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Jörg Rogge / Matthias Berlandi / Sebastian Weil

Of People, Land and Bonds

Contributions to Lordship and Administration
in North-East Scotland in the Later Middle Ages

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Introduction

In this book we present the results of a research project entitled ‘Men Rent or Land Rent? Significance and function of land transfer for the practice of lordship of kings, lay lords and ecclesiastics in northeast Scotland in the late Middle Ages’, which was funded by the German Research Foundation from 2017 to 2022.

We intend to present some important aspects of our findings. The following three chapters are designed to show the scope of our research by way of specific examples, which in turn may guide the reader towards the more detailed studies. With this volume we want to contribute to the current debates in Scottish research by addressing topics such as the relation between kings and nobility, the practice and legitimisation of lordship, political culture, and national identity, analysing them from a continental perspective.

The starting point of the project was the observation that in Scotland too the focus of aristocratic rule was the securing or expansion of its material basis. The central resource, however, was the land on which a nobleman could exercise judicial and other sovereign rights. Land ownership was the backbone of royal and aristocratic lordship. These connections might stand out more readily from a German perspective. There were also processes of territorialization and strong regional power structures within the Empire. With this comparison in mind, we have occasionally developed a different perspective on the specifics of Scottish kingship and regional lordship than one shaped by the comparison with its relatively early centralized neighbour, England.

Therefore, throughout the duration of the project we examined

- a) how land-distribution and property transfer correlated with political interests.
- b) the self-organization of the landed nobility.
- c) whether or not by this self-organization some kind of political order was established.
- d) whether or not transfer of property was more important to the protagonists than personal loyalty, expressed by the bonds of manrent.

To answer these questions, we tried to assess the economic capability of the transferred lands. Their value can be determined through regalian rights annexed to it or via inquisitions and rentals. Because these leading questions guided the research undertaken by Berlandi and Weil, we can carve out similarities and differences in political actions and the practice of landholding of lay and ecclesiastic nobility. As mentioned above we hope that the outcome of the project shapes our understanding of the political culture in late medieval Scotland and may advance knowledge in the following questions, which are frequently discussed in research literature.

(1) A regional study can validate the presumed centralization under the Stewart kings in the 15th century. We examined how far the lower nobility reached out to the Crown to solve or settle conflicts. Until now scholarly discourse argues mainly with an adoption of continental or English ideas concerning building projects and representation by James I and James III to prove a change in their understanding of kingship. We want to analyze the involvement of the kings in matters of resolving conflict, to discuss the question whether this is an indicator for the development of a more centralized kingdom. The question of centralization is further echoed by taking the large clerical lordships, which were often regalities, into account and thereby showing their role in the political fabric of the kingdom.

(2) Furthermore, our research results help to judge the question, whether the lower nobility was functionalized or instrumentalized by the kings – at times specifically against the magnates – to enforce the sovereign’s will in different regions, but especially in the Northeast of Scotland.

(3) Bishops and Abbots were important political agents in the Northeast and in the whole of Scotland. Nevertheless, the administrative structures of bishoprics and other clerical institutions, their economic and financial resources and the territorial policy of the prelates have not been subject to systematic studies. Older research tends to take a biographical approach, which focuses on the person of the bishop or their pastoral duties. The most recent study of the bishopric of St Andrews and its administrative structure ends with the year 1328. Therefore, the research done in the project on this topic presents new insights into the political actions of bishops and abbots in the 14th and 15th centuries.

(4) The social hierarchy through landownership on a regional and local level is another topic of interest. It is a striking observation that members of the lower nobility name themselves after the land they received in addition to their family name. We want to try the assumption that the landed lower nobility wielded important political influence in the realm. This would be further evidence for the thesis that landownership was more important for the development of political structures than the *bonds of manrent*. Matthias Berlandi uses in his contribution

charters' witness lists to show whether families like the Arbuthnots or Wisharts had any political influence at all.

(5) Fife was throughout the project's time frame an administratively well-established region. The number of regionally decided feuds was far lower compared to the border regions in the north and south. Aberdeenshire and Kincardineshire offer a very good comparison, because some regions of the shires were involved in Highland conflicts. Here the allocation of offices by the Crown was rather due to pragmatic necessities than out of patronage.

In order to answer these questions, we have considered and collected charters from the archives and libraries in Aberdeen, St Andrews, Edinburgh, Hawick, and the relevant published sources. A detailed presentation of the sources used can be found in the articles by Berlandi and Weil; a selection of the research literature used for the project can be found in the bibliography. The project's research was framed by two presets. The first was geographical: Due to the above, the focus of the studies was on the North-East of Scotland. The other was time-bound: We decided to focus on the 15th century as a period which has received less attention than the action-packed centuries before (Wars of Independence) and after (Mary Stewart, Reformation, James VI), but has nevertheless seen a very large number of impactful theories on the development of the Scottish kingdom and society. As the centralization of royal rule under the three James-kings was a central point of focus, we decided on 1488 as a cut-off point. This, however, proved impractical for the study on clerical lordship – where the end of Bishop Elphinstone's episcopate was chosen as an alternative endpoint. As many relevant sources, especially regarding economic history, are dated from the 16th century, both Berlandi and Weil have, whenever necessary, extended the timely scope of their studies beyond 1488.

The three parts of this volume will illustrate some of our findings regarding the leading questions for the research in the project. Jörg Rogge's chapter presents an overview over important political events during the reigns of Scottish kings from 1286 to 1488 and serves as a frame for the more detailed studies in part two and part three.

Matthias Berlandi focuses on three important aspects in his examination of the relationship between land ownership and aristocratic society. The bonds of manrent have had a special significance and function since the 15th century. Berlandi discusses the various forms of bonds, and the intentions associated with them. Secondly, he asks why the lower nobility sided with the kings against the high nobility (Black Douglas, MacDonalds) since James I took office in 1424 or was at least indifferent towards the centralisation of lands and income in the hands of the crown. Finally, he takes up the debate about the real or perceived cultural rifts between the noble families of Anglo-Norman origin and those of

Gaelic origin. He asks whether and how these divergent cultural traditions were decisive for different ruling practices.

Sebastian Weil's contribution in the third part of this book opens a perspective on a topic that has hardly been dealt with in Scottish research to date, namely how Scottish bishops administered and governed their landholdings in and outside their dioceses. Based on the results of his study of the administrative and ruling practices of the bishops in Aberdeen in the 15th/16th century, he demonstrates the similarity between the organisation of lordship in the bishopric of Aberdeen and the model of territorial lordship developed by German research.

Taken as whole we consider this book as an invitation to scholarship. The history of late Medieval Scotland should not (solely) be told and retold through the lenses of nation-building or king-magnate relations and by means of revisiting well-known charters and chronicles. Scottish history can be presented by way of specific regions, lords and lordships and extrapolated from their respective sources. Therefore, our project may be one puzzle piece towards a more integral history of the Scottish kingdom.

1. The Kings and the Community of the Realm in the late Middle Ages

1.1. Prelude 1286–1305

On a dark and stormy night in March 1286, the Scottish King Alexander III fell from his horse at Kinghorn in Fife, tumbled over a cliff and broke his neck. Thus ended his long and largely successful reign. In July 1266, he concluded a treaty with the Norwegian King Magnus IV, through which the Hebrides were transferred under Scottish rule in return for a one-off payment of 4000 marks and an annual payment of 100 marks. The relationship with England was largely free of tension after Alexander III had paid homage to King Edward I in 1278, but only for his possessions in England. He had not recognised English suzerainty over Scotland and rejected corresponding demands.¹

Alexander III's death caused uncertainty in both domestic and foreign affairs. He left no descendants capable of ruling, as Alexander's heir to the throne had already died in 1284. The only surviving descendant was Margaret, offspring of his daughter Margaret's marriage to the Norwegian King Erik II. Shortly after the death of his son, Alexander III succeeded in having his granddaughter Margaret recognised by the Scottish nobility as his heir to the throne if he would not produce another male heir.

However, Margaret was only three years old when her grandfather broke his neck and was therefore unfit to rule. In April 1286, six peacekeepers or guardians ('custodes pacis') took over the government of the kingdom. They negotiated with the English king Edward I about how peace in Scotland and the independence of the realm could be secured externally. The results were recorded in the Treaty of Birgham and Northampton in July 1290. The marriage of the young Margaret to Edward, heir to the English throne, was agreed. However, this was not intended to unite the two kingdoms. Rather, they were to remain independent

1 The references to sources and research literature are limited to what is necessary. The detailed evidence can be found in my book published in German.

political entities after the marriage and Scotland's independence from English suzerainty was to be guaranteed.

This was the first time in Scotland that it had been set out in writing that the subjects would retain their old rights and freedoms – regardless of who would rule Scotland in the future. However, the agreements could not be implemented, as Margaret died during the crossing from Norway to Scotland in October 1290. The question of succession to the throne in Scotland was once again completely open, as was the question of the future organisation of the relationship with England (Prestwich, Edward I, 155–174. Barrow, *Kingdom in Crisis*, 120–141).

Conflicts over succession to the throne and English intervention

The Guardians had hoped that the solution regarding the succession to the throne laid down in the Treaty of Birgham would above all preserve peace between the powerful Scottish magnate families and avoid a possible struggle for the succession to Alexander III. There were a considerable number of candidates who could substantiate their claim to the throne. Due to their relationship to the late king, two candidates were particularly promising contenders: Robert Bruce the Elder and John Balliol. Robert Bruce (born c. 1220) was the son of the second daughter of Earl David of Huntingdon, a brother of King William I, the grandfather of Alexander III. John Balliol (born c. 1249) was descended from the earl's eldest daughter.

The two suitors prepared themselves and their supporters to assert their claims by force; open warfare was imminent. This constellation was especially dangerous as there was no experience in resolving such an open succession situation. There was no precedent, as until then there had always been a largely recognised heir to the throne (Penman, *Royal Succession*, 44).

In this situation, Scottish bishops looked for ways to prevent the outbreak of civil war. To this end, they wanted to call in a foreign arbitrator. They considered the English king Edward I to be the most suitable arbitrator to find a peaceful solution to the conflict over the Scottish throne between Bruce and Balliol. He had the reputation of being an experienced negotiator and he was militarily powerful enough to enforce the arbitration's result if necessary against the resistance of the losing party. William Fraser, bishop of St Andrews, wrote to Edward I in early October 1290 that he feared civil war and asked him to come north to the border and prevent the outbreak of hostilities between the claimants to the throne. In May 1291, negotiations on the Scottish succession to the throne, the Great Cause, began in Norham on Tweed under the leadership of Edward I (Rogge, *Was tun?*).

However, the English king had previously demanded that the Scots recognise his overlordship to the kingdom – at least until they had a king again. This changed the legal basis for Edward’s decision on the succession to the throne. He was no longer an arbitrator, but a judge recognised as feudal superior under feudal law. He held the kingdom to enforce and secure the decision in favour of the successful candidate. After all the candidates for the throne had finally presented their claims, Edward I decided in November 1292 that John Balliol was the rightful King of Scots. He was inaugurated at the traditional coronation site – in Scone (near Perth) – and swore an oath of fealty for Scotland to the English king on 26 December, thereby recognising Edward’s suzerainty. After more than six years, the Scots once again had a king, but his position was fundamentally different from his predecessors. He did not have the consent of all Scots – e.g. not of the relatives and friends of the defeated competitor Robert Bruce – and he was dependent on the English king (Beam, Balliol Dynasty).

King John Balliol or who was the real ruler of Scotland?

In the following years (1292–1296), this constellation led to King John Balliol being perceived in Scotland not as a sovereign ruler, but as Edward’s vicarious agent. The fact that King John was summoned to the royal feudal court in London and ordered to raise Scottish soldiers for Edward I’s conflict with France served to reinforce this impression. However, the last demand provoked – against the will of Balliol, who was probably prepared to fulfil his feudal duty – open rejection in parts of the Scottish knightly nobility (lairds) and the clergy. Resistance to English influence on Scottish affairs began to form and allies were sought against the English king.

In October 1295, some of the most important Scottish magnates formed an alliance with Philip IV of France without the king to protect themselves against England; this was the beginning of the ‘Auld Alliance’. It is unclear whether King John was deposed at the beginning of 1296 and Scotland was once again ruled by a group of twelve Guardians. For Edward I, the refusal of feudal service, regardless of whether King John had been urged to do so by his advisors, was a breach of the oath of fealty and provided him with the legal justification to invade Scotland with troops. The oath-breaker was to be punished and deposed (Watson, Under the Hammer).

In March 1296, English troops captured the important border town of Berwick, which Edward I ordered to be plundered and pillaged, and in April at Dunbar, English units defeated a Scottish contingent, which did not include the Bruce family. This broke the military resistance, and the English troops were able to occupy all the important castles. Most of the Scottish nobles tried to make

peace with the English king to save their property. Edward I demanded unconditional surrender from King John. He had to renounce the rebellion, revoke the alliance with France, relinquish his kingship and return it to the English king. On 8 July 1296, he was ritually removed from office in Montrose by having his coat of arms torn from his cloak and his seal broken. He was then taken into English captivity. Edward I also had the symbol of the Scottish kings' independence, the Coronation Stone of Scone, transported to Westminster Abbey Church. There, the stone was incorporated into a coronation chair commissioned by Edward. He wanted to make it clear that when an English king was crowned on this chair, he also took his seat on the coronation stone and thus became Scottish king at the same time.

For from his and his successors' point of view, Scotland was under the suzerainty of the English king, indeed it was part of the English crown and no longer an independent kingdom. Edward I appointed Earl John of Warenne as his deputy in Scotland and Hugh Cressingham as treasurer, who were to set up an English-style administration, collect taxes and prevent rebellion and resistance. The king himself sailed back to the continent to assert his claims against the French king in Gascony and Flanders.

William Wallace' attempt to get rid of king Edward I and the English

The so-called 'First War of Independence' began in 1297 with the resistance against the English troops and sheriffs organised by William Wallace, who considered the deposition of King John Balliol to be unlawful. Wallace did not belong to the high nobility and therefore never received the unconditional support of the Scottish magnates despite his military successes (Fisher, William Wallace; Brown, William Wallace).

After the larger part of the Scottish nobility had submitted to Edward I, the English king believed that he had already achieved his goal of bringing Scotland under his direct rule at the beginning of 1297. However, in the spring and early summer of 1297, William Wallace and Andrew Murray organised resistance against the English garrisons and attacked English military columns. King Edward I instructed his treasurer Hugh Cressingham to put down the resistance. In September, the armies met at Stirling on the Bannockburn stream. Led by Murray and Wallace, the Scots succeeded in defeating the English troops; Cressingham was killed (Barrow, Robert Bruce, 112–115). In November, Andrew Murray died because of an injury sustained in the battle. Wallace therefore acted alone as Guardian for the kingdom in the winter of 1297/98 with the aim of freeing it from English rule and reinstating the rightful King John Balliol in his office. In the spring, the Scots around Wallace prepared for the English king to

march in with a new army to make amends for the defeat at Stirling Bridge and put down the rebellion. On 22 July 1298, the troops met near Falkirk. Wallace offered the English an open field battle, which they won due to their superior cavalry. Many Scots were slain, Wallace escaped, but the fight under his leadership was over.

In the following years, the English attempted to gain control of at least the south of Scotland, because even after the victory at Falkirk, Scotland north of the Forth remained unoccupied by the English until 1303. There were English garrisons in Edinburgh, Roxburgh, Jedburgh and Stirling from October 1298, totalling around 1300 infantry and 175 men-at-arms. In addition, there was a garrison of around 180 soldiers in Linlithgow from 1301 to 1303; in Selkirk there were 225 to 230 men, and ten to fifteen soldiers were stationed in Peebles (Watson, *Under the hammer*, 71).

In 1298 alone, Edward I spent £76,549 for the war in Scotland. How much control had he achieved in return? To the north-east of the kingdom, it extended no further than the Firth of Forth, and in addition he held some regions in the south-west. In the other regions the Scottish administration probably continued to function; from December 1298 Robert Bruce of Carrick and John Comyn of Badenoch were joint Guardians. In the winter of 1298/99, the Scots were strong enough to besiege Stirling (albeit unsuccessfully). However, Edward I also had difficulties in the following year to raise an army that would have been able to defeat the Scots once and for all.

The English also had major problems supplying their garrisons. The English commander Robert Clifford wrote to the supply master in Carlisle at the beginning of 1299 and asked him to pay the archers a fortnight in advance because no provisions could be brought in. In this way, he wanted to prevent the men from simply leaving. In August 1299, the English officials expected the Scots to attack, but they did not know exactly where and feared that their own soldiers were too weak to fight due to the lack of provisions. The English occupation in southern Scotland had a basic problem that could not be solved: if there was no army to supply, there would be enough food for the garrisons, but these were not able to secure the supply lines and the regions in terms of numbers. However, if the English had had the military strength because an army was deployed, there would have been supply problems for this very reason.

To control and dominate Scotland, the English would have had to permanently capture and dominate the following castles/burghs: Edinburgh for Fife, Dumbarton for the western Highlands, Stirling for the southern Highlands. However, they failed in doing so between 1297 and 1304. Edward I's plan of 1296 to establish the Scottish castles as the backbone of the new administration and as a sign of the change of rule to the local communities did not work. The reasons for the failure lay in a mixture of English arrogance, their supply problems and Scottish recal-

citance. The English garrisons were merely outposts that suffered from Scottish attacks and were difficult to supply. The Scots were able to capitalise on this. In January 1300, the English surrendered to the Scots at Stirling Castle. In the spring of 1300, after Stirling, the Scots also conquered Bothwell Castle – it remains to be seen whether the Scots were tactically adapting and militarily strong or whether the English were unable to hold the castle or end the siege by relieving it.

1.2. The Bruce Kings 1306–1371

In the early years of the 14th century, truces and negotiations alternated with unsuccessful English campaigns and largely unsuccessful sieges of English garrisons by Scottish troops. Both parties lacked the resources for complete military success. By the winter of 1303/04, the English king had finally gained the upper hand.

He held court in Dunfermline and his son Edward, the crown prince, held a court in Perth. A large proportion of the Scottish nobility recognised the military superiority of the English troops and in January 1304 envoys approached Edward I to ask him on what terms he would accept the surrender of the Scottish fighters. The Guardian John Comyn offered submission under the following conditions: Safety for life and limb of the Scots, no arrests, confirmation of their heritable possessions in England, Scotland and Ireland. In addition, forgiveness for all offences committed during the war and a return to the rule of law as at the time of Alexander III. Furthermore, the Scots did not want to provide hostages but offered to swear oaths of fealty and allegiance as a sign of their recognition of English suzerainty. Edward I was essentially in agreement with this. However, he demanded that the Scots also submit to his future orders and regulations for Scotland. Furthermore, Edward I excluded some notorious rebels (or Scottish patriots) from the peace agreed on these terms, who were to be punished: most notably Bishop Whishart of Glasgow, Alexander Lindsay and William Wallace.

On 16 February 1304, the Scots swore oaths of fealty and allegiance to the English king. In fact, Edward I's terms were not particularly harsh, as he was not able to dictate a harsh peace. Despite his success in the winter, he understood he could not hold the army together for much longer; his empty coffers indicated that it could not be in his interest to continue the war any longer. He also needed the support of the Scottish nobility to establish a good and stable administration in Scotland. In March 1304, he held a parliament in St Andrews, during which 129 landowners accepted him as their feudal lord. Edward I was thus recognised as the ruler of Scotland. Now all he had to do was get his hands on William Wallace – which he finally succeeded in doing in 1305. William Wallace was tried, convicted and executed in London as a rebel and high traitor. In that year,

Edward I demoted the kingdom to a country (*terra*) with the Ordinance for Scotland and placed it under the direct control of the English crown (Barrow, Robert Bruce, 172–183).

In April 1304 shortly after the submission of the Scottish nobility, Robert Bruce, the eponymous son of the pretender to the throne in 1292, died. His son who was also the pretender's grandson, also named Robert, inherited not only the title of Earl of Carrick, Annandale and Lochmaben Castle (which Edward I no longer had to occupy), but also the claim to the Scottish throne. However, he was not particularly persistent in his pursuit of this, as at this point, he also recognised Edward I's rule over Scotland. In the years after 1304, the English king relied primarily on the Comyns to rule Scotland. Although John Comyn, who was Guardian from 1298 to 1304, did not receive an official office, his relatives and friends did. His cousin the Earl of Buchan and his right-hand man, Sir John Moubray, became counsellors to John of Brittany, Edward I's new royal lieutenant and deputy in Scotland.

Edward I was now 66 years old and in early 1306 it became apparent that he was very ill and unlikely to reign much longer. Robert Bruce prepared for the day when the king would die and stockpiled food supplies in his castles. He very probably wanted to seize the throne when Edward I was dead and his oaths to the king had expired. In this situation, Bruce had the opportunity to realise the claim to the throne inherited from his family. But there was another obstacle on the path to the throne. In terms of hereditary law, John Balliol's son was the next king of Scotland; Bruce's reference to his grandfather as legitimisation for his claim was therefore invalid or even unlawful. However, Edward Balliol was still in English captivity, and it was unlikely that he would be able to intervene in the struggle for the throne. In contrast, his nephew lived in Scotland: Sir John Comyn of Badenoch. Robert Bruce and John Comyn met for talks in the Franciscan church in Dumfries on 10 February 1306. Neither the reason for this meeting nor the content of the conversation are known. But it is very likely that Bruce wanted to find out whether Comyn would prevent him from ascending the throne after the death of Edward I.

During the conversation, the two got into an argument and eventually Bruce and his men stabbed and killed John Comyn and his uncle Robert Comyn in the church; this was not only murder, but also sacrilege (Grant, *The Death of John Comyn*). Given the state of affairs (and the poor relationship between Comyn and Bruce), a violent solution was probably unavoidable, as the Comyns would not have voluntarily accepted Bruce as king, and he knew that they would limit his power if they would be given the chance after Edward I's death. But be that as it may, Robert Bruce had put himself in a difficult position, as he did not have many options to escape the Comyns' very likely revenge. Edward I would rather help the Comyns get justice for the murder. It was also hardly possible for Bruce to hide

from his enemies in Scotland in the long term. All that remained was for him to seize the Scottish throne sooner than planned without further delay. “It was what he had planned, but it was certainly not the way he had planned it” (Watson, Robert the Bruce, 39).

Bruce succeeded in mobilising supporters in the south-west and had them fight against the English occupying troops. He also had the support of Bishop Wishart of Glasgow. Wishart should have excommunicated Bruce because Dumfries was in his diocese, but in fact he preached in favour of his support and prepared for Bruce’s coronation. These took place on 25 March 1306 at the traditional location in Scone. However, the coronation stone was in London since 1296, and the event was poorly attended. Bishop Wishart of Glasgow, the Bishop of Moray and two abbots were at Scone. Bishop Lamberton of St Andrews had to be persuaded to say mass. Of the eleven possible earls, only those of Menteith, Atholl and Lennox were present; Isabel, Countess of Buchan, represented her nephew, Duncan, earl of Fife, and placed the crown on Bruce’s head.

The new Scottish king was initially a rebel against Edward I, and few Scottish nobles were willing to follow him. Those who did join Bruce entered a risky gamble with an uncertain outcome – how long would Edward I live; how would his son treat Scotland? How would the Comyns behave? However, Robert Bruce’s usurpation of the throne in March 1306 changed the course of Scottish history forever. The (spiritual) chroniclers now had to explain that this turn of events was God’s will.

In 1306/07 it did not look as if Bruce would be able to assert himself, but his position improved after Edward I died in June 1307 and the Scottish clergy declared themselves in favour of Bruce as the legitimate Scottish king in 1308. In the following years, together with James Douglas (the ‘Good Sir James’), he succeeded in conquering the castles defended by supporters of the English king and gradually won over the Scottish nobility to his side. When a Scottish army defeated a numerically far superior English contingent under the leadership of King Edward II below Stirling Castle on the banks of the Bannockburn in June 1314, Robert Bruce obtained divine confirmation (God’s judgement on the battlefield) of his claim to the Scottish throne, which he had asserted against internal and external enemies (Chris Brown, Bannockburn 1314).

Consolidation of rule: from Bannockburn in 1314 to the Peace of Northampton in 1328

After the years of warfare against the occupying forces from England and the Scottish nobility fighting against each other, all the important political players had a great interest in reorganising the administration of the kingdom and

stabilising the relationship between the crown and its vassals. Robert Bruce also endeavoured to secure the Scottish throne for his family.

At the beginning of December 1318, a parliament met in Scone. Among other things, it was decided that fiefs (feus) could not be withdrawn or litigated for without the king's knowledge. The assembly also endeavoured to establish peace between the nobles in the Kingdom of Scotland who had fought for Bruce and those who had fought him and his supporters as rebels. The King and Parliament therefore forbade anyone to attack or harm any other nobles in future. Instead, old and future disputes were to be settled before a court in accordance with local customary law. Anyone who did not abide by this was to be accused of breaking the king's peace.²

It was important to Robert Bruce that Parliament recognised his right and that of his heirs to the throne and those who would not accept this should be charged as traitors (*lèse majesté*). Subsequently, the way in which the kingdom was to be inherited was finalised and heritable succession to the crown was set out.

Robert Bruce had been married to Elizabeth de Burgh since 1302, but in 1318 they still had no male heir (their son David was not born until 1324). Parliament confirmed the following inheritance arrangement: If King Robert I died without a natural male heir, his nephew Robert Stewart, the son of his sister Majorie and Walter Stewart, would be next in line to the throne. In fact, Robert Stewart would become king in 1371 because Robert's son David had died without an heir.

Following this special provision, the succession to the throne in the realm was once again fundamentally determined. Accordingly, the succession to the throne falls to the eldest son of the deceased king or – if there is none – to the eldest daughter. The procedure follows the practice in the lower feus (earldoms) and is modelled on imperial law practised on the continent. The procedure for determining succession is called 'entailing' and the heirs named in such a document are 'heirs by entail'. However, this made it possible to restrict the circle of heirs and, for example, exclude daughters from inheritance, even if they were in principle entitled to inherit under Scottish law.

The 'Declaration of Arbroath' (51 seals attached to the document) from April 1320 gives an impression of the self-conception of the Scottish nobles and their idea of the relationship between king and magnate (Duncan, *Nation of Scots* 34–37; Barrow, *Declaration*). This letter from Scottish nobles to Pope John XXII, which has received much attention from researchers, not only emphasises willingness of the nobles to fight to the last for the freedom of Scotland but also makes it clear that Scottish kings have a very special task. Should King Robert

2 The decisions of the parliament are available in Archibald A.M. Duncan (Ed.), *The Acts of Robert I, King of Scots* and online K.M. Brown et al eds *The Records of the Parliaments of Scotland to 1707*, St Andrews, 2007–2019.

allow Scotland to be subjugated by an English king, they would depose him, expel him and elect another king. This statement can also be understood the other way round, namely as legitimising the reign of Bruce, who had defended Scottish independence until then.

The victory of the Scots under King Robert Bruce over the English army of Edward II at Bannockburn in June 1314 put a temporary end to the English military attempts to assert their claim to supremacy over Scotland and its king. After this victory – writes the chronicler at Lanercost Abbey (near Carlisle in Cumberland) – Robert Bruce was called King of Scotland by everyone, because he had acquired Scotland for himself by force of arms (The chronicle of Lanercost, 210).

He was not only alluding to the victory against the English troops, but also to the fact that after this military success, even those Scottish magnates who were supporters of the Balliol-Comyn party recognised his kingship. In the following years, the English border regions (Cumberland, Northumberland, Westmoreland, Durham) as far as Yorkshire were repeatedly affected by raids and plundering by the Scots.

King Robert Bruce and his counsellors pursued three objectives. Firstly, he wanted to recapture the important border town of Berwick (he succeeded in doing so in 1318) and bring other important English garrison towns such as Carlisle, Norham and Newcastle upon Tyne under his control. Secondly, he forced the payment of protection money to prevent the plundering or pillaging of villages and towns in northern England. Bruce probably collected around £20,000 in ten years in this way. (McNamee, *Buying off Robert Bruce*). Above all, however, he wanted to use his plundering campaigns to persuade the English king to recognise his Scottish kingship and obtain his renunciation of overlordship over Scotland. The sustained military pressure on the English border regions was intended to persuade Edward II to negotiate on the disputed issues to pave the way for peace negotiations. But these measures did not lead to the desired success, as Edward II did not recognise Robert Bruce as King of Scotland. Even at the end of 1322, when negotiations for a truce had begun, he wrote to the ‘People of Scotland’ but ignored King Robert in the letter. Bruce replied that he would not accept a truce if the English considered his most humble subjects more important than him. Without recognition as Scottish king and the English renouncing their claim to overlordship of Scotland, Bruce was not prepared to negotiate peace with Edward II.

The military actions of the Scots in the English border regions were not entirely without effect. The inhabitants of Northumbria and Cumberland directly affected by the attacks were – in contrast to their king living in the south – interested in a peace agreement. In January 1323, Bruce was therefore able to negotiate a peace on the border or for the border regions with Andrew Harclay, the earl of Carlisle and an important English commander. Harclay reacted to the

political and military inability of Edward II, who did not give up his claim to supremacy over Scotland but did not take suitable measures to enforce it and thus create peace. Bruce and Harclay agreed that each king should rule his realm independently and in peace. Then the annual raids would also come to an end, as would the devastation of land, the theft of livestock, and that people were slain or captured every year. The chronicler of Lanercost Abbey described the effect of this treaty on the border region as follows: The inhabitants of the northern parts of the English kingdom were ‘not a little delighted that the King of Scotland should freely possess his own kingdom on such terms that they themselves might live in peace’ (The chronicle of Lanercost, 242).

However, Harclay had no royal mandate for a peace treaty and Edward II considered this quasi-private peace as high treason. Harclay was executed at the beginning of March 1323. But this did nothing to change the still precarious military situation of the English troops in the border regions. For this reason, Edward II agreed to a truce for thirteen years in May 1323. During this time, a peace treaty was to be negotiated. However, the first negotiations in York in 1324 failed because Edward II continued to insist on his claim to sovereignty over Scotland. He continued to insist on this even when Pope John XXII announced in January 1324 that he wanted to name Robert Bruce as King of Scotland in future, as this would bring them closer to peace. The return of the coronation stone, the symbol of Scottish independence, was also negotiated during the talks. Robert Bruce demanded the return of the Stone of Scone in November 1324.

In the biography of the English king (*Vita Eduardi secundi*), it is reported that the stone had a special significance for the Scots, as the Scottish kings received the symbols of their authority and the sceptre on it. In addition, the author of the *Vita* knew that the stone had been brought to Scotland by the pharaoh’s daughter *Scota* – after whom the country is now named – and that whoever possessed this stone would bring much land under his rule. Edward II explained that he was aware of the significance of the stone. It had been brought to London by his father Edward I after the conquest of Scotland as a sign of victory (*signum victorie*). If he returned the stone, it could give the impression that he was returning the rights claimed by the English kings to Scotland (*Vita Eduardi secundi*, 132).

As the negotiations stagnated, the opponents felt less and less bound by the armistice of 1323. Military skirmishes resumed, but the two parties to the conflict avoided a (possibly decisive) battle. In 1326, Robert Bruce renewed the alliance with France for mutual military support against England. Ultimately, however, it was the internal political conflicts in England that led to Robert Bruce being recognised as Scottish king.

Edward II had been much criticised during his reign and groups of the high nobility had repeatedly attempted to free the king from the influence of his favourites and to steer him politically. These conflicts reached their climax when

his wife Isabella also broke away from him and took up arms against her husband. When King Edward II was pursued by his wife's troops in the autumn of 1326 and desperately sought help in arms, he was prepared to accept Robert Bruce's demands. In his distress, he is said to have offered the Scots not only independence from England but also marches in the north of England. But this never materialised. Edward II was deposed in January 1327, opening new opportunities for peace negotiations. However, Edward's son, Edward III, who was crowned in 1327 but remained under a regency council led by his mother Isabella due to his minority, first attempted to defeat King Robert Bruce militarily. This endeavour, which became known as the 'Weardale Campaign', failed miserably in the summer of 1327. The Regency Council, acting on behalf of Edward III was then prepared to accept Robert Bruce's demands. Negotiations began in October 1327. On 1 March, Edward III renounced all rights to rule in Scotland and recognised Robert Bruce as the legitimate king of a free kingdom of Scotland. This treaty was sealed in Edinburgh on 17 March 1328 and ratified by an English parliament on 4 May.

The Treaty of Edinburgh and Northampton 1328

The treaty was intended to be the basis for a lasting peace between the two kings and their successors. In return for the English crown recognising their freedom, the Scots pledged to pay £20,000 within three years. Did the English sell their claim? Were the Scots still paying for a peace that they had won on the battlefield? The treaty states that the payment was to be made for the sake of peace and harmony between the kings. So, the treaty was not a sales contract, but rather fixed compensation for the damage caused by the Scottish raids in northern England. This was a sum equivalent to the 'protection money' collected by Robert Bruce from English towns and villages (McNamee, Wars, 245). A marriage agreement was made to secure this peace. Robert Bruce's son David – who was five or six years old – was to marry Joan, the equally young sister of Edward III, as soon as they both reached the prescribed age. The girl was handed over to the Scottish court in the summer of 1328 for further education. The exceptions to the peace obligation were also regulated. Due to their 'Auld Alliance' with France, the Scots were allowed to attack England if necessary and the English were allowed to wage war in Ireland in defence of their claims. All documents relating to Scottish liberties or English claims to power that were in English possession were returned to the Scots. The English promised support at the Curia if excommunication was sought there against Bruce for the murder of John Comyn in 1306. In the prosecution of offences in the border regions, the Law of the Marches was to be applied and not the common law.

Robert Bruce finally achieved his goal, for which he had fought for over twenty years: a sovereign kingdom of Scotland with the Bruce family as a recognised royal dynasty. There was a side agreement to the treaty, according to which the Scottish coronation stone was to be returned to Scone. At the beginning of July 1328, Edward III wrote to the Dean of the Chapter of Westminster to prepare the stone for its return. However, the stone was not returned after all. The reasons for this are not clear. According to Lanercost's chronicle, the return failed because the London mob prevented the stone from being removed from Westminster Abbey. In any case, the stone remained in London and was installed in the coronation chair of the English kings – it was only returned to Scotland in 1996 (Rogge, 'We wanted a parliament').

The hopes of a lasting peace that might have been associated with the treaty were not realised. Robert Bruce died shortly after the treaty was signed and his son was still a child. What weighed heavily, however, was that Edward III was not prepared to recognise this treaty after he had overthrown his mother's government in 1330 and taken over the regency personally. He sought ways to rectify this disgraceful treaty for him and England, which he had not accepted voluntarily but only under pressure from his mother in 1327. In the 1330s, King Edward III again endeavoured to subject Scotland to the English crown. This resulted in a second 'War of Independence' for Scotland.

A king without luck – Robert Bruce's son David II

King Robert Bruce died on 7 June 1329; his son David was six years old at the time. David had been married to Joan, a sister of the English King Edward III, since July 1328. (Penman, David II, 30). Thomas Randolph, one of the most important advisors and closest confidants of Robert I, acted as guardian for the underage David. However, David II was not crowned and anointed king until November 1331. He was the first Scottish king to be anointed during the inauguration. This indicator of an independent kingship recognised by the papacy had until then been prevented by the English at the Curia.

The belated coronation cannot be explained solely by the wait for papal authorisation. In the early 1330s, it quickly became clear that David's succession to the throne and securing the crown for the Bruce family would not be a foregone conclusion. For the Balliols and the Comyns, the Bruces were usurpers of the Scottish throne, and the rightful king was John Balliol's son, Edward. There was also a group of Scottish nobles who had been dispossessed because of their loyalty to the English crown and fight for Edward II. King Robert had rewarded his supporters with their property and titles. The so-called 'Disinherited' and Edward Balliol received support from the English king Edward III, who, like his

grandfather Edward I, wanted to subjugate Scotland to the English crown. It is likely that Donald, the Earl of Mar, a loyal supporter of the English crown and opponent of the Bruce family, offered Edward Balliol the Scottish crown in the summer of 1331, to which the Bruce supporters responded by crowning little David. But the supporters of the Bruce family were unable to prevent a small army led by Edward Balliol from disembarking in Kinghorn (Fife) in August 1332 and marching towards Perth and Scone, presumably to make Balliol king of Scotland at the traditional coronation site. Shortly before this, the regent (guardian) Thomas Randolph had died, so that the Scots had to appoint a successor in great haste.

The choice fell (surprisingly) on Donald, the earl of Mar. Donald had good contacts with the English court and Balliol, and it was probably hoped that he would be able to negotiate with Balliol. However, it was too late for negotiations. A Scottish army led by Mar therefore tried in vain to stop the advance of Balliol's troops at Dupplin Moor (near Perth) on 11 August 1332. Numerous high-ranking Scottish nobles fell on the battlefield, including the Earl of Mar, the Earls of Moray and Menteith, the Chamberlain Alexander Fraser and David's half-brother, Robert Bruce of Liddesdale (MacInnes, *War*, 12–13, DeVries, *Infantry Warfare*, 112–128).

Edward Balliol was crowned in Scone on 24 September 1332. However, he failed in attracting other nobles to his side; instead, the Bruce supporters reorganised themselves and put Balliol under military pressure. He therefore enlisted the support of Edward III in November. In return for his military assistance, Balliol had to recognise the English king's suzerainty over Scotland. The English king now had the opportunity to revise the peace of 1328, which he hated, in his favour. Edward Balliol's and King Edward III's troops besieged the border town of Berwick in 1333, which was still defended by Scots. To break the siege, a Scottish army under the new Guardian Archibald Douglas marched to Berwick. In July 1333, the Scots attacked their opponents at Halidon Hill and suffered a second heavy defeat. Again, many high nobles were killed: Archibald Douglas, the Guardian, the Earls of Carrick, Atholl, Lennox, Ross and Sutherland. This blood toll had consequences for the domestic political situation when the young king was out of the country. In May 1334, the government under Governor Andrew Murray sent David II with his Queen Joan and a small retinue to France under the protection of King Philip VI, where he was to remain until 1341. If the Bruce King was not in the hands of his opponents, it was possible to fight for him and hope for his return (Penman, *David II*, 52).

David II and Joan in France

During the years that David II spent in exile in France, in Scotland the political structures were developed, which would be decisive for the relationship between king and nobility in the years of David's personal rule from 1341 onwards. On the one hand, this involved defending the Scottish throne for David II against Edward Balliol and Edward III, but on the other hand it was also about who would be the 'strong man' able to pool the kingdom's resources during David II's childhood and exile. For despite the coronation of David II, the question of the claim to the throne in Scotland was linked to the struggle for Scottish independence from England, as it had been around 1300.

Robert Stewart in particular, David II's half-nephew who was a few years older, endeavoured to find a way to the throne. After all, as the son of Walter Stewart (d. 1327), he was the potential heir to the crown should David II die without descendants. He was Guardian several times, most recently from 1338 until David II's return from France in May 1341. This return was possible because Edward III had been focussing on his conflict with France since 1337, making it easier for the Bruce party to act against Balliol and his supporters. Without the military pressure exerted by the English king, Edward Balliol and his supporters in Scotland were unable to achieve their aims.

However, this is not the entire explanation for the fact that David Bruce's party eventually prevailed. For the success of his father Robert Bruce against his internal and external opponents meant that his dynasty was regarded by most Scots and presumably also by many European princes as the legitimate royal dynasty in Scotland. The defence of the crown for David II Bruce was closely linked to the defence of Scottish freedom against the English and thus also against the nobles around Edward Balliol. In contrast to the first war for Scottish independence, however, this time the king did not personally lead his troops, but commanders such as Robert Stewart and William Douglas.

David II acting as king 1341 to 1346

After his return to Scotland, the then seventeen-year-old king had to demonstrate that he could rule as expected. He had to win further support for himself and his party, reconcile conflicting interests among the high nobility, find a solution to the conflicts with the 'Disinherited' and continue the war against the Crown's enemies. In September 1341, the Estates swore allegiance to David II again in a parliament in Scone and promised him financial aid. In return, the king distributed land and posts from the royal resources. He rewarded his family's old friends and those fighting for his cause and increased his following. William

Douglas received confirmations for his lands and posts in the south of the realm, his stepfather Malcolm Fleming became earl of Wigton and Maurice Murray, a supporter of Robert Stewart, became constable of Stirling Castle. The award of Wigtown in the western regions of the country (Galloway) to Fleming was a building block in the effort to curb the influence of the Stewarts and Balliol in the region (Penman, David II, 82–83)

However, this was only the beginning of a struggle to assert royal authority against the supporters of Robert Stewart. In February 1342, David II wanted to demonstrate his authority by removing the lordship of Liddesdale from Douglas and giving it to Robert Stewart, who in return received the earldom of Atholl, which Stewart wanted. Two days later, they swapped dominions with each other and thus defied the king. In the years that followed, David II was repeatedly confronted with conflicts over the exercise of power in the various regions of the realm. To counteract this, he granted land to ecclesiastical institutions as well as knights and lairds in the various regions, but above all in central Scotland (Fife, Perthshire and Kinross) as well as in Lothian, Berwickshire and Peeblesshire, in return for support (administration, military, jurisdiction) from 1342 to 1346. In June 1344, he succeeded in strengthening his position and putting the high nobility in their place at a parliament in Scone. However, this did not help to improve his relationship with Stewart or Patrick Dunbar, the earl of March, as both nobles felt that the king had not treated them properly. But before any further conflicts could develop, David II waged war against England.

David's willingness to intervene militarily in England while Edward III fought with his army in France stemmed from the Auld Alliance and his stay in France. However, this supposedly simple task turned into a military disaster for the Scots at Neville's Cross near Durham in October 1346. Edward III had been fighting with his army in France since the summer of 1346, defeated the French army at Crécy in August and marched towards Calais. The French King Philip VI asked his ally David II to relieve him militarily by launching an offensive in England and to persuade Edward III to withdraw from France quickly. It is doubtful whether David II was aiming for this or was convinced that he could save the French with a cavalcade to the north of England. However, it is certain that he could honour his commitment to King Philip VI with a campaign, but above all it is certain that he wanted to prove that he could successfully lead an army like his father (Rollason, *Prestwich (Hg.), Battle of Neville's Cross*, DeVries, *Warfare*, 176–87; MacInnes, *War*, 47–49.)

However, an English army led by William de la Zouche, the Archbishop of York, succeeded in defeating the poorly organised Scots. The advance of the army was probably used by David II to demonstrate the culture of chivalry cultivated at court. David II wanted to undertake feats of arms and thus enhance his reputation. The plundering of Lanercost Abbey (Cumberland) though did not fall

into this category. On the day before the battle and during the battle, David II did not show himself to be a prudent general. Although numerically superior to the English troops, the Scots put themselves in a position where they could be relatively easily cut down by the English archers. If reports are to be believed, both Robert Stewart and Patrick Dunbar, earl of March, led the rearguard from the battlefield (i. e. they fled) and left the rest of the army to their fate. Some of the key supporters and close members of David II's household, such as John Randolph, earl of Moray, and Maurice Murray were slain.³ David II was wounded by arrows, captured and taken to London. He remained in English captivity until 1357. Robert Stewart would have become king if David II had also remained dead on the battlefield. But at least he was given the opportunity to organise the rule of Scotland according to his own ideas. In May 1347, he was appointed lieutenant in Perth and thus de facto regent of the Kingdom of Scotland.

David II in English Captivity

Although David II was a prisoner of the English king, Edward III gave his brother-in-law enough political room for manoeuvre so that he could continue to work on a solution to the closely linked problems: Establish peace with England by restoring the 'Disinherited' or their descendants to their former possessions, procure £40.000 ransom and conclude a military alliance with England. In addition, an English prince was to be recognised as heir to the Scottish throne should David II die without an heir. Between 1350 and 1352, various proposals were discussed to solve these complex problems. On behalf of David II, William Douglas of Liddesdale presented the terms for the king's release from English captivity to a parliament in Perth in May 1351. The assembly rejected these conditions. In February 1352, Edward III granted his prisoner a temporary release to personally lobby a parliament in favour of revised plans. In February 1352, however, Parliament gave him the cold shoulder and humiliated David II by not only rejecting the proposals but also suggesting that a new king could be elected if he did not wish to defend Scottish freedom against England. This referred quite clearly to the relevant wording in the Declaration of Arbroath of 1320.

Robert Stewart may have pointed out in Parliament that David II's proposal to include a younger English prince as a potential heir would have thwarted his father's succession arrangements of 1318 and 1326. It was of no use that David II argued that he was young and would produce another heir. Parliament was also against a settlement with the 'Disinherited', because quite a few members would

3 Lanercost Chronicle, 339–340 with a cynical report on the cowardly behaviour of the two, as noted by the chronicler: "if one was worth little, the other was worth nothing".

have had to give up parts of their lands or all the property they had received as a reward for their support of King Robert Bruce. After all, those assembled still considered themselves bound by the 'Auld Alliance' with the French kings and were not prepared to possibly fight in France under an English king. David II returned to England without having achieved even a partial success; in May 1352 he was back in the Tower of London (Penman, David II, 171–172).

Only after Edward Balliol had finally renounced his claim to the Scottish throne in January 1356 and after the defeat of the French at Poitiers by an English army under the command of the English crown prince Edward (the 'Black Prince') in September of that year, as well as the capture of the French King John II on the battlefield, who was also brought to London, did concrete prospects arise for the release of David II. After Balliol's surrender, the path to an understanding with David II was easier because his kingship was no longer in question and Edward III wanted to solve the 'Scottish problem' so that he could concentrate on his fight for the French crown. On 3 October 1356, the conditions for his release were sealed in Berwick. David II was to pay £6,666 or 100,000 Scottish marks in annual instalments. Twenty hostages were to guarantee these payments. A 10-year truce was agreed, and peace negotiations were promised. There was no more talk of paying homage to the English king, of an English prince being included in the Scottish succession or of the claims of the 'Disinherited' (Regesta Regum Scotorum VI, Nr. 148). On 7 October, David II returned to his kingdom as a free man. After his return, the king had to deal with three central problems: the restoration of monarchical authority, especially against the Stewarts, securing peace with England and producing a male heir. For this reason, these areas of action are at the centre of the following description.

Establishing monarchical Authority

In the first few years after his return, David initially tried to win over the high nobility by making concessions. Robert Stewart was granted the earldom of Strathearn in 1357 and William Douglas' possessions were summarised under a new title as 'Earldom of Douglas'. However, the high nobles generally felt excluded from the king's decision-making bodies and held Katherina Mortimer, David II's mistress for three years, particularly responsible for this. At the instigation of Thomas Stewart, earl of Angus, she was stabbed to death by one of his servants in June 1360. Thomas was captured and imprisoned at Dumbarton Castle, where he presumably died of the plague in 1362. Penman assumes that David II confiscated the earldom in the autumn of 1360, thus punishing the earl for the murder (Penman, David II., 245). Why his life was spared is not explained by research. There are three possibilities – or all of them together. Katarina

Mortimer was not a queen and therefore the murder was not a *lèse-majesté* offence in the strict sense. Secondly, the arrest of the earl of Angus is an indication that David II's authority was stronger than his opponents assumed. After all, David II was able to demonstrate both his determination to act against high nobles who had committed a crime and his willingness to show royal clemency in punishing them.

After his return from English captivity, the king built up a new following by recruiting and protecting burghers, clerics and members of the lesser nobility, especially those experienced in financial matters, and providing them with offices at court or in the shires (sheriff, bailiff). These supporters, such as Archibald Douglas, William Landellis, the bishop of St Andrews, William Ramsay and Robert Erskine, played a major role in the following years in helping David II to hold his own against further attacks by the high nobles around Robert Stewart. The year 1362 was a good year for King David II, even if it began with a shipwreck for him. In gratitude for his rescue off the coast of Fife, he endowed the church of St Monans. This gave him a new focal point in the county. The prospects in Fife became even more favourable because Walter Stewart (earl since 1359 and son of Robert Stewart) had died in August, giving him access to the earldom. And the news of the death of his wife, Queen Joan, in September 1362 (presumably from the plague) probably pleased him more than it grieved him. For now, the way was clear for a new marriage and his hopes of a legitimate heir rose again. This in turn caused Robert Stewart's prospects of succession to the throne to diminish and so he allied himself with Patrick Dunbar, earl of March and William, 1st Earl Douglas, against the king. They claimed that the ransom was being wasted because the king was listening to bad counsellors. They demanded a government with the participation of good counsellors. In fact, at this time David II was being advised by commoners and lesser nobles, who were to be replaced by 'good' counsellors, i. e. Stewart, Douglas and their allies. Stewart also had to watch as David II endeavoured to win over the widow Margaret Logie, who had a son from her first marriage. It could therefore be assumed that she would give David II an heir. With these prospects, the only thing left for Stewart, March and Douglas to do was to take active action against the king. They conspired to persuade David II to give up his union with Logie and exchange his councillors. If he refused, they wanted to force him into exile. However, they did not find enough support among the lower nobility and David II was able to recruit troops. He was also able to rely on the constables and captains in the central castles of Edinburgh, Stirling and Dumbarton. The king and his troops prepared for battle, but most of the conspirators were not ready. David II had the initiative and captured Kildrummy from Thomas, earl of Mar in September 1362 and almost captured Douglas near Lanark a few weeks later. The conspirators then submitted and swore allegiance to the king (again). In April 1363, David II married Margaret Logie, presumably

even a love match. In May of that year, Robert Stewart also submitted. He swore lifelong loyalty, advice and assistance to him and his officials. But that was not all: he promised to keep this oath on pain of losing his right to succeed to the kingdom of Scotland if he acted against the crown or supported rebels in the future. In the following years, David II did not have to fight any resistance from his high nobility and was able to concentrate on the negotiations with Edward III for the ransom and a peace treaty (Penman, David II, 285–295).

Negotiations with the English king

David II was released in 1357 without a peace treaty. Instead, a truce had been agreed. For Edward III, the resolution of the ‘Scottish question’ was closely linked to his involvement on the continent and the struggle for the French crown. Developments in Edward III’s conflict with the French king therefore had a direct impact on the negotiations between David II and Edward III. With the Treaty of Brédigny concluded in 1360, Edward III had probably achieved his goal and secured large territories in south-west France; a success that did not make the situation any easier for David II. In November 1363, negotiations were held again in Westminster on the terms of peace. The issue of succession to the Scottish throne was central to these negotiations and the English king made two proposals if David II remained without an heir. Either Edward III or one of his sons would then also become Scottish king. Depending on how the Scots decided, the further conditions would vary. For example, Edward III would waive the feudal tribute for Scotland, release the hostages and waive the remaining ransom if he was accepted as David II’s heir. However, the two kingdoms were not to be united under one crown, but Edward III would rule two separate realms, between which peace would reign for ‘1000 years’. However, should the Scottish crown be promised to a younger son of Edward III, he would make fewer concessions. In March 1364, all variants were rejected by a parliament in Scone to preserve the freedom and integrity of the kingdom. This left the matter wide open; Edward III did not want to conclude a long truce and insisted on his ransom demands. As an interim result of the almost permanent negotiations, a treaty was concluded in May 1365, which set the ransom at £100,000 and stipulated a truce until February 1370. Both parties were authorised to resume hostilities after its expiry – after giving due notice. The Scottish parliamentarians were particularly dissatisfied with the duration of the truce, as they had demanded a truce for 25 years. In May 1366, English envoys put forward a new proposal to lay the foundations for peace. This involved homage, succession to the Scottish throne, territorial concessions and mutual military aid and support. In the following years, these points were repeatedly discussed during the parliaments in Scotland without a final decision

being reached. As late as June 1368, a parliament stated that it was not necessary to seriously negotiate these four points with the English, as the truce would continue until February 1370 (Penman, *Royal Succession*, 55–56).

However, the basis for negotiations changed in favour of David II in 1369, because King Charles V started an offensive in France and the territorial successes achieved by Edward III came under threat. When David II and his entourage arrived in London in June of that year, he was able to negotiate with an English king who was prepared to make far-reaching concessions so that he could concentrate on the war that had broken out again in France. His ransom was reduced to £56,000; the truce was extended by fifteen years (i. e. until February 1385) and the discussion on the four points ended. This also meant that the possible succession of an Englishman to the Scottish throne was shelved. (Penman, *David II*, 384) David II then developed a friendly relationship with Edward III and at the same time remained in contact with the French king.

Once his aristocratic opponents had been put in their place and the kingdom's freedom and independence had been secured for the time being, the unresolved problem of his own heir to the throne remained. The longer Margaret Logie did not become pregnant – which was probably not her fault – the greater Robert Stewart nurtured hopes of becoming king after all. In any case, David II divorced her and wanted to fob her off with an annual pension of £100. But Margaret travelled to Avignon to see Pope Gregory XI and lodged an appeal against the divorce at the Curia.

For this reason, the threat of an interdict (which was not imposed) hovered over Scotland until she died in 1375. King David II, on the other hand, planned a third marriage to Agnes Dunbar, but died unexpectedly before the wedding on 22 February 1371. Due to his exile in France and imprisonment in England, David II had to restore the authority of the crown several times. During his absence, high nobles such as Stewart and March attempted to change the ruling order in their favour. David II was only with difficulty able to secure kingship for the Bruce dynasty. It is an irony of fate that he ultimately failed to produce an heir and so Robert Stewart became king as Robert II in 1371 – after almost forty years of strong aspirations to the crown.

1.3. The first Stewart Kings and the Governors 1371–1424

King Robert II, 1371–1390

At the age of 55, Robert Stewart finally achieved his ambition and was crowned King of Scotland in Scone on 26 March 1371. But even before the ceremony, William, 1st Earl Douglas, claimed the crown for himself at a meeting in Lin-

lithgow, claiming that he derived this claim from his relationship to the Balliol/Comyn family. In fact, however, he had no claim to the Scottish crown comparable to that of Robert Stewart. It is very likely that the gathering of armed men served more to demonstrate a willingness to resist should the new king take action against the interests of the Douglases in the south. He was therefore not seriously concerned with the crown, but with formulating claims against the new king and demonstrating his willingness to enforce them if necessary. For the coronation to take place swiftly, Robert II had to signal to magnates such as William Douglas that they would benefit from his rule. In the case of the Earl of Douglas, this meant confirming and strengthening his dominant position in the south and in the Borders. Indeed, William Douglas was appointed Justiciar and Warden of the Middle March and given an annual allowance. His son James Douglas would marry Robert II's daughter Isabella in the autumn of 1371. In this way, the new king succeeded in persuading the important magnates to recognise his rule by conferring new rights and confirming old ones and gradually dismantling the ruling structures of David II. Another way of securing the loyalty of magnates and at the same time providing for a son was to recognise weak claims to earldoms and receive compensation for them (Boardman, *Early Kings*, 39–45).

In early 1372, the king recognised the claims of George and John Dunbar to the Randolph inheritance in the earldom of Moray and the lordships of Annandale and Man. They were sons of the sister of the last Earl of Moray, who had fallen without a male heir at Neville's Cross in 1346. Their claim was weak, however, because the earldom had been given to Thomas Randolph in 1312 on the condition of pure male succession with reversion to the Crown. David II had therefore retained the earldom with the crown since 1368. But in March 1372, Robert II gave the earldom of Moray to John Dunbar and his bride Marjory, another daughter of the king. If they had no heirs, Moray would fall to John's brother George, earl of March, or his heirs. George, however, immediately received Annandale and Man. In return, the Dunbars renounced their rule in and over the earldom of Fife, as Robert Stewart, the king's third son, held the title 'Earl of Fife and Menteith' from that point onwards.

Robert II and his sons: a family-run kingdom

As the example of David II makes clear, a male heir was necessary to secure the rule of the kingdom of Scotland within the family. David II's actions after his return from English captivity were overshadowed by his desperate attempts to have a son. The situation was very different for King Robert II. During his wait for the throne, he fathered thirteen children from two marriages. With Elizabeth Mure, married in 1348, he had four sons and five daughters; with Euphemia de

Ross, married in 1355, two sons and two daughters. From the first marriage came John Stewart, earl of Carrick, later Robert III, and – as the third son – Robert Stewart, Earl of Fife and (from 1398) Duke of Albany, and finally Alexander Stewart, who became earl of Buchan. Their legitimate birth – and thus their right to inherit – was questioned because they had been born before Elizabeth and Robert had married. (Boardman, *Early Kings*, 8). But in 1373, Parliament agreed to Robert II's succession plan, according to which the children from the first marriage were entitled to inherit. Of the children from the second marriage, it was Walter, Earl of Atholl (d. 1437), who would have the greatest influence on political developments in Scotland in the 15th century.

Robert II's reign was characterised by three major problems. Firstly, he continued to be perceived by most magnates as one of their own, as he had been on a social level with them for decades as a regional prince (since 1357 as earl of Strathearn). He therefore lacked the natural authority of a ruler born into a royal dynasty. Secondly, his sons wanted a share of the lordship that satisfied their demands. Although the question of succession to the throne had been clarified with the inheritance settlement, their first concern was to obtain adequate Earldoms or similar lordships. They were initially interested in establishing administrative and distributive equality for all the brothers. Robert II could mostly only react to this, as he did not have much room for manoeuvre or resources to pursue his own agenda. Thirdly, there was still no peace with England and the new king had to position himself on the alliance with France. It turned out that from 1380 at the latest, he was rather controlled than in control in the aforementioned areas.

However, in the 1370s, Robert II was still largely able to act. He renewed the alliance with France in 1371 and endeavoured to reach a settlement with Edward III by continuing to pay the instalments of the ransom for David II. At the same time, however, he gave free rein to magnates such as Douglas and Dunbar in the Borders, who were therefore able to reconquer large parts of Berwickshire and repeatedly undertook small raids into northern England. He also practised the delegation of lordship to his sons, to whom he transferred the rights of lordship over earldoms in the north of Scotland. His second son, Robert, received the earldoms of Fife and Menteith, while Alexander, the fourth son, received Buchan and Ross with the lordship of Badenoch. In addition, John MacDonald, Lord of the Isles (in the north-west) became his son-in-law in 1370 when he married Robert's daughter Margaret. However, this ruling practice meant that Robert II gradually lost control over his sons in the north-east and the magnates in the south of his kingdom.

In order to align his rule more closely ideologically with that of Robert I and thus place himself in his succession, he commissioned John Barbour, the archdeacon of Aberdeen, to write a heroic epic about the first war against the

English. Between 1372 and 1375, Barbour wrote the poem *The Bruce*, in which James Douglas and Walter Stewart, the father of Robert II, are stylised as patriots and freedom fighters, alongside King Robert I (Barbour, *Bruce*; Hachgenei, *Narratologie und Geschichte*; Boardman, *Early Kings*, 59). This also made them role models for the younger generation, who also wanted to fight with the French against England.

The establishment of Robert II's second son Robert as Earl of Fife and Menteith contributed to the consolidation of royal rule in central Scotland. Robert was able to further expand his strong position after his father had transferred Stirling Castle and presumably also the office of sheriff of Stirling to him in 1373. In Menteith, Earl Robert had a new castle built near Doune. This securing of financial, legal and territorial resources in the regions for his sons and allies was typical of Robert II's policy.

Due to his strong position in central Scotland, the Earl of Fife was an important antagonist to the powerful earls of Lennox and the lords of Argyll. Robert II's third son Alexander Stewart, the lord of Badenoch, which lay in the sheriffdom of Moray, was the king's representative in the north (see Berlandi, 131). Although he was not initially granted greater lordships or titles (earl of Moray) by his father in favour of his elder brothers, he nevertheless succeeded in rising to a dominant position in the central Highlands. Various deaths contributed to this, which brought him the temporary office of lieutenant in the north and the administration of the earldom of Ross, as well as the acquisition of the barony of Urquhart (on a loan basis), including the castle on the west bank of Loch Ness. All in all, however, he was relatively poorly endowed compared to his brothers. But in 1382, the almost simultaneous deaths of Alexander Lindsay of Glen Esk and his half-brother Walter Leslie, Lord of Ross, opened new opportunities for him, namely the marriage to Leslie's widow, Euphemia, countess of Ross. With this marriage in July 1382, Alexander not only received his wife's estates (including lands in Skye, Caithness, Sutherland, Atholl and Galloway), which she had previously returned to the king, but also became earl of Buchan and earl of Ross for life. This further strengthened his position as the king's lieutenant in the north and the king's indirect rule through his son. But this was done under the critical eye of the Lindsay and Leslie families, as Euphemia had a young son from her marriage to Walter Leslie, who had an inheritance right to the manorial lands (Boardman, *Early Kings*, 76–78).

Not all the nobles in the north accepted this reorganisation of the ruling powers in favour of the king's son without resistance. At the beginning of November 1382, James Lindsay, Lord of Crawford, murdered John Lyon, the king's courtier and son-in-law. Lindsay was presumably dissatisfied because Lyon had not made a strong attempt to influence the king in Lindsay's favour, i. e. against the increased influence of Alexander Stewart in the north. However,

because Lindsay was a close follower of John, the Earl of Carrick and Crown Prince, the king could not hold him responsible for the murder. This makes it clear that at this time the Crown Prince had more authority than his father and was pursuing his own political agenda, some of which was directly directed against the king.

Also closely associated with the Earl of Carrick was William Douglas, who had held the earldom of Mar through his wife Margaret since 1374 and effectively controlled the earldom of Angus. Robert II's policies and promotion of his younger sons encouraged his heir apparent to set up a shadow government at his court. Another source of problems for royal authority was the rule of Alexander Stewart in the north, who as the king's lieutenant was supposed to ensure the justice and peace of his subjects. However, he was repeatedly involved in conflicts with the bishops of Moray and Aberdeen over sovereign rights and land ownership. For this reason, the bishops and other dissatisfied nobles repeatedly appealed to Robert II and asked him to intervene. Alexander deployed so-called 'caterans' (mercenaries), who occupied land belonging to the bishop of Aberdeen in Birse, for example, and harassed and exploited the tenants to such an extent that they either gave up their land or no longer dared to work it. This often led to a 'voluntary' handover of the land to Alexander (Boardman, *Early Kings*, 86). He justified his actions by saying that he was enforcing the royal laws and punishing sacrilegious behaviour to secure the king's peace. The bishops and secular rulers concerned did not offer any open resistance, because if they had attacked Alexander, they could also be accused of attacking the king.

