sup>90</sup> Moreover, he granted the rights which the thane had previously with the Conveth ploughgates.<sup>91</sup> Alexander II let out at farm to Arbroath Abbey the land of Banchory Devenick in 1244, which the abbey in turn rented to Alan Durward in 1256.<sup>92</sup> In 1247, the same king confirmed lands in Culter to Robert of Wauchope.<sup>93</sup> King William also granted several parish churches in the Mearns to various religious houses, again implying royal lordship of those areas. In northern Kincardineshire, along the Dee, he gave the church of Nigg to Arbroath Abbey, Culter to Kelso Abbey, and Banchory Ternan, which was north of the Dee but included lands to the south of the river, he gave also to Arbroath.<sup>94</sup> King William also granted Ecclesgreig (St Cyrus) to St Andrews Priory and Catterline to Arbroath.<sup>95</sup> Humphrey of Berkeley apparently controlled the patronage of the church of Conveth or Laurencekirk, as he granted it to St Andrews Priory by 1206, but Fordoun church remained unappropriated through this time and was eventually granted to the same house by King Robert I.<sup>96</sup>

There is a remarkable correspondence in the Mearns of medieval parishes with known thanages. This suggests that, in many instances, their boundaries coincided. Several of the thanages had the same name as the parishes, for example, Birse, Durris, Arbuthnott, Ecclesgreig, Aberluthnott, Conveth, Fettercairn and Newdosk, while the thanage of Kincardine clearly corresponded to the thanage of Fordoun. The same relationships may have occurred at Uras within the parish of Dunnottar and Cowie in the parish of Fetteresso. It is possible that the remaining parishes may also have corresponded to thanages, and Barrow included Kinneff and Benholm in a list of probable thanages that had been granted to knights, and would have followed to a certain extent the pattern already seen with the Berkeleys in Fordoun and Conveth.<sup>97</sup> Indeed, the extent of Berkeley influence in the region can be witnessed through their power over the sheriffdom of Kincardine. Humphrey of Berkeley was sheriff in the late twelfth century, and Robert the steward of Inverkeilor (another Berkeley estate) was sheriff in the 1220s.<sup>98</sup> Thus, the thanages of Conveth, Kincardine (Fordoun), Ecclesgreig and Arbuthnott, which King William gave to Osbert Olifard, were all granted to knightly lords, and according to Barrow, the same was likely to

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<sup>90</sup> *RRS* ii, no. 345

<sup>91</sup> *Ibid.*, no. 346, see also page 50.

<sup>92</sup> *Arb. Lib.* i, no. 252; *A.B. Colls.*, 268-9.

<sup>93</sup> *A.B. Colls.*, 298-9.

<sup>94</sup> *RRS* ii, nos. 332, 349, 232.

<sup>95</sup> *Ibid.*, nos. 352, 232.

<sup>96</sup> *Ibid.*, no. 333; *RRS* v, no. 500.

<sup>97</sup> *Ibid.*, 50.

<sup>98</sup> Barrow, 'Judex', App. B, nos. 1, 2; *Arb. Lib.*, no. 127.

have happened in Kinneff and Benholm.<sup>99</sup> One might add to this list of parishes that correspond to estates that were given to knights, Strachan, which King William gave to William Giffard, and Catterline, whose church the king gave to Arbroath Abbey and which was held in part by William son of Bernard.

Table 5.1

## Parishes and thanes in the Mearns

	Parish	Thanage ( <i>post-1260</i> )	Thane, Landholder or <i>toponymic</i>
1	Birse	Birse (x1180x4?)	bishops of Aberdeen (1180s; 1242)
2	Durriss	<i>Durriss</i> (early 14 <sup>th</sup> c.)	earl of Buchan (1292)
3	Culter <sup>100</sup>		Robert of Wauchope
4	Banchory Dev.		Arbroath Abbey, Alan Durward
5	Nigg		<i>Cormac of Nigg</i> (1198x9)
6	Fetteresso	? = <i>Cowie</i> (1281)	<i>Dufscoloc of F</i> (1198x9; 1221) <i>Somerled of F</i> (1206) Thomas son of thane of C (1281)
7	Dunottar	? = <i>Uras</i> (1214 x 24)	Lorne, thane of <i>Uras</i> (1208 x 18?)
8	Strachan		<i>Ralph of Strachan</i> (1203 x13) <i>Waltheof of Strachan</i> (1235 x9)
9	Glenbervie		<i>Geoffrey of Glenbervie</i> (x1188)
10	Catterline		William son of Bernard (x1214)
11	Kinneff		John de Montfort (1189x 99)
12	Arbuthnott	Arbuthnott (x1206)	<i>Duncan of Arbuthnott</i> (1206)
13	Benholm		<i>Hugh of Benholm</i> (1189x95)
14	Ecclesgreig <sup>101</sup>	Ecclesgreig (1189 x 95)	Earl David & Earl John
15	Garvock		<i>Malcolm of Garvock</i> (x1214) <i>Waltheof? of Garvock</i> (1203 x 14)
16	Aberluthnott <sup>102</sup>	<i>Aberluthnott</i> (early 14 <sup>th</sup> c.)	
17	Conveth <sup>103</sup>	Conveth (x 1189x93)	Agatha & Humphrey s. Theobald
18	Fordoun	<i>Kincardine</i> (1323)	sheriffs of Kincardine; largely under Berkeley control
19	Fettercairn	<i>Fettercairn</i> (1345)	
20	Newdosk	<i>Newdosk</i> (c. 1345)	<i>Cormac of Newdosk</i> (1206)

A number of court and perambulation records for the Mearns in this period include mention of men whose toponymical surnames point, not only to identifiable thanage/parishes, but also to many of the remaining parishes for which there is no surviving

<sup>99</sup> *RRS* ii, no. 569.

<sup>100</sup> At that time, incorporating both Maryculter and Peterculter. Cowan, *Parishes*, 164.

<sup>101</sup> Now known as St Cyrus.

<sup>102</sup> Now known as Marykirk.

<sup>103</sup> Now known as Laurencekirk.

thaneage documentation. In the 1206 case against Duncan of Arbuthnott, both Cormac of Newdosk and Sumerleith (Somerled) of Fetteresso gave testimony. Immediately preceding them in the document is Malcolm of Idvies, who is almost certainly the same as the Malcolm 'brother of the thane of Idvies' who was a perambulator at Kinblethmont in 1219. Máel Coluim's brother was Gille Ísu, thane of Idvies, and they were succeeded in 1245 by Máel Ísu of Idvies, who was perhaps also thane.<sup>104</sup> Although the word 'thane' is never used in the 1206 court record, Malcolm of Idvies was clearly connected to a thanage, albeit one in Angus, and Cormac of Newdosk is associated with a parish for which there is later evidence as a thanage. This suggests that Somerled of Fetteresso may also have been associated with a thanage equivalent to or within the parish of Fetteresso. (Cowie was within this parish and may have been interchangeable with Fetteresso, or else there may have been two thanages within this large parish.) This likelihood is bolstered by the existence on record of Dufscoloc of Fetteresso, who was a perambulator at Balfeith in Fordoun parish in 1198x99. One of the other perambulators at Balfeith was one Cormac of Nigg, whose toponymic corresponds with another of the unaccounted-for parishes.<sup>105</sup> There were two other parishes that provided similar toponymics. Geoffrey of Glenbervie witnessed a grant of Mondynes in Fordoun parish to Arbroath Abbey by 1188.<sup>106</sup> Malcolm of Garvock witnessed a charter of Earl David.<sup>107</sup> The name of Waltheof of Garvock, who witnessed a charter of Hugh son of Freskin, 1203 x 13, may also refer to this place.<sup>108</sup>

To summarise: it is clear that the Mearns had at one time been a mormaerdom or earldom. In 1094, Máel Petair, mormaer of the Mearns, killed King Donnchad II, at Mondynes.<sup>109</sup> There is overwhelming evidence from thanages and royal grants of lands and churches of royal activity in nineteen of the county's twenty parishes, and there is clear evidence for eleven of those parishes as thanages, although some of it is from the late thirteenth or early fourteenth centuries. In addition to these eleven, there is evidence from the Exchequer Rolls and other thirteenth-century documents of a further two parishes as royal demesne, Culter and Garvock. Moreover, three of the knightly families who held thanages (or parishes that may have been thanages) took that name as the family's surname – Arbuthnott, Strachan and Benholm. Moreover, individuals who possibly were thanes or whose families were connected to possible thanages had toponymical bynames or

<sup>104</sup> *Synod of Perth 1206*, 209- 13, *Arb. Lib.*, nos. 228; 314, 366; Grant, 'Thanes and Thanages', 77.

<sup>105</sup> *Arb. Lib.*, no. 89, Barrow, 'Judex', App. B, no. 2.

<sup>106</sup> *Arb. Lib.*, no. 91.

<sup>107</sup> *Ibid.*, no. 135.

<sup>108</sup> *Moray Reg.*, App. 1.

<sup>109</sup> Broun, *Irish Identity*, 158; *Chron. Bower* (Watt), 3, 85; *ES*, ii, 89- 91; Duncan, *Kingdom*, 125.

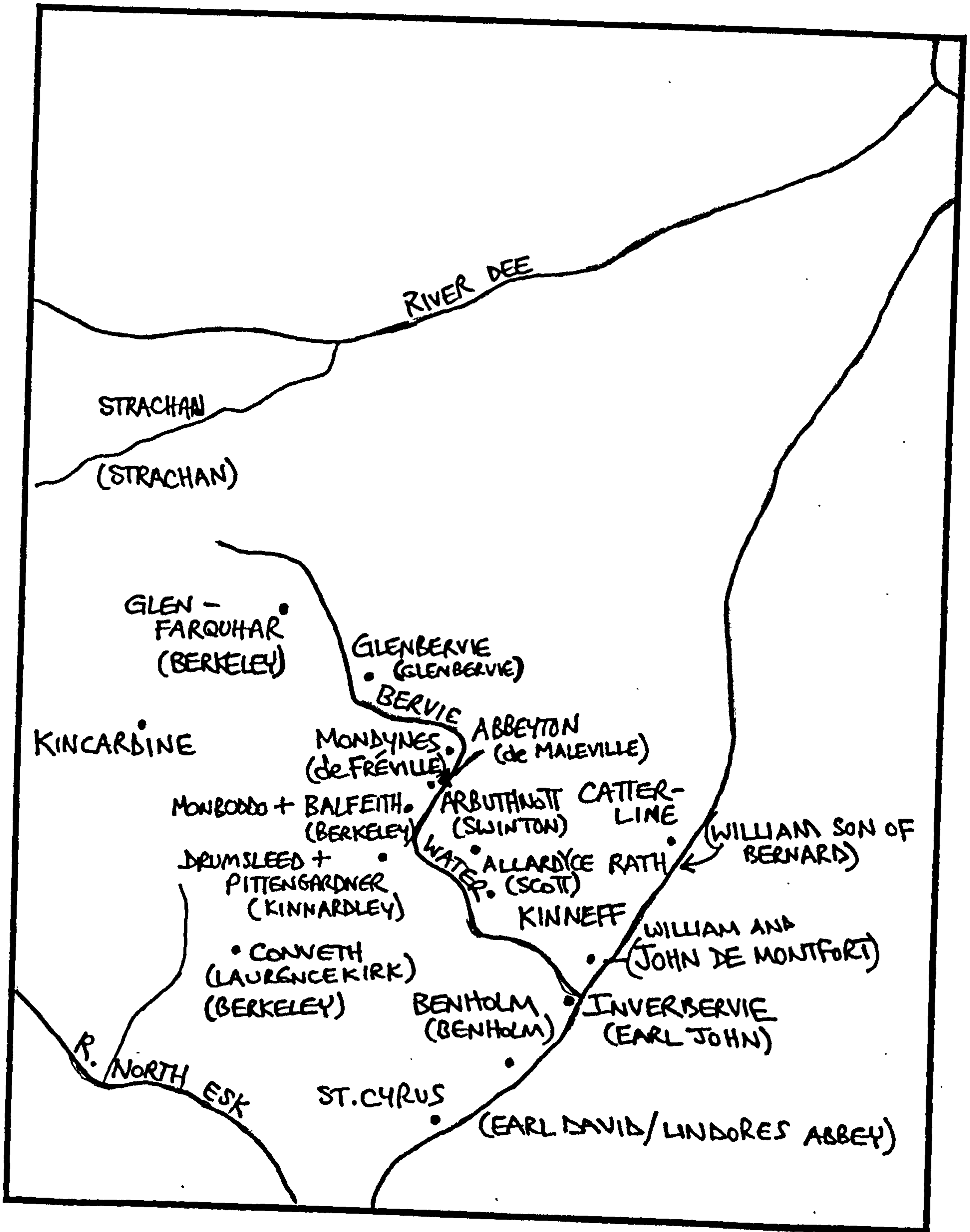
surnames taken from the parishes of Fetteresso, Garvock and Glenbervie. The most likely explanation for all of this is that after forfeiting to the crown the old mormaership, the king had proportioned the entire province into thanages, in order to exploit the lands as royal demesne. Over time, however, the king may have granted away some thanages to local families. According to this model, the granting of thanages to Humphrey of Berkeley and Osbert Olifard was not so much a radical departure as the continuation of a policy which had probably been ongoing for some time. Furthermore, the example of the Mearns shows the importance of the thanely administrative classes in local society and the ways in which incoming families may have fit into existing structures and trends. In this case, the families of Benholm, Arbuthnott and Strachan may have taken their local surnames, in emulation of the practice in use by local, probably thanely, families based on Nigg, Fetteresso, Glenbervie, Garvock and Newdosk. Swinton/ Arbuthnott is the only one of these families that is known beyond doubt to have been emigrants, although they only came as far as from Lothian.

Table 5.2

**Evidence for thanages and royal lordship in the Mearns**

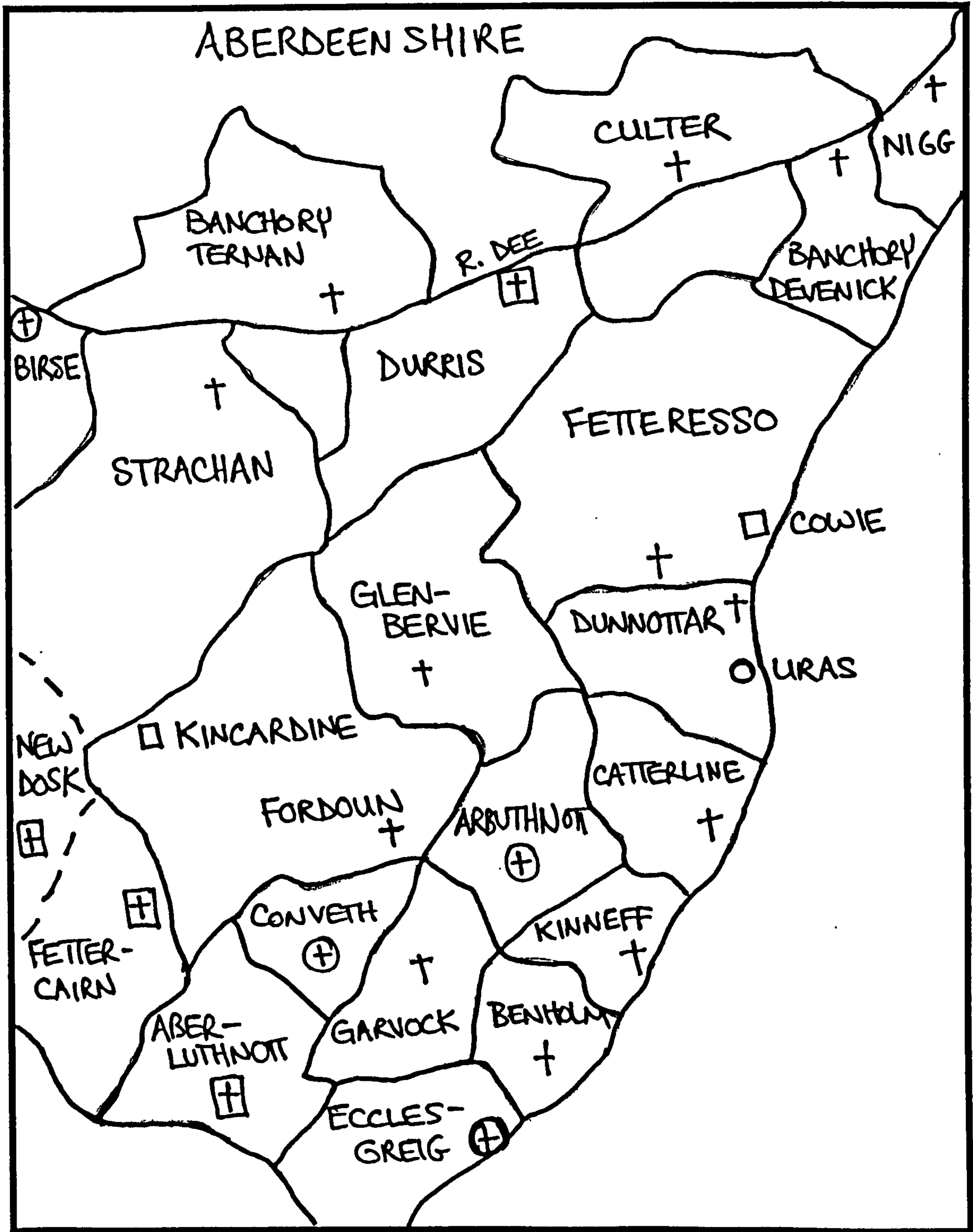
Parish/ thanage	evidence of thane/ thanage, pre- 1260	evidence of thane/ thanage, post-1260	other evidence of royal lordship	royal grant of land	royal grant of church	evidence of toponymical surname
Birse	x		x			
Durris		x	x			
Culter			x	x	x	
Banchory Dev.				x		
Nigg					x	x
Fetteresso/ Cowie		x (Cow.)	x (Cow.)			x (Fett.)
Dunottar/ Uras	x (Uras)					
Strachan				x		x
Glenbervie						x
Catterline					x	
Kinneff				x		
Arbuthnott	x					x
Benholm				x		x
Ecclesgreig	x			x (prob.)	x	
Garvock			x			x
Aberluthnott		x				
Conveth	x			x		
Fordoun/ Kinc.		x	x	x	x (Robt. I)	
Fettercairn		x	x			
Newdosk		x	x			x

### Landholding in the Mearns





Parishes and Thanages in the Mearns



- † = parish church
- = evidence of thanage, pre-1260
- = evidence of thanage, post-1260

## *Physical settings and social contexts*

Scholars have been drawing attention to the social contexts behind the documentary records for over a quarter century, beginning with Michael Clanchy in 1979, prompting historians to study the processes behind the documents.<sup>110</sup> The documents surviving for Scotland north of Forth tell us relatively little about the physical setting and ceremonial aspects behind the charters; nevertheless, these aspects deserve a brief look. What do the Scottish charters tell us about the physical setting where the grant, confirmation, quitclaim or agreement took place? Due to the formulaic nature of the charter language, information on the ceremony and setting of the transfer of property is rare.<sup>111</sup> Place-dates were seldom included in aristocratic charters, although they became more common by the mid-thirteenth century as attitudes to the document's role in the law changed. Occasionally, a charter identified a church at which the ceremony must have taken place. For example, Norman son of Norman the constable's confirmation of his father's grant to Lindores Abbey of the church of Leslie, was dated at the church of St Nicholas in Aberdeen, in the year of our Lord 1243, on the day after St Bartholomew's (Aug. 24).<sup>112</sup> Sometimes, documents may point to a perhaps separate event at which the sealing took place. The sealing of Emma of Smeaton's quitclaim of her right to Smeaton took place over the great altar of the house of Dunfermline.<sup>113</sup> In other instances, it is clear that the ceremony referred to was the well-recognised public ritual involving a symbolic object, being passed from the old owner to the new, often at a church.<sup>114</sup> In a chirograph recording a land dispute between Arbroath Abbey and William Fowler (*Aucupis*) in Maryton (Old Montrose), '*quandam glebam predicte terre super altare sancte Marie de Maringtun obtulit coram Willelmo et Johanne capellanis de Maringtun et Ricardo flandrensis et Simone genero eiusdem Ricard' et Petro molendario*' ('when he offered a turf of the same land over the altar of St Mary's of Maryton in the presence of William and John, the chaplains of Maryton, and Richard Fleming and Simon, the son-in-law of the same Richard, and Peter the miller').<sup>115</sup> Unlike Emma of Smeaton's quitclaim, this example not only makes clear that the clod of earth in

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<sup>110</sup> M.T. Clanchy, *From Memory to Written Record* (London, 1979). Second edition, 1993.

<sup>111</sup> This problem was not unique to Scotland. Tabuteau found the same to be true in eleventh-century Normandy. Emily Zack Tabuteau, *Transfers of Property in Eleventh-Century Norman Law* (Chapel Hill, North Carolina, 1988), 120.

<sup>112</sup> *Lind. Cart.*, no. 83.

<sup>113</sup> *Dunf. Reg.*, no. 195.

<sup>114</sup> Tabuteau, *Transfers of Property*, 120; Clanchy, *Memory to Written Record*, 254.

<sup>115</sup> *Arb. Lib.*, no. 144.

question was from the contested land, but also specifies that the attestors were witnessing this act over the altar, and not just a corroboration. These examples, however, are exceptions; standard grants and confirmations tended to be more formulaic than chirographs and quitclaims, whose language suggests that they were produced by the more litigious, or at least more legally protectionist, religious houses. The bishops of Moray, for example, preferred the added security afforded by chirographs and recorded most of the grants made to their cathedral church as agreements between the secular lord and the bishop. These often gave place-dates at the cathedral and parish churches in Elgin, but were clearly conducted by the assembled cathedral chapter and were thus fairly anomalous.<sup>116</sup>

The language of the charters offers hints to the ceremony involved. The hands had an important role in such rituals, whether they involved the king, bishops and abbots, or secular lords.<sup>117</sup> *Mauricius* senior (Murethach) of Menteith resigned his earldom to King William ‘*in manu mea*’ (i.e., the king’s).<sup>118</sup> Adam of Stawell, in quitclaiming Balmerino, did so in the full court of King Alexander II at Forfar ‘*in manu nostra*’.<sup>119</sup> Another document makes clear that he also resigned his right ‘*in manu dicte domine Ermengarde matris dicte domini Regis Alexandri*’.<sup>120</sup> Robert, earl of Strathearn, pledged to protect the abbey of Inchaffray ‘in the presence of ... Gilbert, archdeacon of Dunblane, Christin, his brother, Duncan son of Adam, knight of Fife, Máel Ísu, steward of Strathearn, Brice (Máelbrigte or Gillebride), *persona* of Crieff and Máel Ísu his son, Macbethad, *judex*, and many others in the church of Strageath,’ and he did so ‘*in manu Domini Abbrahe Episcopi Dunblanensi*’.<sup>121</sup> A charter in the printed Arbroath cartulary records the sale of lands at Drumsleed to the bishop of Brechin by Stephen son of Stephen of ‘Kinnardesley’, and the surrender of the charter of the land that his father had from the king, perpetually into the hands of the bishop of Brechin, stating, ‘*ego et pater meus in manu dicti domini episcopi affidaimus in ecclesia Brechyn*’.<sup>122</sup> A similar unprinted charter, however, showed Stephen quitclaiming all right to the lands, on 19 August, 1235, in the chapel of Forfar, ‘*cum homagio nostro in manu domini Regis Allexandri*’ (sic).<sup>123</sup> There are examples involving abbots as well: Walter Bisset swore, in the full chapter of the abbey of Kelso, and in the

<sup>116</sup> *Moray Reg.*, nos. 30, 70, 74, 87, 99.

<sup>117</sup> Tabuteau, *Transfers of Property*, 120-1.

<sup>118</sup> *RRS* ii, no. 519.

<sup>119</sup> *Balm. Lib.*, no. 1.

<sup>120</sup> *Ibid.*, no. 4.

<sup>121</sup> *Inchaff. Chrs.*, no. 47.

<sup>122</sup> *Arb. Lib.*, no. 245.

<sup>123</sup> *Arbroath Cart. MS*, fol. 126<sup>v</sup>.

hand of Henry, abbot of Kelso, to observe the liberties of the church of Culter.<sup>124</sup> The confirmation of certain lands to Cambuskenneth Abbey by Malcolm son of Malcolm son of Roger, was given 'into the hand of the lord abbot of Cambuskenneth, who conceded to me *fraternitas*.'<sup>125</sup>

There are few examples of individuals making grants, quitclaims or agreements 'in the hand' of earls and other nobles, probably because the burden of recording, especially in the case of extraordinary documents fell on the church, and a lesser extent, on the royal chapel. There were exceptions to this rule, however, particularly in the cases where the noble was acting as justiciar. In an agreement between Niall mac Ywar and Henry the king's physician, 1189x 95, over Inverlunan, Niall, apparently a layman, swore 'in the hand of Earl Duncan' of Fife, who was justiciar of Scotia, although the document does not make specific mention of the office, while Henry, a cleric, swore in the hand of Hugh the Chancellor.<sup>126</sup> Similarly, Hugh Brito's charter acknowledging certain lands in the Garioch from Earl David, was made 'in the presence of William, king of Scots', but '*in manu David de Lindesey, tunc Justiciarii Regis Scotorum*'.<sup>127</sup>

### *Witnesses*

Witnesses to aristocrats' acts of donation, confirmation and resignation can and should be seen as a group of individuals, a virtual community who were tied together in their relevance to the deed. Often, they formed more recognisable groups, like the household of a baron or the landholders of a particular province, and, even when they may not have all been physically present at the ceremony which the document purported to immortalise, the witnesses fulfilled a serious social function.<sup>128</sup> In Geoffrey Barrow's words, 'it has long been recognised that the presence of a person's name in a testing clause is no proof that he or she saw the document engrossed and sealed.'<sup>129</sup> As Barrow pointed out, what they were witnessing was the public ceremony; the writing of the document was

<sup>124</sup> *Kelso Lib.*, no. 223.

<sup>125</sup> *Camb. Reg.*, no. 104.

