THE EARLY EARLS OF MAR.

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Throughout the recent literature relating to the Earldom of Mar, the ancient Celtic Earls, who have not been the theme of controversy, have been kept somewhat in the background. The accounts of them to be found in print are discrepant from each other, and not easily reconcilable with the extant documents in which they are referred to. An attempt is here made to establish their succession on a basis of authentic charter evidence.

The designation Earl or *Comes*, it may be premised, first appears in Scotland in the reign of Alexander I (1107-1124), whose policy aimed at supplanting old Celtic usages by an organization on the Saxon model. In his charter founding the Abbey of Scone (1114 or 1115), six of the old Mormaers, with the word "Comes" appended to their names, along with two bishops and the Anglo-Saxon Earl of Dunbar, joined with the Sovereign in the grant, thus discharging functions akin to those of the Saxon Witenagemot. All the six, though named without territorial additions, can be identified, five out of the number with perfect certainty. "Beth comes" was probably the Earl of Fife; Mallus was undoubtedly Earl of Strathern, Madach of Athole, Rothri of Mar, Gartnach of Buchan, and Dufagan of Angus.

The Mormaers had been originally provincial kings like the "Ri Mortuath" in Ireland; and their subjection, like that of the Irish kings to the monarch of Tara, probably extended no further than a stipulated tribute and occasional entertainment. The title (which means "Great Steward") is first met with in the beginning of the eleventh century, when, the supreme authority having been greatly strengthened, the provincial ruler was beginning to be regarded more as a judge than as a king; and even at that time the name "Ri" was occasionally given to the ruler of Moray, who was more independent than the rest. An authentic chronicle relates that ten Mormaers crossed the sea to Ireland in 1014, to assist Brian Boroimhe against the Danes, the most distinguished of them being Donald, son of Eimin, son of Cainnich, Mormaer of Mar, who, together with Brian, fell at the battle of Cluantarbh. Certain Gaelic memoranda, in a handwriting of the beginning of the twelfth century, on a copy of the Gospels which belonged to the monastery of Deer in Aberdeenshire, record a series of bene-

factions to that religious house, and enable us to trace the hereditary succession of the Mormaers of Buchan. The latest of these grants, made by Gartnait Mormaer of Buchan, in 1122, is witnessed by Ruadri (Roderick) Mormaer of Mar. This Gartnait and Ruadri are respectively the "Gartnach comes" and "Rothri comes" of the Scone charter.

The change of designation from Mormaer to Earl was accompanied with the institution of a new officer, the "vicecomes" or Sheriff, who, if he did not wholly supersede the *comes* in his judicial character, at least exercised concurrent jurisdiction with him. King Alexander's brother and successor, David I, whose proclivities were Norman, and who may be considered the founder of feudalism in Scotland, initiated the further step, followed out by his successors, of transforming the Earls into feudal lords, and about the end of his reign we find them beginning to adopt such territorial designations, as, "Gillemichel comes de Fife," "Gillebride comes de Angus." The idea of the concurrence of the Earls (or seven of their number) in the public acts of the Sovereign being necessary or desirable, though it continued more or less during the twelfth century, cannot be traced further down than the coronation of Alexander II in 1214.

About the middle of the twelfth century MORGUND (probably son of a previous Earl Gillocher, but how related to the already named Ruadri we do not know), was Earl of Mar. The Chartulary of St. Andrews (p. 248) contains a charter by "Morgundus comes de Mar" to the Canons of St. Andrews of half a ploughgate of land in Inverinche, for his soul and that of Countess Agnes his wife, "et pro animabus antecessorum et successorum meorum," a grant confirmed, in 1183, by Pope Lucius III as "de placitis Morgundi *quondam* comitis de Mar" (*ibid.* p. 59). Beside this charter of Earl Morgund appears one by Agnes Countess of Mar of the same subjects for the weal of her soul and her husband's, "et pro animabus antecessorum et successorum nostrorum" (*ibid.* p. 249). Alongside of these charters is one also by Agnes Countess of Mar to the same Canons, of the church of Migvy (Migaveth), for the weal of her husband Earl Morgund's soul and her own (*ibid.* p. 249), while Morgund, in a separate charter, grants the same subject "sicut carta Agnetis comitisse sponse mee predictis canonicis donacionem hujus elimosine testatur et confirmat" (*ibid.* p. 248). In each case the witnesses to the respective charters of Earl and Countess are nearly the same; and internal evidence fixes the date of the charters of Inverinche as between 1141 and 1178, and of Migvy as between 1153 and 1178. These charters are undoubtedly suggestive of Morgund having been Earl in right of his wife, and such the late Joseph Robertson believed to be the case; but it is, on the other hand, difficult to reconcile this supposition with the importance afterwards attached to the question of Morgund's legitimacy;

and it would rather seem that some other explanation must be sought of Agnes thus dealing with the Earldom in her own name.

The already named Chartulary contains a grant, which must date between 1165 and 1171, by Morgund Earl of Mar, of St. Maluoch of Tarland to the canons of St. Andrews, for his soul and that of Countess Agnes, containing an injunction that wherever in Scotland they may die, they are to be buried at St. Andrews (*ibid* p. 246). In the Chartulary of Dunfermline (p. 8) Earl Morgund witnesses a charter of David I, between 1147 and 1162, and of Malcolm IV in 1154 (p. 22). It will be seen below that he laid claim to the Earldom of Moray as well as that of Mar. Orabilis, daughter of Nes, who is on one occasion designed Countess of Mar, was possibly a second wife of Earl Morgund.[1] Earl Morgund apparently died about 1179;[2] and the above-mentioned confirmation of Pope Lucius III alludes to him as dead in 1183. There is evidence of his having had four sons:—

1. Malcolm. In the MS. Denmiln Collection of charters, in the Advocates' Library, is a confirmation (1207-1228) by Malcolm, son of Morgund Earl of Mar, of the above-mentioned grant of his father, of St. Maluoch of Tarland.[3]
2. James. James son of Morgund is also witness to the last-named confirmation; and the same MS. collection contains a curious contract between the Convent of St. Andrews and their born thrall Gillemor Scolgo of Tarland, by which, on certain conditions, Gillemor may abide with Sir J. son of the deceased M. Earl of Mar during the pleasure