Conflicts and war with England

Robert II's diplomacy with England was aimed at preventing an English attack on Scotland. He rejected the offer of the French King Charles V, who wanted to send his troops to Scotland, and initially continued to pay an annual ransom of 4000 marks (although he stopped payments after the death of Edward III in 1377). However, the nobles in the south of Scotland were keen to recapture the land occupied by the English, including the towns of Roxburgh and Berwick. Robert II also did not accept the English occupation of these regions in Scotland, but he was not able to lead the troops personally. His sons John, earl of Carrick, and Robert, earl of Fife, led the negotiations and the conflict with the English after the death of Edward III in 1377, enabling Carrick to strengthen his political position. He was the only Stewart with landed interests in the south of the kingdom and the Borders. By organising relations with England, he was already fulfilling royal duties and developing close relations with the magnates on the Borders. Consequently, he was appointed lieutenant for the Marches in June 1381, making him

responsible for their defence. The 1380s were characterised by negotiations to extend the official truce, which was regularly extended until February 1384. However, this did not prevent the Scots from attacking the English and the English-held parts of Berwickshire and Roxburghshire. By the beginning of 1384, however, the Scots had not achieved any resounding successes. They therefore did not renew the truce and prepared a major attack on the area occupied by the English. This was successful, as the castles in Lochmaben and Teviotdale were conquered. However, as is so often the case in such situations, the English retaliated with an attack on Edinburgh and the devastation of the Black Douglas dominions in the Borders. James, earl of Douglas and of Mar as well as John Dunbar, earl of Moray and James Lindsay were therefore prepared to take further military action against the English. They felt more supported by Lieutenant John of Carrick than King Robert II, whom they therefore criticised. In addition, all three nobles were affected to their disadvantage by the rigid rule of Alexander Stewart in the north. In their opinion, the Earl was not sufficiently controlled by his father. As retainers of John of Carrick, they supported the heir to the throne in de facto ousting King Robert II in November 1384 on the grounds that he was old and infirm. With the consent of Parliament, the exercise of kingship and in particular jurisdiction throughout the kingdom was transferred to his son and designated successor Carrick for an initial period of three years. However, Carrick was obliged to be accountable to the king and the council; he was therefore to be restricted in his actions (Reid, Penman, *Guardian*, 214).

James Douglas, John Dunbar and their supporters associated the installation of Carrick with the hope that Alexander's machinations in the north would be curbed and that they would receive support for the planned war with England. In April 1385, the attack on Alexander Stewart, earl of Buchan and Ross, who was accused of deficiency and neglect in the administration of justice and of tolerating the activities of the 'caterans', took place. The bishops of Aberdeen and Moray in particular urged Carrick to address the complaints in the north and act against Buchan and his abuse of his office. However, the regent disappointed his supporters, as he not only did nothing against Buchan, but supported him, giving him even more influence in the late 1380s. In February 1387, he was even appointed justiciar for the north of Scotland by his brother. The reason for this was probably that Carrick saw his younger brother as a necessary evil to maintain some kind of political stability in the Highlands. The price of this, however, was a loss of trust among his supporters in the south.

The conflict with England in the years 1385 to 1388 was conducted without any particular involvement on the part of King Robert II. In April 1385, French troops under the command of Admiral Jean de Vienne landed in Scotland to prepare and carry out an invasion of England from the north. At the same time, an invading army was to land in southern England. However, this landing operation

did not take place and so the Scottish-French troops encountered an English army under Richard II, which caused severe devastation in the border regions and in Edinburgh. The Scots then negotiated a truce with the English, which was extended repeatedly until June 1388. In the first half of 1388, there were signs that the English defence of the north had weakened, and plans were once again being made in London to reopen the war in France. The Scottish leadership under Carrick wanted to exploit this opportunity and raised two armies to carry out punitive expeditions (with plundering) in Cumberland and Northumberland. At the end of July 1388, an army led by James, 2nd Earl Douglas, marched towards Newcastle, where they encountered English troops. Douglas wanted to retreat to Scotland with his troops. However, on 5 August, they were confronted by the English troops under Henry Percy at Otterburn in Redesdale (Armstrong, Otterburn). Although the Scots were able to defeat their attackers and Percy was taken prisoner, James Douglas was killed on the battlefield. The second army under the leadership of Robert, earl of Fife, and Archibald Douglas in the west of the border region, on the other hand, was successful. Robert had thus recommended himself as the leader of military planning and action in the future, for in James, 2nd Earl Douglas, Carrick had lost his most important ally. Worse still, a conflict developed over the Douglas inheritance, in which the Earl of Fife supported Archibald Douglas against Carrick's ideas. In addition, both sought to reassert Robert II's royal authority and so by the end of the year Carrick had lost control of politics in Scotland (Boardman, *Early Kings*, 142–149).

On 1 December 1388, he was stripped of his powers again. During a meeting of the great council in Edinburgh, King Robert II had it declared that he, like his eldest son and heir to the throne, should submit to the judgement of the council regarding jurisdiction and defence. The councillors were dissatisfied with his passivity towards Buchan (and the exercise of justice) in the north and did not trust him to be able to successfully fend off the English attack expected in 1389. Robert II did not want to or could no longer exercise government due to his advanced age. But his eldest son, the Earl of Carrick, was not reappointed to the government. In his place, Robert, earl of Fife and Carrick's younger brother, was given the office of Guardian (Reid, Penman, *Guardian*, 215). This gave him considerably more powers than his brother in 1384, as the title signalled that there was currently no (reigning) king in Scotland. He was ultimately to hold the office for five years – even beyond his brother's accession to the throne as Robert III in 1390. In the years that followed, he proved to be the politically most capable but also the most unscrupulous son of Robert II.

Kings without authority – Robert II and Robert III 1388–1393

In the years leading up to the old king's death, the Guardian Robert, earl of Fife, continued to deal with the problems of the defence of the kingdom against England and the ongoing complaints about his brother Alexander's rule in the north of Scotland. The third major problem was the dispute over the inheritance of James Douglas between Archibald Douglas and Malcolm Drummond, which he was able to resolve in favour of his favourite Archibald Douglas in 1389. During a meeting of the council in Edinburgh, the earldom of Angus was also given to James Douglas of Dalkeith, so that the two important earldoms were in the hands of loyal supporters of the new Guardian. This boosted his personal authority in Scotland and gave him an alliance with the important earls in the south for the defence of Scotland. In fact, together with Archibald, 3rd earl of Douglas, he had to repel an English invasion army in June 1389. The English troops were supported by Malcolm Drummond and his entourage, who had hoped to regain at least part of his dominions, which had been taken from him by the council in favour of Archibald Douglas in April 1389. However, the English advances were not successful and eventually the troops returned across the border. There were no further military confrontations, as in Dunfermline in September 1389, Robert II agreed to join a three-year truce that had been negotiated between England and France. As the king was allowed to act as an active politician, any criticism of the truce would be levelled at him and not at the Guardian Fife or Archibald Douglas.

In contrast to his brother Carrick, the Guardian Fife acted against Alexander Stewart, earl of Buchan and Ross, just a few days after his appointment. In December 1388, he was stripped of the office of Justiciar in the North by Parliament on the grounds of negligence and inutility⁴.

In the following months, Fife proceeded step by step to weaken his younger brother materially. In 1389, Fife's son Murdoch was not only appointed justiciar north of the Forth, but also lord of the manor of Appin Dull. Murdoch and his father eventually gained control of further baronies and lordships in Perthshire and Ross by 1390. Fife also mediated a settlement between the Bishop of Moray and the Earl of Moray, presumably so that they could take joint action against Buchan. The old King Robert II also travelled north to support the new political balance of power. However, the exertions of the journey were probably too much

4 *The Records of the Parliaments of Scotland to 1707*, K.M. Brown et al eds (St Andrews, 2007–2019), 1388/12/3. Date accessed: 12 June 2019: “was accused at various other times before the king and council of being negligent in the execution of his office, namely that he had not administered in that office where and when he ought to have done, and where it seemed that for anyone else to hold the office of justiciar was useless to the community”.

for the old man. Robert II died at Dundonald Castle (Ayrshire) in April 1390 and was buried in Scone.

The assessment of Robert II's reign in research is very inconsistent. In comparison with King David II, who endeavoured to strengthen the crown against the magnates by means of the lairds, Robert II appears weak because he did not personally assert his royal authority but transferred royal rule to the magnates in the regions, his sons and sons-in-law. As a result, the monarchy in Scotland suffered financial losses and a loss of prestige (Nicholson, Scotland, 184, 203). However, if one assumes that this style of government was just right for the decentralised kingdom and that it promoted internal peace, then, like Grant and Boardman, one arrives at a more positive assessment of his kingship (Grant, Independence, 177–199; Boardman, Early Kings, 172).

King Robert III, 1390–1406

John, earl of Carrick was authorised by Parliament in May 1390 to change his name and ascend the throne as Robert III. He presumably wanted to emphasise the Stewarts' and his personal connection with Robert I. His authority may have been boosted by the fact that he obviously felt connected to the honoured warrior king and liberator of Scotland by name. However, his coronation did not take place until 14 August 1390 in Scone, the traditional coronation site. An indication that prior to this, his brother Robert, the Guardian and earl of Fife, together with Archibald, 3rd Earl Douglas, had taken precautions to secure their positions in the south and north. This included Fife being confirmed in his office as Guardian by a council before the coronation. Little is known about the reasons for this. Although the new king was already 53 years old, he was not senile. However, Robert III had been severely disabled since 1388 after being kicked by a horse. Nevertheless, he was probably in a condition to govern independently.

In this way, the councillors probably intended to prevent the new king from challenging the current distribution of the magnates' political spheres of influence in the kingdom.

Only Alexander Stewart, earl of Buchan, was not satisfied with this development, as he had presumably hoped that the accession of his patron Carrick would restore his dominance in the north. But with the appointment of Fife as Guardian, he was able to bury these hopes. His reaction to this earned him the dubious nickname 'Wolf of Badenoch'. In June 1390, he attacked the towns of the Earl of Fife's supporters: Forres was devastated and the town of Elgin, including the bishop's church, was set on fire. In doing so, he took revenge on Bishop Alexander Bur, who had been working alongside Fife and the Earl of Moray against him for two years. On the other hand, he also wanted to signalise that

peace and tranquillity in the north would only be maintained if his brethren gave him the land and titles he deserved (Boardman, *Early Kings*, 175–176, also Berlandi and Weil in this volume).

But his efforts were in vain: Murdoch Stewart remained Justiciar in the North and his father Robert, earl of Fife, continued as Guardian. And they continued to work to weaken Buchan. In October 1391, Thomas Chisholm took over Urquhart Castle on Loch Ness as bailiff to the king (i. e. effectively on behalf of Fife) and thus a strategically very important location in the Highlands. Between 1392 and 1394, they finally succeeded in wresting the earldom of Ross from the Earl of Buchan. However, this removed a guarantor of relative peace in the north and rivalries between local nobles and the ambitions of some leaders to expand their dominions led to feuds and also threatened the king's interests in the Great Glen. Alexander, Lord of Lochaber, ousted the royal constable Chisholm from Urquhart Castle in 1395 or 1396. To demonstrate his ability to act, Robert III sent his son David, earl of Carrick, northwards in the late summer of 1396. Together with David Lindsay, he was to pacify the conflict between the Chattan/Mackintosh and Kay/Qwhele clans. However, the leaders could not be persuaded to agree to a peaceful arbitration and so a battle was agreed between thirty fighters each, the outcome of which was accepted as a judgement of God. The battle between the two forces took place in Perth in September 1396 under the supervision of David, the heir to the throne and eldest son of Robert III. Almost all the combatants were killed, and the outcome of this slaughter had only a short-term pacifying effect in the region.

The presence in the north of Robert III's son David, who as heir to the throne had been given the title of Earl of Carrick, was an indication of the young prince's importance in asserting royal authority on his father's behalf. After his coronation, Robert III still had his dominant brother Robert, earl of Fife, as Guardian 'under his nose'. To improve his personal authority and make his kingship more assertive, Robert III initially built up his own following. In return for their commitment to serve the king, nobles received hereditary annuities (pensions). These included David Lindsay of Glen Esk, William Davidson and the Earl of Moray. From 1392 onwards, these men at times supported Crown Prince David in his development into an active politician. The most important advisor was James Lindsay, a long-time supporter of John of Carrick even before he took the Scottish throne as King Robert III. James Lindsay was created Earl of Crawford by Robert III for his loyalty in 1398. When Robert III's eldest son David turned fifteen, the function of Guardian was in principle superfluous, as the ageing king now had a capable heir to the throne. In February 1393, with the support of his old and new retainers, the king dismissed Robert, earl of Fife, from the office of Guardian. Presumably as compensation, he and his son Murdoch received an annual pension of 200 marks and 100 marks respectively. In return, however,

they had to undertake to serve David, the heir to the throne (Boardman, *Early Kings*, 196–197).

This signalled that Fife had to join the family and give up his ambitions in favour of David. David, earl of Carrick, was then also the active representative of the crown in the following years (as in Perth in 1396). The choice of wife by or in favour of David was also decisive for the future development of kingship and the relationship with the nobility. This is probably why the marriage of the crown prince became a difficult endeavour.

Presumably in August 1395, David married Elisabeth Dunbar, a daughter of George, Earl of March. A papal dispensation was required for this marriage, but this apparently only became known in Scotland after the wedding and consummation of the marriage. Furthermore, the important matter of the Crown Prince's marriage was not discussed either in the royal council or in parliament. Robert III felt ignored by his son. The marriage had far-reaching consequences for the political networks, especially in the north of the kingdom. George, earl of March, was an important political player in the south of Scotland and uncle of Thomas, Earl of Moray, in the north of Scotland. Robert, earl of Fife and his supporters were thus threatened with being weakened, if not ousted, from their positions in the north by the March/Moray/Carrick network.

Research has not been able to clarify why the king even took military action against the Earl of March in the autumn of 1396 and besieged Dunbar Castle. Walter Bower writes that the king besieged the castle because of his son's irregular marriage to Elizabeth Dunbar. The marriage was qualified as 'irregular' by Walter Trail, the bishop of St Andrews, because the couple had not waited to receive the dispensation. The couple were related by blood in the third degree and consummated the marriage after publishing their licence on three consecutive Sundays. The bishop of St Andrews criticised this marriage because of the degree of kinship, whereupon the couple appealed to the Pope (Parker, *Formation*, 82–83).

It is very likely that Robert III wanted to make it clear to his 19-year-old son that he was not allowed to make such decisions completely independently. David stood by Elisabeth, however, because in March 1397 Pope Benedict XIII let it be known that he had granted David and Elisabeth's request for absolution because of the 'early marriage'. After a period of separation, they were allowed to enter into a legally valid marriage. It is not known how the relationship developed in the following years. However, presumably for political reasons, David eventually married Mary Douglas, a daughter of Archibald, 3rd Earl Douglas, in the early 1400s.

In the following years, King Robert III failed in restricting the activities of his son David and controlling his followers. From the beginning of 1398, he represented the king in negotiations with England for an extension of the truce and at the court sessions in the Marches. He proved to be a tenacious defender of

Scottish interests. This attitude, together with his intervention in northern Scotland and the Highlands, was proof to his contemporaries that he would be able to fulfil the most important duties of a king: Settling conflicts between local nobles, ensuring peace and order in the north, repelling the attacks of the princes in the islands if necessary and defending the freedom of the kingdom against England. His importance was also symbolically emphasised in April 1398 when he was formally elevated to Duke of Rothesay in Scone; his uncle Robert, the Earl of Fife, was also made Duke of Albany. A week earlier, David Lindsay of Glen Esk, a very important supporter of the Crown Prince, had been created Earl of Crawford. These new titles were not so much intended to provide dukes (like the Duke of Lancaster on the English side) in the negotiations with the English and thus create a kind of equality, because until then the Scots had successfully negotiated with the English without these titles. The two new dukes thus also became visible as the central players in the government in terms of rank. Because the two competed for leadership, they received the new dignities at the same time. Furthermore, the two titles indicate the Stewarts' claim to be able to rule over the Gaelic regions of Scotland as well. They were an element in the struggle against Donald, Lord of the Isles, and his allies for rule over the islands. They did not want to present themselves as persecutors of the Gaels, but rather as their legitimate leaders to win over nobles such as Colin Campbell of Loch Awe to their side. In addition, the ducal titles were an attempt to intensify the royal presence north and south of the Clyde by means of the two bearers. They had the means to contend with the Lords of the Isles (Clan Donald) for the allegiances in the Western Isles and the central Highlands (Argyll, Lennox, Perthshire). However, the success of the campaign against Clan Donald in the autumn of 1398 was limited and brought no long-term gain for the Crown. David, the new Duke of Rothesay, on the other hand, was given the earldom of Atholl during the campaign in early September (Boardman, *Early Kings*, 208–209).

This strengthened his position against his uncle, the Duke of Albany. It became increasingly clear that the heir to the throne, and not the king, was the true representative of the main Stewart line in the last years of the century. Robert III had lost all prestige and the respect of his nobles and proved his incompetence once again at the long but unsuccessful siege of Dumbarton Castle. He failed to persuade Walter Danielson, the owner of the castle, who was acting against the crown, to surrender the fortress.

It was clear to the nobles and high clergy that the government of the kingdom had to be reorganised. In November 1398, the Duke of Albany, the Chancellor Gilbert Greenlaw (bishop of Aberdeen), Archibald Douglas and other leading men met with Duke David in Falkland (Fife). The result of their deliberations was made public at a meeting of the Great Council in Perth in January 1399: the king resigned from active government and his son and heir to the throne, Rothesay,

was appointed lieutenant for the realm for three years. He was to be supported by a council that included Archibald Douglas and Albany. Robert III had not expected or foreseen that the heir to the throne would join forces with his rival Albany. Boardman believes that ‘the young prince had been transformed from a symbol of the king’s success to an agent of his downfall’ (Boardman, *Early Kings*, 215). However, the question arises as to what alternative the heir to the throne David had in this situation. It is very likely that at the consultation in November 1398, Albany’s assumption of the crown was brought into play should the heir to the throne continue to support his father. The nobles were determined to install a new government for Scotland without the current king but refrained from formally deposing him. In the first months of 1399, Albany, Queen Annabella and Rothesay co-operated smoothly as far as can be seen. The prospects for the future seemed favourable, as the main political players were working together rather than against each other. With the heir to the throne as lieutenant, the conditions for effective royal rule were in place. However, the expectations and hopes pinned on this constellation were largely disappointed in the autumn of 1399.

Developments in England contributed to this. At the end of September 1399, King Richard II was forced to abdicate and on 13 October, Henry Bolingbroke was crowned king. Because he was regarded as a usurper by parts of the English nobility, he was very keen to maintain the truce with Scotland. However, Scottish nobles in the Border Marches took advantage of the confusing situation in England to launch raids into the northern English regions, including the conquest of Wark Castle. Nevertheless, the English king endeavoured to de-escalate the situation and proposed further negotiations on a peace treaty in Kelso at the beginning of January 1400. The chances of a peaceful solution to the ongoing conflict were slim, as relations with England were once again influenced by internal Scottish conflicts. The occasion was the marriage of Duke David of Rothesay to Maria Douglas, a daughter of Archibald, 3rd Earl Douglas, at the beginning of 1400, which came as a surprise to the Dunbar family. Although this marriage created closer ties between the most powerful noble family in the Borders and the royal dynasty, George Dunbar, earl of March, felt betrayed, as he expected David to officially marry his daughter Elizabeth, to whom he had not been legally married since 1395, after the separation period decreed by the Pope. According to Walter Bower, the Earl of March is said to have demanded that the king allow the promised marriage to his daughter or at least repay him his expenses. However, if the king did not honour this agreement, he would do something hitherto unheard of in the kingdom (Bower, *Scotichronicon* 8, book 15, 31).

The Earl of March offered his services to the English King Henry IV if he would help him gain his rights in Scotland. This meant that the English king could carry out an invasion of Scotland through the county of March towards Edinburgh without opposition. For Rothesay, George Dunbar’s behaviour was high treason,

as the Earl negotiated with Henry IV in February 1400 about their possible joint action in Scotland. For the English king, this was virtually an invitation to reactivate his old demand for suzerainty over Scotland.

Probably at the beginning of July, Lieutenant Rothesay and his brother-in-law, Archibald Douglas, took control of Dunbar Castle. George Dunbar, earl of March, thus lost an important garrison. Meanwhile, King Henry IV prepared his invasion. This included a letter to Robert III with the request that he and his magnates should appear in Edinburgh on 23 August to recognise the supremacy of the English crown over Scotland in accordance with ancient law and to swear allegiance to him. He hoped that this would avoid bloodshed and destruction. Henry IV was aware that this appeal would be ignored by the Scottish government, but it was intended to signal his willingness to demonstrate royal clemency. In reality, however, the English king could only count on the Earl of March appearing in Edinburgh on the set date. When Henry IV finally marched to Edinburgh with a large army (15,000 to 20,000 men), it was a demonstration of military strength and illustrated very dramatically that the English claim to suzerainty over Scotland had not in fact been forgotten. He hoped that other high Scottish nobles would switch to his side and therefore did not allow any attacks by his soldiers. The soldiers were to behave peacefully. The king justified his instructions to maintain discipline in the army with his personal and family connections to Scotland. He rewarded the monks of Holyrood for granting his father John of Ghent exile in 1381. He did not want to act as an enemy of Scotland but wanted to make it clear that he had come to present his legitimate claims directly to the Scottish nobility.

The Regent Rothesay had retreated to the castle in Edinburgh and wanted to avoid a direct military confrontation. The Duke of Albany, who had not supported David's change of brides, was not prepared to lead an army into battle against the English king (and thus also against George Dunbar, earl of March). Finally, Henry IV withdrew on 29 August after the Scots had promised him that they would consider the question of the oath of fidelity further. From the English point of view, the expedition was a failure. Although the king was able to raise a large army, it was not possible to supply it for any length of time if, like Henry IV, no plundering was to be permitted in the regions through which the army marched (Mortimer, Henry IV, 220–225).

The death of the heir to the throne, Duke David of Rothesay

The English invasion initially had no immediate consequences for Rothesay's political position, but the conflict with George Dunbar had not been resolved and there was therefore an enormous obstacle to the establishment of a stable truce or

even peace with England. Tensions between the leading magnates in Scotland, which had previously been suppressed only with great difficulty, also broke out. The strained relationship between Rothesay and Albany due to their competition for the leadership of politics developed into a serious conflict in the autumn of 1401. The death of three political figures who had influence over the regent Rothesay contributed to this. His mother, Queen Annabella Drummond, died in the autumn of 1401, Walter Trail, the bishop of St Andrews, died at the end of June and Archibald, 3rd Earl Douglas, died after a long illness around Christmas 1401. Obviously, these people exerted a moderating influence on the regent, which ceased after their deaths. Rothesay had since utilised his political and economic opportunities as lieutenant and regent more rigorously and ruthlessly. After the death of Walter Trail, he wanted to bring the bishop's castle and the town of St Andrews under his control. He wanted to collect the revenues of the richest bishopric in Scotland until a new bishop was appointed. However, John Wemyss of Reres, whose family had acted as bailies and castle governors of the bishop's castle for the bishops since 1383, opposed this. The Regent Rothesay therefore also had Reres Castle besieged. The garrison of the bishop's castle surrendered at the beginning of 1402. But because John Wemyss belonged to Albany's clientele, the regent's uncle took offence. Albany was also annoyed that Rothesay had forced the tax collectors of several burghs in the north-east (Dundee, Montrose, Aberdeen) to hand over their revenues directly to him under threat of violence. This meant that Albany was bypassed as chamberlain with responsibility for the finances. Contemporary observers such as Walter Bower considered Duke David's behaviour to be unruly and dubious, but Rothesay, however, was determined to ignore the limits imposed on him by the council, as he would succeed his father on the throne as David III in the foreseeable future. The Duke of Albany, in turn, would then be cut off from political power and influence for a long time, perhaps forever. If he wanted to prevent this, he had to act against his nephew. And that is what he did: he succeeded in instigating two knights from Duke David's household to arrest him. William Lindsay of Rossie and John Ramornie arrested David near St Andrews at the end of 1401 and initially imprisoned him in St Andrews Castle. At almost the same time, the duke's followers were crushed. Those who did not leave him voluntarily were arrested, like Malcolm Drummond, lord of Mar, in his castle of Kildrummy.

Whether Albany would succeed in his attack on David depended on the reaction of Archibald, 4th Earl Douglas, Rothesay's brother-in-law. The two men met in Culross and discussed the situation. Douglas finally decided in favour of Albany, as he could promise him substantial help and support against the Earl of March and was prepared to let him negotiate a truce with England; in effect, to delay them so that he could continue to raid northern England. King Robert III was no longer a political factor at this time and could not intervene in the conflict.

Rothsay's fate was thus sealed. He was transferred from St Andrews to Falkland Castle, where he died at the end of March 1402; he was quickly buried in the nearby monastery of Lindores (Boardman, *Early Kings*, 244.). Whether he died of starvation, or the effects of dysentery cannot be ascertained. The chroniclers have assessed his removal favourably; Albany and Douglas had saved the kingdom from harm because they had eliminated a tyrannical ruler. It cannot be verified whether David acted as 'tyrannically' as his actions were assessed. This could also be an attribution to a political actor who had lost the game for power in the kingdom. In any case, his opponents had to make their actions against the heir to the throne appear legitimate. They could not let him live either, as it would have been impossible to keep Rothsay imprisoned after his father's death. There were still supporters who would have demanded David's coronation. Albany could only be sure of his victory, however, if his reasons for his action against the heir to the throne were also accepted by Parliament and King Robert III. And he was indeed successful. In May 1402, Robert III acquitted the accused Albany and Archibald Douglas of the charge of murdering Rothsay at a parliament in Edinburgh. His son David had died according to God's providence and in no other way. This explanation for the death could be interpreted to mean that God did not approve of the duke's government and lifestyle. Therefore, no other rumours about Albany and Douglas were to be spread. In addition, Albany was appointed as Rothsay's successor as lieutenant of the kingdom and thus regent. He was the king's closest male relative, so this promotion was practically inevitable. Robert III's second son James was only seven years old in 1402 and was not eligible for the regency.

Robert, duke of Albany, as regent for King Robert III

In the years 1401 to 1404, Robert III was politically without influence and physically in a poor state. His external and marginalised position during these years was also reflected in his location. He stayed with his court on the western edge of the kingdom: Southannan (North Ayrshire) and on the islands in the Firth of Clyde. His personal confidants had no political influence, and some members of his court (John Wemyss of Reres, Thomas Dischington of Ardrross) were effectively agents of Albany to report on the proceedings and activities of the king's court. Albany had the king under control, but the conflicts in the south with the English crown and in the north of the kingdom against the Lords of the Isles presented him with great challenges in the years up to 1404.

In the second half of 1402, the border areas between Scotland and England were once again the scene of plundering and small skirmishes, which were also fought with fierceness and bitterness due to the unresolved conflicts between

George Dunbar, earl of March, and the Earls of Douglas, who were supported by the English and Scottish crowns respectively. George Dunbar, a son of the Earl of March, defeated a Scottish force marching back to Scotland from a raid in Northumberland at Nesbitt Moor (Berwickshire). Archibald, 4th Earl Douglas and declared enemy of Dunbar, wanted to avenge this defeat. With an army of around 10,000 men, he marched south towards Newcastle in September 1402. On 14 September, they were attacked and completely defeated by English soldiers at Homildon Hill under the leadership of Henry Percy, earl of Northumberland, his son of the same name, who was nicknamed 'Hotspur', and the Earl of March. Most of the Scottish commanders and Douglas supporters were captured. Among them were Archibald, 4th Earl Douglas, George Douglas, 1st Earl Angus, and Albany's son, Murdoch Stewart. The Border Marches and the south of Scotland were thus effectively open to an English invasion, which the Earl of March had hoped for. The English king also seems to have made preparations for this and transferred the dominions of the captured Archibald Douglas to Henry Percy at the beginning of March 1403. Shortly afterwards, Henry 'Hotspur' Percy, the Earl's son, began the military offensive with the siege of Cocklaw in Teviotdale (Northumberland). It was agreed with the defender of the castle that he would hand it over to Percy if no Scottish replacement army had appeared by 1 August. The fact that Scottish military skill was not put to the test again by the Percies and they abandoned their plans in Scotland was not due to Albany's policy, but to the fact that the Earls of Northumberland rebelled against their King Henry IV in July 1403 and lost the Battle of Shrewsbury to him. As the Welshman Owen Glendower was also fighting for liberation from English overlordship at this time, Henry IV did not pursue any active military action against Scotland in the second half of the year (Davis, *Owain Glyn Dwr*, 53–60). This constellation was favourable to Albany, who was thus able to liberate Cocklaw Castle without great effort or danger. Even though the chroniclers Bower and Wyntoun emphasise Albany's personal bravery, it was a carefully calculated action, as Albany did not expect resistance from an English army. As a result, his troops were able to recapture several castles (Innerwick) and towns that had been occupied by the English after the Battle of Homildon Hill. The liberation of Cocklaw was more a demonstration of Albany's ability to effectively protect Scotland's borders from English attacks. At this time, there was no Scottish military leadership in the Borders apart from him, as the important army leaders were either in English captivity or dead. Albany had brought his troops from his dominions north of the Forth to demonstrate his military prowess. However, in terms of domestic politics, the loss of important political players in the border regions with England was problematic for Albany because he wanted to be personally present in the north during these years. What were his reasons for this?

Political stability in the north of the kingdom was shaken when Albany's son-in-law, Alexander Leslie, Earl of Ross, died unexpectedly at the beginning of May 1402. His daughter Euphemia was the heir to the earldom. In the weeks that followed, Albany attempted to gain control of the girl and the earldom. Although he was able to occupy Dingwall Castle and issue charters there, he was quickly challenged by Donald, the Lord of the Isles.

Donald derived his claims to the earldom of Ross from his marriage to Alexander Leslie's sister Mariota, who was Euphemia's aunt. This conflict meant that Albany could effectively only control the eastern parts of the earldom of Ross. Things went better regarding the earldom of Atholl. Atholl had reverted to the Crown following the death of the Duke of Rothesay in March 1402. Robert III transferred it to Albany in September as a regency for the duration of the king's life. But by the end of April 1404, Albany had already given the earldom of Atholl to his brother Walter Stewart, who had long supported Albany. Albany also had to pay particular attention to the north-eastern earldoms of Moray and Mar, which were repeatedly attacked by men of the MacDonalds, Lords of the Isles, as well as Elgin, which was set on fire by the troops of Alexander, lord of Lochaber, in July 1402. Even though Alexander was excommunicated by the bishop of Moray and asked for forgiveness in October, the situation in the region did not stabilise. For unknown reasons, Thomas Dunbar, earl of Moray, had decided to join the campaign against England in September 1402, was also taken prisoner at Homildon Hill and no longer a political player in the north for the time being. Albany therefore lacked a reliable ally in the north who was both capable of repelling the attacks on Ross and Moray and who had or could easily win the recognition of the local nobles. Albany hoped that this man would be his brother Alexander Stewart, earl of Buchan and lord of Badenoch, the hitherto 'forgotten man of the Stewart dynasty' (Boardman, *Early Kings*, 260). In 1403/4, Albany gradually transferred powers and responsibilities to his brother. The transfer of Inverness to Alexander was important, as he replaced the Earl of Mar as captain of the strategically important fortress. Because Albany urgently needed the Badenoch Stewarts to control the region, he had to accept – albeit with gritted teeth – that his governors in Mar were removed by Alexander Stewart. The reason for this was the marriage agreement between Buchan's son Alexander and Isabella, the widowed Countess of Mar, in August 1402, according to which the earldom of Mar and all its appurtenances would become the permanent property of Alexander Stewart and his heirs. At the same time, the claims of Thomas and Robert Erskine to Mar, who until then had been supported by Albany, were put to rest. Their problem, however, was that they were unable to defend their claims personally, as they too were captured at Homildon Hill in September.

Albany's influence would probably have been sufficient to prevent this marriage and defend the Erskines' claims if Alexander's actions had not been sup-

ported by influential local families (Forbes, Irvine of Drum, Chalmers) and the Bishop of Ross. In order to prevent bloodshed, a solution to the dispute over the earldom of Mar was to be found by means of arbitration. King Robert III reappeared on the political stage as arbitrator. Alexander Stewart presumably wanted to appoint his uncle as arbitrator and so the king and his court travelled to Perth at the end of November 1404. After some negotiations, the result was published on 9 December at the gates of Kildrummy Castle.

Countess Isabella held a meeting with her councillors and discussed various matters. Alexander Stewart then appeared and gave the countess the castle together with all written deeds and silver in it. She then 'chose' Alexander as her husband and gave him the earldom of Mar and all its appurtenances. The succession was modified compared to the draft of August. If there were no heirs to the marriage, the earldom would not go to Alexander's next of kin, but to Isabella's, which meant that the Erskines were back in the game. The consent of the free tenants and lairds was important for the acceptance of Alexander as Earl of Mar. These people were also present when the new earl was 'made' and swore allegiance to Alexander. As it turned out, this was a good choice, as Alexander Stewart provided the local lairds and communities with effective rule and defence against the Lords of the Isles in the years that followed. Above all, his successes in the fight against the MacDonalds' attacks and encroachments won him much favour with the inhabitants of Moray, Mar and Angus, especially after the Battle of Harlaw in 1411. In this respect, the lieutenant Albany could also rely on him; the new Earl of Mar did not become another 'Wolf of Badenoch' like his father.

The last years of King Robert III, 1404–1406

The king's renewed political activity was linked to developments at his court. New counsellors who were neither associated with nor dependent on Albany or Douglas gained a foothold there. They used their position at court to pursue their own interests, but at the same time made the king an important political player again. Henry Wardlaw became bishop of St Andrews at the end of 1402. He was appointed to his dignity by the Pope against the candidate supported by Albany. For several months in 1405/06, he was also responsible for the safety of Robert III's second son and heir to the throne, James. Henry Sinclair, earl of Orkney, who spent most of his time in the south on his estate at Rosslyn (near Edinburgh), also played an important role. He took advantage of the vacuum created by the capture of the political and military leadership of Lothian after the Battle of Homildon Hill and was able to establish himself as commander of the royal troops in the south by mid-1405. The third important counsellor was

David Fleming, who was repeatedly given the task of negotiating the release of prisoners and/or a peace treaty with the English.

The three counsellors not only took advantage of the king's reinvigorated authority, but above all hoped to be able to influence the ten-year-old prince after the death of Robert III. They developed into a political counterweight to Albany and his supporters; however, the lieutenant was strongly tied to the north in 1404/05. Since late 1404, the king and his counsellors had been working to re-establish effective political rule in the south and west of the country, challenging the Black Douglas family, the most powerful in the south. The first step was the establishment of a great regality for Prince James on 10 December 1404, which brought together the baronies of Renfrew, Cunningham, Kyle-Stewart, the islands of Bute and Arran, the earldom of Carrick and the baronies of Ratho and Innerwick in Lothian. As a result, this dominion became the personal property of the crown prince and could not be taken from him by others. At the same time, the territory was protected from Albany's grasp. In addition, this territory was taken away from the justiciary's influence in the south, as the regality was exempt from royal jurisdiction. This was a further blow to James Douglas of Balvenie, who held the office in the absence of Earl Archibald Douglas. His rivals Fleming and Sinclair, on the other hand, gained new opportunities as they exercised the rights on the prince's behalf. At the beginning of 1405, Robert III made donations to several churches to, among other things, promote the 'memoria' for the Duke of Rothesay and Queen Annabella. This sign of care for the souls of his family members coincided with the king's permanent presence in the regions around Perth and Linlithgow. This was no coincidence, for the death of his son, Duke David of Rothesay, whom he had been unable to protect from Albany, marked his political nadir. At the beginning of 1405, new opportunities for action arose for him, in which he was supported and presumably also guided by his three counsellors. A 'soft' weapon against Albany was the promotion of the memoria of Rothesay, at whose grave miracles were said to have occurred. He was now construed as a royal martyr for whose death Albany was responsible. Even if these were only rumours, they could contribute to nobles and other subjects refusing to support Lieutenant Albany.

Negotiations with the English King Henry IV were broken off at the end of May 1405 when Henry Percy, earl of Northumberland, Thomas Bardolph and Archbishop Scrope of York rebelled against their king and Robert III promised them support. Henry IV put down the rebellion and the archbishop was executed. Northumberland and Bardolph, however, were brought to safety in Scotland by Fleming. In August of that year, negotiations were opened to see whether the two English rebels could be exchanged for the Scots still imprisoned in England (Douglas, Murdoch Stewart). However, these negotiations were thwarted by David Fleming, who informed Percy and Bardolph of the negotiations and en-

abled them to flee to Wales. This not only had negative consequences for the Scottish-English negotiations but also increased the Douglas' dislike of Fleming.

In the autumn of 1405, Robert III withdrew to Dundonald Castle in the west, presumably because he was already ill at the time. His counsellors – above all Fleming and Bishop Wardlaw – were to continue to look after the political affairs of the realm and the protection of Prince James. But the two lost the game for supremacy in the south of the realm in February 1406. In that month, Fleming and Sinclair appeared with the prince and an armed retinue in the territory of the earls of Angus, a branch of the Douglas family. Presumably they wanted to impress the recalcitrant Countess Margaret of Angus and persuade her to agree to all the changes in the earldom (above all the handover of the barony of Cavers to Fleming). However, this attempt ended with the death of Fleming on 14 February 1406, who was slain in battle by soldiers of James Douglas of Balvenie, the younger brother of Archibald 4th Earl Douglas, who had been an English prisoner since 1402. Sinclair and Bishop Wardlaw presumably decided that very day to bring the prince to safety and rowed him to Bass Rock (Boardman, *Early Kings*, 295–296).

This was a disaster for King Robert III: David Fleming, his most important counsellor and agent in the south, was dead and the Earl of Orkney was sitting on Bass Rock with the prince. In the south and in the border regions with England, the Douglas had regained the upper hand. In this situation, the top priority of his supporters was to prevent Prince James from falling into the hands of the Duke of Albany. After all, it could not be ruled out that Albany would also view Robert III's second son as an obstacle on his path to the throne. Robert III therefore decided to send James to France. However, it was not until 20 March 1406 that a ship was available to sail to France and take the prince with it. However, the *Maryenknycht* was captured by English ships on 22 March and the prince was taken prisoner. A few days after the king received this news, he died in Rothesay Castle on 4 April 1406 and was buried in Paisley Abbey.

King in captivity – reign of the Albany Stewarts 1406 to 1424

In June 1406, the Duke of Albany was appointed governor of the kingdom (*generalis gubernatoris regni Scotie*). His authority was delegated to him by the 'community of the realm', represented by a general council in Perth. He was to be governor with 'tytyle and sele' (Wyntoun, *Cronykal*, 99). Duke Robert was next in line to the throne after James, who was imprisoned in England and recognised as king by the assembly. The Governor's central task was to secure the authority of the Crown until the King's return. He sealed his documents with his own seal and dated them according to the years of his reign, not the years of the reign of

James I. This practice was a consequence of the imprisonment of James I, who had not yet been crowned and was therefore considered incapable of acting. It is difficult to judge the difference in quality between the office of governor and that of guardian; guardians had also overseen government affairs in the absence of the king since the end of the 13th century. Albany's authority as governor was based solely on the transfer of the office by the Estates and not on his position in the line of succession. Large councils met annually to demand accountability from Albany (Hunt, *Governorship*, 133). He was also unable to convene a parliament, because as governor he did not have all the royal rights (such as granting titles, issuing royal property or paying annuities).

His options for action in the three central policy areas were therefore limited: Defence against England, peacekeeping in the realm and protection of the Church. Foreign policy was not conceived and implemented by him alone, but by the general Council. The negotiations with the English side on the conditions for the release of James I failed primarily because the Council was not prepared to even negotiate English claims to suzerainty over Scotland. For this reason, expectations that James I could be released in 1412, 1414 and 1416 were not realised. The English government refused to recognise the independence of Scotland. For the Scots, however, this was a mandatory prerequisite for negotiations, which the Council and the Governor could not give up at any price. The English kings, however, made the recognition of their sovereignty over Scotland a precondition for James' release.

Establishing and/or securing peace in the realm was complicated by two major conflicts. In the north and the Highlands, Donald Macdonald, the Lord of the Isles, was still intent on bringing the earldoms of Ross and Buchan under his control. He believed that Buchan should come to him as the inheritance of his wife Mariota Leslie. However, Albany transferred Buchan to his second son Alexander Stewart in September 1406. In this way, he wanted to establish a front against the men from the islands, in which Alexander Stewart, earl of Mar, was particularly involved. From 1402, Albany and his nephew Donald MacDonald also fought over the earldom of Ross, to which his wife Mariota (Margaret), who was a sister of the Earl of Ross, also had hereditary rights. Albany, however, secured the guardianship of Euphemia Leslie, the heiress daughter of the Earl of Ross, who stood before Mariota in the line of succession. In the end, Donald decided to assert his claims by force and conquer Ross. After conquering Inverness, he moved east with his troops in the summer of 1411 to conquer land in the sheriffdoms of Banff, Aberdeen and Kincardine; the inhabitants of the burgh of Aberdeen feared that Donald would plunder the town. On 24 July 1411, his troops met a force led by Alexander Stewart, earl of Mar, at Harlaw, about 35 kilometres from Aberdeen. Alexander's troops had been recruited in Mar, Angus and Buchan, and were joined by a contingent of Aberdeen burgesses.

When the battle was over, there was no clarity as to who the victor was. (Bannerman, *Lordship*, 337–339) However, for a ‘civilised’ Scotsman from the south like Walter Bower, it was clear that the ‘wild’ Scots from the north had been put to flight. The battle was not decisive for the claim to ownership and the de facto exercise of rule in the earldom of Ross. Donald did not give up his claim in the following years either.

In June 1415, Euphemia Leslie, the youngest daughter of Alexander Leslie, earl of Ross, who had died in 1402, gave up her claim to the earldom and entered a convent. The claim to the earldom thus presumably passed to the Stewarts. John Stewart called himself Earl of Buchan and Ross from then on, but it is not certain whether he was able to rule Ross. Until his death in 1435, Alexander Stewart, earl of Mar, remained the most important representative of the Crown in the north and ensured a more or less well-functioning protection of the dominions against the continuing ambitions of Donald MacDonald for land and dominion rights in the region. In the south, in the border regions with England, Albany also had to endeavour to establish a balance of power. George Dunbar was to be restored to the earldom of March, which had been taken from him after his flight to England. His lordship of Annandale had been held by Archibald, 4th Earl Douglas since his flight in 1401; and George wanted that back too. Albany regarded him as important for security on the border and therefore commissioned his son-in-law Walter Haliburton to mediate between Dunbar and Douglas. In 1409, George Dunbar returned to Scotland and was restored to the earldom of March. The lordship of Annandale, however, remained with the Douglasses.

An essential task of all kings and regents was the defence of the church (*Ecclesia Scoticana*) against attempts by foreigners (Englishmen) to secure benefices or occupation rights there. Albany was also involved in the fight against heresies. In 1408, a synod was held in Perth at which, among other things, a trial was held against the Englishman James Resby. Resby was sentenced to death at the stake for defending the teachings of John Wycliff. The delinquent was handed over to the secular judiciary to carry out the sentence and was burned at the stake (Hunt, *Governorship*, 139–142).

Albany, who saw or presented himself as a defender of Catholic orthodoxy, supported the Scottish clergy in their fight against Lollards and other heretics. He also agreed with the high clergy in Scotland to support the popes in Avignon (Clement VII from 1378 to 1394 and Benedict XIII from 1394 to 1423) during the church schism that had lasted since 1378 and to place himself under their observance. Loyalty to Benedict XIII paid off as the pope authorised the founding of the University of St Andrews in 1413. It was not until 1419 that the Scottish Church and Albany recognised Pope Martin V, who had been elected at the Council of Constance in November 1417 (Watt, *Konzilien*, 158).

Robert Stewart, Duke of Albany, died in Stirling Castle in early September 1420 and was buried in Dunfermline. His contemporaries Bower and Wyntoun praised Albany's ruling practices and portrayed him as an able ruler. Researchers are of the opinion that Albany, as heir to the throne, worked towards becoming king himself or procuring the crown for his son Murdoch, as he was actively involved in the death of the Duke of Rothesay in 1402. That is why he did not endeavour to secure the release of James I. He is also held responsible for the (supposed) increase in peace disturbances and conflicts within the high nobility. He had been unable to rein in the ambitious Earls of Douglas, March, Mar and the MacDonalds. In addition, he had diverted Crown revenues to his own private purposes and failed to prevent high nobles from helping themselves directly to collected taxes. Between 1409 and 1420, the Earl of Douglas is said to have forcibly stolen around £5,000 from the tax collectors in Edinburgh (Nicholson, Scotland, 255). It will no longer be possible to clarify whether Albany sought the crown. His position as governor had been conferred on him by the Estates, who had set him guidelines in foreign policy. In addition, his options as governor were limited and he was forced to compensate for his lack of royal rights in day-to-day government by skilful action and negotiation. However, he did not always succeed in this; above all, he was unable to punish the high-ranking peace-breakers appropriately. But even if he had problems in securing peace in the realm, he did secure Scotland's independence against English claims.

His successor as governor (with an annual salary of £1000) and Duke of Albany was his son Murdoch Stewart. However, Murdoch's conduct in office and the actions of his sons were so obviously focussed on their own advantage that important magnates such as Alexander Stewart, earl of Mar, and Archibald, 4th Earl Douglas, did not support them. It also became clear at the 1422 accounts that the government's finances had collapsed: very likely the result of mismanagement, corruption and blackmail. In this situation, Murdoch saw the English offer to renegotiate the terms of James I's release as an opportunity to divert attention from the financial crisis.

James I in English captivity

The capture and imprisonment of the young James by the English King Henry IV in March 1406 was a breach of the existing truce between the two kingdoms. However, like the previous treaties, it was not honoured particularly scrupulously by either side. The prisoner was of great political value to the English king, as James legally became King of Scotland following the death of his father Robert III on 4 April 1406. However, his uncle, the Duke of Albany, effectively ruled. Henry IV was able to use James as leverage in negotiations with the Scottish

governor and threaten to send him back to Scotland, which would have caused the Albany government to lose influence and independence.

During the first years of his imprisonment, James I was housed in a flat in the Tower of London. Presumably his companions Henry Sinclair, earl of Orkney, Alexander Seton and William Giffard also lived there. In addition to this group, other Scots had been in English custody since the Battle of Homildon Hill, including Archibald, the 4th Earl Douglas and Murdoch Stewart, the son of Governor Albany and thus James' cousin (Brown, James I, 18–19).

During this phase of his imprisonment, James I also had frequent contact with Scots who visited him and reported on developments in Scotland. In the years leading up to 1413, the young James was trained to acquire the necessary skills to fulfil the office of king: physical training, military training including archery, but also music and poetry. After a year in the Tower, James and his small retinue were transferred to Nottingham Castle, where he learnt of Henry IV's death in 1413. Until then, the young Scotsman had not been treated as a prisoner, but rather as a foster son of the English king. This changed fundamentally with the accession of Henry V. Together with Murdoch Stewart, James was brought back to the Tower, where they were no longer housed in a manner befitting their rank. Murdoch complained that the mattresses and bed linen were no longer changed regularly and were therefore worn and rotten. Despite this treatment, James developed an admiration for the energetic new English king. Henry V had managed to consolidate his rule in England and to relativise the accusation of usurpation, which his father had to live with, by acting wisely. In several letters written by James I in 1414 and/or 1415, he honoured and praised Henry V as an excellent and powerful king (Fraser, *The Red Book of Menteith I*, 284–287). On the other hand, he criticised and accused Albany of not working consistently for his release. In fact, the governor worked harder for the release of his son Murdoch than for the young king. Murdoch was released in May 1415 in exchange for Henry Percy. For James I, who remained under surveillance, the conditions of residence did not improve again until 1418, when he was moved to the well-fortified but comfortable Kenilworth Castle. In September 1420, when the Duke of Albany died and his son Murdoch Stewart took over the government in Scotland, the conditions of his imprisonment improved significantly. James I was no longer treated as a hostage and prisoner, but as a guest at court. However, the decisive reason for this was not the change of government in Scotland, but the political situation in France. Although Henry V was very successful militarily, he was unable to completely break the resistance of the French and achieve his war aims (French crown and/or possession of Normandy and Aquitaine). From 1419, the French were supported by 6,000 Scottish soldiers under the command of John Stewart, earl of Buchan, a son of Albany, based on the Auld Alliance. Henry V wanted to take James with him to France to prevent the Scottish troops from

fighting. James was to present himself as the Scottish king and was therefore equipped with clothing, weapons, horses, tents, etc., together with his retinue (Matusiak, Henry V, 223.). However, the plan did not work, as the Scottish garrison in Melun, which English troops besieged from May to November 1420, refused to surrender. James asked the Scottish soldiers to join him, but they refused because he was still an English prisoner and therefore, they could not serve him. They only gave up and surrendered when there were no more provisions in the city. Henry V had twenty Scottish fighters executed because they had turned against their liege lord and king. In the following years, James was largely able to move freely at the English court and was honoured at celebrations (coronation of Catherine of Valois, Henry V's wife in 1421). On 23 April (St George's Day) 1421, the English king knighted him at Windsor Castle. This emphasised James I's special relationship with England and the English king. James I was back in France with Henry V in 1422 and witnessed the death of the English king in Vincennes near Paris at the end of August. James I took part in the funeral procession that brought the dead king to England (Rogge, Trauer, 113–115). The fate of James I had to be decided by a regency council, which took over the government for Henry V's nine-month-old son. The Regency Council saw it as a priority to pay off debts that had accumulated as a result of the campaigns and sieges in France. The ransom for James I was also intended to contribute to this. For this reason, legations, including James I himself, conducted negotiations in Scotland from the summer of 1423. A marriage between the Scottish king and a lady from the royal family was also agreed to further secure James I's ties to the English crown after his release. The choice fell on Joan Beaufort, a cousin of Henry V. In this case, however, there is some evidence to suggest that the two, who had probably met at the coronation of Catherine of Valois in 1421, were already personally attached to each other. The marriage contract was concluded in York and the terms of James I's release were contractually sealed in London in December 1423. There was no mention of a ransom, but the £40,000 demanded was described as the cost of the Scottish king's maintenance during his eighteen years in England. From this sum, £10,000 were deducted as a dowry for Joan Beaufort. In addition, James I was no longer to support the French. The financial demand was secured by the provision of Scottish hostages.

The return of the king

From January 1424, the results of the negotiations were gradually publicised by means of rituals and symbolic acts. Initially, the wedding was celebrated in a befitting and magnificent manner; Joans' uncle Henry Beaufort, the bishop of

Winchester, performed the ceremony. On 28 March 1424, the royal couple stayed in Durham, where the hostages for England were provided. James I swore to pay the agreed money and agreed to a seven-year truce, which would stop further Scottish aid to the French. On 5 April 1424, the king and his entourage arrived at the Cistercian abbey of Melrose and were back on Scottish soil. On that day, he took over the rule of Scotland, which was symbolised by Murdoch Stewart handing him the seal of office (Brown, James I, 40). The ceremonial coronation of James I and Joan took place on 21 May 1424 in Scone, where Murdoch Stewart, earl of Fife, placed the crown on his head. This privilege was associated with the title ‘Earl of Fife’.

1.4. The three Jameses 1424–1488

James I, 1424–1437

The active reign of James I was spectacular in some respects. He began his reign with violence against his kinsmen, the Albany Stewarts, and his reign was brought to a violent end by the assassination of him in Perth. In a sense, these events were the consequence of his conception of kingship and his idea of the office of king, whose authority he wished to reinforce. His ideas of kingship were shaped by his time with Henry V of England. He served him as a role model for how the authority of kingship could be restored after a period of weakness. He was also able to learn from Henry V that the nobles orientated themselves around the royal court and sought to realise their political hopes in contact with it. It was important to James I to make the royal court the centre of political culture. The high nobility were not to ignore him as they had his father and pursue their interests in the regions without royal approval. After James I’s return to Scotland, the nobles and magnates naturally wondered how he would deal with them. There had been no effective kingship for 22 years and a ‘political network’ had formed around the Albanys.

James I probably realised that he had to break up this network and build up his own following if he wanted to successfully implement his idea of a strong and demanding kingship. He did indeed achieve his goal, but he had to pay a price for it. Although his actions against his opponents and especially his relatives ultimately led to peace in the kingdom, this peace was primarily the result of fear of the king’s rage against all those who disobeyed his orders and laws. Contemporaries such as Robert Graham therefore characterised his reign as ‘tyranny’ (see below).

The English royal court was important for James I’s political practice. There he learnt the theory and practice of vigorous royal government; above all that,

unlike in Scotland, the crown (i.e. the king) possessed the political initiative (Brown, James I, 20–21.). In Melrose in April 1424, he announced his intention to restore the royal peace and the natural order of government. Within a year of his coronation in Scone on 21 May 1424, he had implemented this announcement. The first step was legislation passed by Parliament in May 1424 (the first since 1406). James I demanded that the great customs duties be returned to him, that issued royal lands be returned to the Crown and that royal offices could be filled by him. For Alexander Stewart, earl of Mar, the immediate consequence of this was that he lost the revenue from the customs duties in Aberdeen and Inverness. Events in France played into James I's hands in his dealings with the Black Douglases in the south. In August 1424, the Scottish troops were badly defeated at Verneuil; the commanders John Stewart, a son of Governor Albany and his father-in-law Archibald, 4th Earl Douglas, were killed. The death of Archibald Douglas had positive consequences for James I, as it gave him access to the political structures in the south-west. The Douglas dominance was broken, James I was able to place his men in strategically important offices and gained control of Edinburgh. It was also clear that no more Scottish army would go to France without his consent.

However, the powerful earls in the south (Douglas) and north (Mar) were not the only obstacles on the way to establishing a centralised and strong monarchy. Murdoch Stewart with his supporters and relatives was also an obstacle. Firstly, because Murdoch had control of the earldoms of Fife and Menteith in central Scotland. Secondly, because Murdoch's son Walter would claim this property for himself and was third in line to the throne after James I, who did not yet have an heir, and Murdoch. Thirdly, the Albanys were responsible for the death of James's brother David, earl of Rothesay, in 1402 and his own long exile (or imprisonment) in England. In this respect, it can be assumed that, in addition to power-political considerations, revenge was also a motive for James I to act against his relatives. James I carefully prepared his attack on the Albanys in the autumn and winter of 1424/25. In November, he conquered Dumbarton Castle in Ayrshire and reached an agreement with Alexander MacDonald, Lord of the Isles, over the earldom of Ross.

For the Earl of Mar, this was a further setback after the loss of the customs revenue from Aberdeen, as he was also interested in the earldom and saw himself as the defender of the crown's rights in the north against the MacDonalds. However, Mar obviously realised that he had to come to an agreement with the king, especially as the succession of his illegitimate son Thomas Stewart as earl of Mar had not yet been confirmed. Mar and James I met in Edinburgh at Christmas 1424. The king presumably promised to recognise Mar's son as heir if he would give up his connection to the Albanys and support the king against them. Mar fulfilled his commitment a few months later.

James I had already taken action against the Albany-Stewart family. He had Murdoch's eldest son, Walter Stewart, arrested in May 1424 because he had obstructed his release from English captivity. The arrest of Murdoch's father-in-law, Duncan, earl of Lennox, followed in the autumn of that year. It is difficult to explain why Murdoch Stewart behaved passively during these months. In any case, he was largely politically isolated in the spring of 1425. Perhaps he wanted to use the parliament meeting in Perth in March to defend himself and his family. In the first week of parliament, James I was criticised for his negotiations with Alexander, Lord of the Isles, over the earldom of Ross and for his tax demands. In addition, Murdoch Stewart and the Earl of Mar seemed to be getting closer again; their alliance could have caused James I major problems. He therefore had a statute passed banning all current and future alliances between his followers. The king then extended the offence of rebellion: Anyone who secretly or publicly supported rebels was also guilty of rebellion. If Murdoch wanted to defend his eldest son and/or father-in-law against the charge of rebellion, the king had a reason to act against him, which he did on the ninth day of parliament. Duke Murdoch, his younger son Alexander and two of his courtiers were imprisoned. At the same time, the king gave orders to occupy the castles of Falkland in Fife and Doune in Menteith before local resistance to the arrests could be organised there. Murdoch's wife, Isabella Lennox, was captured at Doune, but the youngest of the Albanys, James 'the Fat', escaped the king's soldiers. James I now had his most dangerous opponents in his hands and prepared their trials, which were to take place during the next Parliament in Stirling in May. But before it opened, James 'the Fat', supported by men from Lennox and Argyll, attacked the town and castle of Dumbarton. He presumably wanted to weaken the king's position with a military success in Ayrshire and force him into a moderate trial against his father and the other prisoners. However, he only succeeded in setting fire to the burgh and killing some of the king's supporters but was unable to conquer the castle. He was therefore unable to prevent or influence the trials. On the contrary, this offered another argument to James to have the Albanys condemned as rebels. From 18 May, a jury of 21 noblemen, including seven earls, deliberated on the charges. Most of these men (including the earls Angus, Atholl, Douglas, March and Orkney) were prepared to support the king against his uncle for various reasons. In any case, they agreed to the judgements. On 24 May, Walter Stewart was sentenced to death and beheaded; the following day, Murdoch, his son Alexander and Duncan, earl of Lennox were sentenced to death. These three noblemen were also beheaded in front of Stirling Castle (Brown, James I, 65–66). James I took the earldoms of Lennox, Fife and Menteith to the Crown ('sentence of forfeiture'). At a stroke, this increased the royal income by £1200. The total income though was not high enough to cover the costs of the royal household, patronage and representation. James I also took a different approach to the royal

treasury than his predecessors, who had largely lived off the income from their lands. James I sought other sources of finance, as the revenue from the enlarged royal lands together with the customs was insufficient. His efforts to obtain further funds from his subjects became a central strain on the future relationship.

However, in the years after 1425, his rule was largely recognised. This is clear from the new political networks, at the centre of which now stood the king and his court. For Archibald, 5th Earl Douglas, this resulted in restrictions on his freedom to act in the regions bordering England and even in his dominions. The king wanted the high nobles to recognise him as the sole source of sovereign rights. In practice, the king demonstrated the authority of the crown by making direct contact with the lairds in Selkirk and Ettrick Forest, for example, bypassing Archibald Douglas. In May 1426, the king even officially transferred Galloway to his sister Margaret, the widow of Archibald, 4th Earl Douglas, and mother of the 5th Earl. Although the domain remained in the family, the head of the Black Douglases was clearly shown the limits of magnatial power. At the same time, however, the king did not want to completely antagonise the magnates and therefore drew advisors and experts from Douglas's circle to his court and recruited them for the administration, such as William Fowlis, the earl's chancellor, and John Cameron, the earl's secretary. Cameron became Keeper of the Privy Seal in the King's service and Chancellor in May 1427. He remained James's closest advisor until his death in 1437. From 1427, the court was comparable to other courts in Europe. The high nobles competed for influence and the lower nobles hoped for protection and opportunities to prove themselves in the king's service to be rewarded. By early 1431, James I was able to further consolidate his rule. This was helped by his military defeat of the Lord of the Isles in the autumn of 1429 and his reappointment of Alexander Stewart, earl of Mar, as the king's lieutenant in the north. The truce with England was extended by five years in May 1431. The birth of twins on 16 August 1430 was important for the king, both personally and politically. Although one twin, Alexander, soon died, the other boy was christened 'James' and grew up to become his heir and successor to the throne.

Criticism of James I's policies and his assassination

Criticism of the king grew louder in the 1430s, as he consistently continued his policy of expanding his reign and ostentatious representation. This cost money; money that his subjects had to procure. However, they were not enthusiastic about his attempts to levy regular taxes for his personal use. Much of the money was spent on the construction and extension of the royal residence in Linlithgow; between 1428 and 1434 probably £5,000. James I wanted a prestigious palace and not a manor house or castle like his predecessors. He wanted a royal residence

comparable to those in England (Sheen) or France (Vincennes). James I saw himself as a European king (Brown, James I, 115). This was emphasised by a second project, the foundation of a Carthusian monastery in Perth, which was built in 1429. To this end, he used money from customs duties as well as transfers of land and revenue that he had previously taken from citizens in Perth and ecclesiastical institutions (Coupar Angus Abbey), among others, by means of coercive measures.

These activities to represent the kingship were intended to emphasise James I's idea of good kingship. The focus was on establishing and maintaining justice (this was a major criticism of the Albany governors), punishing rebels and robbers, ensuring peace and order in the country, defending Scotland against England and preserving the unity of the realm. Almost all nobles will have shared this view of the Crown's duties. However, many were less and less in favour of the way in which James I attempted to implement these tasks. Consequentially, he wanted to enforce the laws of the Crown alone in the country at the expense of regional and local legal customs (e.g. in Fife and Galloway). In addition, he repeatedly made it clear that the Crown alone was the legitimate source of law, justice and the granting of offices. While this policy took some getting used to for many nobles, but was probably acceptable, James I's handling of resources and his efforts to improve the royal finances provoked massive criticism. In contrast to his predecessors, he actively expanded his sources of income at the expense of the high nobility and their relatives, as he retained control of the counties that had come to the crown. In 1427, he confiscated Strathearn from Malise Graham on the inapplicable grounds that the earldom was restricted to male heirs.

In 1435, with the heirless death of Alexander Stewart, the earldom of Mar and the lordship of Badenoch reverted to the Crown and was not reissued by James I, much to the annoyance of Robert Erskine, who saw himself as heir to the earldom. In this way, James I considerably increased the crown lands (royal demesne, *proprietaris regis*). He collected rent from this land twice a year (Martinmas and Whitsun), inaugural payments for the renewal of each tenancy and entrance fees, as well as grassums when a new tenant took up a lease, and he received the usual feudal dues 'ward' and 'relief' (*wardam et relevium*). Even when the land was issued in feufarm (for the payment of an annual rent) towards the end of the 15th century, it remained part of the crown land (Madden, *Royal demesne*, 6).

Nevertheless, the financial requirements could not be met from the revenues of the crown lands alone. He therefore demanded that the sheriffs consistently collect fines, promptly pay the annual taxes from the burghs and improve customs revenue. That was not all: contrary to the Scottish tradition of the king living off his own resources, James I repeatedly tried to get direct taxes authorised by Parliament. In the early years, this was authorised because he wanted to use it to pay his ransom. However, in the years that followed, the impression grew that he

was using this money for ‘private purposes’, i.e. to consolidate his rule and represent his sovereignty. For this reason, he was criticised in parliament and among the high nobility as ‘greedy’ and accused of making illegal demands on his subjects. For some nobles, this constituted the offence of ‘tyranny’ and active resistance was called for. The reason for action was ultimately James I’s demand in October 1436 for a new tax to wage war against England. Parliament rejected this demand, but saw it as further proof of his tyrannical government. In any case, his murderers used it to justify their actions. In February 1437, King James I was surprised and murdered in the Dominican monastery in Perth by conspirators led by his half-uncle, Walter, earl of Atholl, and the latter’s heir, Robert Stewart. Around ten assassins attacked the king after midnight. However, James I was initially able to escape and hide in a drain under the floor of the room. However, he was unable to get out because the drain had been sealed a few days earlier to prevent tennis balls from disappearing through the pipe. He was eventually discovered and stabbed to death by Robert Graham. Graham claimed while on the scaffold that he had rid Scotland of a tyrant, an enemy of the Scots due to the king’s insatiable greed: “I have thus slayne and deliuerde yow of so crewell atyant, the grettest enemye that Scotts or Scotland myght haue, considering his unstaucheable coveytise” (Connolly, *Dethe*, 66).