<sup>126</sup> '*Et hanc convencionem fideliter et sine dolo tenendam affidavit predictus Nigellus in manu Comitis Dunecani, et Henricus in manu Hugonis Cancellarii.*' *RRS* ii, no. 590.

<sup>127</sup> *Lind. Cart.*, no. 129.

<sup>128</sup> On witnesses not actually being present, see David Bates' discussion on English royal confirmations and pancartes in 'The Prosopographical Study of Anglo-Norman Royal Charters', in *Family Trees and the Roots of Politics: The prosopography of Britain and France from the tenth to the twelfth century*, ed. K.S.B. Keats-Rohan (Woodbridge, Suffolk, 1997), 92.

<sup>129</sup> Barrow, 'Witnesses', 14.

secondary and did not always occur at the same time as the ceremony.<sup>130</sup> As Emily Tabuteau found in eleventh-century Norman documents, the ‘primary function of witnesses was to testify in defense of the recipient if an alienation [i.e., grant] was challenged’.<sup>131</sup> There can be little doubt that their role was the same in Scotland.

Whereas most comment on this topic has concentrated on royal charters, non-royal documents are often just as difficult to pin down. There may have been some ambiguity over the issue even at the time and documents occasionally asserted in no uncertain terms that the witnesses were present, which suggests that that was not always the case. An agreement between Andrew, bishop of Moray, and Walter Cumin, earl of Menteith, dated 1234, followed the statement on the detailed sealing arrangements of the chirograph with the further corroboration of ‘the testimony of those who were present, that is, the Lord Abbot of Iona, Brother Alan the monk, Nobleman Sir P [*recte* F] earl of Ross, Sir William Pratt, Sir M de Altomonte (Mowat), sheriff of Inverness, Sir Alexander of Stirling, Sir Merleswain son of the earl, Sir Alexander Ruffy and Ferchard son of Seth’: in other words, it has qualified the normal testing clause by making clear that the individuals were present at the agreement.<sup>132</sup> Another example, which comes in the form of a quitclaim rather than a chirograph, included a list of those who were present within the body text of the charter, and then followed it with a partial repetition in the testing clause. Patrick of Craigie quitclaimed to David of Moncreiffe ‘in the court and presence of my lord Philip de Moubray, and in the presence of *Magister* Matthew, chancellor of the Lord King, and of Sir John, abbot of Lindores, and of Sir Robert de Moubray, and of Geoffrey and Adam, priors of Dunfermline and Cambuskenneth, and of Thomas of Restalrig, Thomas and John de Haya, and David de St Michael, and Elias of Dundas, and Henry de Fortibus (Fontibus/Wells?), and Reginald de Warenne, and Michael Scot, and Malcolm de Maleville, knights, and of William de Vaux, clerk of the Lord King, and of Bridin Potanach, at that time the king’s *judex*, and of H’nald (Hernaldo?) of Craigie my brother, and of other good men, cleric and lay’.<sup>133</sup> In addition to this detailed list of those present for the quitclaim, the testing clause further mentions as witnesses *Magister* Matthew, king’s chancellor, ‘My

<sup>130</sup> *Ibid.*, 2 – 4.

<sup>131</sup> Tabuteau, *Transfers of Property*, 148.

<sup>132</sup> *Moray Reg.*, no. 85.

<sup>133</sup> NAS GD 45/27/96. John Malcolm Rogers, *The Formation of the Parish Unit and Community in Perthshire*, unpublished University of Edinburgh Ph.D. thesis (1992), App. I, 278. See also *Moncreiff*, no. 2, for garbled version. For discussion, see MacQueen, ‘Canon Law, Custom and Legislation’, 235. Note that MacQueen follows the common misidentification of the quitclaimer as Patrick of Naughton, rather than Patrick of neighbouring Craigie (‘Craghin’). The contemporary form for Naughton was Adnaughtan, *St A. Lib.*, 346-7.

lord' Philip de Moubray '*in cuius curia et presentia fuit*' ('in whose court and presence it was'), Hernaldo of Craigie, his brother, with the other aforementioned men, and many others who were present in the cemetery of the church of Moncreiffe on the day of the agreement. The use of terms like 'and many others' and 'and other good men cleric and lay' suggests that there were others present at such an assembly, in addition to those specifically named in the document, doubtless due to their importance or relationship to the grantor.

While there must remain an air of ambiguity around the role of witnesses, it can nevertheless be upheld that the individuals were tied together through the act itself, even when all were not actually present. As Barrow put it, 'there would be little point in naming as witness someone who was not only absent but also in complete ignorance of what was being transacted.'<sup>134</sup> Royal charters, for example, typically included household members, but there was often an element of randomness that suggests that various individuals visiting the peripatetic court were sometimes asked to witness. A grant of King William to William de Haya, for example, was witnessed by William de Vieuxpont, William Cumin, William Giffard and Hugh of Calder, none of whom had any particular connection to de Haya or the land being granted.<sup>135</sup> Some charters, like that recording Adam of Stawell's quitclaim of Balmerino mentioned above, explicitly stated the physical and social setting of the act – in that case, Alexander II's court at Forfar.<sup>136</sup>

Since most documents fail to include such details, and taking into account the concerns about the nature of witnesses discussed above, it should be asked to what extent testing clauses can be used for evidence of such courts and other great assemblies. Some charters have remarkably long lists of noteworthy witnesses. These occurred most frequently in the elaborate sweeping confirmations made by kings for large monasteries. These testing clauses seem to record the great and the good of the kingdom and suggest ceremonies in the presence of a large assembly. Kings often granted such blanket confirmations at the beginning of their reigns, to renew the bonds which had existed in the predecessor's reign. King William did this for St Andrews Cathedral Priory in a charter dated at Dunfermline, which listed two bishops, one abbot, one prior, a chancellor, archdeacon and chaplain, three earls, ten prominent barons, eight various clerks and *magistri*, and eight other laymen, including the sheriff of Dunfermline and Gillecrisp of

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<sup>134</sup> Barrow, 'Witnesses', 14.

<sup>135</sup> Hugh the chancellor, Archibald, abbot of Dunfermline, and Herbert the marshal also witnessed. *RRS* ii, no. 341.

<sup>136</sup> *Balm. Lib.*, no. 1.

Forteviot, who may have been a thane.<sup>137</sup> A similar document was written around the same time, this one for Dunfermline Abbey but dated at St Andrews. The testing clause suggests a less impressive but still significant body, including Earl David, Earl Duncan, Nicholas the chancellor, David Olifard and Philip de Valognes.<sup>138</sup> The foundation of William I's crowning achievement, the heavily-endowed Tironensian monastery at Arbroath, must have been the setting for a large assembly of the kingdom's most powerful men. The charter of 1178 announcing that establishment, lists an impressive litany of witnesses, including two bishops, two abbots, six earls, the constable, justiciar and chamberlain, and nine barons.<sup>139</sup> His confirmation of their rights shortly before his death, however, featured only his son the imminent Alexander II and a large handful of household figures and churchmen.<sup>140</sup>

King William seems to have upheld the rights of Arbroath Abbey at large public courts attended by the lay and ecclesiastical magnates of the realm. Roger, bishop of St Andrews, and Henry, abbot of Arbroath, came to a friendly agreement 'in the year of the birth of Alexander son of the illustrious king of Scots' (1198) over the *cáin* and *coinnmed* owed by the lands of the churches in the diocese of St Andrews that had been appropriated to Arbroath Abbey.<sup>141</sup> That the king may have presided over this event, (possibly even compelled it to take place), is suggested by the assembled throng, with the king himself, the bishops of Glasgow, Dunkeld, Aberdeen, Moray, Ross, and Brechin, the king's brother Earl David, the earls of Fife, Strathearn, Atholl and Angus, the abbots of Kelso, Holyrood and Lindores, the prior of St Andrews, the chancellor and a number of *clerici* and *magistri* and several knights all attesting.

Grand confirmations similar to those issued by the king were also produced by bishops, and the confirmations of the bishops of St Andrews to the priory of the same place seem to have attracted large assemblies in the same ways as the royal courts. Bishop Arnald's confirmation of 1160 x 62 boasted as witnesses five bishops, two archdeacons, seven abbots, three priors, a dean and an assortment of clerics as well as the earls of Fife, Strathearn, Atholl, Angus and 'Lothian' (Dunbar) and Fife landholders Ness son of William, Merleswain, Orm son of Hugh of Abernethy, members of the administrative class, Ewen sheriff of Scone and Swain of Longforgan and his sons Archibald and Hugh,

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<sup>137</sup> *RRS*, ii, no. 28.

<sup>138</sup> *Ibid.*, no. 30.

<sup>139</sup> *RRS*, ii, no. 197.

<sup>140</sup> *Ibid.*, no. 513.

<sup>141</sup> *Arb. Lib.*, no. 148.

as well as David Olifard (the justiciar of Lothian), the royal chamberlain and Masters Arthur and Merlin.<sup>142</sup> That such an important body could have been assembled with no sign of the king, Earl David or indeed any member of the royal family is telling. Moreover, the confirmation of Bishop Richard, 1165 x 66, boasted a similar testing clause of four bishops, two archdeacons, eight abbots, the royal chancellor, two priors, a dean, various clerics and *magistri*, as well as the earls of Fife, Dunbar, Strathearn, Atholl and Angus, and Merleswain, Ness son of William and David Olifard.<sup>143</sup>

It may well have been that the church of St Andrew was simply that influential in the political world of the kingdom, especially in the earldom and greater province of Fife. In 1198 x 99, an agreement was made between Gilbert, prior of St Andrews and the convent of that place, and the *céli Dé* of St Andrews, over teinds and other revenues. Attesting to the charter were a remarkable group of individuals. In addition to the ecclesiastical magnates, the bishops of St Andrews, Dunkeld, Strathearn (Dunblane), Aberdeen, and the bishop-elect of Brechin, were a litany of earls with their heirs: Earl David, Earl Duncan II of Fife with his sons Malcolm, Duncan and David, Earl Gilbert of Strathearn and Máel Ísu his son, Gillecríst earl of Angus and Duncan his son, Murethach earl of Menteith, Robert of London, the king's son. Furthermore, there was a roll-call of Fife landholders: Laurence son of Orm of Abernethy, Waltheof son of Merleswain (of Kennoway), Adam son of Odo (of Kinninmonth), Macduib, Hugh the bishop's steward, Duncan son of Adam of Ceres, Buathac of Inchmurdo (the bishops' estate), Malcolm son of Máel Patraic<sup>144</sup>, Alan de Lascelles, Brice (Máelbrigte or Gillebride), *persona* of Kellie, and Geoffrey de Maleville.<sup>145</sup> It is noteworthy that an issue such as teinds from churchlands could bring together such a group of people. Indeed, this document seems to reflect some kind of assembly of the 'community' of Fife.

Conversely, witnesses to aristocratic charters seldom conjure up images of grand assemblies. Instead, they usually reflected a combination of the grantor's household, the important people in the locality of the land or church grant, such as a priest or thane, and churchmen related to the receiving institution in the case of ecclesiastical donations. The earl of Fife, however, was able at times to draw upon witnesses that again reflected broadly the baronage of Fife. For example, in his confirmation of Gilston to North Berwick Priory

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<sup>142</sup> *St A. Lib.*, 130-2.

<sup>143</sup> *Ibid.*, 141-4.

<sup>144</sup> Son of *Magister* Máel Patraic of St Andrews. Watt, *Biographical Dictionary*, 374. Barrow's research shows that he was master of the poor scholars, *RRS* ii, 395; *St A. Lib.*, 315-6; Barrow, 'Kinninmonth', 126.

<sup>145</sup> *St A. Lib.*, 318-9.



of 1160 x 72, Earl Duncan II of Fife's witnesses included his wife Countess Ela, his son Malcolm, Lothian landholders Hugh Giffard and Gospatrick of Swinton, clerics like Walter, prior of St Andrews, Ilbert, prior of Haddington and Richard, chaplain of St Andrews Church, North Berwick, but also such Fife aristocrats as Adam the earl's brother, Merleswain (of Kennoway), Constantine of Lochore, Ness son of William (of Leuchars), Orm son of Hugh (of Abernethy), Adam of Ceres, as well as members of the administrative class like Peter, constable of Cupar, Derling of Airdit, Kenneth, thane of Kettle, Aviel of Strathleven and Ness of 'Dalginge'.<sup>146</sup> The earl of Fife may have had the ability to draw together the diverse community of landholders in the area. Furthermore, as with the agreement between the priory and the *céli Dé* of St Andrews, the major landholders of Fife seemed to be acting almost as a group, whether they were literally assembled together or only figuratively.

On rare occasions, kings and queens appeared as witnesses to aristocratic charters. These suggest scenarios when the charter of the earl, baron or knight was produced in a social context dominated by the king and his court. Malcolm, earl of Atholl's grant of the church of Moulin to Dunfermline Abbey, 1183 x 89, was witnessed not only by the king, but by such an impressive array of worthies that it can only have taken place at an important royal court. 'I, however, and my spouse Countess E (Hextilda), with the king present, with bishops, abbots, Earls, and good men of the kingdom standing around, have given ourselves to the same church, and when we die, we will be buried in the same place.'<sup>147</sup> For the earls of Atholl, who saw themselves as descended from the royal line, it was obviously important to be buried at Dunfermline, on the same ground as kings.<sup>148</sup> In addition to the king, the bishops of Glasgow, Aberdeen, Dunkeld, Dunblane and Brechin, the abbots of Scone, Arbroath and Coupar Angus, the earls of Fife, Dunbar, Strathearn and Mar, the earl of Atholl's wife and son, Robert de Quincy, the king's son Robert of London, Philip de Valognes, William of Lindsey, Walter of Berkeley, the chamberlain, and 'many other good men of the realm' attested, which can only suggest a very large assembly, probably at Dunfermline itself.

King William witnessed aristocratic charters most frequently with grants involving his abbey at Arbroath, which may indicate that he personally wanted to ensure that his

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<sup>146</sup> *N.B. Chrs.*, no. 3.

<sup>147</sup> *Dunf. Reg.*, no. 147. '*Ego autem et sponsa mea E Comitissa ipso Rege presente episcopis abbatibus Comitibus et probis hominibus regni astantibus reddidimus nos eidem ecclesie ut cum obierimus ibidem sepeliatur*'.

<sup>148</sup> Earl Malcolm of Atholl referred to the kings as his predecessors in a charter to Dunfermline Abbey, *Dunf. Reg.*, no. 147. See also chapter four, note 22, above.

earls and barons kept up their commitment to his pet project. Two of these instances were confirmations by Duncan, earl of Angus. Their testing clauses are identical, and suggest that the documents were produced at the bidding of the king, by the king's men: witnesses included two royal chaplains and two royal clerks.<sup>149</sup> Alexander II played the same role in the confirmations of Earl Duncan's successor, Earl Malcolm of Angus.<sup>150</sup> William also did this in the case of grants to Arbroath from Roger de St Michael, Earl Fergus of Buchan and Richard de Fréville.<sup>151</sup> Alexander II seems to have taken a similar proprietary interest at his foundation of Balmerino, which he established with his mother, Ermengarde. Laurence of Abernethy's resignation of Coultra was made, the charter makes clear from the outset, '*in presencia domini Alexandri Dei gracia illustris Regis Scocie*', a statement which the witness list confirms: the king himself is followed by two bishops, the justiciar of Scotia, two abbots, an earl, a baron and a sheriff.<sup>152</sup> The king also witnessed a grant by Earl Malcolm of Fife to Balmerino.<sup>153</sup> Philip de Moubray and Galiena daughter of Waltheof's quitclaim of Inverkeithing church to Dunfermline Abbey was made in the presence of Queen Ermengarde.<sup>154</sup>

As the above examples of assemblies show, witness lists to confirmations reflect the sense of social order expressed by the scribe, and, by proxy, the sealer. Geoffrey Barrow has used witness lists as evidence for an ethnic bias in the production of charters. While it is clear that the earliest royal charters were produced under the influence of English royal practice and David I's immigrant knights, there is little evidence in the charters relating to Scotland north of Forth of an 'impression of segregation' between names of different ethnolinguistic character.<sup>155</sup> For example, William I's 1165x69 confirmation to Dunfermline Abbey, mentioned above, is rather characterised by a lack of regard for linguistic or 'ethnic' orientation. In this testing clause, Gillecrisp mac (inien) Samuel comes before immigrants like Geoffrey de Maleville and Walter of Berkeley. In the St Andrews confirmation, men with names like Gillecrisp of Forteviot, Gillemuire the hunter and Gillebride, sheriff of Dunfermline, are intertwined with the names of Geoffrey

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<sup>149</sup> *Arb. Lib.*, nos. 47, 52

<sup>150</sup> *Arb. Lib.*, nos. 48, 53.

<sup>151</sup> *Ibid.*, nos. 81, 85, 91. No. 85 must record an event that took place in Aberdeen, as it is witnessed by the bishop and archdeacon of Aberdeen, the *persona* of Aberdeen and his brother, and three burgesses of Aberdeen.

<sup>152</sup> *Balm. Lib.*, no. 7.

<sup>153</sup> *Ibid.*, no. 37.

<sup>154</sup> *Dunf. Reg.*, nos. 166, 211.

<sup>155</sup> Barrow, 'Witnesses', 6.

de Maleville and Gilbert of Kinross.<sup>156</sup> Furthermore, when one considers non-royal charters, Barrow's claims of 'Anglo-Norman supremacy', based on south-of-Forth documents, ring hollow.<sup>157</sup> The aforementioned 1198x 99 agreement between the priory and *céli Dé* of St Andrews reflects no attempt to separate out immigrants from 'natives'; indeed Macduib ('MacDuf') and Malcolm son of Máel Patraic come before Alan de Lascelles, arguably a greater landholder, while Geoffrey de Maleville's name is last, after even that of a minor *persona*. There has been no attempt to group together Gaelic names or European names, and no indication that the scribe even perceived such ethnic differences. Neither does this list distinguish between ecclesiastical landholders, like Hugh the steward, Adam son of Odo, Buathac of Inchmurdo and Malcolm son of Máel Patraic, from laymen.<sup>158</sup> These documents must have been written down by clerks from Dunfermline or St Andrews, or royal clerks, men who are usually considered to have been in the vanguard of the europeanising movement. Yet even given the probable cultural bias of the scribes, there was no attempt at ethnic segregation in witness lists. The same can be said for documents mentioned above that do not reflect large assemblies. For example, the 1234 agreement between the bishop of Moray and the earl of Menteith included a Fearchar son of Seth (and on the other end of the spectrum, Fearchar Maccintsacairt, earl of Ross) next to such immigrants (or their sons) as William Pratt and Michael de Montealto.<sup>159</sup> Similarly, the quitclaim of Patrick of Craigie in the cemetery at Moncreiffe included Michael Scot (describing him as a knight) and Bridin Potanach, a *judex*.<sup>160</sup>

## Courts

Most of what is known about judicial causes, almost uniformly civil cases, in this period does not come from records of legal proceedings *per se*, but rather from documents that were produced as a result of the judicial decision, usually resignations of the loser's rights to whatever property was under question. For this reason, our knowledge of courts and how they operated is limited in particular ways; for example, the testimony and even names of sworn witnesses and/or jurors was not typically written down, or at least, has not

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<sup>156</sup> *RRS* ii, no. 28.

<sup>157</sup> Barrow, 'Witnesses', 7.

<sup>158</sup> *St A. Lib.*, 318-9.

<sup>159</sup> *Moray Reg.*, no. 85.

<sup>160</sup> Roger, *Formation of Parish Unit*, App. I; *Moncreiffs*, no. 2.

come down to us.<sup>161</sup> There were many competing jurisdictions which could conceivably cover the lay landholder, including those of the king and his representatives, the *justiciar* and *judices* for the more serious cases, otherwise the sheriff, or alternately there were various ecclesiastical courts headed by papal judges-delegate or other groups of dignitaries acting as judges or arbiters. Nevertheless, documents such as quitclaims, chirographs and records of legal proceedings survive, and sometimes offer clues as to the social makeup of the courts: the judges, the suitors and the sworn witnesses. There is no evidence in these texts of *de jure* or *de facto* segregation based on nationality or ethnic identity. Instead, their priorities are those of the community at large, and often reflect a balance of different groups in society.

Landholders themselves often held their own courts; earls and barons typically had the right to try and punish certain crimes. For example, William I granted the abbacy of Abernethy to Orm son of Hugh ‘with soke and sake, toll, team and infangthief, with pit and gallows’ at Abernethy and Inverarity.<sup>162</sup> The term ‘*curia*’ however, could be used in different ways, especially when discussing baronial courts. First, the word could be used to mean the house, perhaps the *caput*, of the knightly lord. In 1241, Henry of Stirling, son of Earl David, paid St Andrews to maintain a chaplain ‘*in capella de Inchmartyn infra curiam meam*’, that is, ‘within my court’; furthermore, the chaplain was to have a house ‘*juxta curiam grangie mee*’, ‘next to the court of my grange’.<sup>163</sup> Duncan son of Hamelin quitclaimed to Saher de Quincy, earl of Winchester, his right to Deuglie, ‘in my full court at Leuchars’.<sup>164</sup> Philip de Moubray came to an agreement with Arbroath Abbey to have an oratory ‘*infra clausuram curie sue de kellyn*’, that is, ‘within the enclosure of his court of Kelly’ in Angus.<sup>165</sup> Patrick of Craigie’s quitclaim of Moncreiffe, however, which was dated ‘*in cimiterio ecclesie de munehccref*’, was conducted ‘*in curiam et in presentia domini mei philipi de mubre*’.<sup>166</sup> In this instance, thus, the term *curia* is describing a social context rather than a physical place. In that sense, the baron was capable of holding a court in places other than his *caput*.

In terms of most *curiae*, however, it is clear that the term refers more to a gathering than a physical place. Forfar, for example, was the scene for courts headed by the king

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<sup>161</sup> ‘At first it is difficult at times to distinguish the jury from sworn witnesses or even compurgators’, *Fife Court Book*, lxxxvii.

<sup>162</sup> *RRS* ii, no. 152.

<sup>163</sup> Fraser, *Melvilles*, iii, no. 11.

<sup>164</sup> *Camb. Reg.*, no. 73.

<sup>165</sup> *Arb. Lib.*, no. 121.

<sup>166</sup> Roger, *Formation of Parish Unit*, App. I; *Moncreiffs*, no. 2.

personally, by his justiciar, and by the sheriff, although all of these must have been held within the castle there. Adam of Stawell, the heir of Richard Revel, seems to have made a very public display of his resignation of the lands of Balmerino and Coultra into the hands of Queen Ermengarde at his full court at Forfar on 12 October, 1225, in exchange for one thousand marks.<sup>167</sup> This was recorded in a charter of quitclaim. An interesting point of comparison is the '*Curia dominorum apud Forfar*' which tried Godfrey, son of Thomas of Tynedale, resulting in a quitclaim dated 30 July 1250, the first year of Alexander III's (troubled) minority.<sup>168</sup> The court consisted of Sir Alan Durward, justiciar of Scotia, William of Brechin, Earl David's grandson, and Robert de Montealto (Mowat), at that time sheriff. Godfrey resigned 'Balbohelyn' in Tealing, which he had held from Hugh Giffard, for defect of service, as well as handing over '*omnibus scriptis cartis taliis decetero sive imposterum inuentis*'. The '*plurimorum Baronum*' who attached their seals included William of Ramsey and Adam of Morham, but also Alexander of Ogilvie and Hugh of Angus, both cadet members of the Angus comital family, exhibiting a balance between immigrant and 'native' in judicial matters which was characteristic of the society. Another example drawing together three types of courts was dated twenty days after Christmas 1255.<sup>169</sup> King Alexander III made a quitclaim to Dunfermline Abbey, which freed them from having to render suit for various lands in the sheriff court of Perth. This quitclaim, which does not follow the standard charter *formulae* and conventions, records that David de Haya, the sheriff of Perth, had tried to get four marks penalty from the abbey, who then petitioned the king, after which Alexander Cumin, earl of Buchan and justiciar of Scotia, held an inquest, whose verdict was announced at a full council of the king at Holyrood. It is exceptional, however, that information about the workings of the court system were recorded in this type of document.

Quitclaims by lay landholders relating to various courts have survived. In addition to the examples describing courts headed by barons, earls, justiciars and kings, outlined above, there are also references to burgh courts and ecclesiastical courts which resulted in resignations. In one document, three grieves (*prepositi*) of Perth, John de Bell, John Cokin and Simon of Creiff, notified the public that Henry the clerk, son of Laurence son of Huyth of Perth, had quitclaimed to Balmerino Abbey lands that he claimed to hold from the

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<sup>167</sup> *Balm. Lib.*, nos. 1, 4, 5, 6.

<sup>168</sup> *Yester Writs*, no. 15.

<sup>169</sup> *Dunf. Reg.*, no. 85; *Select Scottish Cases of the Thirteenth Century*, ed. Lord Cooper (Edinburgh and London, 1944), 71; Simon Taylor, *Syllabus of Scottish Cartularies: Dunfermline Abbey*, forthcoming.

bishop of Dunkeld, '*in plenaria curia nostra coram nobis constitutis apud Perth*'.<sup>170</sup> In 1237, Duncan of Megginch quitclaimed to Inchaffray Abbey, half of 'Drumkroc', after being summoned by a court of papal judges-delegate at Scone. It is notable that in this case of a lay landholder appearing before an ecclesiastical court, one of the few recorded witnesses was the sheriff of Perth.<sup>171</sup>

A few disputes and other court cases resulted in the production of settlements and chirographs. The case of the earldom of Menteith was decided by King William on 6 December, 1213, at Edinburgh, and the settlement was recorded in an *amicabilis conventio* between 'Maurice the earl of Menteith and Maurice his younger brother'.<sup>172</sup> The agreement was confirmed by the king in a charter dated the following day.<sup>173</sup> Otherwise, these tended to be used in cases between lay landholders on one side and ecclesiastical landholders on the other. An *amicabilis compositio* dated 26 April, 1233, in the church at Inverkeithing, was used to record the results of a dispute between Philip de Moubray and his wife Galiena and Dunfermline Abbey.<sup>174</sup> It stated that '*Dominus P de Mub*' juravit tactis sacrosanctis evangeliiis se de cetero fideliter et sine malo ingenio cartam suam et compositionem bona fide observaturum', that is, that Sir Peter de Moubray swore, touching the Holy Gospels, faithfully and without any bad intent, henceforth to observe in good faith his charter and settlement. A dispute over second teinds between Sir David de Haya of Erroll and Scone Abbey resulted in a short *amicabilis compositio*, recording that the case had been heard by the bishop of Dunkeld, but, interestingly, a local priest had been the only other churchman to witness, along with several local landholders including Sir Henry of Abernyte, John of Cameron, Patrick of Abernethy, Malcolm de Haya and Ralph of Kinnaird.<sup>175</sup>

The anomalous documents that do not adhere to standard forms and *formulae*, however, offer the greatest chance to tease out further details of the social context behind these courts. Philip de Moubray and Galiena were involved in another dispute with Dunfermline Abbey over the teinds and patronage of Inverkeithing church; this resulted in a document announcing the results of the hearing as promulgated by the judges, the abbot of Kelso and priors of Coldingham and Kelso. This document contained the entire text of a mandate from Pope Innocent III dated 29 July, 1211, as well as the sentence of the judges

<sup>170</sup> *Balm. Lib.*, no. 30.