[1] About 1180 Nes son of William, and Orabilis his daughter and heir, bestowed the church of Leuchars on the convent of St. Andrews (*Chartulary of St. Andrews, p.* 254). A little later, but still during the episcopate of Matthew, Bishop of Aberdeen, who attests it, and therefore before 1199, there is an attestation by the same Orabilis, designed "Comitissa de Mar," that she was present and consenting to her father's gift (*Ibid.* p. 287). A charter by the same lady (not designed Countess) is attested by the same Bishop Matthew, and also by "G." Earl of Mar (*Ibid.* p. 290). Orabilis afterwards married Robert De Quinci; and Seyer De Quinci, son of this marriage, and not yet Earl of Winchester (which he became in 1207) confirms this charter, his father being alive and a witness (*Ibid.* p. 291). Then, after 1210, and probably in 1219, just before setting out for the Crusade in which he died, Seyer De Quinci as Earl of Winchester, with consent of his son and heir Roger, grants an annuity to the Canons of St. Andrews for the souls of his grandfather and grandmother, of his father Robert De Quinci and his mother Orabilis (*Ibid.* p. 256). It seems difficult to reconcile these dates with Dr. Skene's hypothesis (*Celtic Scotland*, III, p. 68) that Orabilis was wife of Earl Gilchrist. She was certainly wife of an Earl of Mar before, not after, she was wife of De Quinci. Supposing the last-named charter to have been granted by Seyer in 1219, and his consenting son Roger to have been 14, Seyer's marriage is thrown back at least to 1204, and that of Orabilis at least to 1182. Orabilis could, therefore, not have been widow of Gilchrist, but might, conceivably, have been widow of Morgund.

If there were any better foundation than a spurious charter for the supersession of Morgund by Gilchrist *c.* 1170, it is possible that Orabilis might have been the divorced wife of Earl Gilchrist.

[2] *Acts of Parl. of Scotland*, I, p. 387.

[3] *Antiquities of Aberdeen and Banff*, Spalding Club, ii, p. 17.

of the Prior and Convent.[1] A contract, dated 5 May 1226, between Andrew, Bishop of Moray, and James son of Morgund shews the latter to have obtained right prior to its date to the lands of Abernethy. Malcolm and James, sons of Morgund, are both witnesses to the foundation charter by Matthew, Bishop of Aberdeen, of the Hospital of St. Peter there.[2]

3. Duncan, eventually Earl of Mar, and ancestor of all succeeding Earls.
4. David. References occur in the Records of Parliament[3] and in the Chartulary of St. Andrews (p. 363) to a dispute, in the reign of Alexander II, between Duncan and David, sons of Earl Morgund, which was settled by the two brothers agreeing in presence of the King to grant the church of Leochel to the Canons of Monymusk.

Earl Morgund's immediate successor was not any of his sons, but

Earl Gilchrist. It has been surmised that Gilchrist had already temporarily superseded Morgund in the Earldom *c.* 1170; but, whatever probability later transactions lend to this supposition, the contemporary charter evidence of it is worthless. The Chartulary of Aberdeen, no doubt, contains a charter purporting to be granted by William the Lion in the fifth year of his reign (*i.e.* 1169 or 1170) conferring a right to certain second tithes on the Bishop of Aberdeen, to which "G. comes de Mar" is a witness. But the writer of this has elsewhere shewn[4] that the series of charters of which this is one are spurious, fabricated in support of a right to these tithes long claimed by the Bishop of Aberdeen, and long questioned, though ultimately acquiesced in. One evidence of the spurious character of this individual charter is the circumstance of the grant being to Matthew, Bishop of Aberdeen, who was not Bishop till 1172, the seventh year of the reign of the same King.[5] From 1178-80 the name of Gilchrist Earl of Mar is of frequent occurrence down to 1204 or later.[6] The already mentioned foundation-charter of the Hospital of St. Peter is witnessed by Gilchrist Earl of Mar along with Malcolm and James, sons of Morgund, not designed as Earl.[7] There is a charter in the British Museum, of date about 1200,[8] in which David, Earl of Huntingdon, makes over certain serfs, whose names are mentioned, to "G." Earl of Mar. Earl Gilchrist is best known as a benefactor to the church, and the

[1] *Antiq. of Ab. and Banff*, ii, p. 18.
[2] *Chartulary of Aberdeen*, i, p. 11.
[3] *Acts of Parl. of Scotland*, I. p. 407.
[4] *Exchequer Rolls of Scotland*, ii, Preface, p. cxix.
[5] *Chronicle of Melrose*, p. 85; *Chartulary of Aberdeen*, Preface, p. xx.
[6] *Acts of Parliament* i, p. 387. *Chartulary of Moray*, pp. 10, 11, 38. *Chartulary of Arbroath*, pp. 7, 10, 18, 25, 51, 72, 141, 142.
[7] *Chartulary of Aberdeen*, i, p. 11.
[8] Printed in *Antiq. Aberd. and Banff*, iv, p. 693.

principal acts of his life are connected with the old Culdee foundation of Monymusk, where he built a Priory. On the Culdees of Monymusk he bestowed the churches of Alford, Leochel, Ruthven, and Invernochty, benefactions which, though confirmed by the Bishop of Aberdeen, became subjects of dispute; and his gifts to the same religious house included the lands of Dolbethok and Fornathy.[1] To the Abbey of Arbroath he gave the church of Aberchirder, the patronage of which he had contested both with the King and with the Bishop of Moray.[2] He seems, along with a son Malcolm, to have been witness (1203-14) to a charter by Thomas, son of Malcolm the Doorward, to the Monastery of Cupar, and also to the royal confirmation of that charter.[3] This Thomas seems to have been Gilchrist's maternal grandson, his father, Malcolm of Lundin, having married the Earl's daughter. The church of Alford had, as already mentioned, been granted by Earl Gilchrist to the Culdees of Monymusk, and we find it afterwards re-granted to them by Thomas the Doorward;[4] who, in another charter, confirms an annual grant of barley and cheese "quam avus meus et mater mea dederunt Keledeis de Munimusc."[5]