Walter Bower, on the other hand, honoured the king’s achievement in bringing peace, security and prosperity to the inhabitants of the kingdom. But his remarks were also an exhortation to the new king, James II, to rule in the same spirit to provide good governance for all his subjects.

James I – a royal revolutionary?

Ranald Nicholson described the destruction of the Albanys by James I as a ‘royalist revolution’ (Nicholson, *Scotland*, 287). By this he meant a complete break with the Albany’s’ ruling practices as governors, but also with those of his father and grandfather. James I wanted to assert the rights of the crown – as he saw them – to the last. In this way, all subjects would be able to enjoy the consequences of good rule (peace, justice, unity of the realm). This was undoubtedly a revolutionary endeavour in the context of the political culture that had developed in Scotland over decades. The changes to the political structures in Scotland implemented with great vigour by James I were so effective that even after his death there was no going back to the old conditions. The central position of the crown vis-à-vis the earls was significantly strengthened and it was now the only legitimate source of law and political administration. However, his assassination in February 1437 is an indicator that not all subjects agreed with this idea of monarchy and its implementation in political practice; rather, they saw it

as an infringement of royal powers. However, James II ultimately adopted his father's ideas and conceptions and practised rule accordingly. However, his ability to act was very limited for several years due to his minority, and so senior nobles again sensed their opportunity to shift the political balance towards their domains. This resulted in further years of instability and violence between king and nobility.

James II, 1437–1460

Queen Joan was spared by the assassins and was able to escape from the monastery in Perth. In the weeks following the regicide, she pursued the assassins and those responsible for the murder with all her might and had them brought to justice (Downie, *Queenship*, 138–141). Walter Stewart, earl of Atholl, was identified as the instigator of the murder. He was the last living son of King Robert II. Robert Graham had stabbed the king to death on Atholl's orders; Graham became a member of Atholl's household in the 1430s. Why Atholl, who had been a loyal supporter of James I for years, planned his death is disputed. Contemporaries explained it by his supposed desire for the Scottish crown. However, it is more likely that Atholl felt badly treated by the king in 1435/36. In fact, James I denied him land and revenues in the Highlands around Perth as well as in Methven and placed them at the Queen's disposal or kept them for himself. In general, the influence of Joan, who had a close relationship with James I, increased even further after the birth of the heir to the throne in 1430. From 1435, she had her residence in Perth and thus became a rival to Atholl, who was increasingly losing influence. From his perspective, it was also uncertain whether his grandson Robert Stewart would receive the earldoms of Atholl and Strathearn after his death, as the king was known to be in the process of drawing vacant dominions to the crown and passing on the heirs. The king had suffered a few defeats, but all attempts to remove him from power, such as in 1436 when Graham unsuccessfully tried to have James I arrested in Parliament, had failed (Rogge, *Rebellion*, 158). But with a dead king, Atholl would have had the chance to steer the political destiny of the realm in favour of the crown prince and, above all, in his interests. Robert Graham, on the other hand, wanted revenge for the death of the Albany Stewarts, as he had lost patronage, income and status after the execution of Murdoch. This also applied to other assassins, such as the brothers Thomas and Christopher Chambers, citizens of Perth. Graham recruited all the conspirators from the network around the Atholl household.

Queen Joan gathered her husband's remaining supporters around her as quickly as she could and had the assassins pursued. James I's body was laid in state in the Carthusian Church in Perth before the funeral. The papal legate,

Bishop Anton Altani of Urbino, also saw him there on 21 February 1437 and is said to have proclaimed that James I had died like a martyr in defence of the common good and justice (Brown, James I, 194). After the king's funeral, the queen left Perth, where she did not feel safe, and travelled to Edinburgh, where William Crichton was acting as sheriff and close to the Earl of Angus. Joan had to bring her son, who was in the care of John Spens, under her control if she wanted to take over the government. Once she had succeeded, Atholl probably realised that his plan would not work. He would have had to have the crown prince with him to succeed against the queen and declare himself regent.

Robert Stewart and Christopher Chambers were the first of the assassins to be arrested and tortured in Edinburgh. They confessed their involvement in the plot against King James I before their execution. Stewart's body was quartered, and the pieces displayed in various places; their heads were nailed to the gates of Perth. In mid-March 1437, William, earl of Angus, was finally able to arrest the 70-year-old Walter, earl of Atholl, and bring him to Edinburgh. The Queen thus held all the trump cards. Her son's coronation was to take place on 26 March in Holyrood Abbey just outside Edinburgh; a parliament was also to meet that day, as the trial of a high nobleman like Atholl had to take place before a parliament. Presumably the Queen's supporters gathered there and so the outcome of the trial was clear: Atholl was sentenced to death. A paper crown labelled 'traitor' was placed on his head before he was beheaded. The other assassins, including Robert Graham, were finally executed in Stirling in April (Connolly, *Dethe*, 63–65).

The Minority of James II and the Council of Regency

When his father was assassinated in Perth in 1437, James II was still a young child and during his minority his mother and other nobles argued over who should rule in his name. The Queen was only in charge until the summer of 1437, for in June the Estates gave the office of Lieutenant-General to a nephew of the King, Archibald, 5th Earl Douglas. The Queen was treated respectfully, given Stirling castle as a residence and an annual pension of 4000 marks, but the Earl of Douglas summoned the Estates and passed judgements in the name of James II. After the death of Archibald Douglas in 1439, Queen Joan tried once more to take over the government without success. She married John Stewart of Lorne in June 1439, signalling that she wanted to actively intervene in the politics of the kingdom again together with her new husband. To prevent this, Alexander Livingston, who was a loyal supporter of James I and had great influence in the council, had the Queen Dowager arrested together with her new husband and took the infant King James II away from her. She remained in prison for some time (Downie, *Queenship*, 150–151). The rule and government of the minor king

now lay in the hands of three men: William Crichton, the Chamberlain and Chancellor since May 1439, his cousin George Crichton, sheriff of West Lothian, and James Douglas of Balvenie, earl of Avondale since November 1437.

The first years of the Regency government were characterised by competition at court for influence over the young king and attempts by magnates to regain the dominion, which James I had seized. Robert Erskine made another attempt to assert his claim to the earldom of Mar and Alan Stewart of Darnley laid claim to the earldom of Lennox. Alexander, Lord of the Isles, on the other hand, was officially recognised by the Council as earl of Ross and appointed Justiciar in the North in February 1439. A struggle developed between William Crichton in Edinburgh and Alexander Livingston in Stirling over the supervision of James II. At first Livingston had an advantage, as he was able to bring both the young king and the queen under his control in August 1439. In September, the Queen, Livingston and Crichton agreed that Livingston would keep James II in his custody at Stirling; the Queen and her second husband, Alexander Stewart of Lorn, were released in exchange. A short time later, however, Crichton intercepted James II while he was hunting and brought him to Edinburgh. However, the two eventually agreed that Livingston would continue to keep James II in his custody and Crichton would remain chancellor. Perhaps a contributing factor was that their position at the head of government was potentially under threat, as Archibald, 5th Earl Douglas, who died in June 1439, had two sons. William, the elder (aged 14 or 15), was his heir and might also want to become a lieutenant-general like his father, which could not be in the interests of Livingston and Crichton. Whether William had such ambitions is not documented. And if he did, he was not given the opportunity to stake a claim. Together with his brother David and Malcolm Fleming, he was invited to a dinner at Edinburgh Castle on 24 November 1440. At the end of the meal, Chancellor Crichton placed the head of a bull on the table: a symbol of condemnation and death. The next day, William and David were put on trial, presumably with the 10-year-old James II present. The two brothers were found guilty (of what offence is not known) and executed (McGladdery, James II, 30–31). There is no meaningful evidence about the motives of the accusers, and it is rather doubtful that Livingston and Crichton were the driving forces, because James Douglas of Balvenie, the great-uncle of William and David, really benefited from the events that went down in history as the ‘Black Dinner’. He became the 7th Earl Douglas in the main line of the Black Douglasses (due to the inheritance rules of 1342). However, James Douglas died in March 1443 and with him ‘died’ the balance or a form of political equilibrium that had been maintained between the ambitious nobles in the Regency Council until then. For with William, 8th Earl Douglas, James’s son, a new player entered the political arena who, with the help of Alexander Livingston, set about weakening the political influence of Chancellor Crichton. William wanted to utilise the

opportunities that arose, or were to arise, because James II was under the supervision of Alexander Livingston. In August 1443, he swore an oath that he had not taken part in the execution of Malcolm Fleming in 1440 during the 'Black Dinner'.

In the following years, the Crichtons and their supporters were gradually ousted from their positions by means of military force and feudal law. The Douglas-Livingston axis pursued successful interest-based policies for several years without tackling the main problems and areas of conflict in the realm (violence as a 'legal remedy' among the nobility in conflicts over property and titles, robbery and insecurity for trade). The key players wanted to secure their positions before James II came of age and prepare for the king's possible desire for revenge.

In the Parliament of 1445, which was also attended by William Douglas's brothers, Archibald, earl of Moray, and Hugh, earl of Ormond, the king and the three estates swore mutual oaths. James II made his understanding of politics and his idea of kingship very clear. He swore with his God-given power to defend each estate (i. e. clergy, lay nobility and burghers) and to rule according to its liberties and privileges, in accordance with the laws and customs of the realm. He also promised not to change the law, customs or statutes of the realm without the consent of the three estates (McGladdery, James II, 53).

Meanwhile, the Black Douglases reached further north into the earldom of Mar. This was done through the inclusion of Alexander Forbes, the Deputy Sheriff of Aberdeen, in their clientele. Forbes was a man of great influence in the region, even rising to become Lord of Parliament. These titles were an important means of rewarding and maintaining loyalty and personal commitment. No (major) grants of land were associated with this, but the new lords were allowed to count themselves among the high nobility. Another means of promising loyalty and willingness to serve were bonds (contracts), in which, for example, loyalty to the crown was expressed (regarding the bonds see in detail Berlandi in this volume). One of the losers in the summer of 1445 was Queen Joan, who fell ill and died in Edinburgh Castle on 15 July. She was buried in the Carthusian monastery in Perth next to James I, her first husband. A year later, her ally, the Earl of Angus, also died. This eliminated potential opposition to the regency led by William, 8th Earl Douglas. For the next four years, the Regency Council was dominated by William Douglas and his allies. During these years they succeeded in winning Kildrummy Castle (in the earldom of Mar) for the Crown, presenting James II in the north (Aberdeen); and to emphasise the rights of the Crown (= Douglas) to the earldom of Mar and to defend the Marches against English attacks and encroachments (October 1448).

In the footsteps of his father: James II destroys the Black Douglases

Despite the events surrounding the ‘Black Dinner’ of November 1440, the self-image of the main line of the Black Douglases under the leadership of William, 8th Earl Douglas, was based on their allegiance to the Crown. Their reputation, their honour and their dominions were a result of their protection by the Crown, but in their understanding, they were above all the deserved reward for their commitment to the defence of the realm and kingship. William, 8th Earl Douglas, was continuously on the King’s Council from 1444 to 1449. In this position he was able to influence policy in favour of the kingdom as well as to secure his regional power base during the regency (Brown, *Black Douglas*, 285). The conflict between William Douglas and James II developed when the king began to rule independently in the autumn of 1449. James II’s conception of kingship and the relationship between the king and the high nobility in the realm was based on his father’s ideas and practice. It was therefore clear that James II would relegate the influential and leading men in the Regency Council to their places. Like his father, he needed resources that had previously been held by high nobles. In September 1449, shortly after his marriage to Mary of Guelders, he initially acted against the Livingstons. While Alexander Livingston was in England on a diplomatic mission, the king had his chamberlain James Livingston and other family members who were acting as bailies arrested. Robert Livingston of Lintlithgow, the Comptroller, was also arrested. Although not all the Livingstons were sentenced to death, they lost their land, positions and income to the Crown. A parliament convened in Edinburgh in January 1450 confirmed and legitimised the action against the Livingstons (McGladdery, *James II*, 88–90). Of the other statutes passed in Parliament, the fact that the offence of high treason was again extended was important for the future and for political culture. Anyone who laid a hand on the king was a traitor, as were those who harboured or supported rebels/traitors. James II also made it clear that he regarded the imprisonment of his mother in 1439 as an offence against the Crown. William, 8th Earl Douglas, supported James II against the Livingstons and was rewarded for this. On 26 January 1450, the king confirmed him in the lordship of Galloway and all rights in Ettrick and Selkirk Forest. He was also granted permission to marry Margaret Douglas, a daughter of Archibald, 5th Earl Douglas. Margaret was the last survivor of the main Black Douglas line and therefore brought Wigtown and Liddesdale with her into the marriage.

In October 1450, William, 8th Earl Douglas, set off on a pilgrimage to Rome; however, this was not only religiously motivated, but he also wanted to visit other courts in Burgundy, France and England during the journey to test the political standing of his dynasty in Europe. Meanwhile, Chancellor Crichton and William Turnbull, bishop of Glasgow, endeavoured to gain a foothold in Douglas’

southern dominions and win over the free tenants to their side. They were supported in this endeavour by James II. In February 1451, the king marched with a large retinue from Lochmaben via Ayr to Lanark, i. e. through the regions ruled by the Black Douglases. He demonstrated his royal power and his intention to force the tenants and lairds into his peace. When William Douglas returned to Scotland in April 1451, he had lost considerable support in the council and with the king. However, because John MacDonald, earl of Ross, led a rebellion against James II in the north in the spring of 1451, there was a formal peace between James II and William Douglas. John MacDonald attacked Inverness and Urquhart Castle as well as Ruthven in Badenoch. He was motivated to do so by his father-in-law James Livingston, who had escaped the king's grasp in 1449/50. This also shattered his expectations of his marriage to Elisabeth Livingston. James II now expected William Douglas to support him against the rebels, but the latter was very reluctant to do so. Meanwhile, William continued to lose support in the south, as he denied some old supporters of the family the favours they expected. He stalled William Douglas of Drumlanrig, who was waiting for William Douglas to give him the barony of Hawick as his rightful heir.

Tensions between the king and William continued to grow and they finally agreed to meet at Stirling Castle on 21 February 1452, where William had James II promise him safe conduct, as he did not feel safe and wanted a special promise of protection. On the second day of negotiations, 22 February, the talks escalated: the king stabbed the unarmed William in the neck with a knife and other courtiers pounced on the defenceless man; eventually William's body was stabbed 26 times (McGladdery, James II, 114–119).

A king stabbing a magnate with his own hand! That had never happened before! This event has therefore been the subject of much debate among scholars, in particular the question of whether it was a (cold-blooded) murder or a spontaneous reaction of the king in the heat of the debate (manslaughter). For most contemporaries, however, the second option was more likely. James II had become angry and carried out the attack on William because – according to the contemporary Auchinleck Chronicle – Douglas had refused to cancel his bond (treaty of friendship and support) with John Macdonald, earl of Ross, and Alexander Lindsay, earl of Crawford. He had refused to help the king against the rebels, in effect committing high treason. In this interpretation, the king may have overreacted, but in principle he acted correctly. But the murder can also be interpreted differently. By refusing to break the bond, William made it clear that he would not allow himself to be tied into the political corset expected by the king. This attitude alone was a challenge for James II, because from his perspective, the bond was directed against his conception of office, namely that rule could only be organised and legitimised hierarchically from the top down; such arrangements, however, undermined his claim to primacy and suzerainty. The

Douglasses reacted promptly: in mid-March 1452, troops led by James, 9th Earl Douglas, a brother of the murdered William, stormed Stirling and sacked the town. They were able to justify this by claiming that the king had broken his promise of security. Shortly before, the pregnant Queen Mary had left Stirling and travelled to the safety of St Andrews to Bishop James Kennedy, where she gave birth to the heir to the throne in May 1452.

In June 1452, a parliament met in Edinburgh, attended only by supporters of the king. Two decisions of this parliament are particularly noteworthy. The Crichtons were rewarded for their efforts against the Black Douglas and in favour of the king. George Crichton was created earl of Caithness and James, the Chancellor's son, earl of Moray, which had previously been seized from the Earl of Crawford, Alexander Lindsay. James II was then acquitted of any guilt in the murder of William, 8th Earl Douglas. The estates reasoned that Douglas had renounced the king's protection the day before his murder, had made private alliances and had refused to help the king against rebels. Presumably in response to this, James, 9th Earl Douglas, announced in June that he would join the English king and renounce his loyalty and allegiance to James II. He responded with a punitive expedition into the Douglas dominions in the Borders (from the Pentlands to Peebles, then on to Selkirk and finally from Annandale to Dumfries) to deter their potential supporters and demonstrate his authority. However, his soldiers did so much damage that lairds and tenants could hardly gain the impression of good kingship.

In this situation, only two options were realistic: either open war between the camps surrounding the king and James, 9th Earl Douglas, or a peacefully negotiated settlement between the opponents. The second option appeared to be the better alternative for the parties to the conflict. The results of the negotiations were recorded in two documents. On 28 August 1452, they sealed a so-called 'Appointment'. In it, Douglas promised to forgive the king for the murder of his brother and to revoke all bonds that were directed against the king. Douglas was reappointed Warden of the border marches. The fact that the conflict between the king and Douglas had not only broken out over the Douglas-Crawford-Ross bond, but those dominions had also played an important role, is shown by the agreements concerning the earldom of Wigtown and the lordship of Stewarton in Ayrshire. The earldom was an essential element of the Queen's endowment and extended the royal influence in the west. However, the Douglasses had their own rights to the lordship, which they were unable to assert in 1450/51. Further negotiations followed, which were finally formalised in the 'Lanark Bond' of January 1453 (Brown, *Lanark Bond*, 227–245). Earl James Douglas was then allowed to take over Wigtown (again) as a dominion. In return, he promised that he would hand over documents to the next general council, either personally or through representatives, with which he would 'bind himself to my said sovereign lord my

manrent and my service in the best and most sure forme...foral days of my lyf'. He promised to uncover and report any plots against the king if he learnt of them, to abandon alliances against the king and to support him against rebels and enemies of the crown. He would also help James II to regain royal property and rights that were 'dispont or annalied fra the croune'. However, the dominions handed over by James II to his brother William, 8th Earl Douglas, were excluded from this. James, 9th Earl Douglas, was back in possession of Wigtown in October 1453.

What is remarkable about these treaties is that they circumvented the laws on rebellion and treason of January 1450. For James Douglas' behaviour in 1452 could basically be judged as treason. He had renounced his allegiance to the king, attacked Stirling and negotiated with the English king. However, there is no evidence of any legal action taken by the king against James Douglas in the first half of 1452. Instead, an informal settlement was sought without involving Parliament. James II wanted to secure the loyalty and service of the Douglases by transferring the earldom of Wigtown -a measure that Douglas saw as a sign of good kingship. Although the conclusion of such treaties basically contradicted James II's concept of rule, in a situation in which internal conflicts in the realm made the danger of English intervention likely, the main aim was to stabilise the political structure. To this end, however, royal power was not an effective means, but rather negotiation and compromise.

In the following years, James, 9th Earl Douglas tried to improve his family's reputation and influence among the lairds and tenants in his dominions and to bring men who had turned to the king back into his fold. He gave the barony of Hawick to Douglas of Drumlanrig and even reconciled with one of his brother's murderers. Simon Glendinning was able to continue to act in Eskdale and even became a member of his council (Brown, Black Douglas, 301–302). Nevertheless, James was ultimately unable to establish relations with the lairds as good and secure as his brother. He was further jeopardised by two developments over which he had no influence. In England, the conflict between the houses of York and Lancaster came to a head and the War of the Roses began in the spring of 1455. As a result, he lost the backing and support of the English crown. In the north of Scotland, the magnates refused to support James because they saw him as pursuing policies against their interests. When Alexander Lindsay, 4th Earl Crawford, died in the summer of 1453, his heir was still a child, whose tutor became King James II. This gave the king access to the earldom and James, 9th Earl Douglas, feared that the king would extend his influence into the Douglas-controlled regions to the north around Balvenie Castle. To prevent this, James Douglas negotiated with the Lords of the Isles to secure their military support should James II take active action against his dominions. However, because of his negotiations with the declared opponents of the crown, he lost the sympathy of the other magnates in the north-east of the realm.

The next conflict between the king and James, 9th Earl Douglas was triggered by the fact that James II wanted to bring the inheritance of George Crichton, who had died in August 1454, in Annandale and above all the property of the Douglas of Dalkeith under his direct control. James Douglas responded with attacks on Dalkeith, which he burnt down, and the plundering of the Abernethy family's property. This was the prelude to several military confrontations with the king, which James Douglas was unable to win. In April 1455, the king's troops conquered the Douglas fortress of Abercorn. James Douglas fled into exile in England, but his brothers Archibald, earl of Moray, Hugh, earl of Ormond, and John, Lord Balvenie, travelled to Eskdale with a small force. However, on 1 May, they were defeated by a royal force, which included some of their vassals, at Arkinholm. Archibald died on the battlefield, Hugh was wounded and taken prisoner, only John managed to escape (McGladdery, James II, 154–156).

In June 1455, a parliament declared that the estates of James, 9th Earl Douglas, John of Balvenie, Hugh, earl of Ormond and their mother Beatrix would be confiscated for rebellion against the king. A trial was held against the imprisoned Hugh, earl of Ormond, which ended with his execution.

James II took advantage of the situation to strengthen royal rule and restrict the rights of the holders of regalities. On 4 August 1455, Parliament passed a series of resolutions that were summarised under the title 'Act of Annexation'. The confiscation of the Black Douglas property by the Crown was confirmed and it was stipulated that the rights of a regality should in future only be granted with the consent of Parliament. The regalities currently held by the King could be annexed to the Crown and thus to the jurisdiction of the sheriffs. In addition, castles and manors throughout the realm were to fall to the Crown; they could no longer be issued as fiefs without the consent of Parliament. James II then had considerable financial leeway for patronage and the purchase of new cannons from the Netherlands, as the king received around £6,000 a year from the lands newly granted to the Crown alone, including customs duties. He also had revenue from the lands already held by the crown, which brought in around £3500 a year (Nicholson, Scotland, 379).

In the following years, the king built up a new political network to be able to organise his rule effectively in the regions where magnates such as the Douglases had their power base. He therefore marched with a small army into the north in February and March 1456, as he wanted to demonstrate the reorganisation of power and establish new relationships with the local lairds, particularly in Moray, Mar and Ross. To this end, he granted licences to build castles, for example to the Thane of Cawdor. He retained the earldom of Moray with the Crown, giving Mar to John, his youngest son, in 1459. Alexander, his second son, became earl of March in 1455 and Duke of Albany in 1458. The eldest son and heir to the throne,

James, born in 1451, was made Duke of Rothesay in July 1452, continuing the practice of Robert II, who had made his son David Duke of Rothesay.

A key feature of the years after 1455 in terms of domestic policy were James II's endeavours to build up a new high nobility. This nobility was to be tied more closely to the crown, to which the separation of title and feu (or: lands) contributed. In the 1460s there were still five old earldoms (Angus, Atholl, Ross, Sutherland, Huntly), but essentially the earldoms were now personal titles of honour, not linked to a feu of the same name. The old high nobility was replaced by families who were given new titles: the Hays became the Earls Errol in 1452, the Keiths became the Earls Marishal in 1457, and the Douglas of Dalkeith became the Earls Morton in 1458.

Foreign policy: relations with the continent and the relationship with England

By the middle of the 15th century, the Scottish kings and their kingdom were not among the strongest political players in Europe but had proven to be important allies for France and set about developing relations with the kings of Norway-Denmark in their favour. Political relations with Norway and Denmark had intensified at the end of the 13th century. Even before the crowns of Denmark and Norway were united in 1380/81, the border between Scotland and Norway existed; trade relations were developed primarily via the islands of Orkney and Shetland and in 1290 the Maid of Norway was even to inherit the Scottish crown. James I and James II were confronted with demands from the Norwegian-Danish kings, who insisted that the Scots should again pay the annuities (100 marks) stipulated in treaties of 1266 and 1312. However, it is not known whether they paid (probably mostly not). Finally, the marriage of James III to Princess Margaret of Denmark in 1469 put relations between the two kingdoms on a new footing (Grohse, *Frontiers*).

In the preceding decades, the Scottish crown and kings had already succeeded in improving their status in Latin Europe. James I worked to place his dynasty in the circle of European nobility. One way of achieving this was through high-ranking marriages. His eldest daughter Margaret married Dauphin Louis, the future King of France, in 1436; however, her early death prevented her from ascending to the throne. After James I's death, the Regency Council arranged further marriages for Scottish princesses. James' second daughter Isabella married Francis, son of the Duke of Brittany, in 1442 and Mary married Wolfhart VI of Borsselen, Lord of Veere, in 1444. Eleonor was married to Archduke Sigismund of Austria in 1449. At a time when domestic and foreign policy was based primarily on networks of family and friends, marriages were also the basis for diplomacy. For this reason, the marriages of James I's daughters were

valuable in terms of the international contacts associated with them. However, the choice of wife was of crucial importance for James II.

After lengthy negotiations (conducted since 1446), the marriage contract between James II and Mary of Guelders (*1434) was sealed in Brussels on 1 April 1449 (Dowie, Queenship). Mary was the eldest daughter of Duke Arnold of Guelders but was brought up at the court of Duke Philip of Burgundy. Philip undertook to pay 60000 crowns as a dowry within two years. James II used the income and dominions of the Livingstons and the Black Douglases to secure the corresponding dowry and endowment for Mary (10,000 marks per annum and Linlithgow as a widow's seat). He married Mary on 3 July 1449 in the church of Holyrood Abbey on the outskirts of Edinburgh. The marriage was the basis for the developing relationship with the Netherlands and an alliance with Burgundy.

During the reigns of James I and James II, relations with England and France were also influenced by the development of the conflict in France, which was resolved in 1453 with the success of King Charles VII over the English forces. Secondly, the conflict in England between the Lancasters and York, which had been going on since the 1450s, was a major factor in the relationship between the two crowns and the situation in the border region. James II's foreign policy was balanced between maintaining and developing good relations with France and Burgundy on the one hand and a hostile attitude towards England on the other. James II ultimately utilised the turmoil of the conflict over the crown in England to reconquer Roxburgh and Berwick from the English (MacDougall, Foreign relations, 101–111).

The Scottish and English governments negotiated temporary truces to prevent violence and plundering on both sides of the border. However, these were paid little or no attention by the actors in the Border Marches. Nor did the kings set an example, for in 1456 James II cancelled the truce of 1453 and marched with a small army to Northumberland to take revenge for the plundering of English troops in the Scottish borderlands and to demonstrate his military strength. The truce concluded in June 1457 was also repeatedly violated; both through constant small skirmishes and conflicts on the border with England and piracy in the North Sea. Although the courts endeavoured to at least officially maintain peace, James II nonetheless attempted to improve the training of his subjects in arms. Therefore, in March 1458, a law was passed banning the playing of football and golf (first mention). Instead, the men were to practise archery every Sunday after church (McGladdery, James II, 193).

While the truce was extended until 1463, both sides prepared for a military confrontation. James II wanted to take advantage of the situation in England when the conflict between the Lancasters and York reached another climax in the summer of 1460 with Richard of York's grab for the crown. He had his troops lay a siege ring around Roxburgh Castle at the end of July. This was the last

strategically important castle held by English troops in the border region on Scottish territory. James I had tried in vain to drive the English from there in 1436. His son now wanted to do better, avenge his father's humiliation, demonstrate his military prowess and remove the symbol of the English occupation. The use of his cannons, with which he fired at the castle, was also intended to contribute to this. On 3 August 1460, a cannon next to which the king was standing exploded, and he was mortally wounded. The Queen was then notified, and on 8 August, when the castle was finally captured, she and the Crown Prince reached the army at Roxburgh. On 10 August, the eight-year-old James III was crowned at Kelso. And the kingdom was once again without a king capable of acting.

James III, 1460–1488

Like his father and grandfather, James III also died a violent death. After the assassination of James I and the cannon accident involving James II, James III was killed on the battlefield in open combat against the opposition, which was led by his son and heir to the throne.

During his childhood, three successive factions took over the regency: from 1460 to 1463, Mary of Guelders, the king's mother, who not only conquered Roxburgh, but also brought Berwick upon Tweed temporarily back under Scottish suzerainty in 1461 through negotiations. She was financially independent (4000 marks a year from her dower) and therefore needed no money from the Crown. She even financed the founding of Trinity College in Edinburgh with £1000 from her coffers. She took a pragmatic approach to relations with England, where the War of the Roses was being fought at the time, and negotiated with both Lancaster and York. However, this displeased James Kennedy, the bishop of St Andrews, who wanted to pursue the old strategy of supporting the current opponents of the English crown and reviving the 'Auld Alliance' with France. Kennedy finally succeeded in bringing the ten-year-old king under his control at the beginning of 1463, expanding his political position at court and his influence on politics.

After Mary's death in December 1463, James Kennedy was initially able to run the government on behalf of the minor king without any major problems. Finally, in July 1466, the young king was kidnapped by Robert Lord Boyd, his brother Alexander (Chamberlain from March 1466), his son Thomas (who married a sister of James III in February 1467) and other confidants during a hunting trip near Linlithgow. He was subsequently controlled by the Boyds until 1469. (MacDougall, James III, 63) Robert Boyd was appointed governor in August 1466 until James III came of age, during which time he sought to provide family members and supporters with important and strategic posts. The domestic po-

litical situation in the following years was characterised by competition between several families for the supervision of the minor king. During these years, the regents failed to establish peace and security throughout the kingdom.

In terms of foreign policy, there were two main areas of action. There was still no peace treaty with England, but truce agreements, which were regularly ignored by both sides, as in previous years. Since the 1460s, Scotland had been indirectly involved in the conflict between Lancaster and York, the ‘Wars of the Roses’, because Queen Mary had granted temporary asylum to Queen Margaret of England and King Henry VI. After the House of York had prevailed in 1461 and Edward IV had become King of England, the Scottish government under Bishop Kennedy negotiated the extension of the truces and in 1464 an extension of fifteen years was negotiated (‘Truce of York’). When Bishop Kennedy died in May 1465, relations with England were stable and largely peaceful.

The second important area of foreign policy was Scotland’s relation with the Kingdom of Denmark. Tensions had existed between the two kingdoms for years because the Scots had not paid the Danish crown the 100 marks due annually for possession of the Hebrides under the Peace of Perth concluded in 1266. In the summer of 1468, a Scottish delegation (including William Tulloch, bishop of Orkney and William Sinclair, earl of Orkney) negotiated an alliance between the two kingdoms with King Christian I of Denmark in Copenhagen. A marriage between Christian’s daughter Margaret and James III was also agreed. The princess’s dowry was to include the official end of the Scots’ annual payment to Denmark; she was also to receive 60,000 Rhenish guilders, of which 10,000 were to be paid before the delegation left Denmark. But after ten months, the Danish king was only able to raise 2,000 florins, so he pledged Orkney and the Shetlands as security for the rest of the sum (MacDougall, James III, 78–79).

On 12 July 1469, the wedding of James III and the Danish princess Margaret was celebrated in Edinburgh. This was a further step on the young king’s path to independent rule, as the influence of the Boyds ended in the second half of the year at the latest. During their regentship, they had behaved as unwisely as some of their predecessors (Livingstons). They appropriated land by means of dubious legal titles (including the lordships of Bute, Arran, Cowal, Stewarton and the barony of Renfrew) and illegally collected rents in the name of the Crown. Although the family became rich as a result, they made many enemies, including the king. The seizure of the manors and land antagonised the local lairds and barons, who deprived them of their supporters. The magnates and barons, who sat with the Boyds on the Regency Council, were less and less willing to tolerate this resource extraction.

Finally, in 1468/69, members of the Stewart family sealed the downfall of Robert Boyd and his supporters, namely the brother of King James III, Alexander, duke of Albany, together with his half-uncles John, earl of Atholl (a

son from Queen Joan's second marriage) and his younger brother James Stewart of Auchterhouse. They gradually ousted the Boyds and their supporters from positions at court and in the administration of the realm. It was therefore perhaps no coincidence that Robert Boyd was in England as an envoy of the Scottish crown in April 1469 and did not return. His son Thomas Boyd, earl of Arran, returned from Denmark at the beginning of July with the fleet and Margaret, the bride for James III. His wife Mary warned him not to go ashore because her brother, the king, had a great hatred for him. The couple fled first to Denmark and then to Bruges. This put an end to the Boyds' reign. In November 1469, Alexander Boyd, who had no chance of escape, was finally sentenced to death ('for treason by insult and degradation of our royal majesty') for the abduction of James III in 1466 and executed in Edinburgh.

James III began his personal reign with a parliament in November 1469. Whether he himself had a conception of the monarchy that went beyond that of his predecessors cannot be determined. Presumably the formulations and symbols, which can be interpreted as an expression of a new, imperial understanding of Scottish monarchy, were based on the ideas of his closest advisors. In any case, the parliament stated in November 1469: 'oure soverane lord has ful jurisdictione and fre Impire within the relam' (in detail MacFarlane, William Elphinstone, 40–47).

In addition, notaries acting based on imperial law were not allowed to continue working, but those with papal legitimisation (canon law) were. It is possible that James III and his advisors were following the example of the French king, Louis XI, who adopted Bartolus of Sassoferrato's idea that every king was an emperor in his realm. A further indicator of this interpretation is the imperial iconography used in buildings and art in the years after 1469. In 1472, the double-tressure was removed from the royal coat of arms to emphasise that the king was emperor in his realm and that no other worldly power was above him. This idea was not new in Europe but was not yet widespread in Scotland at the time. It is also possible that the establishment of the archbishopric in St Andrews in 1472 with the unification of all Scottish dioceses under the metropolitan church was part of the idea of developing a unified state (in detail Weil in this volume).

James III was not yet twenty years old when he propagated this idea of his kingship. Researchers have therefore asked who influenced him and brought these political ideas to Scotland. It is likely that some of his important advisors encountered them at the University of Cologne. John Athilmer, Bishop James Kennedy of St Andrews and Archibald Whitelaw, the king's secretary from 1462 to 1488, studied there (MacDougall, James III, 86). It cannot be ruled out that these ideas eventually became a basis for the king's political practice. Other ideas of kingship, such as those represented by John Ireland (1440–1495), who had also sat on the king's council since 1483, relativised the imperial approach. Ireland

advised the king to pursue a policy based on consensus with the councils and estates in parliament. However, his view was only partially successful, as the events of the years 1480 to 1488 show.

James III probably did not personally study any political theories, as it is proven that he only had one copy of Mandeville's travelogues in his possession. Therefore, it cannot be clearly proven that these imperial ideas were an expression of his convictions. However, he probably adopted these ideas and conceptions as his own and, as a result, unrealistically overestimated the power of his dynasty in the Kingdom of Scotland and his political influence in Europe. In any case, it became clear during his reign that his ambitions exceeded his abilities as king.

Domestic policy 1470 to 1480: ambitions, misunderstandings and misjudgements

From his first parliament in November 1469, the burghers, the clergy and the nobility, i. e. all the estates represented in parliament, expected James III to fulfil his duties as ruler with commitment and responsibility. However, during the first decade of his reign, the estates repeatedly complained about the king's governance, both during parliamentary sessions and on many other occasions. Complaints centred on the lack of justice and the inadequate maintenance of the peace.

James III was also criticised for his foreign policy ambitions, which overstretched Scotland's resources. In particular, the estates rejected his tax demands to raise an army for a military campaign to France. The plan was abandoned in 1472, mainly due to the opposition of the estates in Parliament, and no Scottish army was sent to the continent. Parliament was generally opposed to interventions on the continent and in the following years prevented any plans by James III to leave the country as leader of a military force. The king repeatedly discussed conquering Brittany or Guelders and asserting the Scottish crown's supposed claims to ownership in these dominions.

The estates kept repeating in the parliaments that James III should remain in the country and ensure justice, as they recognised that he had made little effort to improve the royal jurisdiction and establish peace in the parts of the kingdom plagued by feuds and conflicts. Above all, he was criticised for not appearing in person and intervening in the conflicts. He usually stayed in Edinburgh and tried to settle disputes from a distance. He was repeatedly asked (in vain) to personally preside over the travelling courts in the regions (justice ayres). This gave the impression that the high nobility, and particularly his relatives, such as his half-uncle James Stewart, earl of Buchan, could enforce actual or supposed rights to offices (sheriff positions), land and revenue largely unhindered by force rather than in a court of law. James III's idea that he could rule from Edinburgh (like

David II) and magnates such as Colin Campbell, 1st Earl Argyll, David Lindsay, 5th Earl Crawford, or Alexander Gordon, 1st Earl Huntly, would carry out his instructions locally and thus ensure obedience, was practically impossible to realise. Moreover, we will see that rewarding these men with further honours and titles in no way guaranteed their loyalty to the king.

The fact that James III did not fulfil his duties as a just king was also demonstrated by the fact that he granted remissions, even remission for crimes such as murder, treason, cattle rustling and theft if the convicts paid him a ‘fee’ for them. The estates in Parliament complained that this would allow these serious crimes to be committed unhindered (without punishment). For James III, however, the sale of remissions was an important source of income, which he only occasionally allowed Parliament to close off. From August 1473 to December 1474, he “earned” over £810, of which £686 stemmed from remissions for manslaughter (MacDougall, James III, 142).

Another source of income was the debasement of coins, which also contributed to filling James III’s treasury. The king brought so-called ‘black money’ (copper coins) into circulation instead of gold and silver pennies. They only had a low precious metal content and contributed to inflation. The ‘saved’ gold and silver went into the king’s treasury at Edinburgh Castle. In 1451, 69 pennies were struck from an ounce of silver, in 1483 it was 140 (Nicholson, Scotland, 382). This development had far-reaching consequences for the leasing of land, including by the Crown. Landowners were not interested in longer leases with fixed sums due to the devaluation of money. This meant that often only annual contracts were concluded, which in turn led to uncertainty and reluctance to invest on the part of the tenants. On the other hand, there were hindrances for the landowners to invest since there were structural flaws in the legal system (see Berlandi, 144 and Weil, 163).

James III evidently saw no other way of financing his court, royal representation and far-reaching foreign policy plans, as his attempts to obtain additional taxes from Parliament almost all failed. However, the measures taken to improve his budget gradually led to a willingness to resist, both inside and outside Parliament, as James III obtained more revenue from the Crown Estate than any Scottish king before him. He could have lived on his regular income and represented his court, albeit on a modest scale by European standards (MacDougall, Richard III, 173).

Dissatisfaction with James III was further fuelled by the king’s failure to appreciate the consequences of choosing his closest confidants. During the 1470s, favourites of lower birth gained strong influence in the council at the expense of experienced councillors and officials from the high nobility. Among these favourites was William Scheves, who began his career as physician to the king and eventually, without the necessary theological qualifications, became Archbishop

of St Andrews in March 1479 with massive support from the king. Scheves was a member of the daily council, and although he held no official office at court, his influence on the king's decisions was obvious. However, his rise and influence also meant that disappointed members of the high clergy and royal counsellors who had been ousted by him became his opponents. In addition, Scheves came into conflict with James Stewart, earl of Buchan (James III's half-uncle), because he had concluded a treaty of friendship (bond of manrent) with the latter's feuding opponent William Hay, 1st Earl Eroll. The alliance with Eroll was intended to help Scheves, who was also supported by the king in this matter, to protect his possessions in Angus. However, this resulted in the deterioration of James III's relationship with his politically influential half-uncles and his two younger brothers, Alexander, duke of Albany, and John, earl of Mar. However, it was not Scheves who caused the final rift between James III and his brothers. Thomas Cochrane, the king's 'evil spirit' between 1479 and 1482, is said to have been responsible for this (Rogge, *Rebellion*; MacDougall, James III, 150–155). Cochrane was a master mason or stonemason and is held responsible (in 16th century chronicles) for the political crisis of 1479/82. He had turned the king against his brothers by claiming that one of his closest relatives would suddenly slay him in the near future. As a result, Mar was captured and Albany fled via Dunbar, first to Berwick and then on to France. Two years later, he appeared before Edinburgh with an English army to depose James III.

John, earl of Mar, was probably murdered in a prison in Edinburgh's Canongate. It is not clear what part Cochrane played in the deadly quarrel between the brothers. However, there is evidence that he was appointed balie of Kildrummy Castle, the earldom's main castle, after Mar's death at the end of 1479 and the accession of the earldom of Mar by the king in the summer of 1480. It is possible that in this function he also had access to the revenues from the earldom, which now belonged to the Crown Domain. In this case, he could dispose of up to £500 a year. An enormous increase in his income, and probably the reason why 16th century chronicles suggested that James III had elevated Cochrane to earl of Mar. However, there is no documentary evidence to support this claim. What is certain, however, is that he came into conflict in the region with George Gordon, 2nd Earl Huntly, who wanted to strengthen his political influence in the north-east. As a favourite of the king, Cochrane became an enemy of the high nobility and in the summer of 1482 was accused of being a bad and evil adviser to the king.

Personal piety and church politics

James III and his wife Margaret were devout Christians who expressed their piety through pilgrimages (to Whithorn; there were also plans to go on pilgrimage to Rome), the giving of alms and endowments (collegiate church in Restalrig). However, the king's personal piety did not remain his private affair, as he was also a protector of the Scottish church and clergy. From this, however, he also derived the right to actively intervene in the appointment of benefices and offices. The example of Coldingham Priory clearly illustrates the connection between personal piety and royal church policy. It is also a further example of James III's desire to demonstrate and assert his authority through conflict rather than co-operation with the regional nobility.

The Benedictine priory of Coldingham was located around 15 kilometres north of Berwick and was subject to the chapter of Durham Cathedral. When the Scots took over Berwick in 1461/62, the last English monks were expelled from Coldingham. In the years that followed, a conflict broke out between Patrick Hume, the archdeacon of Teviotdale, and John Hume, the dean of the royal chapel ('St Mary on the Rocks') in St Andrews, over the income from the benefices. Patrick came from a collateral line of the influential Humes, John was the second son of Alexander Lord Hume. At the instigation of Richard Bell, the Prior of Durham, both Humes were excommunicated in 1467. In 1471, Bell wrote to King James III asking him to authorise the occupation of Coldingham by English monks. This request prompted the king to actively intervene. The question of who was authorised to determine the occupation of the priory and collect the dues was a purely Scottish matter for him, so he refused Bell's request. James III next decided to abolish the priory. This began the conflict with the Humes over the distribution of the revenues from the land belonging to the priory. James III wanted to allocate half of the income to the royal chapel in St Andrews and use the other half to establish a collegiate church in Coldingham, which he had endowed, with Patrick Hume as dean. John Hume organised his family's opposition to this plan, as he did not agree to receive only part of the revenues, and his family generally did not agree with the king's interference in their affairs in the south-east of the realm. James III's siding with Patrick Hume made the other branches of the family his opponents. From the 1450s, Coldingham was not just the priory, but a financially and territorially important barony in south-east Scotland. It was the centre of the Humes' developing regional political dominance in this region and therefore they did not want to leave the revenues of the priory to the king. They therefore continued their opposition to the king's plans even after the death of Patrick Hume in 1478. Although the Humes did not actively participate in the capture of James III in 1482 and there was even a brief rapprochement, the dispute over Coldingham escalated again in 1484. In

September of that year, John Hume obtained a papal cancellation of the erection of the collegiate church and the restoration of the priory with him as prior. However, in 1487, during successful negotiations for the king on the appointment of ecclesiastical offices, Innocent VIII reinstated the distribution of the revenues of Coldingham as decided in 1473.

The priory was abolished, and the income divided between the royal chapel and the collegiate church. However, the latter was no longer to be built in Coldingham, but James III wanted to use the money to support the completion of his collegiate church in Restalrig, three kilometres outside Edinburgh, which had been under construction since the mid-1480s. This decision drove the Humes, along with their allies and supporters (Hepburns), into the rebel camp against the king in early 1488. James III missed a (further) opportunity to bind an important regional noble family to him by means of a willingness to compromise.

James III's intervention at Coldingham also illustrates his principled stance regarding the appointment of high church offices such as abbots and, above all, bishops. A further example of this is his action in connection with the elevation of St Andrews to an archbishopric in August 1472. Since then, Scotland had a direct appeal body in ecclesiastical matters in the realm, which saved time and money because appeals against decisions, for example on the filling of benefices, no longer had to be sent to Rome. In addition, the dioceses of Galloway and Orkney were placed under the new archbishopric. However, the joy was not undivided, as Bishop Patrick Graham had obtained the elevation of his cathedra from Pope Sixtus IV in Rome without the knowledge of his fellow bishops, thereby destroying the balance in the Scottish episcopate, which had previously worked together in provincial synods. Graham, bishop of St Andrews since 1465, had come to Rome in the summer of 1471 to solve some of his problems. These included debts because he had to pay over 3,000 florins to the Curia for annuities and services, including for his provision as bishop of Brechin in 1464. But his astonishingly fast career in the episcopate in Scotland also meant that he had several high-ranking clergy in the kingdom against him. In addition, the king developed a healthy dislike of Graham because he had refused to exempt St Giles' Church in Edinburgh from the jurisdiction of his diocese of St Andrews. The bull establishing the archbishopric of St Andrews said nothing about controlling the provisions relating to the ecclesiastical benefices for the Scottish king. For James III, Graham's uncoordinated move was initially a clear disregard for his ecclesiastical policy; however, shortly after the establishment of the archbishopric, he recognised the new options open to him. The Scottish bishops, in turn, feared that the Pope was hoping that this would make it easier for him to assert his curial claims. After his return from Rome in autumn 1473, Graham had a difficult time in his new archdiocese and was not able to assert his new prerogatives in practice against the episcopate and the king. It was probably in April

1474 that the king secured the revenue from the temporalities and Thomas Spens, the bishop of Aberdeen, obtained the exemption of his diocese from the archbishop's jurisdiction in Rome. Graham was unable to pay his debts to the Curia and therefore lost support there too. From September 1474, a coadjutor ran the affairs of the archbishopric and in January 1478 Graham was deposed and arrested. He finally died in the dungeons of Lochleven Castle in 1478.

The coadjutor William Scheves became his successor on the nomination of James III in February 1478. This meant that one of James III's close advisors, who was viewed with suspicion by the nobility due to his low birth, became metropolitan and thus probably also the (royal) supervisory authority over the clergy. When Scheves was appointed primate and *legatus natus* in March 1487, the king promised him his support. Throughout his reign, the king, like his predecessors, fought with the popes over what he saw as their violations of the law in the taxation of the clergy (outflow of money) and in the appointment to benefices. James III, however, enraged some Scottish bishops, as he wanted to transfer control of the appointments entirely to the crown. On 20 April 1487, Innocent VIII declared that he would wait for eight months to provide a candidate into vacancies of benefices in cathedral churches or monasteries worth more than 200 guilders a year and would instead wait for petitions from the king (MacDougal, James III, 295). These concessions could have helped the king to gain the upper hand over his clergy, but he did not actually succeed in doing so. In fact, he had at least one bishop or high-ranking cleric and his family against him in the years that followed.

Foreign policy: Continent and England

The Danish King Christian I had given Orkney and Shetland to James III as a pledge for his daughter's dowry. However, he had been working since 1470 to bring these regions permanently to the crown. William Tulloch, the bishop of Orkney, who also administered the privy seal for James III from 1471, worked on his behalf. When he was transferred to the diocese of Moray in 1477, he was succeeded by Andreas Maler (*Pictoris*), a German doctor and priest who had come to Scotland with Queen Margaret in 1469. At the same time, James III asked William Sinclair to return his title and position as earl of Orkney to the Scottish Crown. In return, he became earl of Caithness and received lands in Fife and, from 1471, an annual pension of 400 marks from the Edinburgh customs. In addition, Sinclair's daughter Catherine married the king's brother, Alexander Stewart, duke of Albany; however, the marriage ended in divorce in 1478. This completed the preparations and on 20 February 1472, Parliament officially declared the annexation of the earldom of Orkney and the lordship of Shetland to

the Crown (Tanner, Parliament, 196). James III was able to chalk up this territorial gain as a success of his foreign policy. All other ideas and plans in the 1470s to make the Scottish crown a political heavyweight on the continent proved to be unrealistic. Initially, James III pursued the idea of crossing to the continent with an army of 6,000 men to assert his hereditary claims to the Duchy of Brittany. He based these claims on the fact that his aunt Isabella, a sister of James II, was married to Duke Francis. In 1450, after eight years of marriage, her husband died, and Isabella lived as a widow. She refused to leave Brittany and return to Scotland, where she might have been remarried. James III was given the idea of attacking Brittany by the French King Louis XI, who wanted to prevent the Scots from getting closer to his archenemies, the Dukes of Burgundy. He sent the experienced diplomat William Lord Moneypenny, to Edinburgh at the beginning of 1472 to propose a joint military action in Brittany to James III. However, the massive protest of Parliament (fear of an English attack if he was out of the country; possibility of dying on the campaign without having an heir) and the reluctance of the estates in Parliament to pay taxes for such an incalculable military endeavour led him to abandon the plan. In the spring of 1473, James III made a new attempt to succeed on the continent. This time he claimed to have hereditary rights to the Duchy of Guelders through his mother Mary. Mary was the eldest daughter of Duke Arnold. He was captured by his son Adolf in January 1465 and remained imprisoned for five years. Partly because Duke Charles the Bold of Burgundy intervened, Arnold was released and had his son imprisoned. The old duke did not want to let the Burgundians dominate the Netherlands; therefore, he had offered his Scottish grandson Guelders and Zutphen in the autumn or winter of 1472 if he would support him in removing Adolf from the succession to the throne of Guelders. However, he ignored the fact that James II had renounced his claim to the succession in Guelders when he married Mary in 1449. But even before a decision could be made on this offer in Edinburgh, the political situation in the Netherlands had changed. Shortly before his death in February 1473, Arnold named the Duke of Burgundy as his heir; in December he had already pledged his duchy to him for 300,000 guilders. So, the die was already cast when James III's envoy arrived at the Burgundian court in May 1473 to officially declare that James III considered himself Duke Arnold's rightful heir. He therefore expected the duke's support in this matter. Charles the Bold responded to this request by conquering Guelders in the summer and adding the territory to his developing state. Once again, the Scottish king was made aware of the limits of his influence across the channel. The estates in the Scottish Parliament presumably realised this too and prevented him from attempting to push through his adventurous plans on the continent by imposing strict conditions or refusing money for soldiers.

In contrast to his father's policy towards England, he favoured a policy of compromise and peace. He adhered to this political goal throughout his reign. The last English garrisons were once again in Scottish hands: Roxburgh from 1460 and Berwick from 1461. Since the end of the Anglo-French War, the Auld Alliance with France was no longer necessary. From James III's perspective, these were good conditions for negotiating a lasting peace with Edward IV. In 1474, he was finally able to conclude an alliance with England. This was the first peace treaty since 1328 and, as was customary, a marriage agreement was also reached: James' son and heir to the throne was to marry Cecilia, the second daughter of Edward IV (Grant, Richard III and Scotland). In the following years, the English king even paid instalments (2000 marks of silver) in anticipation of the dowry, but the marriage ultimately did not materialise. One reason for this was that the Scottish nobility in the Borders did not agree to this peace. It is very likely that this English policy also led to a rift between James III and his brother Alexander, duke of Albany. Alexander was not only one of the greatest magnates in the Borders region (earldom of March, lordship of Annandale) but also Warden of the Marches. Like him, Archibald, 5th Earl Angus, also profited from the raids across the border. These magnates were commissioned by the king to fend off English invasion attempts, but did not want the king to interfere directly in border affairs and their behaviour in the region. Albany probably ignored or circumvented his brother's consistent peace policy as far as he could. During a day of judgement in the Borders in 1479, he did not intervene when an Englishman died in a dispute. As Warden, it would have been his duty to ensure peace during the day of judgement. In James III's view, his brother had abused his office and betrayed his policy of peace, for which he should be punished (MacDougall, Richard III, 187). However, many Scots saw the situation in the Borders in a similar way to Alexander. They considered James III's peace policy towards England to be a mistake and the condemnation of Albany to be a violation of royal rights.

In 1480, Edward IV changed his Scottish policy from a tendency towards rapprochement and reconciliation to open conflict. He had come to an agreement with Louis XI of France and thus cleared the way for an offensive policy against Scotland. He demanded the money already paid for his daughter's dowry back. Instead of the money, James III offered his daughter Margaret as a bride for an English prince, but this failed partly because the Scottish estates would not grant him 20,000 marks for this purpose. Finally, Scottish raids in Northumberland in 1480 prompted Edward IV to take military action. He appointed his brother, Richard of Gloucester, as lieutenant in the north of England. The aims of the military operations were the reconquest of Berwick and the enforcement of the old demand for recognition of English suzerainty by the Scottish king. The English king presumably did not expect James III to recognise these claims;

however, his brother Alexander was prepared to recognise English suzerainty if he could become king in James III's place. Albany arrived in London in May 1482 and was received as a claimant to the Scottish throne. In June, he concluded the Treaty of Fotheringhay with Edward IV. In it, he named himself King of Scotland and promised to take the oath of fealty and hand over Berwick. In return, Edward IV promised to support him in taking over the Scottish crown. In July, the preparations were finalised and 20,000 English soldiers marched towards Berwick and Edinburgh under the command of Richard of Gloucester. Not for eighty years had such a large English army been mobilised against Scotland; however, it could only be paid for four weeks. James III ordered his nobles to come to Lauder with their troops to prepare for battle against the English army.

Lauder Bridge 1482: James III in captivity

The Scottish magnates, however, did not prepare for battle but captured their king on 22 July 1482 and imprisoned him at Edinburgh Castle, where he was held until 29 September under the supervision of his half-uncle, John Stewart, earl of Atholl. His half-uncles (Atholl, Buchan) and their allies wanted both to avoid the foreseeable military disaster against the English army and to prevent Albany from receiving the Scottish crown from an English king. In addition, some nobles, such as Colin Campbell, earl of Argyll, wanted to exert pressure on the king to reverse decisions that were unfavourable to his family (MacDougall, James III, 197). George Gordon, earl of Huntly, in turn wanted to use the opportunity to act against Thomas Cochrane, the king's favourite. At the time, he was still balie of Kildrummy Castle and collected the revenues from the earldom of Mar. This was a constellation that severely hampered the enforcement of the interests of the Huntlys and their allies in the region. There are no detailed accounts of the dramatic events at Lauder Bridge that preceded the capture. What is certain is that the discontented Scottish nobles did not want to go into battle. However, the display of arms gave them the opportunity to settle scores with the king's favourites, whom they also held responsible for the king's bad policies: The minting of bad coins, the ousting of nobles from the royal council, the death of the Earl of Mar, the banishment of Albany. While James III was captured, the rebels hanged four favourites at Lauder Bridge, including Thomas Cochrane and James Hommyl, the king's tailor.

The English troops reached Edinburgh without resistance at the beginning of August but were unable to conquer the castle on the hill overlooking the burgh of Edinburgh. By mid-August, the money for their pay had been used up and the army disbanded. Richard of Gloucester was left with just under 2000 men, which he paid from his personal coffers. The conditions for negotiating the deposition

of James III were therefore not met and those responsible for his imprisonment (Atholl, Buchan, Argyll, Huntley, Chancellor Avandale) were not prepared to accept Albany as the new king. Gloucester was then able to report a small success to his brother, as his troops conquered Berwick on their retreat in August 1482. Without the military support of the English, Alexander, duke of Albany, then had to try to safeguard his personal security and, if possible, gain a position on a possible regency council for the nine-year-old Crown Prince James. The latter lived under the Queen's supervision in Stirling. If James III did not survive his imprisonment, she would have had access to the government. Albany therefore travelled to Stirling with Avandale, Argyll and Scheves and negotiated with the Queen and her advisors, while the group around Buchan and Atholl, who were in possession of the royal seals, tried to establish a government in Edinburgh. This constellation saved the king's life, because his half-uncles knew that after his death the young James would be proclaimed king, and the queen would take over the government together with Albany. Queen Margaret had very good relations with John Stewart, Lord Darnley, whom she had appointed constable of Edinburgh Castle and who oversaw the imprisoned King James III. It is not known exactly how the Queen, Darnley and Albany worked together. What is certain is that on 29 September a siege of Edinburgh Castle took place under Albany's command and the king was released (MacDougall, James III, 209). Albany failed in achieving his aims and in the winter of 1482/83, James III regained political ground. Albany had no choice but to ask Edward IV for help again in March 1483; this was now obvious treachery. However, no more help came from the English king because Edward IV died on 9 April 1483. His death had a direct impact on the political situation in Scotland. James III knew that the English pressure would ease, and Albany realised that this was the last chance he had to prevail against his brother. He left Dunbar Castle to an English garrison and fled to England. On 8 July 1483, a Scottish parliament confirmed the confiscation of Albany's property to the Crown. A desperate last attempt by Albany, together with James, 9th Earl Douglas, who had been living in exile in England for almost thirty years, to assert his claims by force in July 1484 failed at Lochmaben on the battlefield. Albany was able to flee to France; Douglas was captured and remained imprisoned in Lindores Abbey until his death in 1491.

After regaining his political power in the spring of 1483, James III was given the opportunity to readjust his political style and his dealings with family members and political opponents. However, the first task was to pardon some of the rebellious lords and win them back into government, such as Colin Campbell, earl of Argyll, who was appointed Chancellor in September 1483. James III's modern biographer, Norman MacDougall, says this was a year of reconciliation (MacDougall, James III, 285). In the years that followed, the king fell back into the patterns of behaviour for which he had already been criticised in the late 1470s,

and which had been a major cause of his arrest in 1482. He continued to buy indulgences, kept black money in circulation and created a treasure at Edinburgh Castle instead of spending money. In addition, he again promoted a young man of low birth, whom the veteran nobles on the council criticised as a favourite: John Ramsay, who had been spared from a hanging at Lauder's Bridge in 1482 because of his youth. From 1484 to 1488, he was the closest advisor to the king, who hardly listened to his other councillors. Ramsay received the barony of Bothwell, became a Lord of Parliament in 1485 and balie of Dunbar Castle in 1486. These high honours, which were inappropriate for a man of his background, were criticised by the old councillors. To further emphasise the king's negative character, 16th century chroniclers also accused him of infidelity to his wife and even fornication (visiting prostitutes). However, there is no evidence of this. The relationship between the king and queen deteriorated from 1483 because she had initially agreed to his imprisonment in 1482. He also resented her co-operation with Albany. However, Margaret's main aim was to secure the chances of her son James, Duke of Rothesay, taking the throne. James III did not want to see her in the years that followed and practically banished her to Stirling Castle, where she lived with her eldest son and heir to the throne until her death in July 1486. It was largely undisputed that the Queen was a woman of exceptional piety and chastity. Up until their quarrel, James and Margaret publicly demonstrated their shared piety on many occasions. In this respect, there is probably more to suggest that James III's request to the Pope to consider whether canonisation proceedings could be initiated for his deceased wife was an expression of genuine affection and not just conventional piety (Marshall, *Queens*, 82–83). James, duke of Rothesay, the thirteen-year-old crown prince, remained at Stirling. He felt rejected by his father and was probably wondering whether he would succeed him to the throne. The king obviously favoured his second son, James, duke of Ross and marquess of Ormond. He had been living at Linlithgow Palace since 1484 and in the summer of 1486, negotiations were opened in London with King Henry VII for him to marry Catherine, the youngest daughter of Edward IV. There was no bride in sight for the heir to the throne. As a result, a long-lasting rivalry developed between the brothers and the young James, Duke of Rothesay, became the centre of attention of nobles who were dissatisfied with James III's reign. They criticised his neglect of justice, his toleration of breaches of the peace and feuds, the continuation of the minting of bad money, the influence of John Ramsey on politics and the exclusion of experienced counsellors. In the autumn of 1487, the estates complained in Parliament about the poor state of the administration of justice and the king's failure to enforce the law. In response, James III conceded to suspend the penal remissions in return for monetary payments for seven years. He also used Parliament in the autumn of 1487 to finally end the still smouldering conflicts with the Humes over Cold-

ingham. He therefore announced that he would punish anyone who supported the Humes as traitors. This was in effect a declaration of war on the Humes and their large following.

Sauchieburn June 1488

The year began with a parliament in January, which ended on the 29th. A few days later there were the first signs of rebellion. The king tried to enforce his will against the Humes at Coldingham. This was not legitimate in the eyes of many magnates, and they supported the Humes against James III. Another mistake made by the king was to appoint his second son James as Duke of Ross, presumably to make him more attractive as a husband. A few days later, the now fifteen-year-old Crown Prince James, left Stirling, presumably with the help of Archibald Douglas, 5th Earl Angus, Lord Hume and other opponents of his father. During this time, the king tried to surround himself with confidants and experienced counsellors. He therefore brought back his half-uncle Buchan and dismissed Argyll as chancellor, who was replaced by Bishop Elphinstone. In doing so, he turned the relatives and followers of Colin Campbell, earl of Argyll, into his enemies in one fell swoop. Because rebel armies were gathering in the south to march on Edinburgh, James III fled the city to the north at the end of March and reached Aberdeen on 6 April. His secretary Whitelaw and most of his treasure remained behind in the Jewel House at the castle. Negotiations were then held in Aberdeen, as players in both camps tried to find a compromise and prevent open warfare. In the end, the commission convened for this purpose agreed on nine articles that were to serve as the basis for further negotiations (McHugh, Aberdeen Articles). These were primarily concerned with the safety of the crown prince, who was to be advised and guided by experienced counsellors in future. In addition, his father was not to reduce his maintenance. Other articles specified how the parties could reconcile with each other and return to peaceful relations. Finally, the ninth article dealt with the settlement of the feuds, especially that between Buchan (on James III's side) and Lyle (rebel). The king signed these articles, demonstrating his willingness to negotiate, but a few days later (presumably on the advice of Buchan) he decided to take up arms against the rebels. For the magnates in the north (Huntly, Eroll, Marischal), this change of heart was a breach of promise, and they withdrew their support from James III. He presumably hoped for military help from the English King Henry VII, with whom he had lively diplomatic communication. However, he did not receive this hoped-for help in the summer. He had to rely on mercenaries and his Scottish loyalists, above all his half-uncle John, Earl Atholl. His first aim was to get his hands on his son. James III therefore had his troops advance to Stirling, where he

suspected the rebels were with his son and where he succeeded in launching an initial surprise attack. However, the crown prince fled with his troops in the direction of Falkirk. On the way, they encountered more rebel troops and returned to Stirling, where the two armies met again on 11 June. The battle was a bloody chaos in which the outnumbered rebels retained the upper hand. James III was stabbed to death by an unknown man as he attempted to flee the battlefield. His son was crowned James IV in Scone on 24 June 1488, and the dead king was buried next to his wife Margaret in Cambuskenneth Abbey, near Stirling, on 25 June.

James III, a bad king?