<sup>171</sup> *Inchaff. Chrs.*, no. 63; Cooper, *Select Cases*, 46, Paul C. Ferguson, *Medieval Papal Representatives in Scotland: Legates, Nuncios, and Judges-Delegate* (Edinburgh, 1997), 249.

<sup>172</sup> Fraser, *Menteith*, ii, no. 7. The original text is '*inter Mauricium comitem de Manenthe et Mauricium juniorem fratrem ejus*'.

<sup>173</sup> *RRS* ii, no. 519.

<sup>174</sup> *Dunf. Reg.*, no. 222; see also Ferguson, *Papal Representatives*, 233, no. 57.

<sup>175</sup> *Misc. Monastic Chrs.*, no. 4.

in the presence of the queen and the bishop of St Andrews in Edinburgh on 31 May, 1212.<sup>176</sup> This kind of document announcing the decision of the court is rare. Indeed, two cases between local landholders and Lindores Abbey, also heard by papal judges-delegate, resulted in documents written in the name of the landholder, not the judges. Both cases involved timber rights (in two different woods) and both were heard by the archdeacon of Dunkeld.<sup>177</sup> Lindores Chartulary number 111 is written in the name of Robert, 'called brother of the steward of Strathearn', the defendant; however, it switches from the first person to the third person and back again, which is perhaps unsurprising given that the document is dated at Lindores (2 Feb., 1256) and was probably composed by one of their monks. The case against Joachim of Kinbuck, which was tried in the same court, resulted in a document dated 22 January, 1256, which bears striking similarities to the other document and was probably produced in much the same way.<sup>178</sup> The stewards of Strathearn, Gille na Naem and Máel Ísu, have been represented as native or 'Celtic', Joachim as 'Anglo-Norman',

No social distinctions based on ethnicity were evident in the lists of sworn witnesses to civil cases, but sufficient evidence for this type of analysis only survives in a few rare texts. In the case against Nicholas of Inverpeffer, dated 17 February, 1250/1, at Forfar, Robert de Monte Alto (Mowat), William of Ramsey, Hugh of Angus, Alexander of Ogilvie, Duncan *judex*, Nicholas *ab*, Robert the mareschal, Matthew of Conan, John, thane of Montrose, William Blund, James of Lour, Eustace of Glasterlaw and Robert Vibois, were sworn witnesses.<sup>179</sup> Nicholas had taken his men with the king's men, rather than with the abbot's, in Alexander II's 1249 campaign, in an attempt to 'establish a claim that the land was not subject to ecclesiastical jurisdiction'.<sup>180</sup> The case went before the papal judges-delegate before apparently being heard by the abbot of Dunfermline, who was chancellor, Alan Durward, justiciar of Scotia, Robert de Meniers (Menzies), chamberlain, and several barons – in other words, the council of guardians who were ruling in the minority of Alexander III.<sup>181</sup> In the makeup of these groups of sworn witnesses, it is clear that there was no *de jure* segregation: there was no legal recognition of ethnic differences,

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<sup>176</sup> *Dunf. Reg.*, no. 211; Taylor, *Syllabus*; Ferguson, *Papal Representatives*, 221, no. 34.

<sup>177</sup> *Lind. Cart.*, nos. 111, 112. The first mentions also the archdeacon's commissaries, the prior and sacrist of Arbroath. See also Cooper, *Select Cases*, 70-1; Ferguson, *Papal Representatives*, 259-60.

<sup>178</sup> *Lind. Cart.*, no. 112.

<sup>179</sup> *Arb. Lib.*, no. 250. See also Ferguson, *Papal Representatives*, 254, no. 114.

<sup>180</sup> Ferguson, *Papal Representatives*, 140; MacQueen, *Common Law and Feudal Society*, 44.

<sup>181</sup> *Arb. Lib.*, no. 250.

‘no institutionalized form of apartheid’.<sup>182</sup> But did *de facto* segregation exist? One would be hard pressed to find evidence of this. Conversely, sworn witnesses appear to have been chosen based on their legal experience and standing in the community. Robert de Montealto was sheriff of Forfar on 30 July 1250; William of Ramsey was sheriff in 1245x6.<sup>183</sup> Robert the mareschal may have been the same individual as Robert the steward; that is, Robert steward of Inverkeillor, who was also sheriff of the Mearns. In addition to these men with administrative experience were a thane and a *judex*. Three men with connections to the local comital family – Hugh of Angus (that is, Hugh son of Earl Duncan of Angus), Alexander of Ogilvie and Nicholas *ab* (i.e., of Monifieth, from a family with close ties to the earls) were included. Hugh and Alexander were obviously seen as important in the region, given their position as sealers to the Godfrey son of Thomas of Tynedale decision, also at Forfar in 1250.<sup>184</sup> The others were local landholders, at least one, Matthew of Conon, with connections to a burgh.<sup>185</sup> While there is no traceable indication that ethnic identity was a factor in the selection of such sworn witnesses, it is at least possible to see an attempt to include people of various aristocratic classes, such as those with administrative expertise (sheriffs and ex-sheriffs, thane, *judex*), those with connections to the comital family, including one member of the ecclesiastical aristocracy, regional baronial landholders and those with attachments to the burghs. It is not clear whether Nicholas of Inverpeffer (probably the same as Nicholas, the king’s brewer) was a son of Walkelin, the previous brewer, or whether Nicholas considered himself an immigrant to Scotland or had an identity based on the ‘europeanized’ culture.<sup>186</sup> What is possible to say, however, is that matters relating to his landholdings were decided not merely by members of the ‘native’ aristocratic comital, administrative and ecclesiastical classes, nor merely by a session of immigrant knights, but by a court which reflected the community with no regard to ethnic identity.

A document describing the case against Duncan of Arbuthnott by an ecclesiastical court at Perth in 1206 is longer and more detailed than any other surviving record, including the names of the sworn witnesses as well as their testimony. The document is authored from the perspective of the judges, who were four abbots, three priors, the

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<sup>182</sup> Hector MacQueen, ‘Scots Law under Alexander III’, 95; Dauvit Broun, ‘Anglo-French acculturation’, 137.

<sup>183</sup> *Yester Writs*, no. 15; *Arb. Lib.*, no. 263; *Sheriffs of Scotland*, ed. Reid and Barrow.

<sup>184</sup> *Yester Writs*, no. 15.

<sup>185</sup> Matthew of Conon was probably the son of Matthew son of Duffyth, a burghess of Arbroath. Matthew son of Matthew son of Duffyth was a perambulator at Kinblethmont in 1219. *Arb. Lib.*, nos. 58, 115, 228.

<sup>186</sup> Cf. *Arb. Lib.*, no. 228.



archdeacon, and deans and clerics 'in synod at Perth', on 11 April 1206.<sup>187</sup> The case, which was between William, bishop of St Andrews, and Duncan, was decided in the bishop's favour, and the judges upheld the bishop's assertion that Duncan had deprived the church of its right by expelling the *scolocs* from Kirkton in Arbuthnott. The document included the testimonies of the fourteen court witnesses, who were John of Hastings, Isaac of Benvie, Isaac's nephew Adam of Benvie, *Magister* Isaac, Felix, Hathekin the priest, Mauricius the priest, Hugh the steward, Adam of 'Bas', Bricius, *persona* of Newdosk, 'Gillepedes', Malcolm of Idvies, Cormac of Newdosk and Somerled of Fetteresso. The character of the witnesses as a group was similar to that of Nicholas of Inverpeffer in that it includes several men of the administrative class, including an ex-sheriff, as well as area landholders. The main difference is the inclusion of several churchmen, including at least four in holy orders, and men otherwise attached to the bishopric of St Andrews. Hugh the steward held that position for Bishop Hugh, while Andrew of 'Bas' called the same bishop 'his brother', although it is difficult to know if one should take that literally. As discussed earlier in the chapter, Malcolm of Idvies seems to have come from the thanely family attached to that estate, while Cormac of Newdosk and Somerled of Fetteresso may well have been thanes as well. Felix seems to have been chosen by virtue of his age: he remembered events from the time of Bishop Arnald, over forty years previously. The testimony mainly consisted of claims that the witnesses had seen bishops on those lands, that the bishops or their stewards had collected their *coinnmed* from the land, and that Hugh of Swinton started removing scolocs one by one. His son Duncan, they testified, had removed the rest as a group, and had ploughed the land. Felix, Cormac of Newdosk and Somerled of Fetteresso added that Hugh of Benholm was involved in the vexation. Felix claimed that Isaac of Benvie had been the first to abuse the scolocs' rights. Isaac of Benvie, perhaps from an old thanely family himself based in southern Angus, was perhaps a tenant of the Valognes family, who now held Benvie from the king.<sup>188</sup> *Magister* Isaac had seen 'eight thanes or more' on the land of Arbuthnott, but after Arbuthnott was granted by the king to Osbert Olifard, 1165 x 78, that knight eventually decided to go away on pilgrimage or crusade to Jerusalem. Osbert farmed the land out to Isaac of Benvie, apparently without telling him that the area known as Kirkton was technically owned by the bishop of St

<sup>187</sup> *Synod of Perth 1206*, 209-13. See also Cooper, *Select Cases*, 9; Ash, 'St Andrews', 113-4; Duncan, *Kingdom*, 392-3; Barrow, 'Pre-feudal Scotland', 43.

<sup>188</sup> *St A. Lib.*, 40-1; *RRS* ii, no. 405. Isaac's *nepos* Adam perambulated Stinking Haven with Philip de Valognes, *C.A. Rent.*, App. 2, no. 2.

Andrews.<sup>189</sup> An arrangement was reached between Isaac and the leader of the scolocs at that time, one Gillandres Onefoot. Later, however, even Isaac admitted that after Gillandres had died and Walter Olifard granted the land to Hugh of Swinton, that his son Duncan had removed the scolocs and ploughed the land himself.

What is remarkable about the Arbuthnott case is that the recording of the witnesses' testimony adds a richer layer of complexity to our understanding of the story. And while it is clear that there were new landlords coming in and removing *scolocs*, nothing suggests that this dispute should be viewed in an ethnic light. Indeed, the Olifards, John of Hastings and the bishops of St Andrews themselves are the only ones in the whole story who can positively be identified as coming from European immigrant families. The Swinton family was from Lothian but was ultimately a longstanding Northumbrian family. It is once again clear from the makeup of the witnesses that a position of importance in local society was the most important factor, and, consequently, local priests, probable members of thanely families, and people who were simply chosen due to their advanced age were chosen. Clearly, as with Nicholas of Inverpeffer, the men who gave testimony in the case of Duncan of Arbuthnott were not chosen based on their ethnic identity or immigrant status.

### *Perambulations*

Records of perambulations offer perhaps the most detailed look at social groups on the ground in contemporary Scotland north of the Forth. Geoffrey Barrow depicted it as 'the archaic process of perambulation', at the same time making clear that it was still very much a functioning legal procedure until the late thirteenth century and beyond. The perambulation was a matter for royal justice, and was usually overseen by the justiciar.<sup>190</sup> There is copious evidence for perambulations being conducted by royal precept, as well as for their results being recorded in the king's rolls.<sup>191</sup> The process at Balfeith, Mearns, in 1198x99 was conducted 'according to royal assize'.<sup>192</sup> The perambulation of Dunduff, Fife, by 1231, was done '*per preceptum domini Regis*'.<sup>193</sup> The final words in the record of the 1227 perambulation of Kinblethmont were: '*Hec perambulacio in hunc modum inuenta*

<sup>189</sup> Alan Macquarrie, *Scotland and the Crusades* (Edinburgh, 1997), 29.

<sup>190</sup> Barrow, 'Justiciar', 91-3.

<sup>191</sup> *Ibid.*, 93; Cooper, *Select Cases*, 21.

<sup>192</sup> *Arb. Lib.*, no. 89, '*secundum assysam regni*'.

<sup>193</sup> *Dunf. Reg.*, no. 196.

*scripta est in rotulis Domini Regis.*<sup>194</sup> A perambulation could also take place by precept of the justiciar: Alan Durward ordered the process at Wester Feddal in 1246, as justiciar of Scotia.<sup>195</sup> While the king had jurisdiction over perambulations, which was exercised through the person of the justiciar, as Barrow points out, *judices* clearly had a role in the execution of the perambulation as well as the conferring of sasine which often occurred after the delineation of marches.<sup>196</sup> What has been overlooked is that it was possible, if not normal, for aristocrats to demand perambulations: Saher de Quincy, earl of Winchester, ordered his steward and other men probably belonging to his household to perambulate the land of Gask in Strathearn ‘by my precept’ before granting it to Inchaffray Abbey.<sup>197</sup>

There were two groups of people involved in the perambulation process, and there was clearly a social distinction made between the type of people who did the actual walking of the boundaries, versus the group who made up the court that oversaw the process. The terminology used to describe these groups, however, was fluid and usage changed slightly from document to document. First, it is necessary to examine the group of people who did the perambulating, that is, those who walked the marches and who were meant to remember those boundaries in case of later confusion. Brice, the king’s *judex*, called them *perambulatores* in a 1221 letter, while a record of a 1219 process referred to them as *ambulatores*.<sup>198</sup> Furthermore, the perambulators were often characterised as ‘*probi homines*’, as good, upstanding, respected, and above all, trustworthy, local men. While many documents list these men in full or in part, others simply mention the one, two or the few most important people, followed by the phrase, ‘*et alii probi homines*’.<sup>199</sup> When the men’s names were listed, the groups ranged in number from eight to twelve.<sup>200</sup>

The verbs used to describe the actions of this group give an indication of their duties. Of course, they were said to have ‘perambulated’ the lands. At Abercairney in Strathearn, Ysenda, wife of Earl Gilbert of Strathearn, perambulated lands ‘with the present good men’ (*probis hominibus presentibus perambulavi*).<sup>201</sup> Swearing an oath was another important part of the procedure. The language of the documents emphasises that the perambulators had sworn to the validity of the boundaries, as in the cases of Drimmie

<sup>194</sup> *Arb. Lib.*, no. 228; Cooper, *Select Cases*, 21.

<sup>195</sup> *Lind. Cart.*, no. 23.

<sup>196</sup> Barrow, ‘Judex’, 59-60.

<sup>197</sup> *Inchaff. Chrs.*, no. 38.

<sup>198</sup> Barrow, ‘Judex’, App. B, no. 2; *Arb. Lib.* i, no. 228.

<sup>199</sup> *RRS* ii, nos. 344, 345.

<sup>200</sup> *Arb. Lib.*, no. 228 lists eight men. *C.A. Chrs.*, no. 34 and *Lind. Cart.*, no. 23 list ten men. *Dunf. Reg.*, no. 196, lists twelve men.

<sup>201</sup> *Inchaff. Chrs.*, no. 46.

(1224) and Wester Feddal (1246).<sup>202</sup> Brice's letter on the perambulation of Balfeith lists the perambulators 'who swore' (*qui juraverunt*).<sup>203</sup> Furthermore, these men were said to have 'recognised' the boundaries, which seems to suggest a collective act of consensual acceptance, over and above the actual walking. As one charters puts it, '*Isti jurati recognouerunt*' ('These, having been sworn, have recognised').<sup>204</sup> In a perambulation between lands of Margaret, countess of Buchan, and Arbroath Abbey, dated 3 August, 1236, we are told that '*Item in crastino eiusdem diei recognite fuerunt per juramentum proborum virorum.*'<sup>205</sup> As 'recognition' was made 'by oath of the good men' on the following day, it seems that this was an important element of the procedure that could be carried out at more or less the same time and at the same place as the actual walking occurred. This 'recognition' may be connected to the *traditio* or act of putting in sasine, which Barrow has identified sometimes occurred after the process of perambulation.<sup>206</sup> The act by which five named men, including an earl and *judex*, and '*alii probi homines*' put Coupar Angus Abbey in sasine of the marsh in Blairgowrie parish bears resemblance to these processes.<sup>207</sup> The perambulators could also be called to bear witness in court, as ten men swore on the Holy Gospels in the king's full court at Forfar as to the marches of Kinblethmont. This oath in court, not the perambulation itself, took place on 17 January, 1227.<sup>208</sup>

The second group of people who took part in the process of perambulation are harder to name; indeed, the documents do not give these men, who are often listed in full, any collective noun. The operative word here is *coram*, meaning 'in the presence of' or 'in front of'. Sometimes, the term was used along with only the most important person or people at the process. The perambulation of Balfeith was made *coram* Matthew, bishop of Aberdeen, and Earl Gilbert of Strathearn; that of Philip de Valognes at his 'Stinking Haven' was done '*coram presenciam mea*'.<sup>209</sup> Wester Feddal was perambulated, on the other hand, *coram* a large body of people including the sheriff, the abbot and monks of Inchaffray (who held one of the relevant pieces of land being divided), men of Sir Joachim of Kinbuck, men of the bishop of Dunblane, burgesses of Auchterarder, men of the earl of

<sup>202</sup> *C.A. Chrs.*, no. 34; *Lind. Cart.*, no. 23.

<sup>203</sup> Barrow, 'Judex', App. B, no 2.

<sup>204</sup> *Lind. Cart.*, no. 23.

<sup>205</sup> *Arb. Lib.*, no. 227.

<sup>206</sup> Barrow, 'Judex', 59 – 60.

<sup>207</sup> *RRS* ii, no. 420.

<sup>208</sup> *Ibid.*, no. 229.

<sup>209</sup> *Ibid.*, no. 89; *C.A. Rent.*, ii, App 2.

Strathearn, men of Sir Fergus, and others, including clerks.<sup>210</sup> It seems clear that there was normally a group of people who witnessed the perambulators (who in the case of Feddal were listed as well), although it is unclear if these witnesses to the act actually walked the marches or were simply there, as it were, at the finish line. The term *coram* was used in such a way, however, that it could refer to the perambulators themselves in addition to the legal officials, such as justiciar, sheriff, and judex, and the ‘witnesses’. For example, the 1231 process at Dunduff, Fife, was made ‘*coram probis hominibus ad eandem recognitionem faciendam per preceptum domini Regis congregatis*’, viz. fifteen named men, mostly landholders of baronial rank, and by the *juratores*, naming another twelve men.<sup>211</sup> In the case of Drimmie, the usual terminology has been reversed, with the boundaries being ‘*jurate et perambulate ... per Willelmum Cumyn comitem de buchane Iusticiarium Scotie coram multis militibus et aliis probis hominibus [de] Anegus et Goueryn presentibus*’.<sup>212</sup> This wording suggests two components, the swearing or adjudication as well as the actual walking. Further, it seems to denote that the justiciar is himself perambulating the lands in front of an assembly. The document does not name any of the ‘knights and good men’, but it does list the ten perambulators.

Records of at least twenty-five perambulations in localities spread across east central Scotland survive, as with other court procedures, in various document types, ranging from grants and quitclaims to chirographs to more detailed, more discursive texts. The largest category of surviving texts were grants and quitclaims of lands to religious houses, which occurred subsequent to the perambulation. The degree of detail about the perambulation processes contained in these charters ranged from a brief mention to a much fuller record. Henry Revel and his wife Margaret, for example, granted lands in Balmerino to St Andrews Priory ‘as I, the said Henry Revel, and Richard Revel my nephew and Matthew the canon with my good men perambulated for me’.<sup>213</sup> This is similar to the case of lands perambulated by Saher de Quincy’s men prior to their donation to Inchaffray Abbey, and suggest that this may have been a precaution to avoid future legal difficulty taken on the part of the baron or collectively decided upon by the donor and monastery. This hypothesis is borne out by two grants of lands in the Garioch from Earl David. The king’s brother gave two ploughgates (*carucatas*) in Kennethmont to St Andrews Priory, ‘as

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<sup>210</sup> *Lind. Cart.*, no. 23.

<sup>211</sup> *Dunf. Reg.*, no. 196.

<sup>212</sup> *C.A. Chrs.*, no. 34.

<sup>213</sup> *St A. Lib.*, 271; ‘*sicut ego predictus henricus Revel et Ricardus Revel nepos meus et mathus canonicus cum probis hominibus meis eam perambulavimus*’.

Malcolm and Walkelin and Waltheof the cleric and other good men perambulated'.<sup>214</sup> Earl David also granted another ploughgate in Kennethmont to Arbroath Abbey, 'which Reginald of Liston and Richard the marshal and Waltheof the cleric and Simon Fleming perambulated for him'.<sup>215</sup> This may have also been the case in the perambulation of an acre in the port of 'Stinchindehauene' ('Stinking Haven') at Panbride, which was done in Philip de Valognes' presence, by Adam of Benvie and other good men, prior to his grant of that land to Coupar Angus Abbey.<sup>216</sup> In these cases, there is no evidence of a dispute or a royal brief of perambulation. Rather, the use of the language 'for me' and 'for him' suggests that the baronial donor was acting from a position of power in these instances.

Some grants, on the other hand, were clearly produced in an atmosphere of litigation. Dunfermline's estates in Lothian were one example, and they resulted in feu-ferme arrangements and quitclaims between the abbey and its tenants. Nicholas son of Gilbert of Smeaton quitclaimed lands in Smeaton to the abbey as perambulated *coram* Richard, terrar of Dunfermline, and Sir Alan of Swinton and others, while Adam son of Patrick of Carberry quitclaimed four oxgangs in Carberry which were perambulated *coram* Richard of Fod, terrar of Musselburghshire.<sup>217</sup> In the case of Mondynes, Richard de Fréville granted a half ploughgate there to Arbroath Abbey, perambulated by himself, John of Hastings, Walter Scot, the abbot of Arbroath and others, 1178 x 88, which King William himself witnessed.<sup>218</sup> Within only a few years, however, the king granted a different ploughgate in Mondynes to the monks in place of Richard's donation, apparently to protect the monastery from a lawsuit on the part of Richard's heirs. The king's grant was perambulated by William de Montfort, Humphrey of Berkeley, Walter Scot and Alan son of Simon, in other words, not necessarily the same group of men who perambulated at the original grant.<sup>219</sup> Philip de Maleville and his wife Eva granted Eva's marriage portion in Mondynes to the same abbey, 1201x 07, as perambulated *coram* Walter Scot, Geoffrey de

<sup>214</sup> *St A. Lib.*, 239. The rubric suggests that these lands were Seggieden. '*sicut Malcolmus et Walkelinus et Waldevus clericus et probi homines perambulauerunt*'.

<sup>215</sup> *Arb. Lib.*, no. 83; '*quam Reginaldus de Listona et Ricardus marescallus et Waldevus clericus et Simonus flandrensis eis perambulauerunt*'.

<sup>216</sup> *C.A. Rent.*, ii, App 2. Adam of Benvie may have been the same individual as Isaac of Benvie's nephew of that name, who was a sworn witness in the 1206 case against Duncan of Arbuthnott. Benvie in Angus was held by Philip de Valognes. It is possible that the estate had previously been a thanage and that the family of Isaac and Adam were of the thanely class, a suggestion which their involvement in the 1206 case and this perambulation would seem to support. It is not clear if the 'Stinking Haven' was the current East Haven or West Haven at Panbride.

<sup>217</sup> *Dunf. Reg.*, nos. 180, 181. For more on the Smeaton case, see MacQueen, 'Canon Law, Custom and Legislation', 246.

<sup>218</sup> *Arb. Lib.*, no. 91.

<sup>219</sup> *RRS* ii, no.277.

Maleville, Duncan of Arbuthnott and Harvey of Pitskelly.<sup>220</sup> With charters such as these, it may be that there is simply not enough information included in the grant to see the role of the king in ordering a perambulation. In 1198x 99, Humphrey of Berkeley granted his whole land of Balfeith, a mere mile downriver from Mondynes, to the same abbey; however, this charter was much longer, with much more detail.<sup>221</sup> This document specified that the land was perambulated 'according to the assize of the realm' and listed seven of the perambulators. Further, the witnesses included two royal chaplains and two royal clerks. The role of the king, along with one chaplain and two of his clerks, in Richard de Fréville's grant, suggests a similar scenario; however, two of the bishop's clerks witnessed Philip de Maleville's grant.<sup>222</sup> Staying with the Mearns as a test-case, it is clear that the king ordered a perambulation prior to his own grant of lands in Conveth to Agatha wife of Humphrey son of Theobald.<sup>223</sup>

Perambulation recorded in chirographs and other records of agreements were more unproblematically the result of legal disputes between two parties. Such was the case with the dispute between Arbroath Abbey and Sir Thomas of Rattray over the boundaries of Kingoldrum, which resulted in Thomas and his wife Christina recognising the marches in the full justiciar court in 1253.<sup>224</sup> The abbey apparently pursued Alan Durward in the same way, as he quitclaimed the borders of his land with Kingoldrum in the same year.<sup>225</sup> In 1254, Arbroath Abbey also brought suit against Peter Maule over the boundaries between Peter's Panmure and the abbey's Conon and Tulloch.<sup>226</sup> The document spells out that the king sent a brieve to the justiciar, Alexander Cumin, earl of Buchan, ordering a perambulation. The two parties met on Cairnconon Hill on 22 June, 1254, and the process was led by 'noble and discreet men', viz., Sir William of Brechin, Gilbert de Haya and Robert de Montealto. The justiciar was present at the 1236 perambulation between Margaret, countess of Buchan's Braiklay lands and Arbroath's land of 'Ordbothbachfyn'.<sup>227</sup> The king and justiciar also played a central role in the 1252 boundary dispute between Cleish and Crambeth, now Dowhill, in Fife. Gilbert of Cleish made a final concord with Duncan and Patrick (two brothers) and their wives, Ela and Christina (two sisters), which had resulted from a perambulation of the borders by precept of the lord

<sup>220</sup> *Arb. Lib.*, nos. 93, 94. Pitskelly is adjacent to Mondynes.

