AN ADDENDUM TO THE FIVE ODARDS: EVA DE HODELHOLM AND HER STEPCHILDREN

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ABSTRACT

In an addendum to an earlier paper (*Foundations,* 2: 54-73, January 2006) on Odard son of Hildred and his descendants, this article shows the descent from Odard's great-granddaughter Eva de Hodelholm to Helwise the wife of Eustace de Balliol. Upon Helwise's death her lands reverted to her aunts and their descendants. Of these several families in Scotland one branch led to the Carricks of Galloway and their probable descent to the Kennedys of Dunure.

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The borders of Scotland have seen much turmoil in the past thousand years. One of the greatest times of havoc was in the late thirteenth and early fourteenth centuries when Scotland fought a war for its independence and sovereignty. The families involved in these battles had lived in the area for generations, some dating back to the reign of David I (1124-1153).

Much has been written of these families. One particular case is Hildred, sheriff of Carlisle, who was the progenitor of a very lengthy family line[2]. Hildred's descendants are attested to in several sources. The simplest of these is the family pedigree put forth by Prescott in 1897 based on the charters of Wetherhal Priory.[3] This shows no spouses of Eva de Hodelholm, thereby leaving off one of the most influential branches of the lineage. Shortly after this Dendy[4] corrected an earlier misconception that Eva de Hodelholm was the sister of Christina de Hodelholm[5], wife of Thomas de Lascelles, Adam de Jesmond and Robert Brus. Dendy was unaware of Eva de Hodelholm's first marriage to Adam de Levington and assumed Ralph de Levington was not her son; eliminating her heirs. *Scots Peerage*[6] in 1905 also lists only Eva's second and third husbands and incorrectly names Robert Avenal as Robert Lovell. It does indicate that there was an heir in the custody of Prince Edward during the reign of Henry III, but as it does not record the Levington marriage there is no further information given. Due to these misconstrued genealogies it is necessary to reexamine this line.

Eva de Hodelholm was the great-granddaughter of Odard son of Hildred, Sheriff of Carlisle.[7] Odard held Glassenby and Gamelby in the parish of Adingham, Cumberland.

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2 Michael Anne Guido, "The Five Odards: Their Role in Northern England and Scotland in the 12th Century and Some of Their Descendants," *Foundations* 2 (2006): 54-73.

3 John Eustace Prescott, ed., "The Register of the Priory of Wetherhal," *Cumberland & Westmorland Antiquarian & Archaeological Society, Record Series* 7 (1897).

4 Frederick Walter Dendy, "An Account of Jesmond" *Archaeologica Aeliana 3rd ser*.1 (1904): 51ff.

5 Eva de Hodelholm was her aunt.

6 James Balfour Paul, ed., *The Scots Peerage Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland*, 2 (1905), 373.

7 *Pipe Roll* 31 Henry I.

Later these lands were in dispute between Odard's son and heir Robert de Hodelholm[8] and Odard's nephew Richard, son of his sister Truita.[9] In 1199 these estates were granted to Richard son of Truita, but in 1210 King John gave Glassenby and Gamelby to Odard, Robert de Hodelholm's son and heir.[10] Odard de Hodelholm and his wife Matilda left issue[11]: Christina, the wife of William de Ireby and Eva who was married three times.

Eva's first husband was Adam de Levington,[12] son of Adam de Boiville by his wife Juliana.[13] Adam de Levington was dead in 1210.[14] Eva was Adam de Levington's second wife. By his first unknown spouse[15] he had a son and several daughters: Richard, Euphemia, Eva, Isabel and Agnes. By Eva de Hodelholm he had a son Ralph and probably two daughters Margery and Juliana.[16]

Eva's second marriage was to Robert Avenal. In 1242-3 Eva was documented as his widow in a suit against her brother-in-law William de Ireby claiming her right in the manors of Gamelby and Glassenby.[17] In 1245, Eva along with Christina and Thomas

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8 Robert de Hodelholm supported young King Henry in his rebellion against his father Henry II in 1177, and as a consequence his lands became forfeit to the crown in 1179 (*Pipe Roll* 23 Henry II, 25 Henry II).

9 *Coram Rege Roll* 1 John m.9.

10 *Pipe Roll* 12 John.

11 Prescott, *op.cit.* (1897), 148-9.

12 It is highly likely that Adam de Levington's mother was Juliana de Corry. She is denoted in a charter to his cousin Adam fitz Gilbert as Juliana Lady of Hutton. This land was held by the Corry family as vassals of the Brus'. It is also of interest that her granddaughter, Agnes, married Walter de Corri.

13 It is probable that either Juliana was the second wife of Adam de Boiville or Adam had an earlier illegitimate son, William, by a woman named Godenilde. William was given a third of the land his father held in Millom of the Hospital of Jerusalem during his father's lifetime (J Wilson, ed., "The Register of the Priory of St Bees," *Surtees Society Publications* 126 (1915), no.286). In 1176 after his father's death William brother of Adam son of Adam son of Richer was charged 40 marks that he may not be disseized of the land which his brother claims against him unless by judgment. Some of this amount was still owed in 5 John although it seems that Adam son of Adam had lost when he was charged 40s for a novel disseizin in contravention of the assize (*Pipe Roll* 27 Henry II). These two documents seem to bring into question the legitimacy of William, as his younger brother Adam, son of Juliana, became heir to the rest of the patrimony. The name of William's mother as Godenilde is attested to in St Bee's Cartulary, charter no.166, when William son of Adam son of Richer granted land in Calder to the monks of St Bees.

14 *Pipe Roll* 13 John.

15 It is possible that Adam de Levington's first wife was related to the Brus family or their retainers. The name Euphemia, the eldest daughter, at this period in Cumberland and the Borders was primarily used by them.

16 This can be shown by the large gap in chronology between the youngest daughters and their four elder sisters as well as the fact there is a 20 year gap between Richard de Levington and his half brother Ralph.

17 *Coram Rege Rolls,* 27 Henry III, no.58, m.13;
Joseph Bain, ed., *Calendar of Documents Relating to Scotland Preserved in Her Majesty's Public Record Office, London,* Vol.1, 1108-1272, (1881), no.1610.

Lascelles claimed these manors but granted[18] William de Ireby permission to retain them during his lifetime.[19]

The following year, 1246, an agreement was made between Eva's son Ralph de Levington and Alan de Chartres, her third husband,[20] concerning a rent[21] from Gamelby and Glassenby that she had granted to Ralph prior to this marriage. It is probable that Eva de Hodelholm outlived Alan de Chartres as he is omitted from documents thereafter.

On 11 December 1257, after the death of William de Ireby, the king (Henry III) received the homage of Thomas Lascelles for the manors of Glassenby and Gamelby. He paid 100s for relief of the manors and was given possession of the lands.[22] Shortly thereafter, in January 1258, Thomas Lascelles and his wife Christina were summoned by the court for having falsely led the king into believing that they were the sole heirs to Glassenby and Gamelby as Eva de Hodelholm, Christina's aunt, was alive and her heir was a minor child in the custody of Prince Edward (later Edward I). As a result, the sheriff was commanded to take possession of half the manors of Thomas and Christina and to hold them, awaiting the king's decision.[23]

In September 1260 Eustace de Balliol, who was the keeper of Eva's heir,[24] stated that Thomas de Lascelles was now dead and his widow, Christina de Lascelles, was co-heir with her aunt in the manors of Glassenby and Gamelby. Eva de Hodelholm died sometime after September 1260 and before 1264 when Eustace de Balliol had right to both manors.

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18 Joseph Bain, *op.cit.*, Vol.1 (1881), no.1677.

19 William de Ireby agreed to make a payment to Eva and her heirs of 100s., half at Easter and half at Michaelmas. It was also agreed upon that at William de Ireby's death the estates would be equally, quietly and peacefully divided between Christina and her aunt Eva and that the presentation of the pastor to the church of Glassenby would be shared and alternated between the heirs of Eva and Christina (*Feet of Fines*, 29 Henry III (Cumberland). no.36).

20 Joseph Bain, *op.cit.*, Vol.2, 1272-1307, (1884), no.1695;
Feet of Fines, 30 Henry III. (Cumberland), no.48.

21 Ralph received this rent in exchange for a fee of one pound of pepper or 6d. annually on the Feast of the Assumption, August 15th. It was also agreed that if Ralph died without heirs lawfully begotten that the rent would revert back to Eva and her other heirs. For the recognizance Ralph gave Alan and Eva a 'sore' sparrowhawk.

22 Joseph Bain, *op.cit.*, Vol.1 (1881), no.2097;
Fine Rolls, 42 Henry III, m.12 and *Originalia*, 42 Henry III, m.1.

23 Joseph Bain, *op.cit.*, Vol.1 (1881), no.2144;
Coram Rege Rolls, 43 Henry III, no.107, m.3 *dorso.*

24 Eva's heir was her granddaughter Helwise de Levington who later married Eustace de Balliol.

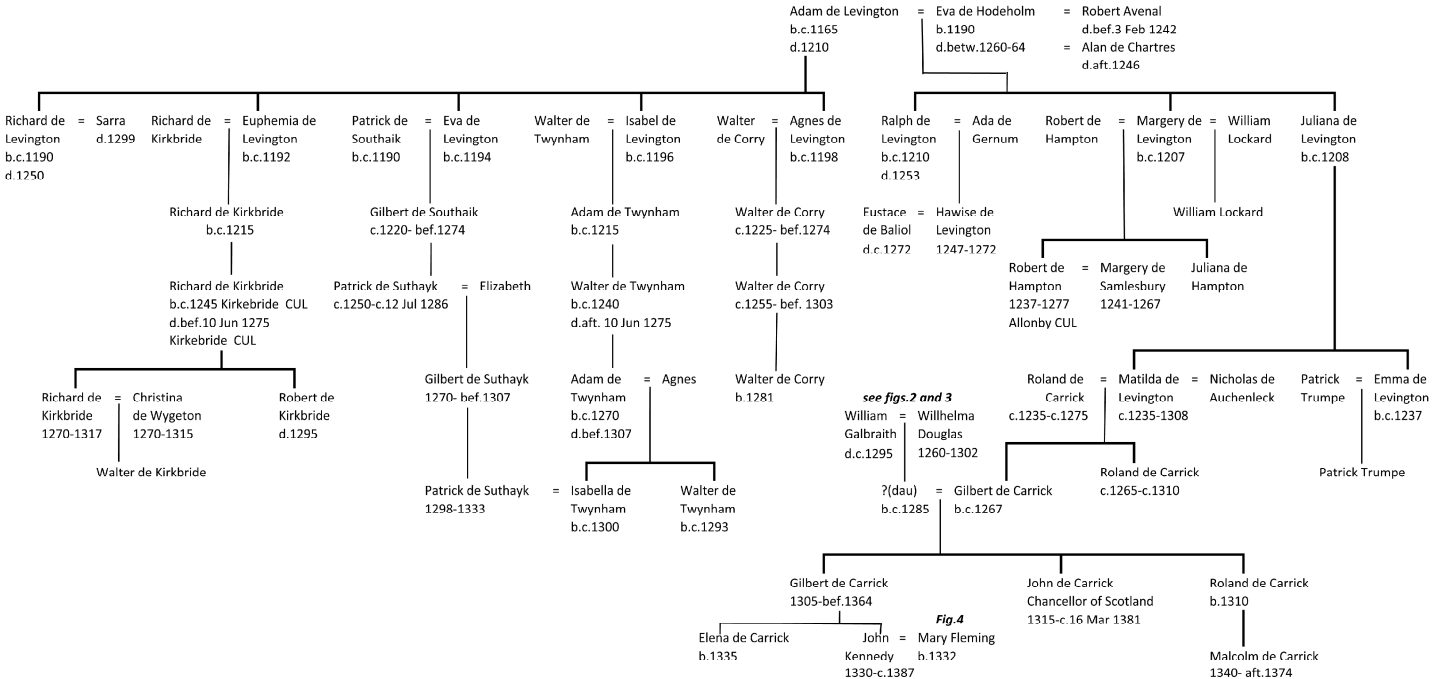


Fig 1. ***Descendants of Eva de Hodeholm and relationship with other families described in this article***

The Heirs of Eva de Hodelholm (see Fig.1)

Ralph de Levington left no permanent heirs. He was the heir to his half brother Richard de Levington[25] who died before 1250[26] leaving no issue of his wife Sarra. This endowed Ralph with the entire Levington estates. Eva had enfeoffed her son, Ralph, in her half of the lands in Glassenby and Gamelsby before 1246. Upon Ralph's death in 1253, his daughter Helwise received all the estates. It was determined after Eva de Hodelholm's death that the lands should be given to her granddaughter's husband, Eustace de Balliol,[27] who held the following manors in right of his wife: Levington, Skelton, Quorlyngton, Gamelby and Glassenby, as well as the rents in Kirkandrews, Aikton, Burgh-by-Sands, Bewcastle, Kirkoswald and Lazonby.[28] He also held two parts of Levington, Skelton and Kirkandrews in barony. Eustace de Balliol died on crusade with Prince Edward either at the end of 1271 or the beginning of 1272.

Helwise de Levington, widow of Eustace de Balliol, died shortly before 21 November 1272, leaving her interest in Glassenby and Gamelby to her aunts and their children[29] who became co-heirs of these estates.

The Heirs of Helwise de Levington

The heirs of Helwise de Levington were stated to be the sisters of Ralph de Levington.[30] They were all heirs to the Levington portion of Helwise's estate. However, a complaint was lodged by Robert de Brus and Christina his wife on 10 May 1275, alleging that Christina's inheritance had been unjustly divided into six portions and given to the heirs of Helwise de Levington. On 10 June 1275, an inquisition was held into the matter at Carlisle with the decision to evict Robert de Brus and his wife Christina and give the manors of Gamelsby and Glassenby to Helwise's heirs.[31] Later the inquest ruled that Robert de Brus and Christina were unjustly disseised by the king's subecheator and the co-parceners, Robert de Hampton, Walter de Twynham, Walter de Corry, Patrick de Suthayc, Patrick Trumpe and Maud, late the wife of Roland de Carrig, quitclaimed their interest in both estates to Christina as her right

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25 Richard de Levington held his land from the King by cornage paying annually £4 8s 2½d. Henry I gave this land to Richard (*sic*) de Boivill, ancestor of the aforesaid Richard (*Book of Fees* I p.198). A lawsuit in 1227 makes it clear that the descent was Richer, Adam, Adam and Richard. He was one of the barons who rebelled against King John in the civil war of 1215 and seems to have been imprisoned at Wallingford Castle. In 1217 he submitted to Henry III and his land was restored. Later in life he was a justice in Cumberland and Westmorland. He died without issue.

Joseph Bain, *op.cit.*, Vol.1 (1881), p.176;
Henry of Bratton, *Bracton's Note Book a Collection of Cases Decided in the King's Court During the Reign of Henry the Third*, ed. F W Maitland (1887), 202-203, #249;
Thomas Duffus Hardy, ed., *Rotuli Litterarum Clausarum in Turri Londinensi Asservati* (1833), no.374b.

26 *CIPM*, 33 Henry III, no.199; *CIPM*, 34 Henry III, no.47.

27 Joseph Bain, *op.cit.*, Vol.1 (1881), no.2203; *CCR,* 44 Henry III, p.1, m.6 *dorso.*

28 Aikton, Burgh-by-Sands, Kirkoswald and Lazonby were inherited by Helwise from her mother, Ada de Gernon. These were the maternal inheritance of Ada from her mother Joanna de Morville.

29 *CIPM,* 56 Henry III, No.35.

30 *CIPM,* 56 Henry III, No.35.

31 Joseph Bain, *op.cit.*, Vol.2 (1884), no.51.

and inheritance. The sixth portion of the land was held by the king as Richard de Kirkebride, the youngest heir of Helwise, was in Edward's wardship.[32]

In addition to the tumultuous suits there are other facts that present a truer interpretation of Eva de Hodelholm's heirs. The chronology shows that Margery and Juliana were the two youngest daughters. They along with Ralph de Levington[33] were almost a generation younger than the other five children of Adam de Levington. Both Margery and Juliana had their children in the period 1235-1240, a time when two of the elder sisters were already grandparents and the other two close to the same. This natural break in the ages of the children appears to show that Eva was the mother of the two youngest girls also.

This is further indicated by the fact that Robert de Brus was a cousin by marriage of Roland de Carrick. He was also the liege lord of Matilda de Carrick and her nephew Patrick Trumpe. They would not have made a claim for their portion of lands in Glassenby and Gamelsby against Robert de Brus and his second wife Christina. They already held a large inheritance from the Levington estates and were certainly aware of the repercussions that would have followed such a suit.