In contrast to his grandfather James I, who is viewed rather favourably as a legislator and for enforcing laws, and his father James II, who is ascribed the (positive) image of a ‘warrior king’, researchers are not unanimous in their assessment of James III’s reign. Leslie Macfarlane interpreted his work and that of Bishop Elphinstone as a struggle between progressive, modern politicians who wanted a centralised Scotland against the backward-looking traditionalists in the high nobility who wanted to retain their old rights and customs (MacFarlane, Elphinstone, 444–447). In this perspective, his failure was the result of structural preconditions: James III was a victim of circumstance. In contrast, Norman Macdougall blames James III’s personal weaknesses and political inadequacies; Roland Tanner has even judged that he failed in what he had to do: James III was ‘a bad king’ (Tanner, James III, 228.). MacDougall and Tanner emphasise that James III did not fail because of the political structures and circumstances, but because of his own shortcomings as a ruler; he alone was responsible for his failure. Macfarlane, on the other hand, does not attribute any decisive influence on the king’s personality. Rather, he wanted to implement a contemporary, realistic concept of kingship based on accepted legal principles in his practice of government. However, these positions are not mutually exclusive. Rather, it appears that James III did not develop the necessary political stature (in comparison with Louis XI in France, Edward IV and Henry VII in England or even Charles the Bold of Burgundy), which was an essential prerequisite for the realisation of the concept of good rule in the kingdom and in foreign relations. He failed in utilising or developing the political structures in such a way that they would have provided the necessary support for his policies.

James III did indeed aspire for his rule an idea of kingship that was essentially shared by other European monarchs, namely the strengthening of the monarchy without necessarily the centralisation of rule. In realising these claims and ideas, however, he made several mistakes, which also reveal an astonishing ignorance of

his own family history. His dealings with his brothers and, a few years later, with his heir to the throne are an indicator that he did not recognise the importance of a united family, a dynasty that disciplined individuals but also integrated them, for political success. In the late Middle Ages, all politically successful ruling houses in Europe underwent this development, which was an essential prerequisite for the centralisation and consolidation of rule. His brothers and his son could rightly expect to participate in his rule and to have their interests and demands considered to a certain extent. The heir to the throne also expected to be treated appropriately for his future office and not to feel inferior. James III did exactly that with his eldest son. Thus, his greatest mistake was the failure to bring his male relatives together in a dynasty and instead to offend them, thereby creating the danger that the fraternal conflict would turn into a civil war (1482) or that rebels would rally round the heir to the throne (1488) because his father had alienated him.

2. Lords and Land

In recent years, Scottish medieval history has primarily been explored under the paradigm of the struggle for independence against England. Moreover, Scottish historiography has had to address certain prejudices of unionist historiography from the early 20th century, which had accused Scotland of institutional and cultural backwardness. The correction of this image has been achieved by the New Orthodoxy, as termed by Michael Brown, and its two most prominent protagonists, Jenny Wormald and Alexander Grant (Brown, *New Orthodoxy*, 120–146).

Naturally, the New Orthodoxy focused primarily on relations with England and Scotland's distinct cultural development according to its research program. Economic considerations as a potential motivator for the Scottish nobility were overlooked in this process. Therefore, in my study of Scotland, it seemed sensible to fill this gap and, according to the old yet somewhat clichéd formula 'follow the money,' to inquire into the economic interests of the Scottish nobility, which certainly also influenced the institutional and cultural development of the Kingdom of Scotland. In predominantly agrarian societies, this can be translated to "follow the land" (Wickham, *Rome*, 409), which is also acknowledged in the title of this volume.

The following will address three central themes from Scottish medieval studies, which have previously been considered more as topics of Scottish cultural history. These include the question of why, from the second half of the 15th century, private legal contracts, called bonds, were increasingly used in various contexts. Furthermore, several severe conflicts within Scotland, primarily in the northwest of the kingdom, have been explained with cultural differences between Gaelic-speaking and Anglo-Norman Scots. It is necessary to ask how these cultural differences can be identified and whether they can conclusively explain the relevant conflicts without considering administrative and economic circumstances. Finally, the severe conflicts within the Scottish nobility in the 15th century are often attributed to an Anglicisation of the ruling style of Scottish kings. At the same time, the three James kings also found supporters,

especially among the Scottish lower nobility. This suggests that distributional struggles within the Scottish nobility also played an important role in the emergence of these conflicts. Finally, this chapter condenses the results of the individual sections to provide a preliminary framework of how secular lordship formation in Scotland worked.

The hypotheses presented here in this direction are preliminary. There is, of course, the problem of sources. Scottish chronicles describe a very different story from that which emerges from the serial evaluation of charters and other official documents. Measures for power consolidation by the lower nobility, possible motives of political actors, and the influence of economy and administration on writing culture are not things that can be read directly out of the available sources and thus remain speculative in nature. These are hypotheses primarily drawn from administrative documents. Narrative sources provide excellent insights into how contemporaries rationalised (and moralised) political events, but not into the practical workings of the political apparatus (cf. Wickham, Rome, 5).

Additionally, the documentary tradition of Scotland has not yet been fully edited. Many critical questions about the sources that have been studied here remain unresolved, and certainly, more interpretative contextualisations are possible than those presented here. Nonetheless, this should not deter from building hypotheses, which can be further discussed.

2.1. Bonds in Medieval Scotland

Current Interpretations of the Bond of Manrent

The study of bonds of manrent, one of the most significant private legal contracts in medieval Scotland, has been shaped largely by the influential work of Jenny Wormald. Her cultural-anthropological interpretation of these bonds has provided a framework for understanding how Scottish nobility organised relationships of loyalty and service outside the classic feudal contract. Wormald's research focuses on the notion that bonds of manrent replaced traditional feudal agreements in the late medieval period, offering a flexible alternative in an evolving society. According to her, these bonds functioned primarily as loyalty pacts in which a lower-ranking noble pledged allegiance to a higher noble without receiving land in return. Instead, the higher-ranking noble offered 'good lordship' or maintenance, ensuring that the vassal would be protected and supported (Wormald, *Lords*, 24).

Wormald's core argument is that the bonds of manrent were a response to cultural changes in Scotland, which rendered the classic feudal contract – based on the exchange of land for service – insufficient for maintaining loyalty in the

increasingly fragmented and conflict-prone political landscape of the 15th century. She suggested that the bond of manrent allowed the Scottish nobility to establish more durable and reliable relationships, helping to pacify a society often marked by internal strife. The term 'manrent' itself, derived from Old English *meanredum*, was synonymous with *homagium*, or *homage*, used to describe a vassal's sworn loyalty in return for protection or maintenance. However, a sharp distinction between the terms *manrent* and *homagium* is not completely convincing and both terms were used interchangeably as Wormald's own research has shown (Wormald, *Lords*, 14f., 20).

Wormald's thesis, while influential, has not gone unchallenged. Scholars such as Alexander Grant, Alison Cathcart, and Stephen Boardman have offered alternative interpretations, arguing that bonds of manrent should not be viewed as a replacement for feudal contracts but as an extension of them. Grant's extensive research into land transfers shows that services were frequently demanded as part of land grants, indicating that the classic feudal contract remained a dominant form of social and economic organisation throughout the 15th century. His study of 1,204 land transfers demonstrates that military and other forms of service were regularly expected in return for land. Wormald's assumption that the connection of land and service somehow eroded in the 15th century is significantly challenged by these findings.

Boardman, in particular, has criticised the idea that bonds of manrent were a tool for pacifying violent conflicts. Instead, he argues that these bonds were often formalised to make the unpredictable relationships between nobles more stable, but they did not necessarily prevent violence. In fact, bonds of friendship and manrent often emerged in contexts of animosity, competition, or even open enmity between parties, documenting relationships that were fraught with potential for violence rather than resolving it. Boardman and Cathcart emphasise that bonds of manrent served a variety of functions beyond merely creating loyalty or resolving conflict (Boardman, *Politics*, 104).

Cathcart's contribution to the debate is her attempt to categorise the bonds of manrent into socio-economic and political types. She argues that some bonds were designed to establish external clientage and align vassals with powerful lords for political purposes, while others were more concerned with economic security and local clientage. Although Cathcart's observation is correct and is also confirmed by the following investigation, no attempt at categorisation based on this observation should be made. This could preempt the interpretation of individual documents (Cathcart, *Kinship*, 86f.).

All these interpretations of the phenomenon share the assumption that they stem from a culturally motivated change in the feudal system in Scotland or understand the bonds in the context of conflict management and prevention. The

interpretation proposed here starts from the administrative change, which could explain the increasing number of bonds from around 1450.

The interpretation offered here is sufficient but not necessary. Other factors may also have played a role. In the 15th century, literacy grew across Europe for various reasons that cannot be exclusively attributed to administrative or economic prerequisites. However, these two aspects have not been previously mentioned in Scottish research, which justifies a special emphasis on these aspects, although they should not be understood as monocausal.

On this basis, the functions of the bonds are to be examined. This analysis should consider not only the bonds of manrent, which have been a particularly popular subject of research, but also the other private legal contracts known as bonds of friendship and bonds of obligation. An almost exhaustive compilation of the various bonds from the 15th century can be found in the authoritative work by Stephen Boardman on this topic. Here, only the most prominent examples are highlighted to illustrate the range of functions of the bonds of manrent, as well as the bonds of friendship and bonds of obligation. At times, I diverge from the interpretation suggested by Stephen Boardman. However, this is mainly for heuristic reasons. As the title of his work, *Politics and the Feud in Late Medieval Scotland*, reveals, Boardman was primarily concerned with examining the relationship between the bonds and feuding. Here, the focus is rather on the roles these bonds played in handling land in cases of inheritance, marriage contracts, etc., and how they accompanied the development of feudalism. For a complete overview of the available documents, Boardman's work remains indispensable (Boardman, *Politics*).

I myself did only examine a corpus of 157 documents classified as bonds from the National Archives of Scotland (Berlandi, *Birthplace*, 273 ff.). On the basis of this corpus this study seeks to offer a functional interpretation of the bonds and to highlight the various legal, social, and economic factors that contributed to the production of these contracts. Through this analysis, the chapter will explore the evolution of private legal agreements in medieval Scotland and their role in shaping the relationships of loyalty, service, and power that defined Scottish noble society.

By comparing the functions of these bonds with the various models of feudalism, this chapter will argue that the increasing use of bonds of manrent in the second half of the 15th century was not the result of a cultural shift away from feudalism but rather a response to the changing political and legal needs of the Scottish nobility. The flexibility of the bond of manrent allowed for more precise definitions of service and loyalty, making it an attractive alternative to the open-ended obligations of the classic feudal contract. In politically turbulent times, these bonds provided a way for lords and vassals to navigate the uncertainties of loyalty and service, without the rigid constraints of traditional feudal law.

In a somewhat more speculative further step, within the context of recent theoretical developments in economic historical research, I will hypothesise that the changed legal conditions could have had a positive impact on the economy. More objective and impartial judgments not only impacted the legal system and the social structures of local noble networks but also had economic effects. In economic and social history, the link between greater legal certainty and economic growth has been widely confirmed. This makes it intriguing to consider whether the increased legal certainty within the Scottish legal system – facilitated by the central jurisdiction of the ‘sessions’ and bonds of obligation – also influenced the Scottish economy. Reliable, enforceable written records have the potential to foster greater trust in credit transactions and increase investment security (Greif et al., *Coordination*, 745–776; Acemoglu and Robinson, *Nations*, 31, 35). This could have contributed to the rise in nominal land values in Scotland towards the end of the 15th century.

The Development of the Late Medieval Scottish Economy

The Scottish economy struggled during the 14th century. After the First and Second Wars of Independence (1296–1328 and 1332–1357), huge parts of Scotland were devastated. Things became worse when several pandemics, the Black Death among others, hit Scotland from the 1350s onwards. Added to this, the Dantean Anomaly made it impossible to grow grain in several parts of the Scottish Highlands (Oram, *Climate Change*, 228). Agricultural output broke down, incomes decreased, and the struggle among the nobility for the remaining valuable land became increasingly desperate and bloody. Still in the second half of the 15th century, there were violent conflicts within Scottish society, there was also a very destructive asymmetrical war with England in the 1480s, three civil wars from 1452 to 1455 and in 1483, and another in 1488. Rapid inflation, higher military costs due to the invention of artillery, and the climatic condition in the aftermath of the Dantean Anomaly all combined to hinder the Scottish economy (Berlandi, *Birthplace*, 187).

Beyond that, the economic history of Scotland is largely unexplored. The few studies that do exist often end on a pessimistic note regarding attempts to evaluate land in any meaningful way. This challenge partly arises from the fact that even in surviving records, land transfers often lack compensation details in the form of produce, military services, or other quantifiable indicators. In Scotland, land was typically granted to the nobility in exchange for unspecified ‘services.’

This state of research reflects the dramatic loss of sources for Scottish economic history. Contemporary land valuations were conducted as inquisitions at

sheriff courts and in rentals. Rentals were leasing records that listed tenants and the rent they owed, organised by locality. Inquisitions were performed by sheriffs in inheritance cases to determine the amount owed in ‘Ward & Relief’ payments. In the event of inheritance or re-enfeoffment, the vassal was required to pay a sum equivalent to the land’s annual yield, known as relief. During the period before the vassal could enter the land – such as when underage or during the interval before the new feudal charter was issued – the income from the land would go to the Crown. These payments were called ward. To establish the amount of these payments, neighbouring landowners gathered to agree on a base rent for the affected land, which then served as the calculation basis for ward and relief payments. In this context, the royal chancery issued retours, which recorded the current nominal base rent, or New Extent, and the older valuation, known as the Old Extent. These retours begin to appear in 1547, during the reign of Queen Mary (1542–1587). Naturally, this form of land valuation applied only to lay-owned land; there was no Old Extent for church land in the 14th or 15th centuries. Due to these various difficulties, the following considerations do not aim to provide a definitive explanation for the nominal increase in land values but rather to explore possible contributing factors and generate hypotheses for future investigation.

Little is known about the valuation of base rents in the 14th and 15th centuries due to significant source losses from this period. When the records of the sheriff courts were shipped to London under Oliver Cromwell and subsequently sent back to Edinburgh, one of the ships sank in the North Sea in 1661. Additionally, it is believed that a significant portion of administrative documents, particularly those of the chancery, were burned during the English invasion of Scotland by the Earl of Hertford in 1544.

The only recorded valuation of base rents at the shire level in the 14th century occurred under David II. After the devastation of the First and Second Wars of Independence, David II established an updated calculation basis for ward and relief payments in 1366, revaluing the annual yields of estates in Scotland. This valuation included both the temporalities of the clergy and the landholdings of the lay nobility. The newly calculated values, known as the Verus Valor, were listed alongside a column titled *tempore pacis valuerunt*, which referred to land yields prior to the First War of Independence, dating back to the reign of Alexander III. The Verus Valor paints a dire picture: in the war-ravaged Borders, the annual land yields fell to 34.4% of their pre-war levels, and even in Fife, one of Scotland’s wealthiest regions, only 74% of the revenues achieved under Alexander III were reached (see Rogge, 31).

However, the Verus Valor does not break down land values for individual baronies or estates but provides only a single value for entire shires. This makes direct comparison with the early modern retours difficult, as retours evaluate

estates in cases of inheritance, and such holdings could sometimes span multiple shires. From the 15th century, there are isolated inquisition records and, as far as is known, only the rental book of the Douglasses of Dalkeith. Additionally, the Exchequer Rolls record Crown income from land in cases of minority inheritance, when the Crown managed the land directly until the lawful heir came of age. However, this source provides only isolated data points.

The established explanation for the development of base rents in Scotland primarily points to the ongoing state of war with England. At the same time, Scotland suffered from the impacts of the Dantean Anomaly, which made grain cultivation at elevations above 300 meters impossible. Furthermore, Scotland was not spared the plague, which, according to contemporary chronicles, led to significant population loss. Thus, the population likely remained low, with current estimates around 500,000 people in the 14th and 15th centuries. Richard Oram, a leading historian on medieval Scottish climate, estimates that base rents declined by an average of 44% north of the Tay and 52% south of it (Oram, *Climate Change*, 234).

Due to the sparse medieval records of the 15th century, historians such as Alexander Grant, Elizabeth Gemmill, and Nicholas Mayhew concluded that Scottish base rents reached their lowest levels with the *Verus Valor*, which was created shortly after the Second War of Independence, and then remained at that low level for a long time. Recovery is believed to have begun only at the start of the 15th century, with base rents possibly reaching or even surpassing levels from the time of Alexander III by the last quarter of the 15th century (Gemmill / Mayhew, *Changing Values*, 377). Kathrine Ball supports this finding with the rental book of the monastery of Cupar-Angus, attributing the increase in nominal base rents entirely to the depreciation of Scottish currency, although no systematic correlation can be established here (Ball, *Factors*, 282).

Due to the poor preservation of records, the Old Extent from early modern retours has not been used alongside other sources, as doubts have been raised about whether the Old Extent had any relation to actual base rents. This view is based on the inconsistent taxation of land under the Old Extent, which was only systematically applied in the late 16th century. Additionally, a royal decree from Queen Mary's chancery for Aberdeenshire specified that, based on the current land yield, one-fourth of that value should be taken as the Old Extent, regardless of prior retour valuations:

“The lands that give now presently of yearly mail and duty four pounds To twenty shillings of auld extent general and universal without any exception or regard to any retour passed before.” (Robertson, *Collections*, 113f.).

Understandably, this decree led to the long-standing view that retours issued under Queen Mary's reign were too unreliable to infer medieval land values. An

analysis of the first 100 retours from Aberdeenshire, for which Queen Mary's order should apply, shows that in only about 60% of the retours does the New Extent equal four times the Old Extent. Thus, the Old Extent is not always a mere calculated value and may reflect earlier valuations from the 15th century. The exact fourfold increase could partly be explained by 16th century inflation. Amy Blakeway demonstrated that prices for goods in her 'non-elite index' increased fourfold between 1500 and 1549. The frequent deviation from the 1:4 ratio is also confirmed by Julian Goodare's findings, who noted a range of ratios from 1:1 to 20:1 between the New and Old Extents (Goodare, *Taxation*, 23–52).

Considering the price inflation from 1500 to 1585 calculated by Amy Blakeway, there is a slight negative correlation between price inflation and the New Extent, although this is not statistically significant. Blakeway's price indices therefore do not, or do not fully, explain the increase in base rents in the 16th century (Blakeway, *Price Rise*, 175, 178). This is, however, a preliminary result and still has to be tested against all available retours.

Table 1

	Estimate	Standard Error	t-Value
non-elite index	-0.001	0.004495	-0.223
elite index	-0.000019	0.009195	-0.002

Additionally, 16.67% of the retours examined here lack an Old Extent and list only an Extent, potentially due to secularised church land or land improvements. In both cases, no Old Extent existed to which the retour could refer. Land leased in feufarm to a tenant is also recorded only with an Extent. In 11.82% of the retours, the New Extent to Old Extent ratio is significantly higher than four, indicating that some lands achieved higher nominal base rents that cannot solely be explained by price inflation. It is possible that the high inflation of the 16th century obscured moderate growth in the last quarter of the 15th century, supporting Alexander Grant's view that base rents in Scotland recovered in the late 15th century.

Although no statistical correlation exists between nominal base rents and 16th century price inflation, the real base rent remains unknown. Established methods can reconstruct real base rents based on nominal base rents, by converting cash rents to their silver value and deflating the nominal base rent using a price index of common Scottish agricultural products. The issue, however, is that neither the Old Extent nor the New Extent reliably reflects cash rents alone. A significant portion of the increase in nominal base rents appears to result from the increasing monetisation of feudal services and produce-based rents, as evident in the Exchequer Rolls and the rental books of the priory of Coldingham.

For example, the barony of Kincardine was valued by the Crown at £148 16d in 1450. After James II dispossessed John of Islay in 1460, the barony's income reverted directly to the Crown. For the 1459/1460 fiscal year, the Crown collected exactly £142 8d and six rymarte (a type of livestock, likely an ox or cow) as part of in-kind rent. Over the next decade, by 1469, Crown revenue reached £160, and in-kind rymarte payments no longer appear in the Exchequer Rolls (ER v, 393 ff.).

The land of Coldingham's tenants required unfree tenants to pay 40d per oxgang and perform various labour services, while free tenants paid 192d for a slightly larger area without service obligations (Nicholson (ed.), *Coldingham Correspondence*, lxxxvi.). In both cases, assuming a higher yield from the land would be misleading, although rental payments and Crown revenue in the Exchequer Rolls appear to rise significantly. Retours do not clarify whether adjustments in base rent resulted from increased monetisation of feudal services or from land improvements. These findings suggest that the transition to monetary rents may have played a significant role in nominal increases, independent of price inflation. However, this remains a working hypothesis pending broader source analysis.

Therefore, the question of when pure cash rents became observable in Scotland seems more relevant than questioning the relationship between the Old Extent and modern land rents. The Old Extent likely resulted from a pre-1500 land valuation, as Alexander Grant's findings suggest. These were nominal base rents, probably not purely cash-based. Thus, it is unsurprising that these values cannot consistently be converted into the modern New Extent.

Given the sources' limitations, the development of real base rent cannot be observed directly, so preliminary heuristic considerations will be made to explore the plausibility of moderate economic growth in late 15th century Scotland based on qualitative sources.

Qualitative accounts of the late medieval Scottish agricultural sector can be found in Scottish chronicles and especially in the writings of various travellers who visited Scotland in the late Middle Ages. These reports offer observations on economic development and occasionally provide suggestions for how Scotland's perceived economic deficits could be improved through political measures.

Travellers from continental Europe primarily attributed Scotland's low agricultural yields to unfavourable weather conditions and the limited amount of arable land. An especially vivid example of this can be found in the report by Enea Silvio Piccolomini, the future Pope Pius II, who was sent to Scotland in 1435 as part of a papal mission. Piccolomini noted that the Scots consumed bread as a delicacy, attributing the low agricultural yield primarily to challenging weather conditions and limited sunlight (Piccolomini, *Commentarii*, 4–6).

Among Scottish observers of economic matters was John Major, who attributed Scotland's generally low agricultural yields to the short duration of Scottish leases, which offered tenants little economic incentive to invest in land improvements over the long term:

“Further, in Scotland the houses of the country people are small, as it were cottages, and the reason is this: they have no permanent holdings, but hired only, or in lease for four or five years, at the pleasure of the lord of the soil; therefore do they not dare to build good houses, though stone abound; neither do they plant trees or hedges for their orchards, nor do they dung the land; and this is no small loss and damage to the whole realm. If the landlords would let their lands in perpetuity, they might have double and treble of the profit that now comes to them – and for this reason: the country folk would then cultivate their land beyond all comparison better, would grow richer, and would build fair dwellings that should be an ornament to the country.” (Major, *History*, 30f.).

Major attributes not only economic issues but also social and military administration problems to the precarious economic situation of tenants. If tenants were granted more economic security, he argued, there would be fewer murders (which he linked to frustrated tenants whose leases were not renewed), and tenants' loyalty to the landed nobility would be strengthened, thereby facilitating mustering in times of war.

The most complex and detailed report on the development of the Scottish economy comes from the Spanish diplomat, Don Pedro de Ayala (d. 1513). Ayala served as ambassador in London from 1497 and was regularly involved with Scottish matters within the framework of Anglo-Scottish diplomacy, even staying at James IV's court in 1498. In a report on the political situation in Scotland, dated July 25, 1498, Ayala recorded several observations about James IV and the economic development of Scotland.

Ayala attributes Scotland's low agricultural yields to poor soil quality and underdeveloped farming methods. He also points to social factors, noting that the Scots were constantly at war, either with the English or among themselves. Only under the current king, James IV, had this pattern changed, as he had ceased to misuse the judiciary to increase his income, which Ayala claims led to a pacification of Scotland and, consequently, a tripling of income from land ownership:

“Another revenue is that derived from the administration of the law. His predecessors farmed it to certain persons called justices, like our corregidores. This king does not like to farm the administration of the law, because justice is not well administrated in that way. [...] I am told that Scotland has improved so much during his reign that it is worth three times more now than formerly, on account of foreigners having come to the country, and taught them how to live. [...] Spaniards who live in Flanders tell me that the commerce of Scotland is much more considerable now than formerly, and that it is continually increasing.” (Brown (ed.), *Early Travellers*, 42f.).

Ayala thus also highlights socio-economic factors, noting that Flemish immigrants had a positive effect on the Scottish economy, bringing certain economic expertise. Unfortunately, his report does not specify how the Flemish boosted the Scottish economy. Moreover, there were regular waves of Flemish settlers to Scotland. The Mercer family, most prominently, had obtained citizenship in Perth as early as the 14th century. In 1357, John Mercer acted as a negotiator in discussions over the release of David II, which even elevated him to the lesser nobility in 1362. Flemish immigrants are said to have played an important role in the expansion of livestock farming, particularly in wool production. However, these developments took place over the course of the 14th and 15th centuries and, according to current research, are not specifically linked to the reign of James IV (Fleming/ Mason (eds.), *Flemish People*, 59f.).

It is difficult to assess whether the factors Ayala mentioned would be sufficient to explain a threefold increase in land values. George Burnett, editor of the Scottish Exchequer Rolls, has previously dismissed Ayala's claim of tripling land values as an exaggeration. Indeed, the panegyric passages that praise James IV should be read with some caution, as Ayala was supposed to maintain James IV's hope of a possible marriage to Catherine of Aragon. Meanwhile, marriage negotiations with the English crown prince, Arthur, Prince of Wales, were well advanced and eventually led to their marriage. James IV ultimately married Henry VII's daughter, Margaret (MacDougall, *James IV*, 124f.).

Although contemporary assessments of the Scottish economy are often vague and the positive assessment by Ayala warrants source-critical scrutiny, several well-defined themes emerge in qualitative accounts as explanations for Scotland's low agricultural yields. At the very least, the reports presented here support the initial assumption that recovery in the agricultural sector was delayed. Ayala's detailed account even explicitly links this recovery to the reign of James IV and changes in the administration of justice.

Although there are many uncertainties, it is clear that nominal land values increased over the course of the 15th century. Previous attempts to attribute this solely to an administrative act or to price inflation have been unsuccessful. Thus, based on current knowledge, we can only identify potential factors that might have influenced the increase in nominal rents. These include not only price inflation but also the monetisation of in-kind payments and possibly land development. If we are willing to follow this line of reasoning, the question arises as to which social group could have financed land development. As far as we know, tenants – even those with long-term leases – had limited economic flexibility, so significant investment from this group is unlikely. More likely candidates seem to be the lease holding entrepreneurs, known as tacksman, described by McKerral, who leased large estates and subleased them to other tenants (McKerral, *Tacksman*, 15–17).

Most plausible, however, is the landowning nobility. They had the financial means and, at the turn of the 15th to the 16th century, were less involved in warfare and feuds than at any other time in the past two centuries. It is therefore plausible that, under the impression of increased investment security – since they no longer had to fear losing their investments due to partial rulings at the sheriff courts – the nobility may have invested in their landholdings. This, however, remains a plausible hypothesis that would need further examination using the surviving inquisitions from the 15th century.

Nonetheless, it seems that we must almost assume such a development. Even a simple inflation adjustment, leading to a stabilisation of land values in Scotland, would, given the many negative trends that affected the Scottish economy, represent a significant achievement that could only be explained by substantial land development efforts.

The problem we are confronted with is that, although there are qualitative indications of an improvement in the administration of justice, which also had a positive effect on the Scottish economy, the exact nature of these improvements is not elaborated upon in the few qualitative sources available. Under these circumstances, the only option is to closely examine those changes in the judiciary that could have impacted investment security. For the Netherlands, Bas van Bavel has already shown that legal innovation and protection against the risk of confiscation by powerful lords could positively influence the land-market (van Bavel, *Invisible Hand*, 167). That something similar happened in Scotland – of course in a completely different legal and institutional environment – is not too far-fetched (cf. Acemoglu and Robinson, *Nations*).

Legal and Institutional Change in 15th century Scotland

When one considers the development of Scottish jurisprudence in the 15th century, it seems that exactly what Bas van Bavel observed in the Netherlands had occurred. This development was addressed in the seminal work of Andrew Simpson and Adelyn Wilson in the first volume of the *Scottish Legal History* series. To date, the findings of this excellent study have not been used to interpret the rise of bonds in the 15th century, as research has largely focused on cultural factors. In my view, however, this legal transformation significantly contributes to understanding the increasing popularity of bonds of obligation. Although the connections proposed here remain speculative, they are compelling enough to warrant further investigation into the development of the judicial system and the documents it produced. After all, bonds were legal contracts, and their connection to the legal system and the functioning of Scottish jurisdiction is evident.

Andrew Simpson and Adelyn Wilson prove the massive institutional transformation, the Kingdom of Scotland underwent in the 15th century, by the case *Wemyss vs. Forbes* from 1543. Patrick Wemyss of Pittencrieff proceeded against Arthur Forbes of Reres due to a dispute concerning lands in Fife. The complaint was heard at the ‘session,’ the court of the *Lords of Council*, which was located at the tollbooth in Edinburgh. Forbes’ lawyer, Master Thomas Marjoribanks, argued that the ‘session’ was not the right place to hear the complaint, since according to Scottish common law only the *justiciar* could decide matters concerning land property, which has to be issued by the *brieve of right*. He supported his argument with “*quhilk ground rycht of auld aucht be act of parliament [...]*” (Simpson / Wilson, *Legal History*, 107–111).

Although Marjoribanks’ argument was completely in line with written Scottish common law and various acts of parliament dating from the 15th century, the *Lords of Council* dismissed his concerns. They declared themselves competent to decide the matter since the *brieve of right* had fallen out of use, and the *Lords of Session* had already decided like matters repeatedly in the past:

“The lords of [session] notwithstanding found themselves to be competent judges in this matter. For they had been in the habit of calling such matters before them over many years, and of giving many interlocutors on the point – as in the cause of the Lord of Sanquhar and the cause of a certain Pringle of Torsonce and of diverse others. Also, the lords made this decision because the brieve of right has not been used in this realm for many years.” (Simpson / Wilson, *Legal History*, 109f.).

By 1543, the Scottish legal system had fundamentally changed through legal practice, such that the procedural regulations from the 15th century, which concerned inheritance and feudal law, particularly the jurisprudence regarding land ownership, were no longer valid. This leads to the question of when and especially why this process was initiated.

The Scottish legal system during the later Middle Ages was decentralised. Lords in the localities could easily monopolise jurisdictions leading to constant complaints against incompetent and/or biased judges. Additionally, increasing literacy made it easier for claimants to review and assess legal proceedings. Since records were kept privately, courts had no ready access to all necessary documents involved in the case. Withholding documents could delay or even influence court decisions damaging claimants, who started issuing complaints at the only place where false judgments could be revised – this was Parliament (Simpson / Wilson, *Legal History*, 111–115).

From 1426, Parliament was called upon so regularly to correct faulty jurisprudence that the constant complaints from plaintiffs who felt unjustly treated at the sheriff courts began to impede the other duties of Parliament. Primarily, these concerned legislation and taxation (Godfrey, *Civil Justice*, 40–66). In re-

sponse, James I formed a committee that same year, called the ‘session,’ which was to be staffed by suitable individuals from the estates and could decide all cases that the King’s Council could judge (RPS 1426/25; MacQueen, Jurisdiction, 250). The jurisdiction of this early parliamentary session was initially very limited. However, it was progressively expanded under James II and James III to further relieve Parliament from the growing number of complaints. This expansion of competence is not particularly well documented because it developed out of legal practice, as will be explained further below. Meanwhile, the kings and Parliament ensured that jurisdiction over land ownership remained in the hands of the local elite at the sheriff courts. Therefore, the ‘session’ was not allowed to judge cases that, according to the ‘fee and heritage’ rule, were solely the responsibility of the sheriff or the justiciar. At the same time, noble individuals holding a hereditary sheriff position were required to have a basic education as mandated by the so-called Education Act. However, this measure had only modest success since many plaintiffs hoped for more impartial judgments from the session. Additionally, the expertise of the session judges was significantly greater than that of officials at local courts (Simpson / Wilson, Legal History, 118f., RPS 1487/10/14).

Besides the session formed from Parliament (parliamentary session), the King’s Council also had a limited judicial function. This was significantly expanded after the death of James III at the Battle of Sauchieburn in 1488. From that point on, there were council sessions dedicated exclusively to jurisprudence, and council members also took on the title ‘lords of session’. Both sessions eventually were transformed into the Court of Session in 1532, which was Scotland’s first centralised and institutionalised highest court (Simpson / Wilson, Legal History, 120, 123).

Despite all attempts by the nobility to not restrict the judicial powers of the sheriff courts, plaintiffs tried to bring their complaints before the session. The great dissatisfaction with the local courts concerned not only the partiality of the judgments but also the lack of competence of the sheriffs in common law. Evidence of this can be found in the parliamentary statutes until the end of the 15th century. Even in 1549, it can be demonstrated that the Sheriff of Bute was illiterate (Malcolm, Sheriff, 297).

One way to bypass the jurisdiction of the sheriff courts was to portray a civil inheritance dispute as a criminal case. This was intended to circumvent the ‘fee and heritage’ rule and have disputes reviewed by the session. However, this legal strategy was regularly unsuccessful. Arthur Forbes, for example, brought action against the Wemyss brothers. He sued them for *spulzie* of oxen and corns, since robbery of goods could be heard at the session. Still the complaint was dismissed:

“because the landis that the said gudis was takin of is clamyt fee and heretage be baith the said parties and the questioun of the richt dependis apoun heritage.” (MacQueen, Common Law, 227; RPS 1485/3/3).

This decision of the *session* implies that *Forbes vs. Wemyss* was actually a dispute concerning the ownership of the land. Since Forbes could not make his complaint heard by suing the Wemyss brothers for property rights, he argued to have been robbed of the income the land produced. That this litigation strategy was applied more frequently is demonstrated by a parliamentary statute of 1458, in which courts were admonished, in cases of spoliation (*spulzie*), to examine whether the underlying conflict was in fact one of inheritance, and thus fell under the fee and heritage rule (RPS, 1458/3/3).

Another legal strategy was considerably more promising. It involved securing land transactions with a bond of obligation. These bonds often stipulated high penalty payments in case of breach of contract. Thus, even if the land in question could not be litigated before the session due to the ‘fee and heritage’ rule, it was still possible to sue the opposing party for the contractually agreed penalty payment. These penalties were set so high in the bonds that they effectively achieved a transfer of the land titles. This seems to provide a good explanation for why bonds, especially bonds of obligation, became much more common in the second half of the 15th century.

The introduction of new legal regulations and the establishment of a central court system in 15th century Scotland enabled landowners to bypass potentially biased local jurisdictions. This legal pluralism enhanced the security of land property rights, promising more objective enforcement in theory, and thus enhancing the predictability of investments on the land market. These modifications also facilitated access to the land market, significantly impacting not only landowners, but also the broader social and economic landscape. The reduction of uncertainty and risk associated with investments was particularly noteworthy. Furthermore, this legal evolution opened up investment opportunities to lower noble families, challenging the previous dominance local power structures controlling the land market. The gradually growing independence of the land market from local networks offered the opportunity for other families to buy into the land market. Coincidentally, this started to happen precisely in the middle of the 15th century, when the central jurisdiction started to stabilise as an institutionalised body.

A quite interesting example is the Menzie family, a lower noble family, of which a branch were also burghers from Aberdeen. The Menzies bought land in the earldom of Kincardineshire, south of Aberdeen. At that time, the Arbuthnot family as *baillies* of the Keith family still controlled access to the land market in Kincardineshire. They were the ones who had to conduct the legal procedures to

introduce the new owner to the land. They also mediated minor conflicts and were present as witnesses in most land transactions within the shire.

In 1443, Gilbert Menzie, a citizen of Aberdeen, faced difficulties recovering a loan of £160 from a minor noble landowner of the region, John Touch. Consequently, the estates of Ochterdtoun and Portertoun, valued at £8, were leased to Gilbert Menzie. The proceeds from this arrangement were intended to settle the debt (Ms. 2764 2 34). However, there was apparently disagreement as to whether the rents were actually paid to the Menzies. Moreover, during the long lease period, the Touch family attempted to reclaim the estates on grounds of inheritance, but these efforts failed due to the strong documentation of the case, including various obligations. In 1453, the lords of council confirmed the Menzies' rights to the contested lands (Ms. 2764 2 42).

Nevertheless, the Menzie family faced difficulties enforcing their monetary claims against the Touch family. In 1483, Alexander Menzie transferred the relevant lands to Robert Arbuthnot and had to promise in another bond of obligation to issue a letter of reversion in favour of Walter Touch, declaring the debts settled (Ms. 2764 2 69). However, the land did not revert to the Touches. Robert Arbuthnot was installed into these lands with an instrument of sasine (Ms. 2764 2 70). It is conceivable that either Robert Arbuthnot took over the remaining debts of the Touches and took possession of the lands for that, or it was a sale of the Menzies' land use rights because they had difficulties collecting the rents from the lands. Mathematically, the debts should have been paid off by the annual nominal rental income of £8 by 1463. This could indicate that the Menzies, although the royal judiciary had repeatedly recognised their debt title, had difficulties enforcing their claims.

This example illustrates how the increasing professionalisation of the central courts provided upwardly mobile families like the Menzies with the opportunity to assert themselves legally against local noble networks. However, in practice, these local networks still played a significant role. In 1461, the Touch family attempted to secure the support of Andrew Ogilby through a bond of manrent, in which Ogilby promised, in return, to assume the Touch family's debts and redeem the estates (Menzie iii, no 47).¹ This effort, however, appears to have been unsuccessful. Ultimately, the estates ended up in the possession of the regionally influential Arbuthnot family, suggesting that the Menzies struggled to exercise lordship in Kincardine without the support of such prominent families.

Obviously, the opening of the land market also opened the opportunity to shake up local power structures. That said, some of the local families, such as the Arbuthnots, still had a considerable amount of informal power, which they used to dominate the region. Although it was also in the interest of local families to

1 The reference to this bond of manrent is owed to Sebastian Weil.

gain legal protection for their properties, which is why they supported the new institution of the *sessions* in the first place, the new central jurisdiction also resulted in unintended consequences, against which they sought to protect themselves. Among these unwanted consequences was the possibility for newcomers to buy into the local land market. The first consequence of the establishment of a central jurisdiction was therefore the emergence of social mobility resulting in new social conflicts.

Functions of the various Bonds of Manrent, Friendship, and Obligation

In recent years, significant progress has been made in Scottish legal history, largely thanks to the work of Hector MacQueen, Andrew Simpson, Adelyn Wilson, and Mark Godfrey. In particular, the slow development of new jurisdictional institutions, initially the parliamentary session starting in 1426 and later the council session, must have had a decisive influence on the legal and cultural practices of the Scottish nobility regarding land management. Several examples have already been referred to above.

These preliminary considerations on the economic and institutional development of Scotland in the 15th century can be applied to the writing culture and the use of private legal contracts as a whole. Therefore, an interpretation of the functions of the bonds of manrent, friendship, and obligation will be proposed next, taking into account the insights summarised above.

Reciprocity and Specificity in Bonds of Manrent

The bonds of manrent have received the most attention in Scottish research to date and have been examined by Jenny Wormald from a cultural anthropological perspective and by Stephen Boardman in terms of their role in feud management. Particularly, Jenny Wormald believed that the bonds of manrent represented a departure from traditional feudalism. In fact, there are more similarities than differences. Many bonds of manrent explicitly mention economic *quid pro quos* for sworn loyalty. However, these *quid pro quos* did not have to be offered in the form of land, but took many different forms, such as monetary annuities, offices, and other economically relevant benefits.

The reciprocal nature of bonds of manrent is evident in several cases. The bond served as a formal agreement that clarified the expectations and duties of both the vassal and the lord. In one notable case from 1435, Robert Erskine and his son Thomas pledged loyalty to Alexander Forbes, and in return, Forbes granted them substantial landholdings and promised assistance in asserting their

land claims (GD124/1/137). For instance, in 1406, Arthur of Ardenagappil committed his loyalty to Duncan, Earl of Lennox, in exchange for land in Darleith and annuities (GD220/2/1/43). Similarly, Archibald Campbell, Earl of Argyll, promised in a notarial document to appoint Patrick Blackadder as baillie of the monastery in Culros, if he would issue a bond of manrent in favour of the earl (GD15/153). These examples reveal that bonds of manrent often codified a reciprocal relationship, providing material benefits to vassals in return for their loyalty and service. The specificity of these agreements – detailing the precise services expected and the rewards offered – reflected the structured nature of feudal obligations. Bonds of manrent were not vague promises but often highly detailed contracts that often included stipulations for military service, financial payments, or land transfers.

Some bonds, while not explicitly mentioning reciprocal obligations, can still be understood in a broader feudal context. For instance, a vassal's promise of loyalty was often made with the implicit expectation that the lord would provide protection, land, or other forms of 'good lordship.' The lack of explicit reciprocity in some cases may reflect that certain rights and obligations were already established through existing social norms or previous agreements. Additionally, the economically precarious situation may have compelled lower nobility to enter a bond of loyalty in the hope of being rewarded with land or an office in the future. The mere absence of material rewards within the bond of manrent itself should not obscure the fact that such rewards were still expected and were also implied in the concept of 'good lordship' (Wormald, *Lords*, 31).

A particularly complex issue that bonds of manrent helped to address was double vassalage, a situation in which a vassal owed loyalty to more than one lord. This created a potential for conflict, especially in a politically fragmented landscape like medieval Scotland, where shifting alliances and rivalries were common. Bonds of manrent often functioned as a way to clarify these divided loyalties, allowing vassals to navigate their obligations to multiple lords.

The 1442 bond between Hugh Fraser of Lovat and Alexander MacDonald illustrates this point. Fraser already maintained a relationship with Alexander MacDonald based on loyalty since 1436. Back then, Fraser invested Alexander MacDonald in lands the latter previously lost by royal forfeiture. A feudal inferior investing a feudal superior in certain lands is a quite unique process indicating that Hugh Fraser and Alexander MacDonald found a way to work around legal hindrances, indicating that Hugh Fraser was already a 'man' of Alexander MacDonald. The question is why it became necessary to write this relationship down on a piece of parchment in 1442 (Munro (ed.), *Acts*, 38f.).

The political context at this point makes the necessity of a bond between Fraser of Lovat and his feudal lord understandable, as Thomas Fraser explicitly excluded the Earl of Moray, besides the king, from his obligation of loyalty. By

1442 at the latest, Archibald Douglas became the Earl of Moray *de iure uxoris* through his wife Elizabeth Dunbar. Although the main seat of the family, Lovat Castle, was also located in Inverness-shire, there were familial ties to the Frasers of Philorth in Aberdeenshire (Munro (ed.) 1986, 57f.). Although no documentary evidence has yet been found, the Lovat-Ross Bond could be interpreted as an indication that Hugh Fraser entered into a loyalty relationship with Archibald Douglas, thereby creating the need to renegotiate his relationship with Alexander, Lord of the Isles. In this interpretation, the Lovat-Ross bond did not establish a new loyalty relation but modified an existing one. The aim was to manage a dual loyalty to both lords. In such cases, bonds of manrent provided a means of regulating complex loyalty relationships and avoiding conflicts of interest.

Another case involved Ewyne McLean, who entered into a bond with Ferchar Mackintosh while also maintaining loyalty to the Lord of the Isles. Ewyne promised to mediate between his two lords in the event of a conflict, pledging to support Mackintosh if mediation failed. These examples demonstrate how bonds of manrent could be used to anticipate and manage potential disputes arising from divided allegiances, offering a contractual solution to the problem of double vassalage (GD176/15).

Bonds of manrent also played an important role in securing inheritance arrangements and resolving family disputes. Medieval Scottish families often used these bonds to formalise agreements about the distribution of land and titles among different branches of the family, ensuring the continuation of family wealth and power. The bond between Gilbert Kennedy and his relative in 1447 is a prime example. Following a family feud that arose from a contested inheritance, this bond helped to resolve the conflict by re-establishing the hierarchy within the Kennedy family.

The exchange of bonds of *manrent* or *maintenance* between relatives or kin primarily served to organise family property. For example, the arrangement of property rights between James Douglas, 1st Earl of Morton, and Hugh Douglas of Granton, dated to 1468, illustrates this. The exchange of bonds is recorded in a notarial document, in which Hugh Douglas renounced all claims to Dalkeith, while the Earl promised to protect Hugh's holdings in Moffat in Annandale and Borgue in Kirkcudbright (GD150/142). Hugh and James Douglas were cousins. James Douglas, Lord of Dalkeith, the father of the aforementioned Earl, had apparently been unable to manage his land independently. For this reason, the brother-in-law of the 1st Earl of Morton, James Gifford of Sheriff Hall, was entrusted with the administration of Dalkeith. Henry Douglas, the brother of the Lord of Dalkeith, may have viewed the family estate as threatened by the appointment of the related James Gifford and claimed the administration of Dalkeith for himself. In 1442, James II seized control of Dalkeith, citing that the feud between Henry Douglas and James Gifford had resulted in too many ca-

sualties among the king's vassals (RH6/307).² Nevertheless, from 1445 onwards Henry Douglas demonstrably used the title Lord of Dalkeith in witness lists, and by 1452 Henry Douglas and his brother James Douglas were jointly issuing charters as Lords of Dalkeith. Since Hugh's father, Henry Douglas, bore the title of Lord of Dalkeith from at least 1445, albeit solely due to the specific circumstance of his elder brother James' inability to manage affairs, the agreement between Hugh Douglas of Granton and James Douglas, 1st Earl of Morton, merely reinstated the inheritance arrangement made by the two cousins' shared grandfather, also James, Lord of Dalkeith. In that arrangement, the lands in question were assigned, which the 1st Earl of Morton pledged in the present bond to recognise as the property of Hugh Douglas (Boardman, Politics, 104).

While bonds of manrent were not primarily designed to resolve conflicts, they occasionally played a role in mitigating political tensions. During periods of civil unrest or rivalry between powerful noble families, bonds of manrent could be used to secure loyalty and protect landholdings.

An early example of such a case is the bond between George Douglas, 4th Earl of Angus, Archibald Douglas of Cavers, and his son William, dated May 24, 1452. The 4th Earl of Angus entrusted the Douglasses of Cavers with the administration of Hermitage Castle and Liddesdale. Should Archibald or his son allow an enemy of the earl to enter Hermitage or Liddesdale, they would immediately lose their positions (Fraser, Douglas Book iii, 78f.). The specific political situation of the year 1452 can explain why a bond of maintenance served as an additional safeguard alongside the traditional feudal arrangements. On February 22 of the same year, James II had murdered William, 8th Earl of Douglas, in Stirling. In the following months, the murdered earl's brother James and the king sought to secure the loyalty of as many followers as possible in the now-looming civil war. To this end, James II enfeoffed William Douglas of Cavers with land worth 40 merks in Fife. This tied the Douglasses of Cavers to James II in the upcoming conflict with James, 9th Earl of Douglas, which for George, 4th Earl of Angus, could mean that his possessions, Hermitage and Liddesdale, were potentially at risk. Through the additional bond, the Earl of Angus set clear boundaries on the enfeoffment of the Douglasses of Cavers and demanded their exclusive loyalty to him. At the same time, the bond created a legal instrument in a highly complex political situation, allowing him to quickly relieve both vassals of their duties if

2 The inheritance arrangement is also discussed in Boardman 1989, 104–105, where Boardman interprets the feud as a conflict between the two branches of the Douglas family of Dalkeith. It should be noted, however, that James Douglas was not acting independently at this time but rather by James Gifford. Whether James Gifford was carrying out his incapacitated father-in-law's wishes, however, is open to question. Therefore, I suspect that the feud arose from a clash of interests between James Gifford and Henry Douglas.

necessary, without having to rely on potentially dysfunctional royal jurisdiction in a civil war scenario (Boardman, Politics, 113).

However, it is important to note that bonds of manrent did not resolve the underlying causes of conflict. Rather, they provided a legal framework for managing loyalties and obligations during times of tension. These bonds anticipated the potential for disputes but did not necessarily prevent them. In some cases, the parties involved in the bonds would later shift their allegiances if the political situation changed, demonstrating the fluid nature of loyalty in a feudal society such as medieval Scotland.

The advantage of bonds instead of rather vague feudal contracts was their ability to assign specific administrative roles to feudal inferiors. This can be studied by the overlap between bonds of manrent and bonds of special service. Bonds of special service were contracts where vassals agreed to perform specific administrative or military duties in exchange for land or financial compensation. These bonds often resembled bonds of manrent, with the key difference being the nature of the services provided. For example, Andrew Ker entered into a bond of special service with the 4th Earl of Angus, agreeing to serve as baillie of Jedworth Forest and manage the collection of taxes. In return, Ker received land and protection from Angus (HMC Report xiv, app. 3, 19) (Boardman, Politics, 116).

These bonds reflect the increasing administrative complexity of feudal society in Scotland during the late medieval period. As magnates expanded their holdings and consolidated power, they relied on bonds of manrent and special service to ensure the effective management of their estates. The distinction between these two types of bonds often became blurred, as both served to formalise the duties of vassals and the obligations of lords.

As stated above, all these denominations are a matter of definition. Many functions of the bond of manrent can also be attributed to the bond of special service. The main difference seems to be, that the bond of manrent is even more flexible and handles divided loyalties and inheritance disputes, while the bond of special service characterises services owed by a feudal inferior more precisely.

In a certain way, the debate surrounding Scottish bonds reflects the differing interpretations of Bastard Feudalism in English medieval studies. Michael Hicks attributed this term to a lecture by Charles Plummer. Initially it was used to portray the late medieval practice of binding followers not only through land grants but also through contracts (indentures) as a degeneration of classical feudalism. Plummer argued in this direction in 1885, seeing the possibility of forming loyalty obligations outside the then-still-valid feudal hierarchy as a means by which powerful magnates undermined royal authority. Consequently, Bastard Feudalism was blamed for all political problems of the time, which he attributed to the inability of weak kings to stand up to magnates with large retinues, who managed their lands almost completely autonomously, like petty kings. The Wars

of the Roses (1455–1487), in particular, were understood as a consequence of the erosion of classical feudalism (Hicks, *Bastard Feudalism*, 13–16).

Kenneth McFarlane fundamentally changed this perspective by demonstrating, through the example of the register of John of Gaunt (1340–1399), the eldest son of Edward III (1312–1377), that much of the English military machinery was organised through practices that earlier scholarship would have labelled *Bastard Feudalism*. A strong antagonism between a well-functioning central royal administration on one hand and the self-organisation of the nobility through private contracts on the other could thus no longer be maintained. McFarlane's critique was further developed, systematically highlighting similarities between practices in High Medieval and Late Medieval feudalism. For example, similar contracts for recruiting fighters existed during the Crusades and the Hundred Years' War. This placed the concept of '*Bastard Feudalism*' under scrutiny, since if the instruments that became more prevalent in the Late Middle Ages already existed during the height of feudalism, it becomes questionable whether the feudal organisation of society fundamentally changed at all (McFarlane, *Bastard Feudalism*, 162).

Rather, the increasing documentation of loyalty relations in the 14th and 15th centuries was interpreted as an instrument for effective governance, which did not alter the fundamental power structures. Through retainers, it was possible to recruit specialists for civil and military tasks. Thus, the addition of contracts to traditional vassalage relationships increased flexibility and, through division of labour, enhanced the quality of feudal services available to magnates. The negative aspects of noble rule, which Plummer had attributed to *Bastard Feudalism* – mainly the concentration of power through the accumulation of lands and titles in the hands of a few – were a logical consequence of a non-meritocratic society. The self-assuredness of the high nobility, willing to assert their claimed rights against the Crown if necessary, was a natural outcome of dynastic thinking, and the propensity for conflict in feudal society can be explained by the consolidation of military, judicial, and administrative duties. Under these conditions, the increasingly documented contractual agreements that supported the web of agreements and dependencies even provided greater planning security.

The parallels to the discussion around Scottish bonds are unmistakable. On the one hand, an indenture of retainer is essentially nothing more than a combination of a bond of *manrent* and *maintenance*, encompassing both the retainer's loyalty pledge and the lord's obligation in return. On the other hand, the practice of establishing bonds is also cited as a source of conflict in the serious political struggles within Scotland, for example, in the murder of the 8th Earl of Douglas by James II in Stirling in 1452.

Some Scottish researchers argue that there was a legal basis for the murder of the 8th Earl of Douglas. They claim that James I, in 1424, had banned alliance

contracts between magnates, thus creating the legal foundation for the murder of the 8th Earl of Douglas by his son (McGladdery, James II, 66–69). In reality, however, James I had only banned alliance contracts that were directed against the king (RPS, 1425/3/6). Such agreements always included a clause exempting the Crown from any duty of assistance. Alongside the dominant view that bonds contributed to the pacification of the kingdom, there are also voices that see the alliance contracts of the high nobility as a destabilising element.

On closer examination, however, the bonds – or indentures as such – seem to have had little influence on the dynamics of conflict. Ultimately, these were agreements that could be broken during power shifts. The close alliance between the Maxwells and the Black Douglases, which lasted over a century, could not prevent a loyalty shift of the Maxwells to the Crown in the civil war of 1452–1456. Sometimes, rivals even resorted to the tactic of withholding written obligations from the opposing side in disputes over property rights that could have substantiated their claims. On March 12, 1483, the Lords Auditors condemned a certain Duncan for withholding titles to the lordship of Cardony to the detriment of David Ramsay, thus preventing Ramsay's acquisition of the lands (RPS 1483/3/24).

While Wormald is therefore correct that bonds provided courts with an opportunity for an objective judgment in principle, the actual power relations that influenced the creation of these documents – and ultimately guaranteed the validity of the written agreements – could not be ignored. In this sense, the increased efficiency brought about by a more documented administration under certain circumstances could contribute to internalising conflicts, but the increased use of bonds was neither a cause nor an obstacle to conflict.

To understand the rise of private contracts and to answer the question of whether and how the use of bonds modified classical feudalism, a perspective on bonds independent of violent dynamics is necessary. So far, both Wormald and Boardman have attempted to explain the emergence of private contracts in the 15th century in connection with feuding activity. Here, the known discrepancy between their approaches becomes apparent: Wormald saw the bonds as ensuring the containment of feuds, while Boardman demonstrated that they could just as well be interpreted as an indicator of increased violence. This alone should be enough to show that bonds, as they appeared in both cases of escalating and preventing violence, are not an independent factor in this field.

Functions of the Bonds of Friendship

The societal functions of bonds of manrent are not limited to pacifying society, as becomes particularly clear when comparing them with bonds of friendship. Friendship bonds, explicitly labelled as such, were used more frequently in the

context of feuds or particularly tense situations than bonds of manrent. In such cases, bonds of friendship, unlike bonds of manrent, involve the main conflicting parties and explicitly serve to prevent violence. A notable example of this phenomenon is the bond of friendship between Robert Erskine and the king's son Robert, Earl of Fife and Menteith (later Duke of Albany), from February 3, 1373. In this agreement, Earl Erskine promised to be a loyal friend, protecting him, his followers, family members, and possessions (GD124/7/1).

This friendship agreement followed significant losses by the Erskine family after Robert II's accession to the throne. Thomas Erskine, the son of Robert Erskine, was the keeper of Edinburgh Castle and held Stirling Castle, but both offices were taken from the family. In 1372, the king's eldest son, John of Carrick, received Edinburgh Castle, and in 1373, Stirling was transferred to the Earl of Fife. The office of sheriff of Edinburgh, formerly under Erskine control, was given to Malcolm Fleming, a supporter of John of Carrick, before 1374. Even the wealthy barony of Ednam was taken from the Erskines and handed to the Douglasses. Under David II, the family had acquired guardianship over Margaret Barclay, heiress to extensive possessions in Brechin, which Robert II also stripped from the Erskines and transferred to his youngest son, Walter. Finally, the Erskines lost the office of Justiciar of Lothian, which Robert II gave to the Douglasses.

Although some compensation was paid to the Erskines for each of these losses, the payments were temporary and insufficient to offset the extent of their losses, even though Robert Erskine had unconditionally supported Robert Stewart's claim to the throne at Linlithgow when it was contested by James Douglas. The support of the Erskines was crucial at that time for the establishment of the Stewart dynasty, and thus there was a heightened risk that Robert Erskine might reconsider his loyalties, as he not only had to forgo a reward for his loyal actions but also faced the loss of significant income sources to the royal family (Boardman, *Kings*, 43, 52–54).

The friendship bond was intended at the very least to ensure that the remaining possessions of the family in Fife would be preserved even after the transfer of the county of Fife to Prince Robert. At the same time, this friendship agreement was meant to keep Robert Erskine bound in loyalty to the Stewarts, in a situation where disappointment might otherwise lead him to consider other political options. Viewed in a broader context, the bond of friendship between Robert, Earl of Fife and Menteith, and Robert Erskine primarily served to anticipate conflict. It was intended to provide Robert Erskine with the assurance that the transfer of offices and lands to the royal family was complete and to ensure that the new Earl of Fife would not face resistance from Robert Erskine in exercising his authority.

There is a wealth of evidence for the bond of friendship as a means of concluding an open feud. Numerically speaking, Scottish friendship agreements

ended more conflicts than they anticipated, as illustrated by the peace treaty between William, Lord Forbes, and Duncan Mackintosh in 1467. Versions of the agreement for both families have been preserved, with the Mackintoshes excluding their alliance with the MacDonalds from their duty to maintain peace with the Forbes. It was stipulated that anyone who broke the peace between the two families should not be buried in consecrated ground. To secure peace between their families, David Murray of Tullibardine and Malcolm Drummond of Concraig arranged a marriage in 1441 and appointed arbiters, including the Bishop of Dunblane, to mediate in the event of renewed disputes (GD160/1/10). On July 3, 1480, George, Lord Seton, and Oliver Sinclair of Roslin entered into a friendship bond, with George Seton promising to protect Sinclair's landholdings, which were subsequently listed (GD1/1192/1). This formulation indicates a land dispute between the parties. By pledging to defend Sinclair's rights to the specified lands, Seton simultaneously renounced any claim to them himself. The extensive witness list and detailed inventory of landholdings suggest a conflict context in this case as well.

Such bonds of friendship were especially challenging between lairds obligated to different overlords. In conflicts between overlords, ambivalence could arise between an oath of friendship and feudal obligations or other forms of loyalty. Friendship agreements attempted to address this. For example, William Muir of Abercorn and Robert Erskine agreed that, should Robert Stewart, William Keith, Thomas, Earl of Mar, or Archibald Douglas enter into conflict in various combinations, they would do everything in their power to resolve these disputes peacefully. This friendship agreement was accompanied by a land lease, with Robert Erskine leasing Craggorth in Stirlingshire for £20 per year (GD124/1/516).

Bonds of friendship could also occur at the beginning of a conflict. On May 15, 1482, Lachlan Mackintosh made a friendship bond with Donald Angus. In the narrative, Lachlan claimed that Hugh Rose had no right to the land and Tower House in Kilravock in the lordship of Badenoch. Hugh Rose had received permission to erect a Tower House in the barony of Kilravock in 1461 from John, Lord of the Isles and Earl of Ross. Through this friendship bond, Donald committed to occupying the barony and Tower House of Kilravock, and in return, Lachlan promised to install him as keeper of Kilravock Castle. Additionally, Donald was to receive various lands within the barony of Kilravock and lands valued at 10 merks in Pettie or Strathnairn. After successfully capturing the castle, Lachlan offered further land worth £10 and a marriage with his daughter (Boardman, *Politics*, 62–64).

Although classified by Boardman as a bond of friendship, the agreement between Lachlan Mackintosh and Donald Angus is a much more complex contract that ultimately created both a feudal relationship and a kinship tie through the promised marriage. Strictly speaking, this contract is essentially a bond of

special retinue, as marriage and land were offered in return for the capture of the castle. If one still classifies the agreement as a bond of friendship, it must be considered an exception, given the many friendship bonds that were concluded to resolve conflicts.

This particular bond of friendship supports Boardman's hypothesis that lower nobility often made private arrangements during times when political instability at the level of the high nobility became uncontrollable and no overlord remained responsible for safeguarding property rights (Boardman, *Politics*, 55 ff.). In such cases, lairds relied on a system of alliances with their peers to ensure a degree of political stability. The date of the bond between Lachlan Mackintosh and Donald Angus, concluded in 1482 as the political crisis over James III's fiscal policies began to escalate, supports this. At the time, the regional overlord, the Earl of Huntly, was engaged in politics in the south, effectively absent for several years, and thus unable to sanction the feud activities of the lairds.

It was not until March 3, 1498, that Hugh Rose of Kilravock, son and heir of his father of the same name who had died in 1494, brought charges against Donald Angus for the attack on Kilravock in Bervie, Kincardineshire, where James IV was holding court. The violent attempt to alter property relations in Buchan during the 1480s likely took place in the knowledge that neither the regional magnate nor the Crown could effectively intervene in regional matters (Boardman, *Politics*, 59 ff.).

At least for the second half of the 15th century, Boardman's idea that the political history of events was a significant factor in the steadily growing number of bonds is plausible, especially for northern Scotland. On December 1, 1475, John Macdonald, Lord of the Isles and Earl of Ross, was stripped of his lands, formally due to the 1462 Treaty of Westminster-Ardtornish, in which John Macdonald had agreed to divide spheres of influence with the exiled Earl of Douglas in the event of an English conquest of Scotland. In 1476, John Macdonald lost the offices of sheriff of Inverness and Nairn, the County of Ross, as well as the castles of Urquhart and Glenmoriston. From 1477 onwards, William Gordon, acting on behalf of the Earl of Huntly, administered the estates in Ross and Inverness-shire. Huntly was installed by the Crown as baillie over these estates, making the Gordons, or the Earls of Huntly, the dominant family in northern Scotland (Boardman, *Politics*, 57).

During the Gordons' assumption of power, they appointed other lower noble families to act as baillies, collecting rents and administering castles in the region. This created potential for conflict between the families previously appointed by the MacDonalds for these roles and the new officeholders. The previously mentioned conflict between the Mackintoshes and the lairds of Kilravock can largely be traced back to this phenomenon. The MacLeans of Kingairloch had been appointed by the MacDonalds as custodians of the castles of Urquhart and

Glenmoriston, which the Gordons later transferred to the lairds of Kilravock. This disruption in the region's social hierarchy was not accepted without resistance by the families who had held power under the MacDonalds. The MacLeans allied with the Mackintoshes, resulting in ongoing tensions between the MacLeans and Mackintoshes on one side and the lairds of Kilravock on the other, culminating in the aforementioned trial in 1498 (Boardman, *Politics*, 61f.).

There are numerous other examples of bonds of friendship being used specifically to settle serious disputes. The mentioned and following examples were initially discussed and analyzed by Stephen Boardman in Chapter 2 of his PhD thesis, *Bonds of Friendship and Feud Settlement*, where many more can be found. Boardman argues that these settlements complemented formal jurisdiction but operated independently of it (Boardman, *Politics*, 55ff). In my view, however, these examples demonstrate that bonds of friendship often facilitated the functioning of formal jurisdiction and that these agreements were primarily intended to ensure that conflicts between parties would be resolved without recourse to violence. I diverge from Boardman's seminal work to the extent that I am convinced the pacifying function of bonds of friendship makes it difficult to believe that bonds of manrent served a similar purpose. Furthermore, the narrative evidence provided by Walter Bower supports the idea that contemporaries clearly attributed a pacifying function to bonds of friendship, but not to the bonds of manrent.