<sup>221</sup> *Ibid.*, no. 89.

<sup>222</sup> *Ibid.*, nos. 91, 94.

<sup>223</sup> *RRS* ii, nos. 344, 345.

<sup>224</sup> *Arb. Lib.*, no. 294. See also Cooper, *Select Cases*, 66.

<sup>225</sup> *Arbroath Cart. MS*, fols. 179<sup>r-v</sup>; cf. *Arb. Lib.*, no. 295.

<sup>226</sup> *Arb. Lib.*, no. 366; Cooper, *Select Cases*, 68.

<sup>227</sup> *Arb. Lib.*, no. 227; Cooper, *Select Cases*, 46.

King Alexander, conducted by Philip of Meldrum and Michael de Monte Alto (Mowat), then justiciars of Scotia.<sup>228</sup> Conversely, a 1240 dispute between Inchcolm Abbey and William of Airth, lord of Fordell, Fife, was adjudicated by a delegation headed by the bishop of Dunkeld.<sup>229</sup>

Perambulations were also recorded in more discursive kinds of documents, which sometimes offer deeper insight into the process. The most appropriate name for this category of documents is 'recognitions', as their main purpose seems to have been to set down the 'recognition' or acknowledgement of the marches, either by the perambulators themselves, or by other parties, such as at Wester Feddal in 1246.<sup>230</sup> David the doorward confirmed the recognition of perambulation that was made on 22 October, 1231, between his lands of Dunduff and Dunfermline Abbey's lands.<sup>231</sup> The statement on the 1224 perambulation of Drimmie includes no action of recognition but otherwise belongs with this group of documents.<sup>232</sup> There exist two such documents for Kinblethmont, Angus. The first, dated 23 September, 1219, merely names the perambulators, the boundaries and the witnesses.<sup>233</sup> The second, dated 17 January, 1227, records a 'recognition of perambulation made between the Abbot and convent of Arbroath and Gwarin de Cupa (Cupar, Fife?)', suggesting an act of agreement between the two relevant parties.<sup>234</sup> Recognition may have taken place routinely upon the death of an old lord and the putting in sasine of a new one. Alternatively, it may have been that disputes were simply most likely to arise at such times; this is possible in the case of the 1236 perambulation in Buchan, three years after the death of Earl William Comyn, and during the personal rule of a dowager countess.<sup>235</sup>

There survive two further texts relating to the perambulations in the Mearns that deserve special attention. Geoffrey Barrow included the texts of two letters as an appendix to his article on the *judex*. They highlight the importance of the *judex* in the procedure and give the impression that, while the justiciars were the most important figures in the process, that the *judex* was perhaps responsible for much at the local level. In the first document, Gilbert, earl of Strathearn, who was jointly justiciar with Matthew, bishop of Aberdeen, addressed Brice, the king's *judex*, Bozli, *judex* of the Mearns, and Morahe

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<sup>228</sup> NAS GD 254/1.

<sup>229</sup> *Inchcolm Chrs.*, no. 19; Cooper, *Select Cases*, 49.

<sup>230</sup> According to the *Revised Medieval Latin Word List*, 394, 'recognitio' can refer to acknowledgement, resumption of possession, or payment in acknowledgement of lordship. *Lind. Cart.*, no. 23.

<sup>231</sup> *Dunf. Reg.*, no. 196.

<sup>232</sup> *C.A. Chrs.*, no. 34.

<sup>233</sup> *Arb. Lib.*, no. 228.

<sup>234</sup> *Arb. Lib.*, no. 229; Cooper, *Select Cases*, 21-2.

<sup>235</sup> *Arb. Lib.*, no. 227.



Macenprior, regarding a perambulation between the lands of Geoffrey de Maleville and Robert son of Warnebald, of which there is no other surviving record. Earl Gilbert's purpose in this letter was to uphold the legitimacy of the perambulation, and he emphasised that they were acting '*ex parte domini Regis*'.<sup>236</sup> The second letter was written by Brice, *Judex domini Regis*, regarding the perambulation of Balfeith, for which good documentation has survived.<sup>237</sup> The letter was dated 11 November, 1221, in the presence of King Alexander II at Forfar, and in it he reveals that his duties included presenting the reliquary upon which the 'good men' swore; he also makes clear that the men were not acting under duress from Humphrey of Berkeley due to his position as sheriff, when they made the oath.<sup>238</sup> This letter is valuable, because it allows comparison with Humphrey's 1198x99 grant to Arbroath following the perambulation. In that charter, seven men were named, in addition to 'other good men of the lord king'.<sup>239</sup> Brice's letter, however, names thirteen men who perambulated, and does not include a phrase like 'and many others', suggesting this was the total number.<sup>240</sup> Furthermore, the seven men who were named in both documents were listed in the same order; however, they were spelled slightly differently.<sup>241</sup> This is a salutary reminder of how incomplete even the more pithy charters typically were, and that phrases like 'and other good men' or 'and many others' were not merely verbal ornamentations. The 1221 letter describes a scenario wherein, several years after the perambulation, the *judex* is called to make an oath as to the validity of the perambulation, which must imply that it had been challenged or at least called into question. Similarly, in 1227, 'good men of Angus' were called to swear an oath as to the validity of the 1219 perambulation of Kinblethmont in the king's court at Forfar.<sup>242</sup>

The documents make clear that the the sworn perambulators, who often had Gaelic names, with only a patronymic, *sans* byname or surname of occupation, were seen as a distinct social group from the courtly observers. The full or nearly full lists survive from

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<sup>236</sup> Barrow, 'Judex', App. B, no 1.

<sup>237</sup> *Ibid.*, no 2.

<sup>238</sup> In this case, '*bonis viris*'.

<sup>239</sup> *Arb. Lib.*, no. 89.

<sup>240</sup> Barrow, 'Judex', App. B, no 2.

<sup>241</sup> *Arb. Lib.*, no. 89 version, abbreviations expanded: '*Anegus mac Dunecan, et Malbryd mallod et dufscolok de fetheressau et murac et malmur mac gillemichel et gillecris mac fadwerth et Cormac de Nug et alios probos homines domini regis de anegus et de moernes*'. Brice's letter, from Barrow's transcription: '*Anegus Mac Dunecan, Malbride Macleod et Dufscolok de Fetherhessach et Murah et Malmore Mac Gillemichel et Gillecris Mac Flafarh' et Cormac de Nug, Boli Mac Gillerachcah, Dunecanus judex, Gillepatric Macprior, Malisius Machormandi, Gillecris Macblei et Kennach' Macblei*'.

<sup>242</sup> *Arb. Lib.*, nos. 228, 229.

six separate events in Angus, the Mearns, Perthshire and Fife, from 1198x99 to 1246.<sup>243</sup> Thus it is possible to compare the names, and where possible, the position and class of the men involved in these juries. The most noticeable trait of these names is their tendency, from all these different locations, to have a heavy concentration of traditional Gaelic patronymic names. There is a strong emphasis on Gille- and Máel- names, like Gillecrist, Gillepatric, Gillandres, Gillescop, Gillemuire, Gillebride, Gillise, Gillemartin, Gillecolm, Gilleserf, Gillethomas, Gillecostentin, Máelbrigte, Máelmuire, Máel Ísu and Máel Coluim. Furthermore, the use of Gaelic *mac* rather than Latin *filius* strongly suggests a Gaelic linguistic context for these men. Seth MacLeoid, on the other hand, has an Old Testament name used in a Gaelic context, but with a patronymic based on the Norse name Leod or Ljótr. Of the 62 names appearing in these six groups of perambulators, 23 are patronymics using *mac*, 7 are patronymics using *filius*; only eight of the names are toponymics. It is likely that the majority of sworn perambulators, especially those with simple names and Gaelic *mac*- element patronymics, were local freeholders working the land. That perambulators were expected to be of the less free classes is also suggested by the presence of men like Gillecrist, man of the earl of Angus, and Patrick Fothe, servant of the bishop of St Andrews.<sup>244</sup> This tendency could vary from place to place, however. None of the perambulators at Dunduff, Fife, in 1231, and Wester Feddal, Perthshire, in 1246, are known from other documents; only one of them has a toponymic, that being Feddal itself (Simon of Feddal).<sup>245</sup>

These groups of perambulators, however, sometimes included people from the administrative classes. Bridin MacMartin, mair of Gowrie, and Gillemuire of 'Pethnekur', constable of Inverquiech, swore an oath at Drimmie in Gowrie.<sup>246</sup> Malcolm, brother of the thane of Idvies, was there at the 1219 Kinblethmont perambulation.<sup>247</sup> The Balseith perambulation included Cormac of Nigg and Dufscoloc of Fetteresso, who, it was suggested above, may have been part of the thanely class.<sup>248</sup> The 1227 oath regarding Kinblethmont, which was made at the king's court in Forfar, included more witnesses from 1219 than original sworn perambulators. This group included two *judices*, Kerald and Adam, who were brothers: Adam was the king's *judex* and Kerald was the *judex* of Angus.

<sup>243</sup> *Ibid.*, no. 89; Barrow, 'Judex', App. B, no 2; *Arb. Lib.*, nos. 228, 229; *C.A. Chrs.*, no. 34; *Lind. Cart.*, no. 23; *Dunf. Reg.*, no. 196.

<sup>244</sup> *Arb. Lib.*, nos. 228, 229.

<sup>245</sup> *Dunf. Reg.*, no. 196; *Lind. Cart.*, no. 23.

<sup>246</sup> *C.A. Chrs.*, no. 34

<sup>247</sup> *Arb. Lib.*, no. 228.

<sup>248</sup> *Ibid.*, no. 89; Barrow, 'Judex', App. B, no 2.

Kerald brother of Adam the *judex* was one of the 1219 group. Angus, son of Earl Gillebride of Angus, W(illiam) de Monte Alto (Mowat) and Duncan of Fernevel all swore an oath in 1227 and were cited as witnesses in 1219, but others who swore in 1227, such as Richard Fleming and David the steward of Restenneth, did not appear in the 1219 document.<sup>249</sup> Members of the 'ecclesiastical aristocracy' also could be part of such groups: Gillandres MacLeoid, son of Donald, abbot of Brechin, and husband of Brice *judex*'s daughter, was part of the 1227 group; his brother, Maelbrigte MacLeoid, was one of the Balfeith perambulators.<sup>250</sup> Duncan the *judex* and Boli MacGillerachcah, probably the same man as Bozli, *judex* of the Mearns, both were part of the group who perambulated Balfeith, suggesting that the *judex* may have had a legal role in leading or monitoring the local men in walking the marches.<sup>251</sup>

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<sup>249</sup> *Arb. Lib.*, nos. 228, 229.

<sup>250</sup> Note also the presence of Gillepatric Macprior and Murah, probably the same as Murahe Macenprior from Earl Gilbert's letter, Barrow, 'Judex', App. B, nos., 1, 2, *Arb. Lib.*, no. 89.

<sup>251</sup> *Arb. Lib.*, no. 89, Barrow, 'Judex', App. B, nos., 1, 2.

Table 5.3

## Sworn perambulators or 'good men': 6 examples

<b>Balfeith, Mearns, 1198x99, <i>Arbroath Liber, i</i>, no. 89 and Barrow, 'Judex', App. 1, no. 2</b>
Anegus Mac Dunecan', Malbride Macleod et Dufscolok de Fetherhessach et Murah et Malmore Mac Gillemichel et Gillecris Mac Flafarh' et Cormac de Nug, Boli Mac Gillerachcah, Dunecanus judex, Gillepatric Macprior, Malisius Machormandi, Gillecris Macblei et Kennach' Macblei (from <i>Judex</i> , no. 2) (' <i>perambulatores</i> ')
<b>Kinblethmont, Angus, 1219, <i>Arbroath Liber, i</i>, no. 228.</b>
Gilpatrik mac Ewen, Dunachy filium Gilpatrik, Malcolmum fratrem Thayni de Edevy, Gillecryst fil' Ewen Costr', Gillecryst hominem com' de Anegus, Keraldum fratrem Ade Judicis, math'm filium mathei filii Dufyth de conan (' <i>ambulatores</i> ')
<b>Drimmie, Perthshire, 1224, <i>Coupar Angus Chrs.</i>, no. 34.</b>
Frater Robertus kanis, Gillemure de pethnekur, constable of Inverquiech, Bridyn macmartyn, mair of Gowrie, Gillandres mak Gillarhyn, frankyn de Scona, Gillandres frater eius, Gillecristes mak Kynathe, Gillis mak Gillemichel, Makerthar, Macbek mak malmartyn tyre. (' <i>Iurati</i> ')
<b>Kinblethmont, Angus, 1227, <i>Arbroath Liber, i</i>, no. 229.</b>
Kerald Judex de Anegus, Adam Judex domini Regis, Angus filius comitis, W de Monte Alto, Duncanus de fernevell, Gilandr' mac leod, Ricardus flandrensis, Gilescop mac camby, Patric fothe serviens domini episcopi sancti Andree, David senescallus de Rostynoth (' <i>proborum virorum de Anegus</i> ') (in the king's court at Forfar)
<b>Dunduff, Fife, 1231, <i>Dunfermline Registrum</i>, no. 196.</b>
Gillecris de lacu, Gillecostentin, Gillethomas, Bridin Camb', Gilleserf mac Rolf, Gillemartin, Gillecolm mac melg, Johannis trodi, Riscoloc, Gillandres, Seth mac lood, Gillepatric mac manechin (' <i>iuratores</i> ')
<b>Wester Feddal, Perthshire, 1246, <i>Lindores Chartulary</i>, no. 23.</b>
Patricius Ker, Simon de fedale, et Gillemury filius dicti Simonis, et Simon Derech, Gillebride, et Gillefalyn filius dicti Gillebride, Gillecris mac hatheny, et Gillecris mac Moreherthach, Gille ethueny, et Gillecostentyn (' <i>iurati</i> ')

The second social group, that 'in whose presence' the procedure took place, was composed of people with higher social standing than those local individuals who walked the marches. Interestingly, members of the administrative class appeared often within this group in addition to their appearances with the actual perambulators, suggesting that judices, in particular, were able to straddle both camps; indeed this may have been their function. The significance of the *judex* is borne out by the groups of witnesses in Table 5.4. Brice *judex* was a witness at Balfeith in 1198x9; Bridin Potanach was *judex* at Dunduff in 1231; Duncan *judex* witnessed at Conon in 1254; at Braiklay, in 1236, there were three

*judices*, Kereld, Fearchar and Thomas.<sup>252</sup> Thanes, as important local figures, were prominent witnesses as well. Gille Ísu, thane of Idvies, witnessed at Kinblethmont, Angus, in 1219.<sup>253</sup> Máel Ísu of Idvies and Duncan of Downie, both probable thanes, witnessed at Conon in 1254.<sup>254</sup> Other witnesses to perambulations from the administrative classes included David the doorward, Malcolm the butler, Robert the steward, Adam, steward of Arbroath, Nicholas, brewer of the king, Roger, mareschal of the bishop of Brechin and Walter Pratt, sheriff of Aberdeen.<sup>255</sup> Members of the comital class, usually the sons of earls, appeared as witnesses. Malcolm and Duncan, sons of Earl Duncan II of Fife, attested to the Balfeith perambulation.<sup>256</sup> Angus son of Earl Gillebride of Angus was a witness at Kinblethmont and at Braiklay, where M (Magnus?) son of the earl of Buchan also witnessed.<sup>257</sup> These groups could include members of ecclesiastical dynasties, as when John *ab* of Brechin and his son witnessed at Kinblethmont.<sup>258</sup> Immigrant knights of varying levels of power took part in these processes, especially those who held lands in the area; for example, witnesses to the perambulation of Balfeith included neighbouring Mearns landholders Philip de Maleville, Duncan of Arbuthnott, John de Montfort, Simon of Inverbervie and Hugh son of Hugh of Benholm.<sup>259</sup> The tendency to include local landholders, however, clearly was not based upon immigrant status but rather upon the practical needs embodied by ceremonies of remembrance. Further, these groups included local landholders of Scottish as well as immigrant (or indeterminate) status; in the case of Dunduff in 1231, witnesses included Constantine of Lochore, Robert of Rosyth and Walter of Logie as well as Michael Scot and Gillandres of Torryburn.<sup>260</sup> As with the confirmation charters recording large assemblies and the documents of legal proceedings, the recognitions of perambulation, while incorporating some notions of social distinction, even hierarchy, offer no evidence to suggest that lords were distinguished by their ethnic identity. Rather, it is the position in the community and the office held by the individual that mattered.

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<sup>252</sup> *Arb. Lib.*, nos. 89, 227, 366; *Dunf. Reg.*, no. 196.

<sup>253</sup> *Arb. Lib.*, no. 228.

<sup>254</sup> *Ibid.*, no. 366; Grant, 'Thanes and Thanages', 77.

<sup>255</sup> *Arb. Lib.*, nos. 67, 89, 227, 228.

<sup>256</sup> *Ibid.*, no. 89.

<sup>257</sup> *Ibid.*, nos. 227, 228.

<sup>258</sup> *Ibid.*, no. 228.

<sup>259</sup> *Ibid.*, no. 89.

<sup>260</sup> *Dunf. Reg.*, no. 196.

Table 5.4

## 'Witnesses' to the ceremony (as opposed to the perambulators)

<b>Balfieith, Mearns, 1198x99, <i>Arbroath Liber, i</i>, no. 89</b>
William and Walter, chaplains of the lord king, William Cumin, William Giffard, Philip de Moubray, Malcolm son of Earl Duncan II of Fife and Duncan his brother, Adam son of Abraham (of Lour), Walter Scot and Walter his son, Richard son of William Cumin, William de Boscho and Gilbert of Stirling clerks of the lord king, Agatha wife of Humphrey of Berkeley, Brice <i>judex</i> , David the doorward, Malcolm the butler, Humphrey the younger, Robert of Inverkeillor, Robert Mansel, Philip de Maleville, Duncan of Arbuthnott, John de Montfort, Simon of Inverbervie, Hugh son of Hugh of Benholm, Adam White (witnesses)
<b>Rath in Catterline, Mearns, <i>Arbroath Liber, i</i>, nos. 67, 124.</b>
Walter chaplain of Catterline, Robert the steward, Roger of Balcathie [Hutting of Balcathie, no. 124], Edmund son of Gillemichel, Walter man of Edmund [Walter son of Osbert, no. 124], Geoffrey man of Simon the chaplain (or presbyter), Alan homel, Peter the mareschal, Isaac burgess of Arbroath, many others (' <i>coram</i> ')
<b>Kinblethmont, Angus, 1219, <i>Arbroath Liber, i</i>, no. 228.</b>
Hugh of Cameron, sheriff of Forfar, Angus son of Earl Gillebride of Angus, Robert of Inverkeilor, W de Monte Alto, Adam of Nevay, Donald son of Macbeth MacYwar, John <i>ab</i> of Brechin, Morgrund his son, Adam de Bonvill' (Adam of Benvie?), Robert of Rossie, Duncan of Fearn (Fernevel), Adam steward of Arbroath, Thomas son of Richard son of Adam Garmund, Gille Ísu, thane of Idvies, Nicholas, brewer of the king, Roger, mareschal of the bishop of Brechin, Walter de Balliol. (' <i>hii tunc presentes fuerunt</i> ')
<b>Drimmie, Perthshire, 1224, <i>Coupar Angus Chrs.</i>, no. 34.</b>
<i>'coram multis militibus et aliis probis hominibus de Anegus et de Goueryn presentibus'</i>
<b>Dunduff, Fife, 1231, <i>Dunfermline Registrum</i>, no. 196.</b>
Constantine of Lochore, Michael Scot, Philip of Lochore, John de Oberville, Robert of Rosyth, Walter of Logie, Walter son of Gamel, Robert de 'Syves', Walter son of Sahys, Elias the clerk, vicar, Bridin Potanach, then <i>judex</i> , W Bretun, Gilbert of Cleish, Gilbert of Crambeth, Gillandres of Torry(burn). (' <i>coram</i> ')
<b>Braiklay, Buchan, 1236, <i>Arbroath Liber, i</i>, no. 227.</b>
Walter son of Alan the steward, justiciar of Scotia, R Bigod, Philip de Maleville, R de Pavintona, Walter Pratt then sheriff of Aberdeen, A son of the earl of Angus, M son of the earl of Buchan, Thomas Croch, knights, Kereld and Fearchar and Thomas, <i>judices</i> , and many others (' <i>presentibus</i> ')
<b>Conon, Angus, 1254, <i>Arbroath Liber, i</i>, no. 366.</b>
<i>Magister</i> Nicholas of Hedon, dean of Moray, Sir John Wishart, Sir Henry the knight, <i>socius</i> of Peter Maule, Duncan of Fethyn, Roger of Balcathie, Duncan the <i>judex</i> , Mael Ísu of Idvies, Eustace of Glasterlaw, Duncan of Downie and many others (' <i>Testibus viris venerabilibus</i> ')

In several social settings, including assemblies, courts and perambulations, there is evidence for the *modus vivendi* between Scots and various kinds of immigrants. As Hector MacQueen has stated, ‘all [the king’s subjects] were under his governance and all were equally under his law’.<sup>261</sup> There was no ethnic ghettoisation in Scotland north of Forth, and immigrant knights could just as easily have an established comital dynasty or a centuries-old Scottish monastery as their neighbours, as they might have a ‘europeanized’ burgh or reformed Cistercian religious house. Even in the more heavily ‘colonised’ regions, like the Mearns, the king showed a sense of balance in holding onto royal demesne as thanages under the control of local families. This sense of balance was at work in large assemblies of the magnates of the realm, where even ‘europeanized’ royal and monastic clerks recorded witness lists that mix together ‘native’ Scots and ‘Anglo-French’ immigrants. Even where the documents reveal social distinctions, there is no concern for ethnic or national origins. Perambulations records reveal a clear separation between the local folk and the aristocrats, bridged only by administrators like *judices*. This is exactly where one would expect to see an ethnic divide. But while the majority of the local folk had traditional Gaelic names, the aristocrats were a mixture of Scots and immigrants with diverse social functions: knights, thanes, *judices*, stewards, clerks, and others. Scottish society was able to ‘europeanize’ without disowning its own aristocratic traditions.

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<sup>261</sup> MacQueen, ‘Scots Law under Alexander III’, 94-5.

## Six: The Nature of Scottish Europeanization

A prosopographical approach to the Scottish charter material, especially to the underutilised 'private' charters, has many advantages. First, it allows us to contextualise the channels through which written documentation of transfers of property took hold in Scotland, highlighting the social as well as geographical expansion. Second, prosopography lets us understand names as a common pool into which many linguistic tributaries flow. People could dip into the pool at any time, but some rivers were drying up as others were expanding. Rather than names as ethnic attributes, we can see them as actions affected by individuals in specific contexts. Third, prosopography elucidates the networks that tied together landholders and brought face-to-face the entrenched Scottish aristocracy with chivalric knights; it shows the way the families intermingled. Finally, this methodology allows a deeper analysis of social interaction on the ground, in courts, assemblies, and perambulations. All of these aspects are important to the processes of Europeanization as indicated by Bartlett. The 'aristocratic diaspora', the spread of charters, the adoption of standard European names: all were important changes affecting Scotland, like much of Europe, in the central Middle Ages. This study makes clear that the Scottish experience of Europeanization was remarkable. Certainly, the process changed Scotland forever, indeed it necessitated eventually a redefinition in what it meant to be a Scot. Nevertheless, these changes did not destroy what it meant to be Scottish; on the contrary, it could be argued that they even strengthened the aristocratic society .

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The proliferation of charters has been seen as an important part of the process of europeanization, but the Scottish experience shows that, while immigration may have played a role in the phenomenon, ethnicity was not a factor. Charter use in Scotland developed, certainly out of the changing role of monarchy, the expanded role of the reformed church, and perhaps even the expectations of the monarchy and church by immigrant knights, but it developed in Scotland in a way that did not prejudice Scottish landholders. Until the late twelfth century, the charters of the Scottish kings were mostly produced by ecclesiastical beneficiaries, but analysis of royal briefs shows the existence of scribes in the kings' employ. The recording of royal land grants to aristocratic



landholders began in the mid-twelfth century. The recipients were not, as one might expect, exclusively or even mostly immigrant knights, but seem to have been evenly split between incomers and Scottish aristocrats. In the second half of the twelfth century, the recording of aristocratic donations to monasteries became common; again, this development took place gradually within Scotland and the practice was not imported wholesale from England or the continent. Furthermore, the recording of such donations (and transmission of the records) depended heavily on the monastery, and grantors included landholders of Scottish and immigrant backgrounds. The most frequently attested grantors in the second half of the twelfth century were as likely to be relatives of the king or Scottish earls as immigrant knights. Monastic benefaction, and thus charters of donation, spread largely through ties of family, household and landholding. It was not until the early to mid-thirteenth century that laypeople became more active in charter production, when laws began to change regarding the importance of documentary evidence in court.