Robert de Brus and Christina were litigious over what they perceived as their property. It is of interest that William Lockard, the grandson of Margery de Levington, sold his entire inheritance in the Levington portion of his estates to John de Seton, husband of Ermina de Lascelles, Christina's daughter.[34] This would make sense if he were a family member as the Lockards were vassals to the Stewarts not the Brus family.

These factors seem to make it probable that the descendants of Margery and Juliana were also of the Hodelholm line.

Euphemia de Levington - The Kirkebride Family

Euphemia de Levington, the eldest daughter of Adam de Levington[35] married Richard de Kirkebride of Kirkebride, Cumberland; he died in 1274. Their heir, also Richard de Kirkebride, was a minor at the time of his father's death. In 1276, by order of Edward I[36] Richard de Kirkebride was placed in the wardship of Walter de Wygeton. By 1291/2[37] Richard had married, without license of the king, Christina the daughter

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32 *CIPM*, 3 Edward I, no.136.

33 Helwise de Levington was born in 1247 also fitting her into the grouping with the children of Margery and Juliana.

34 *CIPM*, III, no.583.

35 Joseph Bain, *op.cit.*, Vol.2 (1884), no.645.

1292 Nov 3: *Richard de Kyrkenbride, with William Lokarde, Walter de Twynham, Gilbert de Sutheyk, Nicholas de Auchenleck, and Matilda his Wife, Patrick Trumpe and Walter son of Walter de Corry sues Robert de Brus senior and Christinia his wife for the sixth part of the manor of Glassanby which belonged to Helewysia de Aykton the plaintiffs cousin who died without an heir of her body where the right 'resorted' to Euphemia, Margery, Isabella, Eva, Juliana, and Agnes sisters of one Ralph, Helewysias's father as her aunt and heirs from Euphemia the eldest of whom right came by three descent to Richard. The other plaintiffs do not sue their five parts.*

36 The National Archives, Kew: Public Records Office [TNA: PRO], SC 8/237/11816; *CCR*, Edward I, vol.1, 1272-1279, p.171.

37 *Placido Quo Warranto* Rolls, Edward I, p.115 – '*Cumberland, 20 Edw. I. John, son and heir of Walter de Wygeton, Thomas de Normanvyl late the King's Escheator, just before the last eyre seised into the King's hands all the lands and tenements which Richard de Kirkbride held, being a minor, of the King in capite, and his muritage belonged to the King. Thomas afterwards committed the custody of*

of Walter de Wygeton.[38] Richard was proven to be related to Richard de Levington in the fourth degree in 1300.[39] Richard had a brother Robert who died in 1294/5 *sine prole*.

Richard de Kirkebride fought for Edward I in June 1300[40] at the Siege of Caerlaverock in Dumfriesshire.[41] In March 1307, Richard was nominated as Commissioner of Array for Cumberland. He continued in the service of Edward II defending the Northern Marches and by 1317 demanded the portion of land in Kirklinton and Kirkandrews held by Walter Corry, his cousin, who was fighting with the Scots.[42] In 1318 the king gave a portion of Walter Corry's land to others[43] and Richard de Kirkebride petitioned again for the estate.[44] He died in 1331[45] leaving his son Walter as his heir.

Richard's lands to one Roger Mynyot with consent of the King, at an annual rent of £12. 16s. 9d. until the lawful age of Richard, and Roger transferred the same to Walter, father of John, who allowed Richard to marry under age without the license of the King. The marriage was valued last eyre at 100 marks, when Walter declared it to have occurred with license of the King, as John now says, who alleges the record. A writ was directed to the justices, 3rd December, anno 21, about referring their exaction of 100 marks to the next parliament. Upon inquiry by jury, it is reported that Richard's heritage came first to him on the part of his father, which was held of Walter, and afterwards fell to him, before he was married, on the part of his mother, a parcel of the barony of Levinton, held of the King in capite, whereby his marriage belonged at the time he was married to the King.'
The lands did not come from his mother but his paternal great-grandmother.

38 *CP* 12(2):873, note d.

39 *CIPM*, III, no.583 – '*Richard de Kirkbride, Adam de Twynham, Gilbert de Suthayk and Walter de Corri are heirs portioners in the fourth degree to the deceased Richard attached (writ tested Westminster 22 March previous) made before the escheator at Carlisle on Wednesday in the week of Pentecost 28 Ed I'*

40 Richard de Kirkebride is listed in the Roll of Caerlaverock, an old French epic poem about the battle. It is also one of the oldest heraldic rolls showing the arms of 106 men involved with the siege.

41 Edward I sent 87 knights to head an army of 3000 men to take the castle. The English were repelled again and again by the Scots who threw boulders and stones from the walls. The castle belonged to the Maxwell family. The Scots were eventually forced to surrender as Edward had ordered a trebuchet (called Warwolf) to be built which was capable of hurling ninety 200 pound missiles at the castle walls until they shattered. Edward was infuriated that the siege had taken awhile and the castle was held by only 60 men. He proceeded to hang some of the defenders from the castle walls and the others walked away. The English held the castle until 1312 when it was returned to Sir Eustace Maxwell who changed sides and fought with Robert the Bruce. As an act of loyalty Maxwell dismantled most of the remaining armaments of the castle so it couldn't be used against the Scots again.

42 Joseph Bain, *op.cit.*, Vol.3 (1887), no. 528;
TNA: PRO, SC 8/55/2725 – '*The petitioner asks that he be granted all the lands with their church advowsons that belonged to Corri (the king's enemy) for himself and his heirs in Kirklinton and Kirkandrews, worth twenty marks in peacetime, for all the losses, injuries and mischief he has suffered in the service of his liege lord the king, and inasmuch as Robert de Bruce granted Corri all the petitioner's lands and goods in England as in Scotland when the petitioner was a knight on the king's part at the siege of Carlisle.'*

43 Joseph Bain, *op.cit.*, Vol.3 (1887), no. 501;
CPR, Edward II, 1317-1321, pp.43, 165. – *'Grant to Robert de Tiliol for his good service of the half of the lands in Kirk Levynton and Kirkandres in Cumberland forfeited by the rebellion of Walter de Corry a Scotsman. Similar grant to Richard de Kirkbride.'*

44 TNA: PRO, SC 8/319/E382- '*Richard Kyrkebrid requests that the king grant all the lands of Walter Corry in Kirklinton and Kirkandrews to him and his heirs as he promised. He was granted part of the lands at will and he requests this grant for his great losses, injuries and troubles that he has suffered in the times of the king and his father.'*

Eva de Levington - The Suthayk Family

Eva de Levington married Patrick de Suthayk[46] the grandson of Gospatric of Workington. The progenitor of this family was Patrick's father Gilbert fitz Gospatric. Gilbert took his surname from the lands he owned, Suthayk or Southaik later corrupted to Southwick, an area the Victorians called the 'Scottish Riviera.'[47] Patrick de Suthayk, grandson of Eva de Levington, was Helwise's heir in 1274. Patrick de Suthayk died before 12 July 1286 when his wife Elizabeth sought her dower out of his lands.[48] A minor son Gilbert was his heir.[49]

By writ taken 22 March 1299/1300 Gilbert Suthayk was proven to be related to Richard de Levington in the fourth degree by the inquisition *post mortem* of his widow Sarra de Pavely.[50] He signed the Ragman rolls of 1291 and 1296 declaring his fealty to Edward I. Gilbert died in 35 Edward I [1307].[51] Patrick de Suthayk proved his age in 13 Edward II [1320].[52] He was dead by 6 June 1333 when the escheator assigned dower to his then widow Joanna. Patrick's son Gilbert continued the line.

Isabel de Levington - The Twynham Family

Isabel de Levington married Walter de Twynham. Little is known of his predecessors except they came from the area in Galloway known as Twynholm which was originally 'Twynham', the suffix showing that the village was originally settled by the Northumbrians when they held the land in this portion of Scotland before the tenth century. Hard evidence for the occupation of Twynholm is still marginal as it was gleaned from churches and burial grounds in the area but etymologically it fits the pattern of other settlements nearby.[53] This region was a crossover area, like most of

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45 TNA: PRO, C 143/25/17.

46 Patrick de Suthayk and his father Gilbert de Suthayk granted land to Holm Cultram Abbey 1190-1230:
131. (Cartulary p.106). *Gilbert f. Cospatric quitclaims to the monks of Holm all rights in land by these bounds:…* [Gilbert f. Cospatric f. Orm was de Southaic (see St. Bees, nos. 42, 60; and F W Ragg in Transactions of the Cumberland & Westmorland Antiquarian & Archaeological Society, NS xvii (1917), 230) and dates before and after 1200.]
132. (Cartulary p.106). *Patrick f. Gilbert de Suthayc confirms to the monks of Holm the quitclaim which his father Gilbert made* [as in no. 131.]
Francis Grainger & W G Collingwood, eds., "The Register: Kirkgunzeon (Galloway)," *Register & Records of Holm Cultram* (1929), 48-56.
http://www.british-history.ac.uk/report.asp?compid=49504, accessed: 04 October 2006.

47 T F Bulmer, *History, Topography and Directory of Cumberland,* (1901).

48 *CIPM,* II, no.597.

49 Joseph Bain, *op.cit.*, Vol.2 (1884), no. 585;
1292 April 2 Inquisition (under writ dated 18th February previous) as to the age of Gilbert son and heir of Patrick de Suthaik taken at Carlisle on Wednesday in Easter week before the Kings escheator Ultra Trent by William de Wilton, Robert de Tymparun, Simon de Penruddok, Nicolus de Hunter and eight other Jurors who find that Gilbert was born in Tinwald in Scotland and was 21 years of age on St Thomas the Apostle's day before Christmas last. Asked how they knew this, they said that this was sufficiently proved in Scotland and they knew the lands which he held of the Earl of Buchan were delivered to him on the said Saints day.

50 *CIPM,* III, no.583.

51 *CIPM,* IV, no.409.

52 TNA: PRO, C 134/65/16.

53 Daphne Brooke, "The Northumbrian Settlements in Galloway and Carrick: An Historical Assessment," *Proceedings of the Society of Antiquaries of Scotland* 121 (1991): 305-6.

Dumfriesshire and Cumberland, and the entire region was under Scottish control in the early reign of David I [1124-1153]. It was later claimed by the English under King Stephen and his successor Henry II.

In 1274 Walter de Twynham, a grandson to Isabel de Levington and Walter de Twynham, was named as one of the heirs of Helwise de Levington, widow of Eustace de Balliol. He was named by Patrick de Suthayk to receive his inheritance also, but Eudo de Bello Campo received both portions for the said Walter de Twynham[54]. Walter's sixth of the lands included Unthank. Additionally named were areas in Bothecastre [Bewcastle], Skelton and Stoffeld.[55] Walter de Twynham witnessed a charter of Robert de Campania quit claiming land to Devorguilla de Galloway, Lady Balliol on 22 June 1282 (Bain, 1884). He is last recorded[56] on 3 November 1292 in a suit of Richard de Kirkebride against Robert de Brus and his wife Christiana for one-sixth of the land in Glassenby and Gamelby.

Walter's son and heir Adam de Twynham was of age in 1299/1300 when he was named as being related to Richard de Levington in the fourth degree in the inquisition of Richard's widow Sarra de Pavely.[57] He was named in all the major suits concerning Glassenby and Gamelsby until the death of Robert Brus in 1295. Adam granted a carucate of land and rent at Mardleybury in Therfield, Hertfordshire to the convent of Royston in 1302.[58] He received license to alienate the land to Royston on 3 May 1302.[59] In 1303 Gilbert de Suthayk granted land to his son Patrick and Isabella de Twynham, daughter of Adam de Twynham, and their heirs.[60] In 1305 Adam de Twynham exchanged one half of his land in Kirkandrews for a portion of land in Skelton with Christopher Seton, son of John de Seton and another of the heirs.[61]

Adam died in 1307;[62] on 4 September of the same year the king granted the marriage of Agnes, widow of Adam de Twynham, to William Bacun.[63] In 1310 William Bacun and his wife Agnes demanded a portion of the grant to Royston Convent made by Adam de Twynham as Agnes' dower.[64]

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54 *CCR*, Edward I, 1272-1279, p.132 – '*Patrick de Sutheyk, one of the heirs and parceners of the inheritance that belonged to Hawisia de Levinton, tenant in chief, puts in his place Walter de Tvvynham to receive his purparty of the inheritance. Walter de Twynham, one of the said heirs and parceners, puts in his place Eudo de Bello Campo to receive his purparty.*'

55 *CCR*, Edward I, 1272-1279, pp.132-133.

56 Joseph Bain, *op.cit.*, Vol.2 (1884).

57 *CIPM*, Vol. III, no. 583.

58 TNA: PRO, C 143/40/5.

59 *CPR*, Edward I, 1300-1307, p. 36.

60 TNA: PRO, C 143/43/19.

61 TNA: PRO, C 143/52/6.

62 *CIPM*, Edward I, Vol. IV, no.421.

63 *CPR*, Edward II, 1307-1313, p.5 – '*Grant to William Bacoun of the marriage of Agnes, late the wife of Adam de Twynham, deceased, tenant in chief, or of any fine or forfeiture incurred by her by marrying without licence.*'

64 *De Banco Roll*, Hilary, 3 Edw. II. (no.180), r.156d, Hertfordshire – '*William Bacun and Agnes his wife, by the attorney of Agnes, demand against the Prior de Cruce Roesie [Royston] the third part of one messuage, of one carucate of land, of three acres of meadow, of two acres of pasture, of twenty-six shillingworths of rent in Westred in the county of Hertford, which is extended at thirty-four shillings and seven pence and a farthing and the third part of a farthing per annum, as the dower of Agnes by the endowment of Adam de Twynham, her first husband.*'

Adam de Twynham left his son Walter, a minor, as his heir.[65] Walter was placed in the wardship of Gilbert fitz Duncan at the time[66] of his father's death. Walter de Twynham proved his age in 1313/4[67] and by 1315 was in debt to his stepfather.[68] By 1317 he was in debt to Thomas de Burgh.[69] In 1318 he sold his remaining inheritance in Cumberland and a portion of his land in Hertfordshire to his cousin Walter de Kirkebride.[70] Later the same year he sold the remainder of his holding in Hertfordshire, Mardleybury, to Adam de Eglesfeld.

Adam was succeeded by his brother John de Eglesfeld soon thereafter and by 1323 the Mardleybury property ended up in the hands of Bartholomew Badlesmere.[71] On 26 January 1320, Andrew de Harclay, Sheriff of Cumberland, stated that Walter de Twynham no longer held any assets in that county.[72]

Agnes de Levington - The Corry Family

Agnes de Levington married Walter de Corry. The Corry family appeared in Scotland during the reign of David I. The Corrys held land in Corrie and Hutton in Drysedale in Dumfriesshire. They were vassals of Robert Brus of Annandale and his descendants. Walter Corry, the heir to the Levington estate in 1274,[73] was probably the grandson of Agnes de Levington and her husband Walter de Corry. This can be shown as the Walter de Corry who was heir in 1300 to Sarra de Pavely was related in the fourth degree to Richard de Levington.[74]

Walter de Corry gave homage to Edward I for his inheritance on 13 September 1274.[75] In October 1279 he was in the service of Alexander III of Scotland.[76] Walter de Corry signed the Ragman Rolls of 1291 and 1296 and in 1302 paid £33 8s 6d for relief of his lands in Dumfriesshire.[77] Walter died in 1303 and his son Sir Walter Corry, aged 22 years, was his heir[78]. Walter de Corry (the son) fought for Robert the

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65 *Chancery IPM*, 35 Edward I, no.25; TNA: PRO, C 133/125/18.

66 *De Banco Roll*, Hilary, 3 Edw. II. (no.180), r. 156d, Hertfordshire – '*And the Prior comes by Ealph de Dukesworth his attorney ; and heretofore he vouched to warrant Walter son and heir of Adam de Twynham, who was within age, and whose body was in the wardship of Gilbert son of Duncan, and part of whose land was in the wardship of Henry de Lacy, Earl of Lincoln, Adam of Skelton and John of Skelton, who were to be summoned in the counties of Cumberland and Westmoreland, and part of whose land was in the wardship of the said William Bacun and Agnes, who were to be summoned in the county of Hertford.*'

67 TNA: PRO, C 134/34/19.

68 TNA: PRO, C 131/171/2.

69 TNA: PRO, C 131/171/15.

70 TNA: PRO, C 143/133/16.

71 TNA: PRO, SC 8/59/2942; *Chancery Inquistiones ad quod damnum,* 16 Edw. II, no.100.

72 TNA: PRO, C 131/171/15.

73 *CCR*, Edward I, 1272-1279, pp.134-135.