On November 8, 1475, William, Thane of Cawdor, and Hugh Rose of Kilravock agreed to submit to a group of arbiters to settle the 'slaughters, debates, injuries, and controversies' between them. On September 5, 1476, under the witness of David Stewart, Bishop of Moray, a bond of friendship was established between the two parties in the cathedral of Elgin. Although parts of the document resemble a bond of manrent, the friendship bond specified that Hugh of Kilravock could still freely enter into feudal obligations regardless of the agreement. On June 21, 1482, the bond of friendship between the two lairds had to be renewed. The corresponding document provides rare insights into the ritual accompanying the creation of the bond, describing how a peace kiss was exchanged in the presence of the arbiters, with both parties forgiving each other for all past injuries and insults (Boardman, *Politics*, 73–75).

The somewhat detailed format of a notarial document from 1492, created during pre-negotiations to end a feud between Laurence, Lord Oliphant, William Murray of Tullibardine, and John Haldane of Gleneagles on one side and John, Lord Drummond on the other, also shows that contemporaries frequently used bonds of friendship as a tool for conflict resolution. Violence between the parties escalated to the point that William Elphinstone, Bishop of Aberdeen, Colin Campbell, Earl of Argyll, and the responsible justiciar, Robert, Lord Lyle, intervened. These officials urged the feuding parties to produce 'letters of slanis

and friendship,' according to the use in such matters (Boardman 1989, 76). The notarial agreement between Thomas Cuming of Altyre and William Hay of Lochloy, dated July 25, 1476, further confirms that bonds of friendship were generally regarded as private peace treaties ending a private war or feud:

“because of certain debates and controversies that have been between them [...] that there should be a bond of tenderness between them, their heirs, and friends forevermore.” (Boardman. Politics, 79).

That this was interpreted similarly in the early 15th century is demonstrated by how the chronicler Walter Bower categorised bonds of friendship. After recounting several dramatic murders stemming from feuds in 1413, he admonishes the reader to act justly, describing the customary process for ending hostilities:

“I say this because, although they had previously been enemies, in a peace settlement they swore perpetual amicable loyalty, and to confirm this, they participated together in the communion of the sacrament of the body of Christ.” (Chron. Bower viii, p. 82).

Thus, Bower considers the murder of Patrick Graham, Earl of Strathearn, by his own vassal, John Drummond of Concraig, particularly reprehensible:

“...for before this, they were bound by letters and oaths, and united by a perpetual bond of friendship, given in marriage to the said knight to the sister of the said earl, and they had shared in the sacrament of the body of Christ to strengthen the indissolubility of their alliance.” (Chron. Bower viii, p. 82.).

A constitutive element of a bond of friendship was, therefore, a mutual oath of friendship at the altar and shared communion. Occasionally, as this example shows, the bond was further sealed by marriage.

Both the functional interpretation of bonds of friendship and their classification in 15th century records suggest that bonds of friendship generally served to resolve feuds. This also means that a modern understanding of the term ‘friendship’ can be misleading when trying to accurately interpret the behaviour of the actors involved.

This becomes clear in the example of the competing claims of Robert, Lord Fleming, and Gilbert Kennedy over Kirkintilloch, worth 40 merks in the barony of Lenzie, which escalated around 1462. The Flemings held the barony of Lenzie and were therefore the overlords of the Kennedys for the lordship of Kirkintilloch within that barony. In 1431, John Kennedy was imprisoned in Stirling by James I for treason, though the reasons are unknown. Robert Fleming argued that, due to John Kennedy’s conviction, the fief should revert to the overlord, while Gilbert Kennedy, as John’s closest male relative, claimed Kirkintilloch based on inheritance. In 1465, both parties agreed to arbitration, followed by a bond of friendship to resolve the dispute. It was also agreed that the losing party would be compensated with 300 merks. Nevertheless, David Reed, Robert

Fleming's representative, declared, after the arbiters ruled in favour of Gilbert Kennedy, that 'the judgment you have given is ill, false, stinking, and rotten in itself,' and he announced an appeal. By 1466, the case between Fleming and Kennedy was still unresolved when Kennedy and Alexander Boyd sought Fleming's support in the regency council of the young James III. All parties primarily pledged mutual support, and Fleming further promised not to attempt to abduct the king and to warn Kennedy and Boyd if he learned of any such attempt. The physical custody of the young king was vital for maintaining the legitimacy of the regency council, then led by the Boyds (Boardman, Politics, 80–84) (see Rogge, 74).

In the framework of this agreement, Robert Fleming and Gilbert Kennedy renewed their bond of friendship, this time with a clause in which Fleming agreed to accept the judgment of the justiciar in the next stage of the Kirkintilloch dispute. Kennedy also ensured that Fleming would have to pledge the barony of Tankerton as collateral. Should Fleming attempt to infringe upon Kennedy's possession of Kirkintilloch, Tankerton would be granted to Kennedy. When the justiciar finally held court on the matter in Dumbarton in April 1466, Fleming complained in a notarial document that Kennedy appeared with an armed retinue and prevented him from attending the proceedings in person. Only his attorney, David Reed, was able to represent him. Kennedy presented various bonds in which Fleming had agreed to abide by the arbitration decision and demanded that the case be returned to the same arbiters who had already ruled in his favour. Reed protested but failed.

Although Robert Fleming and Gilbert Kennedy were engaged in a dispute over Kirkintilloch from 1462 to 1466, both parties assured each other of mutual support and friendship twice. In this context, 'friendship' likely only meant agreeing to resolve the conflict legally without violence. Thus, 'friendship' here signifies the absence of enmity, with no emotional implications. When Fleming was forcibly prevented from attending the hearing, he likely no longer felt bound by this agreement. A report from John Colquhoun of that Ilk, sheriff of Dumbarton, records a sum of £826 in 1471 as damages owed by Robert Fleming and Gilbert Kennedy due to losses they had caused, strongly suggesting that the Kirkintilloch conflict ultimately escalated into a violent feud (Boardman, Politics, 85–89).

Of all the bonds of friendship discussed here, only two were not expressly intended to resolve an existing conflict. These include the friendship agreement between Erskine and Robert, Earl of Fife and Menteith, from February 3, 1373, and the likely misclassified bond of friendship between Lachlan Mackintosh and Donald Angus from May 15, 1482. Unlike bonds of manrent, which primarily regulate complex feudal relationships, such as dual vassalage or specific services, bonds of friendship typically appear in a context of conflict.

This is evident from the fact that, unlike bonds of manrent, bonds of friendship more frequently include a witness list and sometimes even designate individuals to mediate in case of conflict between the issuer and the recipient. In only one of the eight friendship bonds did two lairds below the level of their respective overlords attempt to establish a degree of cooperation. Thus, bonds of friendship were primarily focused on conflict prevention and resolution, while bonds of manrent tended to create a hierarchical dependency between lord and vassal in cases not covered by traditional feudal law. Additionally, historical records are clear: Walter Bower provides a detailed description of the ritual that accompanied a peace settlement after a feud. It is, therefore, highly plausible that bonds of friendship were generally the written record of such reconciliation rituals.

Functions of the Bonds of Obligation

Despite the evident imbalance in research, which has primarily focused on bonds of manrent, the largest group numerically in the records is that of bonds of obligation. Of the 157 bonds classified as such by the National Records of Scotland, at least 85 are bonds of obligations or as a subset thereof. Twenty-six bonds in this group have yet to be classified. These sometimes involve more complex agreements, such as the contract between Thomas Schethum of that ilk, Patrick Lindsay of Kirkforthar, and Janet Ramsay. Janet Ramsay acted as guarantor for annuities that Schethum owed to Patrick Lindsay. These annuities and the guarantee were later cancelled in a transcript (GD26/3/48). In a very broad sense, transcripts of multiple agreements like this can also be considered bonds of obligation. In other cases, prior deeds are generally referred to as bonds.

On July 17, 1487, William, Lord Hay, Earl of Erroll, and constable of Scotland, committed to installing his relative, William Hay, son of Gilbert Hay and Betterage Dunbar, in the lordships of Ury (Kincardineshire) and Crechmont (Aberdeenshire). For Crechmont, William was to pay the earl a relief payment of 400 merks. The widow's rights of his mother, Betterage, were to be taken into account in this installation. Once in possession of Ury, William Hay was to marry Katherine Rate, daughter of Archibald Rate. Archibald would pay a dowry of 500 merks to the Earl of Erroll, who apparently facilitated William's installation in Ury. In the event of a divorce, William committed to repay double the dowry, amounting to 1,000 merks, to Archibald (GD86/37).

The difficulty in classifying this contract arises because, in typical marriage contracts, it was the parents of the couple who conducted the negotiations. A classic example of this can be seen in the bond of marriage between Hugh, Lord Montgomery, and Archibald Edmonston of Duntreath. Although John Mont-

gomery was to marry Bessie Edmonston, the contract is signed only by the fathers of the couple, who evidently led the negotiations. In the case of the Hays, this was not possible because William's father, Gilbert, was already deceased. Therefore, the head of the Hay family, the Earl of Erroll, took on this role. At the same time, the marriage contract serves as a preliminary document for the land transfers from the Earl of Erroll to William Hay. Nonetheless, this does not change the fact that the contract should be classified as a bond of marriage (GD3/2/1/16).

Two important functions of bonds of obligation are evident here. Often, the families of the couple exchanged obligations to secure the bride's provision with an appropriate dowry and to clarify the amount and terms of the dowry payment. For example, John Ramsay of Colluthie was willing to pay a dowry of 300 merks for his daughter Janet, but only if she was first endowed with land worth 20 merks per year from the family of her future husband, Henry Napier (GD430/170).

The provision for married female relatives was also secured in other ways. After marrying Isabella Douglas, Alexander Forbes had to commit in a bond of obligation not to sell or mortgage any land to the detriment of William Douglas, Earl of Angus, or his sister. This meant that land temporarily transferred to settle the dowry or designated for Isabella's support could not be further transferred (GD52/1039).

Especially among the lower ranks of the nobility, the sums involved often exceeded the cash assets of the bride's family, so they leased parts of the family estate temporarily in blench farm to the groom's family. This sometimes resulted in highly complex contracts, such as the marriage agreement between the families of John of Wemys and Andrew Gray, Lord of Fowllis. John Wemys paid the dowry of 161 merks for his daughter through the transfer of 11½ merklands for 14 years. These long terms created their own issues, as toward the end of the lease period, disputes arose over whether the dowry had been fully paid. A land valuation before sheriff-depute John of Gardyn was conducted to resolve the matter, which was decided in favour of the Wemys family (GD45/27/104).

The group of bonds of obligation that correspond to marriage contracts is so large that they are sometimes labelled as bonds of marriage in archival records. Essentially, bonds of marriage are complex purchase contracts. Land, as in the case of Ury in the marriage contract between the Hays and the Rates, is exchanged for money. The Earl of Erroll receives the dowry and, in return, grants Ury to his relative. The Earl of Erroll's document granting Ury to William Hay in blench farm would not suggest that this transfer was based on the dowry being retained by the earl. If only the land transfer were preserved, it would appear as though it was done without compensation, leading to the misconception that traditional feudal relationships had lost their function in establishing economic dependencies and loyalties. This misconception ultimately influenced Wormald's interpretation. Often, transfers of land in blench farm can indeed be

placed within a contractual framework where the compensations for the land become evident. These compensations could involve settling a debt, usually from dowry payments, or prior cash payments, suggesting that these land transfers might also conceal land sales (Grant 2000, 158).

Such contracts are also found in the exchange of land aimed at consolidating lordship, as practiced by the Keiths, for example. In March 1393, William Keith exchanged three smaller lordships for Petindreich with William Lindsay in return for annuities from Dunnottar, which the Keiths were developing into their main seat at that time. This exchange of lordship rights and land titles also took the form of a bond of obligation, which, due to its specific function, is sometimes referred to as a bond of excambion (HMC Report iii, 405). This bond differs from a regular purchase agreement only in that the lands were paid for not with money, but with lordship and/or ownership rights. Purchase contracts, bonds of excambion, and bonds of marriage are thus related in type – with the distinction that marriage contracts often lease parts of the transferred land only temporarily to finance the dowry. Purchase and exchange contracts, on the other hand, intend a permanent transfer of the mentioned lands. However, this applies only to those marriages where the bride's male relatives have an interest in the lands returning to them. When widowed women remarry, there is no time limit on the land titles brought into the marriage. This can be seen in the marriage contract between Marion Murray and Archibald Taleyoure from 1467 (AD1/61).

Pre-negotiations for land transfers or bonds of manrent are also examples of this type of contract. In 1361, Colin Campbell committed to appointing Gilbert of Glasrod as his baillie in Argyll (GD45/27/102). Similarly, the agreement between Archibald Campbell, Earl of Argyll, and Patrick Blackadder falls into this category. Blackadder was leasing land from the monastery of Culross for 19 years and was to return it to the abbot and convent. In return, the earl promised that if Blackadder swore manrent to him, he would appoint him as baillie in Culross to collect revenue, a portion of which he could keep (GD15/153). Although the National Records of Scotland classify this agreement as a bond of manrent, it is actually a bond of obligation that anticipates the future swearing of manrent. Bonds of obligation can thus precede bonds of manrent, providing context to understand what might otherwise appear as a loyalty pledge given without compensation.

The third and largest group of bonds of obligation is highly flexible and can accompany any legal transaction. Sometimes, these obligations may seem redundant or merely act as preliminary agreements for upcoming legal transactions, such as inheritance arrangements or dispute resolution. Occasionally, disputing parties even commit to following legal rulings that the sheriffs would normally enforce. For example, in 1445, Robert Fleming of Cumbernauld committed to appearing at one of the earl's castles, Tantallon or Hermitage, to answer

for damages to the earl's corn and cattle. If he failed to comply, he agreed to pay a penalty of 2,000 merks (GD1/479/1). Such agreements might initially seem redundant, as arson, theft, and similar crimes were supposed to be prosecuted automatically by the local sheriff.

A similar case is seen in the bond of obligation from George Lathrisk to Thomas Symson, in which George transferred the eastern part of the lordship of Lathrisk to Thomas and committed, in the obligation, that if he or his heirs prevented Thomas from taking possession, he would transfer the entire lordship of Lathrisk to him (AD1/72). Here, too, one might assume that the land transfer itself would suffice and that Thomas could litigate for possession if obstructed. Understanding these obligations requires recalling how the Scottish legal system functioned.

Throughout the period under study, complaints against local jurisprudence became frequent for two main reasons: (1) Most sheriff offices were hereditary, leading to a lack of legal expertise among sheriffs in adequately deciding cases; (2) Local jurisdictions were highly susceptible to the influence of the local elite. For litigants with limited local connections, filing a case in Parliament seemed more promising. However, parliamentary resolutions regularly reinforced local jurisdiction, and the permanent courts established later in Edinburgh often could not accept cases falling under local authority. This especially affected the 'fee and heritage' rule, which prevented central courts from hearing cases concerning feudal or inheritance rights. Many plaintiffs, therefore, resorted to framing inheritance and feudal disputes as *spulzie* (robbery), arguing that the current landholder was wrongfully occupying it and thus depriving the rightful owner of income. Judges usually dismissed such cases, ruling that *spulzie* could only be determined once the ownership dispute was resolved, which fell under 'fee and heritage' and thus outside the court's jurisdiction.

An example is William Sinclair of Herdmanston's suit against his relatives Marion and Margaret Sinclair, who allegedly plundered his property. However, it is improbable that the two sisters had actually raided his property; the background of the case likely involved a dispute over land the sisters had brought as dowries in their marriages to George and Patrick Home. Bonds of obligation offered a way to involve central courts: if a party breached a bond of obligation, the other party could sue for breach of contract, bypassing the need to examine the legality of the bond itself. Many cases before the Lord Auditors that involved a valid bond of obligation supporting the plaintiff's claim was adjudicated according to the terms of that bond. Thus, a clause in a bond of obligation between David, Lord Lindesay of the Byrys, and Henry Wardlaw of Torry declaring that the agreements were made 'in the most secure form,' could hint at the additional legal security a bond of obligation could provide by enforcing the agreed terms successfully in both local and central courts (GD16/41/3).

Since the record of the Lord Auditors begins only in 1466, a quantitative analysis of the transition between cases in which opponents in litigation are sued for *spulzie* and those in which a bond of obligation is cited to support one's own position is not possible. However, since Parliament recognized in 1458 the need to regulate the jurisprudence concerning *spulzie* anew, an accumulation of these cases can be assumed (RPS, 1458/3/3). Parliament thus acknowledged that these claims were intended to circumvent the fee and heritage rule. Even in the records of the Lord Auditors, there are still frequent attempts to describe conflicts over possession and leases as *spulzie* (Thomson ed., *Lord Auditors*, iv). However, these cases were usually referred back to the local courts. The regular reference to obligations in the Acts of the Lords Auditors in for the claimant successful cases suggests that, due to increasingly complex contractual arrangements, a substitute was found to be able to bring cases, in case of doubt, before a central court.

Documenting such oaths ensured that obligations remained enforceable across generations. Some defendants before the Lords Auditors seemed to believe that obligations expired with the original signatories. In one case, Colin Campbell of Glenorchy had incurred a debt to William Buntine, and after Colin's death, his son Duncan refused to repay the debt. The bond of obligation between Colin and Buntine demonstrated that Duncan had benefited from Buntine's payments and was therefore required to repay the debt (RPS 1478/6/48). Marriage contracts also remained enforceable beyond the death of those involved. For instance, Gavin Waugh sued John of Bourhill for the payment of the agreed dowry, which was to be transferred as land held jointly by the spouses. The groom, James Waugh, died before the transfer was completed. Of the agreed 160 merks in land, only a portion had been transferred, and John Bourhill was ordered, based on the marriage contract, to compensate Gavin Waugh for the outstanding land transfers (RPS 1479/3/112).

Bonds of obligation were by far the most flexible group of private contracts. The more specialised categories of bonds were focused on either conflict resolution (bonds of friendship) or organising loyalty and dependency relationships (bonds of *manrent*). Bonds of obligation managed economic interests or provided legal security by expanding legal recourse and guaranteeing compensation in cases of failed agreements. In doing so, they contributed to the internalisation of conflicts, although conflict resolution itself was not their primary function; that was to be achieved through judicial means, in contrast to bonds of friendship, which explicitly ruled out the use of violence. The inclusion of penalty clauses or the potential for legal enforcement alone did not achieve this.

All the potential functions that bonds could serve demonstrate that they were never conceived as a replacement for traditional feudal contracts. Rather, they acted as a supplement, allowing for specific solutions to complex situations. For the high nobility, these contracts were appealing because they allowed more

efficient organisation of their followers: specialists for civil administration and military service could be recruited directly. For the lower nobility, bonds provided clarity regarding expected income and services, which could be specified in greater detail. Lairds in Ross, Moray, and Inverness-shire, for instance, were able to navigate between the major power blocs of the MacDonalDs on one side and the Badenoch Stewarts or later the Earls of Huntly, even attempting to remain neutral in major conflicts. The advantages of bonds for all parties are clear. Equally clear is that they merely modified the existing feudal system rather than signalling a fundamental cultural shift in how lordship was organised.

Bonds of obligation were a vital legal tool in medieval Scotland, providing the flexibility needed to manage a wide range of economic, social, and legal relationships. Whether securing marriages, formalising land transactions, or ensuring the enforcement of debts and legal agreements, these bonds offered a legal framework that complemented and enhanced the existing feudal system. By codifying agreements and providing recourse for disputes, bonds of obligation helped internalise conflicts and create a more predictable legal environment, even in the face of local legal shortcomings.

Far from challenging the feudal system, bonds of obligation worked within it, providing a means for nobles and landholders to navigate the complexities of medieval legal and economic life. Through their use, Scottish nobles could secure their economic interests, ensure the continuity of legal obligations, and create a more stable social order, one that was rooted in legal contracts rather than informal agreements or local customs.

Reasons for the Rise of the Bond in the 15th century

The changes to Scottish Common Law in the 15th century and the associated institutional changes, especially the formation of the Court of Session, is a complex phenomenon that can be attributed to a multitude of factors. Jenny Wormald has already compiled cultural anthropological reasons, while Stephen Boardman has highlighted the growing political instability and expanding feud management at least until 1488. These arguments need not be repeated here.

So far, a connection between the largest group of private legal contracts, the bonds of obligation, and the creation of the parliamentary session and the expansion of the jurisdictional functions of the royal council has not been made. Nevertheless, there are some indications that the bonds of obligation enabled an invocation of this central judiciary, leading to business transactions on the land market being increasingly flanked by these documents.

In line with the findings of New Institutional History, these findings also match observations by Alexander Grant and Elizabeth Gemmill. Corresponding to the

creation of new institutions, which ensured higher transaction security in land deals, nominal land rents stabilised and grew. This growth could not be explained exclusively – as has been done previously – by the price inflation of the 15th and 16th centuries. This could indicate that increased investment security led the landowning nobility to invest in the expansion of their lands, and this contributed to the recovery of the Scottish economy after the end of severe internal conflicts around 1488. However, these considerations must be expressed with the utmost caution because the real land rents in Scotland cannot be observed.

The bonds of manrent and friendship are better interpreted within the context of noble self-organisation. The bonds of manrent seemingly developed due to a continuously growing specialisation and diversification of the nobility society, which was more frequently compensated with offices and annuities instead of land ownership. Indeed, particularly the enclosures of double loyalties and inheritance regulations should prescribe a clear course of action for conflict cases. However, the bonds of manrent did not resolve the underlying conflicts and often did not include the actual anticipated conflicting parties. This was only done by the bonds of friendship, which, however, are much less documented. A pacifying effect from the various bonds, therefore, seems to have been at most indirect.

Besides these considerations, there are a number of other factors that could have played a role, which have not been discussed here and require further research. Literacy ultimately grew across all of Europe during the Late Middle Ages. This also had something to do with the educational expansion during this time. A key prerequisite for increased literacy was, of course, access to more trained personnel who had to be both literate and knowledgeable (usually legally educated). There are many conceivable reasons for this, which could be further explored through Scottish university history or socio-religious considerations. However, such explanations usually refer to a developed urban culture and were developed in highly urbanised regions of Europe (Northern Italy, Flanders, Southern England). Scotland, on the other hand, is said to have had an urbanisation rate of just 10% at the time. Did these cultural techniques develop in Scotland despite the absence of a highly urbanised society? Or was there knowledge transfer because the institutional needs and changes in jurisprudence demanded more educated personnel? Undoubtedly, this triggered a cultural shift regarding conflict resolution mechanisms in any case. Jenny Wormald rightly observed these developments (Wormald, Lords). However, perhaps the arrow of causality did not point from culture to bonds – possibly it was the other way around.

2.2. Culture as an Interpretative Framework in Scottish History

The notion that the cultural interplay between Gaelic and Anglo-Norman traditions holds a meta-historical significance is as old as Scottish medieval studies itself. For a long time, this dynamic was viewed as the driving force behind the development of the Kingdom of Scotland. In Geoffrey Barrow's seminal work on the First War of Independence, it is taken for granted that cultural markers of Anglo-Norman influence, such as the veneration of St. Margaret, considered an Anglo-Norman reformer, accompanied an administrative reorganisation of the kingdom based on continental models (Barrow, *Community*, 11).

However, it is important to note that the concept of 'culture' as used in Scottish historiography originates from the 19th century. Matthew Hammond's essay offers a profound critique of these notions and traces their development from the historiographical contributions of the nationalist era. While this chapter questions the validity of 'culture' as an explanatory factor, it does so with the awareness that a contemporary understanding of culture could be highly productive for Scottish medieval studies – both in terms of its heuristic and methodological approaches, as well as its reception history in the 20th century (Hammond, *Ethnicity*, 12).

New methods, such as cultural semiotics, could be applied to Scottish chronicles, which have traditionally been examined through a source-critical lens focused on the reliability of the chroniclers. Examining forms of cultural memory and practices of transgression, symbolic appropriation, and meaning-making across Scotland's maritime, cultural, and political borders may provide more nuanced insights into the interactions between Gaelic and Anglo-Norman influences. Such approaches offer a promising alternative to the modernisation teleology and ethnically charged narratives that have dominated much of the field.

Unfortunately, Scottish historiography has been slow to free itself from the need to prove the existence of national identities in the Middle Ages (MacGregor, *Gaelic Barbarity*, 8). For the discipline to open itself to new cultural-historical inquiries, it is essential to continue Hammond's critique. This chapter seeks not merely to warn against theoretical fallacies but to explore the far-reaching consequences of flawed heuristics on the interpretation of key events in Scottish medieval history.

Alleged Differences in Lordship and Family Organisation between Anglo-Norman and Gaelic Families

The debate over the differences in lordship and family organisation between Anglo-Norman and Gaelic families in Scotland has been central to the historiography of Scottish medieval studies. This perceived dichotomy, often framed as a clash between feudalism and clan-based organisation, has shaped interpretations of Scottish history, particularly concerning the Highlands and Lowlands. However, a closer examination reveals that many of the alleged differences may not be as pronounced as previously assumed. Both Gaelic and Anglo-Norman families shared similar strategies for managing land, securing political alliances, and organising family structures. This chapter seeks to explore these similarities and question the validity of viewing Gaelic and Anglo-Norman familial and lordship practices as fundamentally different.

One of the most enduring images of Gaelic society is the clan system, which is often depicted as distinct from the Anglo-Norman feudal structure. Clans, as perceived in modern imagination, were thought to be familial networks bound by kinship and loyalty, whereas Anglo-Norman lordship is often seen as a more hierarchical and bureaucratic system, organised around landholding and feudal obligations. This dichotomy has long influenced interpretations of Scottish history, particularly in understanding political and military conflicts.

William F. Skene famously argued that the coexistence of the clan system and European feudalism in Scotland represented a “contemporaneity of the non-contemporaneous,” (Bloch, *Erbschaft*, 119) which contributed to endemic violence in the Highlands. He contended that the clan system, based on personal loyalty and kinship, was incompatible with the feudal structure, where land tenure was central to social and political organisation. Skene believed that this tension between clan loyalty and feudal obligations led to conflicts and blood feuds, which persisted for generations (Skene, *Celtic Scotland* iii, 287ff.).

However, this sharp distinction between clan and feudal systems does not hold up under scrutiny. In many cases, clan chiefs functioned much like feudal lords, granting land to their followers and securing political alliances through marriage and military service. The example of the Mackintoshs, who led a confederation of clans known as Clanchattan, illustrates that even Gaelic leaders engaged in practices resembling feudal lordship. Despite being considered a clan, Clanchattan operated as a loose alliance of families rather than a strictly kin-based organisation (Cathcart, *Kinship*, 24).

Moreover, the idea that feudalism was strictly a bureaucratic system disconnected from kinship ties has been revised. Feudal lords often relied on familial networks to secure their power, just as Gaelic clan chiefs did. For instance, George, Earl of Angus, provided land to his cousin James Scrymgeour, indicating

that familial bonds played a significant role in the distribution of land and political influence in Anglo-Norman families as well (GD137/3739).

One of the central elements often highlighted in discussions of Gaelic clans is the emphasis on kinship and loyalty, which is said to have fostered a culture of blood feuds and familial conflict. Skene argued that the clan system's reliance on kinship ties created a mentality that perpetuated violent conflicts across generations. However, examples from both Gaelic and Anglo-Norman families suggest that familial conflict and political alliances were not unique to the clan system.

The case of the Kennedy family of Dunure provides a striking example of how internal family conflicts could lead to violent confrontations, even within a family considered to be Gaelic. In the late 14th and early 15th centuries, the Kennedy family was embroiled in a bitter feud over land inheritance. Gilbert Kennedy of Dunure disinherited his sons from his first marriage in favour of his sons with his second wife, Agnes Maxwell. This decision sparked a series of violent confrontations between the two branches of the family, culminating in the murder of James Kennedy by his half-brother, Gilbert. The feud between the two branches of the Kennedy family continued for decades, eventually being resolved through a settlement in 1454 (Brown 1994, S. 133 ff.).

Similar conflicts occurred among Anglo-Norman families, such as the Dunbars, who used marriage and land grants to secure political alliances. These examples demonstrate that familial conflict and the strategic use of marriage and inheritance were not unique to the Gaelic clan system but were common features of medieval Scottish society more broadly (GD12/20).

Another area where historians have traditionally drawn a distinction between Gaelic and Anglo-Norman families is in inheritance and marriage practices. Gaelic families are often said to have followed more egalitarian inheritance practices, where land could be passed to daughters or shared among multiple heirs. In contrast, Anglo-Norman families are thought to have adhered to primogeniture, where land was passed to the eldest male heir.

However, this distinction is not as clear-cut as it seems. Both Gaelic and Anglo-Norman families employed various inheritance strategies to maintain control over their land and ensure the continuation of their family lines. For instance, the Campbells of Loch Awe, an Anglo-Norman family, implemented strict rules of male entail, ensuring that land would pass to the eldest male heir. This practice was also used by Gaelic families, such as the MacDonalds, who sought to consolidate land within their main family line through similar inheritance practices (Boardman 2003, 98).

Marriage strategies also reveal similarities between Gaelic and Anglo-Norman families. Both groups used marriage as a tool for securing political alliances and expanding their landholdings. The practice of marrying within the family to retain land, often associated with Gaelic clans, was not exclusive to them. Anglo-

Norman families also arranged marriages within their kinship networks to preserve family wealth and political influence. Dispensation from the Church was often sought to allow such marriages, which technically violated canonical laws against consanguinity (Berlandi, Birthplace, 246).

A final area where historians have sought to differentiate Gaelic and Anglo-Norman families is in their approach to land management and territorial control. It has been argued that Gaelic clans organised their territories based on social structures, whereas Anglo-Norman lords organised society through land grants and feudal obligations. This distinction has been used to explain differences in how these groups perceived their relationship to the land and how they governed their territories (Dodgshon, Chiefs, 8, 32).

Yet, this assumption also falters under closer examination. Gaelic families, such as the Mackintoshes, were deeply concerned with maintaining control over specific territories and engaged in lengthy efforts to reclaim lost lands. The feud between the Mackintoshes and the Raits over the control of Castle Rait, which lasted for over a century, demonstrates that Gaelic families were just as invested in land ownership and territorial control as their Anglo-Norman counterparts (Bain, Nairnshire, 168–170).

Similarly, Anglo-Norman families in Scotland often relied on kinship networks to manage their estates. The example of William Keith, sheriff of Kincardine, who used familial ties to consolidate his control over the region, shows that Anglo-Norman lords were just as likely to rely on their relatives to secure political and territorial power (Berlandi, Birthplace, 241).

The alleged differences between Gaelic and Anglo-Norman families in terms of lordship and family organisation are not as strong as traditional historiography has suggested. Both groups employed similar strategies for managing land, securing political alliances, and organising their families. The persistence of the idea that Gaelic and Anglo-Norman families were fundamentally different reflects broader historiographical trends that have sought to create a cultural and ethnic divide within Scottish history. However, a closer examination reveals that these distinctions are largely artificial, and that Gaelic and Anglo-Norman families shared many of the same concerns and practices regarding land, inheritance, and kinship.

This observation is not meant to suggest that there were no cultural differences recognisable to contemporaries between Gaelic-speaking and Anglo-Norman Scots. It is, in fact, very plausible to assume that, aside from language, there were other cultural markers that distinguished these two groups. The point here is simply to caution against hastily attributing these cultural differences to a specific style of governance. Such claims require a broader empirical basis.

It is also worth critically examining normative statements, such as those made about the marriage customs of Anglo-Norman Scots. The collection of suppli-

cations to Rome provides a source that allows us to verify whether these normative rules were actually relevant in practice. This distinction is important if research is to enable a productive comparison between the cultural practices of the Gaels and Anglo-Normans.

When explaining violent conflicts, the political, economic, and legal contexts are crucial. In similar contexts, different families, regardless of their cultural background, exhibited similar conflict behaviour. Therefore, it is necessary to reflect on how different cultural influences may have shaped these conflict dynamics, without falling into clichés.

Alexander Stewart, 'The Wolf of Badenoch'

The conflict between Alexander Stewart, the so-called Wolf of Badenoch, and Alexander Bur, the Bishop of Moray, has traditionally been interpreted through the lens of cultural conflict, particularly within the historiography that portrays Stewart as an embodiment of Highland barbarity (Tytler, *History* ii, 2; Boardman, *Kings*, 88.). This culturalist interpretation, however, fails to adequately address the more substantial political, legal, and economic frameworks that shaped this confrontation. By analysing the underlying factors beyond the cultural stereotypes, we can recognise that the feud between Stewart and Bur was less about Gaelic versus Lowland civilisations and more about power struggles, legal ambiguity, and economic necessity in the north of Scotland during the late 14th century.

The political landscape in northern Scotland during the late 14th century was marked by a weakening of centralised authority and increased local autonomy. This decentralisation, combined with the ongoing power struggles within the Stewart family itself, created a volatile environment where legal clarity and effective governance were severely lacking. The competition between Robert Stewart's sons – John of Carrick and Robert, Earl of Fife – exacerbated these tensions, making it difficult for any meaningful conflict resolution to occur. (Boardman, *Kings*, 83, 88)

The northern regions of Moray and Badenoch, where Alexander Stewart's main power base was located, were particularly prone to instability, given the collapse of the Randolph-Regality and the subsequent attempts by various magnates to fill the resulting power vacuum. Stewart's position as Lord of Badenoch and his role as a royal lieutenant as well as justiciar of the north gave him considerable influence, but this influence came with a high degree of legal ambiguity. His position was continually challenged by rivals in court, which, in turn, necessitated a heavy reliance on military solutions to secure his authority.

The legal ambiguities between Alexander Stewart, the Wolf of Badenoch, and Alexander Bur, Bishop of Moray, stem from a tangled history of land rights, regality privileges, and the evolving power dynamics between the Crown, the nobility, and the church. These legal uncertainties were exacerbated by the political instability of 14th century northern Scotland, where overlapping claims to land and jurisdiction blurred the lines of authority and governance. (Oram, Alexander Bur, 195) (see Rogge, 36)

The origins of these ambiguities can be traced back to the early 14th century, when Robert the Bruce granted the earldom of Moray to Thomas Randolph, one of his closest allies, as a reward for his service during the Wars of Independence. As part of this grant, Randolph received a regality, which conferred quasi-royal powers, including legal authority over tenants and the right to collect rents and other dues even from lands belonging to the bishopric of Moray. However, with the extinction of the Randolph line by 1346, following the deaths of Thomas Randolph's heirs, the regality of Moray was left without a clear successor, leading to a period of fragmentation and competition for control over these lands. The resulting power vacuum attracted several claimants, including the Stewarts, who were eager to consolidate their influence in the region (Penman, David II, 124–135, 260).

The legal ambiguity, that made the conflict between Alexander Bur and Alexander Stewart so difficult to solve, started when Robert Stewart (later Robert II) married Euphemia, Countess of Moray, widow of John Randolph, the last Randolph earl. Through this marriage, the Stewarts gained *de jure* control over much of the Randolph inheritance, including Badenoch. This raised questions about the extent of their jurisdiction over church lands, which were previously tied to the Randolph family's regality rights. Alexander Stewart, the third son of Robert II, acquired Badenoch formally in 1370 and began exercising authority over the region. However, the privileges that the Randolphs had enjoyed – especially their rights over the lands and tenants of the bishopric of Moray – became a point of contention between Stewart and Bishop Bur.

The conflict between Alexander Stewart and Bishop Bur reached its legal and political climax in the late 1370s and early 1380s. Bishop Bur, who had been granted certain lands in *regalitem* (placing them outside other jurisdiction), sought to annul the privileges previously granted to the Randolphs and later to Alexander Stewart. These included the right to tax and muster the tenants of the bishopric during times of war, which had been instrumental in securing Randolph's political power in the north. Bur's goal was to reclaim these rights for the bishopric and, in doing so, secure much-needed revenues for the financially strained diocese (Grant, Wolf of Badenoch, 145f.).

The legal dispute intensified in 1380, when Stewart demanded that Bishop Bur pay rents and submit to his authority over lands in Badenoch. Bur refused, citing

the exemption granted by David II, which placed the lands of the bishopric outside Alexander Stewart's jurisdiction. Alexander Stewart, however, retaliated by seizing the bishop's lands, accusing Bur of being a disloyal vassal. The bishop then appealed to the Crown, leading to a royal judgment in his favour, supported by the charter from David II (Oram, Alexander Bur, 199).

The crux of the legal conflict revolved around the interpretation of the Randolph privileges. Stewart believed he had inherited the same rights over the bishopric's lands, while Bur, backed by the earlier ruling of David II, argued that these privileges no longer applied. The situation was further complicated by the political divisions within the royal family. Robert II, Stewart's father, was losing political influence, with his sons, particularly John of Carrick and Robert, Earl of Fife, vying for control of the kingdom. Stewart's actions against the bishop can also be seen as part of this broader political struggle, where local power-holders, such as Stewart, sought to assert their authority amid shifting royal allegiances.

In 1381, Alexander Stewart, pressured by the Crown, begrudgingly acknowledged the bishop's legal victory, but it was clear that this decision was more a product of political expediency than a genuine legal resolution. Alexander Stewart's continued dominance in the north made it difficult for Bishop Bur to enforce his legal rights effectively, leading to a prolonged stalemate that eventually escalated into open violence. The burning of Elgin Cathedral in 1390 was the most infamous expression of this unresolved legal and political conflict, marking the culmination of years of tension between the two men.

Taking the extremely complex legal framework into account, the legal conflict between Alexander Stewart and Bishop Bur was rooted in the dissolution of the Randolph regality and the competing claims to jurisdiction over the lands in Moray and Badenoch. These ambiguities, combined with the economic pressures faced by both Stewart and Bur, and the broader political rivalries within the Stewart dynasty, made legal resolution difficult, pushing both men towards increasingly violent means to assert their authority.

There was also an economic dimension of the conflict between Stewart and Bishop Bur. Like many regions of the Scottish Highlands, Moray suffered from declining agricultural yields and a scarcity of resources, which heightened tensions over land and revenues. Bishop Bur, who had been promoted as bishop of Moray under David II, was under financial pressure due to the burdens of paying annuities for his bishopric, a debt that nearly led to his excommunication. To offset these financial strains, Bur sought to reclaim lands and revenues previously granted to Thomas Randolph, which now lay in Alexander Stewart's hands.

Alexander Stewart, for his part, was equally dependent on the income generated from his lands in Moray and Badenoch. His reliance on the economic privileges granted to the Randolph family through earlier agreements with the bishopric was a crucial component of his ability to maintain power. When Bur

challenged these privileges, Alexander Stewart responded with violence, including the infamous burning of Elgin Cathedral in 1390, not out of a primal, cultural impulse, but out of a strategic necessity to defend his economic and legal position.

The pervasive cultural explanation for Alexander Stewart's behaviour as being rooted in Gaelic barbarity loses much of its force when contextualised within the political and economic realities of the time. One argument presented in scholarship suggests that the extensive use of mercenaries, known as caterans, was a distinctive (cultural) characteristic of the Gaelic Highlands, and this idea carries a certain degree of plausibility (Boardman, *Kings*, 83f.). It is said that Alexander Stewart deployed mercenaries, or caterans, on the lands of his political enemies, using raids on their remaining possessions to force them to cede contested land to him. The basic rationale behind this cateran-strategy also appears in Anglo-Norman regions of Scotland. The use of private armies and the strategic application of violence to secure territorial and economic gains was not confined to Gaelic Scotland. Similar tactics were employed in Lowland regions, as demonstrated by conflicts such as the feud between Dunfermline Abbey and the Diocese of Durham over Coldingham Priory.

Coldingham Priory, located in Berwickshire, was an important religious institution with substantial lands and income. Founded by King Edgar of Scotland in 1098, the priory was originally established under the patronage of St. Cuthbert and became affiliated with the Benedictine community at Durham Cathedral. Over the centuries, Coldingham accumulated significant wealth, particularly through the exploitation of its agricultural lands and the high rents collected from its tenants. As a result, Coldingham became a desirable asset for both ecclesiastical and secular powers, including neighbouring monastic institutions and local landowners, who sought to exert influence over its resources.

Dunfermline Abbey, another prominent religious house in Scotland, also laid claim to Coldingham's lands, seeking to incorporate the priory into its own sphere of influence. However, this led to a protracted conflict with Durham Cathedral, which considered Coldingham part of its own diocese and had historically sent monks to administer the priory.

Amidst this ecclesiastical power struggle, John Swinton, a local laird from Berwickshire, emerged as a key player. Swinton was one of the Disinherited – a group of Scottish nobles who had lost their lands during the Wars of Scottish Independence and fought on the English side under Edward III in hopes of regaining their lost territories. Swinton's family had historical claims to lands in the region, and when the opportunity arose to reclaim some of these ancestral holdings, he seized it (Hunter, *Priory of Coldingham*, 46, 56).

Dunfermline Abbey offered Swinton control over the lands of Little Swinton, which belonged to Coldingham Priory, as an incentive to fight on its behalf.

Swinton, leading a band of 60 professional fighters, occupied these lands, using violence to expel the monks of Coldingham and assert his claim. This tactic – a blend of private warfare and land occupation – closely resembles the *cateran*-strategy, in which force was used to seize disputed lands, followed by legal manoeuvres to legitimise the occupation.

The tactics used by John Swinton and Dunfermline Abbey in their conflict with Coldingham Priory reflect a broader pattern of land disputes in medieval Scotland, where economic interests were often pursued through a combination of militaristic and legal strategies. The case demonstrates that such tactics were not confined to one region or culture, challenging the notion that violence and land occupation were uniquely associated with Gaelic Highlanders. Instead, the Coldingham conflict shows how these methods were employed across the kingdom, reflecting the practical realities of power, land, and wealth in medieval Scotland.

In conclusion, while the figure of Alexander Stewart, the Wolf of Badenoch, has often been presented as a symbol of Highland lawlessness, the reality of his conflict with Bishop Bur was shaped far more by political, legal, and economic considerations than by cultural ones. The legal uncertainties surrounding land rights, combined with the economic pressures faced by both men, were the primary drivers of their feud. Cultural factors, while present, played a secondary role, often exaggerated in chronicle accounts and later historical interpretations. In understanding the actions of the Wolf of Badenoch, we must therefore look beyond the simplistic narrative of a clash of civilisations and instead focus on the complex interplay of power, law, and economy that defined late medieval Scotland.

Galloway: The Barbarian Myth

The medieval Scottish chroniclers often depict regions such as Galloway using the *barbarentopos* – a narrative trope that portrays certain areas and peoples as barbaric or backward. In the case of Galloway, the descriptions focus on the region's alleged violence, social customs, and perceived cultural primitiveness, often contrasting these traits with the more 'civilised' Anglo-Norman areas of Scotland. However, when these depictions are placed within the broader political and economic context, it becomes clear that they served a specific narrative purpose, often used to justify centralisation and political control by the Scottish crown (Brooke, *Wild men*, 116–120).

Galloway, located in the southwest of Scotland, was considered a culturally distinct and somewhat isolated region during the 12th and 13th centuries. The chroniclers of the time, especially those writing from an Anglo-Norman or

Lowland perspective, often depicted the Galwegians as particularly brutal in warfare and socially peculiar. They were described as practicing blood brotherhood and sending their children to foster with other families, customs that were seen as emblematic of their supposed cultural backwardness. These practices were highlighted to emphasise the ‘otherness’ of Galloway and to paint its people as resistant to the civilising influence of the Scottish crown.

One of the key complaints about Galloway’s governance was the oppressive behavior of its local officials, particularly the *searjents* (a term derived from the Anglo-Norman *surdit de sergeant*), who were responsible for collecting both secular and ecclesiastical taxes. These officials, who claimed rights to food and lodging (calps and *frithalos*) throughout Galloway, were notorious for abusing their power, with no higher authority to hold them accountable. This led to their extreme unpopularity among the population and contributed to the region’s negative portrayal in chronicles. For example, it was noted in Dumfries Abbey that simply calling someone a Galwegian was tantamount to a severe insult, reflecting more on the prejudices of the monks than on the people of Galloway themselves.

Despite these negative characterisations, the documentary evidence from the 12th century reveals a more complex reality. Fergus, King of Galloway from approximately 1130 to 1160, was a significant patron of monastic orders, founding Cistercian and Premonstratensian houses at Dundrennan, Soulseat, and Whithorn. His marriage to an illegitimate daughter of King Henry I of England was a prestigious union, comparable to the marriages made by the Scottish royal family. Yet, while similar actions by Scottish kings were viewed as evidence of cultural sophistication and the adoption of Anglo-Norman practices, Galloway continued to be labelled as a Gaelic enclave, and therefore ‘backward’ by the same standards (MacQueen, *Survival*, 70f.).

The negative portrayals of Galloway’s culture in the chronicles often served to obscure the political realities that shaped the region’s history. Far from being driven by cultural distinctiveness or inherent violence, the conflicts in Galloway were primarily political and dynastic, mirroring similar struggles across medieval Europe.

After Fergus’ abdication in 1160, Galloway was divided between his sons, Uthred and Gilbert, which led to a bitter rivalry. Taking advantage of this internal conflict, Malcolm IV of Scotland intervened, occupying Galloway militarily and forcing the brothers to recognise him as their overlord. This political maneuver, akin to the later conquests of Wales and Scotland by Edward I of England, demonstrates how Scottish kings used local divisions to expand their control. The intervention had nothing to do with the cultural traits of Galloway and everything to do with the centralising ambitions of the Scottish monarchy.

The internal strife within Galloway continued in the wake of external pressures. When William I of Scotland attempted to conquer Northumbria in 1174, only to be captured by the English, Uthred and Gilbert saw an opportunity to reclaim Galloway's independence. However, their brief cooperation ended when Gilbert brutally murdered Uthred, signalling that the root of the conflict was not cultural but dynastic. The Scottish crown, under pressure from the English king Henry II, was compelled to intervene once again, demanding retribution for Uthred's murder and reinforcing its claim of overlordship.

This pattern of internal succession conflicts, compounded by external intervention from more powerful neighbours, was a recurring theme in Galloway's political history. The chroniclers' focus on the supposed barbarity of the Galwegians, such as the gruesome details of Uthred's murder, served to frame these events as culturally driven, rather than politically motivated (McCulloch, Galloway, 102–121).

The economic development of Galloway was repeatedly hampered by these political conflicts, yet the chronicles attributed this stagnation to cultural backwardness rather than to the realities of war. The frequent wars and invasions in Galloway, driven by disputes over succession and the ambitions of neighbouring powers, disrupted the region's ability to engage in sustained economic growth. However, as seen elsewhere in Europe, political instability was a far greater obstacle to economic progress than any specific cultural practices.

The portrayal of Galloway as culturally backward obscures the fact that similar political and economic conditions could be found in other parts of medieval Scotland and Europe. Galloway's struggles were not unique; they were shaped by the same forces of feudal inheritance, external conquest, and political factionalism that affected many other regions. For example, the use of fosterage, derided in chronicles as a barbaric custom, was also practiced by Robert the Bruce and his Anglo-Norman family, showing how such cultural practices could be integrated into broader political strategies without hindering economic or political advancement (Duncan (ed.), John Barbour, 253, 257, 269, 273).

The use of the *barbarentopos* in medieval chronicles served not only to depict Galloway and other regions as uncivilised but also to justify the expansion of central authority over these territories. As the Scottish crown sought to consolidate control over peripheral regions like Galloway, the portrayal of their inhabitants as violent, lascivious, and economically underdeveloped served to legitimise royal intervention. This narrative mirrored the English use of the *barbarentopos* in their expansions into Wales and Ireland, where similar accusations were levied against the local populations to rationalise conquest and occupation (Rogge, Freiheit, 341–368).

In the case of Galloway, the depiction of the region as politically and economically backward was essential in framing its annexation by the Scottish crown

as a necessary civilising mission. The narrative created a dichotomy between the ‘civilised’ center and the ‘barbaric’ periphery, even though the political and economic practices in Galloway were often not so different from those in other parts of Scotland. Practices such as the *surdit de sergeant* (the right of officials to demand food and lodging) and the *kenkynolle* (probably a form of baillie in Galloway) were vilified in chronicles but continued to be used by the Anglo-Norman elite after Galloway was incorporated into the Scottish realm (MacQueen, *Laws*, 138; MacQueen, *Survival*, 70f., 85f.).

As the Scottish crown absorbed Galloway into its domain, it is telling that many of the region’s so-called ‘barbaric’ practices were retained by the new Anglo-Norman rulers. The *surdit de sergeant* and *kenkynolle* systems, which had previously been criticised as evidence of Galloway’s backwardness, were used by the Bruce family and other elites to extract resources from the region. This suggests that these practices were less about cultural identity and more about the pragmatic needs of governance in a resource-scarce region.

The *barbarentopos* applied to Galloway in medieval chronicles was less a reflection of actual cultural differences and more a political tool used to justify the expansion of Scottish royal authority. The real drivers of conflict in Galloway were political and dynastic, not cultural, and the economic stagnation of the region was a consequence of ongoing warfare rather than inherent backwardness. By examining the political realities behind these conflicts, it becomes clear that the chronicles’ portrayal of Galloway as barbaric served a strategic purpose in promoting the centralisation of power by the Scottish crown (Berlandi, *Birthplace*, 270–272).

Conclusion: Reconsidering the Role of Culture in Scottish History

The cases of alleged conflicts arising from the clan system, the Gaelic ‘barbarity’ of the Wolf of Badenoch, and the supposed backwardness of Galloway illustrate how the uncritical use of culture as an explanatory category can mislead historians and obscure some of the drivers behind the here discussed events. Political and economic conflicts, rather than cultural identities, were clearly the primary motivators behind these conflicts. The differences between Gaelic and Anglo-Norman Scots regarding land administration and marriage practices were smaller than previously suspected.

In all of these cases, the search for cultural factors was very plausible and understandable, as the chronicles often emphasise cultural differences as the main causes of conflict. Preconceptions developed in the 19th century thus appeared to find confirmation in the sources. A fundamental problem in historical research is that economic interests or strategic considerations are rarely found in

narrative sources. Therefore, mainly indirect evidence has been compiled here, which can at least challenge the certainty that cultural otherness was the sole reason for the escalation of these conflicts or for the ruling practices of Gaelic and Anglo-Norman families.

It remains quite plausible to assume that significant cultural differences existed between Galloway and the rest of the kingdom and the Gaelic regions under the Lords of the Isles. However, it is very challenging to describe exactly what these differences were, although they may have seemed obvious to contemporaries. Unfortunately, they can only be reconstructed from the sources with great caution, as these sources are overlaid by contemporary conflicts and the accompanying propaganda.

In the case of Galloway, it is evident that there was a continuity of offices and administrative structures after the integration of the territory into the Kingdom of Scotland. Afterwards, in the 14th and 15th centuries, the inhabitants of Galloway no longer appeared prominently as cultureless barbarians in the reports of Scottish chroniclers. This contrasts with the Lordship of the Isles. Martin Macgregor has shown that the Scottish chroniclers continued to have an ambivalent attitude towards the Gaelic origins of the Scots long after the end of the MacDonald Lords of the Isles with the last male heir of the main line, Angus Og, in 1490 (MacGregor, *Gaelic Barbarity*, 46–48).

This may be related to the fact that the region remained politically unstable into the early modern period. In 1545, Dòmhnall Dubh attempted to re-establish the old MacDonald rule over the western islands. Furthermore, the Jacobite insurgents, who found significant support in the Scottish Highlands, may have contributed to associating the region with political backwardness. Charles Edward Stuart, the so-called ‘Bonnie Prince Charlie’, indeed represented a concept of kingship based on divine right, which was consistently rejected by the rest of the United Kingdom. These notions were not backward in the 15th century, but were contemporary. Nevertheless, it is possible that the Highlands, regularly at the center of political conflicts, ultimately became associated with violence and backwardness in the cultural memory. This explanation, however, is an oversimplification that overlooks the complex economic and social historical causes of each of these conflicts.

A broad positive appropriation of Gaelic culture probably first occurred through the initiative of the exceptional poet Walter Scott, who orchestrated, among other things, King George IV’s historic visit to Scotland in 1822. On this occasion, the King appeared in a kilt multiple times, helping to popularise this garment after the wearing of kilts had been partially banned following the Jacobite uprisings. Additionally, Walter Scott’s novels, such as *Rob Roy* and *Waverley*, naturally contributed to the romanticisation of the Highlands and thus paved the way for a positive appropriation of Gaelic culture in the United

Kingdom. This was ultimately also facilitated by the Highlander regiments in the British Army. The Gordon Highlanders Regiment, which was deployed in both the colonial wars and the two world wars, gained particular prominence. Through the military performance of the Highland Regiments, a positive reinterpretation of barbaric Gaelic violence into national heroism was accomplished.

Gaelic violence, or the backwardness, now the distinctiveness, of Gaelic culture, has a long and complex history. This must be acknowledged when attempting to uncover what may have been cultural differences between Gaelic and Anglo-Norman Scots. It may be helpful to more clearly distinguish between the level of narrating these conflicts and the concrete practices of rule. Cultural differences are primarily narrated and emerge from social negotiation processes. The logic of lordship follows its own necessities, which do not necessarily align with these narratives. This compilation has made that much clear.

2.3. Centralisation and Political Conflict

As the following analysis of private charters will reveal – many of which date back to the reign of James I, James II, and James III – Scottish kings did not govern the regions at will. Therefore, contrasting ‘weak kings’ who allegedly lacked this ability with ‘strong kings’ is highly questionable. Rather, James I and James II are seen as successful because they managed to conclude their bloody civil wars with the high nobility, unlike the ‘weak kings’ who lost theirs. While this is likely why contemporary narrative sources echo the judgments of modern research, battlefield success or a greater degree of ruthlessness should not be the central criteria for historians in the 21st century when evaluating a ruler positively (Penman, David II, 438) (Mackie, *Short History*, 79).

Contrary to a superficial assessment of the kingdom’s internal organisation, there was no comprehensive network of shires enforcing the central authority’s will. Similarly, as the Crown-Magnate Controversy has impressively demonstrated, the earldoms and provincial lordships were not suitable units for ensuring the Crown’s control over the region. Additionally, both entities were riddled with legally exempt areas. The regalities, that did not report to the king’s officials, and the hereditary nature of these titles made it difficult, if not impossible, to influence the personnel in these offices. Therefore, it is unsurprising that the centralisation of Scotland identified by scholars after James I’s reign could only occur through the physical elimination of those who had land and offices in abundance. The most prominent noble families, the Black Douglases and the Albany Stewarts, fell victim to the ambitions of James I and James II.

The intriguing question is not whether and to what extent the Scottish kings modelled themselves after the English, but rather why the Scottish lower nobility,

accustomed to a certain form of governance in these regions and with a clear understanding of good lordship, eventually supported this development. One possible explanation to be examined is that what historians perceive as centralisation might actually be a merging of domains into a personal union under the Scottish kings at the level of the higher nobility. The functionality of governance in the region largely remained intact, giving the lower nobility no reason to view the feuds of the high nobility as a dramatic administrative overhaul of the kingdom, let alone a clash of different national ideologies (Berlandi, *Birthplace*, 172).

The charters of the Arbuthnot family provide a valuable source for examining this question. Unlike other collections in the study corpus, this one is particularly dense. Starting from the end of James I's reign, the charters become increasingly frequent from the 1460s onward, with at least two land transactions per year. Additionally, there are wills and private contracts, allowing for well-documented statements about the actions of the lairds of Arbuthnot and their political environment in Kincardineshire.

The Establishment of the Keiths and Arbuthnots in Kincardineshire at the Beginning of the 15th Century

The well-documented stable power structure in the region likely formed at the beginning of the 15th century. The noble family that would establish their power base in Kincardineshire for the coming centuries, the Keiths, first acquired possessions in this region after fighting on the side of Robert the Bruce in the First War of Independence and were rewarded with former Comyn lands by the Parliament of Perth in 1320. Their claims to land in Kincardineshire were confirmed by Robert II in 1375. Besides holding the court office of Marischal, which the Keiths had already held under Malcolm IV (1141–1165) and William the Lion (1142–1214), Robert, 1st Duke of Albany, granted them the hereditary office of sheriff of Kincardineshire in 1406 or 1407, thereby solidifying their power base in the region. The first volume of the Exchequer Rolls attributed the office to William Keith already in 1359 (ER i 1878, xxviii) (cf. Fraser, *Melvilles* i, liii.). It is plausible to assume that the Keith family held the office more or less from 1359 onwards.

The Keith family further secured their power base in Kincardineshire between 1378 and 1392 through extensive land exchanges between William Keith (d. c. 1410) and his wife with John Lindsay of Byres. William Keith, through his marriage to Margaret Fraser, had acquired lands in Fife and Stirlingshire, which he exchanged with the Lindsays of Byres for the barony of Dunnottar in Kincardineshire. Around 1395, he rebuilt and expanded the castle at Dunnottar, which then became the main seat of the Keiths.

These changes were not without disruption at the laird level in Kincardineshire and produced their own dynamics that eventually aided the rise of the Arbuthnots in the 15th century. Looking back to the High Middle Ages, the power dynamics in Kincardineshire appeared entirely different, as the Arbuthnots did not hold any offices in the region during the 13th century, unlike other prominent families. John Wishart held the title of sheriff of Mearns, the older name for Kincardineshire, at least until 1238. Before him, Philip Melville held the office until 1222, and his possessions in Kincardineshire became the family seat of the Melvilles of Glenbervie branch. A confirmation charter from David II to John Melville of Glenbervie in 1366 lists his possessions in Kincardineshire in detail. In contrast, the Arbuthnots, although documented in a dispute over revenues from church land in the barony of Arbuthnot with the bishopric of St Andrews since 1206, were not as significant in the region as the aforementioned families judged by their appearance in charters.

The official records are inconsistent with the narrative accounts of how the change of lordship in Kincardineshire came about. This makes it difficult to interpret the power shift in Kincardineshire as described in the Arbuthnot family chronicle. The chronicle, titled “Originis et incrementi familiae Arbuthnoticae, Descriptio Historica,” was written in Latin around 1567 by Alexander, Principal of King’s College (1538–1583), who partly relied on the accounts of his father Andrew Arbuthnot of Pitcarles (1497–1570). Robert Arbuthnot, a minister of King’s College, also interfered with the text. To this date there is no critical edition and questions on authorship of the chronicle rely on the account of Mrs. P.S.M. Arbuthnot the author of the *Memories of the Arbuthnot’s of Kincardineshire and Aberdeenshire* (Arbuthnot, *Memories*, 41–43).

The chronicle reports that Hugh Arbuthnot (d. 1446) murdered John Melville of Glenbervie around 1420. The chronicle also presents the transcript of the pardon letter that protected Hugh Arbuthnot from prosecution. Crucially, Hugh Arbuthnot was married to Margaret Keith (d. 1419), daughter of Robert Keith (d. c. 1430). This marriage made the Arbuthnots the only lairds in Kincardineshire with a kinship connection to the Keiths in the 15th century. It is plausible that the Arbuthnots had an interest in the establishment of the Keiths in the region or used their close ties to the sheriff to resolve power struggles with the Melvilles without fearing prosecution.

The problem is, that it is highly unlikely that the Melvilles of Glenbervie still held the office of the sheriff of Kincardine at this point. William Fraser’s suggestion that the office was hereditary from the 13th century and continuously held by the Melvilles of Glenbervie is disproven by the fact that John Wishart succeeded Philip Melville. As already mentioned William Keith already held the office in 1359.

Whether a prolonged feud with the Arbuthnots or the ambitions of the Keiths were decisive is unclear, but the Melvilles of Glenbervie lost significance in the region after 1420. They are absent as witnesses in all significant land transactions, mostly in favour of the Arbuthnots. This contrasts sharply with earlier records that depict the Melvilles of Glenbervie as one of the more influential families in Kincardineshire. The line of the Melvilles of Glenbervie ended during the reign of James II, not due to the Arbuthnots but due to genealogical happenstance. Elizabeth, the heiress of Alexander, the last Melville laird of Glenbervie, married John Auchinleck, whose family held the title for the rest of the century (Berlandi, *Birthplace*, 172–174).

The Importance of the Lairds in the Governance of Kincardineshire

In addition to insights from narrative sources, the analysis of the witness lists in the private charters of the Arbuthnots also provides clues about the distribution of power in Kincardineshire. As Alheydis Plassmann noted in her evaluation of the witness lists of the Salian kings' charters, the importance of a noble is higher the more frequently they appear in charters related to the region. This context needs to be adapted for Kincardineshire, where a key difference from Salian politics in Burgundy is evident: there is no independent intervention by the Scottish kings or regents in Kincardineshire after the hereditary transfer of the sheriff's office to the Keiths. Instead, the land transfers in the Arbuthnots' records suggest that local land sales or transfers, often negotiated as part of dowries, were initially handled at the local level. These transactions sometimes even took the form of private contracts, where the parties agreed to return the land to the king or sheriff at a certain time, who would then issue it to the buyer or recipient.

Thus, the king or his officials, represented by the Keith family, seemed to merely confirm arrangements that the lairds had already negotiated among themselves. It is interesting to observe which families were present at the Keith court in Dunnottar Castle, not directly involved in the land transactions but acting as the Keiths' baillies to install new owners in their lands. These families can be seen as the power factors on which the Keiths' control of the region was based, and whose interests could not be easily ignored. Of the 90 documents examined here, 58 – more than half – lack witness lists. These are private contracts such as marriage agreements or other bonds of obligation where someone commits to perform a specific legal act in the future. Instructions to the baillies to perform an installation, as carried out through the precept of sasine, also do not require witnesses.

Of the remaining 32 documents with witness lists, six are royal confirmation charters, where the witnesses are simply those present at court. These do not provide information on the social hierarchy of the lairds in Kincardineshire, as they do not represent royal interventions in the region. Seven of the remaining 26 documents – a good quarter – are witnessed by the Arbuthnots, including four where no member of the Arbuthnot family is involved as issuer or recipient. In three cases, the Arbuthnots traveled to the Keiths' main seat, Dunnottar Castle, to perform this function, and once to Drummelie to assist the second most important family in Kincardineshire, the Wisharts of Pitarrow. The Wisharts of Pitarrow witnessed five documents for others' affairs, travelling three times to Dunnottar or the sheriff court at Aberdeen, witnessing one document concerning land near their seat in Pitarrow, and traveling to Orchardtoun to serve as witnesses for the Arbuthnots. The Wisharts of Pitarrow also acted as the Keiths' baillies in the precepts of sasine, underscoring their prominence.

Other families appearing in the witness lists do so less frequently and usually only witness matters affecting themselves or their immediate surroundings. The Lindsays of Pittaple witnessed the sale of Orchardtoun from Andrew Menzie of Pitfoddels to Robert Arbuthnot in 1483. The Strachans witnessed three documents related to the transfer of Welflat. The frequent presence of the Menzies, a merchant family from Aberdeen, in documents mostly issued by or for the Arbuthnots, can be explained by their familial relationship. Margaret Arbuthnot (born before 1419) married Andrew Menzie, the progenitor of the Menzies of Pitfoddels, the branch of the family based in Kincardineshire. However, the Menzies of Pitfoddels did not witness any documents issued at Dunnottar, despite being maternally related to Elizabeth Keith through Margaret Arbuthnot (Berlandi, Birthplace, 174–176).