Historians of medieval Scotland have relied heavily on personal names as evidence of individuals' ethnic identity, relying on the 'common sense' notion that people with Gaelic names can be viewed as 'native Scots' or 'Celts', while those with European names should be seen as 'Anglo-Normans'. This tendency has been exacerbated, moreover, by the relative scarcity of contemporary narrative sources, when compared to England or France. While understandable, it is also seriously misleading in terms of contemporary society. Many 'native' families drew on naming traditions that included Gaelic, Brittonic, Anglo-Saxon, Scandinavian, biblical and saints' names, and over the course of the twelfth and thirteenth centuries, continental Germanic and other standard European names were added to this already rich naming pool. Aristocratic immigrants often named their children after their royal and comital patrons in their new homeland; thus, the adoption of Gaelic names among the incomers was usually reserved to Donnchad/ Duncan, Máel Coluim/ Malcolm, and a few others. At the same time, some Scottish dynasties cultivated the use of idiosyncratic Gaelic names, as the earls of Strathearn did with Máel Ísu/ Malise. For earls, who needed no surnames, it was more important to have distinctive forenames, and this concern often trumped the tendency of earls who married foreign-born countesses to give their children European names.<sup>1</sup>

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<sup>1</sup> For example, the son of Earl Gilbert of Strathearn and Matilda d'Aubini was named Robert, perhaps after Matilda's grandfather, Robert fitz Richard de Clare. Similarly, the son and heir of Earl Malcolm of Atholl and Hextilda of Tynedale was named Henry. See family trees, chapter four.

J.C. Holt has noted that some Anglo-French aristocratic families in England adopted local toponymics as a way of claiming title to the land, of planting their standard.<sup>2</sup> In Scotland north of Forth, however, it seems that virtually all families that had a toponymical surname upon arrival kept it. Names could be doubled up, leading to such combinations as John de Haya of Naughton, and individuals with family surnames who succeeded to Scottish earldoms tended to keep their surname, as was the case with William Cumin, earl of Buchan, and Gilbert de Umfraville, earl of Angus. Immigrants who took Scottish places as the basis for surnames, on the other hand, came from areas, like Flanders, where patronymics were still the norm, and, in doing so, must have been emulating the families for whom surnames were a function of power. In other cases, like the descendants of Gospatrick from Swinton in Berwickshire who took the name of Arbuthnott in the Mearns, the adoption of a toponymic may have had more to do with fitting in with local practice for the chief family in a thanage or former thanage than emulating 'Anglo-Norman' practices. It is notable in this context that families from elsewhere in Scotland (Swinton/ Arbuthnott, possibly Strachan and Benholm) took toponymics based on thanages or parishes in the Mearns, while immigrant families that already had toponymics from outwith the kingdom, like the Berkeleys in Fordoun and the de Montforts in Kinneff, did not. It is possible that the many surnames based on places across Gowrie and Angus should also be seen in this context, but that question requires further research. Nevertheless, the advent of toponymical surnames based on locations in Scotland north of Forth seems to have stemmed from copying the powerful and prestigious, although this process had nothing to do with ethnolinguistic origin. While the Scots earls always stood above such concerns, their cadet branches took up names like Abernethy, Strathbogie, Glencarnie and Ogilvie. Likewise, the lesser gentry of Scottish, Lothian, or immigrant background followed this trend in establishing a familial identity based on place; this urge surely underpinned the emergence of names like Forgan, Monorgan, Petlandy, Kinnaird, Inverpeffer, Inchyra, Lour, Cleish, Kinross and Ceres. As with charters, it seems that the adoption of toponymical surnames, if broadly europeanizing, was a trend that had more to do with levels of aristocratic power than ethnic identity.

In many ways, the aristocracy of Scotland north of Forth was able to turn the europeanizing *zeitgeist* of the era to their advantage. Earls like those of Fife, Strathearn and

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<sup>2</sup> Holt, *Colonial England*, 194.

Mar were able to marry into some of the most powerful and prestigious magnatial families in western Europe, such as the de Warennes, de Aubinis and de Beaumonts. Conversely, families of immigrant knights moving into Scotland often found it in their best interest to forge ties with the local earls and lords. By the thirteenth century, a new Scottish baronage had emerged. The immigrant knights holding estates across Scotland north of Forth played an important role in this process, of course, but this new knightly class also incorporated members of the old ecclesiastical dynasties, the local administrative officials, cadet branches of comital kin groups, and landholders from other parts of the king of Scots' realm. While many incoming families retained their foreign surnames; in many cases, the adoption of local places as toponymics and the use of certain 'native' personal names meant that this knightly class was an aspect of a particularly Scottish kind of europeanization.

That a new baronial class was able to emerge in this period and to incorporate both European and Scottish elements, in terms of institutions and individuals, is a result of the colour-blind nature of Scots law. The king of Scots oversaw the whole show, preventing the kind of ghettoisation and 'institutionalised apartheid' that occurred elsewhere. Indeed, landholding patterns reveal a broad distribution of royal, comital, baronial and ecclesiastical landholders throughout Scotland north of Forth, especially in Fife, Angus and Gowrie. Even in areas completely controlled by the king, the extent of alienation was balanced and fairly gradual. These characteristics manifested themselves in the points of contact which have left us written documentation. Charters recording witnesses to grand assemblies made no distinction based on origin or ethnic identity. Records of sworn witnesses to civil causes reveal a diversity of types of people, and tended to include 'native' landholders of various types, as well as immigrant knights. Similarly, the courts that oversaw processes of perambulation in the thirteenth century included men of diverse backgrounds and made no distinction based on ethnicity.

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'Who would deny the Scots are barbarians?', inked one anonymous English twelfth-century author.<sup>3</sup> As John Gillingham has demonstrated beyond doubt, ecclesiastical writers living and working in England at that time believed the inhabitants of Scotland, like

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<sup>3</sup> *De Expugnatione Lyxbonensi*, ed. and trans. C.W. David (New York, 1936), 106-7; John Gillingham, *The English in the Twelfth Century* (Woodbridge, 2000), 8.

the Irish and Welsh, to be barbaric and inferior.<sup>4</sup> Gillingham attributes these opinions to diverging attitudes on slavery and military practices.<sup>5</sup> Responding to these ideas, Dauvit Broun has asked whether this view ‘travelled north with the Anglo-French immigrants they invited to their realm’.<sup>6</sup> Broun cites evidence that there was no legal distinction between native-born inhabitants of the kingdom of the Scots and immigrants; he shows how europeanizing Scottish earls kept their distinctively Gaelic names; he mentions aspects of Gaelic culture that remained vital into the mid-thirteenth century.<sup>7</sup> Broun concludes that, while there may have been a distinction between those Gaels who were acculturized and those who were not, it was at least possible for the europeanized Scottish élite to view the new chivalric culture as ‘complementing rather than eradicating their native culture’.<sup>8</sup>

The results of the studies undertaken in pursuit of this thesis reveal that the notion of a crystallised European culture being imported wholesale to Scotland is too simplistic. Changes and influences flowed through different channels, responded to divergent impulses, existed in various contexts. It may seem intuitive to believe just because immigrant knights moved north to the Scottish kingdom, that their familiarity with charters and seals would lead them to be heavily over-represented in the surviving records. Rather, the impulse for charter production came from the monasteries, the bishops and the king’s household, but the changes affected ‘native’ and immigrant lords in the same way. Similarly, the incomers’ ethnic stereotypes about Scottish barbarity must have been discarded or at least refined to differentiate between europeanized Scots and the unacculturized. New networks must have helped change these attitudes in two ways; as the major Scottish earldoms were brought into the larger western European aristocratic culture, this meant that it was possible for men with names like Donnchad and Máel Ísu to be chivalric knights. Working in the other direction, as ‘native’ and immigrant families combined, it became possible for men with names like Robert, earl of Strathearn, and Henry, earl of Atholl to fulfill their customary role in a Gaelic-speaking society. Immigrant knights who married Scottish heiresses and became bound up in a local aristocratic culture that managed to accommodate people of different ethnolinguistic associations may have decided that images of barbarism jarred with their actual experiences. If an imperialistic and exceptionalist ethnic framework served the ‘strategic and situational’ purposes of a

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<sup>4</sup> *Ibid.*, 7.

<sup>5</sup> *Ibid.*, 12-7.

<sup>6</sup> Broun, ‘Anglo-French acculturation’, 140-1.

<sup>7</sup> *Ibid.*, 137-40.

<sup>8</sup> *Ibid.*, 140, 153.

triumphalist francized English kingdom in the twelfth century, then surely the factors underpinning those stereotypes were unimportant in a Scottish realm with often diverging priorities. Scotland north of Forth developed an ethnic *modus vivendi* and eventually allowed for a much broader redefinition of Scottish identity because that was what was in its own best interest as a distinct polity. Who would deny that the Scots are barbarians? That depends on what you mean by 'Scots'.

## Appendix

Non-royal, non-ecclesiastical charters relating to Scotland north of Forth,  
*circa* 1100 – *circa* 1260

### Key to abbreviations used in Appendix One

ab.	abbot
bp.	bishop
ca.	<i>circa</i>
ch.	charter
const.	constable
cts.	countess
dr.	daughter
e.	earl
legal proc.	legal proceedings, civil case or trial
jcr.	justiciar
not. of don.	<i>notitia</i> of donation
pr.	prior
s.	son
sh.	sheriff

### Notes on the chronology of the documents

The documents are ordered chronologically, in groups based on decade. Charters whose date range spans more than one decade are grouped according to the median date of the dating range. Thus, a charter dated 1178 x 95 would be grouped in the 1180s decade group. Charters that are only dated according to a x 11nn-type date are grouped according to the only date that is available. Thus, a charter dated x1195 would be categorised in the 1190s decade group. Within each decade group, charters are ordered based on the first date in the range, with documents that can be dated to a single year or day interspersed.

### Notes on the types of documents

The categories of types of documents used in this appendix belong to four broad groups. First, epistolary documents, i.e., ‘charters’ proper, include grants (or ‘charters of donation’), confirmations, quitclaims and sales. All epistolary documents in which rights are resigned in perpetuity, whether they include the terms *resignatio*, *concessio*, etc., are categorised as ‘quitclaims’, except ‘sales’, which are also epistolary in form, but include some form of the verb *vendere*. Second, all documents in the form of a two-sided agreement, settlement or chirograph, whether described in the text as a *composicio*, *controversia*, *concordia*, etc., are all categorised as ‘agreements’. Third, more ephemeral texts, legal, administrative and personal, are broken down into brieves, distrains, obligations, affidavits, *notitiae*, letters, receipts, statements, and memoranda. Fourth, documents recording court procedures are described as either legal proceedings or recognitions (of perambulation).

## Appendix One: List of non-royal, non-ecclesiastical charters, ca. 1100 – ca. 1260

### A. Pre- 1150 documents

No.	Grantor	Date	Type	Printed source	Contemporary Single Sheet?
1.	Ethelred, e. Fife, ab. Dunkeld	ca. 1100	Not. of don.	<i>St A. Lib.</i> , 115	
2.	Robert <i>Burgonensis</i>	ca. 1124 x 30	Legal proc.	<i>St A. Lib.</i> , 117-8	
3.	Donchad s. Mac Bethad, et al.	ca. 1130?	Not. of don.	Broun, Book of Deer, no. 5	
4.	Gartnait s. Cainneach & Ete	1131 x 32	Not. of don.	Broun, Book of Deer, no. 3	
5.	Gartnait & dr. Gillemichel	ca. 1132	Not. of don.	Broun, Book of Deer, no. 4	
6.	Colbán mormaer Buchan et al.	ca. 1130 x 32	Extinguishment	Broun, Book of Deer, no. 6	

N.B. The most up-to-date transcriptions and translations of the Book of Deer *notitiae* were used. Dauvit Broun, 'The Writing of Charters in Scotland and Ireland in the Twelfth Century', in *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker (Turnhout, Belgium), Appendix II: Property Records in the Book of Deer, 126 – 31; Idem., 'The Property Records in the Book of Deer as a source for early Scottish society' in *Studies in the Book of Deer*, ed. Katherine Forsyth (Dublin, forthcoming).

### B. Charters, brieves and agreements, ca. 1150 – ca. 1260

(1150s)					
1.	Gospatrick, e. Dunbar	1140 x 59	Grant	<i>May Docs.</i> , no.53.	
2.	Countess Ada	1152 x 53	Grant	<i>Dunf. Reg.</i> , no. 152	
3.	Countess Ada	1153 x 66	Grant	<i>St A. Lib.</i> , 207-8	
4.	Ela, cts. Fife	1154 x 59	Confirmation	<i>Dunf. Reg.</i> , no. 153	
5.	Constantine of Lochoire	mid- 12 <sup>th</sup> c.	Grant	Barrow, 'Lochoire', <i>SHR</i> 77 (1998), 252 – 4.	
(1160s)					
6.	Countess Ada	1153 x 71	Grant	<i>Camb. Reg.</i> , no. 192	
7.	Countess Ada	1153 x 72	Grant	<i>St A. Lib.</i> , 208	
8.	Countess Ada	1153 x 72	Grant	<i>St A. Lib.</i> , 209	

9.	Countess Ada	1153 x 78	Grant	<i>St A. Lib.</i> , 208-9	Laing ch, EUL
10.	Countess Ada	1153 x 78	Grant	<i>Laing Chrs.</i> , no. 2	
11.	Duncan II, e. Fife	1154 x 78	Grant	<i>St A. Lib.</i> , 243-4	
12.	William Maule	1156 x 65	Grant	<i>St A. Lib.</i> , 40-1	
13.	Duncan II, e. Fife	1160 x 72	Confirmation	<i>N.B. Chrs.</i> , no. 3	NAS RH 6/9
14.	Morgrund, e. Mar	1160 x 78	Grant	<i>St A. Lib.</i> , 248	
15.	Morgrund, e. Mar	1160 x 78	Grant	<i>St A. Lib.</i> , 248-9	
16.	Agnes, cts. Mar	1160 x 78	Grant	<i>St A. Lib.</i> , 249	
17.	Walter s. Alan, steward	1161 x 64	Grant	<i>Dunf. Reg.</i> , no. 162	
18.	Hugo s. Hugo s. Gillemichel	1163 x 72	Grant	<i>St A. Lib.</i> , p. xxi	
19.	Walter s. Alan, steward	1165 x 69	Grant	<i>Dunf. Reg.</i> , no. 161	
20.	Morgrund, e. Mar	1165 x 71	Grant	<i>St A. Lib.</i> , 246-7	
21.	Simon s. Macbeth	1165 x 71	Grant	<i>Camb. Reg.</i> , no. 216	
22.	Duncan II, e. Fife	ca. 1165 x 71	Grant	<i>St A. Lib.</i> , 242-3	
23.	Duncan II, e. Fife	ca. 1165 x 71	Grant	<i>St A. Lib.</i> , 243	Adv. MS 15.1.18/70
24.	Merleswain s. Merleswain	1165 x 72	Confirmation	<i>St A. Lib.</i> , 259-60	
25.	Countess Ada	1165 x 74	Grant	<i>Dryb. Lib.</i> , no. 16	
26.	Edward s. Earl Gospatric	1147 x 1180+	Confirmation	<i>May Docs.</i> , no.54.	
(1170s)					
27.	William Maule	x 1170	Grant	<i>St A. Lib.</i> , 264-5	
28.	William de Ougliby	x 1178	Grant	<i>C.A. Rent.</i> , no. 39	
29.	Walter s. Philip (of Lundin)	x 1178	Grant	<i>St A. Lib.</i> , 264	
30.	Malcolm, e. Atholl	1152 x 98	Grant (?)	<i>C.A. Rent.</i> , no. 27	
31.	Malcolm, e. Atholl	ca. 1170 x 78	Grant	<i>St A. Lib.</i> , 245-6	
32.	Ness s. William & Orabilis	ca. 1170 x 78	Grant	<i>St A. Lib.</i> , 254-5	
33.	Waltheof s. Gospatric	1154 x 1200	Grant	<i>Dunf. Reg.</i> , no. 165	
34.	Duncan II, e. Fife	1154 x 1204	Confirmation	<i>May Docs.</i> , no.52	
35.	Duncan II, e. Fife	1154 x 1204	Grant	<i>Gen. Coll.</i> , i, 46-7, 'Morton of Cambo Writs', no. 2	
36.	Duncan II, e. Fife	1163 x 78	Grant	<i>St A. Lib.</i> , 241-2	
37.	Agnes, cts. Mar	1163 x 78	Grant	<i>St A. Lib.</i> , 249-50	Adv. MS 15.1.18/ 62
38.	Walter s. Alan, steward	1165 x 77	Grant	<i>Dunf. Reg.</i> , no. 163	
39.	Countess Ada	1165 x 78	Grant	<i>Dunf. Reg.</i> , no. 151	



40.	Countess Ada	1165 x 78	Brieve	<i>May Docs.</i> , no. 51
41.	Henry Lovel	1163 x 83	Grant	<i>St A. Lib.</i> , 261
42.	Walter of Berkeley	ca. 1170 x 78	Quitclaim	<i>Arb. Lib.</i> , no. 56
43.	Merleswain s. Colbán	1172 x 78	Grant	<i>St A. Lib.</i> , 258-9
44.	Duncan II, e. Fife	1172 x 78	Grant	<i>St A. Lib.</i> , 241
45.	Earl David	1172	Grant	Stringer, <i>E. David Acta</i> , no. 28 NLS Ch. 7710
46.	Earl David	1173 x 78	Grant	<i>Yester Writs</i> , no. 4 NAS GD 28/4
47.	Adam s. Abraham of Lour	1170s	Grant	<i>St A. Lib.</i> , 342, 276 Adv. MS 15.1.18/44
48.	William de Hay, king's butler	ca. 1172	Grant	<i>St A. Lib.</i> , 313
49.	Alexander de St Martin	1178	Grant	<i>St A. Lib.</i> , 333-4
50.	Walter of Lundin	1178 x 9	Grant	<i>Camb. Reg.</i> , no. 36
51.	Walter of Berkeley	1178 x 80	Grant	<i>Arb. Lib.</i> , no. 54
(1180s)				
52.	William de Mortemer	ca. 1180	Grant	<i>Inchcolm Chrs.</i> , no. 5
53.	Henry Revel & Margaret	ca. 1180	Grant	<i>St A. Lib.</i> , 271 Adv. MS 15.1.18/46
54.	William of Lindsey	1171 x 94	Grant	<i>St A. Lib.</i> , 180
55.	Duncan II, e. Fife	1172 x 88	Confirmation	<i>St A. Lib.</i> , 288-9
56.	Ness s. William	1172 x 88	Grant	<i>St A. Lib.</i> , 287
57.	Orabilis dr. Ness, cts. Mar	1172 x 88	Confirmation	<i>St A. Lib.</i> , 287-8
58.	Orabilis dr. Ness	1172 x 97	Grant	<i>St A. Lib.</i> , 290-1
59.	Earl David	1172 x 90	Grant	<i>St A. Lib.</i> , 239
60.	Earl David	1172 x 99	Grant	Stringer, <i>E. David Acta</i> , no. 55
61.	Fergus, e. Buchan	1173 x 95	Grant	<i>Arb. Lib.</i> , no. 85
62.	William of Lamberton	1172 x 99	Confirmation	<i>St A. Lib.</i> , 267
63.	William of Lamberton	1174 x 99	Grant	<i>St A. Lib.</i> , 266-7
64.	Alan s. Walter, steward	1177 x 85	Grant	<i>St A. Lib.</i> , 257
65.	Earl David	1178 x 85	Grant	Stringer, <i>E. David Acta</i> , no. 8
66.	Earl David	1178 x 85	Grant	Stringer, <i>E. David Acta</i> , no. 9
67.	Geoffrey de Melville	1178 x 87	Grant	<i>Dunf. Reg.</i> , no. 158
68.	Richard de Fréville	1178 x 88	Grant	<i>Arb. Lib.</i> , no. 90
69.	Richard de Fréville	1178 x 88	Grant	<i>Arb. Lib.</i> , no. 91
70.	Robert de Brus	1178 x 88	Confirmation	<i>Arb. Lib.</i> , no. 37

71.	Gilbert, e. Strathearn	1178 x 94	Grant	<i>Inchaff. Chrs.</i> , no. 2
72.	Archibald of Douglas	1178 x 98?	Quitclaim	<i>Dunf. Reg.</i> , no. 300
73.	Simon s. Edward the constable	1178 x 99	Grant	<i>Arb. Cart. MS</i> , fols. 80 <sup>r-v</sup>
74.	Engelram de Balliol	1180 x ?	Confirmation	<i>Arb. Lib.</i> , no. 58
75.	Duncan II, e. Fife	1182 x 87	Agreement	<i>St A. Lib.</i> , 353
76.	Malcolm, e. Atholl	1182 x 89	Grant	<i>Dunf. Reg.</i> , no. 147
77.	Swain s. Thor	1183 x 94	Grant	<i>Scone Lib.</i> , no. 21
78.	Robert de Quincy	1165 x 1200	Grant	<i>St A. Lib.</i> , 354
(1190s)				
79.	John of Boseville	late 12 <sup>th</sup> c.	Grant	<i>St A. Lib.</i> , 293
80.	Geoffrey de Melville	late 12 <sup>th</sup> c.	Grant	<i>Dunf. Reg.</i> , no. 299
81.	William Engaine	late 12 <sup>th</sup> c.?	Grant	<i>Dunf. Reg.</i> , no. 164
82.	Robert of London	x 1195	Grant	<i>Lind. Cart.</i> , no. 85
83.	William s. Thor, sheriff Stirling	x 1195	Grant	<i>Camb. Reg.</i> , no. 132
84.	Walter de Lundin	x 1195	Grant	<i>St A. Lib.</i> , 263-4
85.	David de St Michael	x 1195?	Grant	<i>Lind. Cart.</i> , no. 38
86.	Stephen of Blair	x 1198	Grant (?)	<i>C.A. Rent.</i> , no. 35
87.	Richard de Munfichet	x 1199	Grant (?)	NAS GD 212/1/6/IC3
88.	William de Haya	1189 x 95	Grant	<i>C.A. Rent.</i> , no. 46
89.	Niall mac Ywar & Henry the physician, royal clerk	1189 x 95	Agreement	RRS ii, no. 590
90.	Henry, e. Atholl	1189 x 98	Confirmation	<i>St A. Lib.</i> , 246
91.	Laurence s. Orm of Abernethy	1189 x 98	Quitclaim	<i>Arb. Lib.</i> , no. 35
92.	Roger de Mortemer	1189 x 98	Grant	<i>St A. Lib.</i> , 41-2
93.	David de Haya	1189 x 99	Grant	<i>C.A. Rent.</i> , no. 48
94.	Robert of London	1189 x 99	Confirmation	<i>Misc. Panm. Chrs.</i> , 243, no. 3
95.	Robert of London	1189 x 99	Confirmation	<i>Inchcolm Chrs.</i> , no. 7
96.	Richard de Melville	1189 x 99	Grant	<i>Arb. Lib.</i> , no. 143
97.	Richard de la Battelle	1171 x 1214	Grant	<i>C.A. Rent.</i> , no. 50
98.	Alan s. Walter, steward	1177 x 1203	Grant	Stevenson, <i>Illustrations</i> , no. 15
99.	Malcolm, s. Earl Duncan II	ca. 1180 x 98	Confirmation	<i>St A. Lib.</i> , 244
100.	Malcolm s. Duncan II e. Fife	ca. 1180 x 1204?	Grant	<i>Misc. Fraser Chrs.</i> , no. 4

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101.	Alexander s. William s. Thor	1183 x 98	Agreement	<i>St A. Lib.</i> , 321-2
102.	Alexander s. William s. Thor	1183 x 98	Grant	<i>St A. Lib.</i> , 321
103.	William Uviet	1183 x 99	Grant	<i>Scone Lib.</i> , no. 56
104.	Robert of London	1180 x 1210	Grant	<i>Arb. Lib.</i> , no. 61
105.	Gillecrist, e. Mar	1187 x 1207	Grant	<i>St A. Lib.</i> , 373-4
106.	Henry, e. Atholl	1187 x 1211	Confirmation	<i>Dunf. Reg.</i> , no. 148
107.	Walter & Cristina of Lundin	ca. 1178 x 1214?	Grant	<i>Inchcolm Chrs.</i> , no. 3
108.	Walter of Lundin	ca. 1178 x 1214?	Brieve	<i>Inchcolm Chrs.</i> , no. 4
109.	William de Beauair	1178 x 1214	Grant	<i>St A. Lib.</i> , 382
110.	Earl David	1178 x 1219	Grant	<i>St A. Lib.</i> , 238
111.	Earl David	ca. 1185 x 1214	Grant	<i>Arb. Lib.</i> , no. 135
112.	Earl David	ca. 1190 x 95	Grant	<i>Lind. Cart.</i> , no. 4
113.	Earl David	ca. 1190 x 95	Grant	<i>Lind. Cart.</i> , no. 13
114.	Earl David	1190 x 1200	Grant	<i>Arb. Lib.</i> , no. 83
115.	Richard Lovel	1190 x 1200	Grant	<i>St A. Lib.</i> , 261-2
116.	Gilbert Scot & Christina	ca. 1190 x 1200	Grant	<i>St A. Lib.</i> , 269-70
117.	Earl David	ca. 1190 x 1204	Grant	<i>St A. Lib.</i> , 238-9
118.	Duncan II, e. Fife	1194 x 1200	Agreement	<i>Moray Reg.</i> , no. 16
119.	Saher de Quincy	1192 x 1207	Confirmation	<i>St A. Lib.</i> , 291
120.	Gilbert, e. Strathearn	1194 x 98	Grant	Barrow, 'Earls of Fife', <i>PSAS</i> 87 (1952-3), 60- 1.
121.	Ada, dr. Earl David	1195 x 98	Grant	<i>Lind. Cart.</i> , no. 36
122.	Gilbert, e. Strathearn	1195 x 98	Grant	<i>Inchaff. Chrs.</i> , no. 3
123.	Máel Ísu, s. Earl Ferteth	1195 x 98	Grant	<i>Lind. Cart.</i> , no. 127
124.	Earl David	1195 x 99	Grant	<i>Lind. Cart.</i> , no. 12
125.	Earl David	1195 x 99	Grant	<i>Lind. Cart.</i> , no. 14
126.	Earl David	1195 x 99	Confirmation	<i>Lind. Cart.</i> , no. 9
127.	Earl David	1195 x 99	Grant	<i>Lind. Cart.</i> , no. 11
128.	Earl David	1197 x 98	Grant	<i>Lind. Cart.</i> , no. 6
129.	Earl David	1198 x 99	Grant	<i>Lind. Cart.</i> , no. 2
130.	Humphrey of Berkeley	1198 x 99	Grant	<i>Arb. Lib.</i> , no. 89
131.	Bernard Fraser, heiress of Drem	1197 x 99	Agreement	<i>St A. Lib.</i> , 40
132.	Gilbert, e. Strathearn	ca. 1199	Grant	<i>Inchaff. Chrs.</i> , no. 4
133.	Gilbert, e. Strathearn	ca. 1199	Grant	<i>Inchaff. Chrs.</i> , no. 5