74 *CIPM*, Vol. III, No. 583.

75 Joseph Bain, *op.cit.*, Vol.1 (1881).

76 Harriett C Dickenson, *Some Chronicles of the Corry Family Relating To Eliakim and Sarah Sayre Cory and Their Descendents* (1914), 91-92.

77 Harriett C Dickenson, *op.cit.* (1914), 92.

78 *CIPM*, Vol. IV, No. 142.

Bruce and was knighted at the siege of Carlisle[79] in 1315. In 1316 Richard de Kirkebride sought his lands. [80] His possessions in England were divided and given to Robert de Tiliol and Richard de Kirkebride in 1316.[81] His family continued in Scotland.

Margery de Levington – (1) The Hampton Family

Margery de Levington was one of the two possible daughters of Eva de Hodelholm. Her first marriage was to Robert de Hampton of Allonby, Cumberland. Their only son, Robert de Hampton, was born in 1237. In 1258 he married Margery de Samlesbury (1241-July 1267) daughter of Sir William de Samlesbury by his wife Avina de Notton. Robert de Hampton was named as his mother's heir[82] and on 3 December 1274 he gave homage for his portion of the estate.[83] Robert de Hampton died in 1277[84] and his share of the inheritance passed to his half-brother William Lockard.

Margery de Levington – (2) The Lockard Family

Margery de Levington's second marriage was to William Lockard. The name Lockard first appears in Scotland in the reign of David I. Malcolm Loccard was a vassal of Walter fitz Alan, high steward of Scotland, as were Gilbert fitz Richer and his son Adam, the uncle and cousin of Adam de Boyville.[85] Malcolm had two sons: Simon Loccard who gave the church of Symmington to Kelso Abbey in 1180[86] and William who founded the line of Lockard of Bar. It was William Lockard who married the widow Margery de Hampton (nee de Levington). Their grandson William Lockard sold his portion of the Levington estate to John de Seton and enfeoffed Nicholas de Staffol in a carucate of land that he held in Staffol.[87]

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79 The siege of Carlisle in 1315 was unique in that Robert Bruce helped build the siege engine that attacked the walls of the city. The walls withstood the projectiles and the Scots abandoned the attack, (David Cornell, "A Kingdom Cleared of Castles: the Role of the Castle in the Campaigns of Robert the Bruce," *Scottish Historical Review* 87 (2008): 252).

80 Joseph Bain, *op.cit.*, Vol.3 (1887), no.528.

81 Joseph Bain, *op.cit.*, Vol.3 (1887), no.501.

82 *CIPM*, Henry III, Vol.I, no.811 - *Of the barony of Levington, Skelton and Kirkandres, a moiety of Gamelisby and Glassauby, and the land of Buthcaster, Staffol the heirs of Euphemia de Kirkebrid, Isabel de Twynham, Agnes de Corri, Margery de Hampton, Juliana de Carrig, and Eva de Sutheayt, aunts of the said . . . . . are next heirs of the same Helewisa, late the wife of Sir Eustace de Baylloll, but all remain in Scotland, except Robert de Hampton. . . son and heir of Margery de Hampton, of full age, and Richard de Kirkebrid, heir of Euphemia de Kirkebrid, who is not of full age the heirs in Scotland are of full age.*

83 Joseph Bain, *op.cit.*, Vol.1 (1881).

84 *CIPM*, Vol. II, no.137.

85 Cosmo Innes, ed., *Registrum Monasterii De Passelet, Cartas Privilegia Conventiones Alique Munimenta Complectens, 1163-1529,* (1832), 70-1.

86 He identifies himself in the charter as '*Symon Loccard filius Malcolmi Locard'*.

Cosmo Innes, ed., *Liber S. Marie De Calchou, Registrum Cartarum Abbacie Tironensis De Kelso, 1113-1567,* (1846), 267.

87 *CIPM*, Vol. III, no.583 – *'Margeria issue William Lokard, who sold his portion to John de Seton issue Christofor de Seton now living, and William Lokard had a carucate in Staffol which he gave to Nicholus de Staffol before he enfeoffed John de Seton in his other lands.'*

Juliana de Levington - The Carrick Family

Juliana de Levington,[88] most likely the youngest daughter[89] of Eva de Hodelholm, was the mother of two daughters: Matilda and Emma.

In the 1299 inquisition *post mortem* of Sarra de Pavely,[90] widow of Richard de Levington,[91] regarding Matilda and Emma it is stated, "*Matibilis and Emma who dwelt with the Scots enemy wherefore the King is seized of their purparty in the Vill of Levyngton*" and "*Matilidis de Carrig and Emma her sister have taken their share in the Vill of Bothecastre, which they sold before the war to Sir John de Swynburne".*

Matilda is also stated to be a parcener in the Vill of Levyngton along with her cousins Richard de Kirkebride and Walter de Corry. Although the IPM of Sarra de Pavely calls Juliana "*Juliana de Carrig*", this appears to be a mistake as her daughter Matilda was married to Roland de Carrick,[92] probably son of Sir John de Carrick[93] and grandson of Duncan, Earl of Carrick [died June 13, 1250].[94]

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88 The spouse of Juliana de Levington is unknown

89 *Fine Rolls*, 28 Edward I, m.7 states that Matilda and Emma were nieces of Richard de Levington. This is the shortest number of generations between the original sister and co-heir [Juliana de Levington] to their heir(s) [Matilda and Emma] living in 1300. Euphemia de Levington, documented as the eldest sister, has the greatest number of generations between herself and Richard de Kirkebride her great-grandson and heir living in 1300. Based on this it is fairly certain that Juliana was the youngest daughter of Adam de Levington and Eva de Hodelholm. As Euphemia was born ca.1192 it seems plausible that Juliana was born ca. 1208 shortly before her father's death.

90 *CIPM*, Vol. III, No. 583

91 Her second husband was Robert de Pavely.

92 It is highly probable that Roland de Carrick is the son of Sir John de Carrick and not one of his brothers. Alexander de Carrick can be eliminated as he owned land in co. Antrim, Ireland and left documented heirs. Colin and Alan, who was a priest, appear to have left no descendants. The fact that the names John and Gilbert were carried on in the Kennedy of Dunure line, who were the descendants of Roland de Carrick, again support this conclusion.

Hector L MacQueen, "The Kin of Kennedy, 'Kenkynnol' and the Common Law," in *Medieval Scotland Crown, Lordship and Community,* eds. Keith J Stringer & Alexander Grant (1998), 278-9.

93 Charter No. 187 in the Glasgow Register is a confirmation of Alexander II of Scotland of a gift of land to the church worth four marks in the fief of "*Stractimer*" called "*Hachinclohyne*" with the patronage of the church of "*Strattimer*" worth 100 shillings which is in dispute between "*Johannes de Carric filius Duncan comitis de Carric*" the grantor of this land to the church and the abbot of Paisley Abbey. This charter was "*confirmacio Duncan Comitis de Carric patris sui in plenius consece iuste testantur salvo servicio nostro*" and dated at Jedworth 30 October 1244. In a charter of North Berwick Priory Duncan, earl of Carrick grants three marks in silver from the land of "*Barrebreth*" in Carrick to be paid twice yearly, half at Pentecost and the remainder at the Feast of St. Martin (also called Martinmas, the Feast of St. Martin of Tours is celebrated on 11 November and is often called "*festo Sancto Martini Hyeme*" because it was in the winter).

Cosmo Innes, ed., *Registrum Episcopatus Glasguensis Munimenta Ecclesie Metropolitane Glasguensis, a Sede Restaurata Seculo Ineunte XII Ad Reformatam Religionem* (1843), 151-2.

Cosmo Innes, ed., *Carte Monialium De Northberwic, Prioratatus Cisterciensis Beate Marie De Northberwic, Munimenta Vetusta Que Supersunt* (1847), 1.

94 The church Calendar shows that he died on June 13, 1250 as it states "*Obitus Duncani comitis de Carryk decimo tertio die Junii anno Domini millesimo ducentesimo quinquagesimo*".

Cosmo Innes, *op. cit.* (1843), 616.

Matilda married into one of the oldest and most powerful families in Scotland. Emma appears to have been married to Patrick Trumpe the Elder as her son Patrick de Trumpe 'le Fiz' is noted as the nephew of Matilda de Carrick and liegeman of Robert Brus, earl of Carrick[95] and future King of Scotland.

Carrick Descent to Kennedy of Dunure

The descent from Matilda de Carrick to Sir John Kennedy is another area where secondary sources have failed to produce a coherent lineage. *Collins Peerage* in 1812 produced a false line with the creation of a Duncan de Carrick, as the son of Gilbert de Carrick the elder, who didn't exist. This was based on the incorrect dating of the charter that granted the church of Kilbride to North Berwick Nunnery. This was granted by Duncan Earl of Carrick, the great grandfather of Gilbert de Carrick the elder. Other sources relied on this account and it made its way into all of the major works on this branch of the family until the beginning of the twentieth century. *Scots Peerage*[96] attempted to correct the former errors. It presents a basically correct pedigree, but ends with Gilbert the younger *sans* siblings and makes the daughter of Gilbert the Elder his sister. He also makes Roland the brother of Gilbert the elder the same man as Roland the brother of Gilbert the younger. Although first proposed in 1879,[97] since the 1950s it has been popular to make John Kennedy of Dunure the spouse of a daughter of Gilbert the younger.[98] This enables the explanation of the arms used by the earl of Cassillis, which are the same as those of Gilbert de Carrick. It also allows for the reigning Stewart monarch in 1406 to be a cousin to the heirs of John Kennedy. Although this seems plausible it can be shown from the existing documents concerning the Carricks and John Kennedy of Dunure that another theory is more appropriate and accurate.

Roland de Carrick, husband of Matilda, became "*kenkynnol*"[99] in a grant made to him before 1256 by his cousin, Neil de Carrick, Earl of Carrick, which granted him command of all the earl's men. Because Neil de Carrick left only daughters as his surviving issue, and Carrick still maintained the old Celtic system of having an adult male as head of the clan, this position was granted to Roland. This charter was later confirmed after his death to his eldest son Roland by Alexander III on 20 January 1275/6 at Stirling.[100] Roland de Carrick, the elder, was dead before 10 June 1275, leaving Matilda as his widow;[101] her second husband[102] was Nicholas de Auchinleck.[103] In April 1302 she was cited as holding land in Levington in Cumberland.[104]

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95 Joseph Bain, *op.cit.*, Vol.2 (1884), nos.1302, 1303.

96 James Balfour Paul, *op.cit.* 2 (1905), 423-425.

97 P H M'Kerlie, *History of the Lands and Their Owners in Galloway,* 5 (1879), 346-7.

98 James Fergusson, *Kennedys "twixt Wigton and the town of Ayr",* (1958); Hector L MacQueen, *op.cit.* (1998).

99 *Kenkynnol* comes from two Gaelic words "*ceann*" meaning 'head' and "*Cenel*" meaning 'Clan, kindred or family group'. The *Kenkynnol* served as the Bailie of Carrick and the head of the earl's men: Hector L MacQueen, *op.cit.* (1998) 284-5.

100 John Maitland Thomson, ed., *Registrum Magni Sigilli Regum Scotorum: The Register of the Great Seal of Scotland A.D. 1306-1424,* Vol. I. (New Edn. 1912), 185-6. The text of Robert II's confirmation of both charters showing the original wording is given in the appendix.

101 Joseph Bain, *op.cit.*, Vol.2 (1884), no.51. An Inquisition made at Carlisle on 10 June 1275 evicting Robert Brus and his wife Christina from the manors of Glassenby and Gamelsby and delivering them to the rightful heirs of Helwise de Levington, wife of Eustace de Balliol, deceased show them as "*Robert de Hampton, Walter de Twynham, Walter Corry, Patrick de Suthayc, Patric Trumpe and Matilda widow of Roland de Carrig*."

Children of Matilda de Carrick

Roland de Carrick

Matilda died before 30 March 1308 when her eldest son, Roland,[105] is shown as her heir.[106] Roland appears to have died without issue after November 1310[107] as all his lands in Scotland passed to his brother, Sir Gilbert de Carrick.

Gilbert de Carrick

In 1285 Sir Gilbert de Carrick, Matilda's younger son, submitted a difference between himself and the nuns of North Berwick to Robert Bruce, Earl of Carrick, father of Robert the First, and Robert, Bishop of Glasgow. To this submission Gilbert's seal is appended, having the same shield of arms as that borne later by the earls of Cassillis.[108] In 1293 he was one of the pledges for Robert Bruce, Earl of Carrick (future Robert I) when Robert's father alienated his rights of succession to him.[109]

Gilbert de Carrick must have married twice. His daughter by his first wife married Arthur Castellan[110] who was at Lochdoon Castle in 1306.[111]

His second wife must have been the daughter and one of the co-heiresses of William Galbraith by his wife Willelma Douglas, daughter of William 'Longleg' Douglas and his wife Elizabeth Stewart.[112] An inquisition dated 30 December 1303 shows that Willelma Douglas and William Galbraith left four daughters as co-heirs to their

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[102] The heirs of Helwise de Levington named in a suit dated 3 November 1292 were listed as "*Richard de Kyrkenbride, with William Lokarde, Walter de Twynham, Gilbert de Sutheyk, Nicholas de Auchenleck, and Matilda his Wife, Patrick Trumpe and Walter son of Walter de Corry*" showing that Matilda had remarried sometime before this date.

[103] Joseph Bain, *op.cit.*, Vol.2 (1884), nos.645, 698. The Auchinleck family [Affleck] was in vassalage to Walter Fitz Alan, High Steward of Scotland. Auchinleck is in Ayrshire near Glasgow. In the 17th century the Boswell family became Lairds of Auchinleck, including James Boswell the biographer of Dr Samuel Johnson.

[104] TNA: PRO, C 47/22/9/104 - Certificate that Patrick Trumpe has come to the King's peace with the Earl of Carrick whose tenant he is; and that he and Maude de Carrigg claim land in [Kirk]levington in Cumberland, April 1302.

[105] TNA: PRO, C 143/72/1 - Rowland de Karrig to grant the sixth part of the manor of Levington to John de Bowes Cumb. 2 Edward II [1309].

[106] Joseph Bain, *op.cit.*, Vol.3 (1887), no.39; James Balfour Paul, *op.cit.* 2 (1905), 425.

[107] Joseph Bain, *op.cit.*, Vol.3 (1887), no.179.

[108] Cosmo Innes, *op.cit.* (1847), 23-4; James Balfour Paul, *op.cit.* 2 (1905), 424-5. The charter [no. 22] calls him "*Gilbertum filium quondam domini Rolandi de Carric militis*".

[109] Presented at Parliament of John Balliol on 8 August 1293. *The Records of the Parliaments of Scotland to 1707* at http://www.rps.ac.uk/.

[110] James Balfour Paul, *op.cit.* 2 (1905), 425.

[111] John Maitland Thomson, *op.cit.,* (1912), 186-7.

[112] Another confirmation of this marriage occurs later as Marion Sandilands of Calder, daughter of Eleanor Douglas granddaughter of William 'longleg' Douglas by his second wife Eleanor of Louvaine, was too closely related to Sir Gilbert Kennedy of Dunure either to marry him or the marriage was annulled calling into question the legitimacy of their children.

estate.[113] Only the eldest daughter Joanna Galbraith who married Bernard de Keith of Galston is named (Fig.2). It appears that Gilbert and his second wife had three sons: Gilbert of Carrick [the younger], Roland de Carrick of Munterduffy and John de Carrick, Chancellor of Scotland 1370-1377.