The Primacy of Local Land and Property Interests Over Royal Jurisdiction

The high number of Menzie charters in the Arbuthnots collection can be explained by a decades-long legal dispute with the Touch family which is already discussed above (see above, 106). Still, it is interesting to emphasise that despite the fact that the central jurisdiction – here in form of the lords of council – repeatedly acknowledged that the Menzie family was entitled to extract the rents of Ochterdtoun and Portertoun, the dispute only ended by the intervention of the Arbuthnots and not by the Crown or the Keiths. The Touch family, who obviously had a different interpretation of what payments were due to the Menzies also tried to gain support of other local landowners such as the Ogilbys (Menzie iii, no 47). Despite the fact that the central jurisdiction was involved in the conflict and issued judgments, the conflict itself was solved locally.

This raises the question of what the term ‘centralisation’ can signify under these conditions. The Keiths were largely loyal followers of the royal family. There was a loyal official, related to the region’s most important lairds, the Arbuthnots, and yet a royal decree, like that of James II in 1453, could be ineffective if the issue did not directly affect the lairds’ interests. Even charters directly issued by William Keith were preceded by negotiations between the lairds, often as part of a marriage. For example, in 1456, Alexander Strachan transferred lands in the barony of Peattie to his daughter Margaret as a dowry for her marriage to Alexander of Dullievaire, with William Keith’s confirmation coming only in 1473. The marriage agreement between the Wisharts and the Arbuthnots for the 1468 wedding of Margaret Wishart and Robert Arbuthnot exists only as a private contract in the Arbuthnots’ records. Notably, the dowry was offset against the Arbuthnots’ debts to the Wisharts’ relatives, with the remaining amount secured through land transfer in warrandice. This meant the land was pledged temporarily until the owed amount was covered by its yields. It is surprising that such complicated arrangements were only secured privately, possibly due to the loss of relevant documents or the significant influence of the Wisharts and Arbuthnots in Kincardineshire, making sheriff confirmation unnecessary. Only in the complex dispute over the leased land did Robert Arbuthnot have his agreements with Walter Touch confirmed by James IV’s regency council in Edinburgh on October 20, 1488.

Only in one case can pre-negotiations between the lairds be reconstructed from the witness list of the charters. On December 7, 1480, William Gallonhill handed over the lordship of Welflat to the king, represented by his sheriff, William Keith. A few days later, on December 15, Keith transferred Welflat to John Strachan of Thornton. This relinquishment of claims occurred at Gallonhill’s family seat, but the witnesses all belonged to the Arbuthnots’ and Wisharts’ network: George Barclay, William Strachan, David Strachan, and William Kox. In 1464, Patrick Barclay, a member of the Barclay family, married Elizabeth Arbuthnot, daughter of David Arbuthnot, and the transfer of Welflat to John Strachan of Thornton was primarily witnessed by James Wishart of Pitarrow. It is reasonable to assume that John Strachan’s favour from William Keith occurred at least with the consent of the Wisharts and Arbuthnots.

Overall, it seems that the lairds arranged their properties through marriage and inheritance and then approached the sheriff or king. In Kincardineshire, the lairds were largely responsible for land distribution – or to put it pointedly – the rulers of Kincardineshire resided not in Dunnottar or Edinburgh, but in Arbuthnot and Pitarrow (Berlandi, Birthplace, 176–178).

The Challenges of Administrative Establishment After the Annexation of Counties

The difficulties which even the proponents of a so-called strong monarchy faced in intervening in local administrative structures can be illustrated by the case of the escheat of the Earldom of Mar. Traditionally, the escheat of Mar to the Crown in 1435 has been seen as evidence of James I's excessive need to increase Crown revenues. However, there are indications, especially when looking at the events from the perspective of the local executive lesser barons, that Mar serves more as an example of Scotland's strong decentralised tradition rather than a shift towards greater centralism and royal independence from the magnates' influences as perceived by James I.

After the death of the heirless Alexander, Earl of Mar and Lord of Garioch, in 1435, various interests clashed in the region. Alexander had forced Isabella Douglas, the widow of Malcolm Drummond, to marry him in 1404, thus taking over the county. After the Battle of Harlaw in 1411, he became an indispensable bulwark against the MacDonalds, first for the Albany regime and later for James I, who waged war against the Lord of the Isles between 1428 and 1430 (see Rogge, 52, 60). This initially led to the recognition of Mar's usurpation in *liferent* (for life), and in 1426, after the Earl of Mar supported James I in destroying the Albany-Stewarts, the king granted him the right to bequeath the county to his son Thomas, who died in 1430 (Brown, James I, 108).

One claimant to Mar was Robert Erskine. In the 1390s, the Erskines secured royal recognition of Janet Keith, Robert's mother, as the closest relative of Isabella Douglas, Countess of Mar. Isabella was the sister and heiress of James, 2nd Earl of Douglas, who died at the Battle of Otterburn in 1388. She was only excluded from land titles mentioned in the 1342 inheritance contract of William Douglas of Liddesdale, which therefore passed to Archibald The Grim, 3rd Earl of Douglas. When Isabella died childless in 1408, the Erskines, supported by William Keith and initially Albany, demanded their installation in Mar (see Rogge, 61). Only the Battle of Harlaw and Alexander's ability to present himself as an indispensable ally for the Albany regime prevented Robert Erskine from becoming Earl of Mar. After Thomas Stewart's death, Robert Erskine had a realistic chance to take over the county again. In the summer of 1433, he visited Aberdeen and made connections with the Forbes family, transferring land in the lordship of Kellie in Buchan to William, the younger brother of Alexander Forbes. The Forbes family, serving as executive lesser barons for Alexander, Earl of Mar, was crucial for controlling the county. Alexander Forbes, on the other hand, prepared for the post-Alexander, Earl of Mar, era. In 1432, he became deputy sheriff of Aberdeen, replacing Andrew Stewart of Sandlaw, the illegiti-

mate brother of the Earl of Mar. The hereditary sheriff office of Aberdeen was held by the Earl of Crawford (Brown, James I, 157).

Initially, James I supported the claims of Thomas Stewart's widow, Elizabeth Douglas, daughter of Archibald, 4th Earl of Douglas. She was first married to John Stewart, 3rd Earl of Buchan, a son of Robert, 1st Duke of Albany, and later to Thomas Stewart. In 1432, a dispensation was issued for Elizabeth's marriage to William Sinclair, Earl of Orkney. James I might have planned at that time to transfer her widow's portion of Mar to Orkney *de iure uxoris* (by right of his wife) and incorporate the rest of the earldom into the Crown. However, as the example of the Arbuthnots in Kincardineshire suggested, an arbitrary reorganisation of regional networks was not feasible. The Forbes were key figures for any form of administration in Mar, and in 1435, even James I had to accept Alexander Forbes as his baillie in Mar, while William Sinclair never gained a foothold there. Forbes was willing to accept revenue extraction at the earldom level because it made no difference to the lairds in Mar whether the earldom was formally Crown property or managed by an earl. It is therefore hard to decide if James I's interest in Mar was purely financial or if revenue administration was the maximum authority achievable in Mar at that time. Although focusing on revenues from Mar fits well with the narrative of James I as a greedy king who seized every opportunity to profit from his subjects' possessions, it is doubtful whether the annexation of Mar fits this image seamlessly. The absence of evidence suggesting James I intended deeper administrative changes in Mar might indicate particularly strong regional administrative structures and networks, rather than purely profit-driven actions by the Crown (Brown, James I, 158) (see Rogge, 71).

This suggests that what might be perceived as increasing centralisation at the land ownership level – the growing concentration of land in the Crown's hands – was actually a concentration of revenues. There is no significant administrative reorganisation or replacement of key executive lesser barons. Instead, the Crown cooperated with them to disempower the original high noble owners. This explains why there was no notable resistance from the lairds against the concentration of land in the Crown's hands. For these families, not much changed. Whether they performed administrative tasks for an earl or directly for the king, it opened new opportunities. The decentralised structure of jurisdiction remained unchanged, and the staff of the Crown administration did not grow, potentially increasing the lairds' freedom. The complaint of advocates for a central, so-called strong monarchy, that David II “could not follow through and do what he really wanted in his own kingdom,” (Penman 2004, 438) applies equally to the strong kings of the 15th century, even in the regions they directly controlled. This might be less noticeable because David II and the early Stewart kings still aimed to be good rulers, successfully intervening and pacifying con-

flicts, while James I, James II, and James III were content if the expected revenues reached the exchequer (Berlandi, Birthplace, 179f.).

Political and Economic Reasons for the Increasing Violent Conflicts between the Crown and their Magnates

If the Anglicisation of the Scottish administration through the centralisation efforts of the three James kings was not the decisive factor behind the severe conflicts within the Scottish nobility, then we must seek alternative explanations.

This requires relying on indicators to distinguish phases of high and low levels of violence. A straightforward glance at the chronicle tradition, apart from offering a rough estimate of the empirical level of violence in Scotland, provides little insight. During the 2nd War of Independence, Gowrie, Angus, and the Mearns (Kincardineshire) were said to be completely overgrown and nearly depopulated. In 1339, the towns of Perth and Aberdeen were devastated, and the few administrative documents that have survived confirm a significant economic and demographic collapse due to violence. In 1344, the Abbot of Inchaffray attributed the absence of rent payments from Dunning in Strathearn to these circumstances: “*they received but little, by reason of the misfortunes of war and the fewness of the inhabitants.*” (Inchaffray Chrs., no. 130).

The 14th century was marked by violence through the Scottish Wars of Independence, and the 15th century by violence within the Scottish nobility. Here, we can refer to parliamentary grievances, which identified this violence as a central problem for maintaining order and ensuring security. Nevertheless, there is no reason to assume a higher murder rate than in the Kingdom of England, which also entered a period of political instability in the 15th century with the Wars of the Roses. Estimates there suggest about 20 murders per 100,000 inhabitants, which, applied to Scottish demographics, would equate to between 70 and 80 murders per year within conflicts that escalated into violence.

Since the records of the sheriff courts have not survived, we must rely on at least five alternative sources to gather empirical data on violence. The first and most obvious approach is to examine the Exchequer Rolls for income losses due to wastelands. These records regularly note the reason for the land’s devastation. Between 1368 and 1479, the Exchequer Rolls recorded 713 instances of income loss, of which 122 entries cite violence as the cause of the land’s destruction. Only one-third of these entries result from war with England, while 27 cases of wasteland after 1430 in the Borders were mainly caused by Scots in exile, like the Douglasses, which could certainly be seen as an extension of the civil war starting in 1452. Only seven other instances of wasteland were not attributable to the Crown’s feud with the MacDonalds, who were clearly the Crown’s main adver-

saries in the 15th century, causing the greatest financial damage to the Scottish kings (Berlandi, Birthplace, 186).

A second indicator could be the number of political assassinations within the high nobility. These events are often the beginning or end of intense violent acts and serious internal political disputes. Although there were indeed internal conflicts of interest in Scotland in the 14th century, which occasionally led to uprisings in 1320 and 1364/65, these were limited in time and rarely claimed the lives of significant political figures: in 1306, Robert Bruce murdered his rival John Comyn in the struggle for the Scottish throne, and in 1353, William Douglas of Liddesdale was killed by his relative William, the later 1st Earl of Douglas. In 1360, David II's mistress, Katherine Mortimer, was murdered. The murder of James Lindsay by John Lyon of Glamis in 1382, son-in-law to Robert II, is also seen as politically motivated, as Lindsay may have felt slighted by the Crown regarding his land claims.

The century following the Otterburn campaign of 1388 saw twelve political murders within the high nobility, three times as many as in the previous century: in 1402, the Duke of Rothesay; in 1404, Malcolm Drummond; in 1425, Murdoch Stewart, Walter Stewart, and Alexander Stewart; in 1437, James I; in 1440, William, 6th Earl of Douglas; in 1452, William, 8th Earl of Douglas; in 1469, Alexander Boyd of Drumcoll; in 1482, Thomas Cochrane; in 1480, John Stewart; and in 1488, James III (Berlandi, Birthplace, 186f.).

Aside from the Exchequer Rolls, another source of interest from the royal financial administration in this context is the Treasurer Accounts. The position of Treasurer was introduced during the administrative reorganisation under James I, taking charge of feudal and judicial dues, known in Scottish research as feudal casualties. Through records of income from remissions (pardons granted for violent offenders and murderers in exchange for payment), these accounts provide excellent indicators of the level of societal violence in Scotland.

Additionally, two jurisdictional sources offer insights into the intensity of violence: the Acts of Parliament, which include judgments on long-standing feuds that had eluded lower court resolution, and the Accounts of the Lords Auditors, which acted as a kind of judicial committee within Parliament to address such disputes.

In the cases handled by the Lords Auditors up until 1490, nearly a third (52 out of 178 cases) were directly linked to the use of violence. Determining whether violent conflict lay behind any particular case, however, is not always straightforward. Many plaintiffs, even in inheritance disputes, accused the other party of spoliation (*spulzie*) to bring the case before a central court. Cases involving 'fee and heritage' were supposed to be handled at the sheriff court. However, as local courts were monopolised by magnates, lesser lairds often had little hope of receiving an impartial judgment based on the political climate of the region and

attempted to have their cases heard in other courts. Thus, reading the Accounts of the Lords Auditors uncritically can give the impression of a high density of thefts, while in reality, there were only a few violent inheritance disputes behind these cases (Berlandi, Birthplace, 186).

The Treasurer Accounts appear more revealing at first glance. In the financial year 1473/74, James III collected £1,462 6s 8d from remissions, fines, and confiscated movable goods, with £994 6s 8d coming solely from remissions. This figure may initially seem high, but considering that some of the murders in question had occurred several years prior, it becomes clear that the revenues recorded by the Treasurer, John Laing, Bishop of Glasgow, do not necessarily indicate an eruption of violence in 1473 (Berlandi, Birthplace, 187).

The picture these indicators present is clear. Measurable economic damage from internal Scottish conflicts increased over the course of the 15th century. To some extent, this can be attributed to various distortive effects. For instance, the Treasurer Accounts were only kept from 1473 onwards, meaning no record of remission revenues exists for the 14th century. Parliament's judicial activity also increased in the 15th century, leading to the establishment of professional, permanent courts, which in turn produced a greater volume of documented disputes. Additionally, internal and external conflicts were intertwined during the Scottish Wars of Independence in the 14th century, meaning that the relatively low number of internal disputes can partly be explained by their concurrent handling within the war against England.

While these limitations must be considered, they do not change the fact that political assassinations within the high nobility and entries in the Exchequer Rolls already reveal a qualitative difference in the intensity of violent conflicts within the Kingdom of Scotland before and after 1400. It is evident that this cannot be explained by the 'civilisation level' of Scotland.

Faction Wars 1388–1488

The impressive span of almost three centuries of a formal state of War between Scotland and England should not obscure the fact that, from the Battle of Otterburn in 1388 to the Lauder crisis of 1482 and the battlefield death of James III in 1488 fighting against his own subjects, internal political conflicts far outweighed the formally existing state of war with external foes. In the 15th century especially, internal conflicts in Scotland were numerous and regularly claimed the lives of high-ranking nobility. MacDougall acknowledges this particularly for the period from 1425 to 1460. These internal conflicts bore no relation to the Anglo-Scottish struggle. Yet, good arguments can be made to extend the predominance of internal political conflicts further back into the 14th century and forward into the

reign of James III, beyond MacDougall's timeframe. Thus, not the provision of external security but rather internal stability became the primary challenge for the Scottish monarchy in the 15th century (MacDougall, James III, xviii).

The cooperative organisation of rule between the Scottish kings and their magnates effectively ended with the Otterburn campaign of 1388 during the reign of Robert II. Even before Otterburn, factional struggles began to dominate political decision-making in Scotland. The two royal sons, heir apparent John of Carrick and his younger brother Robert of Fife, sought to build support bases to take control of the government even before their father's death. The backing of the powerful Black Douglas family was particularly crucial, and between 1384 and 1388, John of Carrick succeeded in securing their loyalty. As a result, Carrick was declared guardian in 1384 and assumed governance, while his brother Robert retained the significant position of chamberlain, allowing him to complicate Carrick's access to royal finances (Boardman, Kings, 159).

However, John of Carrick was able to retain Douglas loyalty only by securing successful territorial gains in the Borders, lands traditionally held by the Douglases but still occupied by English garrisons. After initial failures in 1384 and 1385, which led to English reprisals that devastated much of southern Scotland, Richard II forced Carrick into a new truce. In the 1380s, Richard II was far from planning any conquest of Scotland, being preoccupied with domestic criticism, particularly regarding his advisors and financial policies. Following a major uprising in 1381, Parliament forced him to dismiss William de la Pole in 1387 and threatened his deposition if he did not comply. Therefore, the Otterburn campaign was driven more by internal political factors on the Scottish side. Defence against an imminent English invasion was unnecessary, and Richard would likely have agreed to long-term truce agreements (see Rogge, 37).

In the Battle of Otterburn on July 27, 1388, James, 2nd Earl of Douglas, defeated the English under Henry Percy but was fatally wounded. Douglas left no direct heir, sparking a succession crisis within the Douglas family. Malcolm Drummond, husband of Isabella Douglas, James's sister, claimed the inheritance. In 1342, William Douglas of Liddesdale had established a succession agreement that would pass the inheritance to Archibald Douglas, known as 'The Grim,' an illegitimate son of James, 'The Good Sir Douglas,' hero of the Wars of Independence, if there were no direct male heirs. John of Carrick supported Drummond's claim, while Robert of Fife backed Archibald the Grim, who ultimately prevailed. Thus, the resources of the Black Douglases bolstered Robert of Fife, who was declared guardian in late 1388 and took control of the government (see Rogge, 37).

This coup d'état effectively placed the younger royal prince in power, even following the coronation of his brother John, who took the name Robert III. In 1396, Robert of Fife received the honorary title Duke of Albany, and his shadow

regime, with minor interruptions from 1388 until his death in 1420, is often referred to as the Albany regime (Boardman, *Kings*, 197, 214f., 244–247).

From this point on, the basic willingness of the Scottish high nobility to cooperate with each other and with the Stewart kings was fundamentally damaged. Although there had been significant tensions before, they had never escalated into open violence. Rather, after Otterburn, two noble networks were in direct competition, fighting each other for control of the government and key revenue sources. The historical narrative of these conflicts is well documented and has been insightfully examined by Stephen Boardman, Michael Brown, and Norman MacDougall.

The rivalry between John of Carrick, later Robert III, and his younger brother, the Duke of Albany, was followed by the destruction of the Albany Stewarts by James I. This was succeeded by the Crown's competition with the MacDonalds over land in northwest Scotland. After James I was assassinated, factional alliances formed around Bishop Kennedy and Queen Joan, followed by James II's civil war against the Black Douglas family, and then new conflicts over the Boyd regency council and the murder of James III after the Battle of Sauchieburn in 1488 (see Rogge, 88f.).

This cycle of conflict was largely due to the relentless pursuit of opponents by the three James kings, who showed no desire for reconciliation. They did not hesitate to openly break the law, as seen in the murder of the 8th Earl of Douglas at the hands of James II. Such behaviour destroyed any trust in the possibility of a peaceful compromise with these kings.

Additionally, the three James kings misused the tax system, legal authority, and coinage for personal gain. James I built Linlithgow Palace with tax revenues that had been approved by Parliament for waging war against the MacDonalds. James III minted inflationary copper coins to amass a hoard of silver coins for himself. Conflicts within the nobility were not pacified but instead prolonged to benefit the Crown through bribes from both parties and, eventually, by seizing disputed lands for themselves. Norman MacDougall has compellingly demonstrated this in the Hume dispute over Coldingham (MacDougall, *James III*, 292f.)

It seems reasonable to attribute the Scottish kings' series of political missteps following James I to their personal character flaws – certainly the perspective taken by contemporary critics of the three James kings. However, this interpretation would overlook non-anthropogenic factors affecting Scottish society. Climatic changes from the 14th century onward steadily reduced the resources available to the noble society. Added to this were wars, plagues, and the resulting demographic disaster. Naturally, the highly stratified Scottish feudal society responded to this external pressure by trying to shift the negative economic consequences onto the lower strata. This is evident in the economic and social policies that James I passed through Parliament shortly after his return. Al-

though this approach appeared to be a rational response to the declining agricultural productivity from the nobility's perspective, additional demands such as field protection against erosion, enforcement of minimum working hours, and measures in the penal system to enforce dependency among the rural population threatened the subsistence and economic recovery at society's base. The shortage stemming from non-anthropogenic factors hit the Third Estate particularly hard, resulting in a weakened population with low resistance to new plagues in the 15th century, which were much less dangerous than the Black Death. Social policies and non-anthropogenic factors thus reinforced each other.

At the lower social levels, scarcity, malnutrition, and death were the visible consequences of these developments, while economic pressure among the nobility manifested in increased violence. The two primary methods of conflict resolution without violence were compensatory payments and impartial Crown intervention. In simplified terms, the allocation of resources with acknowledgment of the affected parties was crucial for peaceful conflict resolution within the nobility. Since financial resources for compensation payments were particularly limited among the lower nobility, and because the three James kings regularly exploited noble conflicts to increase their own revenues, this pillar of violence prevention collapsed. Against this backdrop, it becomes clear why severe redistribution struggles broke out within the Scottish nobility under James I and James III and why antagonism toward England took a back seat in the 15th century.

However, Scottish medieval studies have generally focused exclusively on 'cultural' or individual factors, following the tradition of medieval chronicle-writing, to explain the dynamics of violence in Scotland. Socio-economic perspectives have rarely been pursued seriously, with Richard Oram being a notable exception. Yet this approach would seem promising, as combining insights from disciplines such as paleoclimatology, archaeology, and history – approaches only tentatively presented here – offers a far deeper explanation for the political dynamics of late medieval Scotland than actor-centred approaches or the emphasis on Gaelic or Scottish culture as drivers of historical events. The socio-economic constraints and opportunities expose the limitations of emphasising individual agency, so it is worth taking a closer look at the specific cultural-historical approach within Scottish medieval studies (Berlandi 2024, 210f.).

2.4. Conclusion: Practices of Lordship Formation in Late Medieval Scotland

The aim of this chapter was to gather insights on the low nobility's formation of lordship, with a perspective particularly shaped by the management of land ownership. This handling of land included, as we have seen, not only direct territorial control but also navigating local and supra-regional administration, associated offices, and the formation of social clientele and family networks.

Cultural practices of legitimising rule through family genealogies, memoria, foundation activities, historiography, and poetry are also important components of noble lordship formation. These are difficult to observe in late medieval Scotland since about 70% of the old nobility died out due to severe internal and external conflicts. Many members of the former lower nobility, who moved into new positions, could not yet refer to an impressive genealogy. The family chronicle of the Arbuthnots discussed here was only created in the second half of the 16th century. Given the particular economic and political challenges facing the Scottish nobility in the late Middle Ages, such processes of social integration are likely to be observed only in the early modern period.

Of course, this does not mean that such phenomena did not exist at all in Scotland. For the nobility, it was indeed important for representational reasons to reside not necessarily in a castle, but still in what is known as a tower house (Rutherford, castle, 79ff.). As depicted in the *Buke of Howlat*, a fable of an owl that adorns itself with the feathers of other birds criticises the upstart families pushing into the ranks of nobility; the fable of course being sympathetic toward the nobility (Laing (ed.), *Buke of Howlat*, vi, viii). These aspects could also be evaluated for a more complete picture of lordship formation.

The significant economic difficulties Scotland faced likely contributed to the fact that during this period, noble lordship formation was more focused on land management, administration, and the legal securing of land ownership. These difficulties cannot be reduced to the war with England and domestic feuding but must also take climatic factors into account: Scotland was negatively impacted by the consequences of the Dantean Anomaly – far more than its southern neighbour.

Nevertheless, the evidence collected here has contributed significantly to the practices of lordship formation of the Scottish nobility, whose repertoire was much larger than previously assumed. Processes of lordship formation, resistance against the encroachments of the Crown, and the development of administrative innovations have often been discussed against the backdrop of maintaining a distinct Scottish identity. This certainly played a role, especially in the 14th century during the Scottish Wars of Independence. In the 15th century,

however, Scotland was no longer constantly threatened by English invasions and, thus, sought stronger emphasis on other aspects of lordship formation.

Lordship formation primarily took place in the 15th century with the help of new institutional opportunities. These were made possible on the one hand by an expansion of the contractual system and the modification possibilities of the traditional feudal system through the bonds of manrent, and on the other hand by the establishment of the parliamentary session from 1426 onwards. This new central court opened eventually new ways to secure land ownership and assert it against traditional lordship structures, which were previously based mainly on the personal relationships of local noble networks. The bonds of manrent created initial opportunities to establish loyalty relationships not only through land enfeoffment but also through the allocation of money and offices.

However, traditional methods of expanding dominion persisted. There is nothing really new about the establishment of dominion by the Keiths and their followers, the Arbuthnots, in Kincardineshire. Royal patronage, heritable office-holding, here in the form of the sheriff's office in Kincardine, marriage alliances, and feuding, here against the Glenbervies, were used to establish lordship in Kincardineshire at the end of the 14th century. Particularly important was the loyalty of executive lesser barons, so termed by Alexander Grant (Grant, *Nobility*, 25–28). These were the Wisharts and the Arbuthnots in Kincardine, and the Keiths relied on these families for land transactions and jurisprudence.

The concentration of rights and revenues in the hands of the Crown, as intensively pursued by the three James kings, especially by James III, did not change these realities by much. The collection of mutual loyalty obligations in the form of bonds of manrent might therefore also have served to recommend oneself to the Crown as a reliable regional partner. The new elite that emerged in the 15th century, such as the Setons and the Forbes, used this instrument effectively with great success.

While the aforementioned developments, which created new forms of dominion formation, may have been underestimated in their impact so far, there are others that are regularly overemphasised. This includes primarily the idea that noble families were shaped by a specific identity in their political actions. Therefore, the political actions of Gaelic and Anglo-Norman families are fundamentally different, and Gaelic governance tends to use violence more often. This is no longer prominently represented after corrections made by existing research, yet can still be identified as a subtext in current research, for example, behind the use of so-called caterans.

A consistent comparison of the political actions of Anglo-Norman families and those considered Gaelic has shown that it is very difficult to assign certain strategies of dominion to a specific culture. Oftentimes, protagonists who relied particularly heavily on violence in the Gaelic Northwest of Scotland were them-

selves Anglo-Normans or even belonged to the royal family, like the notorious Alexander Stewart, Wolf of Badenoch, or his namesake son and later Earl of Mar.

These problems also concern the alleged differences in family organisation of Gaelic and Anglo-Norman nobility. The distinction between Gaelic clan-based systems and Anglo-Norman feudal structures has been a persistent theme in historiography, often suggesting fundamental differences in governance and landholding. Yet, Gaelic and Anglo-Norman families demonstrated considerable overlap in their practices. Gaelic clan chiefs, such as the Mackintoshes, operated as territorial lords, granting land and forming alliances akin to feudal lords. Similarly, Anglo-Norman families like the Campbells and Dunbars utilised familial ties and strategic marriages to secure territorial control, employing inheritance strategies, such as male entail. The attempt to lower the risk of losing land by marriages and deaths without male heirs is also observable in the Charters of the Lords of the Isles. In this regard, Gaelic and Anglo-Norman family organisations had to deal with the same challenges.

This apparent contradiction dissolves immediately if the focus of the investigation is not on cultural practices but on the material prerequisites for lordship. The dynamics of lordship in both Gaelic and Anglo-Norman contexts frequently revolved around the acquisition and defence of land. For example, the Mackintoshes engaged in protracted feuds over territorial claims, such as the century-long conflict for Castle Rait. Such disputes highlight the centrality of land ownership to lordship practices, regardless of cultural identity. Similarly, Anglo-Norman lords like William Keith consolidated regional influence through kinship networks, which at times was referred to as a 'typical' Gaelic way of organising lordship.

The complexities of legal and political frameworks also played a significant role in lordship formation. The conflict between Alexander Stewart, the Wolf of Badenoch, and Alexander Bur, Bishop of Moray, underscores the legal ambiguities surrounding land rights and regality privileges in the 14th century. Stewart's claim to jurisdiction over lands historically tied to the Randolph earldom illustrates how legal traditions, rather than cultural identity, shaped the practices of lordship. The overlapping claims between the Stewarts and the Church further complicated the governance of territories like Badenoch and Moray. Here too, many phenomena can be understood in terms of legal and institutional history, without having to assume a change of identity for the Anglo-Norman Alexander Stewart (Oram, Alexander Bur, 199).

The comparison with the narratives that were developed about Galloway at the time of its conquest in the 13th century in the chronicles should show that the narrative of the 'cultivation' of supposedly underdeveloped barbarians was often used to legitimise conquests by kings in the British Isles. Here, Scottish chronicler narratives about the conquest of Galloway are on a par with English ones at the

conquest of Wales. Chroniclers depicted Galloway's practices, such as fosterage and local tax collection systems (e. g., the *surdit de sergeant*), as barbaric, contrasting them with Anglo-Norman administrative norms. However, these practices were retained and adapted by the Scottish crown and its Anglo-Norman elites after Galloway's integration into the kingdom. A similar pattern could underlie the increasingly tighter control of the lordship of the Lords of the Isles by the three James kings. Possibly, the occasionally graphic descriptions of Gaelic violence should be interpreted as an expression of the Crown's outreach and not as an accurate description of Gaelic cultural practices.

It is undisputed that the Crown had much more extensive intervention possibilities at the end of the 15th century than at its beginning. This centralisation of Scotland naturally had a major impact on the formation of dominion, especially of the lower nobility. After the physical destruction of the old high nobility, especially after the civil war between the Crown and the Black Douglases, new families rose through offices or annuities they had received from the Crown. The old high nobility relied much more on its own property or on regalities that had effectively become property. This process was largely supported by the lower nobility. This seems to be in need of an explanation and may be due to the fact that for the executive lesser barons little changed initially, but ultimately, opportunities for advancement opened up. The examples cited at least suggest that strong elements of regional self-administration were preserved even during the centralisation efforts of the three James kings.

Many of the administrative decisions of the three James kings were made situationally. Whether a uniform program stood behind the individual measures may be doubted. At least it was probably not a result of an Anglicisation of the concept of royal rule by the Stewart dynasty, which – it had been suspected – had occurred through the long captivity of James I in England. The Scottish magnates would have therefore resisted the centralisation efforts based on their Scottish identity (McGladdery, James II, 5).

The political-historical explanation by Stephen Boardman seems more convincing here. After the Battle of Otterburn in 1388, factionalism within the Scottish nobility intensified, and from this point on, there was at least a bipolar system of noble networks in the 15th century that fought for control of government in Scotland (Boardman, *Kings*, 144ff). In other words, the Community of the Realm (Barrow, *Community*, 23) dissolved with the Otterburn campaign. Political assassinations and barely disguised show trials – particularly prominent in this context is the murder of the 8th Earl of Douglas in 1452 – occurred more frequently and regularly after Otterburn.

This, of course, has nothing to do with the cultural backwardness of Scotland, but is a regrettable logic to which medieval aristocratic societies were subject. England also went through these phases, for example under Edward II and Ri-

chard II, in which noble factions fought each other, only thinly veiled by legalistic language. A trivialisation of these events as ‘action highlights’ does not seem appropriate either (Grant, Crown, 35). Here too, the causes probably lie in the economy. Scotland was particularly hard hit by the effects of the Dantean Anomaly. This had impacts on agriculture and fishing (Oram, Disease, 196ff; Sharples, Norse Farmstead, 157ff.; Serjeantson, Farming, 78f.). There are only a few studies that deal with this question, but this scarcity of resources could well have contributed to the intensification of distribution struggles in Scotland. These escalated to the complete loss of trust between the Crown and the high nobility and ended with the physical destruction of the magnates.

Lordship formation in Scotland was perhaps due to the specific political and economic preconditions which were more focused on the material aspects of lordship. Idealistic explanations were put forward to explain the extraordinary resistance of the kingdom of Scotland against several invasions from its southern neighbour. But – as it is argued here – the concepts of a specific Scottish Identity or the Community of Realm face severe difficulties employed as explanations for the new patterns of lordship formation observable in the 15th century. New plausible explanations can be found in the economic and institutional history of Scotland.

3. Clerical Lordship in Scotland: The Bishopric of Aberdeen as a Case Study

The history of the church is regularly neglected or excluded from survey works on late medieval Scotland. The latest collection of essays in honour of Alexander Grant is a characteristic example of that – being called *Kingship, Lordship and Sanctity in Medieval Britain* it nevertheless does not regard the medieval church as partial to the topics of kingship and lordship, limiting its impact to the development of cults of saints (Boardman, *Kingship*). This seems like a particularly staggering omission, as Alexander Grant himself had pointed out the dominant role the large estates of clerical institutions played in the exercise of ordinary government and justice (Grant, *Independence*, 151; Goodare, *State*, 55–57). The omission, however, does not come as a surprise: It is on the one hand due to the very thorough separation between Church History and Medieval History, and on the other hand a symptom of the rather meagre amount of research on the medieval Scottish Church. In 1981, Ian Cowan criticised the lack of an overview of its institutional history (still represented by Dowden's *The Medieval Church in Scotland*, written in 1910), stating that the history of the Scottish church in the later Middle Ages can only be understood in specialised studies that approach it from a variety of angles (Cowan, *Select Bibliography*, 95). Forty-three years later, this is still true. The study, on which the following essay is based on, does not offer a revision of Dowden's institutional history or a remedy to Cowan's complaint, instead it suggests a way to include the church and its institutions into the social, economic and political history of the kingdom: If anything, the reader's takeaway of the following should be that the church, its institutions and its personnel are an integral part of the medieval history of the Scottish kingdom. This work initially is thought as a template for urgently needed groundwork studies in Scottish medieval history.

This chapter proceeds in three steps: 1) In a short introduction, the state of research, the methodology of the study and its sources will be introduced. 2) The church organisation of Scotland – as a European special case? – will be set out. The focus here is on the specifics and gaps in Scottish church history in general and diocesan history in particular, which partly result from its status as *filia*

specialis. 3) The functioning of clerical lordship will be shown via the example of the bishopric of Aberdeen. Its constitution, spiritual organisation and temporal lordship will be examined. Nevertheless, its personnel are not completely neglected. For this reason, the accession to office of the bishops appointed during the period under study is presented and the possibilities for the exercise of episcopal rule are shown. In order to overcome the problems of ecclesiastical history, the main focus will be on the immediately found, given and handed down circumstances under which the late medieval bishops *made history*. I therefore do not want to judge their decisions, but rather examine the political and, above all, socio-economic circumstances of their time. The contemporary norms and values will also be reconstructed as far as possible, at least regarding the perception of the bishops' role in conflicts.

3.1. Scottish Church History – a Research Review

Two problems are inherent in Church History, especially when looking at the late Middle Ages. Firstly, there is a constant urge to find reasons for the Reformation in the preceding centuries. This leads to a teleological interpretation of sources, actions and events. As a result, an antagonism towards the papacy, the high clergy or medieval church practice can generally be identified. It is also pointed out that the church was desecrated by the constant influence of the laity on appointment processes and that the pious prelates were unable to counter this. The church and clergy in the late Middle Ages are therefore often described as diseased or in decline, although more detailed studies rarely substantiate this. Research in the 21st century acknowledges and increasingly modifies these perspectives (Brown, Lay Piety; Turpie, Kind Neighbours; MacDonald, Clerics and Clansmen), but due to a lack of basic research and the quality of their work, MacFarlane, McRoberts, Dunlop and Dowden are still widely received. The historiography of recent decades has focussed heavily on early Christian developments, the structural changes in the church system in the 12th and 13th centuries and the Reformation and its effects in Scotland. Works can also be found on the architectural and building history of various churches and monasteries. Only since the turn of the millennium have monastic institutions occasionally been analysed in their entirety, i.e. as large landowners who acted not only as part of the church, but also with the environment and society. When analysing the later Middle Ages, three topics can be identified that have been dealt with in recent decades. In the 20th century, these topics were dominated by the *national church thesis*, which was mainly advocated by David McRoberts and Leslie MacFarlane. Following the national paradigm of the *New Orthodoxy*, it was propagated that there was a common policy of crown and churchmen aimed at creating a national church: “to instil into the hearts of the

Scottish people a love and pride in their fatherland, a search, even, for their national identity” (MacFarlane, Elphinstone, 177; McRoberts, Nationalism). This assumption served as the cornerstone for the interpretation of saints’ cults, relationships of crown, prelates and the Roman Curia, as well as for the interpretation and assessment of the actions of clerics. Only in recent decades has there been a slow shift away from this persistent narrative; however, Ditchburn’s call to bury the McRoberts-Thesis has yet to be realised in its entirety (Ditchburn, McRoberts Thesis).

There have (1.) been studies of the church’s inner organisation. Ian Cowan has not only compiled a list of all Scottish parishes but also dealt with parish organisation and diocesan structures in various essays. The prosopographical studies of Donald Watt are an indispensable basis for the study of the late medieval Scottish church. Marinell Ash’s doctoral thesis describes the formation and administration of the diocese of St Andrews. More recently, Ian MacDonald (Argyll diocese), Catriona Gray (Brechin diocese), and Sarah Thomas (church and clergy in the highlands) have offered regional studies of the Scottish church, however, they refrain from structural analyses of episcopal rule. Apart from Simon Ollivant’s study of the official court of St Andrews, there is a lack of works dealing with the jurisdictional, administrative and personal layers within the dioceses and ecclesiastical institutions. Lay piety and the cults of saints are (2.) another area of interest. Other forms of lay piety, such as foundations, *memoria*, or the emergence of collegiate churches, were largely ignored. The dominance of the topic of saints’ cults is based on the central argument of the national church thesis, according to which “Scottish national saints” were promoted programmatically in the 15th century and their cults were brought into the focus of society by crown and clergy. Only a few studies have explicitly rejected this thesis in recent decades. Most of them have only slightly corrected it, for example by emphasising the internationality of saints’ cults and the importance larger trends. The relationship between the Curia and Scotland and the influence of the councils and the schism has (3.) been researched quite extensively (Watt, Konzilien). This is due to the abundant number of surviving documents: The sixth volume of the Calendar of Scottish Supplications to Rome has been available since 2021 and now covers almost the entire 15th century. The source material has yet to be properly analysed, but there are essays and dissertations that either deal with specific thematic issues or attempt to address the relationship between Scotland and the Curia in its entirety.

A systematic analysis of the late medieval Scottish church has yet to be undertaken. The crucial question regarding clerical practices of lordship and subsequently the interconnection of clerical and lay political spheres remains underrepresented in research. The secular power of ecclesiastical institutions and prelates is neglected by most studies on the political, economic and con-

stitutional development of late medieval Scotland. Therein, ecclesiastical institutions are usually presented in one of two ways: On the one hand, clerics are understood as powerful politicians and individuals who performed tasks at the court of kings and were particularly capable due to their abilities. The assessments of where these individuals came from or what their influential positions were based on usually do not reach far beyond the analysis that the church was the wealthiest landowner in Scotland and that its representatives therefore had access to extensive resources (Grant, *Independence*, 223). On the other hand, prelates are seen as passive parts of society, mere victims and playthings of the nobility and secular politics (Nakagawa, *Disorder*). Katie Stevenson provides an example of the view of the Scottish church in mainstream histories: “Church property and landholding was extensive, and temporal lordship was a major feature of church life. As a spiritual organisation that was oriented to the cure of souls, the church’s influence stretched to the local and individual level. The church in medieval Scotland was thus wealthy and influential, and had important functions at the heart of the local community.” (Stevenson, *Power*, 117). In the remainder of the chapter on the Church, however, Stevenson does not deal with this important part of church life but mostly stays at the level of the three subject areas outlined above, because the basis of ecclesiastical rule, namely their land, revenues, and the administration and organisation of the same remain a blank spot in historiography (there are notable exceptions with studies by Oram, Hodgson and Sanderson, see Weil, *Gute Hirten*).

Scottish Lordship and all that – but where are the clerics?

The methodological approaches of comparative *Landesgeschichte*, a very specific branch of German historical scholarship, offer the possibility of characterising princely or territorial lordships. Very little work of this kind has been done on the history of Scotland. In my PhD-thesis, the prelates of Aberdeen and St Andrews were examined as territorial lords, as this allowed questions to be asked about their ruling practices, consolidation strategies and the geographical constitution of their temporal territories and lordships in and outside their spiritual sphere of influence. Scottish research has so far regarded the bishoprics as ecclesiastical units, the diocese as the domain of the bishop. However, the temporalities of the bishoprics of Aberdeen and St Andrews did not correspond to the boundaries of their dioceses; both had possessions outside their own dioceses. There were separate jurisdictions and administrations within the bishoprics, and below this level there were lords who in turn held land and dispensed justice delegated by the prelates. The *Hoch-* and *Domstifte* were regarded as institutions independent

of the bishopric and the manorial estates of bishopric, chapter and monasteries were brought into focus.

Ecclesiastical lordship has so far received no attention in Scottish historiography. The clergy have not yet been understood as lords over land and people, partly because the longevity of the lordships of ecclesiastical institutions could not be seamlessly integrated into the narrative of increasing centralisation by the crown and the simultaneous dismantling of large territorial dominions. If anything, clerics are seen as more or less enthusiastic administrators of their temporalities. Nevertheless, the charters and registers produced in, by, and for clerical institutions are regularly used as a quarry of information to investigate political history or the ruling practices of lay nobles in late medieval Scotland. The lack of understanding of the circumstances in which these sources were produced leads to misinterpretation, as individual documents are taken out of their context and at the same time their *raison d'être* – namely the existence and exercise of secular lordship by ecclesiastical institutions – is completely ignored. This shortcoming can be clearly seen in the content of the collective volumes published in recent years, which promise to deal with lordship, at least in their titles, but consistently omit ecclesiastics. Only Michael Brown pointed out that there is an urgent need for research into units of lordship (i. e. cities and ecclesiastical institutions) other than the high nobility and the crown (Brown, Downcasting). However, it is first necessary to define a coherent concept of lordship in order to make generalising assertions about its forms, functions and exercise.

I propose that the type of lordship exercised by Scottish landowners – ecclesiastical and secular – in the later Middle Ages can be described in its core as *Landesherrschaft* (translates as territorial lordship, however not in the sense used by Alexander Grant). Land or territory does not primarily stand for a geographical unit, but in Otto Brunner's sense refers to areas which could be geographically separate but united by being under one jurisdiction. This was exercised by all those who held land including jurisdiction, rights of disposal and thus rule over people. The decisive factor for the quality of rule was therefore not just the size or quantity of the land held, but the privileges associated with the land. In Scotland, *Landesherren* / territorial lords were all those who had received their land in *liberam regalitatem*, *baroniam*, *forrestam* or *elemosinam* (and thus with their own jurisdiction, rights of disposal and administration), either directly from the crown or from a superior lord. Although a baron was subordinate to an earl or duke in social rank, this had no effect on the quality of their lordship, which was determined by the privileges granted. These privileges automatically included rule over people and subjects.

These territorial lordships needed to be administrated, which was sometimes handed over to officials. Bailies, tenants and other holders of sub-feus, however,

held usufructuary property, while actual lordship was still held by the overlord. Therefore, administration cannot be used as a synonym, since medieval administration did not necessarily include lordship. Lords actively endeavoured to consolidate their possessions, i. e. they tried to attach as many privileges (legal, economic) as possible to them. They also developed strategies to secure their integrity; families used tailzies and similar means to achieve compromises and agreements with the extended family alliances. However, it is wrong to assume an internal logic of lordship; rather, biological chance played a decisive role in the formation of the units of lordship (Schubert, *Fürstliche Herrschaft*, 52; Grant, *Extinction*). Territorial lordship included rent-collecting lordship, that is: *Grundherrschaft*. Land was granted for cultivation in various ways to peasants who owed services and taxes to the lord of the manor for the use of the land. The socio-economic feudal system was the basis of medieval society and was based on exploitative production relationships between peasants and lords. Here, exploitation is not understood as a moral category but is used to describe the relationship between labour and products. Although the peasants controlled the means of production, they were forced to hand over the surplus through rents, taxes and teinds. The entire medieval society was based on this feudal relationship. The surpluses produced flowed into court maintenance and patronage, building programmes, religious practice, literature and the arts, universities and armies (Wickham, *Feudal Economy*). As in the Holy Roman Empire, *Grundherrschaft* in Scotland was increasingly transformed over the course of the Late Middle Ages. The landlords' own demesne was reduced and the peasants' ties to the lords changed as a result.

Understanding late medieval lordship in Scotland as such allows us to examine ecclesiastical sovereigns as lords at eye level with their secular neighbours. There is no need to differentiate between nobility and clergy in the immediate practice of rule, but four differences in their precondition need to be set out: (1) The transfer of power was not based on inheritance law but was linked to electoral processes. (2) The corporate nature of some spiritual institutions could, under certain circumstances, lead to a larger group of people having access to lordship and its instruments. (3) Ecclesiastical territorial lordships were far more stable than their secular counterparts, both in terms of their constitution and their possessions. This is especially true for the later Middle Ages: By 1300, the endowment of most clerical institutions was concluded and remained mostly unchanged. (4) Unlike the large secular territorial lordships, most ecclesiastical institutions in Scotland succeeded in consolidating their lordship by the 15th century at the latest. This process involved the preservation of regal privileges and the establishment of administrative structures with a relatively elaborate chancery and accordingly the development of differentiated written records.

The Sources: Cosmo Innes' Registers and Scottish Historiography

The postulate of a scarcity of sources has been cited by Scottish historiography like a prayer wheel, usually without any closer scrutiny of the underlying reality. If individual collections, regions, institutions or families are examined in more detail, the assessment of the source findings is usually: “[There is] surprisingly much” (Oram, Whithorn, 1).

A strong increase in pragmatic writing can be observed during the period under investigation. This can only partly be explained by a higher rate of survival but also by a generally rising degree of literacy. Most of the lease books and rentals produced in the 15th century have not survived, as their practical use in land administration was limited in time and restricted to day-to-day business and the years immediately following. Deeds that documented the transfer of property or secured basic rights as well as contracts, on the other hand, found their way into the charter chests of institutions and noble families and are still preserved there today. In the late 15th century, lease agreements between lords and peasant tenants are regularly recorded. However, no new social structures were organised as a result, but preexisting agreements were increasingly fixed in writing. In Scotland, sealed or notarized documents had the character of evidence from the High Middle Ages onwards. The presentation of evidence, letters and deeds was part of every property dispute, and the ensuing complexity led to the establishment of the institutions of central justice (Simpson / Wilson, Legal History). Lease agreements therefore should also be regarded as a transformation of the previously oral act into a (more or less) valid legal document. The cultivation of a piece of land in the family tradition was an integral part of Scottish legal practice in the 16th century at the latest as kindness or kindly tenancy. These processes of textualization of communication have hardly been studied in Scotland to date. The bonds (of manrent, maintenance, obligation), essentially various private contracts, which have been regularly recorded since the second half of the 15th century, can be observed as a further manifestation of this phenomenon, rather than describing them as a new structural instrument of organisation of the lay nobility. *Verschriftlichung* went hand in hand with the increased utilisation of internal Scottish educational opportunities by the secular elite as well as parliamentary legislation, which demanded a certain level of education from civil servants. The clergy's monopoly on writing was slowly broken down in the second half of the 15th century, e.g. laymen increasingly signed contracts and deeds in their own hand (Sanderson, Kindly Place, 135–154).

The sources used in this work are predominantly non-historiographical sources in which ownership status is described and lordship is put into writing. The vast majority of these are property charters, which present pertinences as legal constructs and therefore seemingly cannot provide direct insight into

economic activities, practices of lordship and the actual utilisation of nature and the environment. On second glance however, some assumptions can be drawn from these very standardised sources. Various types of documents have survived, which can be divided into three categories: Charters, notarial instruments and a third, rather wide category subsuming writs, bonds, precepts and briefes.¹ The first category comprises sealed royal and private deeds, which feature a classic charter structure, were often written in Latin, contain a witness list and hardly show any deviations in form. Notarial instruments are deeds drawn up by at least one publicly appointed notary that attest legal transactions of any kind. They notarised court proceedings, agreements, contracts, sasines, charter confirmations or other witnessed legal transactions. The context can therefore vary greatly; the form, however, also followed common practice in Scotland and was relatively standardised. The last category collects various deeds that do not follow a fixed form. These include preliminary deeds, precepts or writs, which contain instructions for drawing up a deed or carrying out a legal transaction, often sasines. Depending on who drew them up, these preliminary documents could also have been highly formalised. The royal chancery produced such instructions under a private or small seal. A large group were the bonds, contracts under private law, which documented private legal transactions and personal ties. Marriages, land sales, debt arrangements, leases and employment relationships were regulated and accompanied by such contracts. The formulary and form were flexible and adapted as necessary. These private law contracts were often secured in the form of indentures. Indentures were contracts that were drawn up, witnessed and sealed in duplicate on a single piece of parchment facing each other. The parchment was then cut in a zigzag pattern and the half sealed by the one contracting party was handed over to the other party. During the 15th century some of these contracts saw a rise in formalisation. For example the 16th century form of the bonds of manrent and maintenance, i. e. on paper, signed with impressed wax seal, was not yet established in the 15th century, but it slowly took shape from the 1440s onwards (Wormald, Lords and Men).

A considerable proportion of the material has not survived as individual documents, but in compiled registers and chartularies. In these cases in particular, not only the act described, but also the threefold division making, using and keeping must be considered (Clanchy, Memory). It should be noted that the compilers intervened in the context and that the acts of compilation and copying led to changes in the documents and in their effects. The usefulness of these

1 A typology of Scottish charters remains desideratum. Some aspects of diplomatics from a Scottish perspective have been discussed by Broun, Charter Diplomatic. Simpson, Handwriting, offers a palaeographical overview; and the introductions to the RRS-volumes at least set out typologies and detailed diplomatic studies of the royal charters (especially Duncan and Webster).

compilations often went beyond the basic functions of providing an overview of ownership, securing legal titles or listing donors: they can also reveal something about the institutional or personal self-image of the patrons. Most recently, Joanna Tucker has analysed the oldest chartularies of Glasgow Cathedral Chapter and Lindores Abbey (Tucker, *Cartularies*). Her contribution is the first attempt in Scottish research to analyse chartularies not only as collections of documents and repositories for historical information but in a codicological approach as genuine manuscripts to understand their various functions. The production and editing of chartularies over the course of several centuries offer important clues as to their use for religious institutions and thus provide information that go far beyond the texts copied in them. True codicological work needs to be done on the manuscripts of the dioceses of Aberdeen and St Andrews as well. Nevertheless, this has only been done sparsely during this project, as it was not a feasible undertaking given the limited time and the geographical distance.

In Scotland, there is an additional problem when dealing with ecclesiastical registers and chartularies. The various manuscripts of ecclesiastical institutions edited in the 19th century by antiquarian societies and predominantly under the direction of Cosmo Innes are not always scholarly editions of manuscripts, but in themselves compilations of the material found. It is obvious that some of these collections of documents have no connection with the contemporary compilations of chapters, bishops and monasteries (Ross, Bannatyne Club). Nevertheless, they are regularly used as sources of their own right without problematisation, although Cosmo Innes was already aware of the problems of his work and urged: “The accurate student of these antiquities should not take such readings on the authority of an editor [...]”. In the preface to the *Registrum Episcopatus Aberdonensis*, compiled in 1845, the editorial interest is expressed: in addition to providing a wealth of local historical reference, the aim was to examine “[...] the foundations of that mighty power [the church], wielded often for good, sometimes for evil [...]”. Innes himself believed that his work would completely restore the now lost archives of the churches with the help of various manuscripts. In the eyes of the antiquarians, charters were merely collections of copies of documents that provided an insight into lost archives. Over the past 30 years, research has slowly sharpened our awareness of the fact that these compilations did not function like archives but should rather be regarded as sources in their own right.

The two-volume *Registrum Episcopatus Aberdonensis* was compiled from a total of nine manuscripts of registers, rolls and other records from the vicinity of the bishops and cathedral chapter. The editors combined various manuscripts according to their own ideas and arranged their contents chronologically. If a document appeared in multiple manuscripts, either one version was used, or several copies were put together to create an ideal original type. As a user of the

edition, it is possible to see which manuscripts the documents go back to, but not which version was transcribed by the editor or how he merged them together. A further problem is that external records with matching content, for example from family collections, were included into the chartularies. If the editors had palaeographical difficulties in individual manuscripts, missing clauses were inserted that imitated language and style of other unrelated documents. The editors also decided in favour of the variant that suited them best in the case of dubious names or abbreviations. As part of this work, four manuscripts from the Special Collections at the University of Aberdeen on which the edition is based were examined and compared; as well as the by now readily available manuscripts at the National Library of Scotland, Edinburgh. Among them was the *Registrum Cath Eccles Abendonensis* (ASC MS 247), a small folio volume with about 84 parchment leaves, which was started in the 15th century. The first 60 leaves comprise inventories and collections of statutes written by one hand, dated between 1436 and 1461. These dates coincide with the period of office of the treasurer Henry Rynd, who was responsible for compiling the inventories and was possibly the author of the first part of the register. The following collection of charters, written by various hands, appears disorganised and includes royal and private charters, papal privileges, and leases, decisions of the Lords Auditors, as well as deeds of endowment to the parish church of St Nicholas in Aberdeen, collations and presentations. Interspersed with these deeds are minutes recording visitations by the bishops to the cathedral treasury between 1496 and 1503, a further indication that this register was maintained by the treasurer of the cathedral chapter even after Henry Rynd's tenure. The compilers noted various documents that were presumably useful or relevant in the respective context but were not connected in their sequence in terms of time or place. In some cases, the copies were provided with notary signatures. A 16th century hand provided the register with short keywords in the marginalia. A list of bishops on folio 71 shows that this register was in use between 1480 and 1616, as various hands added the respective bishops during this period. The problematic nature of the Innes edition can be illustrated by two documents. These concern the chantry in the parish church of Uldeny. In the manuscript, the copy of a collation by Bishop Ingram in 1456 directly follows a foundation deed from 1406. Here this pair thus documents both the collation and the corresponding endowment and patronage rights of the chantry. In the chronologically organised edition, there are 80 pages between these two documents. The collation is sorted into a series of chaplaincy foundations and collations from the 1450s. The transcript of the foundation deed also omits a considerable part of the formulary: Firstly, the entire *Tenendam et Habendam*-clause, which specifies who must make the stipulated payment to the chaplain and, secondly, what legal remedies the chaplain could seek in the event of non-payment, as well as the so-called *Warantizabimus*-clause. This illustrates

the extent to which Cosmo Innes' editorial group intervened, created a new source tradition and unravelled contexts.

The relationship between the *Registrum capellanorum chori Ecclesiae Cathedralis Aberdonensis* (ASC MS 249) and the edition was also examined and verified. This is a parchment volume written in the late 15th to early 16th century. On the first 96 leaves, an extremely neat hand recorded various deeds documenting donations and land transfers to the chapter or from chapter members. A new hand copied the entry on f. 72–80, as well as the inserted list of *jocalia* on f. 81r–84r. The last document entered by the first compiler ends on f. 96v: a land transfer from the cathedral canon Duncan Scherar from 1496. The second half of the volume lists various deeds from the 15th and 16th centuries in differing hands. This register also shows signs of use: later hands have underlined individual clauses and made annotations in marginalia or added headings and dates. The compilation does not follow a clear chronological order, which is why the sequence was also massively broken up for the Innes edition. However, apart from major abbreviations and omissions, no errors were found in the transcriptions of the various documents. Innes also used the 185 leaves of the *Registrum Album* (NLS Adv. Ms. 16.1.10), possibly the central register of the chapter in period of study. It was begun in the 14th century and contains an extensive collection of statutes as well as copies of the first papal privileges and foundation deeds. It ends with the entry of a land lease by Bishop Dunbar from 1535. From this point onwards, leases were entered separately in a *Registrum Assedationum Cathedralis Ecclesiae Aberdonensis*, a lease book written by one hand for the years from 1540 to 1558. The survival of the 1511 rent roll indicates that such lease books or rent registers were also kept before 1540 but were not handed down to us.

These various manuscripts form the central record of various officials and institutions of the Aberdeen bishopric's administration. The analysis shows that the coherence and order established by the two-volume edition as *Registrum Episcopatus Aberdonensis* does not reflect the differentiation of its written administration. The edition can therefore not be used to answer questions about authors, the use of writing, the authenticity of the copies or the division of labour and property between the cathedral capitulars, dignitaries and the bishop. The necessary codicological study and full transcription of the existing manuscripts was not possible during the project period. However, the exemplary examination of the edition using ASC MS 247, 248, 249, and NLS Adv. Ms. 16.1.10 has shown that transcriptions were made without major errors and can therefore at least be used as copies of the individual documents. The Innes-Register can be a valuable starting point for orientation in the surviving written documents of the bishopric. However, if possible, the original manuscripts should always be consulted. It should also be noted that the Innes-Registers do not contain the administrative

records of the bishops and chapters of Aberdeen. Rather, Innes must also be regarded as a compiler: He compiled the volumes according to his conception of the secular and spiritual administration of the diocese. The edition was therefore used with caution in the following: The documents have qualitative significance, but the compilation prohibits conclusions about administrative practice. The impact of Innes' work to this day can be seen in the relevant works on the history of the diocese in the Middle Ages: Cowan described the Innes edition as "the important register of the bishopric of Aberdeen" (Cowan, *Medieval Church*, 97), Oram presented it as "the surviving cathedral cartulary" (Oram, *Medieval Church*, 17). Cosmo Innes' edition thus established a misleading understanding of diocesan administrative structures that has persisted to this day.

The situation for the bishopric of St Andrews is bleaker. There are no central administrative documents or registers of the bishops from the late Middle Ages. The edition of Prior Haldenstone's *Copial Book*, in which documents and letters from the first half of the 15th century were transcribed, was produced according to modern editorial guidelines. There is also an 1841 edition of the *Liber Cartarum Prioratus Sancti Andree*, a direct transcription of the only surviving register of the priory. The *Magnum Registrum Prioratus Sancti Andree*, like all other records of the institution, has been lost since the 17th century. The *Liber Cartarum* was largely produced in the 14th century and therefore only contains documents relevant to the period under investigation on the last 20 leaves. Records from the 15th century are almost completely lost. Extensive registers and administrative documents are only available from the 16th century. These are accessible both in manuscript and in edited form. This gap was filled as far as possible in the course of the project by the records of the University and the College of St Salvator on the one hand and, on the other, by referring to collections from lay nobles in the region. Both the records of the university and college and of various regional nobles contain property titles, land transactions and entire series of documents with bishops or priors as actors.

The central administrative records of the Scottish Kingdom were also used. The online edition of the *Records of the Parliament of Scotland* (RPS) contains not only parliamentary statutes but also summarises the case law of the kingdom's central judicial bodies. The *Registrum Magni Sigilli* (RMS) is available in a multi-volume edition and is one of the most important sources for land transactions in the 14th and 15th century. In the *Exchequer Rolls* (ER), all Crown revenues were recorded, including the revenues from the bishoprics in vacancies as well as the payments made by clerics in the case of taxation. These standard editions for the history of late medieval Scotland were supplemented by early modern material. These include the *Assumptions of the Thirds of Benefices* edited by Kirk and the *Rental of St Andrews* published by Hannay, which documents the episcopal revenues from the years 1538–1546.

In addition to documentary records and administrative documents, relevant narrative sources were also included. The bishops' vitae of the clerics Hector Boece and Alexander Myln are particularly worthy of mention here. Boece wrote the *Vitae Episcoporum Aberdonensis* around 1528, in which the life achievements of his contemporaries, Bishops Thomas Spens and William Elphinstone, are described in detail. Myln was a canon in Dunkeld and wrote a biography of the bishops of Dunkeld for Bishop George Brown in 1515x7. Their works glorify the previous bishops and tell their patrons in the style of exemplary literature how bishops should behave and in which glorious line the respective bishop could place himself. Nevertheless, these hitherto neglected vitae can be used to analyse contemporary ideas of the duties of a prelate.

3.2. A European Special Case? Scotland's Church in the Later Middle Ages

By the 14th century, the institutions and structures of the Scottish Church were largely established. There were 13 dioceses in the territory of the Scottish kings: Aberdeen, St Andrews, Argyll, Brechin, Caithness, Dunblane, Dunkeld, Glasgow, Moray, Ross, Galloway (Whithorn), Orkney and Sodor (The Isles). Galloway was formally subjected to the Archbishopric of York, Orkney and Sodor were obediences of the metropolitan in Nidaros. These suffragan bishoprics were only detached from their metropolitan churches and formally placed under the control of the Scottish archbishop when the Archbishopric of St Andrews was established in 1472. This was the special case of the medieval church in Scotland: there was no archbishop until the late 15th century, but the Scottish church had been directly subordinated to the curia as a *filia specialis* since 1188.

Developments in the Scottish Church in the High Middle Ages were shaped by constant attempts by the Archbishops of York and Canterbury to assert their perspective claim to sovereignty over the Scottish dioceses. The divergent positions held by representatives of the English and Scottish clergy and the kings were clearly demonstrated in 1120/1 during Bishop Eadmer's short tenure as *episcopus Scottorum* – Bishop of the Scots, the common title of honour for the bishop of St Andrews at the time. Eadmer was a monk from Canterbury and was requested by King Alexander I to become bishop. It soon became apparent that the king and the bishop had different opinions: While Eadmer was certain that Canterbury as metropolitan was superordinated to the Scottish Church, Alexander I was set on the royal perspective that no Scottish bishop had ever been subjected to Canterbury (Broun, Origins).

The theological justification for the independence of the Scottish bishoprics seemed almost hopeless: Bede Venerabilis testified in writing that Pope Gregory the Great had planned to divide Britain into two bishoprics. According to this division, all bishops in the north of the island were to fall under the primacy of York. This was the basis of the English church structure and a synod under William I decided in 1072 that all bishops north of the Humber would be under the authority of York, but that the Archbishop of Canterbury would be recognised as the primate of the whole of Britain. No Scottish representatives were present at this synod. Nevertheless, the decisions were of crucial importance for the Scottish Church. Within the kingdom, the bishops of St Andrews had probably held some kind of primacy since the 10th century, but there were barely any conceivable arguments to persuade the popes to officially confirm this status or even to establish a Scottish church with an archbishop in St Andrews (Broun, Church of St Andrews). The testimony of Bede was too strong – moreover, in the recent past there had regularly been bishops in Glasgow who had subordinated themselves to the authority of York (Durkan, Glasgow Diocese). From 1100 onwards, there is increasing evidence that the popes tried to force the ‘Scottish’ bishops into obedience to York, and the prelates, who like Eadmer were increasingly recruited from the English clergy, usually complied with this request (Barrell, Background).