Gilchrist's successor in the Earldom was—

DUNCAN, son of Earl Morgund and the Countess Agnes. He was Earl of Mar early in the reign of Alexander II. Of Charters granted by him, there is one about 1230, of the church of St. Andrew of Kindrocht, to the Culdees of Monymusk.[6] Before 1232 he granted the church of Leochel to the same Culdees for the soul of his father Morgund and mother Agnes;[7] and the arrangement of the dispute regarding that church between him and his brother David has been already alluded to. In 1239-44 he granted the church of Logy Mar (which Earl Gilchrist had bestowed on Monymusk) to the Cathedral of St. Mary and St. Machar at Aberdeen, directing his body to be buried there.[8] Earl Duncan was dead before September, 1244, at which date his son William is named Earl of Mar in the

[1] *Chartulary of St. Andrews*, pp. 370-6.
[2] *Reg. Vetus de Aberbrothok*, pp. 25, 142, 144.
[3] *Chartulary of Cupar*, Grampian Club, i, p. 341. The original Chartulary is lost. In the Abbreviate of it in the Advocates' Library in the handwriting of Sir James Balfour, Lyon, all the initial letters of names (so frequent in old charters) have been extended, often wrongly. Thus the "W." of Walter de Berkeley the Chamberlain, is made "Willelmus"; and in the same way "G. comes de Mar," has been extended into "Gratney comes." There is nowhere else a trace of any Gratney Earl of Mar at that date.
[4] *Chartulary of St. Andrews*, p. 365.
[5] *Ibid*, p. 369.
[6] *Chartulary of St. Andrews*, p. 367.
[7] *Ibid.*, 362.
[8] *Chartulary of Aberdeen*, i, p. 16.

Treaty of Newcastle.[1] Besides his successor, William, he had a son John, who witnesses a charter by Malcolm, Earl of Fife, to Archibald of Douglas, 1214-69.[2] Although Duncan had succeeded in establishing himself in the Earldom on Gilchrist's death, there is unexceptionable evidence that he did not do so without a contest with Gilchrist's heirs, and a compromise or composition of their claims. Among the records found in the treasury of the castle of Edinburgh in 1291, was a roll of recognitions, containing a record of affairs touching the realm "et eciam negocium tangens comitem de Marr et Thomam le Usser;"[3] and, among the records which Edward I. delivered to John Baliol in 1292 is specified a sealed box containing an agreement made of old between the Earl of Mar and Thomas the Doorward. As Thomas Doorward died before 1233, the agreement must belong to the time of Earl Duncan. Further light is thrown on the nature of the dispute then settled by a commission by Pope Alexander IV. to the Prior of the Dominicans of Aberdeen, of date October, 1257, to hold an inquest on the legitimacy of Morgund, Earl of Mar, proceeding on the narrative that Alan the Doorward hath signified to us that William of Mar has withheld the Earldom of Mar of right belonging to the foresaid Alan, and occupies it to the prejudice of the said Alan, and that Morgund and Duncan, to whom William asserts his succession, were not begotten in lawful matrimony.[4] Disputes regarding legitimacy often occurred from the difference between the Celtic usage and the canon law which was superseding it; but the fact that William remained in possession seems to show that Morgund's legitimacy had stood its ground. It seems, however, to have been in compromise of this claim that the Doorwards acquired the district between Don and Dee known as Coull and Oneil. In the course of this discussion a writing seems first to have seen the light whose genuineness has in later times been the subject of discussion. This document, printed by Selden, in whose possession it was, in his "Titles of Honour," is now in the library of Lincoln's Inn. It is in the form of Letters Patent by William, King of Scots, narrating that Morgund, son of Gillocher, formerly Earl of Mar, had appeared before the King in June, 1171, claiming right to the whole Earldom of Mar, that on an inquest held on his claim, he was found to be lawful son and heir of Gillocher, Earl of Mar; whereon the King restored that Earldom to him. A similar claim, the document adds, was made by him for the Earldom of Moray, of which Gillocher had also died vested and seised, and an inquest held with similar result; but, as the King

[1] *Fœdera*, i, 428. Record Edition, i, 259.
[2] *Registrum Honoris de Morton*, i, appendix, p. xxxiii.
[3] *Acts of Parliament*, i. p. 6.
[4] *Monumenta Britannica ex Autographis Romanorum Pontificum deprompta*, ix, p. 155; *Antiquities of Aberdeen and Banff*, iv, p. 149.

was engaged in war with England, and the rebels of Moray were not yet subdued, the restitution of the last mentioned Earldom to him was postponed. The most recent critical examination of this document seems to put it beyond doubt that it was a very early forgery, and called into existence to support the Earl in possession, either Duncan or William, against the Doorwards.[1] It is apparently referred to in a memorandum at the close of an appeal by the seven Earls and Community of Scotland in 1291, which asserts that "Quando dominus Willelmus rex Scocie reddidit Morgundo McGyloclery predecessori Dovenaldi Comitis de Marr comitatum suum de Marr, secundum quod continetur in scripto quod habet predictus Dovenaldus Comes de Marr, deficiebant tunc dicto Morgundo et adhuc deficiunt Comiti de Marr tres centum librate terre, pro parte in dominiis et pro parte in homagiis, et amplius, de quibus petit jus sibi fieri et racionem" (Palgrave's Documents, i, p. 21). The question of the legitimacy of Morgund seems to be alluded to in a clause in a confirmation by Earl William of grants to St. Andrews by his grandfather Morgund and grandmother Agnes:—"Et si quid minus legitime per easdem personas predictis priori et conventui fuerit donatum vel confirmatum super eisdem ecclesiis et terris, nos pro nobis et heredibus nostris quod per nos et heredes nostros suppleri poterit supplemus, et quantum in nobis est caritatis intuitu predictas ecclesias cum terris damus et confirmamus pro nobis et heredibus nostris predictis priori et conventui imperpetuum possidendas."[2] It does not, however, follow that all the statements in the document in question are unworthy of credit. Early forged charters of this description are, as the late Dr. John Stuart remarks[3]—"in many cases attempts to give a legal form to gifts which had originally been made by unwritten symbolical gift; in other cases to replace some written grant which had been lost." Morgund is called son of Gillocher both in the Letters Patent and in the genuine writ of 1291, though in the latter perhaps only on the authority of the former. The Letters Patent cannot have been fabricated later than 1257; and it is difficult to suppose that the lapse of time could then have obliterated the memory of who Gillocher's father was, more especially as that Earl's legitimacy had been all along the subject of contention. The document of 1291 contains further a corroboration of the assertion in the Letters Patent of a claim by Morgund to the Earldom of Moray, inasmuch as Donald, Earl of