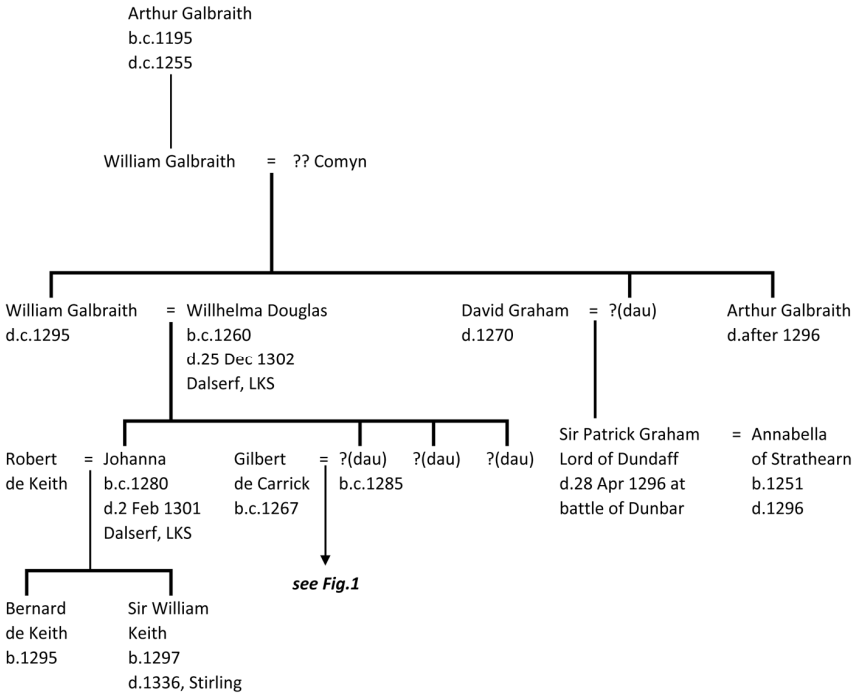


Fig 2. ***Pedigree of the Galbraith family***

[113] Joseph Bain, *op.cit.*, Vol.2 (1884), no.1420.

"30th Dec 1303. Inquisition at Lanark on Monday the morrow of St. Thomas the Martyr 1303, by the king's command in presence of Magnus de Strathearne and Nicholas de Benbathe, viceregents of the earl of Carrick Sheriff of Lanark, by Patrick de Achenlek, Hugh de Galbrathe, Adam the Black, Adam of Doean, William Casse, John son of the widow, William Culle, Adam the Miller, David son of Adam, Laurence son of William, John Littil, John Cabok jurors; who say that Sir John Comyn, grandfather of the present Sir John Comyn, gave the land of Dalserfe to Sir William de Galbrathe in frank marriage with his daughter. It is held neither by ward or relief, nor any other service till the third heir. The said Sir William gave it to his son William in frank marriage with Lady Willelma, daughter of the late Sir William de Duglas; which 'said Williams' begot four daughters, co-heiresses Johanna the mother of Bernard de Cathe, was the eldest; to whom the demesne should belong, and was at the king's peace at her death at Candelmas 1301. Her mother Lady Willelma died after her daughter, in possession of the tenement, within the Feast of the Lord's Nativity 1302. They say that Dalserf was held of the late Sir John Comyn, and now of Sir Robert the Constable by the king's gift. The fourth part pays yearly £3 0s. 4d. in all issues. The seals of Patrick de Achinlek and Hugh de Galbrathe are only appended, as the others have no seals. The inquisition is enclosed under Nicholas de Benhathe's seal only, as the seal of Magnus is lost."

Exchequer K.R. Miscellanea, No. 46/14]. Seals lost; 3 tags remain.

Sons of Gilbert de Carrick

Gilbert de Carrick the younger

Buchmonyn was granted to Arthur Galbraith,[114] the younger brother of William Galbraith of Buthernock by Malcolm the fourth Earl of Lennox.[115] Arthur must have died without issue as his lands passed to his brother's heirs. One of the daughters carried it as her inheritance into the Carrick family.

Buchmonyn then passed to Gilbert de Carrick [the younger] from his mother. A charter of Malcolm, Fifth Earl of Lennox, dated 1315-1333[116] confirms land in Buchmonyn to him. It is noteworthy that Patrick Galbraith, Seneschal of Lennox, who would have been a distant cousin to Gilbert witnessed the charter.

The land then passed to John Kennedy who passed the same to his son Gilbert Kennedy who granted Buchmonyn on 28 October 1393 to his cousin [nephew] John Kennedy.[117] The evidence indicates that Gilbert was also the father of John Kennedy of Dunure. This filiation is shown by the land of Buchmonyn as well as the reconfirmations issued by Robert II on 1 October 1372.[118]

Gilbert de Carrick [the younger] was captured at Durham with David II of Scotland in 1346.[119] The younger Gilbert de Carrick may also have had a daughter Elena de Carrick who was the prioress of North Berwick nunnery on 6 October 1386.[120]

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[114] Arthur Galbraith was noted as Arthur Galbraith of Wigtown on the Ragman Rolls. It is apparent that he is not the same Arthur as the son of Maurice Galbraith who held Cartonvenach,[Gartconnel] and Auchincloich whose lands were passed down in the Galbraith of Gartconnel line. The connection with Wigtown was probably through his grandfather John Comyn of Badenoch. The Comyns of Buchan were hereditary sheriffs of Wigtown and it was part of the land they held in the border region of Scotland. This area later became the possession of the Flemings of Wigtown.

[115] James Dennistoun, *Cartularium comitatus de Levenax ab initio seculi decimi tertii usque ad annum M.CCC.XCVIII: Ad fidem apographi in Bibliotheca Facultatis juridicae edinensis servati cum aliis m.s.s. collate*, (1833), 29-30. Full text of this charter in the Appendix.

[116] James Dennistoun, *op.cit.* (1833), 43-4. This charter has been misdated by several sources. They have assumed that because the first witness is 'Dominus Malcolmo filio nostro' that the 4th earl of Lennox confirmed this charter. It was his son, the fifth earl of Lennox, as is shown by the other witnesses. Malcolm of Lus was chief of Clan Colquhoun 1315-1345. Patrick Galbraith was seneschal of Lennox to the fifth earl and witnessed many of his charters along with his brother Maurice Galbraith in the period 1316-1333. Gilbert Drummond signed the Ragman Rolls of 1296 but lived until 1330. Adam More [Mure] was one of two men. He could have been the father of Elizabeth Mure who married Robert II who witnessed charters for Robert the Bruce 1328-1329. The other Sir Adam Mure held lands in Berwick 1315-1321. A full text of this charter is in the Appendix.

[117] James Dennistoun, *op.cit.* (1833), 44-5. Full text of this charter is in the Appendix.

[118] William Anderson, *The Scottish Nation,* Vol.2 (1863), 602. Full text of all three confirmation charters are in the Appendix.

[119] The original list of prisoners was supplied by Jean Froissart in his chronicles written c.1370-1400. The work has undergone many editions and from 1808 forward they cite that Gilbert de Carrick was the ancestor of the earl of Cassillis and his son assumed the name of Kennedy. The original entry was simply a list of prisoners as appears in the Chronicle of Lanercost.

[120] Cosmo Innes, *op.cit.* (1847), 29-30. Elena de Carrick as prioress returns the advowson of the church of St. Cuthbert in Maybole to Sir Alan de Cathcart, the nephew and heir of Duncan Wallace Sheriff of Ayr, who was a cousin of Elena's by marriage.

Roland de Carrick

Roland de Carrick of Munterduffy[121] inherited a portion of land in Straiton and Kirkmichael that originally belonged to John de Carrick before 1244. He had one known son,[122] Malcolm de Carrick, who made a grant[123] of two penny land in Munterduffy to John Kennedy of Dunure.[124]

John de Carrick

John de Carrick, presumably a brother of Gilbert, was a canon lawyer. He was a witness to charters of David II in 1354, prebend of the parish church in Moffat and Chancellor of the diocese of Glasgow in the early 1360s during the tenure of Archbishop William Rae (1339-1367). During this time John de Carrick became close to Archibald "the Grim" Douglas who was most likely his cousin. It was through Douglas' influence that he rose in political circles as well. John was Clerk of the Wardrobe, Keeper of the Privy Seal and, from 1370-1377, Chancellor of Scotland. He was bishop elect of Dunkeld in 1370 but the Pope (Gregory XI), fearing his close ties to Robert II of Scotland, refused to confirm his appointment.[125] In 1377 John de Carrick retired to live on the revenues of the burgh of Lanark. He probably died before 16 March 1380/1.[126]

Analysis of Supporting Documentation for the Kennedy Descent

Lochdoon Castle and the Kennedy name.

One of the main arguments against the filiation of John Kennedy from Gilbert de Carrick the younger has been the name change. In all probability this use of another surname originated because of the shame surrounding the incident with Lochdoon Castle. The magnitude of this heinous mistake was shown by the need for Robert II on 1 October 1372 to reconfirm the original remission of rancour for the use of John Kennedy of Dunure and his heirs.[127] Wanting to be free of the stigma John, son of Gilbert de Carrick, must have decided to take the name Kennedy which came from 'kenkynnol' as his branch of the family was the head of clan. Kennedy maintained the coat of arms of his great grandfather Roland de Carrick and his heirs were described in 1406 as cousins of the royal house.[128] The circumstances around this event explain the gravity of the situation.

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121 Munterduffy is the parish of Kirkmichael.

122 He identifies himself in the charter as '*Malcolmus filius Rolandy de Carryc*'.

123 Full text of the charter is in the on-line appendix.

124 F C Hunter Blair & J A Morris. *Charters of the Abbey of Crosraguel*. Vol.1 (1886), 26-8; Hector L MacQueen, *op.cit.* (1998), 285.

125 A D M Barrell, "The Papacy, Scotland and Northern England, 1342-1378." In *Cambridge Studies in Medieval Life and Thought*: 4th Series (2002), 199.

126 Donald Elmslie Robertson Watt, *A Biographical Dictionary of Scottish Graduates to AD 1410* (1977), 87.

127 John Maitland Thomson, *op.cit.* (1912), 185-6.

128 Hector L MacQueen, *op.cit.* (1998), 285-6.

In 1306 Robert Bruce declared himself King of Scotland. The king had few supporters just his loyal friends[129] and family members who fought at his side. His brother-in-law Christopher Seton was his closest ally.

Robert Bruce had his two castles of Dunaverty and Lochdoon well supplied with victuals.[130] Bruce, who would later slight most of the castles in Scotland to stop the English from garrisoning in them,[131] had plans for these castles as well as Dumbarton.[132] His goal was to use them to keep open his sea lanes to Ireland and the western isles as well as to block the English communication channels in these areas.[133]

Lochdoon castle was the hereditary possession of the earls of Carrick.[134] It had been built in the late 13th century and was one of the most unusual buildings of the era. It had eleven sides as it was built to fit the area of the island it sat upon. The island was in the middle of Loch Doon where the water was the deepest which inhibited the building of a causeway. The fortress was far enough from the shore that the trebuchets and other siege weapons of the day could not reach the walls. The waters were too unpredictable to be navigated easily, undermining any naval attack. Lochdoon Castle was virtually impregnable.

On 19 June 1306 both Bruce and Seton fought at the Battle of Methven near Perth. The forces of Aymer de Valence surprised them in a predawn attack and they retreated.[135] The king fled north to Drumalban in the area where Perthshire becomes the highlands.[136] Sir Christopher Seton fled to the southwest and the safety of Lochdoon Castle.[137]

Gilbert de Carrick, the elder, was the hereditary Governor of the Castle.[138] He believed Robert Bruce, his cousin, would never defeat Edward I and his army. Therefore, through his son-in-law Arthur Castellan, he surrendered the castle to Edward's forces.[139] Sir Gilbert de Carrick fled the castle. The English army captured Sir Christopher Seton who was processed to Dumfries where he was hanged, drawn and beheaded.[140]

The death of Christopher Seton greatly troubled the king. The loss of his dearest family members and supporters was to be a pattern in the early years of Robert I's

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129 Sir Robert Fleming was among these men.

130 Geoffrey W S Barrow, *Robert Bruce and the Community of the Realm of Scotland* (2005), 193.

131 David Cornell, *op.cit.* (2008), 233-57.

132 Geoffrey W S Barrow, *op.cit.* (2005), 193, 250. Robert Bruce tried to persuade Sir John Menteith to surrender Dumbarton Castle to his cause. Sir John Menteith was the man who betrayed William Wallace in 1305 and was allied with the English. In the spring of 1309 Sir John Menteith changed sides and surrendered Dumbarton Castle to Robert Bruce.

133 David Cornell, *op.cit.* (2008), 238; Geoffrey W S Barrow, *op.cit.* (2005), 193.

134 David Cornell, *op.cit.* (2008), 238.

135 Geoffrey W S Barrow, *op.cit.* (2005), 199.

136 Geoffrey W S Barrow, *op.cit.* (2005), 207.

137 David Cornell, *op.cit.* (2008), 239.

138 James Patterson, *History of the County of Ayr,* Vols.I & II (1852), 467.

139 Joseph Bain, *op.cit.*, Vol.2 (1884), nos. 1819, 1845.

140 Alan Young & Michael J Stead, *In the Footsteps of Robert Bruce* (1999), 88.

reign[141] which had a morose effect on the man. Few who betrayed Robert Bruce were pardoned or restored to their properties and titles.[142]

However, before March 1309 Robert I did issue a remission of rancour to Gilbert de Carrick.[143] The document remitted blame placed on Gilbert de Carrick for the action of Arthur Castellan who surrendered the castle and caused the death of Sir Christopher Seton. Gilbert de Carrick and his heirs were pardoned and reinstated in their lands and offices that were forfeited to the crown.[144]

The reason the remission was granted, in all likelihood, was because of Gilbert's wife and her familial ties to Sir James Douglas. She was his niece and the mother of Gilbert de Carrick's two sons. In lieu of this Robert I would have granted the pardon because Sir James Douglas, his beloved comrade and most faithful lieutenant, had pleaded for her and her children.[145] If the remission had not been granted the children would have inherited nothing and the taint of treason would always have been upon them.[146] Sir James Douglas was one of the witnesses to the document as were Robert's brother Edward Bruce and his nephew Thomas Randolph.

Estates inherited by Sir John Kennedy

The second argument that has been presented against the direct descent from Gilbert de Carrick to John Kennedy of Dunure is the way the estates of Kirkintilloch and Cassillis were obtained by the Kennedy family. By examining the history of each land transference the answers become evident.

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[141] Alan Young & Michael J Stead, *op.cit.* (1999), 88-90. Edward I ordered Sir Aymer de Valence to raise the Dragon banner over Perth when he became plenipotentiary of Scotland. This indicated that all caught would be dealt a traitor's death and no quarter would be granted to the king's enemies. Within a year of Seton's death Neil, Thomas and Alexander Carrick Dean of Glasgow, Robert's brothers, met the same fate. Robert's wife, daughter and sisters were captured and held prisoner in England. Mary Bruce, Robert's sister, and Isabella Countess of Buchan were exhibited in a cage. Only his brother Edward Bruce remained uncaptured.

[142] Archibald Alexander McBeth Duncan, *The Acts of Robert I, King of the Scots 1306-1329. Vol. 5. Regesta Regum Scottorum* (1988), 102-3.

[143] The date of this charter is based on the death of James Stewart who was one of the witnesses.

[144] James Patterson, *History of the County of Ayr* (1852), 467;
John Maitland Thomson, *op.cit.* (1912), 185-6.

[145] John Maitland Thomson, *op.cit.* (1912), 185-6. The charter states Robert I granted this under the sound counsel of his advisors.

[146] This was enacted into written law at Cambuskenneth Abbey [near Stirling] at a Parliament held on 6 November 1314 stating '*all who died outside the faith and peace of the said lord king in the war or otherwise, or who had not come to his peace and faith on the said day, although they had been often summoned and lawfully expected, should be disinherited perpetually of lands and tenements and all other title within the kingdom of Scotland. And they should be considered as the king and kingdom's enemies henceforth, perpetually deprived of any further claim of right whatsoever hereafter for themselves or their heirs.' The Records of the Parliaments of Scotland to 1707* at http://www.rps.ac.uk/.