The political circumstances in the second half of the 12th century ultimately favoured the development of Scotland’s special status. After Scotland had lost its independence with the Treaty of Falaise, Henry II attempted to force the submission of the Scottish bishops at the Council of Northampton in 1176 (Watt, Konzilien). The bishops of St Andrews and Dunkeld and the abbot of Dunfermline, who were present there, conceded to the English church that it should have all the right in the Scottish church that it rightfully had. This reignited a debate between York and Canterbury as to whose suffragan the Scottish bishoprics should become. This dispute opened an opportunity for the Scottish delegation in Rome, which returned with the bull *Super anxietatibus*. In it, Pope Alexander III made it clear that the Scottish bishops were to be directly subjected to the pope until the matter at hand was settled at the Curia. He also reprimanded Henry II, saying that kings and princes had no rights in purely ecclesiastical matters. After Pope Alexander III returned to York’s position at the end of his term of office, it was his successor Celestine III who definitively ended any claim to jurisdiction by York or Canterbury with the famous bull *Cum universi* (Barrell, Background).

At the same time, this bull buried any hope of establishing St Andrews as an archbishopric, as all Scottish dioceses (except Galloway, Orkney and Sodor) were now subordinated under the authority of the papacy. The national paradigm of Scottish historiography also dominated the interpretation of this bull: *Cum*

universi supposedly did not primarily concern ecclesiastical jurisdiction, but was “essentially about the kingdom’s freedom” (Broun, *Origins*, 34). This conclusion must be rejected. The Scottish bishops of the 12th century, who came primarily from France and England, were certainly not interested in articulating the first ideal of an independent kingdom, but rather in being able to administer their church province as independently as possible.

What did the status of the Scottish Church as *filia specialis* as laid down in this bull mean in practice? “The Scottish Church till the second half of the fifteenth century suffered from these disadvantages” was Dowden’s (*Medieval Church*, 12) judgement, which echoed late medieval voices and is consistently reiterated until now. Moral assessments aside, this situation allowed the prelates, and all groups of people involved in the allocation of offices and benefices relatively free and uninterrupted actions in their dioceses. There was no metropolitan who could confirm the election of bishops; the Curia was always responsible for this. It was also the first and only appellate authority over all ecclesiastical courts in Scotland. As a result, processes that exceeded the level of the ordinariate were costly and protracted. On the other hand, this resulted in a close and constant exchange with Rome. The ecclesiastical institutions and the high nobility had permanent, sometimes shared procurators at the Curia. There were also Scottish curials who offered their services to the Scottish nobility and clergy in Rome and were remunerated accordingly. At the Fourth Lateran Council, it was decided to hold annual provincial synods, which were normally presided over by the responsible archbishop. As a result, Scotland initially lacked a body or authority to convene the prelates of the exempt dioceses. Only papal legates or special envoys were authorised to do so. In a revision of *Cum universi*, the Scottish Church was finally required to elect an annual conservator who was authorised to convene and preside over provincial synods. No customary prerogative of a diocese developed; even St Andrews never renewed its claims to primacy there. Of the eight known conservators of the Middle Ages, only two were bishops of St Andrews. The provincial synod not only served to pass ecclesiastical legislation but was also intended to be highest judicial authority. In the 14th and 15th centuries, the body was partially incorporated into parliament. For example, the taxation of the clergy by the crown was no longer requested and approved separately via the provincial synod. The assembly of clergy and prelates was regularly held on the fringes of the parliamentary days. However, the Scottish crown did not only exert influence on the provincial synod after the intensified reign of James I and his two successors. A letter from the late 13th century (1292x4) shows that the kings had always had the right to send knights or clerics as envoys, with the aim to exercise control over the synod. This claim was reaffirmed by Robert Bruce: The royal procurators were not only to inform the clergy about the state of the kingdom, but were to be able to appeal against any decisions that would harm the

king. Under the impression of Bruce's disputes with the papacy, the crown established itself as the highest court of appeal above the provincial synod. Under James I, the role of parliament and the crown as the highest authority for all subjects of the realm intensified (see Berlandi, Chapter 2, 140ff) It now regularly regulated the activities of the clergy. The provincial synod remained a subordinate assembly that met regularly close in time and place to the parliaments. The curia as a controlling authority was geographically too far removed and could not exert the same degree of influence and intervention as archbishops sometimes did in suffragan bishoprics. The distance of the curia was also reflected in the fact that the popes chose to invest Scottish clerics with legate powers more often than actually sending legates *a latere* (Watt, Konzilien).

In order to assess the practical effects of Scotland's special status in a more differentiated way, three topics are discussed below which were of central importance for the actors analysed in this work – prelates and their surroundings. In the broadest sense, the following sections centre on questions concerning the relationship between the crown, the curia and the hierarchy. The individual thematic subdivisions do not represent caesuras and are closely interlinked.

Appointing Prelates

The basic legal framework of succession processes is discussed here so that building on this, it can be shown in the following subchapter how there were individual deviations from ideal-typical canonical processes or how these were instrumentalised in order to assert interests.

Theoretically, bishops (as well as abbots and priors) were initially elected in one of three canonically legitimate ways by the respective cathedral chapters or communities. An election day was set, to which all eligible voters had to be invited in due time. On the day itself, mass was first held and then a successor was elected according to the three methods determined at the Fourth Lateran Council: (1) *per scrutinium*, (2) *per compromissum* and (3) *per inspirationem* (or *viam Spiritus Sancti*). For (1), three chosen members (*scrutatores*) of the electoral body (the chapter or convent) received all secret votes, counted them and announced the decision of the *major et sanio pars* of the chapter. In the case of (2), the chapter chose certain persons, who did not necessarily have to be part of the chapter themselves, as *compromissarii*, who then used their delegated electoral power to decide on a candidate. The third (3) way may more often than not have been more of a rhetorical figure than actual description of the election process, as it meant the unanimous acclamation of all eligible voter as manifestation of God's will. Either way, the elector now had to obtain the pope's confirmation and, above all, fulfil his (monetary) obligations to receive the papal bulls in return. If the can-

didate was subject to canonical restrictions (no appropriate degree of ordination; minority, i. e. under 30 years; illegitimacy; bishop of another diocese; member of a monastic order; bodily infirmity) and therefore not allowed to hold the office, the papal penitentiary had to be asked to remove these via dispensation. Such a candidate could not be elected, so he was called a postulant until the dispensation arrived. As there was no competent metropolitan in Scotland to perform the consecration, the pope usually delegated the right of consecration to a committee of three bishops. Alternatively, the elector or postulate could be consecrated bishop directly at the curia, if he was willing to embark on the costly and at times dangerous road to Rome (or Avignon).

Empty Chair – *Sedis vacantia*

The formal relationship between bishop and king was regulated in *Regiam Maiestatem*: The elected bishop had to take the oath of fealty prior to his consecration and received the temporalities in return. Bishops who had already been consecrated received the temporalities in return for an oath of allegiance and no longer had to take an oath of fealty.² The Scottish bishops were therefore in a clearly regulated, dependant feudal relationship to the king. In addition to the bishop's rights to temporal lordship, royal rights in vacancies were derived from this relationship. During vacancies, the crown was authorised to administer the temporalities and exercise patronage in the parish churches directly belonging to the episcopal endowment. The question of what should happen to the bishop's personal estate after his death was a regular cause of dispute between the episcopate and the crown. For example, the chronicler of Lanercost reported in 1275 that the bishop of Dunkeld had been poisoned by agents of the king because Alexander III wanted access to the movable property (Chron. Lan., 97). Until 1450, bishops had no formalised right to bequeath their estates in wills, although papal declarations called for a move away from this practice. As a precedent, Kings David II and Robert II had renounced their right to the bishops' movable goods. However, these personal grants to the episcopate or individual bishops had no normative effect. The economic importance of the bishops' movable property for the crown's revenue is well documented. The entries in the exchequer's records show that the income from vacancies not only included payments, but also animals and grain. A clear example of the crown also helping itself to the personal effects of the bishops is provided by a charter dated 1403 May 3, in which Robert III gave Gilbert Greenlaw, bishop of Aberdeen and chancellor of

2 Book II, § 100: "Episcopi uero consecrati homagium facere non possunt. Electi uero in episcopos ante consecracionem homagia sua facere solent." (Davies, *Regiam*, 322).

Scotland, a golden reliquary containing a wooden piece of the cross of St Andrew. The gifts had previously been in the possession of Walter Trail, bishop of St Andrews, and came into the king's possession on the latter's death (Donaldson, Rights). The crown therefore might have had a financial interest in ensuring that vacancies were not necessarily filled as quickly as possible.

In January 1450, a charter by James II, drawn up around the context of a parliament, laid down how to proceed in the event of vacancies (RPS 1450/1/34). The document contains a detailed *narratio*: The bishops had complained that royal officials under referral to customary law regularly confiscated movable property after the death of prelates. However, according to the complaining bishops, these goods were necessary to settle the debts of the deceased, to provide for his salvation or to bequeath them to his friends. The king's reply was clearly regulated in the *dispositio*: (1) The king relinquished his right to the bishops' movable property. Each bishop was now free to dispose of them in his last will.³ (2) All of the bishop's mensal goods (income, oblations, pensions, benefices) fell to the vicar general during the vacancy. However, he was to be required to keep precise records of the income and to pass these records on to the next incumbent, giving reckoning on the balance due. (3) The bishoprics' temporalities were at the disposal of the crown. This included the income from church lands (whether in victuals or money), court revenues and jurisdiction over these lands. The husbandmen, tenants and peasants on the estates were to remain unaffected in their leases during these vacancies. (4) Patronage of the mensal estates was vested in the crown.

McGladdery describes the agreement of January 1450 as the conclusion of a petitioning process and emphasises the role of Queen Mary of Guelders. James II decided to cave in to the complaints of the bishops enhanced by his wife, as he was dependent on the support of the prelates in this phase of political upheaval following the defeat of the Livingston faction (McGladdery, James II, 54). Donaldson, on the other hand, assumed that the agreement was part of a negotiation process in which the king had waived his claim and in return expected support from the bishops in his struggle with the pope for the right of patronage (Donaldson Rights, 35; first argued at Dunlop, Kennedy, 112–114; also at Watt, Konzilien, 174). Both explanatory approaches obscure the dynamics in the relationship between the crown and the episcopate. A closer look at the prelates represented in the witness line offers a more obvious explanation. (1) James Kennedy, bishop of St Andrews, was a relative of the king and, during his minority, ran the government together with the king's mother Joan Beaufort. (2) William Turnbull, bishop of Glasgow from 1448, was related to the Stewart

3 Moveable goods not only included valuables, precious and ceremonial objects, but also corn, cattle and other agricultural products.

dynasty and was an early beneficiary of royal patronage and part of the royal council as keeper of the privy seal. John Law attributed to him a role in the assassination of William, 8th earl of Douglas, in 1452. Although his modern biographer Durkan absolved him of any guilt, extensive grants of privilege by James II can be found, which may hint at a kernel of truth in Law's narrative (Weil, *Gute Hirten*). After Turnbull's *translatio* to Glasgow, (3) John Railston was appointed to the bishopric of Dunkeld on the supplication of the crown. He was secretary to the king and took over the office of keeper of the privy seal from Turnbull in the late 1440's. (4) John Winchester, bishop of Moray from 1436/7, also had close connections to the royal court. In 1426 he was *clericus regis* and regularly appeared as a witness in royal charters and in Parliament between 1440 and 1457. In 1451, James II established Spynie as a free barony. Only a year later, he issued it to the bishop as a regality. (5) George Lauder, bishop of Argyll, received endowments from James II and appeared as a witness in royal charters. His successful ecclesiastical career can be linked not only to the crown but was also founded on his family networks. The other witnessing bishops (6) Robert Lauder (Dunblane), (7) John Crannach (Brechin,) and (8) Thomas Tulloch (Ross) undertook diplomatic duties for the King of Scotland but were neither related to the Stewart dynasty nor were they holders of court offices.⁴

Looking at the individuals favoured by this process, a clear pattern emerges. At least half of the prelates were clerics closely associated with the king and the court, who benefited from royal patronage in return for their services to his court. These clerics did not lose their personal relationships upon ordination to the episcopate and instead submitted to a kind of *esprit de corps* of the Scottish hierarchy. Their advancement, combined with service to the royal court, meant that they maintained a reciprocal relationship even after their consecration. With this charter, James II put into writing his most important rights in vacancies, while he granted the bishops an important, but for him easily waivable, right. The right to pass on their movable possessions by will fits in with James II's strategy of strengthening the position of the bishops closely associated with him in their dioceses through donations and privileges. It is quite possible that this process, which can certainly be seen as an expansion of episcopal power, was a counterweight to the simultaneous dismantling of the great lay regalities.

4 The bishops Ingram Lindsay (Aberdeen), William Mudy (Caithness) and Thomas Spens (Galloway) were absent.

Papal Commissions – The Scottish Benefice Market

The practice of papal commissions took shape and increased from the 13th century onwards (Schwarz, *Klerikerkarrieren*). The patronage system, centralised around the Curia, established itself alongside existing local networks and offered trained clerics an opportunity to be appointed to benefices directly by petitioning the curia. We may assume that most people on a clerical career path were entering the same with the prospect of a successful career, however only a small fragment of them were able to obtain a benefice. In 14th and 15th century England this may have been as little as 10% of all clerics, with as much as 25% of all benefices being in the hands of pluralists (Swanson, *Church*, 27–28, 52). The popes were able to reward followers through their right to commission and at the same time generated considerable revenue for the Camera. There was resistance to this papal intervention in the distribution of church offices in the Christian kingdoms, which led to particularly protectionist legislation in England, exemplified by the Statute of Provisors in 1351. To this day, this system is described as nepotistic and corrupt per se – an example of the autocratic papacy, which wanted to expand its authority into all areas of Christendom. It should be emphasised, however, that this was not simply a top-down development, the other side of the system also carried weight: the petitioners and the mass of supplications themselves actually contributed significantly to the development (Smith, *Development*). In my opinion, this should be taken into account particularly when considering the situation in Scotland; historiography usually suspects papal greed and the quest for authority as the main driving forces. A closer look shows that the popes generally did not pursue an interventionist policy regarding benefices in Scotland but responded to requests.

Dowden noted with surprise that no similarly strong policy of the crown, nobility and clergy against papal commissions had developed in Scotland as in England (Dowden, *Medieval Church*, 27). However, no (or barely any) Italian or foreign clerics were appointed to the Scottish bishoprics.⁵ The popes generally followed the choice of the chapter or the proposal coming from Scotland. Various parliamentary statutes have survived from the 15th century, which are described as anti-papal legislation (particularly those of Kings James I and James III). The interpretation often follows the narrative of the national paradigm: the increasingly sovereign rulers, in cooperation with the high clergy, made it their goal to organise Scotland as a “self-contained nation-state of Christendom” (McRoberts, *Nationalism*, 5). Reid, in a sparsely received article, had already pointed out

5 Exception from this rule were English clerics, who were appointed to Scottish benefices during the Wars of Independence and the Great Schism. However, none of these were genuinely able to take office and establish themselves in the respective dioceses (MacHugh 2022).

that domestic political developments brought about these respective laws and were primarily driven by the desire of the crown and the nobility to control ecclesiastical benefits and offices (Reid, *Origins*). Watt noted that conceptual frameworks such as conflict, victory or trial of strength were not appropriate when analysing the relationship between the Curia and Scotland. At times, both sides benefited from co-operation. Any dispute was therefore dependent on current political circumstances and not determined by major trends or long-term national (or international) planning (Watt, *Papacy*).

There was, then, no overarching Scottish national-political idea present in the 15th century's hierarchy, rather connections with the Curia were characterised by personal relationships between clerics, noble families and the crown, each seeking to use the well-established system to their own advantage. The so-called anti-papal laws will not be discussed in detail here, but rather one central point of contention will be outlined, *Barratry*. This was primarily an economic problem: the outflow of money, on a very large scale relative to the total mass of Scottish currency in circulation, without an opposing inflow of goods posed a threat to the stability of the economy. The already perceptible effects of debasement and devaluation of the currency were thus further exacerbated. In the 15th century, therefore, laws were regularly passed prohibiting clerics from travelling to the curia with money and acquiring offices or benefices by paying money (Weil, *Indebted Abbots*). In Germany or rather, for the territories of the Holy Roman Empire, this phenomenon, which occurred particularly in the 15th century, is discussed under the term 'benefice market' (*Pfründenmarkt*). Parliamentary legislation and the curial sources of that century show that there was also a lively benefice market in Scotland. However, this was organised completely differently from the one in the Empire. Here it is not the filling of Scottish benefices with 'foreign' or Italian career clerics that can be observed, but rather the attempt of Scottish clergymen to obtain benefices in the curia or to gain advantages through papal commissions. Particularly frequently negotiated benefits were canonries and dignitary benefices as well as well-endowed parishes and vicariates. The reason why the market for benefices in Scotland did not assume the same proportions as in the Empire, for example, is also due to the fact that the costs of issuing the commission for simple benefices were disproportionate to the income. It should be emphasised that the pope was decisively involved in this benefice market. The term therefore does not include the simoniacal, canonically illegal purchase or fraudulent acquisition of benefices from the ordinary or lay patron.

In principle, there were two different forms of papal commission in minor benefices. The first was the provision on vacant benefices: Here, the pope received commission rights if the ordinary provisor violated legal stipulations or did not appoint a candidate within the time limit. In addition, the popes had

general reservations for benefices whose holders died at the Curia or on the way there, gave them up into the hands of the pope or those that became vacant through translation, promotion, deposition of the holder by the pope, marriage, entry into a monastery or taking over an incompatible benefice (Schwarz, Pfründenmarkt). The second case of provision was expressed through so-called *littere expectative*. Through this, the popes granted (future) entitlements to benefices in dioceses that would become vacant due to one of these cases. The provided person thus had the right of first refusal on all vacant benefices within a parish until the annual value specified in the provision was reached. As several people could hold such an expectative grace at the same time, the favouring of candidates followed a system, but still regularly led to disputes. A *nova provisio* or *confirmatio* was the granted request of a benefactor if he had doubts about the legitimacy of his ordinary collation. The importance of the correct form and formulary of the provision is shown by the supplications requesting *reformatio* or *perinde valere* (Williamson, Scottish Benefices, 27–29). It should be noted that not every supplication resulted in a bull being issued, but that the candidate only had the bull issued when he was confident of success.⁶ The provision, like the investiture by the ordinary collator, was initially a right to the benefice (*jus ad rem*). The *jus in re* was only obtained by actually taking possession for a year and a day. The *jus in re* by taking possession for a year and a day was so effective that subsequent supplications with complaints against the holder were rarely met with success (McGurk, CPL Benedict XIII, XXII). This explains why the role of the local laity was decisive for the occupation of parishes and why clerics sometimes used a lot of resources and energy to prevent undisturbed possession. It can be observed here that the centralisation of a legal process did not automatically mean that the localities no longer played a decisive role (Thomas, Rome, 137–145; see also Berlandi, 145). On the contrary, the involvement of the centre (i. e. Rome / Avignon) only provided competing clerics with a further opportunity to pursue their local agendas. In Scotland, the changes in the allocation of benefices as a result of papal commissions have not yet been sufficiently studied to allow generalisations to be made. In the Empire, the flourishing late medieval benefice market meant that local elites lost the opportunity to provide directly for their offspring and new classes of educated, socially upwardly mobile clerics flocked to the localities. The system was particularly damaging for the ordinary collators. Lords without patronage and collation rights generally had to go through the papal commission anyway to support their servants and relatives. From the perspective of the high nobility, the papal commissions and the foundation of collegiate churches thus helped to secure benefices from the intervention of the

6 For Zürich, Meyer 1986, has calculated a rate of 1:10; that is one of every ten provisions led to the successful entry into a benefice.

ordinary and to gain direct or at least predictable access to them (Schwarz, Pfründenmarkt, 146–148, 150).

From the 13th century onwards, this development led to an increasing bureaucratisation of papal financial administration, which was completed by the middle of the 14th century at the latest. There were basically two types of levies: Those payable directly to the chamber in Avignon / Rome and taxes collected locally by collectors. The former tax was based on the value of the benefice. For benefices worth more than 100 florins, *servitiae* were due, which were supposed to correspond to around a third of the estimated annual income. In addition, a smaller payment was due to the cardinals present in Rome when the benefices were awarded. Prebendaries worth between 24 and 100 florins had to hand over half of their assessed annual income, the so-called annuity payments. In the High Middle Ages, these were still collected by the diocesans, but from the 13th century, smaller benefices also paid their dues directly to the Curia (Cameron, Apostolic Camera). Collectors remained an important part of the papal administration despite the increasing centralisation of curial finances. They collected additional levies and special taxes, checked the valuations on which regular taxation was based or were tasked with collecting missing annuities on site (Barrell, Greenlaw). The actual practice of the payment of obligations and annuities posed major problems for most clerics, which could often only be tackled after taking possession over the course of a year and a day. The prelates then became indebted to their tenants, relatives, citizens and noble neighbours or leased out teinds and land in order to raise the necessary sums for the Curia. Debts to the Curia were virtually inherited by the respective successor and the sums of money accumulated as a result could far exceed the real economic output of a benefice.

Parish Organisation

The organisational structure of the church in the Kingdom of Scotland was significantly reorganised in 1472 (Weil, Gute Hirten). Up until then, it had developed and solidified during the High Middle Ages under the influence of external political circumstances. In step with the expansion of the Scottish crown's authority, new dioceses were created, which were also intended to contribute to the administration, pacification and consolidation of royal rule. Thus, from the early 10th century onwards, a merging of monastic, episcopal and royal interests can be observed. Under David I (1124–1153) at the latest, a church order was systematically established through the introduction of parishes and at the same time used as a system of order for the territorial expansion of the kingdom. Particularly in the south and north-east, where land was newly granted

by the crown, parishes were established in line with the lands granted, from whose tithes the priest of the respective church was to be supported. The parish boundaries were therefore often strongly orientated along existing secular administrative or land units until the early modern period (Ross, Province; Rogers, Formation). In order to better integrate the church into the kingdom and establish it as a political entity, the episcopate was transformed (Cowan, Medieval Church, 100). This included the construction of cathedral churches and the foundation of chapters, which made the selection of the bishop and the clerics who administered the diocese more controllable for the crown. The prelates also acted as royal representatives in more remote areas of the kingdom. Chapters with secular clergy were established in the Scottish dioceses. Monastically organised exceptions, i. e. chapters made up of regular canons, were the Premonstratensians in Whithorn and the Augustinians in St Andrews. The formation of more or less clearly constituted presbyteries from previously loose episcopal councils or monastic institutions was not a specifically Scottish development; cathedral chapters were also formalised in England and on the continent at this time. The constitutions of the unregulated cathedral chapters in Scotland were modelled on the English example, partly because parts of the leading clergy were imported to Scotland from England or France for exactly this purpose. From the 11th century onwards, these more or less loose associations of clerics developed an increasingly corporate character. In step with the changes in the secular clergy and the parish system, a comprehensive network of monastic institutions was founded (Cowan / Easson, Religious Houses). These, like the individual churches and chapters, were not only endowed with extensive landholdings, but also incorporated the rectorates of the Scottish parishes and thus their revenues during the 13th century. Cowan estimates that in the 14th century around 87% of the approximately 1000 Scottish parish churches were incorporated. The incorporation of churches certainly posed a problem from a pastoral perspective, as members of a monastic community were not allowed to work as priests in a parish without dispensation. If the churches were far away from the institution, the pastoral tasks could hardly be fulfilled for logistical reasons alone.⁷ To solve these bottlenecks, so-called vicarage settlements were drawn up in the 12th century, often on the instructions of the responsible ordinariate, in which it was precisely determined how the income from the parishes was divided between the rector (i. e. the institution which had received the incorporated church) and the priest entrusted with pastoral care, the vicar. Initially, it was customary for the

7 Cowan (Medieval Church, 13–14) claims that the incorporation of churches was “one of the greatest flaws in the structure of the medieval church in Scotland”; Dilworth (Monasteries, 44) similarly stated that “This was perhaps the biggest single cause for the poor state of the medieval Church in Scotland”.

great teind (of grain) to go to the rector, while the small teind (of wool, milk and other animal products) and the remaining oblations, mortuaries and offerings went to the vicar. The rector was responsible for the upkeep of the church and associated buildings. In addition to a small residence, the vicar also owned land next to the church from which he could support himself. The holders of these so-called perpetual vicarages had access to one fifth to one third of the church income (Cowan, *Medieval Church*, 48–49). Nonetheless, in the later Middle Ages, these perpetual vicarages were attractive prebends, particularly in large parishes, and were also awarded to non-resident clerics, pluralists or institutions. The holders of these well-paid vicariates in turn appointed clerics to take over their pastoral duties locally. As a result, a new, more flexible system increasingly appeared in incorporated churches from the 14th century onwards: The appointment of chaplains who took over the cure of souls for a fixed annual pension. The fixed annual pension of a stipendiary vicarage was usually ten marks. The vicar often had to pay the episcopal levies and was responsible for the upkeep of his church and the provision of wine, bread and light for the service. Therefore, the underserved parish clergy had to rely on supplementing their income by overburdening the parishioners or performing other jobs (clerical work, notarial / scribal duties, administrative work).⁸

The inhabitants of the parishes were not only burdened with large and small church teinds, but also had to pay altar fees, oblations and death duties. These revenues were an important cornerstone of the church's income and refusal to pay was severely penalised. A prayer book from the late 15th century documents the general excommunication read out every quarter of the year, which not only condemned thieves, murderers and other criminals, but was directed against *false teyndaris*:

“Al fals teyndaris and al thaim that haldis or gerris hald thar awne or otheris mennis teyndis ovthir be stryngth sutelte or mycht fra thaim that sulde have thaim [...] Al thaim that mynsis thair teynd for fraude or malice of thaim that aucht to have it and al thaim that for fraude of the teynd lefis the stok vnlaborit [...] [...]Cursit be thai syttand standand rydand gangand slepand waikand etand and drinkand in hows and owt of hows Cursit be thai fra the crowne of the hede to the soile of the fute Castyn be thai owt of the duelling place of Cristin men [...] Few be thar daies other men bruke thar possessionis [...] out be thai tane of the buke of lyfe [...] swa be thar saules castyne fra the sycht of God into the depast pot of hel euer to remane [...]” (Forbes, *Liber Ecclesiae*, LXX–LXXXI)

8 The vicar's income was on the lower end of the Late Medieval income scale; a craftsman could probably look at two or three times the yearly income of an average vicar or chaplain, Cowan, *Medieval Church*, 61.

The various forms of false teind payment listed there testify to the fact that refusal or avoidance of payment did occur. The teind was a particular burden that affected all areas of the economy. Whether agricultural produce, livestock, fish, artisan income or labour – the church had a claim to the teind everywhere (Patrick, Statutes, 24, 59). A questionable practice became established among rectors: they sold the foodstuffs collected through teinds back to the parishioners. Landlords sometimes forbade their tenants to buy back the teinds from the clergy (Dowden, Medieval Church, 172; Patrick, Statutes, 41). The construct of the second teind was an additional burden for the rural population: this right to teind granted by the crown or magnates to spiritual institutions authorised the church to take the tenth from all due rents in a lordship or region. This was often not paid from the income of the lord himself, from the actual rent, but was passed on to the tenants by the landlord (see below, 234). In addition to the teind, there were various gifts to the parish clergy, which in the 14th century were no longer voluntary, but compulsory as customary levies. These included at least three annual oblations on the high feasts of Christmas, Easter and Pentecost. Priests refused the Eucharist as a means of exerting pressure if these oblations were not paid. Although the provincial synods regularly issued statutes against this practice, it remained in place until the Reformation (Patrick, Statutes, 34–5, 40, 52). Other contributions were also supposedly voluntary, such as, for example, the priest receiving a gift at marriages, baptisms or funerals. In practice, however, these gifts were obligatory. This is shown by the vicarage settlements, in which oblations, marriage duties, *baptis-taria* and *mortuaria* were divided between rectors and vicars as regular components of the church income. (St A Lib 177, 318).

Mortuaria, death duties, were probably the most serious form of duty: for each buried person, the parish priest was entitled to the family's best animal. If the deceased was too poor, the priest was allowed to take the largest and best cloth in the family (Durkan, Chaplains). The official court records of the 16th century show that vicars even legally enforced the mortuary levy if necessary (Ollivant, Court, 82–3). The abolition of the so-called corpse-present was a central demand of the reform movement in the 16th century and in 1559, at least the poorest of people were excluded from this levy (Patrick, Statutes, 167–8). In his work *Satyre of the Thrie Estaitis*, Sir David Lindsay of the Mounth has the *pauper* explain why he and his children became beggars:

“Then Meg, my wife, did murne both evin and morrow,
Till at the last scho deit for verie sorow;
And when the vicar hard tel my wife was dead,
The thrid cow he cleikit be the head [...]
Quhen all was gaine, I nicht mak na debeat,
But with my bairns past for till beg my meat.” (Lyll, Ane Satyre, 72)

This clearly shows that the administration of pastoral care remained an ongoing structural problem in medieval Scotland. The entry into benefices, the actual cure of souls and the payments from and to parish churches were debated territory. They, however, formed the basis on which the diocesan structures laid out below were founded on.

These basic organisational structure can be observed in all dioceses of the Scottish kingdom. Until 1472, the bishops were the highest spiritual authorities within their dioceses and in the realm. There was no metropolitan who could create a legal framework valid throughout the kingdom. Statutes were passed at the provincial synods among peers, but the respective enforcement and implementation was at the discretion of the bishops. In the late Middle Ages, the provincial synod was not an instrument for regular legislation. The provisions enacted up to the 13th century continued to suffice and were merely adapted or revised (Watt, *Konzilien*, 65–73). Particularly during the Schism, when the Curia at times failed as a responsive authority, the conservator and the provincial synod established themselves as the final court of appeal: In 1401, the Parliament clearly regulated how excommunicated persons could appeal against their punishment (RPS 1401/2/10). The specific development of the bishopric of Aberdeen is outlined below in more detail as to provide the constitutional framework within which the prelates operated. The bishops' spiritual and temporal domains were not congruent. This fact is often ignored by historiography or at least only vaguely alluded to. The bishop is seen as the lord of the diocese, but he was often only able to exercise actual power in his temporal possessions, which were scattered across the diocese, sometimes even in other dioceses. English-language historiography makes no linguistic distinction between these areas. The German term *Stift* is therefore introduced below to distinguish the territorial possessions of the prelates from the diocese. The term 'spiritual rule' here refers to the supervision and organisation of the church in the diocese. This includes, for example, the organisation of the chapter, visitation of the monasteries and parishes and legal administration as the highest spiritual judicial authority. It also includes the control, allocation and redistribution of benefices. This aspect will also be focussed on in the following, as it has received little attention as an instrument of lordship in Scottish historiography.

Bishops and Royal Offices

It is assumed that bishops and other high-ranking clerics were regularly involved in the administration of the realm. This is usually assumed either because these men had mostly studied and, above all, were trained in administrative practice through the exercise of various offices, or by the fact that the crown used the

bishoprics to provide for its loyal officials (Stevenson, Power, 110–120). Since this assertion seems fairly obvious, it has not been empirically verified, although it simply requires an analysis of the central records. Both the *Registrum Magni Sigilli* and the parliamentary records (*RPS online*) were therefore preliminarily analysed for this sub-chapter. I have searched these records for bishops of Aberdeen and St Andrews mentioned in one of two categories: (1) offices and (2) presence as witnesses or in parliament. The overview of the records collected clearly shows which prelates were actively involved in central / royal rule and administration. Duties in parliament or offices in the central administration were not linked to a specific bishopric. For example, the bishop (or archbishop) of St Andrews was not an integral part of parliament, nor was he necessarily included on committees when present, for example among the *Lords of Articles*. If clerics were active in the administration of the kingdom, they remained part of the government and administration even after they had risen to a higher ecclesiastical office. Because of their training, the clergy were predominantly active in the practical, written administration of the kingdom: three bishops (James Kennedy, Gilbert Greenlaw, William Elphinstone) are documented as chancellors and two were keepers of the privy seal (Thomas Spens, William Elphinstone).⁹ It should be noted that increasing literacy and the formalisation of centralised institutions probably tilted the results presented below. The activity of William Elphinstone, who was listed as being present in 39 parliaments or committees, is difficult to compare with that of Adam de Tynningham, who had been in office almost a hundred years earlier and had only appeared once as a plaintiff before Parliament. Parliament and the separate committees of the *Lords Auditors* only developed into regular, non-iterating institutions during the 15th century (McAlister / Tanner, *First Estate*, 31–66; Godfrey, *Civil Justice*, 7–39). Particularly during the reigns of the Albany Stewarts, there are large gaps in the central administrative records. The charters issued by the government during this period can be found sporadically in family collections and suggest that a review and collection of these would significantly alter the findings for Henry Wardlaw and Henry de Lichton. The tables compiled here (*Tables 1 and 2*) therefore do not claim to be exhaustive and cannot document in absolute figures how often individual prelates appeared in parliament or as witnesses in royal charters.

⁹ A compilation of the medieval royal offices can be found at Chalmers, *King's Council*, 31–56, 472–4.

Table 1: Bishops / Archbishops of St Andrews in RMS and RPS.

Bishop / Archbishop	Term in office	RMS	RPS	Court / administrative office
Walter Trail	1385/6–1401	59	6	king's council
Henry Wardlaw	1403–1440	5	4	none
James Kennedy	1440–1465	112	10	chancellor, king's council
Patrick Graham	1465–1472x9	9 (11)	12	none
William Scheves	1479/80–1497	190	18	royal doctor, royal cleric

Table 2: Bishops of Aberdeen in RMS and RPS.

Bishop	Term in office	RMS	RPS	Court / administrative office
Adam de Tynningham	1380–1389	0	1	none
Gilbert Greenlaw	1390–1421	71	8	chancellor
Henry de Lichten	1422–1440	0	0	none
Ingram Lindsay	1440/1–1458	0	0	none
Thomas Spens	1458/9–1480	388	34	keeper of the privy seal
William Elphinstone	1488–1514	1821	39	keeper of the privy seal; chancellor

Despite these limiting factors, this basic numerical list allows qualitative statements to be made about the role of individual clergymen from the dioceses at court. Firstly, it can be noted that the (arch)bishops of St Andrews were *not* generally more closely involved in the central administration than the bishops of Aberdeen. With Thomas Spens, Robert Blackadder and William Elphinstone, three of the bishops of Aberdeen (during the time period of this study) were permanently present as officers, witnesses and administrators of and around the Crown; none of the bishops of St Andrews had a comparable status. Nevertheless, this does not imply a basic requirement for the office of bishop in Aberdeen: Ingram Lindsay, Henry de Lichten and Adam de Tynningham are almost entirely absent from the central sources of the kingdom. It should also be noted that the chapter members from Aberdeen played no major role in the administration and the crown seems to have barely used the canonries of the diocese to provide loyal clerks. Archdeacons and officials of St Andrews and Lothian, on the other hand, were frequently occupied by clerics involved in Scottish government in the late 15th century. As important prelates, the priors of St Andrews occasionally attended parliaments; John Hepburn, for example, was regularly present and served on committees.

The complete absence of bishops Henry de Lichten and Ingram Lindsay, who were not to be found either as witnesses or in any other capacity at the royal court

or in parliament, is striking. This empirical finding is consistent with Boece's description of Bishop Lindsay's life: Ingram was not in good standing with James II, as he refused to fill vacant benefices with royal candidates. Instead, he was an advisor and close friend of the nobles in the north of the realm (Boece, *Vitae*, 36–37). In fact, there are only a few charters and documents extant involving the bishop himself. One of these is the confirmation of a foundation of the Erskines from 1445, possibly one of the regional noble families with whom Ingram was in close contact (NRS GD 124/9/2). Something similar can be assumed for Henry de Lichten: He acted predominantly with his kinsmen in the diocese. These officials were thus counterparts to their successor: Bishop Thomas Spens was constantly active at court and parliament or served as a diplomat in England and France. In keeping with this role, Spens was the first bishop not to be buried in St Machar's Cathedral in Aberdeen, but in the church of the Holy Trinity College in Edinburgh, which was founded by Mary of Guelders (Boece, *Vitae*, 42–48).

The bishops and canons of the dioceses had no permanently fixed ties to or position at the government and parliament of the kingdom. Their involvement in the central royal administration and court was independent of their office; rather, their personal ties to the crown were decisive. Such an understanding of the relationship between the episcopate and the crown can better summarise the role of the bishops during the kingdom's political history. Considering Henry Wardlaw's general absence during his 37 years in office, it is not altogether "puzzling" that he did not attend the coronation of James II at Holyrood (McGladdery, James II, 9). Tanner explained the absence with the antagonism between James I and Bishop Henry, which had resulted from differing attitudes to barratry (Tanner, *Parliament*, 87). However, there is no evidence of a conflict between Bishop Wardlaw and the crown, but the assumption operates on the flawed premise that the bishop of St Andrews was necessarily involved in the administration and rule of the kingdom. The tenure of Henry Wardlaw in particular, however, shows that such an explanation lacks complexity and that the connection to the centre was not a necessity of episcopal rule: he exercised his lordship intensively in the diocese and in his temporal lordship without entering a close relationship to crown and parliament. This also applies to his contemporary Henry de Lichten in Aberdeen, who also did not travel to the coronation of James II but nevertheless enjoyed a thoroughly successful term of office in Aberdeen. At the same time, however, it can also be observed that the duties associated with the office of bishop did not prevent clerics from continuing to fulfil their activities in the administration of the kingdom. In the case of absentee bishops such as Thomas Spens, the regional administration was in the hands of the vicar general and the chapter. Close ties to the royal court had a considerable influence on how bishops conducted conflicts and exercised their office. The

following subchapter will thus examine the forms of conflict management that were chosen and the contemporary ideals with which the clergy were confronted.

An Ideal Bishop?

The problem, which the appropriate categorisation of episcopal actions poses to modern historiography, reveals a view on more fundamental problems in the study of the Middle Ages. For example, some view the people of the Middle Ages as 'people like us' who merely operated with simpler technological possibilities, while others see them as completely different. The latter requires reconstructing value systems and categorisations in order to identify logics of action and justifications (Wickham, *Medieval Europe*, 7).

Ecclesiastical lordship can not only be reconstructed using the written records of the institutions themselves but can also be read against contemporary ideas of an ideal bishop. This normative image of the bishop can be placed in relation to the bishop's exercise of office visible in the documentary tradition as well as to assessments in modern historiography. This means that it is not necessary to apply the Christian moral standards commonly used in church history to determine the success of episcopal rule. There is a methodological problem when evaluating the performance of a prelate's rule based on his spiritual achievements: The spiritual administration of dioceses was highly developed in the late Middle Ages and functioned even in the absence of the bishop, so (even if court records had survived) personal influence on pastoral procedures is almost impossible to ascertain. Nor is it possible to assess personal piety and spiritual endeavours, as there are no personal testimonies in this regard (Weßels, *Bischof*). Contrary to the focus usually placed by historiography, the surviving sources (both charters and narratives) show that bishops were primarily concerned with their temporalities and the income from the spiritualities. Conflicts and their resolution were therefore a constant part of the practice of lordship.

The *Vitae* by John Myln and Hector Boece describe disputes between bishops and laymen in order to show their patrons how an ideal-typical bishop should behave in the event of conflict. In the following, the prelates' possibilities of action described in this literary context is contrasted with conflict situations recorded in the documentary records. The analysis of various conflict cases shows the range of conflict resolution mechanisms available to a late medieval prelate. In addition, it is possible to reflect on the extent to which bishops behaved within the framework of contemporary expectations or exceeded them in the event of conflict. The spectrum of conflict resolution was widely diversified in the late Middle Ages, there were various different jurisdictions. There was no formalised feuding practice in Scotland, yet violence was a regularly used means

of dispute resolution among the lay nobility. Although personal violence by clerics is sometimes documented in late medieval Scotland, conflicts involving prelates in the bishoprics of Aberdeen and St Andrews only escalated to physical violence in exceptional cases. The bishops and chapters of both dioceses used their own jurisdiction or other regional courts to enforce their interests, but clerics who were well connected at court, such as William Elphinstone, Thomas Spens or James Kennedy, often took disputes to the central courts of the kingdom. In order to implement legal titles, the prelates were not only dependent on the support of the secular arm of lordship, but were also able to put pressure on lay nobles by means of ecclesiastical punishments and censures (Jaser, *Ecclesia maledicens*).

The bishop's role in conflict. Contemporary views on bishops, c. 1500

Two bishops' vitae from late medieval Scotland have survived. The lives of the bishops of Dunkeld was written by Alexander Myln in the early 16th century, probably completed by 1517. Myln was a graduate of St Andrews University and worked as a scribe, clerk and notary in the diocese of Dunkeld, initially on behalf of the official and eventually in the personal service of Bishop George Brown. From April 7, 1506 at the latest, he was a canon in Dunkeld and in 1513 he was appointed official of the diocese. Myln was active there until at least 1516, when he was instated as prior of Cambuskenneth (Gould, ODNB 'Myln'). The Vitae dedicated to Bishop Gavin Douglas and the cathedral chapter primarily present the life and work of Bishop George Brown and his cathedral chapter; over two thirds of his text deal with Brown's episcopate. The entries on the latter's predecessors are so brief that they have been omitted by modern editors or labelled unimportant by historians.

Hector Boece was the first Principal of King's College in Aberdeen, which he helped establish since 1500. Aside from his well known *Historia Gentis Scotorum* (1527) he had previously compiled the *Vitae Episcoporum Murthlacensium et Aberdonensium* (1522). This work was dedicated to Bishop Gavin Dunbar.

Scholarship has deemed these texts as "largely valueless for the early bishops." They assume that, from today's perspective, Myln's and Boece's Vitae can only serve to supplement the history of events and offer merely a glimpse into their contemporaries' episcopacies. This is, however, misjudging the author's intention: these works were not even intended to provide an accurate history of contemporary events and possessions, because for this the bishops and cathedral chapters were able to access their registers and chartularies. Even though Myln and Boece had detailed information available to them, we should not be misled about their narrative strategy.

In the dedication to his *In Episcoporum Vitas*, Hector Boece revealed his narrative intention much more clearly than Alexander Myln. Firstly, he explained that Edward I had ordered the burning of the Scots' history books made and kept at Iona and Restennet. As a result, the nobles and bishops had no way of accessing detailed knowledge about their ancestors and predecessors. On behalf of Bishop Gavin Dunbar, he therefore endeavoured with great diligence to discover the work and character of the Aberdeen bishops. Although he could hardly find any evidence from the time before Robert I, he compiled it to show that all the bishops of Aberdeen were scholarly and virtuous. The book was not only dedicated to Dunbar, but was also intended to bring him joy, as the fame of his predecessors naturally increased his own fame. The decisive sentence is found just before the end of the dedication: "Fuere tui inquam antecessores (ut videre licet) studio atque eruditione omnibus qui sacrum ubilibet gerunt magistratum imitandi." (Boece, *Vitae*, IV). The bishops of his story were to be role models for all those who aspired to an ordained office, both in their work and their scholarship: thus, any action that did not fit into this narrative was not included in either Boece's or Myln's *vitae*. Nevertheless, these two chroniclers had a different understanding of episcopal conflict management: While Boece cited the bishop's spiritual agency as decisive in almost all cases of conflict, Myln saw it as quite necessary for a bishop to use secular force against lay nobles if necessary. A few examples from the two works can thus be used to reconstruct the bishops' ideal role in the normative understanding of contemporary clerics. Scottish historiography has hardly examined the relationship of the clergy to violence to date but basically adopts the moral-theological position that the church was an institution of peace: acts of violence may have taken place, but they had to be regarded as deviance and had no effect on the church and piety (Murray, *Lay Administrators*, 32; Cowan, *Medieval Church*, 171). More recently, cultural scientific studies have emphasised that large parts of the medieval clergy grew up around weapons, hunting and aristocratic ideals of masculinity and accordingly did not discard the associated symbols and patterns of behaviour even after ordination (Armstrong-Partida, *Defiant Priests*). This is also true for Scotland: MacDonald was able to show, at least at the level of the parish clergy, that violence was indeed used based on the supplications to the Roman penitentiary: In the period from 1449 to 1542, 54 supplications for murder and a further fifteen for serious injury or mutilation have survived. These included, for example, hunting accidents: Alexander Ramsay, a priest from St Andrews, shot a seven-year-old boy whilst practicing archery. Sometimes priests got into escalating fights: in 1479 Robert Wright, another priest from St Andrews, chopped off a hand of his colleague David Dawson for attacking him (MacDonald, *Papal Penitentiary*, 122–129). The problems that could arise in a town because of the presence of young, always male students have been sufficiently investigated at other university locations.

There were also outbreaks of violence in St Andrews: in 1470, the dean of the faculty of arts was first attacked by a student armed with a sword and knife and then by a group of members of the College of St Salvator with a bow and arrow. Armed resistance to examination results was also not unheard of in the 15th century, so the carrying of weapons was regularly banned at the University of St Andrews to prevent such violent confrontations. Other cases were simply curious: John Dickinson, a lecturer at the University of St Andrews, killed and wounded several people when he fired a cannon near the Holyrood Palace. As this had been an accident, he was absolved by the curia (Cant, University, 33–35). This brief overview shall show that the clergy were part of their congregations, communities and networks and as such were as prone to violent behaviour as any other male member of medieval society.

Conflicts at the level of bishops only escalated to physical violence in exceptional cases. The biographies of Myln and Boece reflect the contemporary ideal that a bishop should rather strive for ‘non-violent’ conflict resolution. However, the bishop as a combatant certainly could correspond to the normative ideas of a cleric around 1500, even though late medieval prelates in Scotland were not regularly involved in military activities. Gilbert Greenlaw, for example, is the only bishop of Aberdeen remembered as an active participant in military action. According to Boece, he not only fought with the Earls of Douglas and Buchan in France against English troops at the Battle of Verneuil in 1422 and returned to Scotland as one of forty survivors but also lifted the siege of Edinburgh Castle by the English King Henry IV by a stroke of genius. Alexander Myln showed a far greater interest in fighting bishops than his learned colleague in Aberdeen. He noted, for example, a skirmish with English troops in the Firth of Forth, also described in Barbour’s *Bruce*, in which William Sinclair, Bishop of Dunkeld from 1309 to 1337, played a decisive role. When the ‘byschop that wes rycht hardy and mekill and stark’ learnt that the Sheriff of Fife was fleeing with his troops from the overpowering English army, he armed himself and marched towards the Sheriff with 60 men. There he addressed the fleeing men as cowards and inspired them to fight by his example, throwing aside his crosier and riding head on against the English with a heavy spear in his hand. More than 500 opponents were thus defeated, and the bishop had secured the thanks of Robert I through this deed; Myln therefore described Sinclair as “rei publicae regni virilis pro posse defensor”. Neither Alexander Myln nor John Barbour saw a problem in the fact that William Sinclair was both a bishop and a warrior. Myln is even more explicit in reconciling these two roles than John Barbour more than 100 years prior: Bishop William could throw aside his crozier to fight – yet the author judged: *inter nobiles pontifices merito computandus*. (Myln, Vitae, 13).

Myln noted in the biography of Bishop James Bruce (1441–47) that the bishop had to constantly defend himself against *alpinates* (highlanders). The tyrant

Robert Reoch MacDonnachaidh, who raided and depopulated the entire church lands of Little Dunkeld, was particularly invasive. The bishop did not act himself, but his nephew, baillie of Torwood and tenant of these lands, defeated Robert in battle and inflicted a serious head wound. Robert MacDonnachaidh continued his journey to Perth seriously injured. There he was enfeoffed with land by James II as a reward for the previous arrest of Walter Stewart, earl of Atholl, Strathearn and Caithness, but eventually succumbed to his injuries. In this anecdote, the bishop did not act himself, but violence was a legitimate means of fending off attacks on church property in Myln's view. A bishop was allowed to act as lord with a heavy, at times violent hand.

Alexander Myln narrated various cases of conflict from the tenure of Bishop George Brown, which basically reflect all the possibilities of episcopal conflict management. The first dispute was 'inherited' from the bishop's predecessor, who had started a protracted litigation against James Fotheringham over church land in Fordale. In an highly interesting claim, Myln suggests that the kingdom's chancellor at that time, Andrew Lord Avandale, had always favoured laymen over clergy in legal proceedings, therefore Thomas Lauder had been unsuccessful. After a long and costly legal battle, Bishop Brown finally regained the disputed lands: however, he had to give Fotheringham money, lands and leases to settle the dispute. In this conflict, the bishops of Dunkeld initially sought recourse to the central courts, but these did not rule in favour of the church, either because the chancellor had taken advantage of them or because of a lack of evidence in favour of their claim. According to Myln, an agreement was only reached locally via compromise. This episode may already nuance the assumption that the 'new' legal institutions in the realm offered more impartial rulings and established higher degrees of legal securities (for this see Berlandi, 155).

Another dispute over land ownership was waged by George Brown against James Crichton of Strathord. As the bishop had reclaimed the land of Mukkersy from him, Crichton tried to harm the bishop in various ways. The conflict escalated and the lay nobleman attacked Brown and his entourage while travelling. Myln reports that in this direct and violent conflict event, the attacked clerics acted as mediators and peacemakers: they supposedly held back the bishop's servants, otherwise James Crichton would have been killed. Crichton subsequently continued to plunder the bishop's lands and tenants, but George Brown pursued a non-violent strategy to consolidate his rule over Crichton. He bought surrounding lands, had them incorporated into the barony of Dunkeld and eventually built an estate in the centre of the demesne. This district was subsequently administered by a layman (allegedly a baillie, instituted on the king's instructions) and the ecclesiastical tenants lived in peace from then on. The clerical author Alexander Myln viewed mediation and leniency as the right

behaviour for in this specific conflict. The bishop was able to use his financial resources to secure the desired outcome.

The legal dispute between Bishop Brown and James Herring of Clony, who was in open conflict with the chancellor of Dunkeld, or rather his tenants, took a similar route. Myln's report, based in part on trial records and documents he knew very well, reveals the regional conflict resolution mechanisms: the parties finally succeeded in reaching an agreement through *perambulatio* and subsequent arbitration. The bishop had thus purchased additional lands to control a lordship as dense and unbroken as possible (Myln, *Vitae*, 38).

Myln's narrative therefore reveals a wide array of behaviour in conflict: Violent and tangible action against laymen was as acceptable as the use of various legal and economic strategies to consolidate landed interests. A contradiction between the fulfilment of spiritual duties on the one hand, and the involvement in temporal business on the other hand, was not observed by him. Myln (as opposed to modern historians) did not have pure moral-theological demands of the prelates, on the contrary, he praised Bishop George Brown for not neglecting the temporalities, safeguarding the possessions of bishopric and chapter against intrusions and even enlarging the territory. Brown's motive, according to Myln, was not a renovation or improvement of his diocese and the administration of spiritual services, but the bishop aimed to be able to ride between his palaces without having to leave his own lands. For contemporaries then it was obvious that [...] *episcopum illius ecclesiae oportet esse strenuum* [...] (Myln, *Vitae*, 31).

Hector Boece also described various cases of conflict, but he had a recognisably different ideal of bishops' action in conflicts than his contemporary Alexander Myln. For example, Boece described how Bishop John Rait (1350–1355) used excommunications and interdicts against the laity. Certain tyrants had robbed and damaged the church of fields and goods. Bishop Rait therefore travelled through the diocese every year with a few companions to reenforce the ecclesiastical penalties that had already been imposed. During such an iteration, a conflict arose in Kildrotty: Some excommunicated, wicked men had armed themselves to kill the bishop. When John learnt of this, he put on his episcopal robes and confronted the attackers to have them banned from the church. This action impressed the armed men deeply: they laid down their weapons, anger and hatred and submitted to the bishop in tears. The bishop showed mercy, as the lost lands and fields had been returned to the church's property and lifted the excommunication. With this episode, Boece showed how a bishop could use his faith against encroaching laymen. However, it can be assumed that in this case it may not have been God, but rather the physical presence of the bishop and his entourage, which led to the lairds and inhabitants of Kildrotty laying down their arms. The scene describes a subsequent ritual of repentance or reconciliation after conflict: the laymen prostrated themselves at the bishop's feet and asked for

forgiveness, which he granted them – after assuring the rights of the church. Boece thus reminded his patron of how a prelate should resolve conflicts.

This narrative becomes even clearer in the abuses attributed to Alexander Stewart, *homo nefarius*, under which Bishop Adam de Tynningham had to suffer. Stewart had killed peasants, stolen cattle, divided up the church's lands among his own men and ravaged the bishop's lands and possessions for a long time. Bishop Adam imposed excommunication on Stewart, but this had no effect. The offences of Stewart, known as the *Wolf of Badenoch*, culminated in him coming to Aberdeen with other criminals (*sceleratis*) to kill the bishop. Like his predecessor John Rait, Adam bravely confronted the armed men and offered them his head: *Sic hoc petis, praesto est*. This apparently moved many of the men to tears and Alexander was dissuaded from his plan (Weil, Lordship).

In Scotland at the turn of the 15th century, there was evidently no single concept of how a bishop should behave in a conflict. It was important to contemporaries that he defended and, if possible, expanded the lands, churches and property of his institution. In direct conflict, he could either utilise the active military support of his entourage or work with various ecclesiastical censures. Boece had little interest in the specific conflict resolution mechanisms available. A successful bishop like Henry Lichton brought peace to the entire diocese: *tyrannis ex Abernonensis ecclesiae agris explosis*. Myln's more detailed description of the course of conflicts indicates the variety of ways in which prelates could approach conflicts over land, possessions and churches. Whether at the centre or locally, legal disputes were always associated with great expense and a good bishop had to be prepared to incur this expense to protect and increase the possessions of his office and his cathedral chapter. In the following, this multifaceted conflict management is analysed based on other, non-narrative records. Above all, this calls into question the preminent centralisation thesis, according to which it is to be expected that from the middle of the 15th century onwards, lawsuits were increasingly no longer conducted locally, but primarily in parliament and crown courts (see Berlandi, 144f). Many of the conflict processes described by Boece and Myln can be found in the documentary records. The surviving conflicts generally concerned the income and land ownership of the institutions, as the bishops were constantly endeavouring to protect and secure their possessions, income and privileges. To this end, they used excommunications and travelled around their diocese to put pressure on the laity locally, used their secular jurisdiction, chose various forms of arbitration or took legal action before the central courts of the kingdom. Between 1380 and 1513, therefore, no linear development of conflict management in the dioceses of Aberdeen and St Andrews can be observed. The analysis of various conflicts does not confirm expected trends. Contrary to the thesis of increasing centralisation in Scotland during the 15th century, it cannot be observed that legal disputes within the

ecclesiastical territories were increasingly brought before the central courts of the kingdom. On the contrary, an intensification of episcopal lordship can be observed in Aberdeen particularly in the late 15th century. The decision as to whether conflict resolution took place regionally or at the royal court was determined by various factors. Firstly, the involvement of the disputants in the central judicial bodies: bishops such as William Elphinstone or Thomas Spens, who themselves regularly adjudicated as Lord Auditors, immediately utilised parliamentary committees or their access to the Crown, while other bishops were more likely to insist on local jury courts or the enforcement of their own jurisdiction (see below, 218f). Secondly, the social rank of the party involved in the conflict was decisive. It determined whether the bishop could force a decision, agree to an amicable settlement or had to rely on the support of the Crown. The clergy had an arsenal of conflict resolution mechanisms at their disposal, and these were used according to the circumstances. The bishops and their staff were trained legal scholars and not only utilised these skills in their disputes, but themselves acted as judges or arbitrators. The enforcement of judicial decisions required power, which was exercised not only by way of ecclesiastical censures, but above all through the support of the secular nobility. The military potential of family, kin and the extended network provided the necessary leverage. However, conflicts did not necessarily result in the use of physical force; instead, efforts were made to find an amicable solution. At their core, all the conflicts analysed had one crucial thing in common: they were aimed at consolidating, expanding and securing land ownership and income. Culturalist or ideological motives, such as ethnic antagonisms, can only be identified in post hoc justifications, but never as constitutive feature of a conflict (Weil, Lordship). Economic deliberation also determined the possibilities of conflict management. This concerned not only the provision of the personal network on which the prelates were dependent, but also the pure costs of litigation. Although there are no sources available giving us an idea of the resulting expenses, it can be assumed that appeals to the crown, parliament or curia were associated with high financial outlays. The financial commitment was expected of a bishop, and Myln in particular repeatedly emphasised the great expenditure that the bishops had to make to defend their possessions. The underlying economic basis of the prelates, their spiritual and temporal lordship, which had to be constantly expanded and defended, will therefore be examined in the following sub-chapter.

3.3. The Bishopric of Aberdeen

Taking Office: The Bishops of Aberdeen

The cathedral chapter's self-image of their role in the election process was described by Hector Boece in the *Vitae Episcoporum*. His descriptions of elections and entrance to office do not show how the chapter, crown and pope acted at the time, but rather how a cathedral canon in the early 16th century judged these processes. This becomes particularly clear in the description of the election of Alexander de Kyninmund (the second bishop with this name) in 1355. Like his predecessor John Rait, he was archdeacon of the diocese and elected by the canons. At the same time, a French clergyman called Nicholas was supposedly at the court of King David II, bribing the king's advisors to persuade David to instate him to the bishopric of Aberdeen. The misguided king wrote to the chapter expressing his wish. The chapter replied that although the king could do as he wished in his kingdom, they were bound by oath to choose a suitable man and not the one with the most influence. At this point in the story, the author remarked regretfully: *Hos mores, hos canonicos utinam nostra tenerent tempora*. In doing so, he may have expressed barely veiled criticism of the established appointment practice in the archbishopric of St Andrews, where all canonical requirements were disregarded at the latest with the appointment of the Stewart king's later-born sons. In the 14th century, at least according to Boece, the canons were able to convince David II with their arguments, so that the elected Alexander was finally consecrated as bishop. Boece claims that this electoral franchise of the chapter remained unbroken in the 15th century, although royal familiars such as Thomas Spens were now appointed in Aberdeen. The author explains, however, that Thomas had not come by his office through royal order but at the explicit request of the cathedral chapter because he was of outstanding intellect and therefore suitable for a wide variety of tasks (Boece, *Vitae*, 24, 37–8). He thus formulated the cathedral chapter's claim to a free choice of bishop, which, however, did not necessarily correlate with the actual balance of power in the 15th century, as may be shown by the bishops of Aberdeen who took office in the examined time period.

Adam de Tynningham (1380–1389), dean of Aberdeen, papal familiar and chaplain of honour, collector of the papal chamber and confidant of King Robert II, was in Avignon when Bishop Alexander de Kyninmund died in July 1380. He had studied in France and held a degree in canon law from Paris or Avignon (Woodman, *Education*, 245). The chapter in Aberdeen had elected Simon de Ketenis as bishop, but at this point Adam was already invested by papal commission and on his way to Scotland with the corresponding bulls. Simon was compensated with the deanery of Aberdeen, the rectorate of Eroll in the diocese

of St Andrews and another benefice in Glasgow (CPL Clement VII, 50, 52). Boece entirely omits this process, as it would have undermined his narrative: the same canons who had heroically fought off David II's candidate in 1355 were now subordinating themselves to papal wishes? Until 1380, Alexander spent more time at the Curia as procurator than in his Scottish benefices, but from October 1381 at the latest he took an active interest and role in his diocese (see below, 217). William Spyny, precentor of Moray and canon (from 1387 dean) of Aberdeen, was regularly appointed by him as notary and legal scholar in the administration of the temporalities. Spyny had already been provided with a canonry under Adam's predecessor in Aberdeen. The bishop's courts were held in presence of the chapter; in addition to Simon de Ketenis, Precentor Robert Boyl and Archdeacon John Barbour were regularly present; in another legal case, the canons William de Calabre, Gilbert Greenlaw, Robert Wys, John de Colonia and Alexander Kindeloch were present alongside the dean and archdeacon (Abdn. Reg., i., 131–135; NLS Adv. MS. 16.1.10, f. 93, f. 118). This may be viewed as evidence that Adam knew how to utilise the existing administrative structures and staff and was not rejected by the chapter.

Gilbert Greenlaw (1390–1421) was thus also involved in Bishop Adam's administration as canon and chamberlain, having gained a licentiate in Paris (Woodmann, Education, 245). After Adam's death, he was elected by the chapter and received the papal commission on 1390 January 19, as Clement VII did not formally recognise the chapter's election (CPL Clement VII, 150). With his ascension to office there are no discernible personnel changes in the diocesan administration. An event surrounding the prebend of Ellon in April 1392 shows the bishop's close affiliation to the chapter; he signed the document with: "Ego Gilbertus episcopus Aberdonensis et canonicus subscribe", thereby emphasising his close relationship with the canons (NLS Adv. MS. 16.1.10, f. 108v; ASC MS. 247, f. 54v; for the bishop's role in the chapter see below, 203). Gilbert not only used the chapter to administer the bishopric, but also promoted and included family members into the structures of lordship. Only when he assumed the royal office of chancellor in 1397, and thus a political function in the kingdom, we can grasp longer periods of absence from Aberdeen.

Henry Lichton (1422–1440), a doctor of both laws (Woodman, Education, 45),¹⁰ had already been Bishop of Moray since 1414 March 8, when he was transferred to Aberdeen in April 1422, probably at the instigation of and after election by the cathedral chapter (CPL, viii, 248, 259). Boece reports a vision of the Virgin Mary that appeared to the postulate and instructed him to fulfil his

10 As a sidenote: Lichton was the first bishop of Aberdeen, who had spent several of his university years at St Andrews – this might show how quickly the new Scottish institution for higher education was integrated into clerical careers.

office and, above all, to press ahead with the building of the cathedral (Boece *Vitae*, 31–32). Unlike his two predecessors, Henry Lichton came from a high-born family and was related to the earls of Albany. Before his tenure in Moray, he already had connections to Aberdeen and was archdeacon of the diocese in the 1390s. He did not travel to the Curia, but effectively obtained the office locally, partly through an agreement with the King's lieutenant, Murdoch, Duke of Albany. Just a few years after he took office, at least three of Henry's relatives can be traced in the cathedral chapter: Henry de Rynd as treasurer, Duncan Lichton as chancellor and John Lichton. Bishop Henry used the access he gained to the administrative structures of the cathedral by allocating the income of St Peter's Hospital to the bishop's mensal goods on 28 October 1427. It was not until 1428 that he reached an agreement with the Camera and assured payment of his outstanding debts – this shows how little influence the Curia had over the decisions made locally (CSSR, ii, 219–20; Cameron, *Benefices*, 9, 11, 17). It is unlikely that this delay in payment was due to a lack of money. While still Bishop of Moray, he donated two pairs of gloves with jewelled images of St James and St John to Aberdeen's Parish Church and commissioned substantial building work on the bishop's palace and the cathedral (ASC MS. 247f. 1–8; 11–17).

