THE EARLS OF STRATHERNE.

THEIR SUCCESSION AND ALLIANCES, 1240-1332.

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The Historiographer for Scotland (W. F. Skene, LL.D.), in his paper on the Earldom of Caithness,[1] remarked that there is some difficulty in clearing up the history "of the last four Earls of Stratherne . . . . as they all have the name of Malise." Some additional information has since been found in the English Records, which may perhaps go a little way in assisting to clear this up. I will state one or two hypotheses founded on these. If we accept Dr. Skene's statement (on the authority of Fordun) that Earl Malise (I) died in 1271,[2] then Earl Malise (II) cannot have been his son, for these reasons. Malise (I) married Majory Muscamp about 1245. She died before 1255-56, leaving no son, but two daughters only, who inherited their mother's lands in Northumberland, and their succession is well known.[3] Earl Malise (I), if he lived till 1271, must have had another wife, Emma, living 1261-1267.[4] Earl Malise (II) was not likely to have been her son, but rather, for the reasons presently given, her husband. For it is probable that Malise (I) died sooner than Fordun says. He was preparing to go abroad in 1259, when he borrowed 30½ marks from three merchants of Cahors, in London.[5] He is named, however, as Earl in 1261, while in the same paragraph,[6] Malise de Stratherne, (simply so styled), and Emma his wife, also appear. By 1267, the latter, who is now styled Earl, and Emma, again appear.[7] Malise (II) was thus, probably, the son by a first wife, of Malise (I). He may also have been his nephew or cousin. It is not known that Robert the previous Earl had any other sons than Earl Malise (I); but he had three younger brothers, Fergus, Malise, and Gilbert. Earl Malise (II) therefore, is likely to have been the husband of the Queen of Man, as his 2nd wife, on the death of the Countess Emma, and instead of being dead in 1292, as suggested by Dr. Skene, on the authority of the summons to Maria countess of Stratherne, widow of Hugh of Abernethy, to shew cause why Alexander of Abernethy (Hugh's son) should not have his lands in Fife and Perth,[8] as she is not called the *Earl's* widow, he was no doubt then living, though he died between that year and 1296. It must be this second Earl Malise whose daughter was married to Robert de Tony in 1293, and the third Earl Malise, whose daughter Maria married John Moray of

[1] *Proceedings of the Antiquaries of Scotland*, vol. xii, p. 571 (11th March, 1878).
[2] There was an earlier Malise, but as he flourished so long before as the Battle of the Standard in 1138, this second Malise is No. I for our present object.
[3] *Calendar of Scottish Documents*, v ols. i and ii.
[4] *Ibid.* vol. i.
[5] *Ibid.* vol. i, No. 2160.
[6] *Ibid.* i, No. 2283. (Extract from Northumberland Pipe Roll.).
[7] *Ibid.* No. 2451 (Memoranda Rolls).
[8] *Acts of Parliaments of Scotland*, Vol. i, p. 91.

Drumsargard, at some date between 1312 and 1319, as I shall endeavour to shew presently. But first there is a difficulty as to the two contemporary Marias, countesses of Stratherne, both widows in 1296, which must be dealt with. My belief is that Maria, Queen of Man, was the same person as Maria wife of Hugh of Abernethy. It is quite true, as Dr. Skene points out, that their designations are partly different, a fact, at first sight, somewhat awkward to get over. But in the Roll of widows,[1] there are three other widows who are twice named when claiming their late husbands' lands, evidently because the lands lay in two different counties. And this was so with the Countess Maria of Stratherne. As widow of Earl Malise (II), she claimed lands in Perthshire, as also widow of Hugh of Abernethy, she claimed lands in Forfarshire. Alexander of Abernethy (Hugh's son, whether by her is not said) had by 1296 done homage and got his father's lands in Fife and Perth, but in 1292 he was a minor, as the Scotch Acts of Parliament, cited by Dr. Skene, shew.[2] The writer of the roll of widows therefore, I conclude, altered the lady's description, to show the different characters on which she claimed dower in each county. Apart from these two isolated entries, there is no further evidence of a Maria, Dowager Countess of Stratherne, *as widow of Hugh of Abernethy*—while Maria the Queen of Man appears on several occasions as the widow of an Earl of Stratherne. About 1297, she married a third husband (her *fourth*, if my hypothesis is right) Sir William fitz-Warin, an Englishman in the service of Edward I in Scotland, who died a prisoner there before December, 1299, she herself dying in 1303.[3] *Robertson's Index*, by an odd error, makes out that she married one William de *Hameldon*, a supposed fact which misled both Anderson (the author of the *House of Hamilton*)[4] and a greater authority, Riddell, into a belief that this shewed a farther early connexion of the Hamiltons with Scotland; and that this so called "Hameldon" was a brother of Walter fitz Gilbert, the ancestor of the Hamilton family. It is clear the framer of *Robertson's Index* (which was made in 1629) has, in some way, converted Fitz Warin into Hameldon, though there does not seem much resemblance. At all events, though not impossible, it is in the last degree improbable that Maria, Queen of Man, should have re-married between 23rd December 1299, when Fitz Warin was just dead, and 10th October 1303, before which last date she herself was dead.