[1] The chief arguments against its authenticity are that the war with England alluded to only broke out in 1173, and the Moray insurrection in 1174, while the deed referring to them purports to be dated in 1171. See Dr. Skene's valuable examination of the subject in "Celtic Scotland," iii, p. 441. Dr. Skene shews strong reason to believe that the forger was one Veyremunt, a canon of St. Andrews, from whose now lost writings Boece derived the greater part of his fabulous history.

[2] *Chartulary of St. Andrews*, p. 311.

[3] *Preface to "Book of Deer."*

Mar, makes an appeal both in his own name as one of the seven Earls, and in name of the freemen of Moray.

Earl WILLIAM, who succeeded to his father Duncan in or before 1244, figured a good deal in contemporary history. He was in September, 1244, a party, as one of the Great Barons of Scotland, to the Treaty of Newcastle.[1] He was Great Chamberlain of Scotland from 1252 to 1255.[2] In September 1255, he was displaced from this office, as well as removed from the general administration of affairs, when the government of Scotland was re-constituted under advice of Henry III of England; one of the Regents by whom he was replaced being Alan Doorward. He was restored to the King's Council on another change of regency in 1257.[3] On 18 March, 1257-8, he is one of the nobles of Scotland who pledge themselves never to make peace with the King of England without consent of the Welsh prince and his chiefs.[4] On 6 November, 1258, he is one of the nobles of Scotland (Alan Doorward being another) whom the English King pledges himself to support in the government of that country.[5] On 16 November, 1260, he is one of the nobles into whose custody the English King pledges himself to deliver the child to whom his daughter the Queen of Scots was about to give birth at her father's court.[6] From 1262 or earlier to 1267 he was again Great Chamberlain.[7] In 1264, after the victory of Largs, he was one of the commanders of an expedition of two hundred soldiers sent to the Islands to reduce those chieftains who had remained faithful to King Hakon.[8] In 1270 he was sent to England along with Simon Abbot of Dunfermline, on a mission to recover the earldom of Huntingdon.[9] He was dead before 1281. Bower describes him as "in malis actibus ingeniosus satis."[10] Among charters granted by him are one of Dronlaw to Gilbert of Hay, confirmed by Alexander II, 6 July, 1251,[11] and the already mentioned confirmation to the Canons of St. Andrews of the grants of his father and grandfather, supplementing as far as he could their defects. He had on 21 December, 1262, a charter of Tulicultry on resignation of Alevin of Mes.[12] His first wife, who died 1267, and was mother of his son and successor, seems to have been a

[1] *Fœdera*, i, pp. 4, 28.
[2] *Chartulary of Melrose*, p. 300; *of Glasgow*, p. 161; *of Dunfermline*, p. 49.
[3] *Fœdera*, i, p. 627.
[4] *Fœdera*, i, p. 653. Record Edition i, p. 370.
[5] *Fœdera*, i, p. 651. Record Edition i, p. 378.
[6] *Fœdera*, i, p. 715. Record Edition i, p. 402.
[7] *Chartulary of Soltre*, p. 45; Charter in Gen. Register Ho., dated 12 Feb., 1266-7; *Exchequer Rolls of Scotland*, i, p. 10.
[8] Fordun, *Annalia*, lvi. *Exchequer Rolls*, i, p. 11.
[9] *Scotichronicon*, x, c. 28.
[10] *Ibid.*, x, c. 10.
[11] *Antiquities of Aberdeen and Banff*, iv, 696, from Erroll Charter-chest.
[12] Macfarlane's MS. Charters, Adv. Lib.; *Antiq. of Aberdeen and Banff*, iv, 697.

daughter of William Comyn, Earl of Buchan.[1] He married for a second wife Muriel, daughter of Malise, Earl of Strathern, and granddaughter and coheir of Robert de Muscamp, Baron of Wooler. She died *s.p.* before 12 November, 1291, her sister Marion, wife of Nicholas de Graham (forty years of age or more) being her next heir.[2] On 16 May, 1291, only a few months before her death, Edward I received the homage of Muriel, widow of William, Earl of Mar, daughter and heir of Marjory, daughter of Robert of Muschamps, and commanded his escheator *citra* Trent to give her sasine.[3] This Earl was alive as late as Michaelmas, 1281, when Edward I commanded the barons, in respect of William, Earl of Mar, having provided his service for the army in Wales for a knight's fee, to quit him of the scutage.[4]

Earl DONALD, son and successor of William, who had been knighted at Scone, 29 September, 1270, was a party, as Earl of Mar, to the marriage contract of Eric of Norway with the Princess Margaret of Scotland, on 15 July, 1281;[5] and was present in the assembly of 5 February, 1283-4, which acknowledged the Maid of Norway as heir to the throne,[6] and at the Convention of Brigham, 17 March, 1289-90.[7] When the rival claims to the Scottish throne were referred to Edward I, he was named an arbiter at the instance of the claimant Bruce, whose grandson, the future king, had married his daughter. On 13 June, 1291, he swore fealty to Edward at Upsetlington. On 24 July following he was present in the Dominican Convent at Perth when Edward received the fealty of Mary Queen of Man and Countess of Strathern. On 3 August he was present when Edward protested that his consent to try the claims of the competitors for the Scottish throne should not prejudice his rights as overlord.[8] About the same time we find him appealing to Edward in his own name and that of the freemen of Moray for redress of wrongs done in Moray by the under guardians of the realm, and also for restitution of a portion of the original lands of the earldom of Mar, perhaps the lands of which Doorward had possession, on the narrative that when William King of Scotland restored that earldom to his predecessor Morgund son of Gyloclery, as set forth in a writing which Donald now holds (probably the spurious charter already alluded to), some three