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Kinnoull Ch., no.118

Kinnoull Ch., no.131

Kinnoull Ch., no.13

134.	Máel Ísu, s. Earl Ferteth	ca. 1199	Grant	<i>Arb. Lib.</i> , no. 86
(1200s)				
135.	Saher de Quincy	x 1203	Grant	<i>Camb. Reg.</i> , no. 71
136.	Eva & David de Haya	x 1205	Quitclaim	<i>St A. Lib.</i> , 313-14
137.	John de Montfort	x 1207	Grant	<i>St A. Lib.</i> , 277-8
138.	Sayer de Quincy	x 1196 x 1203	Grant	<i>Dunf. Reg.</i> , no. 154
139.	Saher de Quincy	x 1207	Grant	<i>C.A. Chrs.</i> , no. 18
140.	Earl David	1185 x 1219	Grant	Moray Ch. 32/V/1/3
141.	Earl David	ca. 1185 x 1219	Grant	Stringer, <i>E. David Acta</i> , no. 6
142.	'Roger' (Fergus), e. Buchan	1187 x ca. 1212	Grant	BL Cott. Ch. Xviii 23
143.	Walter Murdoch	ca. 1190 x 1214	Confirmation	Stringer, <i>E. David Acta</i> , no. 10
144.	Earl David	ca. 1190 x 1219	Grant	<i>St A. Lib.</i> , 370
145.	Earl David	1197 x 1207	Grant	<i>C.A. Chrs.</i> , no. 12
146.	Norman s. Malcolm (Leslie)	1197 x 1207	Quitclaim	<i>Lind. Cart.</i> , no. 7
147.	Earl David	1197 x 1207	Confirmation	Stringer, <i>E. David Acta</i> , no. 56
148.	Duncan II, e. Fife	1198 x 1202	Confirmation	<i>Lind. Cart.</i> , no. 81
149.	Harald, e. Orkney	1198 x 1206	Confirmation	<i>Lind. Cart.</i> , no. 82
150.	John Ab s. Máel Ísu	1198 x 1210	Agreement	NAS RH 6/16
151.	Máel Ísu, s. Earl Ferteth	1198 x 1214	Grant	<i>Scone Lib.</i> , no. 58
152.	Robert de Ros & Isabella	1199 x 1200	Grant	<i>Arb. Lib.</i> , no. 72
153.	Adam of Lour	1199 x 1202	Grant	<i>Lind. Cart.</i> , no. 29
154.	Alan de Lascelles & Amable	1199 x 1202	Confirmation	<i>Arb. Lib.</i> , no. 38
155.	Earl David	1199 x 1207	Grant	<i>C.A. Chrs.</i> , no. 10
156.	Gilbert, e. Strathearn	1199 x 1214	Grant	<i>St A. Lib.</i> , 260
157.	William Giffard	1199 x early 13 <sup>th</sup> c.	Grant	<i>Lind. Cart.</i> , no. 5
158.	Earl David	1199 x 1215	Letter	Barrow, 'Judex', <i>Kingdom of the Scots</i> , 66, no. 1
159.	Earl David	1199 x 1215	Agreement	<i>St A. Lib.</i> , 325-6
160.	William Wascelin & Mabel	ca. 1200?	Confirmation	<i>Lind. Cart.</i> , no. 10
161.	Pagan, Edinburgh goldsmith	ca. 1200?	Grant	<i>Lind. Cart.</i> , no. 8
162.	William de Montfort	ca. 1200?	Grant	<i>Lind. Cart.</i> , no. 37
163.	Thomas s. Walter de Lundin	ca. 1200 x 10	Grant	<i>Inchcolm Chrs.</i> , no. 8
164.	Waltheof s. Merleswain	ca. 1200 x 10	Grant	<i>Lind. Cart.</i> , no. 75
				<i>Camb. Reg.</i> , no. 37
				Barrow, <i>East Fife Docs.</i> , no. 2

165.	Gilbert, e. Strathearn	ca. 1200	Grant	<i>Inchaff. Chrs.</i> , no. 14	Kinnoull Ch., no.106
166.	Gilbert, e. Strathearn & Matilda	1200	Grant	<i>Inchaff. Chrs.</i> , no. 9	Kinnoull Ch., no. 6
167.	Gilbert, e. Strathearn	1200	Grant	<i>Inchaff. Chrs.</i> , no. 16	
168.	Gilbert, e. Strathearn	1200	Grant	<i>Inchaff. Chrs.</i> , no. 17	
169.	Gilbert, e. Strathearn	1200 x 02	Grant	<i>Inchaff. Chrs.</i> , no. 11	Kinnoull Ch., no.10
170.	Duncan II, e. Fife	1200 x 02	Grant	<i>N.B. Chrs.</i> , no. 6	NAS RH 6/15a
171.	Gilbert, e. Strathearn	1200 x 03	Grant	<i>Inchaff. Chrs.</i> , no. 15	Kinnoull Ch., no.125
172.	Gilbert, e. Strathearn	1200 x 10	Grant	<i>Inchaff. Chrs.</i> , no. 12	Kinnoull Ch., no.149
173.	Gilbert, e. Strathearn	1200 x 10	Grant	<i>Inchaff. Chrs.</i> , no. 13	Kinnoull Ch., no.2
174.	David Ruffus of Forfar	1201	Grant	<i>C.A. Chrs.</i> , no. 11	Moray Ch. 32/IV/IV23
175.	Gillecrisp, e. Angus	1201 x 05	Grant	<i>Arb. Lib.</i> , no. 39	
176.	Gillecrisp, e. Angus	1201 x 05	Grant	<i>Arb. Lib.</i> , no. 41	
177.	Gillecrisp, e. Angus	1201 x 05	Grant	<i>Arb. Lib.</i> , no. 43	
178.	Gillecrisp, e. Angus	1201 x 05	Grant	<i>Arb. Lib.</i> , no. 44	
179.	Gillecrisp, e. Angus	1201 x 05	Grant	<i>Arb. Lib.</i> , no. 46	
180.	Gillecrisp, e. Angus	1201 x 05	Grant	<i>Arb. Lib.</i> , no. 50	
181.	Philip de Melville & Eva	1201 x 07	Grant	<i>Arb. Lib.</i> , no. 93	
182.	Walter s. Sibald	1201 x 07	Confirmation	<i>Arb. Lib.</i> , no. 94	
183.	Earl David	1202 x 03	Grant	<i>Lind. Cart.</i> , no. 3	Adv. MS 15.1.18/40
184.	Donald Ab of Brechin	1202 x 06	Grant	<i>Arb. Lib.</i> , no. 74bis	
185.	Earl David	1202 x 08	Grant	<i>St A. Lib.</i> , 237	
186.	Philip de Moubray & Galiena	1202 x 14	Quitclaim	<i>Dunf. Reg.</i> , no. 166	
187.	Michael of Meigle	1203 x 10	Grant	<i>C.A. Chrs.</i> , no. 16	Moray Ch. 32/V/II/56
188.	Gilbert, e. Strathearn	1203 x 10	Grant	<i>Inchaff. Chrs.</i> , no. 19	
189.	Gilbert, e. Strathearn	1203 x 10	Grant	<i>Inchaff. Chrs.</i> , no. 25	Kinnoull Ch., no. 139i
190.	Gilbert, e. Strathearn	1203 x 10	Confirmation	<i>Inchaff. Chrs.</i> , no. 27	Kinnoull Ch., no.139ii
191.	Thomas of Lundie, doorward	1203 x 13	Quitclaim	<i>Arb. Lib.</i> , no. 65	
192.	Hugo s. Freskin	1203 x 14	Grant	<i>Moray Reg.</i> , App. no. 1	NLS Dep. 313/1/1
193.	Duncan, e. Angus	1204 x 06	Confirmation	<i>Arb. Lib.</i> , no. 47	
194.	Duncan, e. Angus	1204 x 06	Confirmation	<i>Arb. Lib.</i> , no. 52	
195.	Thomas of Lundie, doorward	1204 x 07	Grant	<i>C.A. Rent.</i> , no. 62	
196.	Gillecrisp, e. Mar	1204 x 11	Grant	<i>Arb. Lib.</i> , no. 206	
197.	Morgrund Ab (of Brechin)	1204 x 11	Confirmation	<i>Arb. Lib.</i> , no. 74	

198.	John Giffard of Powgavie	1204 x 12	Grant	<i>C.A. Rent.</i> , no. 60	
199.	Malcolm I, e. Fife	1204 x 13	Grant	<i>Dunf. Reg.</i> , no. 144	
200.	Fergus, e. Buchan	1204 x 14	Grant	<i>A.-B. Colls.</i> , 407-9	
201.	Malcolm I, e. Fife	1204 x 14	Confirmation	<i>N.B. Chrs.</i> , no. 7	NAS GD 45//13/279
202.	Thomas of Lundie, doorward	1205 x 07	Grant	<i>Arb. Lib.</i> , no. 59	
203.	Malcolm <i>Pincerna</i>	1206 x 09	Agreement	<i>St A. Lib.</i> , 396-7	
204.	Philip de Moubray	ca. 1208	Agreement	<i>Arb. Lib.</i> , no. 121	
205.	Tristram (of Gorthy)	ca. 1208	Grant	<i>Inchaff. Chrs.</i> , no. 26	Kinnoull Ch., no.11
206.	Thomas Malherbe	early 13 <sup>th</sup> cent.	Grant	<i>Arb. Lib.</i> , no. 98	
207.	'Cuming' (Conan) s. E. Henry of Atholl	early 13 <sup>th</sup> cent.	Grant	<i>C.A. Rent.</i> , no. 37	
208.	Adam 'Abbas' of Forfar	early 13 <sup>th</sup> cent.	Statement	<i>C.A. Rent.</i> , no. 42	
209.	Richard de Haya	early 13 <sup>th</sup> cent.	Grant	<i>C.A. Rent.</i> , no. 59	
210.	Henry of Brechin	early 13 <sup>th</sup> cent.	Grant	<i>C.A. Rent.</i> , no. 72	
211.	Thomas of Restalrig	early 13 <sup>th</sup> cent.?	Grant	<i>Dunf. Reg.</i> , no. 188	
212.	David de Haya	early 13 <sup>th</sup> cent.?	Grant	<i>Lind. Cart.</i> , no. 76	
213.	Robert & Malcolm de Haya	early 13 <sup>th</sup> cent.?	Grant	<i>Lind. Cart.</i> , no. 77	
214.	Adam of Stawell	early 13 <sup>th</sup> cent.	Confirmation	<i>St A. Lib.</i> , 271-2	
215.	Henry of Winton	early 13 <sup>th</sup> cent.	Grant	<i>St A. Lib.</i> , 273	Adv. MS 15.1.18/85
216.	Alan de Lascelles	early 13 <sup>th</sup> cent.	Grant	<i>St A. Lib.</i> , 274-5	
217.	Duncan de Lascelles	early 13 <sup>th</sup> cent.	Grant	<i>St A. Lib.</i> , 275	
218.	Magnus s. Gilbert Scot	early 13 <sup>th</sup> cent.	Confirmation	<i>St A. Lib.</i> , 270	
219.	John s. Michael	early 13 <sup>th</sup> cent.	Grant	<i>St A. Lib.</i> , 269	
220.	Richard of Kinnaird	early 13 <sup>th</sup> cent.	Grant	NLS Adv. Ch. A.3	NLS Ch A.3
221.	Richard of Liddel	early 13 <sup>th</sup> cent.	Grant	NAS GD 45/27/95	NAS GD 45/27/95
(1210s)					
222.	Thomas s. Thancard	x 1210	Grant	<i>Arb. Lib.</i> , no. 99	
223.	Roger de St Michael	x 1211	Grant	<i>Arb. Lib.</i> , no. 81	
224.	Philip de Moubray and Galiena	x 1215	Grant	<i>Moncreiffs</i> , no. 1	Moncreiffe Chrs. 4/1
225.	William de Camera	x 1211	Grant	<i>Lind. Cart.</i> , no. 86	
226.	John de Montfort	x 1213	Grant	<i>Arb. Lib.</i> , no. 70	
227.	William s. Bernard	x 1213	Grant	<i>Arb. Lib.</i> , no. 67	
228.	Bernard s. William s. Bernard	x 1214	Confirmation	<i>Arb. Lib.</i> , no. 68	

229.	Warin s. Robert <i>Anglici</i>	x 1219	Grant	<i>Inchcolm Chrs.</i> , no. 11
230.	Walter s. Alan. s. Swain s. Thor	ca. 1194 x 1223	Confirmation	<i>Scone Lib.</i> , no. 125
231.	Gellin s. Gillecris t. s. Maccussegerri	1199 x 1209	Agreement	<i>St A. Lib.</i> , 329
232.	Malcolm s. Malcolm s. Roger	ca. 1200 x 25	Confirmation	<i>Camb. Reg.</i> , no. 104
233.	John s. Michael	ca. 1200 x ca. 26	Grant	<i>St A. Lib.</i> , 380
234.	John s. Michael	ca. 1200 x ca. 26	Grant	<i>St A. Lib.</i> , 381
235.	Richard of Leicester	1200 x 34	Grant	<i>Scone Lib.</i> , no. 89
236.	John Bisset	1202 x 22	Agreement	<i>Moray Reg.</i> , no. 51
237.	Walter Murdoch & Muriel of Rothes	1202 x 22	Grant	NLS Adv MS 29.4.2x, 231'
238.	Reginald de Warenne	ca. 1203 x 30	Quitclaim	Fraser, <i>Douglas</i> , no. 281
239.	Malcolm I, e. Fife	1204 x 25	Grant	<i>Culross Chrs.</i> , 69- 71
240.	Malcolm I, e. Fife	1204 x 28	Grant	<i>Laing Chrs.</i> , no. 6
241.	Malcolm I, e. Fife	1204 x 28	Quitclaim	<i>Dunf. Reg.</i> , no. 145
242.	Malcolm I (?), e. Fife	1204 x 28 ?	Quitclaim	<i>Dunf. Reg.</i> , no. 146
243.	Malcolm I, e. Fife	1204 x 28	Grant	<i>Misc. Fraser Chrs.</i> , no. 7
244.	Hugh of Nydie	ca. 1204 x 28	Grant	<i>Misc. Fraser Chrs.</i> , no. 8
245.	Malcolm I or II, e. Fife	1204 x 30	Grant	<i>St A. Lib.</i> , 245
246.	Walter s. Alan II steward	1204 x 41	Confirmation	<i>St A. Lib.</i> , 258
247.	William s. William s. Freskin	1205 x 22	Grant	<i>Moray Reg.</i> , no. 23
248.	John Bisset	1205 x 22	Agreement	<i>Moray Reg.</i> , no. 21
249.	Malcolm I, e. Fife	1206 x 15	Grant	<i>Moray Reg.</i> , no. 50
250.	Duncan of Inchyra	1206 x 21	Agreement	<i>St A. Lib.</i> , 393
251.	Gilbert de St Martin	1206 x 21	Grant	<i>St A. Lib.</i> , 388-9
252.	Adam s. Odo (of Kinninmonth)	1206 x 27	Agreement	<i>Scone Lib.</i> , no. 84
253.	Roger of St Andrews	1207 x 17?	Grant	NAS RH 6/44 Simpson, <i>Roger de Quincy Acta</i> , App. A, no. 12 Magdalene College, Oxford, Whitfield 13 (1)
254.	Saher of St Andrews	1207 x 17?	Confirmation	Simpson, <i>Roger de Quincy Acta</i> , App. A, no. 13 Magdalene College, Oxford, Whitfield 13 (2)
255.	Saher de Quincy, e. Winchester	1207 x 13, 16 x 19	Quitclaim	<i>Dunf. Reg.</i> , no. 156
256.	Saher de Quincy, e. Winchester	1207 x 19	Quitclaim	<i>Dunf. Reg.</i> , no. 155
257.	Saher de Quincy, e. Winchester	1207 x 19	Grant	<i>C.A. Chrs.</i> , no. 19
258.	Saher de Quincy, e. Winchester	1207 x 19	Grant	<i>Camb. Reg.</i> , no. 70
259.	Saher de Quincy, e. Winchester	1207 x 19	Quitclaim	<i>Camb. Reg.</i> , no. 73 Moray Ch. 32/IV/II/22

260.	Saher de Quincy, e. Winchester	1207 x 19	Grant	<i>St A. Lib.</i> , 255-6	
261.	Roger de Quincy	1207 x 19	Confirmation	<i>St A. Lib.</i> , 256-7	
262.	Malcolm s. Earl Morgrund of Mar	1207 x 28	Confirmation	<i>A.-B. Ill.</i> ii, 17-8	Adv. MS 15.1.18, no. 66
263.	Robert Griffin	1207 x 25	Confirmation	<i>Lind. Cart.</i> , no. 39	
264.	Robert of London	x 1208 x 11	Quitclaim	<i>Dunf. Reg.</i> , no. 167	NAS GD 160/269/3
265.	Ralph of Strachan	1208 x 18?	Grant	<i>Brech. Reg.</i> , App. I	
266.	Hugh <i>Brito</i>	ca. 1208 x 14	Receipt	<i>Lind. Cart.</i> , no. 129	
267.	Máeldomhnaich, e. Lennox	1208 x 31	Grant	<i>Arb. Lib.</i> , no. 133	
268.	Eggou Ruffus of Lingoch	1209 x ca. 26	Grant	<i>St A. Lib.</i> , 382-3	
269.	Gilbert, e. Strathearn	ca. 1210	Grant	<i>Inchaff. Chrs.</i> , no. 28	Atholl Chrs. 1/3
270.	Walter Olifard s. Walter	ca. 1210	Grant	<i>Six Early Charters</i> , no. 3	
271.	Malcolm I, e. Fife	ca. 1210?	Grant	NAS GD 20/1/6/189	NAS GD 20/1/6/189
272.	Gilbert, e. Strathearn	1210 x 19	Grant	<i>Inchaff. Chrs.</i> , no. 33	
273.	Reginald de Warenne	1210 x 26	Quitclaim	<i>Lind. Cart.</i> , no. 70	
274.	Hugh Cnot	1210 x 29	Grant	<i>Inchcolm Chrs.</i> , no. 10	
275.	Hugh Malherbe	1211 x 12	Grant	<i>Arb. Lib.</i> , no. 63	
276.	Hugh of Calder	x 1211 x 14	Grant	<i>Scone Lib.</i> , no. 24	
277.	David Uviet	1211 x 14	Confirmation	<i>Holy. Lib.</i> , no. 66/1	
278.	Gilbert, e. Strathearn	1211 x 14	Statement	<i>Lind. Cart.</i> , no. 43	
279.	Gilbert, e. Strathearn	1211 x 19	Grant	<i>Inchaff. Chrs.</i> , no. 34	EUL, Laing Chrs., no. 13
280.	Gilbert, e. Strathearn	1211 x 20	Confirmation	<i>Lind. Cart.</i> , no. 30	
281.	Robert, s. Earl Gilbert of Strathearn	1211 x 21	Confirmation	<i>Lind. Cart.</i> , no. 31	
282.	Reginald Gaillard	1211 x 24	Statement	<i>Dunf. Reg.</i> , no. 189	
283.	William Comyn, e. Buchan	1211 x 26	Quitclaim	<i>Camb. Reg.</i> , xxx	
284.	Philip de Moubray & Galiena	31/5/1212	Legal proc.	<i>Dunf. Reg.</i> , no. 211	
285.	Henry & Ada niece of R., bp. Dunkeld	1212 x 14	Sale	<i>Balm. Lib.</i> , no. 28	
286.	William, lord of Sutherland	1212 x 23	Confirmation	<i>Moray Reg.</i> , App. no. 3	NLS Dep. 313/1/2
287.	Maurice Sr. & Maurice Jr. of Menteith	6/12/1213	Agreement	Fraser, <i>Menteith</i> , no. 7	
288.	Philip de Valognes	1213 x 15	Grant	<i>C.A. Rent.</i> , ii, App. 2	NAS RH 6/20
289.	John de St Michael	ca. 1214?	Confirmation	<i>Arb. Lib.</i> , no. 82	
290.	William Comyn, e. Buchan	ca. 1214	Grant	<i>Wigtown Charter Chest</i> , no. 2	NLS Ch. 15532
291.	John s. Theobald	1214	Agreement	<i>Arbroath Cart. MS</i> , fol. 152 <sup>r</sup>	
292.	David de Lindsey	1214 x	Grant	<i>Newb. Lib.</i> , no. 167	



293.	Malcolm, e. Angus	1214 x 25	Confirmation	<i>Arb. Lib.</i> , no. 48	
294.	Malcolm, e. Angus	1214 x 25	Confirmation	<i>Arb. Lib.</i> , no. 53	
295.	Fergus, s. Earl Gilbert of Strathearn	1214 x 21	Confirmation	<i>Lind. Cart.</i> , no. 32	
296.	Malcolm I, e. Fife	1214 x 26	Grant	<i>Morton Reg.</i> , App. 1, no. 1	
297.	William Comyn, e. Buchan & Margerie	1215 x 22	Grant	<i>Arb. Lib.</i> , no. 30	Kinnoull Ch., no. 139iii
298.	Gilbert, e. Strathearn	1218	Grant	<i>Inchaff. Chrs.</i> , no. 37	
299.	Saher de Quincy, e. Winchester	ca. 1218	Grant	<i>Inchaff. Chrs.</i> , no. 38	
300.	Reginald of Carriden	1218 x ?	Sale/ Grant	Maidment, <i>Analecta</i> , no. 6	
301.	Gilbert, e. Strathearn	1219	Grant	<i>Inchaff. Chrs.</i> , no. 39	Kinnoull Ch., no. 109
302.	John Ylbaren of Perth	1219	Sale	<i>Scone Lib.</i> , no. 82	
303.	Gilpatrick mac Ewen et al.	23/9/1219	Perambulation	<i>Arb. Lib.</i> , no. 228	
(1220s)					
304.	Roger de Quincy	x 1221	Confirmation	<i>Inchaff. Chrs.</i> , no. 42	Kinnoull Ch., no. 141
305.	John s. Theobald	x 1225	Agreement	<i>Arb. Cart. MS</i> , fols. 147 <sup>r-v</sup>	
306.	Gilbert de Umfraville	x 1227	Grant	<i>Camb. Reg.</i> , no. 80	
307.	Thomas Durward	x 1227	Confirmation	<i>St A. Lib.</i> , 369	
308.	Thomas Durward	x 1228	Grant	<i>St A. Lib.</i> , 365	
309.	Alexander of Seton	ca. 1205 x 35	Grant	<i>Dunf. Reg.</i> , no. 177	
310.	Thomas of Galloway, e. Atholl	1211 x 31	Confirmation	<i>Newb. Lib.</i> , no. 27	
311.	Thomas of Galloway, e. Atholl	1211 x 31	Confirmation	<i>Newb. Lib.</i> , no. 32	
312.	Thomas of Galloway, e. Atholl	1211 x 31	Grant	<i>C.A. Chrs.</i> , no. 22	Moray Ch. 32/IV/II/19
313.	Thomas of Galloway, e. Atholl	1211 x 31	Confirmation	Anderson, <i>Oliphants</i> , no. 3	NLS Adv. Ch. B. 1355
314.	Thomas, e. Galloway & Cts. Isabel	1211 x 31	Confirmation	<i>Dunf. Reg.</i> , no. 149	NLS Ch. 862
315.	William s. Ketell & wife Eda	ca. 1211 x 39	Quitclaim	<i>Scone Lib.</i> , no. 97	
316.	William Comyn, e. Buchan	ca. 1212 x 33	Grant	NAS RH 1/2/31	
317.	William Comyn, e. Buchan	ca. 1212 x 33	Grant	NAS RH 1/2/32	
318.	William Comyn, e. Buchan	ca. 1212 x 33	Grant	<i>Abdn. Reg.</i> i, 14 -5	
319.	William Comyn, e. Buchan	ca. 1212 x 33	Grant	<i>Morton Reg.</i> , ii, no. 5	
320.	Christina Corbet	1212? x 28	Grant	<i>St A. Lib.</i> , 262-3	
321.	William s. Earl Patrick of Dunbar	1212 x 32	Grant	<i>St A. Lib.</i> , 278	
322.	Robert of London	1214 x ca. 26	Quitclaim	<i>Dunf. Reg.</i> , no. 168	
323.	Adam of Hastings	1214 x 26	Grant	<i>Arb. Lib.</i> , no. 122	