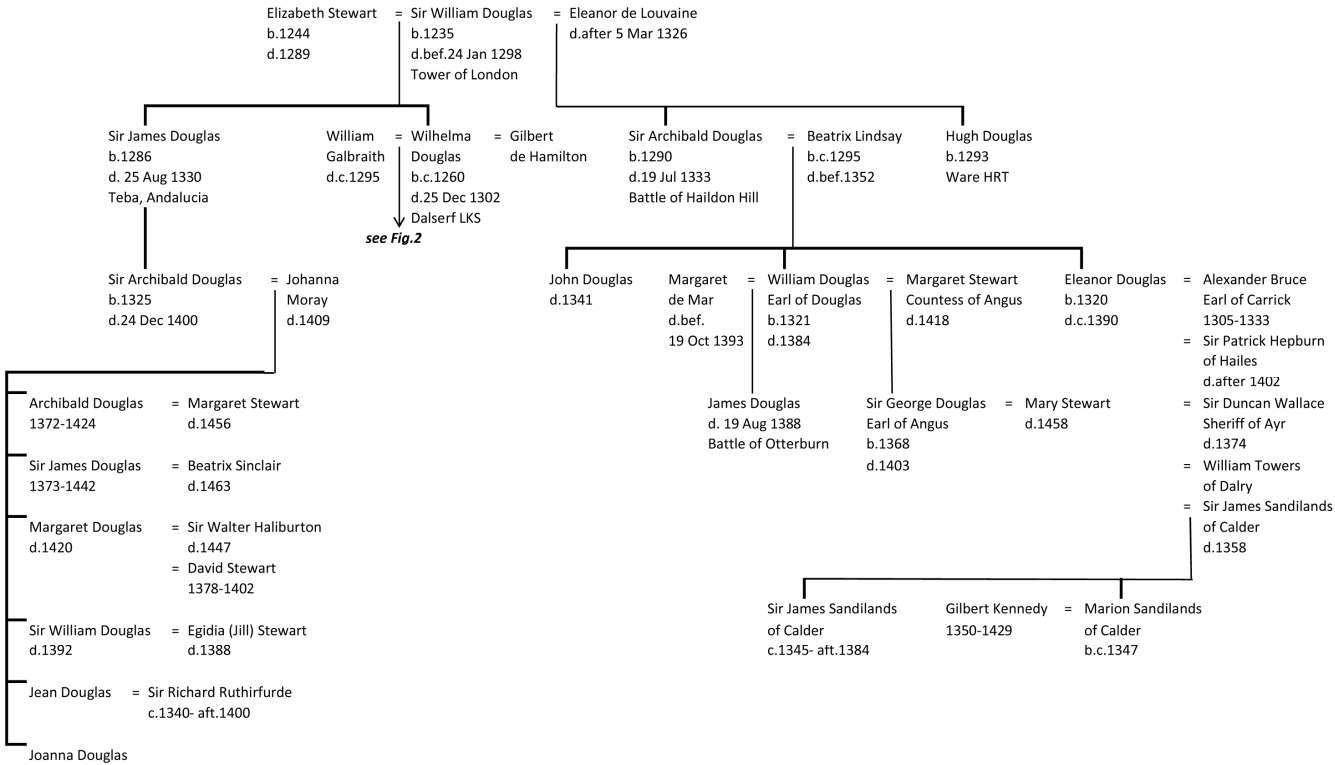


Fig 3. ***Pedigree of the Douglas family***

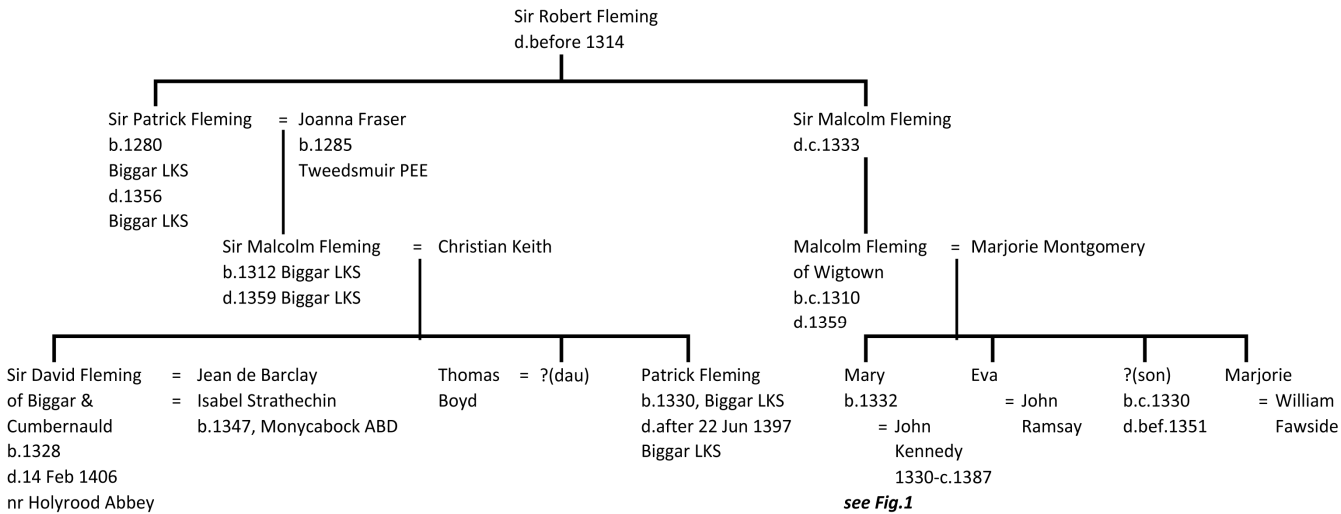


Fig 4. ***The Fleming family***

Kirkintilloch: Comyn Family

Kirkintilloch was a fort used by the Romans as a base on the Antonine Wall in the second century. The outpost was of importance to the Romans as it was located on the head of a hillock, volcanic outcropping, which permitted a view of the surrounding countryside for miles. The original Gaelic name of this encampment was Caerpentullach which means "the fort on the head or end of a hill".[147] The area continued to be inhabited but little was said of it until 1216 when Alexander II granted a charter confirming Kirkintilloch to William Comyn, Earl of Buchan.[148] Comyn had probably held the area prior to this time as William the Lion, father of Alexander II, had bestowed Lenzie and Cumbernauld to him. A charter from William Comyn to St. Kentigern Cathedral in Glasgow c.1200 bestowed land in Mucrath near Kirkintilloch to the cathedral and was confirmed by William I of Scotland.[149]

William Comyn, Earl of Buchan passed the land to his son Richard Comyn of Badenoch who gave the land to his son John Comyn of Badenoch (d.1277). His son William Comyn who married Isabella Russell, countess of Menteith, then inherited Kirkintilloch. William died without issue in 1291 and his holdings there were received by John 'the Red' Comyn, his nephew, who was killed at Greyfriars Church on 10 February 1306.

The actual murder of Comyn[150] and his uncle may have been accomplished by the companions[151] of Robert Bruce as he had left John Comyn merely wounded. In one early version of the story Sir Roger Kirkpatrick, Sir James Lindsay and Sir Robert Fleming went back into the church after the stabbing and killed Robert Comyn,[152] who was defending his nephew, then beheaded John Comyn.

Fleming Family (see Fig.4)

Sir Robert Fleming was given the Comyn lands in Lenzie and Cumbernauld which Robert I claimed as forfeited to the crown. Sir Robert died before 24 June 1314, leaving a son, Malcolm Fleming, as his heir. Sir Malcolm Fleming fought at Bannockburn. He was given Kirkintilloch and was made Sheriff of Dumbarton and Governor of Dumbarton Castle.[153]

Sir Malcolm Fleming, the younger, was made Steward of the Royal Household before February 1327. This was incurred by the king at a cost of 500 marks a year in compensation payable to the Earl of Lennox.[154] It is almost certain that the king arranged a marriage for Sir Malcolm Fleming the Younger; there were both political and personal reasons for this union.

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147 Thomas Watson, *Kirkintilloch: Town and Parish,* (1894), 145.

148 Thomas Watson, *op.cit.* (1894), 10.

149 Cosmo Innes, *op.cit.* (1843), 78-9.

150 There are several contrasting versions of the events; Alexander Grant, "The Death of John Comyn: What was Going On?" *Scottish Historical Review* 86 (2007): 176-224.

151 Sir Christopher Seton was also with Robert Bruce.

152 Alexander Grant, *op.cit.* (2007), 191, 198. Another source has Christopher Seton murder Robert Comyn.

153 Thomas Watson, *op.cit.* (1894), 12-13.

154 Archibald Alexander McBeth Duncan, ed., *The Acts of Robert I, King of the Scots 1306-1329. Vol.5. Regesta Regum Scottorum*, (1988), 112.

The major concern of Robert I and later David II, his heir, was keeping the border region of Scotland in the hands of loyal families. The English kept attacking through Galloway and the Galwegians felt no obligation to the Scottish king. Their fealty was to the chief of their lands who had inherited the mantle of the old princes of Galloway, the Balliol clan. This was a very precarious situation and could undermine the entire kingdom at any time.[155]

To counteract this situation Robert I made a marriage match between Sir Malcolm Fleming the Younger[156] and his foster sister,[157] Marjory Montgomery,[158] who was the nurse to the infant David II.[159] A royal gift of money was given to Sir Malcolm Fleming the Elder in 1329 on the occasion of the marriage[160] which also indicates a tie to the royal family.

Sir Malcolm Fleming the Elder died before 1333. Sir Malcolm Fleming the Younger inherited his father's titles and lands in Kirkintilloch, Lenzie, Cumbernauld and Dumbarton.[161] He was also made Bailie of Carrick[162]. For this position as well as being the Sheriff of Dumbarton and Governor of Dumbarton Castle he received an annual salary of 100 marks.[163]

On 19 July 1333 Sir Malcolm Fleming was at The Battle of Halidon Hill. The defeat was almost complete and through his efforts David II escaped to Dumbarton Castle where he and Joan, his queen, remained safe from Edward III until they were able to depart for France.[164] They remained in exile until 4 May 1341.[165] On 9 November 1341 Sir

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[155] This occurred when Edward Balliol with English assistance arrived in Scotland in July 1332 closely followed by the battle of Duplin Moor on 11 August. In the battle Donald, earl of Mar the regent for David II was killed. On 24 September Balliol was crowned king of Scotland at Scone by William Sinclair, Bishop of Dunkeld. Galloway was the only province that revolted and supported Balliol. After losing the remainder of his bases in 1334 Galloway held out for Edward Balliol until Eustace Maxwell sided with the Scots in May 1337.

[156] Richard Oram, *The Kings and Queens of Scotland,* (2004), 137. Oram presumes that Malcolm Fleming may have been the Foster-father of David II making this quite a likely pairing.

[157] Leslie Stephen, Sidney Lee & Edgar Trevor, eds. *Dictionary of National Biography* XIX (1889), 280.

[158] The identity of Marjory as a daughter of John Montgomery and cousin and heir of Christian Montgomery will be shown by the charter she granted to John Kennedy in 1362 after the death of her husband.

[159] William Henry Bliss, *Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Petitions to the Pope A.D. 1342-1419,* I (1896), 144.
8 Ides November 1343 David King of Scotland and his wife Joan as well as David's sisters, Matilda and Margaret, were granted the right to receive absolution from their confessor at the hour of death. Along with the Royal family Malcolm Fleming, his esquire, and Marjory, his wife, the king's nurse, received the same.

[160] John Maitland Thomson, *op.cit.* (1912); Leslie Stephen *et al.*, *op.cit.* (1889), 280.

[161] Donald Elmslie Robertson Watt & Alexander Brian Scott, eds. *Scotichronicon, Books XIII and XIV,* by Walter Bower, 7 (1996), 205.

[162] This position had originally been held by Roland de Carrick and his heirs. Roland de Carrick, eldest son of the preceding Roland, became Bailie of Carrick in 1276. The office did not pass upon the younger Roland's death to his brother and heir, Gilbert de Carrick.

[163] Leslie Stephen *et al.*, *op.cit.* (1889), 280.

[164] D E R Watt & A B Scott, *op.cit.* (1996), 93, 97, 213.

[165] Leslie Stephen *et al.*, *op.cit.* (1889), 280; Watson, 1894, p. 14).

Malcolm Fleming was made Sheriff of Wigtown and given the barony with hereditary rights.[166]

In 1346 Fleming went into England with David II; they were both captured on 17 October at the Battle of Neville's Cross. The king was wounded by two arrows-- the tip of one remained lodged in his skull while the other was extracted by two barber surgeons at Bamburgh Castle. In January 1347 both men were taken as prisoners to the Tower of London.[167] Fleming was eventually released and negotiated the treaty of Berwick 3 October 1358. Sir Malcolm Fleming died c.1360-1.

Kennedy Family

Sir Malcolm Fleming and his wife Marjory had at least four children. The eldest son, name unknown, predeceased his father. His daughter Marjory married William Fawside and received the crown lands of Clackmannan.[168] Eva Fleming married John Ramsay to whom David II gave the thanage of Tannadice.[169] There also seems to have been a daughter named Mary who became the spouse of John Kennedy of Dunure.[170]

Sir Malcolm may have arranged this marriage as John Kennedy was the son of the great-nephew of Sir James Douglas, making him a cousin to Archibald 'the Grim' who was amassing land in Galloway. He was also a cousin to the king through his father, who had served David II loyally, irrespective of his grandfather's treachery.[171] A union with the remaining house of Carrick would ally Fleming's grandchildren with the king by blood as well as fosterage.[172]

John Kennedy held lands in the barony of Lenzie that must have been granted to him upon his marriage as they were the property of Sir Malcolm Fleming, Earl of Wigtown.[173] In 1358, a priest slandered John Kennedy and convinced David II that he was a traitor. As a result these lands were forfeited and were granted to Malcolm Fleming of Biggar.[174] The priest's falsehoods were uncovered and all John's lands, with the exception of Lenzie, were returned to him on 18 January 1358.[175] John

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166 Leslie Stephen *et al.*, *op.cit.* (1889), 280; D E R Watt & A B Scott, *op.cit.* (1996), 159, 248.

167 D E R Watt & A B Scott, *op.cit.* (1996), 260-1, 464.

168 Bruce Webster, ed. *The Acts of David II, King of Scots 1329-1371. Vol.6. Regesta Regum Scottorum* (1982), 380; John Maitland Thomson, *op.cit.* (1912), no.194.

169 Leslie Stephen *et al.*, *op.cit.* (1889), 280.

170 Bruce Webster, *op.cit.* (1982), 198-9.

171 James Balfour Paul, op.cit. 2 (1905), 425. For his loyalty David II granted Gilbert de Carrick the younger the liferent grant of the office of coroner between the waters of Ayr and Doon and also of the lands of Buchanan co. Stirling.

172 Hector L MacQueen, "Survival and Success: the Kennedys of Dunure." in *The Exercise of Power in Medieval Scotland c.1200-1500,* eds. Steve Boardman & Alasdair Ross, (2003), 85-6.

According to 17th century sources, Robert III had a daughter fostered by Sir Gilbert Kennedy and his wife Agnes Maxwell. This would have fallen into the pattern of the Fleming and Montgomery families as they were foster parents of Robert I and David II. It would also give a basis for the marriage of Sir James Kennedy, son of Sir Gibert and Agnes, to Mary Stewart, the King's [Robert III] daughter.

173 Bruce Webster, *op.cit.* (1982), 78.

174 Bruce Webster, *op.cit.* (1982), 198-9.

175 Bruce Webster, *op.cit.* (1982), 200.

Kennedy had this scurrilous priest killed and in 1365 received a letter from the Pope rehabilitating his children so they could hold church offices.[176] In 1362, the forfeited Lenzie lands were granted in tail male to Malcolm Fleming of Biggar and his wife Christina [Keith].[177] By 1365, the barony of Lenzie was in the possession of Thomas Fleming, grandson and heir of Sir Malcolm Fleming, a portion of which he sold to Robert Erskine.[178] In 1384, the remaining '*40 merk land*' in Lenzie near Kirkintilloch was granted by Sir Malcolm Fleming of Biggar to Gilbert Kennedy, heir of John Kennedy of Dunure, thereby restoring this land to the Kennedy family. This grant was confirmed by Robert II.[179]

The arranged marriage between Mary Fleming and John Kennedy is further indicated by the charters of Thomas Kennedy, Earl of Wigtown, as grandson and heir to Sir Malcolm Fleming, granting lands to John and his heirs as well as the charter granting Cassillis to him.

As Sir Malcolm Fleming's eldest son had died in 1351 his grandson, Thomas Fleming, was a hostage for David II in 1357. Another young boy, Gilbert Kennedy, was hostage as well.[180] They were close in age and spent time together in England before being returned to their families.

On 13 May 1373 Robert II of Scotland confirmed a charter of Thomas Fleming, Earl of Wigtown, as grandson and heir of Sir Malcolm Fleming to '*our beloved Gilbert Kennedy*' granting him Kirkintilloch with all rights to the land.[181] In 1374-1375 Thomas Fleming made a wadset grant to *'his loving and special friend' John Kennedy 'all his lands of Cumbernald in the barony of Lenzie, within the shire of Dumbarton, for one hundred and twenty merks of good money, in gold and silver, paid in hand to the said Thomas: To hold to the said John and his heirs until the said Thomas Flemyng, or the heirs of his body, lawfully gotten or to be gotten, shall pay to the said John Kennedy or his heirs one hundred and twenty merks of good money, of gold and silver, at the feast of St. Martin in winter, at Dunure.'*[182]

Conditions were included in the grant that neither could sell to anyone else. Wadsets and mortgages were usually made to family members by selling to a trusted relative at a point where losing the property was eminent and then, once the situation had passed, reclaiming the property for the same amount of money that was tendered.

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176 William Robertson, *Ayrshire: Its History and Historic Families* 2 (1908), 7.