[1] *Scotichronicon*, x, c. 25.
[2] Fine Roll, 12 Edw. I, m. 1; Inq. p. m., 20 Edw. I, No. 26; *Bain's Calendar*, ii, 544, 549.
[3] Close Roll, 19 Edw. I, m. 6. *Stevenson's Historical Documents*, I, 229. See *ibid.* as to nature and value of the property of the Countess, from Pipe Roll, 20 Edw. I.
[4] *Bain's Calendar*, ii, 202.
[5] *Acts of Parliaments of Scotland*, i, p. 423.
[6] *Ibid.*, p. 424.
[7] *Ibid.*, p. 441.
[8] Ragman Rolls, pp. 9, 18, 22.

hundred pounds of land had been withheld from him.[1] On 14 June, 1292, he attested an indenture for mutual defence between Florence Count of Holland and Robert Bruce of Annandale, with covenant respecting division of the realm between them.[2] Under John Baliol he was keeper of Dumbarton Castle,[3] and in that King's Parliament held at Stirling 3 August, 1293, he became security for the payment to that King of the casualty of relief on entry of Robert Bruce in the earldom of Carrick. On 29 June, 1294, he was directed by Edward to repair to London with horses and arms to serve in the war in Gascony, the summons being probably in respect of lands held by him in England.[4] On 23 February, 1295-6, he sealed a treaty between John Baliol and Philip of France.[5] He was in arms against Edward at Dunbar in April, 1296, and was soon afterwards taken prisoner.[6] On 7 July, 1296, he attested Baliol's renunciation of the treaty with Philip.[7] A contemporary MS. journal of Edward's progress through Scotland, in the Library at Paris, records that the Earl of Mar and others came to his mercy at Montrose on 10 July on the surrender of John Baliol; also that Edward came on 31 July of that year to "Kildrummy, a castle of the Earl of Mar," and there abode St. Peter's day, 1 August.[8] We have it also, on the authority of the Ragman Rolls,[9] that he swore fealty to Edward at Montrose on 10 July, 1296, as above, and at Berwick on 28 August following. He had Letters of Protection from Edward on going to England on 11 September, 1296, and on going to Scotland 23 June, 1297.[10] On 23 June, 1291, having had leave from Edward his liege lord to return to Scotland, he swore to serve Edward against France.[11] He was alive 25 July following, but died very soon afterwards. He mar. Helen, widow of Malcolm Earl of Fife (who d. 1266), and daughter of Llewellyn Prince of North Wales,[12] and had—

1. GRATNEY, or GARTNET, his successor.

2. Duncan, who swore fealty to Edward along with his father on 28 August, 1296.

[1] *Palgrave's Documents*, i, pp. 16, 17.
[2] *Stevenson's Historical Documents*, i, p. 321.
[3] *Acts of the Parliaments of Scotland*, i, p. 115.
[4] *Fœdera*, ii, 643. Record Edition, i, 804.
[5] *Acts of Parliaments of Scotland*, i, p. 451.
[6] *Chronicon de Lanercost*, pp. 175-9; *Scalacronica*, p. 122; *Scotichronicon*, xi, c. 25
[7] *Stevenson's Historical Documents*, ii, pp. 62, 63, 66.
[8] *Ibid.* pp. 28, 30.
[9] Pp. 85, 119.
[10] *Stevenson's Historical Documents*, ii, 108, 185.
[11] *Palgrave's Documents*, i, p. 187.
[12] *Scotichronicon*, ix, c. 47 and x, c. 21. In an account by Walter of Cambo of the issues of the lands and tenements belonging to Duncan Earl of Fife from 20 Nov 1293, to 16 Feb. 1294-5, there are two payments of 40s. to Elen Countess of Mar "pro parte dotis sue." *Stevenson's Hist. Documents*, pp. 410, 414

3. Alexander, who, along with Edward Baliol, was ordered by Edward to be imprisoned in the Tower of London on 12 December, 1297.[1]

1. Isabel, first wife of Robert Bruce Earl of Carrick, afterwards King Robert.

2. Marjory, mar. John de Strathbolgi Earl of Athole, who was taken to London and executed after the English invasion of Scotland in 1306.[2]

His eldest son and successor:—

GRATNEY, or GARTNET, Earl of Mar, was, in his father's lifetime, a supporter of Edward's authority. On 11 June, 1297, he was thanked by Edward for his zeal in suppressing disturbances in the sheriffdom of Aberdeen, and required to hasten to the assistance of William Fitzwarren, constable of Urquhart Castle,[3] and on 24 July following he sent to the King a report of his successful expedition to Inverness, to suppress the insurrection of Andrew, son of Sir Andrew Moray, and other enemies of the King.[4] Earl Gratney was dead before the end of 1305. He married Christian, sister of King Robert Bruce, by whom he had:—

1. DONALD, his successor.

2. David, who witnessed a charter by his brother.[5]

1. Elyne, or Helen, married Sir John Menteith, Lord of Arran, whose descendants afterwards became, by hereditary succession, Earls of Mar.

His widow re-married, secondly, Sir Christopher Seton, son of Sir John Seton, of Seton in Yorkshire; thirdly, in or about 1326, Sir Andrew Moray. A dispensation was granted for the last named marriage, 20 September, 1326,[6] the impediment being described as a relationship in the fourth degree of consanguinity. On 22 July, 1326, a charter was granted to Sir Andrew Moray, of Bothwell, and Christian, his wife, the King's sister, and the heirs of their bodies, in free marriage, of the King's lands of Garviauch, as freely, etc., as the late David, Earl of Huntingdon, held them, with all the ancient services belonging to the lands.[7] Christian Bruce must have been rather advanced in life, and her husband not above 28, when she entered on her third marriage,

[1] *Stevenson's Hist. Documents*, ii, 252.
[2] See Charter by her dated 1314, *Antiquities of Aberdeen and Banff*, ii, p. 312.
[3] *Rotuli Scotiæ*, i, 41.
[4] *Stevenson's Hist. Doc.*, ii, p. 209.
[5] *Chartulary of Cupar*, i, p. 330.
[6] Andrew Stuart's *History of the Stewarts*, p. 429.
[7] Lord Haddington's MS. charters in Advocates' Library; printed in *Antiquities of Aberdeen and Banff*, iv, 151.

