## THE EARLDOM OF BUCHAN,

*ITS SUCCESSION IN 1308, AS GOVERNED BY THE LAW OF SCOTLAND.*

By JOSEPH BAIN, F.S.A., Scot.

"G. E. C.," in the last instalment of the *Complete Peerage*, which increases in interest as it proceeds, has not given the true nature of this succession, certainly from no fault of his own, but from the circumstance that the facts now to be stated were, till lately, buried in the great collections of the Public Record Office, where I had the good fortune to discover some of them within the last few years. In my humble opinion they are of great interest as illustrating the descent of one of the old territorial Earldoms of Scotland, to heirs general, and that the dignity was then inseparable from the lands.

In treating of John, the last Comyn earl of Buchan (No. vii.), the *Complete Peerage* says that after Bruce defeated him at Inverury on 22 May, 1308, "he retired to England, when his estates (and possibly his honours) were *forfeited*. . . . He was living 1312-13, but died in England, *s.p.m.*, before 28th April, 1313.' Where he died, does not appear from the English records, but they shew that he died before 3rd December, 1308, when Edward II. gave the ward of his lands, both in Scotland and England, and the marriage of his heirs, then minors, to Ralph de Monthermer.[1] Two days later, the ward of his English lands was recalled and given to Hugh le Despencer.[2] There is

[1] Pat. Roll, 2 Edw. II.
[2] Close Roll, 2 Edw. II.

no forfeiture here either of lands or honours, unless it is meant that Robert Bruce forfeited them. He was, however, scarcely in a position to do so at this early period of his reign.

But the important point now arises,—who were these minor heirs? The usual account (derived from what authority is unknown) which "G. E. C." has followed, is that Alice and Margaret Comyn, these young ladies, were the daughters of the deceased Earl, Alice as the elder, carrying the earldom to her husband, Sir Henry Beaumont, who was recognised in England as Earl of Buchan. So far, however, from being the daughters, they were the nieces of the late Earl. Sir Alexander Comyn, their father, and (presumably) Earl John's next brother, had predeceased him about 1305, when he appears as sheriff of Aberdeen, shortly before Edward I. was (as he thought) making a final settlement of Scotland, and does not occur again. He left a widow, Johanna Latymer, probably the mother of these daughters, as she was long a pensioner in England, on the Yorkshire manor of Malton, with which the Beaumonts and Veseys were connected.

Henry Beaumont, in right of his wife Alice, to whom he was married before 27 March, 1311, was on that day allowed by Edward II., then at Berwick, to enter on office as Constable of Scotland, provisionally, till the King was further advised.[1] And on 12 December, 1312, having done homage and fealty for his wife's lands both in England and Scotland, and she being reputed of age, the Chancellor was ordered to give him livery of these.[2] The other co-heiress, Margaret, is merely named in some of the transactions regarding the lands of the earldom; the English records say nothing more of her.

Now, so far, the fact of the co-heiresses being nieces, not daughters, of the late Earl, makes no difference in the principle of their succession. But the fact that they had at least one uncle (possibly two) on the father's side then living is new, and the rejection or abandonment of that uncle's claim to the earldom materially strengthens the Scottish doctrine of succession in territorial dignities.

This uncle was Master William Comyn, provost of the Royal chapel of St. Andrews. He had acquired from his brother, Earl John, two-thirds of the manor of Shepesheued (Leicestershire), and others, without licence, and in June, 1309, made a fine to have them confirmed by Edward II., and also did homage.[3] His next step about the same time, was to resign his preferment at St. Andrews, evidently with an eye to the Earldom.[4] He next grants a charter on 26 June, 1309, to Thomas, Earl of Lancaster,

[1] Original letter of that date in Public Record Office.
[2] Privy Seals, 6 Edw. II.
[3] Close Roll, 2 Edw. II.
[4] Privy Seals, 2 Edw. II.

of some manors in Leicestershire, which had been given him by his late brother, Earl John, appending his seal to it, which bears the three garbs of Comyn, and the legend, "S' Will'i Comyn Comit' de Boya" (Buchan). He does not style himself "Earl" in this document, merely "William Comyn of Boghan," but it is endorsed in a contemporary handwriting, "Comes de Boghan."[1] This charter, I believe, is quite unknown outside of the Record Office, being in an as yet uncalendared collection. He had also taken possession of the manor of Whitwyck, Leicestershire, belonging to his late brother. But the law of succession appears to have been too strong for the heir male, which he undoubtedly was, for before 8 March, 1311-12, he had surrendered his rights and lands to his two nieces, who were confirmed as heirs of the Earldom by the King.[2] Alicia Comyn and her husband enjoyed the Earldom of Buchan, with more or less interruption during the war of succession, as the Scots or English gained the upper hand, from this date till her husband died about 1340, when she and her son, Sir John Beaumont, made an agreement as to her dower.[3] Though he was undoubtedly heir of the earldom, he never took the title, probably owing to the disturbed state of the two countries, and the lands lying so far within Scotland. Had they been on the Border, the case might have been different.

Now it seems to me that the facts above stated indicate that William Comyn, the heir male, was passed over for the heir of line. He was in the English interest, and thus there was no bar to his succeeding his brother John. Earl John had another brother, Roger, who is named in 1304 as having had his lands restored by Edward I.[4] He is possibly the Sir Roger Comyn who appears on various occasions in the reign of Edward II., down to 1324. He does not seem to have made any claim to the earldom, being, no doubt, junior to William. I have seen no further notices in the English records of the future career of William Comyn, the unsuccessful claimant. He went to Rome, or made preparations to do so, in April, 1310, for what object is not stated.[5] And so late as 1327, it is retrospectively observed, in a writ restoring Whitewyk manor to Alicia Comyn and her husband, that William had intruded on it under false pretences, and created a debt of 4000*l.*, but had confessed to the late King that he had no right but that of intrusion.[6]

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[1] Duchy of Lancaster charters.
[2] Close Roll, 5 Edw. II.
[3] Original in Public Record Office.
[4] Calendar, vol. ii, No. 1535.
[5] Privy Seals, 3 Edw. II.
[6] Close Roll, 1 Edw. III.