Coming to Earl Malise (III), it may be presumed he was the son of Emma, 1st wife of Malise (II) and thus born possibly some time not long before 1261. He was thus quite old enough to be the father of a son, eventually Earl Malise (IV), the latter old enough, in 1306-7, to be a petitioner—along with his mother the Countess, whose Christian name, though not there given, was Agnes—for an enquiry into his father the Earl's conduct, who was then a prisoner in England for alleged complicity

[1] *Rotuli Scocie*, 24 Edw. I m. 11. d. (original).
[2] See *Acts of Parliament*, vol. i. pp. 90-1 (446-47.)
[3] *Cal. of Scot. Doc.*, ii., Nos. 1062, 1184, 1117, 1642.
[4] *Historical and Genealogical Memoirs of the House of Hamilton.* (Edinburgh 1825, 4to).

with Robert Bruce,[1] of which he afterwards cleared himself. Malise, the son, also appears from 1307 to 1313 in the English service in Scotland.[2]

From the later records[3] it appears that this Countess of Earl Malise (III) was named Agnes. She occurs on several occasions down to 1311, along with her husband, who in 1307 was released from the surveillance under which he had been kept in England, two of his sureties being Robert de Tony and Alexander de Abernethy, the former his brother-in-law, and the latter the son of his step-mother,—if my conjectures are right. According to Dr. Skene and the authorities cited by him, his second wife was Johanna de Menteth, but nothing appears in the English records as to her. Nor as to his son Earl Malise (IV), except his forfeiture by Edward Balliol, and the grant of his earldom to John, earl of Warenne and Surrey, in 1332, who appears to have been still in possession in 1338,[4] so I can say nothing as to the wife or wives of this fourth earl. But if my inductions are correct, Malise (III) while not old enough to be the father of Matildis married to Robert de Tony in 1293, may well have been her brother. But he was undoubtedly old enough to be the father of Maria, married to Sir John Moray of Drumsargard at some date about 1319. As Sir William Moray of Drumsargard was living in 1304[5], Sir John could not have been 'of Drumsargard' till afterwards. The *Register of Inchaffray*,[6] quoted by Dr. Skene, shews pretty clearly that the marriage took place about 1319, as Maurice, bishop of Dunblane, a witness to the fourth Earl's confirmation charter, was made bishop in that year. Dr. Skene closes his paper by observing that Maria, widow of Hugh Abernethy, [in his view] one of the wives of the third earl Malise, is the only person through whom the fourth earl Malise could have claimed any right to the earldom of Caithness. But surely, if this were so, Alexander of Abernethy, the son of her former husband Hugh Abernethy, would have had better right, as there is nothing to shew he was not *her* son. And we never hear of any claim by him or his daughters, who carried the Abernethy succession to the Stewards, earls of Angus, and the Lindsays of Crawford.

There are, however, two hitherto unknown countesses, Emma, the 1st wife [in my view] of the second Earl Malise, and Agnes, wife of the third Earl Malise, by either of whom the right to Caithness may have descended, though, unfortunately, not knowing their surnames, it is mere conjecture as yet. It may be added that Douglas's *Peerage of Scotland* (Wood) is a jumble of confusion regarding these four Earls. It is there suggested that Margery Muscamp may have been wife of the fourth Earl Malise, as more suitable chronologically (!) she, as above shewn, having died half a century at least before his time.

As I see that 'G.E.C.' under the title of Caithness, adopts the view that the fourth Earl Malise was the son of Mary, widow of Hugh of Abernethy, the same lady, I suggest, as Maria, Queen of Man, perhaps

[1] *Cal* of *Scot. Doc.*, ii., No. 1883.
[2] *Ibid.* No. 1938. vol. iii., Nos. 121, 299.
[3] *Ibid.* vol. iii., Nos. 118, 121, 192, 208.
[4] *Ibid.* iii., No. 1689.
[5] *Ibid.* ii., No. 1594.
[6] (Bannatyne Club) 1847.

the foregoing may come under his notice before he deals with the earldom of Stratherne, as promised there.

SUGGESTED PEDIGREE.