of which there is no reason to believe that there was any issue.[1] She died at a great age in 1357.[2]

DONALD, Earl of Mar, succeeded his father in childhood, and shortly before his uncle had asserted his right to the throne. By an ordinance of Edward I., of 1305, the future King of Scots, then Earl of Carrick, as guardian of his nephew, was commanded to commit the castle of Kildrummy to the charge of some one for whom he would be responsible.[3] In the invasion of Scotland that followed Bruce's coronation Earl Donald was carried to England, and placed in Bristol castle, where, in the orders regarding Scottish prisoners it is directed that he should be guarded carefully, but not put in irons, in consideration of his youth, and the Bishop of Chester is to see that he has a trustworthy valet, who has to attend him as his master and companion. By a later order he is to be with the King in his own household.[4] After Bannockburn he obtained his liberty; and, along with the wife and daughter of Bruce, set out for Scotland; but he seems to have accompanied them no further than Newcastle, and remained by preference in England.[5] On 13 July, 1319, he had a safe-conduct from Edward to go to Scotland.[6] In 1322 he is said to have been with the English army fighting against the Scots at Biland Abbey. In 1326 he was keeper of Bristol castle, the place of his early imprisonment.[7] On the deposition of Edward II. in 1326, he repaired to Scotland, in hopes, it is supposed, of getting aid to restore the dethroned King; and in the following year he was the leader of one of three armies that invaded England, from which time he is found on the Scottish side. There are allusions to him in the Exchequer accounts as being in Scotland about the time of King Robert's death.[8] Copies are extant of two charters by Robert I. to his nephew Donald, Earl of Mar, one of 16 March, 1327-8, of the thanage of Cloveth in Angus, the other, dated 9 March, 1328-9, of Salklyn, in Fife, in which there is a liferent reserved

[1] That John Moray, of Bothwell, could have been (as generally said) son of Christian Bruce, is sufficiently disproved by the marriage of his widow the Countess of Menteith with Thomas, Earl of Mar, for which a dispensation was granted on 15 August, 1352 (Theiner's *Vetera Monumenta*, p. 300). Earl Thomas would, on the common hypothesis, have been marrying the widow of his uncle; whereas the only impediment set forth in the dispensation is a relationship in the third and fourth degrees of affinity. As Sir Andrew Moray was only born in 1298 (see Inquisitio, 28 Nov., 1300, in *Bain's Calendar*, ii, 78: and Preface, xxx) John Moray could scarcely have been his son by a former marriage, and is more likely to have been his brother.

[2] Fordun, *Annalia*, clxxviii: *Exchequer Rolls of Scotland*, i, 560.

[3] *Acts of the Parliaments of Scotland*, i, p. 122.

[4] Scottish Memoranda in the Treasury of the Receipt of the Exchequer, 24 Edw. I. *Palgrave's Documents*, pp. 353, 355, 356.

[5] *Chronicon de Lanercost*, p. 229.

[6] *Rotuli Scotiæ*, i, 201.

[7] *Scalacronica*, p. 151.

[8] *Exchequer Rolls of Scotland*, i, p. 197.

to Isabel, Countess of Athole.[1] In the Chartulary of Cupar is a charter by D., Earl of Mar, and Lord of Strathalva, confirming to that religious house, for the welfare of the soul of his father, Earl Gratney, the grant made by his aunt and confirmed by her son, Sir David of Strathbolgy, of the Church of Alva.[2] On the sudden death of Thomas Randolph, Earl of Moray, in July, 1332, just as an English fleet was nearing the Scottish shores, a hastily assembled Parliament chose the Earl of Mar as Regent; and to his incompetency and imprudence has been ascribed the disastrous defeat at Dupplin in August following, where the Regent was himself among the slain. He married Isabel Stewart, who, through maternal descent from the Baliols, brought the lands of Cavers, or part of them, into possession of her son,[3] and had issue—

THOMAS, who succeeded him as Earl of Mar.

MARGARET, of whom as Countess of Mar.

The Countess of Mar afterwards married secondly, before 15 September, 1344, Geoffrey of Moubray; thirdly, before 28 March, 1346-7, William of Careswell; and died in 1347. On 18 June, 1328, Sir Henry Baliol of Cavers rendered an account as Sheriff of Roxburgh.[4] On 15 September, 1334, Edward III (to whom Edward Baliol had on 12 June, 1334, made personal surrender of the southern part of Scotland), directed, on the petition of Geoffrey of Moubray, an inquest to be made whether the offices of sheriff of Roxburgh and keeper of the Forest of Selkirk, belong to his wife Isabel, Countess of Mar, by hereditary right from her ancestors.[5] Moubray, however, between whose family and Edward Baliol a dispute had arisen,[6] very soon forsook the English King, who, on 22 February, 1334-5, made a gift of his goods and chattels to his wife the Countess of Mar.[7] She at the same time enjoyed a pension from Edward, the arrears of which were ordered to be paid to her on 3 March, 1337-8.[8] On 28 March, 1346, on her marriage with Careswell ("dilecto et fideli nostro Willelmo de Kareswell"), Edward directed his

[1] Macfarlane MS. charters, Advs. Library; *Antiquities of Aberdeen and Banff*, iv, p. 711.

[2] *Chartulary of Cupar*, i, p. 330.

[3] There is record evidence that the Countess of Mar was a Stewart (Fœd. ii, p. 1019), but it is not known to the writer of this whether there is any foundation for the common assertion that she was daughter of Sir Alexander Stewart, of Bonkyl. If so, she must have been by a different mother from the Earl of Angus, and inherited through her mother.

[4] *Exchequer Rolls*, i, p. 106.

[5] Moubray was before this date, on 15 June, 1334, under-keeper of Roxburgh Castle (*Fœdera*, ii, p. 888). *Rotuli Scotiæ*, i, p. 278.

[6] *Scotichronicon*, xiii, c. 29.

[7] *Fœdera*, ii, p. 902.

[8] *Ibid.*, ii, p. 1019.