324.	Malcolm, e. Angus	1214 x 26	Grant	<i>Arb. Lib.</i> , no. 112	
325.	Thomas s. Malcolm (Durward)	1214 x 26	Grant	<i>Scone Lib.</i> , no. 91	
326.	Thomas of Lundie (Durward)	1214 ? x ca. 1231	Grant	<i>Arb. Lib.</i> , no. 141	
327.	William Comyn, e. Buchan	1214 x 33	Grant	<i>St A. Lib.</i> , 250	
328.	William Comyn, e. Buchan	1214 x 33	Confirmation	<i>St A. Lib.</i> , 251	
329.	William Comyn, e. Buchan	1214 x 33	Confirmation	<i>St A. Lib.</i> , 251-2	
330.	William Comyn, e. Buchan	1214 x 33	Distrain	<i>St A. Lib.</i> , 252	
331.	Margerie, cts. Buchan	1214 x 33	Grant	<i>St A. Lib.</i> , 252-3	
332.	Margerie, cts. Buchan	1214 x 33	Confirmation	<i>St A. Lib.</i> , 253	
333.	Margerie, cts. Buchan	1214 x 33	Confirmation	<i>St A. Lib.</i> , 254	
334.	Walter Comyn s. William Comyn	ca. 1214 x 33	Grant	<i>Scone Lib.</i> , no. 98	
335.	Ermengarde, queen (mother) of Scots	1214 x 34	Grant	<i>Yester Writs</i> , no. 11	NAS GD 28/11
336.	Matilda ex-wife of John Furber	ca. 1214 x 36?	Quitclaim	<i>Scone Lib.</i> , no. 96	
337.	David s. David of Lindsey	ca. 1214 x 41	Grant	<i>Dunf. Reg.</i> , no. 190	
338.	David of Lindsey	ca. 1214 x 41	Quitclaim	<i>Dunf. Reg.</i> , no. 191	
339.	Malcolm, e. Angus	1214 x 42	Grant	<i>Arb. Lib.</i> , App. no. 4	NAS RH 6/31
340.	William s. Bernard	1215 x 25	Grant	<i>Arb. Lib.</i> , no. 124	
341.	Bernard s. William s. Bernard	1215 x 25	Confirmation	<i>Arb. Lib.</i> , no. 125	
342.	Richard de Camera	1217 x 26	Grant	<i>Inchcolm Chrs.</i> , no. 12	NAS GD 172/1
343.	William de Vaux	1218 x 33	Grant	<i>Arb. Lib.</i> , no. 116	
344.	Philip de Moubray	1219 x 29	Grant	<i>Arb. Lib.</i> , no. 119	
345.	John, e. Huntingdon	1219 x 32	Confirmation	<i>Arb. Lib.</i> , no. 84	
346.	John, e. Huntingdon	1219 x 32	Confirmation	<i>Arb. Lib.</i> , no. 137	
347.	John, e. Huntingdon	1219 x 32	Grant	<i>Balm. Lib.</i> , no. 31	
348.	John, e. Huntingdon	1219 x 32	Confirmation	<i>Lind. Cart.</i> , no. 15	
349.	John, e. Huntingdon	1219 x 32	Grant	<i>Lind. Cart.</i> , no. 16	
350.	William Comyn, e. Buchan	1219 x 33	Grant	<i>A.-B. Ill. ii</i> , 426-7	
351.	William Comyn, e. Buchan	1219 x 33	Grant	<i>A.-B. Ill. ii</i> , 427-8	
352.	Adam of Morham	1219 x 38	Quitclaim	<i>Arb. Lib.</i> , no. 24	
353.	Adam of Morham	ca. 1219 x 38	Confirmation	<i>Arb. Lib.</i> , no. 25	
354.	William Comyn, e. Buchan	ca. 1220	Confirmation	<i>Dryb. Lib.</i> , no. 18	Kinnoull Ch., no. 140i
355.	Robert, s. Earl Gilbert of Strathearn	ca. 1220	Confirmation	<i>Inchaff. Chrs.</i> , no. 41	
356.	Robert de Haya	1220	Agreement	<i>C.A. Chrs.</i> , no. 26	Moray Ch. 32/V/II/58

357.	William de Munfichet	1220	Grant	<i>C.A. Rent.</i> , no. 65	Moray Ch. 32/V/IV/5
358.	William de Munfichet	ca. 28/12/1220	Agreement	<i>C.A. Chrs.</i> , no. 30	Moray Ch. 32/V/III/59
359.	William de Munfichet	1220 x 21	Grant	<i>C.A. Chrs.</i> , no. 31	Kinnoull Ch., no. 139iv
360.	Gilbert, e. Strathearn	1220 x 21	Grant	<i>Inchaff. Chrs.</i> , no. 44	NLS Ch. B. 1354
361.	Gilbert, e. Strathearn	1220 x 21	Grant	<i>Inchaff. Chrs.</i> , no. 43	
362.	Robert, s. Earl Gilbert of Strathearn	1220 x 23	Obligation	<i>Inchaff. Chrs.</i> , no. 47	
363.	Ysenda, wife of E. Gilbert of Strathearn	1220 x 23	Grant	<i>Inchaff. Chrs.</i> , no. 46	NAS GD 24/5/1/1
364.	Gilbert, e. Strathearn	1220 x 23	Grant	<i>Inchaff. Chrs.</i> , no. 45	Atholl Ch. 1/7/1
365.	Thomas of Restalrig	ca. 1220 x 26	Grant	<i>Inchcolm Chrs.</i> , no. 13	
366.	Brice, <i>judex regis</i>	11/11/1221	Letter	Barrow, 'Judex', App. B, no. 2	
367.	Gillemor Scoloc	1222	Agreement	<i>A.-B. Ill.</i> ii, 18-9	NLS Adv. 15.1.18, no. 27
368.	Walter s. Alan II, the steward	1222 x 27	Grant	<i>Balm. Lib.</i> , no. 21	
369.	John Bisset	1222 x 28	Grant	<i>Moray Reg.</i> , no. 71	
370.	Robert, e. Strathearn	ca. 1223	Confirmation	<i>Inchaff. Chrs.</i> , no. 51	Kinnoull Ch., no. 123
371.	Robert, e. Strathearn	ca. 1223	Grant	<i>Inchaff. Chrs.</i> , no. 52	Dollerie Charters
372.	Fergus son of Earl Gilbert of Strathearn	1223 x 26	Confirmation	<i>Arb. Lib.</i> , no. 87	
373.	Malcolm I, e. Fife	1223 x 28	Agreement	<i>Moray Reg.</i> , no. 62	
374.	Robert, e. Strathearn	1223 x 39	Grant	<i>Inchaff. Lib.</i> , App. no. 8	RH 6/19; GD 90/1/5
375.	Walter Comyn	1223 x 33	Agreement	<i>Moray Reg.</i> , no. 76	
376.	Robert, e. Strathearn	1223 x 34	Confirmation	<i>Lind. Cart.</i> , no. 25	
377.	John, e. Huntingdon	1224	Confirmation	<i>Pann. Reg.</i> ii, 203-4	
378.	William Comyn, e. Buchan, justiciar	8/2/1224	Perambulation	<i>C.A. Chrs.</i> , no. 34.	NAS GD 204/2
379.	Richard Kai (Hay?)	ca. 1225	Grant	<i>C.A. Chrs.</i> , no. 37	
380.	Bernard s. William s. Bernard	ca. 1225 x 32	Confirmation	<i>Arb. Lib.</i> , no. 127	Moray Ch. 32/IV/II/26
381.	Thomas of Thirlestane	1225	Agreement	<i>Moray Reg.</i> , no. 28	
382.	Robert Hode & Matilda	1225	Agreement	<i>Moray Reg.</i> , C.O. 6	
383.	Adam of Stawell	12/10/1225	Quitclaim	<i>Balm. Lib.</i> , no. 4	
384.	Adam of Stawell	ca. 12/10/1225	Agreement	<i>Balm. Lib.</i> , no. 5	
385.	David of Strathbogie	18/3/1226	Agreement	<i>Moray Reg.</i> , no. 30	
386.	James s. Earl Morgrund of Mar	5/5/1226	Agreement	<i>Moray Reg.</i> , no. 70	
387.	John Bisset	19/6/1226	Confirmation	<i>Moray Reg.</i> , no. 72	
388.	Adam of Stawell	ca. 24/6/1226	Receipt	<i>Balm. Lib.</i> , no. 6	
389.	Thomas of Restalrig	6/10/1226	Agreement	<i>Dunf. Reg.</i> , no. 218	

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|----------|-------------------------------------|--------------------------------------|--------------|--|
| 390.     | Walter s. William of Moray          | 9/10/1226                            | Agreement    | <i>Moray Reg.</i> , no. 31   |
| 391.     | Walter of Moray                     | 10/10/1226                           | Agreement    | <i>Moray Reg.</i> , no. 120  |
| 392.     | Gilbert Durward                     | 31/10/1226                           | Agreement    | <i>Moray Reg.</i> , no. 74   |
| 393.     | John Bisset                         | 1226?                                | Agreement    | <i>Moray Reg.</i> , no. 258  |
| 394.     | Henry de Balliol chamberlain et al. | 17/1/1227                            | Recognition  | <i>Arb. Lib.</i> , no. 229   |
| 395.     | Patrick of Craigie                  | 1227 x 30                            | Quitclaim    | Rogers PhD, Appendix<br>NAS GD 45/27/96  |
| 396.     | John of Wilton                      | ca. 1228 ?                           | Grant        | Barrow, <i>East Fife Docs.</i> , no. 5<br>NAS GD 82/1  |
| 397.     | Walter of Moray                     | 25/4/1229                            | Agreement    | <i>Moray Reg.</i> , no. 33<br>NLS Ch. 6002   |
| 398.     | Constantine of Lochoe               | early – mid 13 <sup>th</sup> century | Grant        | NLS Ch. 6002   |
| 399.     | Alexander of Seton                  | early – mid 13 <sup>th</sup> century | Quitclaim    | <i>Dunf. Reg.</i> , no. 178  |
| 400.     | Richard of Kinnaird                 | early – mid 13 <sup>th</sup> century | Grant        | NAS GD 1/346/1   |
| 401.     | Agnes dr. John s. Ralph             | 1220s/ 30s?                          | Grant        | <i>Dunf. Reg.</i> , no. 172<br>NAS GD 1/346/1  |
| (1230s:) |                                     |                                      |              |  |
| 402.     | William Olifard                     | x 1231                               | Grant ?      | <i>C.A. Rent.</i> , no. 28   |
| 403.     | Michael Scott & Margaret of Ceres   | x 1231                               | Grant        | <i>Dunf. Reg.</i> , no. 174  |
| 404.     | Margaret dr. Duncan of Ceres        | x 1231                               | Confirmation | <i>Dunf. Reg.</i> , no. 175  |
| 405.     | Laurence s. Guido                   | x 1231                               | Sale         | <i>Balm. Lib.</i> , no. 25   |
| 406.     | John of Kinross                     | x 1232                               | Grant        | <i>Misc. Fraser Chrs.</i> , no. 11<br>Lindsay of Evelick Muns.   |
| 407.     | David of Lindsey                    | x 1233                               | Grant        | <i>Balm. Lib.</i> , no. 19   |
| 408.     | Roger de Quincy                     | x 1234                               | Grant        | Simpson, <i>Roger de Quincy Acta</i> , no. 1<br>Magdalene Oxford, Brackley C.127                       |
| 409.     | Roger de Quincy                     | x 1234                               | Agreement    | Simpson, <i>Roger de Quincy Acta</i> , no. 2<br>Magdalene Oxford, Brackley D. 164                      |
| 410.     | David of Hastings                   | x 1236                               | Agreement    | <i>RRS v</i> , no. 234   |
| 411.     | Robert of London                    | x ca. 1236                           | Agreement    | <i>Dunf. Reg.</i> , no. 173  |
| 412.     | Robert s. Warnebald                 | x 1238                               | Grant        | <i>Arb. Lib.</i> , no. 261   |
| 413.     | Thomas of Lundin (Fife)             | 1204 x 66                            | Grant        | <i>N.B. Chrs.</i> , no. 10<br>NAS GD 190/3/63  |
| 414.     | Malcolm I or II, e. Fife            | 1204 x 66                            | Statement    | <i>Scone Lib.</i> , no. 85   |
| 415.     | Malcolm I or II, e. Fife            | 1204 x 66                            | Grant        | Campbell, 'Early Charter at Inveraray' <i>SHR</i> 8 (1910-11), 222<br>Duke of Argyll, Inveraray Castle |
| 416.     | Máeldomhnaich, e. Lennox            | 1208 x 70                            | Grant        | <i>Arb. Cart. MS</i> , fols. 141 <sup>v</sup> - 142 <sup>r</sup>                                       |
| 417.     | Walter of Lundin (Fife) & Christina | ca. 1214 x ca. 49                    | Grant        | <i>Arb. Lib.</i> , no. 138   |

418.	David of Lindsey	ca. 1214 x ca. 49	Grant	<i>Arb. Lib.</i> , no. 139
419.	Gilbert Stute of Aberdeen & Emma	ca. 1214 x ca. 49	Grant	<i>Arb. Lib.</i> , no. 140
420.	John of Hastings	ca. 1214 x ca. 49	Grant	<i>Arb. Lib.</i> , no. 142
421.	William Fowler ( <i>Aucupis</i> )	ca. 1214 x ca. 49	Agreement	<i>Arb. Lib.</i> , no. 144
422.	Henry Bald (burgess of Perth)	1214 x 49 ?	Grant	<i>Scone Lib.</i> , no. 86
423.	Richard of Leicester, burgess of Perth	1214 x 49	Grant	<i>Scone Lib.</i> , no. 88
424.	John s. David of Perth	1214 x 49 ?	Quitclaim	<i>Scone Lib.</i> , no. 90
425.	Malcolm <i>Pincerna</i>	1214 x 49 ?	Grant	<i>Scone Lib.</i> , no. 106
426.	Stephen of Kinnardley	1214 x 46	Sale	<i>Arb. Lib.</i> , no. 245
427.	Henry of Brechin, s. Earl David	1218 x 46	Grant	<i>Lind. Cart.</i> , no. 60
428.	William of Brechin, s. Henry	ca. 1218 x 46 ?	Confirmation	<i>Lind. Cart.</i> , no. 61
429.	Robert of London	1219 x 46	Grant	<i>Arb. Lib.</i> , no. 256
430.	Walter Bisset	1221 x 39	Affidavit	<i>Kelso Lib.</i> , no. 233
431.	Stephen of Kinnardley	1221 x 46	Grant	<i>Arb. Lib.</i> , no. 242
432.	Alexander s. William of Lamberton	1222 x 38	Confirmation	<i>St A. Lib.</i> , 267-8
433.	Duncan, e. Mar	1222 x 44	Grant	<i>St A. Lib.</i> , 362
434.	Duncan, e. Mar	1222 x 44	Grant	<i>St A. Lib.</i> , 367
435.	H son of E	1223 x 38	Agreement	<i>Dunf. Reg.</i> , no. 224
436.	Fergus, son of Earl Gilbert of Strathearn	1223 x 39	Confirmation	<i>C.A. Chrs.</i> , no. 35
437.	Robert Fyndoc	1223 x 42	Agreement	<i>Moray Reg.</i> , no. 27
438.	Simon of Ogston	1223 x 42	Grant	<i>Moray Reg.</i> , no. 94
439.	Walter of Moray	1223 x 42	Grant	<i>Moray Reg.</i> , no. 95
440.	Malcolm I or II, e. Fife	ca. 1225 x 35	Grant	<i>Moray Reg.</i> , no. 63
441.	Hugh de Mortemer	ca. 1225 x 35	Confirmation	<i>St A. Lib.</i> , 265-6
442.	Fearchar, e. Ross	1225 x 42	Grant	<i>Moray Reg.</i> , no. 259
443.	Fergus, s. Earl Gilbert of Strathearn	1226 x 34	Grant	<i>Lind. Cart.</i> , no. 24
444.	Robert, e. Strathearn	1226 x 34	Confirmation	<i>Inchaff. Chrs.</i> , no. 55
445.	Theobald s. William of Petlandy	1226 x 34	Grant	<i>Inchaff. Chrs.</i> , no. 56
446.	Robert of Methven	1226 x 34	Grant	<i>Inchaff. Chrs.</i> , no. 57
447.	Robert, e. Strathearn	1226 x 34	Confirmation	<i>Inchaff. Chrs.</i> , no. 58
448.	William Bisset	1227 x 35	Grant	<i>Beaully Chrs.</i> , no. 2
449.	Muriel of Pollock	ca. 1227 x 35	Grant	<i>Moray Reg.</i> , no. 106
450.	Walter of Moray	ca. 1227 x 35	Grant	<i>Moray Reg.</i> , no. 108

Moray Ch. 32/IV/II/21

NLS Adv. MS 15.1.18, no. 42

Kinnoull Ch., no. 8  
Kinnoull Ch., no. 7

451.	Walter the steward	ca. 1227 x 41	Grant	<i>Balm. Lib.</i> , no. 23
452.	Simon of Kinnear	ca. 1227 x 44	Grant	<i>Balm. Lib.</i> , no. 39
453.	Hugh de Lacy, e. Ulster	1227 x 37	Grant	<i>St A. Lib.</i> , 118
454.	Herbert de Camera	ca. 1228 x 34	Grant	<i>Camb. Reg.</i> , no. 79
455.	Bartholomew Fleming	1228 x 39	Grant	<i>Lind. Cart.</i> , no. 59
456.	Roger de Quincy, e. Winchester	ca. 1230	Grant	Fraser, <i>Southesk</i> , no. 24
457.	Gilbert de Haya	ca. 1230 ?	Grant	NAS RH 1/2/42
458.	David of Hastings	1230 x 36	Receipt	<i>Dunf. Reg.</i> , no. 150
459.	Richard of Balwearie	1230 x 42	Agreement	<i>Dunf. Reg.</i> , no. 223
460.	Gilbert of Cleish	ca. 1231	Quitclaim	<i>Dunf. Reg.</i> , no. 192
461.	Gilbert s. Rothri of Crambeth (Dowhill)	ca. 1231	Quitclaim	<i>Dunf. Reg.</i> , no. 191
462.	Reginald de Warenne	1231 ?	Grant	<i>Culross Chrs.</i> , 71-2
463.	David the doorward (or Durward)	22/10/1231	Confirmation	<i>Dunf. Reg.</i> , no. 196
464.	Isabel, cts. Atholl	1231 x 32	Confirmation	<i>C.A. Chrs.</i> , no. 39
465.	Isabel, cts. Atholl	1231 x 32	Confirmation	<i>C.A. Rent.</i> , no. 32
466.	Isabel, cts. Atholl	9/8/1232	Grant	<i>C.A. Rent.</i> , no. 34
467.	Gilbert, s. Earl Gilbert of Strathearn	12/9/1232	Agreement	<i>Moray Reg.</i> , no. 80
468.	David of Strathbogie	10/10/1232	Agreement	<i>Moray Reg.</i> , no. 35
469.	John of Carberry	ca. 11/11/1232	Grant	<i>Dunf. Reg.</i> , no. 184
470.	Malcolm s. Ewen of Dunkeld	ca. 1232	Grant	<i>C.A. Chrs.</i> , no. 40
471.	Colin Durward	ca. 1232	Grant	<i>St A. Lib.</i> , 363-4
472.	Philip de Munfichet & Anna	ca. 1232 x ?	Quitclaim	<i>St A. Lib.</i> , 364
473.	Isabel, cts. Atholl	ca. 1232 x ca. 37	Confirmation	<i>C.A. Chrs.</i> , no. 30
474.	John, e. Huntingdon & Chester	1232 x 37	Confirmation	<i>St A. Lib.</i> , 240-1
475.	John, e. Huntingdon & Chester	1232 x 37	Grant	<i>Lind. Cart.</i> , no. 17
476.	John, e. Huntingdon & Chester	1232 x 37	Grant	<i>Lind. Cart.</i> , no. 18
477.	John, e. Huntingdon & Chester	1232 x 37	Grant	<i>Lind. Cart.</i> , no. 19
478.	William de Campania	1232 x 37	Grant	<i>Lind. Cart.</i> , no. 87
479.	John de Vaux	1232 x 41	Confirmation	<i>Arb. Lib.</i> , no. 117
480.	Robert of Rosyth et al.	1233	Agreement	<i>Inchcolm Chrs.</i> , no. 15
481.	Alan Durward	3/3/1233	Grant	<i>Abdn. Reg.</i> , ii, 268-9
482.	Alan Durward	11/3/1233	Agreement	<i>Moray Reg.</i> , no. 83
483.	Philip de Moubray & Galiena	26/4/1233	Legal proc.	<i>Dunf. Reg.</i> , no. 222

Moray Charters, 32/IV/II/18

Moray Ch. 32/V/II/47

484.	Alan Durward, e. Atholl	1233, 11/9 x 12/10	Quitclaim	<i>Arb. Lib.</i> , no. 128
485.	Fergus, s. Earl Gilbert of Strathearn	1233 x 34	Grant	<i>Lind. Cart.</i> , no. 26
486.	Conan s. Earl Henry of Atholl	1233 x 34	Grant	<i>Lind. Cart.</i> , no. 73
487.	Margerie, cts. Buchan	1233 x 44	Confirmation	<i>Arb. Lib.</i> , no. 132
488.	Walter (Comyn), e. Menteith	1234	Agreement	<i>Moray Reg.</i> , no. 85
489.	Alexander of Stirling	1234	Agreement	<i>Moray Reg.</i> , no. 86
490.	John, e. Huntingdon & Chester	ca. 11/11/1234	Brieve	<i>Lind. Cart.</i> , no. 20
491.	John, e. Huntingdon & Chester	11/11/1234 x 37	Letters patent	<i>Lind. Cart.</i> , no. 21
492.	Laurence of Abernethy	1234 x 41	Quitclaim	<i>Balm. Lib.</i> , no. 7
493.	Constantine of Lochore	23/2/1235	Quitclaim	<i>Dunf. Reg.</i> , no. 179
494.	Walter of Moray	7/8/1235	Agreement	<i>Moray Reg.</i> , no. 87
495.	Stephen of Kinnardsley	19/8/1235	Sale	<i>Arb. Cart. MS</i> , fol. 126 <sup>v</sup>
496.	Robert, e. Strathearn	ca. 1235	Confirmation	<i>Lind. Cart.</i> , no. 27
497.	Robert, e. Strathearn	ca. 1235	Confirmation	<i>Lind. Cart.</i> , no. 44
498.	Muriel, lady of Rothes	1235	Agreement	<i>St A. Lib.</i> , 326-7
499.	Muriel of Rothes	1235	Agreement	<i>Moray Reg.</i> , no. 111
500.	Malcolm II, e. Fife	1235 x 39	Grant	<i>Balm. Lib.</i> , no. 37
501.	Robert of Bernham, Berwick burgess	1235 x 39	Grant	<i>St A. Lib.</i> , 272-3
502.	Waltheof of Strachan	1235 x 39	Grant	<i>St A. Lib.</i> , 276-7
503.	Eva Murdoch, lady of Rothes	1235 x 42 ?	Grant	<i>Moray Reg.</i> , no. 112
504.	Margerie, cts. Buchan	3/8/1236	Agreement	<i>Arb. Cart. MS</i> , fol. 162 <sup>f</sup>
505.	Margerie, cts. Buchan	3/8/1236	Agreement	<i>Arb. Lib.</i> , no. 227
506.	David de Haya	5/1237	Agreement	<i>Misc. Monastic Chrs.</i> , i, no. 4
507.	Duncan of Melginch	29/9/1237	Quitclaim	Erroll Charters, no. 10
508.	Muriel of Pollock	6/12/1238	Quitclaim	<i>Inchaff. Chrs.</i> , no. 63
509.	Michael Scot	1238 x 40	Grant	<i>Moray Reg.</i> , no. 107
510.	Merleswain s. Waltheof	1239	Grant	Barrow, <i>East Fife Docs.</i> , no. 6
511.	John of Methil s. Michael of Wemyss	ca. 1239	Agreement	<i>Inchcolm Chrs.</i> , no. 18
512.	Morgrund s. (John) Ab (of Brechin)	ca. 1239	Grant	<i>Midl. Chrs.</i> , no. 14
513.	Richard de Lascelles	ca. 1230s	Grant	<i>Misc. Fraser Chrs.</i> , no. 12
514.	Peter s. Peter de Rupe	ca. 1230s	Grant	<i>St A. Lib.</i> , 274
515.	Margaret of Ceres	ca. 1230s/40s ?	Grant	<i>Dunf. Reg.</i> , no. 171
516.	Adam s. Patrick of Carberry	ca. 1230s	Confirmation	<i>Dunf. Reg.</i> , no. 176
			Quitclaim	<i>Dunf. Reg.</i> , no. 181

517.	Adam s. Patrick of Carberry	ca. 1230s	Grant	<i>Dunf. Reg.</i> , no. 182
518.	John s. Gilbert of Carberry	ca. 1230s	Grant	<i>Dunf. Reg.</i> , no. 183
519.	John of Carberry & Adam s. Patrick	ca. 1230s	Obligation	<i>Dunf. Reg.</i> , no. 185
520.	Alan of Fauside	ca. 1230s	Quitclaim	<i>Dunf. Reg.</i> , no. 186
521.	Alan of Fauside	ca. 1230s	Obligation	<i>Dunf. Reg.</i> , no. 187
522.	Alan of Swinton	ca. 1230s	Receipt	<i>Dunf. Reg.</i> , no. 197
523.	Richard s. Richard Crassus	ca. 1230s	Quitclaim	<i>Dunf. Reg.</i> , no. 198
524.	John s. Richard Crassus	ca. 1230s	Quitclaim	<i>Dunf. Reg.</i> , no. 199
(1240s:)				
525.	David de Haya	x 1241	Grant	<i>Erroll Chrs.</i> , no. 7
526.	William de Haya	x 1241	Grant	<i>C.A. Chrs.</i> , no. 42
527.	Thomas de Haya	x 1241	Grant	<i>C.A. Rent</i> , no. 57
528.	Gilbert de Haya	x 1241	Confirmation	<i>C.A. Rent</i> , no. 52
529.	Walter Bisset	x 1242	Grant	<i>C.A. Chrs.</i> , no. 48
530.	Gilbert de Umfraville	x 1243	Confirmation	<i>Camb. Reg.</i> , no. 86
531.	Robert s. Wamebald & Richenda	x 1245	Grant	<i>Arb. Cart. MS</i> , fols. 146 <sup>r-v</sup>
532.	Robert s. Wamebald & Richenda	x 1245	Agreement	<i>Arb. Cart. MS</i> , fols. 146 <sup>v</sup> -147 <sup>r</sup>
533.	Richenda of Berkeley	x 1245	Grant	<i>Arb. Cart. MS</i> , fol. 148 <sup>r</sup>
534.	Robert s. Wamebald & Richenda	x 1245	Grant	<i>Arb. Cart. MS</i> , fols. 152 <sup>r-v</sup>
535.	Laurence of Abernethy	x 1246	Confirmation	<i>St A. Lib.</i> , 268
536.	William s. Patrick the brewer	x 1247	Quitclaim	<i>Moncreiffs</i> , no. 3
537.	John Gaillard	x 6/1248	Obligation	<i>Dunf. Reg.</i> , no. 69
538.	Serlo of St Andrews	1220 x 64	Quitclaim	<i>Lind. Cart.</i> , no. 91
539.	Roger de Quincy, e. Winchester	1234 x 49	Confirmation	<i>Scone Lib.</i> , no. 80
540.	Walter Comyn, e. Menteith	1234 x 58	Confirmation	<i>Arb. Lib.</i> , no. 309
541.	Roger de Quincy, e. Winchester	1236 x 49	Confirmation	<i>Scone Lib.</i> , no. 79
542.	Roger de Quincy, e. Winchester	1235 x 64	Grant	<i>Six Early Charters</i> , no. 4
543.	Roger de Quincy, e. Winchester	1235 x 64	Grant	<i>Six Early Charters</i> , no. 5
544.	Roger de Quincy, e. Winchester	1235 x 64	Grant	<i>Balm. Lib.</i> , no. 38
545.	William Blund	1236 x 49	Grant	<i>Scone Lib.</i> , no. 94
546.	John s. Gervase Avenel	1236 x 49	Grant	<i>Inchcolm Chrs.</i> , no. 17
547.	Isabella de Brus	1237 x 48	Grant	<i>Lind. Cart.</i> , no. 40