177 Bruce Webster, *op.cit.* (1982), 302.

178 Bruce Webster, *op.cit.* (1982), 363-4.

179 Hector L MacQueen, *op.cit.* (2003), 91. This property became an issue between the two families again in 1466 when Gilbert Kennedy and Robert Fleming were suing over the '*40 merk land*'

180 Joseph Bain, *op.cit.*, Vol.3 (1887), 434. The '*sons and heirs'* of John Kennedy of Dunure were hostage for David II in 1354 (Bain, no.1576). This may imply, as cited in Bain, that there was an older son John, who was given as hostage in 1354, and that Gilbert took his place upon his death. Gilbert Kennedy was handed over to Alan de Strother, Sheriff of Northumberland on 3 October 1357. Thomas Fleming, heir of the Earl of Wigtown, was delivered to Alan de Strother the same day. There were only six boys delivered to the Sheriff of Northumberland.

181 John Maitland Thomson, *op.cit.* (1912), 167. Hector L MacQueen, (*op.cit.,* 1998, 286) makes the statement that Kirkintilloch was probably the ancestral land of John Kennedy and that he passed it to Gilbert Kennedy his son and heir. The charter shows that the land was obtained from Thomas Fleming, Earl of Wigtown.

182 James Dennistoun, *Cartularium comitatus de Levenax ab initio seculi decimi tertii usque ad annum M.CCC.XCVIII. : Ad fidem apographi in Bibliotheca Facultatis juridicae edinensis servati cum aliis m.s.s. collati*. (1833), 30-1.

This, as well as the special form of address, assures that there was a kinship between these men.

Cassillis

Cassillis was held by the Montgomery family. The origin of their possession of this property is unknown. *The Scots Peerage* recounts the story that Sir Neil Montgomery, son of Alan Montgomery, who is said to have died in the massacre of Ayr in 1296-7, was given the land by the Earl of Carrick.[183] It passes off as fiction the existence of both Sir Neil Montgomery and his daughter Christian Montgomery. Sir Neil Montgomery did not sign either the Ragman Roll of 1291 that supported the Guardians of Scotland or the roll of 1296 declaring fealty to Edward I, *Scots Peerage's* basis for his non- existence. Alan Montgomery, his father who did exist, did not sign either roll. In addition there is a charter that names Christian Montgomery as the holder of Cassillis sometime before 1362.

Alan Montgomery must have been the foster father of Robert Bruce, Earl of Carrick, later Robert I of Scotland. Alan Montgomery was loyal to the Earls of Carrick and it was for this reason he was chosen to foster the future king. In 1328, for support in his old age, Alan Montgomery was given charters by Robert I confirming land to him in Stairs and Cassillis.[184] This was Robert's obligation to Alan Montgomery as his foster father.

Celtic fosterage was an important part of Scottish life in the older families and clans. The tie between the foster family and the client was as strong as blood ties in their original family. These arrangements made the clan stronger. Robert's foster family consisted of three brothers Neil, Alan and John.[185] The death of Neil was reported to have occurred at the barn burning in Ayr of 1296-7. Neil left a daughter Christian as his heir. Alan's death is unknown and he died without heirs. This could well be the foster brother written about in Fordoun who died in 1307 protecting Robert from being captured. John, the youngest brother, left a daughter Marjory who was heir to her cousin Christian Montgomery as well as to her father and grandfather.

Before 1329 Marjory, granddaughter of Alan Montgomery had become the nurse to the future David II. She married Sir Malcolm Fleming and outlived her husband. Before 1362 Christian Montgomery died and, having no other heirs, left Cassillis to her cousin Marjory.[186] In her widowhood Marjory granted Cassillis to John Kennedy.[187] This charter is sealed not only with her seal but also with the seal of Thomas Fleming

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183 James Balfour Paul, *op.cit.* 3 (1906), 426.

184 James Patterson, *op.cit.* (1852), 260.

185 James Patterson, *op.cit.* (1852), 260-1.

186 James Dennistoun, *op.cit.* (1833), 20-2.

187 William Fraser, *Memorials of the Montgomeries Earls of Eglington*. (1859), 16.
On 15 November 1381 Robert II confirmed a charter of Marjory Montgomery granting Staire and Kylmore to Malcolm son of Henry Fergus de Carrick. Henry Fergus must have married a daughter of John Kennedy of Dunure and taken the name de Carrick which he changed to Kennedy. Malcolm de Carrick's eventual heir in 1450 was Agnes Kennedy who carried the land to the Dalrymple family. It is also likely that Henry Fergus was also known as Fergus Kennedy and is probably the man of that name mentioned in the 28 October 1393 charter of Sir Gilbert Kennedy granting Buchmonyn to Fergus' son John Kennedy. Stair was the other main property held by the Montgomery family that passed to the heirs of John Kennedy of Dunure.

Earl of Wigtown as well as the seals of Duncan Wallace, Sheriff of Ayr[188] and Crosraguel Abbey.[189] The seal of her grandson Thomas Fleming was necessary as he was the heir to Sir Malcolm Fleming and the passing of her inheritance to John Kennedy required his assent. The only plausible reason for this gift would have been that Marjory could see the frivolousness[190] of her grandson and that John Kennedy was one of her heirs. Cassillis remained in the Kennedy family for generations.

Conclusion

The heirs of Eva de Hodelholm were the ancestors of some of the more influential people of this time period. They were involved in the Scottish Wars of Independence. They witnessed the change of Scottish history not knowing the outcome of events, reacting to each as a separate occurrence not part of a pattern. Decisions were based on loyalty, relationships and desired results as Scotland was a fledgling entity fighting for its survival. The events that shaped the country into a nation also created branches of these families that would attain prominence in later eras.

Acknowledgments

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[188] Duncan Wallace was a cousin of John Kennedy by marriage. He was the fourth husband of Eleanor Douglas, Countess of Carrick who was a niece of Sir James Douglas and a first cousin to the wife of Gilbert de Carrick the Elder. John was also a witness to the charter of Duncan Wallace and Eleanor Douglas 11 August 1370 (Webster, 1982, p. 496).

[189] James Dennistoun, *op.cit.* (1833), 20-2.

[190] Thomas Fleming, Earl of Wigtown, lost almost all the inheritance he obtained from his grandfather. In 1371 he sold the entire barony of Wigtown to Archibald Douglas. This charter is in the online appendix. Fleming gave away portions of his estate such as Kirkintilloch to Gilbert Kennedy. He died childless and the remaining portion of his lands was inherited by the Flemings of Biggar.

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APPENDIX (including additional material for the online version – shown in blue font):

CARTULARIUM COMITATUS DE LEVENAX AB INITIO SECULI DECIMI TERTII USQUE AD ANNUM M.CCC.XCVIII.AD FIDEM APOGRAPHI IN BIBLIOTHECA FACULTATIS JURÍDICA EDINENSIS SERVATI CUM ALUS M.S.S. COLLATI IMPRESSUM EDINBURGI M.D.CCC.XXXIII. Maitland Club Vol.24.

Pages 29-30:

Carta terrarium de Buchmonyn et de Gilgirinane Arthuro Galbraith

Omnibus hoc scriptum visuris vel audituris Macolmus comes de Levenax salutem in Domino sempiternam. Noveritis nos dedisse concessisse et hac presenti carta nostra confirmasse Arthuro Galbraith et heredibus suis vel assignatis, quacunque hora assisgnaverit, pro homagio et servitio suo illam quartarium terre de Buchmonyn propinquior est terre de Blarnefode et illam dimidiam quartarium terre de Gilgirinane que propinquior est terre de Cartonewene et Tyrwaldouny, cum omnibus rectis divisis suis, libertatibus, aysiamentis, ad dictas terras spectanitibus vel de jure spectare valentibus:Tenendas et habendas sibi et heredibus suis vel assignatis de nobis et heredibus nostris, in feodo et hereditate, in bosco et in plano, in pratis et pascuis, in viis et semitis, in moris et maresiis, in aquis et stagnis et molendinis, in piscariis vivariis aeriis et venationibus, et in omnibus aliis libertatibus et asiamentis ad dictas terras spectantibus, vel aliquo modo spectare valentibus de jure, adeo libere quiete plenarie integre et honorifice, sicut aliqua terra liberius quietius et honorificentius sit data ab aliquo comite vel barone in regno Scotie: Faciendo inde mihi et heredibus meis in forinseco servitio domini Regis quantum pertinet et unam quartariam terre in comitatu de Levenax in servitio Scoticano, pro omnibus servitiis secularibus consuetudinibus exactionibus et demandis. Nos vero et heredes nostri, dicto Arthuro et heredibus suis vel assignatis, predictas terras in omnibus ut predictum est contra omnes hominess et feminas warantizabimus acquietabimus et defendemus in perpetuum. In cujus rei testimonium presenti scripto sigillum nostrum apposuimus. Hiis testibus, domino Patricio de Grahame, dominis Duncano filio Amelech et Roberto de Colquhoune militibus, Thoma de Cremenane, Malcolmo de Drummond, Michaele Mackeffan, Waltero Sprewl, et aliis.

Abstract:

To all that read or hear this charter of Malcolm [4th] earl of Lennox may the Lord ever preserve and keep you. Be it known that by this charter I give, deed and confirm to Arthur Galbraith and his heirs or assigns continuously for his homage and service that fourth of the land of Buchmonyn which is inclining toward Blarnefode and that eighth of the land Gilgirinane that is inclining towards the land of Cartonewene and Tyrwaldouny, with all its right divisions, liberties, easements, that belong or may rightfully belong to the said lands: to have and hold to himself and his heirs or assigns of us and our heirs in fee and heredity, in forest and in plain, in meadows and pastures, in ways and in paths, in moors and marshes, in waters and in ponds and in mills, in fisheries, fishponds, bird nesting grounds and deer parks, and in all liberties and easements belonging or at one time belonging to the said lands, to hold freely quietly fully nobly and honorably just as freely quietly and honorably as any land whatsoever in any earldom or barony in the kingdom of Scotland. He will do forinsec service to the king for me and my heirs as is required of a fourth of land in the earldom of Lennox in the service of Scotland for all secular and customary services, exactions and demands. Truly we and our heirs will warranty and defend perpetually the said lands of Arthur and his heirs or assigns against all other men and women. In testimony of which I append my seal. Witnesses: Sir Patrick Graham, Sir Duncan son of Amelech and Sir Robert de Colquhoune, knights, Thomas de Cremenane, Malcolm Drummond, Michael Mackeffan, Walter Sprewl and others.

Pages 43-44:

Carta terrarum de Cronverne et Buchmonyne Gilberto de Carric.

Omnibus hanc cartam visuris vel audituris Malcolmus comes de Levenax salutem in Domino sempiternam. Noveritis, me dedisse concessisse et hac presenti carta mea confirmasse, Gilberto de Carric filio et heredi quondam domini Gilberti de Carric militis, illam quartariam terre que dicitur Cronverne, et illam quartariam terre que vocatur Buchmonyn propinquius adjacentem terre de Ballatt, in comitatu nostro de Levenax, et illam petiam terre que dicitur Blarefode adjacentem dicte terre de Cromverne, pro suo fideli servitio nobis facto et in tempore vite sue faciendo : Tenendas et habendas predicto Gilberto heredibus suis et suis assignatis, in feodo et hereditate, de nobis et heredibus nostris, libere quiete integre et honorifice, per onmes rectas divisis suas, in

bosco et plano, in pratis et pascuis, in Tus et limitis, in aquis et stagnis, in molendinis et multuris, in merchetis, et abstractione sanguinis que dicitur bludwytys, et cum omnibus aliis libertatibus commoditatibus aisiamentis et justis pertinentiis suis, tam non nominatis quam nominatis, ad dictas terras pertinentibus vel aliquomodo pertinere valentibus, sine contradictione vel revocatione quacunque : Reddendo inde annuatim dictus Gilbertus et heredes sui, nobis et heredibus nostris, unum denarium argenti tantum, nomine albe firme ad festum natalis Domini si petatur, pro omni alio onere servitio seculari exactione vel demanda, que de dictis terris aliquo titulo exigi poterint aut requiri. Nos vero Malcolmus et heredes nostri, omnes terras antedictas cum suis pertinentiis ut premittitur, predicto Gilberto et heredibus suis et suis assignatis contra omnes mortales warantizabimus acquietabimus et in perpetuum defendemus. In cujus rei testimonium presenti carte sigillum nostrum fecimus apponi. Hiis testibus, dominis Malcolmo filio nostro et Ada More milltibus, Gilberto de Drummond, Malcolmo de Lus, Patricio Galbraith, et aliis.

Abstract:

To all that read or hear this charter of Malcolm [5th] earl of Lennox may the Lord ever preserve and keep you. Be it known that by this charter I give, deed and confirm to Gilbert de Carric son and heir of the former Sir Gilbert de Carric knight a fourth of that land called Cronverne and a fourth of that land called Buchmonyn that is closest to the adjacent land of Ballatt in our earldom of Lennox and that land inclining toward that called Blarefode adjacent to the said land of Cronverne for his faithful service made to us and that he will make in his lifetime: the aforesaid Gilbert, his heirs and assigns, to have and hold in fee and heredity of us and our heirs freely quietly nobly and honorably by all its proper boundaries, in forest and plain, in meadows and pastures, in incense(?) and boundaries, in waters and ponds, in mills and multures+ ,in merchetis* , and fines imposed in petty riots where blood is drawn that are called bloodwytes and with all other liberties, commodities, easements and just pertinents that are not so far named which named will be able to pertain or at one time will pertain to the said land without contradictions or revocations to the whole. Annual rent of the said Gilbert and his heirs to be paid to us and our heirs one silver mark only, called white rents, at Christmas if requested for all other secular services exacted or demanded of the said land by some other power or authority. We in truth, Malcolm and our heirs will perpetually defend and warranty all the aforesaid lands with all pertinents and rights of the aforementioned Gilbert, his heirs and assigns against all other persons. In testimony of which I append my seal. Witnesses: Sir Malcolm our son, Adam More knight, Gilbert Drummond, Malcolm de Luss, Patrick Galbraith and others.

+grain paid to the mill owners.

*Taxes paid to the feudal lord upon the marriage of daughters. This is where the idea of '*jus primae noctis*' originated.

Page 44-45:

Confirmatio terrarum de Buchmonyn Johanni Kennyde.

Omnibus hanc cartam visuris vel audituris Duncanus comes de Levenax salutem in Domino sempiternam. Vestra noverit universitas, nos ratificasse approbasse et hac presenti carta nostra confirmasse illas donationem et concessionem, quas dominus Gilbertus Kennyde miles dominus de Dunhower fecit et concessit dilecto consanguineo suo Johanni Kennyde filio Fergusii Kennyde, de terris suis de Buchmonyn cum suis justis pertinentiis quibuscunque, adjacentibus in comitatu de Levenax. infra vicecomitatum de Strivelyng : Tenendas et habendas predictas terras de Buchmonyn cum pertinentiis, predicto Johanni Kennyde heredibus suis et suis assignatis, de dicto domino Gilberto Kennyde et heredibus suis, in feodo et hereditate in perpetuum, adeo libere quiete bene et in pace, in omnibus et per omnia, licut carta dicti domini Gilberti, de donatione et concessione predicto Johanni Kennyde inde confecta, in se juste proportat et testatur, salvo nostro servitio. In cujus rei testimonium sigillum nostrum presentibus est appensum. Hiis teftibus, domino Johanne de Maxwell de Pollok milite, Umfredo de Colquhoune domino ejusdem, domino Willielmo filio Ade rectore de Lus, Alexandro de Levenax, Gilberto de Galbraith et Gilberto Cochrane, cum multis aliis. Datum apud Inchemuryn, vicesimo octavo die mensis Octobris, anno domini millesimo tricentesimo nonagesimo tertio.

Abstract:

To all that read or hear this charter of Duncan [6th] earl of Lennox may the Lord ever preserve and keep you. Be it wholly known we ratify approve and by this charter confirm that donation

and grant which Sir Gilbert Kennedy knight lord of Dunure made and granted to his beloved cousin* John Kennedy son of Fergus Kennedy of his lands of Buchmonyn with his just pertinents by which whatsoever adjacent in the earldom of Lennox in the sheriffdom of Stirling: The previously mentioned John Kennedy, his heirs and assigns to have and hold the aforesaid lands of Buchmonyn with pertinents of the said Sir Gilbert Kennedy and his heirs in fee and heredity in perpetuity, to hold freely quietly rightly and in peace, in all and for all the said charter allowed Sir Gilbert, thereafter conferred to the aforesaid John Kennedy by this gift and concession in just claim and witness, save our service. In testimony of which my seal is appended. Witnesses: Sir John Maxwell of Pollock knight, Sir Humphrey Colquhon the same [knight], Sir William son of Adam rector of Luss, Alexander Lennox, Gilbert Galbraith and Gilbert Cochrane with many others. Dated at Inchmurrin 28th day of October in the year of our Lord one thousand three hundred ninety three.