Sheriff of Roxburgh, John of Copeland, to give livery to her and her husband of all her lands and tenements within the sheriffdom, as freely as her ancestors had held them;[1] and on 2 April following, he gave to Careswell as her husband the keeping of the Castle of Roxburgh and the sheriffdom of Roxburgh, as freely as her ancestors had held them.[2] On 15 January, 1347-8, the Countess being dead, Careswell had a grant of the ward of all her lands and tenements in Scotland, until her son and heir, Earl Thomas, should come of age.[3]

Sir Richard Talbot of Goderich, one of the "disinherited Barons," who in right of his wife, a Comyn, claimed large possessions in Scotland, had on 17 February, 1333-4, a grant of Kildrummy Castle from Edward Baliol,[4] and for a short time designed himself "Lord of Mar," and on one occasion, according to the Chronicle of Lanercost, "Earl of Mar." But Christian Bruce, mother of the late Earl, retained possession of Kildrummy; and Talbot was before long glad to escape out of Scotland.[5]

THOMAS, Earl of Mar, son of Earl Donald, must have been in infancy when his father died, as he was still in minority at the time of Edward's grant to his mother in 1347-8. In June, 1351, he went to England as Commissioner for a Treaty, in virtue of which David II (a captive since the battle of Durham in 1346), was permitted to revisit Scotland on parole. In October, 1357, he was a hostage for the payment of David's ransom. His grandmother, Christian Bruce, having died in 1358, he obtained from David II a confirmation of the whole lands and lordship of Garioch, to be held by him and his heirs as freely as David, Earl of Huntingdon held the same.[6] He was Great Chamberlain of Scotland in 1358 and 1359.[7] In a charter, without date, confirmed in Parliament 12 November, 1358, he grants the lands of Balhagirty and others in the Garioch, consolidated into a barony, to Sir Robert Erskine and Christian Keith his wife,[8] and on this and subsequent occasions he adds the designation "Lord of Garioch" to Earl of Mar. The large number of safe-conducts to him from Edward that appear in the *Rotuli Scotiæ* (seventeen between 1351 and 1373) indicate the fre-

[1] *Rotuli Scotiæ*, i, p. 693.
[2] *Ibid.*
[3] *Ibid.*, p. 708.
[4] *Antiq. of Aberdeen and Banff*, iv, 152.
[5] *Rotuli Scotiæ*, i, p. 334; Wyntoun's Chronicle, lviii, c. 28, 33.
[6] Robertson's *Index to missing Charters*, p. 31, No. 34. *Douglas' Peerage*, ed. 1764, p. 460, quoting from Mar Charter-chest.
[7] *Exchequer Rolls*, i, pp. 549, *et seq.* Charter of Cruterystoun in Garioch, 22 November, 1359, printed from Lord Haddington's Collections, in *Antiquities of Aberdeen and Banff*, iv, 155.
[8] *Acts of Parliaments of Scotland*, i, p. 524.

quency of his visits to England. On 24 February, 1359-60, he was induced by a promise of six hundred marks from Edward I, to enter into an agreement to serve him in his wars against all men except David of Bruce his Lord, a further sum of £600 being stipulated for should he lose his lands in Scotland from being with the English King.[1] In 1361, the Earl of Mar incurred the resentment of David II, the quarrel having, according to the *Scalacronica*, originated in a single combat at Edinburgh between the Earl and Sir William Keith, in which the King had shown undue favour to the latter. David may, however, possibly have heard of the Earl's engagement with the English King. David attacked and captured Kildrummy Castle, and delivered it to the keeping of Sir Walter de Moigne. The Earl, who had temporarily to retire from Scotland, returned, according to the same authority, under condition of paying £1000 to the King at the expiry of five years. The Crown accounts of 1364 indicate that Kildrummy was still in the custody of Moigne, to whom a payment is made for salt to the garrison; and in the same account is a payment of one thousand marks made to the Earl of Mar, by agreement between him and the King connected with the lands of the earldom.[2] The Chamberlain's account of 1369, indicates that Garioch was still in the hands of the King at Martinmas, 1368.[3] The Earl sat in Parliament in 1367 and 1368.[4] It would seem as if he had incurred the Royal displeasure a second time about 1369; for the Chamberlain's account of 1370 contains a payment of £15 for his expenses when "sub aresta regis" at the Bass.[5] At the Parliament held at Peebles, 18 February, 1369-70, he is "contumaciously absent."[6] There are many extant charters of Thomas, Earl of Mar, of dates from 1356 onwards. In those granted in and about 1359, he generally designs himself "Earl of Mar and Lord of Cavers[7] and of the Garioch."[8] He did

[1] *Rotuli Scotiæ*, i, p. 836.
[2] *Exchequer Rolls*, ii, pp. 164, 166.
[3] *Ibid*, p. 341.
[4] *Acts of Parliaments of Scotland*, i, 501, 503, 506.
[5] *Exchequer Rolls*, ii, p. 357.
[6] *Acts of Parliaments of Scotland*, i, 149.
[7] It seems to have been only a portion of the lands of Cavers that the Earl of Mar inherited through his mother, and that he held it from the Earl of Douglas. The Earl of Douglas about the same time was styled Lord of the barony of Cavers, and on Tuesday after Ascension, 1368, one Thomas Baliol, with consent of Thomas, Earl of Mar, whom he designs his "brother," resigned Yarlside, Cavillyne, Langside, and other lands within the barony of Cavers, which he had by gift of the Earl of Mar, into the hands of William, Earl of Douglas, Lord of the Barony of Cavers, as his overlord (*Chartulary of Melrose*, ii, p. 435). I am unable to explain the grounds on which Thomas Baliol is called brother of the Earl of Mar; he is similarly designed as witness to two charters, one of date, 1365 (confirmed in *Reg. Mag. Sig.*, ii, No. 75, 12 Aug., 1426), the other considerably earlier, and confirmed, 3 July, 1361 (Castle Forbes charter-chest; *Antiquities of Aberdeen and Banff*, iv, p. 373).
[8] See *Antiquities of Aberdeen and Banff*, iv, 155, 373, 715; *Acta Dominorum Concilii*, MS. vol. xviii., fol. 135.