Erroll Charters, no. 9  
Moray Ch. 32/IV/II/9

Moncreiffe 1/10



548.	Richenda dr. Humphrey of Berkeley	1238 x 50	Grant	<i>St A. Lib.</i> , 285-6	NLS Adv. MS 15.1.18/61
549.	Roger Wyrfaud & Cecilia	1238 x 50	Grant	<i>St A. Lib.</i> , 279	
550.	Duncan, e. Mar	1239 x 41	Grant	<i>Abdn. Reg.</i> , i, 16	
551.	Richenda of Berkeley	1239 x 47	Statement	<i>Arb. Cart. MS</i> , fols. 149 <sup>r-v</sup>	
552.	William of Airth, lord of Fordell	1240	Agreement	<i>Inchcolm Chrs.</i> , no. 19	NAS GD 172/2
553.	Gilbert de Haya	23/5/1240	Confirmation	<i>Inchaff. Chrs.</i> , no. 68	Kinnoull Ch., no. 1
554.	Richard of Leicester	8/12/1240	Grant	<i>Inchaff. Chrs.</i> , no. 69	
555.	Roger s. Philip d'Eu	ca. 1240 ?	Grant	NAS RH 1/2/51	
556.	Robert s. Warnebal & Richenda	1240 x 45	Agreement	<i>Arb. Cart. MS</i> , fol. 151 <sup>r-v</sup>	
557.	Adam s. Odo (of Kinninmonth)	1240 x 50	Sale	<i>St A. Lib.</i> , 281	
558.	Hugh Giffard	1240 x 50	Grant	<i>St A. Lib.</i> , 284	
559.	Duncan s. Michael s. Malothen	1240 x 50	Grant	<i>St A. Lib.</i> , 309-10	
560.	Hugh of Nydie	1240 x ca. 50	Sale	<i>St A. Lib.</i> , 284-5	
561.	Hugh of Nydie	ca. 1240 x ca. 50	Confirmation	<i>Balm. Lib.</i> , no. 46	NAS RH 1/2/52 (?)
562.	Richard of Nydie	ca. 1240 x ca. 50	Confirmation	<i>Balm. Lib.</i> , no. 47	
563.	Adam s. Odo (Kinninmonth)	1240 x ca. 50	Sale	Barrow, 'Kinninmonth', no. 13	NAS RH 6/27
564.	Henry (of Stirling) s. Earl David	1/11/1241	Grant	Fraser, <i>Melville</i> , no. 11	NAS GD 26/1/4/11
565.	William de Haya, lord of Aithmuir	1241 x 58 ?	Grant	<i>C.A. Chrs.</i> , no. 47	Moray Ch. 32/IV/II/47
566.	Alexander the steward	1241 x	Confirmation	<i>Balm. Lib.</i> , no. 24	
567.	Constantine of Lochore	19/5/1241 x ?	Receipt	<i>Inchcolm Chrs.</i> , no. 20	
568.	John Wishart	1242	Agreement	<i>Arb. Cart. MS</i> , fols. 151 <sup>v</sup> -152 <sup>r</sup>	
569.	John Wishart	1242	Agreement	<i>Arb. Lib.</i> , no. 272	
570.	Duncan, e. Mar	1242	Legal proc.	<i>St A. Lib.</i> , 332-3	
571.	Matilda, cts. Angus	1242 x 43	Confirmation	<i>Arb. Lib.</i> , no. 49	
572.	Matilda, cts. Angus	1242 x 43	Confirmation	<i>Arb. Lib.</i> , no. 114	
573.	Matilda, cts. Angus	1242 x 43	Grant	<i>Arb. Lib.</i> , no. 115	
574.	Matilda, cts. Angus	1242 x 43	Confirmation	<i>Arb. Lib.</i> , App. no. V	NAS RH 6/35
575.	Roger de Quincy, e. Win. const. Scot.	13/2/1242	Statement	Simpson, <i>Roger de Quincy Acta</i> , no. 3	Brackley 167
576.	Ness, king's physician	1242 x 47	Grant	<i>C.A. Rent.</i> , no. 86	
577.	David of Hastings, e. Atholl	ca. 1242 x 47	Confirmation	<i>C.A. Rent.</i> , no. 31	
578.	David of Hastings, e. Atholl	ca. 1242 x 47	Confirmation	<i>C.A. Rent.</i> , no. 33	
579.	David of Hastings, e. Atholl	ca. 1242 x 47	Confirmation	<i>C.A. Chrs.</i> , no. 50	
580.	Forbflaith, cts. Atholl	ca. 1242 x 47	Confirmation	<i>C.A. Chrs.</i> , no. 52	Moray Ch. 32/IV/II/20

581.	Walter of Lundin	ca. 1242 x 49	Grant	<i>Misc. Fraser Chrs.</i> , no. 14	GD 160/269/ no number
582.	Norman s. Norman constable (Leslie)	25/8/1243	Ratification	<i>Lind. Cart.</i> , no. 83	
583.	Alexander of Stirling	5/12/1243	Obligation	<i>St A. Lib.</i> , 280	NLS Adv. MS 15.1.18/ 28
584.	Robert Fyndoc of Elgin	7/1244	Sale	<i>Moray Reg.</i> , no. 98	
585.	William de Mortemer & Thomas <i>Vilator</i> (estate-steward)	11/11/1244	Agreement	NAS GD 45/27/98	NAS GD 45/27/98
586.	Richenda of Berkeley	1245	Grant	<i>Arb. Cart. MS</i> , fols. 145 <sup>r-v</sup>	
587.	William of Brechin	30/8/1245	Quitclaim	<i>Lind. Cart.</i> , no. 55	NLS Adv. MS 15.1.18/ 49
588.	Malcolm II, e. Fife	9/1245	Quitclaim	<i>St A. Lib.</i> , 44, 282	
589.	William s. Hawock of Perth	ca. 1245	Quitclaim	<i>Inchaff. Chrs.</i> , no. 70	
590.	William s. Hawock of Perth	ca. 1245	Grant	<i>Inchaff. Chrs.</i> , no. 71	
591.	Ralph Noble	ca. 1245	Grant	<i>Fraser, Menteith</i> , no. 2	NAS GD 220/1/A1/1/5
592.	Richenda of Berkeley	1245 x 46	Grant	<i>Arb. Lib.</i> , no. 263	
593.	Fergus s. Earl Gilbert of Strathearn	1245 x ca. 47	Statement	<i>Lind. Cart.</i> , no. 28	
594.	Fergus s. Earl Gilbert of Strathearn	1245 x ca. 47	Grant	<i>Inchaff. Chrs.</i> , no. 75	
595.	William Pratt	17/9/1246	Grant	<i>A.-B. Ill</i> iv, 3	
596.	Gillecris s. Malcolm MacNachtan	ca. 1246 ?	Grant	<i>Inchaff. Chrs.</i> , no. 73	Kinnoull Ch., no. 141iii
597.	Gillecris s. Malcolm MacNachtan	ca. 1247	Grant	<i>Inchaff. Chrs.</i> , no. 74	Kinnoull Ch., no. 9
598.	Goda, niece of Robert <i>dictus</i> 'King'	1247	Legal proc.	NLS, Adv. MS 15.1.18, no. 37	Adv. MS 15.1.18/ 37
599.	Orabella Say sister of Hugh Say	1247	Grant	<i>Scone Lib.</i> , no. 87	
600.	Máel Ísu II, e. Strathearn	1247	Grant	<i>Inchaff. Chrs.</i> , no. 76	Kinnoull Ch., no. 12i
601.	Máel Ísu II, e. Strathearn	1247	Brieve	<i>Inchaff. Chrs.</i> , no. 77	Kinnoull Ch., no. 12ii
602.	Roger de Quincy, e. Winchester	8/3/1248	Grant	<i>Lind. Cart.</i> , no. 137	
603.	Freskin of Moray	20/3/1248	Agreement	<i>Moray Reg.</i> , no. 99	
604.	William of Brechin	22/3/1248	Obligation	<i>Lind. Cart.</i> , no. 62	
605.	John Gaillard	18/6/1248	Quitclaim	<i>Dunf. Reg.</i> , no. 70	
606.	William de Campania	17/7/1248	Memorandum	<i>Lind. Cart.</i> , no. 88	
607.	Robert de Brus	9/8/1248	Confirmation	<i>Lind. Cart.</i> , no. 41	
608.	John Wishart	1240s ?	Obligation	<i>Arb. Cart. MS</i> , fol. 160 <sup>v</sup>	
609.	Alicia dr. John s. Ralph	mid 13 <sup>th</sup> cent.	Grant	<i>Dunf. Reg.</i> , no. 202	
610.	Simon s. Simon of Orrock	mid 13 <sup>th</sup> cent.	Grant	<i>Dunf. Reg.</i> , no. 204	
611.	Gilbert of Ruthevum	mid 13 <sup>th</sup> cent.	Grant	NAS GD 212/1/6/DC65	Kinnoull Charters
612.	David de Haya	mid 13 <sup>th</sup> cent.	Grant ?	NLS Adv. MS 34.6.24, p. 376-7	

613.	Margaret wife of Michael Scott	mid 13 <sup>th</sup> cent.	Grant	NLS Ch. 6004	NLS Ch. 6004
614.	Ralph de Haya & Amabilia	mid 13 <sup>th</sup> cent.	Memorandum	<i>St A. Lib.</i> , 27	
615.	Eustace de Balliol	mid 13 <sup>th</sup> cent.	Confirmation	<i>Arb. Cart. MS</i> , fols. 143 <sup>v</sup> - 144 <sup>r</sup>	
616.	William of Brechin	mid 13 <sup>th</sup> cent.	Grant	<i>Panm. Reg.</i> , ii, 205-7	
617.	William Malherbe	mid 13 <sup>th</sup> cent.	Confirmation	<i>Six Early Charters</i> , no. 6	
618.	Ralph of Kinnaird	mid 13 <sup>th</sup> cent.	Confirmation	<i>Gen. Colls.</i> i, 53, 'Kinnaird Charters' no. 3	
619.	Henry le Chen (Cheyne)	mid 13 <sup>th</sup> cent.	Agreement	<i>Arb. Lib.</i> , no. 273	
620.	Magnus of Monorgan	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 65	
621.	John de Haya & Juliana	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 66	
622.	Richard of Leicester of Perth	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 67	
623.	Roger of Berkeley	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 68	
624.	Roger of Berkeley	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 69	
625.	Reginald de Warenne & nepos Adam	mid 13 <sup>th</sup> cent.	Confirmation	<i>Lind. Cart.</i> , no. 71	
626.	Reginald de Warenne	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 72	
627.	Malcolm of Kilspindy & Margerie	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 74	
628.	Gilbert de Haya	mid 13 <sup>th</sup> cent.	Confirmation	<i>Lind. Cart.</i> , no. 78	
629.	John of Cockburn	mid 13 <sup>th</sup> cent.	Grant	<i>Lind. Cart.</i> , no. 140	
630.	Simon of Kinnear	mid 13 <sup>th</sup> cent.	Grant	<i>Balm. Lib.</i> , no. 12	
631.	Richard of Leicester, burges of Perth	mid 13 <sup>th</sup> cent.	Grant	<i>Balm. Lib.</i> , no. 22	
632.	Geoffrey s. Richard	mid 13 <sup>th</sup> cent.	Grant	<i>C.A. Chrs.</i> , no. 44	Moray Ch. 32 <sup>N</sup> /III/53
633.	Ewen s. Conan s. Earl Henry of Atholl	mid 13 <sup>th</sup> cent.	Confirmation	<i>C.A. Rent.</i> , no. 38	
634.	John de Gillebar	mid 13 <sup>th</sup> cent.	Grant	<i>C.A. Rent.</i> , no. 61	
635.	William of Brechin, s. Henry	mid 13 <sup>th</sup> cent.	Grant	<i>C.A. Rent.</i> , no. 73	
636.	Robert de Montealto	mid 13 <sup>th</sup> cent.	Grant	<i>C.A. Rent.</i> , no. 75	
637.	Harvey s. Humphrey & Heloise	mid 13 <sup>th</sup> cent.	Sale	<i>Balm. Lib.</i> , no. 36	
(1250s:) (68)					
638.	Simon s. Simon of Kinnear	x 25/4/1251	Grant	<i>St A. Lib.</i> , 292-3	
639.	Roger de Moubray	x 20/10/1251	Grant	<i>Moncreiffs</i> , no. 5	Moncreiffe 1/4
640.	Gilbert of Smeaton	x 1253	Grant	<i>Dunf. Reg.</i> , no. 303	
641.	William de Montealto	1232 x 71 ?	Grant	Fraser, <i>Cromartie</i> , p. 445	NAS GD1/88/5
642.	Roger de Merlay	1239 x 65	Grant	<i>St A. Lib.</i> , 283	
643.	Christina dr. Kerald <i>judex</i>	1242 x 69	Grant ?	NLS Adv. MS 34.6.24, p. 377	

644.	Gilbert de Haya	1243 x 72	Grant ?	NLS Adv. MS 34.6.24, p. 376
645.	Hugh Malherbe	1246 x 69	Grant	<i>Arb. Lib.</i> , App. X
646.	William, e. Mar	1247 x 56	Letter	<i>St A. Lib.</i> , 362
647.	Alan Durward, jcr. Scotia	1247 x 56	Agreement	<i>Abdn. Reg.</i> , i, 17
648.	Máel Ísu II, e. Strathearn	1247 x 58	Confirmation	<i>Lind. Cart.</i> , no. 35
649.	Roger de Quincy, e. Win., const. Scotland ca. 1248 x 64		Grant	Simpson, <i>Roger de Quincy Acta</i> , no. 26 NAS RH 6/ 54
650.	Henry of Hastings	1249 x 69	Grant	<i>Lind. Cart.</i> , no. 118
651.	Alan Durward	1250 x 56	Grant	<i>C.A. Chrs.</i> , no. 55 Moray Ch. 32/IV/II/25
652.	Nicholas of Inverpeffer	17/2/1250	Legal proc.	<i>Arb. Lib.</i> , no. 250
653.	Alan Durward, jcr. Scotia	4/5/1250	Grant	<i>Abdn. Reg.</i> , ii, 273-5
654.	Simon de Quarantilly	7/7/1250	Grant	<i>Lind. Cart.</i> , no. 57
655.	Godfrey s. Thomas of Tynedale	30/7/1250	Quitclaim	<i>Yester Writs</i> , no. 15 NAS GD 28/15
656.	Gregory of Melville	22/12/1250	Grant	<i>Dunf. Reg.</i> , no. 206
657.	Gregory of Melville	ca. 1250/1	Grant	<i>Dunf. Reg.</i> , no. 203
658.	Simon de Quarantilly	ca. 1250 ?	Grant	<i>Lind. Cart.</i> , no. 56
659.	William, e. Mar	1251, x 26/7	Grant	NLS Adv. MS 15.1.18, no. 67 Adv. MS 15.1.18/ 67
660.	David of Haddington	ca. 1251	Quitclaim	<i>Dunf. Reg.</i> , no. 159
661.	Alan Durward, jcr. Scotia	4/7/1251	Grant	<i>Lind. Cart.</i> , no. 80
662.	Gregory of Melville	5/7/1251	Quitclaim	<i>Dunf. Reg.</i> , no. 160
663.	Máel Ísu II, e. Strathearn	1251 x 58	Grant	<i>Inchaff. Lib.</i> , App. 12 Erroll Charters, 1/12
664.	Ness of Balmule, Simon of Forret et al.	1252	Agreement	<i>Inchcolm Chrs.</i> , no. 21
665.	Roger s. Baudric	11/11/1252 x ?	Grant	<i>C.A. Chrs.</i> , no. 57 Moray Ch. 32/V/III/54
666.	Duncan, Patrick, Ela, Christina & Gilbert of Cleish	12/3/1252	Agreement	NAS GD 254/1
667.	John of Kinross v. Alwin of Callendar	21/10/1252	Legal proc.	Cooper, <i>Select Cases</i> , 63-5 (no. 44)
668.	Alan Durward, jcr. Scotia	1253	Quitclaim	<i>Arb. Cart. MS</i> , fols. 179 <sup>r-v</sup>
669.	Thomas of Rattray & Christina	1253	Agreement	<i>Arb. Lib.</i> , no. 294
670.	William s. Henry of Craigmillar	21/3/1253	Grant	<i>Dunf. Reg.</i> , no. 200
671.	John of Denmuir	11/5/1253	Memorandum	<i>Lind. Cart.</i> , no. 64
672.	Norman of Leslie	12/7/1253	Quitclaim	<i>Lind. Cart.</i> , no. 84
673.	Emma of Smeaton	17/12/1253	Legal proc.	<i>Dunf. Reg.</i> , no. 83
674.	William & Emma of Smeaton	ca. 1253	Quitclaim	<i>Dunf. Reg.</i> , no. 194
675.	Emma of Smeaton	ca. 1253	Quitclaim	<i>Dunf. Reg.</i> , no. 195

676.	Nicholas s. Gilbert of Smeaton	ca. 1253	Quitclaim	<i>Dunf. Reg.</i> , no. 180
677.	Adam of Morham	ca. 1253 x ?	Grant	<i>Camb. Reg.</i> , no. 81
678.	Adam of Morham	ca. 1253 x ?	Appointment	<i>Camb. Reg.</i> , no. 82
679.	Adam of Morham	ca. 1253 x ?	Grant	<i>Camb. Reg.</i> , no. 83
680.	Richard of Bickerton	ca. 1253 x ?	Quitclaim	<i>Camb. Reg.</i> , no. 84
681.	Peter Maule & Christina	1254	Agreement	<i>Arb. Lib.</i> , no. 366
682.	Alexander Uviet	10/1254	Agreement	<i>Dunf. Reg.</i> , no. 309
683.	Alexander Comyn, e. Buchan, jcr. Scotia	19/4/1255	Grant	<i>Arb. Cart. MS</i> , fol. 160 <sup>r</sup>
684.	Laurence s. Patrick <i>janitor</i> of Inverness	16/9/1255	Quitclaim	<i>Beaulf Chrs.</i> , no. 4
685.	David of Lochore, sh. Perth	14/1/1256	Memorandum	<i>Dunf. Reg.</i> , no. 85
686.	Joachim of Kinbuck	23/1/1256	Legal proc.	<i>Lind. Cart.</i> , no. 112
687.	Robert, brother of steward of Strathearn	2/2/1256	Legal proc.	<i>Lind. Cart.</i> , no. 111
688.	Alan Durward, jcr. Scotia	17/4/1256	Quitclaim	<i>Arb. Lib.</i> , no. 295
689.	Christina de Valognes	1256 ?	Grant	<i>Pann. Reg.</i> , ii, 140-1
690.	Alan Durward	ca. 1256	Grant	Fraser, <i>Grant</i> , no. 6
691.	Henry s. Adam of Nevay	5/4/1257	Grant	<i>C.A. Chrs.</i> , no. 59
692.	Ath s. Malcolm MacNachtan	29/6/1257	Grant	<i>Inchaff. Chrs.</i> , no. 85
693.	Roger de Quincy, e. Winchester	22/9/1257	Statement	<i>St A. Lib.</i> , 336
694.	Roger de Quincy, e. Winchester	22/9/1257	Grant	<i>St A. Lib.</i> , 337
695.	Máel Ísu II, e. Strathearn	12/12/1257	Grant	<i>Inchaff. Chrs.</i> , no. 86
696.	Máel Ísu II, e. Strathearn	25/3/1258	Grant	<i>Inchaff. Chrs.</i> , no. 87
697.	Máel Ísu II, e. Strathearn	6/5/1258	Letter	Neville, <i>E. Strathearn Acta</i> , no. 63
698.	Máel Ísu II, e. Strathearn	9/5/1258	Grant	<i>Inchaff. Chrs.</i> , no. 88
699.	Gilbert de Haya	12/5/1258	Agreement	<i>Erroll Chrs.</i> , no. 9
700.	John Bisset	20/9/1258	Agreement	<i>Moray Reg.</i> , no. 122
701.	John Pratt	ca. 1258	Quitclaim	Fraser, <i>Grant</i> , no. 7
702.	Hugh of Abemethy & William of Douglas	6/4/1259	Agreement	Fraser, Douglas, no. 1
703.	Máel Ísu II, e. Strathearn	1259, summer	Bond	Neville, <i>E. Strathearn Acta</i> , no. 57
704.	Eva of Carsegowrie dr. Walter Lorimer	ca. 1250s	Grant	NLS Adv. MS 34.6.24, p. 377
705.	Alexander Uviet	ca. 1250s	Agreement	<i>Dunf. Reg.</i> , no. 201
(1260s, but possibly before 1260:)				
706.	Simon of Kinnear	x 1260	Grant	<i>Balm. Lib.</i> , no. 13

NAS GD 248

Moray Ch. 32/IV/1/27

Kinnoull Ch., no. 5

Kinnoull Ch., no. 146i

Kinnoull Ch., no. 107

Erroll Charters

NAS GD 248

original may survive

PRO, E 368/34 m. 29

707.	Simon of Kinnear	x 1260	Grant	<i>Balm. Lib.</i> , no. 14	
708.	Simon s. Simon of Kinnear	ca. 1260 x 86	Grant	<i>Balm. Lib.</i> , no. 16	
709.	Roger de Quincy	x 1262	Grant	<i>Lind. Cart.</i> , no. 131	Erroll Charters, no. 14
710.	John of Inchyra	1244 x 81	Grant	<i>Erroll Chrs.</i> , no. 10	
711.	Alexander Comyn, e. Buchan	1244 x 89	Confirmation	<i>St A. Lib.</i> , 282-3	
712.	Alexander Comyn, e. Buchan	1244 x 89	Confirmation	<i>Arb. Lib.</i> , no. 310	
713.	Stephen of Megginch	1249 x 86?	Sale	<i>Scone Lib.</i> , no. 116	
714.	John of Inchyra	1249 x 86?	Grant	<i>Scone Lib.</i> , no. 118	NAS RH 6/40
715.	John of Denmuir	1250 x 85	Grant	<i>Moncreiffs</i> , no. 7	Moncreiffe?
716.	Roger s. 'Bandit' (sic)	ca. 1252 x 84	Grant	<i>C.A. Rent.</i> , no. 55	
717.	Alexander Comyn, e. Buchan, justiciar	1253 x 55, 57 x 89	Grant	<i>St A. Lib.</i> , 383	
718.	David of Graham	1253 x 80?	Agreement	<i>Moray Reg.</i> , no. 123	
719.	Peter s. John s. Alicia	1253 x 98?	Sale	<i>Moray Reg.</i> , no. 129	
720.	Augustine, lord of Inverallen	1253 x 98?	Grant	<i>Moray Reg.</i> , no. 128	
721.	Roger de Quincy	1257 x 64	Grant	<i>Lind. Cart.</i> , no. 135	
722.	Roger Wyrfaud	1258 x 71	Grant	<i>St A. Lib.</i> , 335	
723.	John of Denmuir	1260	Agreement	<i>St A. Lib.</i> , 384	
724.	Alexander of Moray s. Richard	1260	Grant	<i>St A. Lib.</i> , 340-1	
725.	Falletauch	13/10/1260	Memorandum	<i>St A. Lib.</i> , 346-7	
726.	Sibald s. Walter	ca. 1260	Grant	<i>C.A. Rent.</i> , no. 64	
727.	Máel Ísu II, e. Strathearn	ca. 1260	Grant	<i>Inchaff. Lib.</i> , App. no. 14	NAS GD 220/1/A1/3/2
728.	Máel Ísu II, e. Strathearn	ca. 1260	Grant	Neville, <i>E. Strathearn Acta</i> , 59, 59a	NAS GD 220/1/A1/3/3 & 4
729.	John Russell & Isabella, cts. Menteith	ca. 1260	Grant	Fraser, <i>Menteith</i> , no. 6	NAS GD 220/4?
730.	Peter called 'Ru...' of Aberdeen	ca. 1260?	Quitclaim	<i>Arb. Lib.</i> , App. IX	
731.	Richard of Nydie	mid- late 13 <sup>th</sup> century	Grant	<i>Balm. Lib.</i> , no. 50	
732.	William s. Aeldred of 'Burthlyn'	mid- late 13 <sup>th</sup> century	Grant	<i>Balm. Lib.</i> , no. 4	

#### UNCERTAIN DATES

733.	Simon s. Euard	uncertain	Grant	<i>C.A. Rent.</i> , no. 70	
734.	William, e. Sutherland	uncertain	Agreement (?)	Fraser, <i>Sutherland</i> , no. 5	
735.	Adam s. Angus	uncertain	Grant	<i>C.A. Rent.</i> , no. 58	

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29.4.2 [x]	General Hutton's notebooks
34.6.24	'Fife Families'
35.4.12a	Archibald, Duke of Douglas transcripts 1757

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GD 24	Abercairny Muniments	/5/1/1
GD 28	Yester Writs	/4, /11, /15
GD 45	Dalhousie Muniments	/1737; 27/96-99
GD 82	Makgill Muniments	/1
GD 83	Ramsay of Bamff Muniments	/2, /3
GD 90	Yule Collection	/1/5, 18
GD 172	Henderson of Fordell Muniments	/1, /2
GD 204	Roths Cartulary	/1, /2
GD 212	John Maitland Thomson Notebooks	/1/6 (Dupplin and Inchaffray)
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