*John Kennedy son of Fergus Kennedy appears to be his nephew.

The Register of the Great Seal of Scotland A.D. 1306-1424, Vol. I, edited by John Maitland Thomson, H.M. general register House, Edinburgh 1912.

Page 167:

No. 466 Confirmacio Giliberti Kenedy militis.

Robertus etc., omnibus, etc. Sciatis nos approbasse, etc. donacionem illam et concessionem quas Thomas Flemynge nepos et heres quondam Malcolmi Flemynge comitis de Wygtona fecit et concessit dilecto nostro Gilberto Kenedy militia, de villa de Kyrkyntulache cum pertinenciis: Tenenda et habenda dicto Gilberto et heredibus suis, adeo libere in omnibus et per omnibus sicut carta dicti Thome dicto Gilberto exinde confecta in se juste continent et proportat salvo servicio nostro. In cujus rei, etc. Testibus, etc. Apud Arnele, decimo tercio die Maii anno regni nostro tercio.

R. ii. 39

Abstract:

Robert [by the grace of God King of Scotland, etc.] to all his people, etc. Be it known we approve, etc. that gift and grant which Thomas Fleming grandson and heir of the former Malcolm Fleming, earl of Wigtown, made and granted to our beloved Gilbert Kennedy knight of the burgh of Kirkintilloch with pertinents: to have and to hold to the said Gilbert and his heirs freely in all and by all this charter grants to the said Gilbert as it was held by the said Thomas by right service due to the king. In testimony of which my seal is appended etc. Witnesses etc. Signed at Arnele the 13th day of May in the third year of our reign. [13 May 1373]

Page 184-185:

No. 507 Confirmacio Archebaldi de Douglas

Robertus Dei gracia rex Scottorum omnibus probis hominibus, etc. Sciatis quod cum Archebaldus de Douglas miles consanguineus noster carissimus de mandato nostro ad hoc summonitus et ad nostrum vocatus presenciam nobis Ostend[er]it et exhibuerit in pleno nostro consilio tento apud Strivelyne ibidem propter hoc specialiter congregato, cartam Thome Flemynge alias com[i]tis de Wygtone de et super vendicione ac alienacione comitatus ejusdem prefato Archebaldo confectam, cum aliis evidenciis pro jure ipsuis Thome Flemynge et prefati Archebaldi in hac parte facientibus nos eandem cartam sic nobis exhibitam et ostensam ibidem de mandato nostro visam lectam inpectam et diligenter examinatam per nos et dictum nostrum consilium, sigillo que dicti Thome Flemynge sigillatam, non cancellatam non visiatam non rasam non abolitam nec in aliqua sui parte suspectam set omni vicio prorsus et suspicion carentem de verbo in verbum intelleximus sub hac forma.---Omnibus hanc cartam, etc. Thomas Flemynge comes de Wygetone salute in Domino sempiternam. Noveritis me non vi aut metu ductum nec errore lapsum set mera et spontanea voluntate mea in magna necessitate urgent et inevitabili constirutum et precipue propter magnas et graves discordias et inimic[ic]ias capitals alias inter me et majors indegenas comitatus predicti exortas vendidisse ac titulo vendicionis imperpetuum concessisse nobili et potenti viro domino Archebaldo de Douglas militia, domino Galwydie ex oriental parte aque de

Creth totum comitatum meum de Wygtone supradictum cum pertinenciis, ac totum jus et clameum quod michi heredibus vel assignatis meis in dicto comitatu cum pertinenciis competit seu competere poterit quonodolibet infuturum in prefatum Archebaldum pure simpliciter absolute et imperpetuum transtulisse pro una certa et notabili summa peccunie michi in mea magna et urgent necessitatepredicta pre minibus persoluta, de qua summa fateor me bene et integer persolutem: Tenedum et habendum prefato Archebaldo heredibus suis et suis assignatis in feodo et hereditate, per omnis metas et divisas suas, in pratis, pascuis et pasturis, moris, marresiis, viis, semitis, aquis, stagnis, molendinis, multuris, cum bondis et bonagiis ac eorum sequelis, aucupacionibus, venacionibus et piscariis, ac cum ecclesiarium advocacionibus cum furca et fossa, sok et sak, toll et teme, infangandtheffe et outefangandtheffe, cum feodis et forisfacturis et eschaetis, cum wardis releviis et maritagiis, cum tenandiis ac liberetenencium serviciis, necnon cum omnibus aliis et singulis libertatibus commoditatibus aysiamentis justis pertinenciis liberis consuetudinibus ad dictum comitatum spectantibus vel quomodolibet spectare valentibus quoquo titulo sive jure, adeo libere et quiete plenary et honorifice integer in omnibus et per omnis sicut ego Thomas predictus dictum comitatum de Wygtona liberius quiecius plenius integrius et honorficencius tenui et possedi seu aliqui predecessorum meorum dictum comitatum tenuerrunt et possiderunt, In cujus rei testimonium sigillum meum presentibus est appensum. Datum apud Edynburghe, octavo die mensis Februarii anno Domini millesimo trecentesimo septuagesimo primo. Hiis testibus, Waltero Dei gracia abate Sancti Nemoris, Willelmo Monypeny rectore ecclesie de Cambiskange, Nigello de Conyghame, Thoma de Rath, Nicholao Smerles, burgensibus de Drumfres, et multis aliis.---Quam quidem cartam sic nobis exhibitam et ostensam in omnibus punctis condicionibus articulis et circumstanciis universis forma partier et effectu per omnia ratificamus approbamus et pro nobis et heredibus nostris imperpetuum confirmamus. Salvo servicio nostro. In cujus rei testimonium presenti carte confirmacionis nostre nostrum precepimus apponi sigillum. Testibus etc., Apud Strivelyne, septimo die mensis Octobris anno regni nostril secundo.

R iii 5

Translation from The Records of the Parliaments of Scotland to 1707 at http://www.rps.ac.uk/

Charter: ratification of a charter of Thomas Fleming to Sir Archibald Douglas

Robert by the grace of God king of Scots, to all good men, etc. Know that since Sir Archibald de Douglas, our most beloved kinsman, summoned to this end by our mandate and called to our presence, revealed and displayed in our full council held at Stirling, assembled specially in the same place on account of this, a charter of Thomas Fleming, formerly earl of Wigtown, made concerning and upon causing a sale and alienation of the same earldom to the aforementioned Archibald, with other evidences for the right of this Thomas Fleming and the aforementioned Archibald in this regard. We have understood the same charter, having been displayed [and] revealed in this way in the same place by our mandate, and seen, read, inspected and diligently examined by us and our said council, and sealed by the seal of the said Thomas Fleming, neither cancelled, damaged, erased nor destroyed, and not distrusted in any of its parts, but free of fault and suspicion entirely, word for word under this form.

To all who [see or read] this charter, etc., Thomas Fleming, earl of Wigtown, eternal greeting in the Lord. Know that I, not lead by force or fear nor by an erroneous lapse, but brought about by my pure and spontaneous desire in a great, urgent and unavoidable necessity, and especially on account of the great and heavy disagreements and other mortal enmities which formerly had arisen between me and the more powerful denizens of the aforesaid earldom, have sold and granted in perpetuity by title of sale to the noble and mighty man Sir Archibald de Douglas, lord of Galloway, from the east side of the River Cree, all my abovesaid earldom of Wigtown with the pertinents, and have transferred purely, simply, absolutely and in perpetuity all right and claim that is applicable or may be applicable in any way in the future to me, my heirs or assignees in the said earldom with the pertinents, onto the aforementioned Archibald for one fixed and notable sum of money paid to me in my aforesaid great and urgent necessity by hand, concerning which sum I acknowledge has been well and fully paid to me. To be held and had by the aforementioned Archibald, his heirs and his assignees in fee and heritage, by all its rightful boundaries and divisions, in meadows, grazing-lands and pastures, muirs, marshes, ways, footpaths, rivers, ponds, mills, multures, with bonds and

bondages and their inhabitants, hawking-places, hunting-grounds and fisheries, and with patronages of churches, with gallows and pit, soke and sac, toll and theame, infangthief and outfangthief, with fees and forfeitures and escheats, with wards, reliefs and marriages, with the tenancies and services of freeholders, also with all and singular other liberties, profits, easements, lawful pertinents [and] free customs pertaining to the said earldom or which may pertain in any way, by whatever title or law, as freely and quietly, fully, honourably and integrally in and by all ways as I, the aforesaid Thomas, as freely, quietly, fully, integrally and honourably held or possessed the said earldom of Wigtown, or any of my predecessors held or possessed the said earldom. In testimony of which matter my seal is appended to the present [letters]. Given at Edinburgh on 8 February A.D. 1371. With these witnesses, Walter, by the grace of God abbot of Holywood, William Monypenny, parson of the church of Cambuslang, Neil de Cunningham, Thomas de Raith, Nicholas Smerles, burgesses of Dumfries, and many others.

Which very charter, displayed and revealed in this way to us, we ratify, approve and confirm for ourselves and our heirs in perpetuity in all points, conditions articles and circumstances, in equal form and effect in all ways, saving our service. In testimony of which matter we have ordered our seal to be appended to our present charter of confirmation. Witnesses, etc. At Stirling, on 7 October in the second year of our reign [1372].

Page 185-186:

No. 508 Confirmacio Johannis Kenedy

Robertus Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue salutem. Sciatis [quod] nos cartam confirmacionis bone memorie domini Alexandri regis Scocie non rasam non cancellatam nec in aliqua sui parte viciatam set omni vicio prorsus et suspicion carentem de verbo in verbum intelleximus, sub hac forma. ---Alexander Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue salute. Sciatis nos concessisse et hac presenti carta nostra confirmasse concessionem illam et donacionem quam Nigellus comes de Carryk fecit Rolando de Carryk et heredibus suis, videlicet ut dictus Rolandus et heredes sui sint capud tocius progeniei sue tam in calumpniis quam in aliis articulis et negociis ad Kenkynolle pertinere valentibus, una cum officio ballivi predicte terre et hominum ipsuis duccione in omnibus sub comite qui pro tempore fuerit , adeo libere et quiete sicut in carta ipsuis Nigelli prefato Rolando et heredibus suis exinde confecta plenius continetur Salvo jure cujuslibet. Hiis testibus Alexandro senescallo Scocie, Jacobo filio suo, et Ricardo de Stratona. Datum apud Strivelyne, vicesimo die Januarii anno regni nostri vicesimo septimo. ---Quam quidem cartam confirmacionis in omnibus punctis, etc., Approbamus ratificamus et pro nobis et heredibus nostris in perpetuum confirmamus. Salvo servicio nostro. In cujus rei, etc. Testibus, etc. Apud Are, primo die Octobris anno regni nostri secundo.

R. iii. 6

Abstract:

Robert by the grace of God king of Scotland to all his people in the entire land greetings. Be it known that our charter confirms that [one] which was made by Alexander [III] king of Scotland, of blessed memory, not cancelling or changing any portion of it and setting it forth word for word in this following form:

Alexander by the grace of God king of Scotland to all his people in the entire land greetings. Be it known by these presents that we grant and by our charter confirm that grant and donation which Neil Earl of Carrick made to Roland de Carrick and his heirs granting to the said Roland and his heirs that they will be head of the lineage [clan] allowing them Calumpniis [traditional fees] that in all agreements and negotiations will rightly belong to the Kenkynolle. That [Roland de Carryk] the Baillie of the aforesaid lands and the men he leads will in all things be under the command of the Earl at any time. [The Kenkynolle] will be held freely and quietly with all the same rights as it was held by Neil Earl of Carrick. Witnesses: Alexander High Steward of Scotland, James [Stewart] his son and Richard de Straton. Dated at Stirling the 20th day of January in the 27th year of our reign [1276].

We and our heirs do hereby approve, ratify and reconfirm all that was set forth above in perpetuity. This will be maintained by service to us. In testimony of which my seal is appended, etc. Witnesses, etc. Granted at Arnele the 1st day of October in the second year of our reign. [1 October 1372].

Page 186:

No. 509 Confirmacio Johannis Kenedy

Robertus, etc., ut supra. Sciatis nos cartam bone memorie Nigelli comitis de Carryk non rasam non cancellatum, etc. ut supra, sub hac forma.---Omnibus hanc cartam visuris vel audituris Nigellus Comes de Carryk salutem in domino sempiternam. Noverit universitas vestra nos concessisse pro nobis et heredibus nostris et hac presenti carta nostra inperpetuum confirmasse domino Rolando de Carryk et heredibus suis, ut ipse et heredes sui sint capud tocius progeniei sue tam in calumpniis quam in aliis articulis et negociis ad Kenkenolle pertinere valentibus, adeo libere et quiete sicut predicta libertas ab aliquot tempore liberius et commodious habita fuerat vel haberi poterit et quod habeant predictus Rolandus et heredes sui officium ballivi et hominum nostrorum duccionem in predicta terra sub nobis et heredibus nostris in perpetuum, absque contradiccione seu revocacione quacunque per nos vel per heredes nostros aliquando facienda. Nos vero et heredes nostri predictum Rolandum et heredes suos in omnibus et sigulis articulis prescriptis contra omnes mortals warantizabimus manutenebimus et in perpetuum defendemus. Et ut hac donacio et concession nostra firmitatem habeat, presentam cartam sigillum nostrum munimine fecimus robirari. Testibus Domino Alano Hostario justiciario Scocie, Domino Colino fratre ejusdem. Dominis Bartholomeo Flamensi, Ricardo Masculo, Thoma de Conyngisburghe, Waltero Marescallo, militibus, Henrico McKynbethy, Willelmo capellano et multis aliis. ---Quam quidem cartam in omnibus punctis, etc., approbamus ratificamus et pro nobis et heredibus nostris in perpetuum confirmamus. Salvo servicio nostro. In cujus rei, etc. Testibus, etc. Apud Are, primo die mensis Octobris anno regni nostri secundo.

R. iii. 7

Abstract:

Robert by the grace of God king of Scotland to all his people in the entire land greetings. Be it known that our charter confirms [one] which was made by Neil Earl of Carrick, of blessed memory, not cancelling or changing any portion of it and setting it forth word for word in this following form:

To all that read or hear this charter of Neil earl of Carrick may the Lord ever preserve and keep you. Be it wholly known we grant for us and our heirs and by this charter we confirm in perpetuity to Sir Roland de Carrick and his heirs that he himself and his heirs will be head of the lineage [clan] allowing them Calumpniis [traditional fees] that in all agreements and negotiations will rightly belong to the Kenkynolle. These aforesaid liberties to hold freely and quietly just as they were held before [the grant]. The aforesaid Roland and his heirs as the Baillie of Carrick, and our men he leads in the aforesaid land will be under [the command] of us [the Earl] and our heirs forever without exception unless revoked by us or our heirs. We and our heirs truly warranty and maintain these gifts to the said Roland and his heirs and will defend them from each and every other person. To this final charter I set my seal. Witnesses: Sir Alan Durward Justiciar of Scotland, Sir Colin his brother; Sir Bartholomew Flamville, Sir Richard Masculo, Sir Thomas Connisburgh, Sir Walter Marshall knights; Henry McKynberthy, William the Chaplin and others.

We and our heirs do hereby approve, ratify and reconfirm all that was set forth above in perpetuity. This will be maintained by service to us. In testimony of which my seal is appended, etc. Witnesses, etc. Granted at Arnele the 1st day of October in the second year of our reign. [1 October 1372].