homage to Robert II at Scone 27 March, 1371, and sealed the Act of Settlement of that year.[1] On 15 November, 1374, he granted a charter "Johanni de Forbes domino ejusdem" of Edinbanchrie and Craig Logie,[2] and on 20 June, 1376, he granted a charter of Easter Ruthven in Cromar to William of Chalmer, which was confirmed by his "brother" William Earl of Douglas and Mar and Lord of Garioch, 10 August, 1377.[3] He was dead some time before 22 July, 1377, the date of a charter by William Earl of Douglas and Mar to James Mowat.[4]

The first wife of Earl Thomas was Margaret, Countess of Menteith, daughter of Mary Countess of Menteith and Sir John Graham (Earl of Menteith in his wife's right), and widow of John Moray of Bothwell. Two separate dispensations were granted for this marriage, dated respectively 15 August, 1352, and in 1354. In the former she is described as widow of John of Moray, in the latter as daughter of John late Earl of Menteith.[5] In the former dispensation the impediment is described as relationship in the third and fourth degrees of affinity. She was, Fordun tells us, divorced from the Earl "instigante diabolo, per requisitos colores et rationes minus veras, sine prole inter eos habita,"[6] and afterwards married for her third husband John Drummond, by dispensation dated 18 April, 1360,[7] and for her fourth Robert Earl of Fife, afterwards Duke of Albany.[8]

The second wife of Earl Thomas was Margaret Stewart, Countess of Angus in her own right, elder daughter and coheir of Thomas Stewart Earl of Angus by Margaret, daughter of Sir William Sinclair of Rosslyn. That lady had, shortly after, if not before, her husband's death, an illegitimate son George, who in 1389, on resignation of his mother, had a charter of the earldom of Angus, and was ancestor of subsequent Earls of Angus. The Countess of Mar was alive as late as 23 March, 1417-18, when she granted a charter to Sir Walter Sinclair.[9]

The successor of Earl Thomas was his sister

MARGARET, Countess of Mar in her own right. She married first, William first Earl of Douglas, by whom she had two children:

James, second Earl of Douglas, who married (by dispensation dated 24 September, 1371) Isabel daughter of King Robert III, and died 1374.

[1] *Acts of the Parliaments of Scotland*, i, pp. 545, 546.
[2] *Miscellany of Maitland Club*, i. p. 378.
[3] *Antiquities of Aberdeen and Banff*, iv, 723, from copy in General Register House.
[4] *Antiquities of Aberdeen and Banff*, iv, 158.
[5] Theiner's *Vetera Monumenta*, p. 300; Andrew Stuart's *History of the Stewarts*, p. 446.
[6] Fordun, *Annalia*, lxxvi.
[7] Theiner's *Vetera Monumenta*, p. 315.
[8] *Ibid.*, p. 317.
[9] Transumpt exhibited before Lords of Council and Session in litigation regarding earldom of Mar; *Register of Acts and Decrees*, vol. 120, fol. 22.

ISABEL, who succeeded her mother as Countess of Mar.

Countess Margaret married, secondly, Sir John Swinton of Swinton (who after her death married Margaret daughter of Robert Duke of Albany, and fell at Homildon, 14 September, 1402), *s.p.* She survived her son, and was certainly alive 5 December, 1389, when she granted an obligation to her son's natural son regarding Drumlanrig,[1] and apparently, also, 18 March, 1390-1,[2] but was dead before 22 November, 1395.

With Countess Margaret, the last representative in the male line of the Celtic Earls, this account of the older Earls of Mar naturally concludes.

BLOOMSBURY MANOR.

The ensuing document may, perhaps, prove of use to the London historian. It is certainly exceptional in character, and, from the handwriting, apparently belongs to the reign of Edward III. The official "descriptive slip" thus defines its contents :— "Statement of the title to the manor of Blomondesbury from the time of Henry III, who acquired it by the forfeiture of Thomas Viel, citizen of London, and granted it in the 49th year of his reign to William Belet. The title is deduced to John Padbury in right of his wife Alice, sister and heir of Nicholas son of Roger de Bedefeld; the inquisition on which Nicholas, it appears by the *Calendar* [Inq. p.m. 21 Edw. III, No. 39] Vol. ii, p. 134, was taken 21 Edward III, some time after which the document was prepared. Mention in it, also, of lands in Leyton in Essex and Kentish-town.— [*One membrane, in good condition*]."

[Q. R. ANCIENT MISCELLANEA, $\frac{1 \, 8 \, 8}{3 \, 8}$.]

Henricus Rex seisiuit Manerium de Blemondesburye pro forisfactura quam Thomas Viel Ciuis Londonie fecit, Et idem Manerium dedit, sextodecimo die Octobris anno regni sui quadragesimo Nono, Willielmo Belet; Tenendum sibi et heredibus suis de ipso Rege et heredibus suis imperpetuum.

Postmodum, per licenciam Regis Edwardi Aui Regis nunc, Idem Willelmus Belet dedit terras et tenementa predicta Ricardo de Gloucestre et heredibus suis; tenenda de ipso Rege et heredibus suis.

Et idem Ricardus de Gloucestre recognouit per finem predicta terras et tenementa esse jus Willelmi de Wykkelwode, Et pro hac recognicione etc., Idem Willelmus concessit tenementa predicta Ricardo de Gloucestre predicto et Juliane vxori sue in feodo talliato, Ita tamen quod si obierint sine herede de corpore etc., rectis heredibus dicte Juliane remanerent; Inter quos ex[i]tus non fuit.

Et tunc eadem terre et tenementa liberata fuerunt executoribus Walteri Waldeshef, virtute cuiusdam statuti mercatorii, per dictum Ricardum Gloucestre eidem Waltero facti. Et ipsi executores statum suum concesserunt Willielmo Pykot de London, *Orfeure*; In cuius possessione dicti Ricardus et Juliana vxor eius relaxauerunt per finem sine licencia. Et postea dictus Willielmus Pykot super hoc perquisiuit per donacionem de Rege.

[1] *Minutes of Evidence in Mar Peerage Case*, p. 724.
[2] *Acts of Parliaments of Scotland*, i, p. 216.