Pages 186-187:

No. 510 Confirmacio Johannis Kenedy

Robertus, etc., ut supra. Sciatis nos literas recolende memorie domini avi nostri domini Roberti Dei gracia regis Scottorum illustris non rasas non cancellatas nec in aliqua sui parte viciatas intellexisse ad plenum, in hec verba. ---Robertus Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue ad quos presents litere pervenerint salute. Sciatis nos ex nostra gracia speciali comuni consensus nostri sani consilii totaliter ex corde remisisse Gilberto de Carryk militia, omnem animi nostri rancorem quem erga eundem concepimus racione quod castrum nostrum de Louchdone per Arthurum generum suum sursum reddebatur in minibus Anglicorum, et tradicionis causa Cristofori de Setona generi nostri predilecti sibi imposite licet minus juste ut verius intelleximus concedentes eidem Gilberto et heredibus suis sanum statum de omnibus et

singulis terries et tenementis suis cum omnibus suis libertatibus comoditatibus atque justis pertinenciis, tam in officiis excercendis quam in eschaetis quibiscunque levandis prout predictus Gilbertis vel antecessors sui liberius seu comodius ab aliquo tempore possessionem habuerunt in premissis. Quare firmiter inhibemus ne quis pro causis predictis Gilbertam vel heredes suos aliquando vexare molestare presumat super nostrum plenarium forisfacturam. In cujus rei testimonium presentibus literis sigillum nostrum apponi fecimus. Hiis testibus, Edwardo de Brwys, Jacobo senescallo Scocie, Thoma Ranulphi, Johanne de Menetethe, Nigello Cambelle, militibus, Jacobo Domino de Douglas, Alexandro Fraser, Waltero de Bykyrtona, Henrico de Anandia clerico, et multis aliis.

R. iii. 8

Abstract:

Robert by the grace of God king of Scotland to all his people in the entire land greetings. Be it known that our letter resumes [a charter] which was made by our grandfather, Sir Robert by the grace of God illustrious king of Scotland, of [blessed] memory, not canceling or changing any portion of it and setting it forth in these words:

Robert by the grace of God king of Scotland to all his people in the entire land and to those who read this greetings. Be it known that we after the sound counsel of our advisors out of our heart and of our special grace remit Gilbert de Carrick knight of all the wrath in our soul as the cause of the surrender of the Castle of Loch Doon by Arthur his son-in-law and the betrayal of Christopher Seton our well beloved brother-in-law into English hands:imposed without just enquiry into the truth, grants to the same Gilbert and his heirs a secure title to the lands, tenements with pertinents, conveniences and liberties that in the performance of duty have escheated [to the crown]. These are to be held by the said Gilbert just as freely and conveniently as his ancestors possessed them. Anyone who causes annoyance or vexation to the said Gilbert or his heirs will be firmly restrained and should anticipate our action [against them]. In testimony of which my seal is appended. Witnesses Edward Bruce, James High Steward of Scotland, Thomas Randolph, John de Mentieth, Neil Campbell, knights; Sir James Douglas, Lord of Douglas; Alexander Fraser; Walter de Berkley; Henry de Annandale clerk and many others.

Charters of the Abbey of Crosraguel Vol. I., printed for the Ayrshire and Galloway Archaeological Association, Edinburgh, 1886.

Pages 20-22:

13. Charter by Marjory de Montgomery to John Kennedy, of the Lands of Cassillis in Carrick.—[Not dated: circa 1360.]*



Omnibus haue cartam visuris vel audituris Marioria de Mundegumry consanguiuea ac heres Christiane de Mundegumry salutem in Domino sempiternam Noverint quod ego in mea pura et legitima viduitate non vi nec metu conducta set pura et spontauea mea volúntate dedi ac vendicionis titulo concessi ac vendidi et hac presentí carta mea confirmavi, necnon dono et concedo titulo quo supra et per eandem cartam meam confirmo Johanni Kenedy hereditarie omnes térras que me hereditario iure contingunt infra feoclum militare de Castlys in comitatu de Carrie infra vicecomitatum de Are et totum ius et clameum quos habeo vel habere potero pro me vel meis heredibus in toto vel in parte ipsius feodi militaris de Castlys. Tenendas et habendas eidem Johanni heredibus et assignatis suis de superioribus dominis feodi supradicti qui pro tempore fuerint in feodo ac hereditatc per omnes rectas et antiquas metas et divisas suas adeo libere quiete pleuarie integre et honorifice in bostis plañís pratis pascuis et pasturis morís maresiis viis semitis aquis stagnis multuris molendinis et eorum sequelis aucupaeionibus piscacionibus et venacionibus terris cultis et non cultis et cum omnibus aliis libertatibus commoditatibus aysiamentis et iustis pertinenciis tarn non uominatis quam nominatis tarn sub terra quam supra terrain ad dictas terras et feodum militare spectantibus seu iuste spectare valentibus in futurum sicut ego Marioria predicta aut antecessores mei quicunque quibuscunque temporibus retroactis dictas terras aut dictum feodum militare de Castlys cum pertineneiis liberius tenui seu possedi tenuerunt seu posséderont Faciendo superioribus dominis predictarum terrarum seu supradicti feodi militaris predictus Johannes heredes sui et sui assignat servicium de predictis terris et de predicto feodo militari de Castlys cum pertinenciis debitum et consuetum Et ego Marioria predicta et heredes mei omnes predictas terras de Castlys cum pertinenciis eidem Johanni Kenedy heredibus suis et suis assignatis contra omnes homines et feminas warantiabimus acquietabimus et imperpetuum defendemus. In cuius rei testimonium presenti carte mee sigillum meum est appensum et ad maiorem huius rei securitatem et evidenciam pleniorem sigilla communia monasterii de Crosseragwell et burgi de Are una cum sigillis Thome Flemyng comitis de Wygtona et domini Duncani Wallays militis tune vicecomitis de Are presenti carte mee gracia testimonii apponi procura vi Testibus venerabilibus in christo patribus Johanne Dei gracia abbate de Pasleto et Roberto abbate de Kyllewynnyne Alano [Sen]escallo Malcolmo Sawelsone Willelmo de Echlys Patricio filio Symonis Finlao de Keris cum multis aliis.

*This charter was confirmed by David II about 1361-1362 (Thomson, 1912, No. 29, No. 32). It was definitely after 1359 as Malcolm Fleming was no longer Earl of Wigtown. John, abbot of Paisley served 1362-1370

Abstract:

Charter by Marjory of Montgomery, cousin and heir of Christian of Montgomery, in her pure widowhood, in favour of John Kennedy, of all the lands belonging to her in heritage, within the military fee of Cassillis, in the earldom of Carrick and shire of Ayr. To hold of the lords superiors of the said fee, in fee and heritage, to the said John, his heirs and assignees, for the service due and wont. Sealed with the grantor's own seal, and for the greater security and fuller evidence she procured the common seals of the monastery of Crosraguel and of the burgh of Ayr, respectively, together with the seals of Thomas Flemyng, Earl of Wigton, and Sir Duncan Wallace, Knight, then Sheriff of Ayr, to be set to the charter, for the sake of testimony, before these witnesses, the venerable John Abbot of Paisley, and Robert Abbot of Kilwinning, Alan Stewart, Malcolm Saulsone, William of Echles, Patrick son of Symon, Finlay of Kerse, etc.

Pages 26-27:

16. Charter by Malcolm, son of Roland of Carrick, to John Kennedy of Dunure, of the Lands of Treuchane and Kenethane.—[No date: circa 1370.]



Omnibus hanc cartam visuris vel audituris Macolmus filius Rolandy de Carryc salutem in domino sempiternam Noveritis me dedisse concessisse et hac presenti carta mea pro me et heredibus meis inperpetuum confirmasse Johanni Kenedi domino de Donnowyr pro consilio suo et auxilio mihi impensis et impendendis illas duas denariatas terre cum pertinenciis que vocantur Treuchañe et Kenethane jacentes infra parochiam de Kyrcmychel Munterduffy in comitatu de Carrie infra vicecomitatum de Are quarum predictarum duarum denariatarum terre cum pertinenciis to turn jus et clameum quod Murdacus filius Sowerl habuit seu habere potuit in eisdem pro se et heredibus suis mihi resignavit per fustum et baculum sursum reddidit et coram pluribus fide dignis quietum clamavit inperpetuum Tenendas et habendas predicto Johanni et heredibus suis de me et heredibus meis per suas rectas metas et divisas in feodo et hereditate libere quiete integre plenarie honorifice bene et in pace in boscis et planis in viis et semitis in moris et mariscis in pratis et pascuis in venacionibus et aucupacionibus in stagnis et aquis in molendinis et multuris cum omnibus aliis iustis suis pertinenciis libertatibus commoditatibus et aysiamentis tam non nominatis quam nominatis ad predictas terras pertinentibus vel in futurum de iure pertinere valentibus inperpetuum sine aliquo retinemento Reddendo inde annuatim dictus Johannes et heredes sui mihi et heredibus meis in festo sancti Michaelis Arcangeli apud Kyrcmichel Munterduffy in Carrie unum par alborum calcarium nomine libere firme si petantur tantum modo pro omni alio servicio consuetudine exaccione vel seculari demanda varda relevio maritagio et secta curie que dictis terris exigi poterint vel torqueri in futurum Ego vero Macolmus et heredes mei totas predictas duas denariatas terre de Treuechane et Kenechane cum pertinenciis predicto Johanni et heredibus suis prout melius et liberius prescriptum est contra omnes homines et feminas warantizabimus acquietabimus iuste defendemus. In cuius rei testimonium presenti carte mee sigillum est appensum Hiis testibus Johanne Senescalo comité de Carrie domino Nicolao abbate de Crosragwel Gilberto Kenedy Johanne filio Henrici Johanne filio Alexandri Ade filio Thome et multis aliis.

Abstract:

Charter by Malcolm son of Roland of Carrick, to John Kennedy, lord of Dunure, for his counsel and aid, of those two pennyworths of land which are called Treuchane and Kenethane, lying within the parish of Kirkmichael Munterduffy,(1) in the earldom of Carrick and shire of Ayr ; of which lands the whole right and claim which Murdac son of Sowerl had, he resigned and surrendered by 'staff and baton, to the said Malcolm before many faithful witnesses : To hold to the said John and his heirs, of the granter and his heirs, in fee and heritage, for the yearly rent of a pair of white spurs, in name of blench ferme, at the feast of St. Michael the Archangel, at Kirkmichael Munterduffy. Sealed before these witnesses, John Stewart, Earl of Carrick,(2) Sir Nicolas Abbot of Crosraguel, Gilbert Kennedy,(3) John son of Henry, John son of Alexander, Adam son of Thomas, and many others.

(1) Originally the parish was Kirkmichael of Gemilstoun (Paterson, ii. 277; MS. Monafticœ, 20; Chalmers, iii. 534), but part of the property was called Kirkmichael Muntercasduff or Munterduffy, the name of the clan of which John M'Kennedy was leader (Robertson's Index to Charters, p. 67).

(2) Afterwards King Robert III.

(3) Son and heir of John Kennedy, the grantee.

Pages 30-31:

20. Indenture between Thomas Fleming and John Kennedy of Dunure, for the Wadset to the latter of the Lands of Cumbernald. — [Dated 16th February 1374-5.]

Anni gracie millesimi tricentesimi septuagesimi quarti die Veneris décimo sexto die mensis Februarii apud Are facta fuit hec convenció et confirmata inter prenobiles viros Thomam Flemyng nepotem et heredera quondam domini Malcolmi Flemyng comitis de Wygtona ex una parte et Johannem Keuedy dominum de Donhowere ex altéra parte videlicet quod antedictus Thomas Flemyng ex mera libera volúntate sua racione eciam ulterioris comodi concessit inpignoravit et hac presenti indentura (pignori super subscriptis condicionibus firmiter obligavit totas terras suas de Cumbyrnald cum pertinenciis in baronia de Leynne infra vicecomitatum de Dunbretane dilecto amico suo et speciali) prenominato Johanni Kenedy domino de Donhowere pro centum et viginti mercis bone monete auri et argenti supradicto Thome Flemyng manuatim pacatis et persolutis. Tenendas et habendas predicto Johanni et heredibus suis ab ipso Thoma antedicto et heredibus suis totas dictas terras de Cumbyrnald cum omnibus suis libertatibus, comoditatibus aysiamentis et suis iustis pertinenciis in omnibus et per omnia ad ipsas terras de Cumbyrnald spectantibus seu quoquo modo medio tempore spectare valentibus libere quiete integre honorifice bene et in pace sine contradictione vel impedimento sepedicti Thome vel heredum suorum in perpetuum, quousque ipse supra dictus Thomas Flemyng vel heredes sui de corpore suo légitime procreati seu procreandi, predicto Johanni Kenedy vel heredibus suis centum et viginti mercas bone monete auri et argent! in uno festo Sancti Martini in yeme apud Dunhowere pro deliberacione dictarum terrarum de Cumbyrnald ad proprium usum Thome Flemyng vel ad proprium usum heredum suorum prescriptorum persolverit vel persolverint. Et quod ipse Thomas antedictus pro se et heredibus suis ex libero dono concessit et dédit antedicto Johanni Kenedy et heredibus suis pro concilio suo et beneficiis sibi et suis impensis et impendendis omnes firmas redditus utilitates et cómoda provenientes ex dictis terris de Cumbyrnald cum pertinenciis durante toto presentís impignoracionis tempore ; item concordatum est inter premisses nobiles Thomam et Johannem, et pro se et heredibus suis utriusque partis condicionaliter confirmatum quod née ipse Thomas Flemyng née heredes sui impignorabit vel impignorabunt alienabit vel alienabunt deliberabit vel deliberabunt ipsas terras premissas de Cumbyrnald cum pertinenciis, in manus vel ad usum aliorum vel alicuius prêter tantummodo ad proprium usum ipsius Thome vel ad proprium usum heredum suorum premissorum extra manus predicti Johannis Kenedy vel usum aut heredum suorum née dictus Johannes Kenedy vel heredes sui alienabit vel alienabunt istam impignoracionem terrarum de Cumbyrnald cum pertinenciis aliquibus vel alicui racione specialitatis vel comodi dummodo dictus Thomas vel heredes sui ipsas terras de Cumbyrnald cum pertinenciis per premissam solucionem in omnibus ut premissum est deliberabit vel deliberabunt Similiter concordatum est inter premissos Thomam Flemyng et Johannem Kenedy pro se et heredibus suis quod facta solucione premissa prefacio Johanni Kenedy vel heredibus suis per dictum Thomam Flemyng vel heredes suos premissos ut premittitur ; ipse Thomas Flemyng et heredes sui premissi habebunt libere a dicto Johanni Kenedy et heredibus suis ex tune dictas terras de Cumbyrnald cum pertinenciis in proprios usus, nullis impedimento vel contradiccione eis super inde inponendis per dictos Johannem Kenedy vel heredes suos. In quorum omnium premissorum testimonium sigilla premissarum parcium presenti indenture alternatim sunt apposita anno die et loco supradictis Testibus reverendo pâtre domino Nicholao abbate de Crosraguell, próvido viro Johanne More prebendario ecclesie de Are dominis Nicholao de Knocdoliane et Gilberto Kenedy militibus Johanne filio quondam Henrici Adam filio quondam Thome de Carryk Johanne de Monthagv Johanne de Moravia burgensibus de Are et multis aliis.

Abstract:

Indenture between the right noble men, Thomas Flemyng, grandson and heir of the deceased Sir Malcolm Flemyng, Earl of Wigton, on one part, and John Kennedy, Lord of Dunure, on the other part, to the effect that the said Thomas Flemyng, of his mere free will and for his further advantage, granted in wadset to his beloved and special friend the said John Kennedy, all his lands of Cumbernald in the barony of Lenzie, within the shire of Dumbarton, for one hundred and twenty merks of good money, in gold and silver, paid in hand to the said Thomas : To hold to the said John and his heirs until the said Thomas Flemyng, or the heirs of his body, lawfully gotten or to be gotten, shall pay to the said John Kennedy or his heirs one hundred and twenty merks of good money, of gold and silver, at the feast of St. Martin in winter, at Dunure, for deliverance of the said lands of Cumbernald to the proper use of the said Thomas or his heirs ; and that the said Thomas, for himself and his heirs, granted and gave to the said John, for his counsel and good deeds done and to be done to him and his, all the fermes, rents, and advantages arising from the said lands, during the time of the wadset.

It was also agreed that neither the said Thomas nor his heirs should wadset, sell, or deliver the foresaid lands into the hands, or for the use of any other persons or person, except only to himself or his heirs ; nor should the said John Kennedy or his heirs sell the wadset of the said lands to any one for the sake of specialty or advantage ; but that the said Thomas or his heirs should deliver the lands by the aforesaid payment ; which being made to the aforesaid John Kennedy or his heirs, by the said Thomas or his heirs, they should then have the lands again freely from the said John Kennedy and his heirs. Sealed by the said parties interchangeably, at Ayr, on Friday the 16th of February 1374-5, before these witnesses, the reverend father Sir Nicholas Abbot of Crosraguel; (1) a prudent man, John Mure, prebendary of the Church of Ayr; Sir Nicholas of Knokdolian, and Sir Gilbert Kennedy, knights; John son of the deceased Henry, Adam son of the deceased Thomas of Carrick, John of Montagu, John of Moray, burgesses of Ayr, and many others.

(1) Elected in 1370