Ingram Lindsay (1441–1458) was also related to the high nobility, he was an illegitimate son from a branch of the Lindsay family and a doctor of canon law. As precentor of the diocese of Moray, he was already in Aberdeen in 1439, where he witnessed a donation to the chapter together with the archdeacon of Aberdeen, Thomas de Tynningham, among others. In 1440 he held the canonry of Methlach and attended a chapter meeting in which the canons established new statutes (ASC Ms. 247, f. 25r). In 1440/41, as canon himself, he took part in the chapter meeting in which he was elected as bishop (CPL, ix, 224). It is difficult to determine why the chapter decided in his favour and not for one of the long-standing, influential canons and dignitaries such as Henry Hervy, Duncan Lichton or Henry Rynd. Quite possibly, the chapter wanted to gain access to the military potential of his family, as the antipope Felix V had appointed **James Douglas** as bishop on 1441 May 30. The latter could count on the support of his father James the Gross, 1st earl of Avondale and 7th earl of Douglas, and was thus in a position to block access to the temporalities and revenue sources of the diocese (Brown, *Black Douglasses*, 269). In fact, the bulls were returned by Ingram's creditor Cosimo de Medici of Florence in January 1442, as the elect was apparently unable to make the necessary payment in full. The earliest documentary mention of the bishop and the last bonds to the Camera show that Ingram was not able to consolidate his position in the diocese until 1444/5 (Cameron, *Benefice*, 29, 35). Brown surmised that David, 3rd earl of Crawford, intervened in the feud between Crichton and Douglas to defend his kinsman's rights in the diocese. This may be substantiated by the fact that Ingram founded a

requiem mass for Earl David (ASC MS. 249, f. 21v–22r). However, he most certainly was also supported by the chapter: Bishop Ingram co-operated with the dignitaries appointed by his predecessor, and the statutes of 1448 were drawn up in chapter under the chairmanship of the bishop and cantor Henry Hervy, chancellor Duncan Lichton, treasurer Henry Rynd and archdeacon Laurence Pyot (see below, 205). He was also able to advance at least one relative: James Lindsay was instated as archdeacon in the 1450s (CSSR v, 155, 172).

Thomas Spens (1458/9–1480), was transferred from the bishopric of Galloway to Aberdeen in 1458/59, holding a magistrature from the University of St Andrews. According to Cosmo Innes, Thomas was “so much mixed up with public affairs, that to give the details of his life would be to write the account of Scotch politics for the time” (Abdn. Reg., i, XL). He was excused from travelling to Rome and was instead allowed to make his oaths of allegiance to the bishops of Dunkeld and Brechin as papal delegates. Thomas was the first bishop since Adam de Tynningham who was not elected by the chapter but received the papal *translatio* at the instigation of the crown (CPL, xi, 310–11). The Chapter had initially elected the 22-year-old William Forbes, a canon in Aberdeen, relative of James II and nephew of Bishop James Kennedy of St Andrews. As compensation for not being considered, the elected Forbes instead received, in addition to at least two benefices already in his possession, a canonry each in the dioceses of Glasgow and Moray. In Whithorn, Thomas Spens was elected by the chapter, but had been proposed and supported by William, 8th earl of Douglas (CSSR, v, 78–9). He had been in the service of the Douglas family since at least 1440, and in 1452 he was still witnessing charters of the earls. In January 1453, shortly after the murder of his previous patron, he was sent on a diplomatic mission to Brittany as keeper of the privy seal by James II (ER, vi, 385). Spens survived the violent deaths of the respective Earls of Douglas and was opportunistic and capable enough to offer his services to the crown time and again. He was barely present in the diocese in the early years. In February 1461 he confirmed the possessions of his chapter in Aberdeen. Before this date he appears only as witness to royal charters and as conservator of the provincial synod of 1459, at which the clergy confirmed to the king, represented by the commissioners Sir Patrick Graham and Master Archibald Whitelaw, his rights in vacant bishoprics. The chartularies of Aberdeen show that the chapter was perfectly able to organise themselves in his absence. His practical absence from the bishopric and turn to the kingship and the central institutions and places of the kingdom is also reflected in his burial place – contrary to the practice of his predecessors, he did not have himself buried in his cathedral but was solemnly interred in Trinity Church in Edinburgh on 1480 April 15. After Spens’ death, **Robert Blackadder**, canon of Glasgow, was elected but never consecrated bishop-elect, even though he was named as bishop of Aberdeen in Parliament in April 1481. The citizens of Aberdeen therein referred

to him as elect in a legal dispute over second teinds given to the city by Thomas Spens. He was transferred to Glasgow in March 1483 and was never active in the diocese (Weil, *Gute Hirten*).

His successor, **William Elphinstone** (1488–1514), was revered by both contemporary and modern historiography as “the most distinguished of all who ever filled it” (Abdn. Reg., i, XLII). His first years in Aberdeen, however, were difficult: It took him five years to pay outstanding debts to the Camera and finally be consecrated. As late as January 1488, Parliament recognised the bishopric as vacant, as the commission bulls had not yet been presented to the king and chapter. This determination was crucial, as the king had appointed his cleric David Abercrombie to the deanery of Aberdeen in accordance with the right of the crown in vacancies (RPS 1488/1/27, see above, 175 ff). In April 1487, Blackadder and Elphinstone had reached an agreement with the Camera to pay their total debt of 14,300 gold ducats in instalments (CPR, xiii, 130, 783, 824, 838; xiv, 152–6). In the spring of 1488, he was finally consecrated as bishop in St Machar’s cathedral – ending the eight-year period without a consecrated prelate at the head of the diocese. Elphinstone attempted to solve these serious financial problems by implementing a reorganisation and more direct control of the diocese’s temporalities (see below, 225 ff). In the end, he succeeded in making the payments to the Curia mostly because James III refrained from collecting the revenues from the temporalities to which he was entitled during the formal vacancy – instead he left these to the still unconsecrated bishop.

These eight bishops had one thing in common: they all held a university degree; four held higher degrees, mostly in law. A corresponding education was therefore a basic requirement for the exercise of office. In the diocese, a clear change in the casting to the office of bishop can be observed during the period under investigation. In the 14th and early 15th centuries, the chapter and the pope were decisive factors. Adam de Tynningham prevailed as papal familiar (with close ties to the diocese) over Simon de Ketenis, who had been elected by the chapter. His successor, Gilbert de Greenlaw, was canon and chamberlain of Aberdeen until his consecration. Henry de Lichton and Ingram Lindsay were offsprings of the higher nobility but also attained the office after being elected by the chapter. Until their election and thereafter, these four prelates were partly active in the kingdom, but primarily in their diocese and the north-east of Scotland. The role of chapter elections should not be overestimated; the popes no longer recognised this right. Nevertheless, until the second half of the 15th century, it was evidently possible to exert local influence on appointments. With Thomas Spens, the previous practice of elevating regionally active and locally connected clerics to the office of bishop came to an end; he was followed into office by ‘career clerics’ who worked primarily for the crown and in parliamentary committees. The fact that Spens managed to prevail against William

Forbes, who had been elected by the chapter, may indicate that the crown no longer tolerated the local elites' grip on the office. There is no evidence of any involvement on the part of the chapter or the pope in either his selection or that of Robert Blackadder and William Elphinstone, but the kings established their own candidates. In principle, the study of the appointments between 1380 and 1513 also shows that bishops were dependent on the co-operation of the canons of the chapter. The records analysed contain barely evidence of conflict but rather suggest that cooperation and amicable agreements between bishop and chapter were the rule. A prosopographical reappraisal of the diocese's history has yet to be carried out and the considerations made here have shown that the sources for the 15th century in particular allow for a detailed analysis. Only then would it be possible to definitively determine which persons or groups had an influence on the ascension to office and could in turn participate in the exercise of lordship in the diocese and territory. Research into the individuals associated with the diocese therefore remains a task for historians to come, whereas the following section examines the area in which bishops and canons exercised lordship – both spiritual and secular.

The Diocese of Aberdeen and its Cathedral Chapter

The 89 parish churches in the diocese of Aberdeen were mainly concentrated around the city of Aberdeen and in the county of Mar/Garioch as well as along the coast, whereby the distribution of the parish churches probably reflected the settlement structure of the region. In the 15th century, 34 rectories were held by the cathedral chapter and bishop, 12 were incorporated to Arbroath Abbey and 10 to Lindores Abbey. Only seven parishes were still owned by lay patrons, the remaining 26 rectories belonged to various institutions. As Cowan assumed, more parishes were incorporated in Aberdeen than in other dioceses, namely 95% (Weil, *Gute Hirten*; Cowan, *Medieval Church*, 110).¹¹

The formation of the diocesan structures began in the 12th century. At the instigation of David I, Bishop Nechtan moved the seat of his cathedral from the previous Celtic-Christian centre of Mortlach in Moray to Aberdeen in 1130x40. In 1157, his successor Edward was authorised via papal bull to establish a chapter there (Abdn. Reg., ii, 246–7). In a charter of 1240, the cathedral chapter's personnel is documented for the first time: the line of witnesses includes four dignitaries (*principales personae* – dean, cantor, treasurer, chancellor) and seven regular canons (Abdn. Reg., i, 15). By 1247, the canons were constituted in such a

11 A full list of the parishes in the diocese and their respective patronage as well as a map graphically showing the distribution can be found in Weil, *Gute Hirten*.

way that they were able to assert themselves against the burgh's clergy, who were excluded from participating in the bishop's election (Theiner, *Monumenta*, no. 122). Finally, in 1249, Pope Innocent IV confirmed the formal constitution of the cathedral chapter, which changed little in the following centuries – apart from the rising number of canonries. This papal bull is preserved in the *Registrum Album* as the prelude to a copy of the statutes of 1256 and was still regarded as the valid basis of the chapter's organisation in the 14th and 15th centuries. Marginalia show that the oldest statutes were regularly revisited, studied and used by later canons (NLS Adv. MS. 16.1.10, f. 15r–20r).¹²

By the 15th century, there were 25 regular prebends, including the parish churches owned by the four dignitaries of the chapter (see below, 206f), the archdeacon, and the bishop. Although the bishop and archdeacon had an important position in the jurisdiction of the diocese, neither held a predominant position in the chapter, but they were formally regular canons. The bishop was entitled to the income from the Aberdeen parish of St Nicholas, the archdeacon was supported from the rectory of Rayne. 10 canonries were established in the 14th century. The last two of the 25 regular prebends were incorporated into the chapter under Bishop Ingram Lindsay in 1445. The prebend valuations listed in the diocesan statutes contain all the canonries of the cathedral chapter: Kinkell (£120), Kincardine O'Neil (£100), Turiff (£80), Belhevie (£40), Methlick (£40), Auchterless (40 marks), Birse (£40), Invercruden (£40), Ruthven (£80), Oyne (40 marks), Philorth (40 marks), Crimond (£20), Lonmay (£20), Aberdour (£40), Clatt (£20), Banchory-Devenick (£30), Mortlach (£40), Tulynessle (£20), Invernochie (£20), Colstone (£10), Forbes (£20), Monymusk (£40), Ellon (£10), Deer (£8) and Drumoak (£10) (ASC MS 247, f. 23; f. 26v, Cowan, *Medieval Church*, 103–110).

How was this chapter organised? Cathedral chapters consisting of secular canons had the same basic structure in all of Western Christendom: The clergy formed a body that held common property, while at the same time each canon was provided for via his permanently assigned prebend. During the formative 12th and 13th centuries, the Scottish clergy were often recruited from England, therefore the organisation and constitution of the cathedral chapter reflected on English practices. Four dignitaries occupied a prominent position both in the liturgy and the administration. The special hierarchical position of the dignitaries among the otherwise equal community was also visible in the physical layout of the cathedral's choir. According to the statutes, the dean and cantor sat at the west end, the chancellor and treasurer at the east end – they therefore were able to supervise the canons' stalls. In Scotland, at least in the diocese of Ab-

12 Innes added statutes and taxations from other manuscripts in order to create the picture of the existence of a comprehensive collection of statutes from the year 1256 (*Abdn. Reg.*, ii, 38–69).

erdeen, there was no loss of function of the dignitaries as was observed in the cathedral chapters of the realm (Hollmann, Mainzer Domkapitel, 114). The structure and organisation of the chapter in Aberdeen can be reconstructed through its statutes. These, however, are a normative source and we get very little information on the actual practices behind the rules and regulations. The mere fact that there was a constant need to update, reaffirm and reset these statutes, or rather specific parts of them, may hint towards the practices behind the norms.

The income from the common churches and jointly held land was divided once a year among canons in the chapter, including the non-resident ones. Resident canons may have received a weekly payment for food, the *commons* or *communio* (Dowden, Medieval Church, 60).¹³ In Scotland, however, this payment is very poorly documented; in the realm, bread allotments formed the basis of canons' lives, which were supplemented from the 13th century onwards by payments for attendance, the *distributiones cotidianae* (Berger, Stift, 231). Questions concerning the administration of the common property were discussed in chapter meetings. In Aberdeen, both the bishop and the archdeacon had a prebend and therefore a seat and a say in the cathedral chapter – although this was not the norm in Scotland.¹⁴ In their benefices, the canons did not have to provide pastoral services, but employed vicars (see above, 182f). The prebends were therefore *beneficii compassibile* and could be held together with other benefices. Around the cathedral, each canon had his manse – house and garden – which were held free of any dues. The prebends created during the 13th and 14th century were also provided with land in proximity to the cathedral in order to create a suitable residence for the canons. These buildings and gardens were often in poor condition, especially when the prebend was held by non-resident pluralists. The canons were ordered to maintain and care for their properties under penalty of fines (ASC MS 247, f. 53–57: Tullynessle, Ellon; MS 249, f. 65 r-v, f. 106: Methlick). Forty days before the fixed date of the chapter meetings, each prebendary had to be summoned to his choir stall by the dean. If they were absent, a procurator was to be appointed so that the assembly could make decisions on important economic issues. It was planned that chapter meetings would be held every Saturday to regulate the discipline of the clergy. The behaviour of the canons and their vicars was reviewed there, and mistakes were punished. Choirboys and vicars at all levels of ordination had to accept corporal punishment, while the canons made sure in their statutes that they themselves were exempt from these forms of punishment. The statutes record fines for

13 As there are no medieval financial accounts surviving in Scotland, this can only be plausibly assumed but remains to be proven.

14 Only in Caithness, Moray, Brechin, Orkney and Ross the bishops were also canons, Cowan, Medieval Church, 80–81.

vicars who did not strike the right note in the choir, and choirboys could be flogged if they were absent (ASC MS 247, f. 21v–23v).

The surviving statutes provide information, albeit from a purely normative perspective, about the internal workings of this chapter. The *Actae* settled on in the presence of Bishop Ingram Lindsay on 1 December 1448, probably the most extensive revision of the chapters' order in the 15th century, shall be representative here (ASC MS 247, f. 26r–28v).¹⁵ Firstly, the attending canons and the procurators of the absentees declared that the previous taxation for the purchase of capes should be changed: each canon should now have to pay 12d per pound of the total value of his prebend each year. The treasurer was entrusted with the collection of this *taxa capparum*. To prevent possible disputes, a list of the current valuation of all prebends was added to the statute (see above, 203). The total yearly revenue from this levy was £58 28s. The second statute attempted to limit absences from the cathedral chapter and to regulate representation via procurator more precisely. An absent canon had to register a procurator in the *libro statutorum*; if this had not been done within forty days after the invitation to the chapter meeting, the canon was not allowed to enter the chapter house, the choir, or receive payments from the *communia*. If he still had not appointed a procurator within the following three months, the third part of the fruits of his benefice would be withheld. Half of this income would then go to the building fabric of the cathedral and half to the resident canons. If this situation did not change within a year, the entire private income from the benefice was forfeited without trial. These penalties were only cancelled if reconciliation was reached with the dean and chapter (the term *reconciliato* appears twice in this short statute, emphasising the corporate communal character of this body). As no administrative documents or account books of the chapters have survived, it is difficult to understand how regularly such statutes were applied. The canons present at the chapter meetings were probably keen to enforce these penalties, as it improved their personal annual income. The regular appearance of *non residentia* in the statutes throughout the late Middle Ages is sufficient evidence that many canons did not actively occupy their benefices but only held them as a source of regular annual income.

These two paragraphs provide indirect clues about the fiscal administration of the chapter: it seems plausible that all revenues (including those of the private prebends) were initially collected centrally and then paid out to the canons after deduction of taxes and fines. The fourth and fifth paragraphs were also dedicated

15 Compare: Abdn. Reg., ii, 70–75. In 1448, Bishop Lindsay presided over the chapter's meeting, but the title "Statuta et ordinationes reuerendi patris Ingerami etc." was only added by Cosmo Innes. Statutes were often passed in consensus between cathedral chapter and bishop; they were the most important instrument to uphold the functioning of the spiritual (and at times: temporal) administration.

to absenteeism. They show the practical problems caused by the absence of the clergy: under the threat of annually doubling fines (starting at 20s), the canons were ordered to renovate and maintain their manses. Another statute determined which benefice was responsible for maintaining which wall. Other regulations revised older rules, such as the equipment of the vicars who substituted the canons in the choir. They had to be provided with clothing and payments for appropriate capes. It was also reaffirmed under which conditions the chapter seal could be attached to documents and how many canons had to sign for land transactions and changes to church property to take effect. Questions of religious or liturgical practices were absent from the legislation. The majority of the new or revised statutes regulated fiscal administration, the collection of taxes or fines and the treatment of non-resident clergy.¹⁶ Although the statutes of the 15th century shine a light on some of the problems in the internal function and organisation, it should be noted that the cathedral chapter of Aberdeen was a well-constituted, corporate body during the period under study. From the tenure of Bishop Henry Lichton (1422–1440) onwards, the cathedral chapter experienced a high degree of stability in its leadership, as three of his relatives held dignitary prebends for long stretches of times in the mid-15th century.

Formally, the position of the **cathedral dean** was comparable to that of an abbot or prior in monastic corporations; the other members (and all other clergy employed at the cathedral) were obliged to obey him. He was to be elected by a majority of the chapter, then had to be confirmed by the bishop and swear an oath of allegiance to the cathedral. He was to spend most of the year at the cathedral. In the chapter, he formally preceded the bishop, but the dean only had a central role in the liturgical process when the bishop was absent. By 24 April 1243 at the latest, his position of precedence was also reflected in writing: Magister Robert signed as dean directly behind the bishop and above the chapter members (St A Lib, 305). At least in the 14th century, there is evidence of a sub-dean who probably took over various administrative tasks from him. As the highest-ranking clergyman in the chapter, the dean was guaranteed the *prima prebenda*: To him went the revenues of the parish of Kirkton, with the lands of Murcroft adjacent to the church and all other fruits and pertinences; not including the salmon teind of Palgoveny and all the teinds of St Peter's Hospital in Aberdeen. Kirkton was the inner-city parish of Old Aberdeen, St Machar (Cowan, Parishes, 2). In the 15th century, the estimated value of the prebend was 80x 100 marks or about £60 per annum (CSSR, ii, 26, 34). The discrepancy to the income of the priest with cure in this parish was quite pronounced: the vicar of the cathedral dean received an annual pension of £5 (CSSR, ii, 148). The cathedral deanery was a lucrative prebend. Between 1380 and 1513, 26 different clerics are

16 The same can be said about the statutes issued during the episcopate of William Elphinstone.

documented as deans. Among them, however, were at least twelve who only received a papal provision and were unable to establish themselves in Aberdeen. The cathedral deans, who were actually able to take possession of prebend and office, were important parts of the administrative structure and often closely connected to the bishop (Watt / Murray, *Fasti*, 9–11).

The second-ranking dignitary of the chapter was the **cantor / precentor**. He was responsible for the music and procedures of service and liturgy, and for the training and discipline of the choirboys. In Aberdeen, he was assigned the fruits and income of Auchterless parish, which in the late Middle Ages probably offered forty marks per year. Between 1460 and 1516, this office was held exclusively by members of the extended Lindsay family, who gained a foothold in the diocese in the wake of Ingram Lindsay's episcopate (Watt / Murray, *Fasti*, 14–15). Henry Hervy was the last precentor between 1440 and 1457 before the Lindsays took over: He had received the post because of his personal connections as well, being a relative of Bishop Henry Lichon and the Fraser family. It remains a desiderate to investigate the

The **chancellor** was responsible for the canons' written records in the broadest sense. In addition to keeping the seal and the associated supervision of charters and correspondence, he oversaw the transcription of prayer books and the chapter's library. The latter comprised at least 192 writings; these were catalogued by chancellor Duncan Lichon in 1464.¹⁷ His prebend consisted of the fishing teinds from Palgoveny and the income from the parish of Birse. This provided the chancellor of Aberdeen with an annual income of at least £40. Of the fifteen chancellors known between 1380 and 1516, only eight were active in the diocese. The prebend was rarely contended, and the office was held with a high degree of continuity, particularly in the 15th century. Duncan de Lichon, another relative of Bishop Henry, held the office from 1436 to 1475.

The fourth dignitary of the chapter was responsible for the church treasury, relics and ornaments. He was responsible for procuring the items needed for the service (lights, candles, incense, bread and wine). The records of the **treasurer** Henry Rynd (1436–1471, unsurprisingly also a relative of Bishop Henry Lichon) show that he was involved in the fiscal administration of the common property and carried out the taxation of the cathedral chapter. The inventory drawn up by Rynd in 1435 provides information about the ornaments, jewels and altar decorations in addition to the annual income as a capital investment (ASC MS 247, f. 1–8; 11–17). The treasurer's endowment consisted of the income from the parish Daviot, which also taxed at £40. This prebend was rarely disputed in the

17 ASC MS 249, f. 81–83: 36 theological works; 59 books regarding canon law, 9 referring to *Iuris Civilis*; 7 lost books; 15 libri decretalium absentes; 26 liturgical books; 16 books *in communi servicio chori* and 24 mass and prayer books.

14th and 15th centuries, with six clerics holding the office between 1380 and 1513. At least three of them were related to the bishops (Henry Rynd, Andrew Lyell and Robert Elphinstone; Watt / Murray, *Fasti*, 20–21).

Succumbing to Noble Influence or Restructuring the Diocese?

The Establishment of New Canonries in the 14th and 15th Centuries

Religious endowments and foundations in general had a multitude of functions, the quest for *memoria* was deeply intertwined with economic and strategic motifs (Borgolte, *Stiftungen*). The foundation of new canonries was a means by which church policy was pursued in the diocese by various actors. New foundations did not always originate with the bishop, but could be initiated by laymen, who thereby secured a right of presentation and through this achieved an inroad to the chapter's personnel (Cowan, *Medieval Church*, 106). Bishop Gilbert, at the instigation of John Stewart, 3rd Earl of Buchan, established **Turriff** in the early 15th century as a canonry for the rector of the same church, William Lang. The latter had already been endowed with land from the *Hochstift*, thereby a formal feudal relationship was already established between bishopric and Lang (NLS Adv. Ms. 16.1.10, f. 106). The church and associated lands of Turriff had been given to Aberdeen in 1272 by the earl of Buchan, then Alexander Comyn, to endow a hospital for the care of the poor (ASC Ms. 2255, f. 5r). Its patronage now lay with John Stewart, 3rd earl of Buchan. The chronological sequence of charters documenting the erection as a prebend is confusing. They are preserved as copies in a manuscript documenting the establishment of Turriff. This process can show that the cathedral chapter was, at that time, not as closed off and finished as a body as may be suspected from its statutes. Turriff was officially erected into a canonry on 12 April 1413 (ASC Ms. 2255, f. 9v–11r). However, William Lang had already been referred to as a canon of Aberdeen, and in 1407 the bishop and chapter granted a manse in Old Aberdeen to the canon Lang so that he could reside at the cathedral (ASC Ms. 2255, f. 8r–9v). Maybe the rectorship was in practice regarded as a canonry of the diocese before it was officially erected by charter. Lang had been a canon in Aberdeen since the 1380s, attending court cases on behalf of the bishop and witnessing various charters. The *carta mansionis de Turreff* from 1407 not only specified the exact location at the cathedral for the prebendary's residence but also narrates why this allocation was necessary: Lang was a *canonicatus*, although he had no prebend. The clergyman had served the church and bishops devotedly and now wanted to reside personally at the church. However, this apparently was not possible for him without a house. This devout service to the bishop can be further substantiated, as a joint funeral mass for Bishop Gilbert and William Lang was donated around this time (Abdn.

Reg., ii, 201, 212). Finally, in 1413, the parish church was established as prebend as a special favour to William Lang with the consent and assent of its patron John Stewart, who retained the right of presentation. In fact, Robert Stewart succeeded Lang in 1412x19. He was the son of Alexander, earl of Mar, and thus the patron's cousin (CSSR, i, 117–8, 215). By allowing the establishment of the rectorship as a permanent prebend, the patrons had gained access to the chapter of Aberdeen without giving up patronage rights and thus a means of providing for any later-born sons. All income from the church was therefore to go to William and his successors in the canonry. In return, the prebendary had to employ a chaplain in the cathedral with an annual salary of six merks and a further stipend for appropriate clothes. In addition, of course, a suitable vicar had to be employed in Turriff, who was to receive an annual salary of twelve merks as well as a house and land to ensure pastoral care. The prebendary had to pay all church dues. With an estimated annual income of £80, Turriff became one of the most lucrative prebends in the chapter. The aligning interests of the cathedral chapter of Aberdeen, the bishop and the regionally influential Stewart-line thus prevailed over Coupar Angus Abbey, which had been endowed with income and patronage from Turriff by King Robert II in 1379. Despite papal confirmations, the abbey was never able to assert its right to this donation (CPL Clement VII, 80, 147–8). The history of the Turriff prebend was linked to the increasing influence of the Stewarts in north-east Scotland. For the Stewarts, the canonry served two purposes: firstly, it could be used to provide for relatives or servant clergy, and secondly, it increased the informal influence on the cathedral chapter. In the 15th century at times up to three cathedral canons at the same time were direct relatives of the earls of Mar. Gilbert Greenlaw had successfully used the Stewarts' interests in order to bar Coupar Angus Abbey from access to the rectory of Turriff. He had also used it as a means to provide for a loyal cleric, William Lang, who had taken active part in the administration of the diocese. Whether or not the bishop was aware that this erection would grant the Stewarts access to the chapter, remains speculation.

The connection between bishops, chapter and the Stewart dynasty also had an effect in the establishment of the most valuable prebend in the diocese, **Kinkell**. The church and its six dependencies (Kintore, Kemney, Kinnellar, Monkeigie, Drumblait, Dyce) had until then been owned by the Order of St John in the commendation of Torphichen and, according to papal valuation, yielded its owner somewhere between £60 to £100 per year. The erection and endowment of the prebend is not recorded, but in February 1420, Gilbert de Fery received papal confirmation (*nova provisio*) that the newly established perpetual vicarage with an annual rent of £10, which he had received, was lawful. The narrative of the curial document indicates why the Aberdeen Register attributed the establishment of the prebend to Henry Lichon, although he was still bishop of Moray in

the year given, namely 1420 (Abdn. Reg., ii, 253, CSSR, I, 170). Henry Lichton as rector of Kinkell had established the vicarage with the consent of the ordinary Gilbert Greenlaw – but without seeking permission from the patron, the bishop of St Andrews. Lichton must have given up the high-income church when he was ordained as bishop of Moray in 1414/5, but it was his economic base before then. He witnessed several charters near the parish before 1415, one in Kinkell itself (Coll. Abdn., iv, 452–4; NRS GD 54/1/11). On the 2nd of May 1414, Henry and the chaplain Gilbert de Fery jointly witnessed a charter from the Laird of Ardmuthach, John of Narne (HMC vii, 706). The connection between Lichton and the parish church makes it plausible that the author listing the erection of canonries was mistaken in date (1420), but correctly stated Lichton as the founder of the prebend – its official erector, however, was in all probability Gilbert Greenlaw. By 1426 at the latest, Kinkell was formally established as a canonry and despite the patronage of the bishops of St Andrews, it seems as if the Stewarts had a say in its allocation. James I was able to have his advisor and emissary Thomas de Merton provided to it. As a result, most of the income from the prebend flowed out of the diocese. In 1473, William Auchinleck was rector and brought an action before the *Lord Auditors* against some of the inhabitants of the church lands for withholding teind payments to him. The surviving document not only shows which families were tenants there, but also that this income totalled 105 marks (ADA, 24; Coll. Abdn. 571–577).

Bishop Henry Lichton certainly established another prebend in 1424: **Colstone**. Here too there was a direct link to the Stewarts, as the right of patronage remained with the earls of Mar (CPL, viii, 159, 549). After its creation this small prebend, valued at £20, was in possession of Alexander Ogilvy, one of the many sons of Walter Ogilvy of Lintrathen, who was adviser and treasurer to James I. In the second half of the 15th century, the Crown exercised the right of patronage which had fallen to them with the earldom of Mar: Alexander Murray, nobleman and “continual familiar commensal” of James III, succeeded Ogilvy as prebendary (CSSR, v, 418).

Ecclesiastical policy was pursued through the establishment and subsequent appointment of canonries – both by the bishops and chapters of Aberdeen and by lay patrons. However, the relationship between these actors cannot always be determined. A conclusive assessment of the influence of the Stewarts, Huntlys, Ogilvies or other noble families on the cathedral chapter and what contribution the newly established canonries made to this requires a detailed prosopographical study of all canonries in Aberdeen based on the registers of the diocese, witness lists and curial records. The examples presented here can only serve as spotlights, providing a notion of the insights to be expected from such a study.

Spiritual Jurisdiction

As both temporal and spiritual powers were united in the hands of the bishop, it remains difficult to separate temporal from spiritual jurisdiction. Within the diocese, the prelates had different types of jurisdictions, based on the legal forms according to which they held land. This mixture can also be found in the *Regiam Maiestatem*, where the courts of bishops and abbots are mentioned in the same category as those of counts, barons and burghs (Cooper, *Regiam*, 418). However, this clearly refers to their temporal courts, in which they were authorised to dispense justice in accordance with the provisions laid down in the charters of ownership. Episcopal temporal jurisdiction was part of the decentralised feudal court system in Scotland (see below, 216ff).

Although the bishop was the highest authority in the diocese, spiritual jurisdiction in the late Middle Ages was exercised primarily by the archdeacon. Aberdeen was divided into five deaneries: Aberdeen, Boyne, Buchan, Garioch and Mar. In each of these, a dean of Christianity was responsible for his parishes as a delegated official of the archdeacon. From the 13th century onwards, they undertook annual visitations, judged and condemned the life and behaviour of the clergy in their diaconates, collected procurations and other episcopal revenues, carried out the mandates of the ordinary and invested the local clergy to their respective churches (Robertson, ii, 15, 54). Another important official was the episcopal official, who can be traced regularly in Aberdeen in the course of the 14th and 15th centuries (Watt / Murray, *Fasti*, 30–32). The ecclesiastical courts not only organised the affairs of the clergy but also had clearly defined jurisdiction over the laity in the diocese. Matrimonial matters, questions about the legitimacy of children, testaments, wills, church patronage, teinds and other levies, violation of church property, clergy or violent acts in sacred places lay within their jurisdiction. Apart from these areas clearly assigned to ecclesiastical jurisdiction, the episcopal or official court was called upon as a legal or arbitration authority in private law contracts. In the late Middle Ages, the officers in Aberdeen were presumably well-trained lawyers and heard a wide range of cases in their courts (Ollivant, *Official*, 4–5; 22–29). The available sources however, offer no tangible evidence for the workings of these courts.

With excommunication and interdict, the clergy had powerful methods of punishment at their disposal. While the historiographically prominent excommunications of Robert Bruce or Alexander Stewart, Wolf of Badenoch, for example, left those under ban relatively unaffected in their practice of faith in the Scottish late Middle Ages, exclusion from the Catholic rite represented a major social problem for the rural population. The church and its attendance on sun- and holidays was an important point of social interaction in rural and communal life. Exclusion from it led to great disadvantages in socio-economic exchange. In

1443, James II gave even greater weight to the excommunication as an operative measure. Parliamentary statutes stipulated that excommunicated persons could not appear before secular courts, parliament or enter royal burghs or other royal places without first having served their penance (RPS 1443/11/2). High nobles could also be subject to ecclesiastical penalties. David Lindsay, 3rd earl of Crawford, was excommunicated by James Kennedy. Shortly afterwards, in January 1446, the earl was wounded in the battle of Arbroath and died. According to the chronicler of Auchinleck, however, he could only be buried after William Bonar, prior of St Andrews, had lifted the sentence (McGladdery, James II, 162–3).

The bishops were not only responsible for reforming and supervising their cathedral canons, but also for the entire clergy of their diocese. The deans of Christianity were instructed to enforce the spiritual guidelines and to collect due obligations and *synodalia*. Through their right of visitation, the prelates were able to review and correct the exercise of pastoral care. Bishops Henry Lichon (1422–1440) and Ingram Lindsay (1441–1458) petitioned in the last years of their terms of office to be substituted by a suitable priest – as travelling was no longer possible due to their age. In his petition, Ingram stated that churches, monasteries, cemeteries and other consecrated places in the diocese were often soiled by bloodshed and therefore required regular visitations (CSSR, v, 1; Cameron, Benefices, 124, CPL, ix, 104.). Both bishops received papal authorisation to send deputies. It can therefore be assumed that the bishops in Aberdeen mostly fulfilled their visitational duties. The petitions show the prelates' endeavours to maintain and cultivate the spiritual order in their diocese.

This endeavour is also reflected in Bishop Ingram's instructions to the clergy of the parish church of St Nicholas in Aberdeen. The *Informatio* not only pointed out how services and masses were to be conducted, but how breaches of regulations were to be dealt with and how income was to be divided among the chaplains. The role of the vicar and *senioritas* in the church – who were to be the deciding voices in all disputes and matters of order – was particularly emphasised. Bishop Elphinstone also regulated the chaplains' mass activities in the church during a chapter meeting, with the approval of the clergy from the congregation (Cooper, Cartularium, i, 222–4, 231–2; 335). St Nicholas, however, may not be a stereotypical example for the bishops' engagement with the diocese's parishes and its clergy. The bishops had had a special interest in this parish church since 1157, as they were its rectors and as such received a substantial part of the income. Thomas Spens donated the second teinds from the burgh of Aberdeen to the church in the 1470s for building work on the pulpit, but Robert Blackadder “has Schavine hym vnkindly” to the church and tried to prevent the outflow of these payments. The burghers, who aimed at improving their parish church, fought back. The endowment of this church was not an important task for the bishops of Aberdeen, it was primarily the religious centre of the towns-

people, who donated intensively and promoted building projects there. As rector and head of the diocese, however, the bishop was responsible for the lawful exercise of pastoral duties and as such was the point of contact for burgesses with complaints. As a sidenote it may be mentioned that the burgesses' concern for their parish church was also evident on the eve of the Reformation, when the cartulary and church treasury from St Nicholas were taken to the Tolbooth in Aberdeen for protection. In doing so, the townspeople unwittingly safeguarded the heritage of St Nicholas from destruction.

The previous three sub-chapters have, in all brevity, laid out the organisation of the diocese of Aberdeen and its chapter. This has already been the focus of scholarly attention, as it is usually perceived as the major (and at times: only) purpose of a bishopric, as the *raison d'être* of bishops and canons. However, the largest part of surviving sources documents a very different aspect of clerical lordship – namely the administration and organisation of their temporal possessions, their main source of income. This then, the territorial lordship of the bishops and chapter of Aberdeen, shall be the focal point of the final parts of this chapter.

The territorial lordship

The bishopric's territory was not a closed geographical area in the diocese of Aberdeen but was spread across the entire region. Here, Cowan's image of a diocese which possessed "geographical rationality" ends (Cowan, *Medieval Church*, 98). The lordship of Mortlach, for example, is situated in the neighbouring diocese of Moray. In addition to the cathedral town of Old Aberdeen and the original episcopal see of Mortlach, there were four other important centres of lordship: Old Rayne, Clatt, Fethernear and Birse. The bishopric's estate also included the baronies of Fordice, Banchory-Devenick and Murthill. These lordships each had a central estate, the bishop's palace, as their administrative centre. Although the amount and size of these possessions remained basically unchanged throughout the entire period, the bishops and chapters were not at all times able to exercise lordship over the entire territory due to political developments in the kingdom and region. Around 1400, some areas lay waste, were devastated by war, controlled by lay nobles or lacked peasants and tenants to cultivate them. Bishop William Elphinstone achieved the final consolidation of the entire territory on the 26th of December 1489: the minority government of James IV granted the entire estate as a regality. This meant that justiciaries and chamberlains could be appointed, the bishop's court was authorised to hear all cases of criminal jurisdiction and the bishop's vassals no longer had the right of appeal to Aberdeen's sheriff court. Elphinstone used these extensive privileges to

change the administration of the diocese. This included establishing four of the central villages of the estate as burghs-in-barony in the 1490s: Old Aberdeen, Old Rayne, Clatt and Fordice (RMS, ii, 401–2, no. 1911, 531, no. 2492; GD 185/1).

The **bishop's court**, which met regularly, was the central instrument of lordship. The bishop and representatives of the chapter were present on court days, as were the vassals subjected to the court. At least once a year, a court was held in the chapel of St Thomas the Martyr, near the cathedral in Old Aberdeen. The court iterated, and court days were also held in other bishop's palaces. There, at least in the later Middle Ages, the bishop was usually represented by members of the chapter and a layman as baillie (NLS Adv. Ms. 16.1.10, f. 125v–126v). These baillies cannot be compared to the *Kirchen-* or *Kastvogt* of the medieval Holy Roman Empire, nor to the general bailies of the 16th centuries with vast rights to the disposal of justice and exercise of lordship (see below, 227). If anything, these were *balivis ad extra*, specially appointed deputies who were tasked with the holding of specific courts or the administration of a specific part of the lordship. The iterating court may have been organised after the use of the bishop's palaces as described by Hector Boece. According to him Bishop Alexander Kyninmund (I) is said to have established four different residences. The bishop spent the winter in Mortlach, the spring in Aberdeen and summer and autumn in Fethernear and Rayne respectively. There he supposedly commissioned the construction of manorial buildings, called *mansiones*, of which at least the residences in Aberdeen and Fethernear were completed during his lifetime. Boece explained this travelling activity by saying that Bishop Alexander wanted to teach his people (*populum*) as efficiently as possible and correct their mistakes. He spent the spring in Aberdeen to supervise the observance of Lent and to celebrate Easter in an appropriate manner. The estates were completed under the succeeding Bishop William de Deyn. He appointed so-called *constabularios* there, who received a fixed annual salary (Boece, *Vitae*, 18–20; Dransart, *Palaces*). These officials do not appear in the surviving documents of the bishopric – they may be the bailies we encounter every now and then. Boece's inclusion of them into his narrative highlights the lasting importance of these manorial centres in the bishopric's jurisdiction and administration around 1500.

An integral part of the episcopal court was the ritual presentation of feu charters by vassals or their representatives: *ostentione cartarum tenentium claustrum tenere de domino episcopo*. This involved the renewing of feudal oaths, reviewing and, if necessary, changing the modalities of dependencies and relationships, reissuing lost charters or carrying out inquisitions. Disputes between tenants or vassals have not survived in the sparse records of the bishopric's court but must also have been initially settled in this court, which had the immediate jurisdiction over them. As such, the bishop's court in Aberdeen can clearly be recognized as assuming functions of a baronial court. For example, in 1382, a feu

months after taking office, Adam de Tynningham had the charters of his vassals shown to him in Old Aberdeen to review and, if necessary, modify their feudal relationships (NLS Adv. Ms. 16.1.10, f. 93r and following, see below, 223f). The entries from his time in office surviving in the *Registrum Album* show that he was intensively involved with the order of the temporalities in his diocese and tried to defend land and property rights. He aimed to control the bishopric's possessions and to bind lay nobles or burgesses to the diocese by granting them land and thereby establishing a formal tenurial relationship (NLS Adv. Ms. 16.1.10, f. 89r-v).

As late as the 16th century, the bishop's court, by now as a court of regality, met in the palace in Aberdeen and the vassals came to *to schaw ther haldyngis to ane reuerend father*. The purpose of this act was explained in 1523: to show by what titles or deeds land was held and which services were to be rendered (Reg. Abdn, i, 388). This ritualised procedure also served to remind those involved of their personal relationships with one another and to display these publicly.

A fixed office structure in the administration of the territorial lordship is not recognisable in the records; not even after the possessions were granted as a regality in 1489 and the authorisation to establish court offices was granted. The legal administration of the remote estates was carried out by flexibly deployed baillies, usually laymen from the region. Only occasionally do other officials appear in the manors, for example in Rayneshire in 1525, where Alexander Senzour was sergeant and principal mair. From the late 15th century onwards, some ecclesiastical institutions in the kingdom placed the entire jurisdictional administration of an institution in the hands of individual lay families. In Aberdeen, it was not until the middle of the 16th century that such general authority was granted, namely by Bishop William Gordon to his kinsman George, 4th earl of Huntly (NLS Adv. Ms. 34.4.4, f. 88r-89v). This process was probably related to the increasing pressure from the reformers, as Huntly promised in his bond of maintenance to protect the Aberdonian clergy and their income and possessions. In addition, all secular courts and their revenues in the estates were transferred to him, as well as control of the administration and all judicial offices. He was also responsible for the appointment and removal of tenants, but expressly only on the instructions of the bishops and not independently. Treasurers and "*Gren-talis*" were still responsible for collecting taxes, Huntly was to support them in their work. Even though these officers are only tangible in the sources of the 16th century, it might be safe to assume that these structures were at least starting to develop in the 15th. In addition to the court revenues, the baillie was authorised to use the military services of all tenants and inhabitants in the territorial lordship, not only on behalf of the bishops, but also for his own military campaigns in and outside Scotland – a remarkable privilege which gives the clearest indication of the context of this charter: The earl was to be given the benefit of the bishopric's military potential for the upcoming battles (Murray, Lay Adminis-

tration, 32). The baillies mentioned in Aberdeen in the 15th century did not receive any general powers but were appointed specifically for the legal or economic administration of clearly defined areas inside the territorial lordship. We should be careful to extrapolate the bailies' powers from the 16th century backwards, as the reformation clearly introduced a completely new element into the exercise of lordship and jurisdiction. The late medieval bishops had several tools at their disposal in order to administer these themselves without necessarily relying on lay baillies. The relationship to these laymen, who were granted considerable privileges in parts of the bishopric's temporalities, was often a potentially strained one (see below, 227).

Bishops and Vassals: Administration of Temporalities, Land Allocation and Jurisdiction

The direct, manorial administration of the territorial lordship cannot be reconstructed from the registers of the diocese in the 15th century.¹⁸ In the following, several examples shall show how bishops and chapters administered and used their landed possessions and how they acted, reacted to and interacted with neighbouring lords. The cases examined show how the relationship between vassals and lords developed over the course of the approximately 130 years of the period under investigation and which strategies were pursued by the bishopric in order to foster and consolidate their lordship.

During this period, an increasing move away from feus, that is: the feuing of large (parts of) lordships to lay nobles, can be recognised in Aberdeen. From the second half of the 15th century onwards, many estates were leased directly or granted in *feufarm* while the legal administration was secured by baillies. These were (probably) commissioned through private contracts, but often also held the land to be administered or parts of it to establish an additional feudal bond as vassals of the bishopric. However, this does not mean that these were organisational models that replaced each other. At all times, different forms of land allocation were practised and adapted according to situation and necessity. Basically, the bishops used land on the one hand to generate income and on the other to establish vassalage and to remunerate lay nobles or to formally bind them to the bishopric. The same laymen were in turn often involved in the administration of the respective lordships. Only a few enfeoffments or leases between 1380 and 1480 have been recorded. Land sales or sub-feus by vassals were

18 The sources are fragmented and lack seriality, there are no estate records surviving. In my PhD-thesis I have instead analysed the territorial lordship of Arbroath Abbey at length, see: Weil, *Gute Hirten*, chapter 3.

also confirmed if they did not cause any damage to the integrity of the territorial lordship (ASC MS 249, f. 43v–44r). Most land transactions were recognisably made under the involvement of a large part of the chapter. The formulary usually explained that the decision was made with the unanimous consensus and assent of the dean and chapter after the chapter had deliberated on the matter at length and in detail. In addition to being purely formal, this formulary was also a legal safeguard, as land sales from church property were only permitted with the consent of a sufficient proportion of the chapter (Weil, *Lordship*). The actual presence and involvement of the cathedral canons is shown by their regular presence in witness lists. Chapter members were also allowed to dispose of parts of the church land belonging to their prebend. Alexander Vaus, prebendary of Turriff, granted some church lands heritably to Gilbert Hay of Dalgaty. For this he needed the approval not only of the bishop and chapter, but also of William Hay, earl of Erroll as patron of the church. Gilbert paid ten marks a year for the land and promised to protect and defend the prebendaries and their possessions (NLS Adv. Ms. 16.1.10, f. 132v–133v). Occasionally, land was granted to chapter members. These paid an annual fee and then usually held the land in question for the duration of their lives in a kind of *feufarm*-contract, i.e. in return for an annual payment with all agricultural and legal privileges. It is not always clear why individual canons were given land. In some cases, such grants were used to pay the bishop's employees (ASC Ms. 249, f. 13r; f. 119v; Reg. Abdn., i, 186).

These general observations shall now be exemplified by looking at two specific points in time. First the period following the Wars of Independence and the Black Death, namely the terms in office of Adam de Tynningham and Gilbert Greenlaw shall be looked at. Secondly, the episcopate of William Elphinstone, which has been studied at large by Leslie MacFarlane, shall be revisited.

Lordship in Trying Times: Consolidation, c. 1400

In 1381, shortly after taking office, Adam de Tynningham and his chapter held a head court at the chapel of St Thomas the Martyr near Old Aberdeen. The written records stemming from this and further court days of the following years are instructive of the exercise of lordship at the turn of the century. Aside from providing us with valuable prosopographical insights into the composition of the bishop's court, the records of Bishop Adam's episcopate offer a glimpse on the bishop as a territorial lord. It has been claimed that this bishop led "an aggressive fiscal campaign [...] to reassert and exploit the legal and property rights pertaining to the bishopric" (Boardman, *Lordship*, 14; more nuanced at Watt, *Biographical Dictionary*, 554). I want to argue, however, that the sources rather show the more or less regular exercise of clerical territorial lordship. In the

following, four episodes shall be instructive examples for (1) conflicts over the extension of lands and its corresponding revenues with neighbouring lords, (2) the use of ecclesiastical censures to enforce rights and privileges, (3) the use of land to establish feudal ties with specific noble families, and (4) legal disputes with vassals and tenants.

(1) The late medieval bishops in Aberdeen regularly engaged in conflicts over lands and revenues (Weil, Lordship). John Fraser, lord of Forglen, litigated with Bishop Adam Tynningham over the second teind from Melgdrum. Melgdrum was held as ward by Fraser and he withheld the payment of the respective second teinds due to the bishop. Unlike in the course of the dispute over Formatine (see below, 219), the bishop was able to liaise with the lay nobleman. The copy of the charter in the *Registrum Album* records the willingness to find an amicable solution between the two with the aim of ending all *querelis et controuersiis* (NLS Adv. Ms. 16.1.10, f. 92r.). Both submitted to a court of arbitration with equal representation under the leadership of Alexander Scrimgeour. The bishop chose Simon de Ketenis, dean of Aberdeen (see above, 197), and Adam Forrester; John Fraser appointed Sir John Gordon and John Scalpy. These five judges were to decide on the conflict on the Sunday after the end of market days in the parish church of St Nicholas, Aberdeen – meaning the arbitrators met on 1386 July 1 (NLS Adv. Ms. 16.1.10, fo. 92v). In the vestry of Aberdeen parish church, the arbitrators examined documents issued under the great seal and, after careful consideration, concluded that the second teinds rightfully belonged to the bishop. They instructed John Fraser to pay them without objection for the duration of the ward. In return, they asked the bishop, at Fraser's request, to waive the payment of the already lapsed dates and he agreed to do so. The arbitration was effective and the relationship between Bishop Adam and Fraser was apparently unburdened by the amicable settlement. Any actions, quarrels, and ingratitude due to the "money standing between them" had to cease – and certainly did without straining their relationship.

Only a short time later, on 1387 August 20, John Fraser of Forglen appeared as the bishop's representative in another arbitration, aiming to reach an agreement with John Forbes of that ilk. The lands of Lurgyndaspok and the adjacent woodlands were to be jointly owned by the bishop and Forbes (NLS Adv. Ms. 16.1.10, f. 1v). However, the agreement reached there was limited to the lifetime of Bishop Adam, so his death (and the death of John Forbes, who was succeeded by his son, also named John) in 1389 opened an opportunity for a new, possibly better settlement of the rights of use. There is a short note copied into the *Registrum Album*, which may have been the bishopric's argumentative preparation for this *perambulatio* as it contained the claim that the shared lands had always been in the sole possession of the bishops (NLS Adv. Ms. 16.1.10, 46r–46v). On 6 April 1391, Robert III instructed his justiciary Sir John Gordon,

appointed as special envoy to Aberdeenshire, to perambulate between the lands of Tirepressy and Tullyangus, which were held by the bishop, and the lands of Forbes, held by Sir John Forbes (NLS Adv. Ms. 16.1.10, f. 104r.). Only three months later, however, Greenlaw and Forbes met in the bishop's chambers in Aberdeen and reached a new agreement, which was fixed in an *instrumentum concordie*. Apparently, an amicable solution was the preferred conflict resolution to an official perambulation, where neither of the sides could be too sure of the outcome. The contract nevertheless contained a clause which allowed for the possibility to initiate a brieve of perambulation. The agreement highlights that the core of the dispute lay in the rights to use the forest: each was to appoint his own forester, and only appropriately licensed men of both lords were to be allowed to enter the forest to cut and fell trees. If someone felled trees in the forest without permission, the corresponding penalty would be paid to the lord of this man. If a stranger was convicted, the penalty was to be shared fairly between the bishop and Forbes, regardless of the court in which the stranger was convicted. Both promised to part amicably and not to interfere with the agreement reached here (NLS Adv. Ms. 16.1.10, f. 104v). The attention paid to the joint utilisation of the forest indicates that this had been particularly problematic since the agreement of 1387.

These episodes show that around 1400, the bishops of Aberdeen acted on eyelevel with local noble families. Disputes over dues and territory were resolved via the means available to the noble society: brieves, arbitration and private contract. However, it was not always possible to achieve an amicable solution to such a problem; for example, if not all parties were willing to compromise or if the bishops lacked an inroad (i. e. personal contact) to the other party.

(2) In those cases, clerical lords had ecclesiastical penalties at their disposal as a means of enforcing their claims against lay nobles. In 1382/3, Bishop Adam de Tynningham tried to gain access to the second teinds of Formartine. James Lindsay lord of Crawford held this land in Aberdeenshire from John earl of Carrick, the heir to the throne (Cox, Lindsay Earls, 53). Initially, the bishop tried to persuade or pressure the local peasants and the lord's baillie to pay by excommunicating them – without success. Bishop Adam therefore turned to the royal court in 1382 and demanded written confirmation of his rights. Both the king and Earl John now declared that the feu-charter they had granted to Lindsay did not affect the rights of the church and bishops of Aberdeen to the second teind of the land's revenues and rents. The husbandmen and inhabitants of the land were asked to fulfil their obligations to the church, which they had previously refused to do with Lindsay's permission. The *narratio* explains why the bishop's efforts to date had been unsuccessful. Although the tenants were affected by the penalties imposed on them, they were more afraid of the secular power of their lord than of God:

“[...] but have put off and deferred paying them, excusing themselves by our letters and by the mandate of the aforesaid Sir James, with hardened hearts despising the sentence categorically promulgated against them by the said lord bishop, being more afraid of offending against human power than against the power of God.” (RPS A1382/6/1, 2)

However, the pressure may have been felt, because early in the following year an agreement was reached. On 27 February 1383, the parties to the dispute met for the first time in the bishop's chamber in Aberdeen (NLS Adv. Ms. 16.1.10, f.92r–93v for all copies of the notarial instruments relating to this conflict). The friends and representatives of James Lindsay asked the bishop to lift the excommunications. The bishop agreed to do so but demanded that James Lindsay pay 100s as security. This was half the annual levy and had to be paid at Whitsun. It was also to be recognised that the bishops of Aberdeen would in future be allowed to collect second teinds from the land without opposition. The baillie John Chalmers of Latrys then swore an oath of allegiance into the bishop's hand, in return for which he was subsequently absolved by the canon William de Spyny. The notary protocolled the conversation and ritual he had observed as the submission of the layman to the bishop's lordship. However, the series of documents shows that the conflict was not resolved by episcopal attire and ecclesiastical punishments. The agreement stood at the end of a prolonged litigation and may have only been achieved through the co-operation of the Stewarts. This is illustrated by the witnesses: present were not only the canons John Barbour, John Mor and William de Calabre and the clerics Walter Lichton and Walter Spens, but also Robert Stewart, earl of Fife and Menteith, one of the most important nobles in the kingdom. James Lindsay's representatives were also part of the high nobility: Sir William Keith, marshal of Scotland with his son Robert, and Sir Alan Erskine of Inchmartine. This apparently was a conflict which Bishop Adam could not resolve by means of local networks – it ascended to the uppermost strata of society and as such necessitated the involvement of royal authority.

On 1 March 1383, James Lindsay of Crawford instructed his baillies and officials in Formartine to pay all second teinds on the rents from Formartine to Adam and the church of Aberdeen. This formally ended the conflict, which was finally concluded on 9 March 1383 in the form of a performative act recorded in another notarial instrument. Bishop Adam and his court sat in the chapel of the bishop's estate in Rayne. There the bishop received the levies of the husbandmen of Formartine, together with an oath and penance. The husbandmen swore to pay the second teinds on the required dates in future without delay and in return they were absolved, and the excommunication was lifted. Nevertheless, then and there the bishop warned the peasants of more severe punishments: As they had received communion on Easter despite being excommunicated, they were heretics in the eyes of the church. Adam, however, acted as merciful lord and

bishop: He refrained from enforcing the punishment (public penance in Aberdeen Cathedral) at least as long as those present would not be guilty of any more offences in the matter. The estate in Rayne was probably crowded on that day, with 56 husbandmen being present and listed by name – a number which may hint at the scale of the bishop's court. One day later, five other husbandmen came to Fethernear to be absolved on the same terms. This eagerness on the side of the husbandmen to personally be absolved clearly shows the impact of ecclesiastical censures. The dispute over the second teinds from Formartine was ultimately resolved neither solely by the massive pressure that the clergy exerted on the tenants through excommunication nor by legal titles of the Crown. A settlement of the dispute with a nobleman of the size and influence of the lords of Crawford also required the mediation of important nobles, who had met in Aberdeen and instigated a process for arbitration.

(3) To this end, the bishopric's lands could be used to establish and widen personal networks. In 1382, Adam Forrester was present at Bishop Adam's head court in Aberdeen. He was merchant, sheriff of Lothian, and provost of Edinburgh (1373–1378) and with the purchase of Corstorphine he established the basis for his family's rise in the 15th century. He had no conceivable connections to the north of Scotland – therefore, it might be assumed that he travelled from the south to the bishop's court to support him. He regularly acted as arbitrator or procurator for Bishop Adam Tynningham. When Gilbert Greenlaw took office as bishop in 1385, he was keen to continue to secure the services of Forrester, who was well connected in Lothian and at the royal court. However, he did not have a personal relationship with the noble and therefore tried to establish a formal tenurial relationship between the family and the bishopric. On 24 April 1392, Gilbert and his chapter granted the land of Fingask in Daviotshire to Adam Forrester (NLS Adv. Ms. 16.1.10, f. 105v–106r). The clergy had decided at a chapter meeting to express their gratitude for allegiance and benefactions (*obsequiorum et beneficiorum*), advice, help and labour rendered and to be rendered. Adam and three of his heirs were to hold the land with extensive privileges, pay the obligatory penny in *blenchferm* and perform military service. The penny had to be handed over annually on St John's Day in the parish church of Daviot – a further indication of the ritualised visualisation of this relationship. The bishop and chapter reserved the mill with the associated croft and pasture for themselves, but Adam, his heirs and the Husbandmen of Fingask were allowed to use the mill freely, i. e. without having to pay multures. With this grant, Adam and his heirs were obliged to continue to serve the bishopric – this was at least the intended outcome of this grant. In lieu of a relief, the heirs were to offer a silver chalice or other treasure worth 40s at an unnamed side altar of the cathedral on entry. Adam's son, Sir John Forrester, succeeded to the feu in 1405, and the inventory of 1436 by the treasurer Henry Rynd records the payment: a golden

altarpiece with the *imago pietatis* (ASC MS 247, f. 12r). On the surface, a tight relationship to the diocese, possibly intended by this feu, failed to materialise. This seems to support Wormald's observation whereas the tenurial feu could establish a very non-committal relationship (Wormald, *Lords and Men*, 26).

The following generations as lairds of Corstorphine were not active in the affairs of the diocese and rarely present in Aberdeenshire. The last Forrester entitled to inherit under the original charter, Sir Alexander, 4th laird of Corstorphine, had to litigate in 1466 against Sir Alexander Forbes of Pitsligo, who had occupied the lands (RPS 1466/29). However, the Forresters retained a connection with the diocese not only through Fingask: both Adam and John were listed in the obituaries, and their funeral masses on September 19th and 20th were paid for with 6s 8d each (ASC MS 247, f. 18v). Three Forresters were canons in the chapter of Aberdeen during the period under study. The exact degrees of kinship are difficult to reconstruct, but it seems very likely that Adam Forrester was introduced to Aberdeen by his relative John: On 24 March 1386, John received the papal commission for the benefice of Oyne. Although he later held other benefices, including the archdeaconry of Glasgow, he (as well as the other Forrester canons) was a regular visitor to Aberdeen (Weil, *Gute Hirten*).

The lairds of Corstorphine are a good example of how distant families were drawn to the region by bishops. Through the personal relationship between Bishop Adam Tynningham and Adam Forrester, the family obtained a feu and benefices in Aberdeen. A long-lasting establishment in the region failed mainly because the Forrester family's centre of gravity remained at the royal court and in Lothian – a clear expression of this is the establishment of a family burial vault in 1404 and the foundation of the collegiate church in Corstorphine in 1429. The peripheral part of the family estate, Fingask, was given up unchallenged when the first heritable feu ended after three generations, and in the meantime the land seems to have been claimed by regionally influential lay nobles. The abandonment of the feu, however, enabled the bishopric to change the form of land allocation and extract greater income from the land.

Fingask was granted to the Forresters not only as land, but with all agricultural and usufructuary privileges – except for jurisdiction. Apparently access to it had in the meantime been granted in a separate way: in 1466 Alexander Forbes claimed to not only hold the land but also the office of baillie, i.e. the legal administration and the associated income. In the second half of the 15th century, the lands in Daviotshire were used to generate rents and thus guarantee income for the bishopric. As late as 1551, the Forbes, namely William, nephew of the laird of Pitsligo, leased the lands of Fingask from the bishops. However, the legal administration and all income from it was now back in the hands of the territorial lords, and Forbes had to pay all husband dues and services in addition to an annual rent of £14 6s 8d and 2c each of flour and barley (Reg. Abdn., i, S. 454–55).

Whether Fingask experienced an increase in value during the period under study cannot be determined from this (see below, 229ff). However, there is evidence of a change in utilisation practices by the bishop and chapter: While in the late 14th century this specific piece of land was used to bind a noble family to the bishopric and to gain access to their services, in the 16th century it was used to generate income.

Aside from feudal contracts terminating over the course of time, the bishops of Aberdeen possessed some options to actively change the structure of tenants and vassals. This can be exemplified by (4) a particularly extensive litigation, which Bishop Adam de Tynningham led with John Crab over the barony of Murthill.

On 31 July 1382, it was proclaimed at the bishop's court that John Crab unjustly held the lands of the barony of Murthill even though he was able to produce a charter by Bishop Alexander de Kinninmont. The four reasons given by the court for the denial of his claim are very illuminative of the difficulties arising for ecclesiastical tenants when there was a change in office, because any one of the given reasons could always be used to reclaim alienated property. That is why the *narratio* of ecclesiastical feu charters and the formulae documenting consent and assent of the chapter must be handled with care; if it contains one of the causes named under (3.), it does not necessarily convey any information about the relationship between issuer and recipient aside from the fact that the parties were aware of its legal basis. It was stated that: (1.) Bishops were only able to give out lands for the duration of their lives. With the death of Bishop Alexander de Kinninmont, the lands fell back to the church. (2.) Alienations of property needed the consent and assent of the larger part of the chapter and the charter shown by John Crab only listed nine out of 21 canons of Aberdeen as present. (3.) The infeftment was motivated by the affection of Bishop Alexander for his relative, the wife of Crab. Unsurprisingly, this is not one of the canonically valid reasons for a religious institution to alienate feu property. The only proper reasons for alienations were in return for counsel (legal or otherwise), in return for services rendered or if the church needed secular (military) support in times of duress. (4.) This specific feu charter contained a condition. John Crab had agreed to build a sufficient mansion on the lands and apparently had not yet complied (NLS Adv. Ms. 16.1.10, f. 93v–94r). Crab did not abide by the court's ruling and his attorney William Chalmers appealed to the sheriff of Aberdeen's court. Since the bishopric was not yet erected as a regality and the barony of Murthill lay in the sheriffdom of Aberdeen this was seemingly the proper instance of appeal. Why was the bishop's ruling pronounced as foul and corrupt by the appellant? The whole court was considered illegitimate, because the bishop was both judge and party – whereas a proper trial needed three persons (judge, plaintiff, defendant). Additionally, there never was an assize inquiring the claim

to unrightful possession, as required by law. Aside from these procedural complaints, Chalmers claimed that the alienation had been legitimate because Crab had paid £40 to the fabric of the church and afterwards received a confirmation by the crown. The following elaborate response by William de Spynie provides a unique example of the legal skills incorporated in a clerical administration, but this is not the place to examine it in detail. However, one central argument touches the self-conception of the bishop's temporal lordship and court: The bishop was a baron of the king and as such in possession of a baronial court and able to exercise the according jurisdiction – and according to laws and customs of the kingdom of Scotland, all cases concerning a lord and his vassal should be determined in front of the lord's court (NLS Adv. Ms. 16.1.10, f. 94r–98r). The sheriff court's decision in 1382 is not known, but Crab definitely did not abide by the bishop's court order.

At this point of conflict, there is always the question of assertiveness – who owned the necessary instruments of power to implement a court decision? On 6 April 1388, the barony was newly feued to Crab's former attorney William Chalmers, as recompense for the expenses of buying out Crab's hereditary title (NLS Adv. Ms. 16.1.10, f. 89r). Therefore, it is highly plausible that the sheriff court ruled in favour of Crab and the bishopric resorted to other measures to evict the unwanted vassal. William Chalmers was well connected both to the burgh of Aberdeen and the earl of Fife and thus from the bishopric's perspective probably a rather attractive laymen to establish a contractual tenurial relationship with. Although the grant was initially limited to his lifetime, on 10 August 1402, Bishop Gilbert Greenlaw and the chapter infefted William's son Thomas Chalmers. This document contains an unusual *narratio*: Robert, Duke of Albany, earl of Fife and Menteith, deputy and tutor to the King of Scotland, had strongly urged the bishop and chapter to extend and renew the feu to Thomas Chalmers. After listening to and considering Albany's pleas and accounting for the benefits William had brought to the clergy, the bishop and chapter concluded that the barony should also be granted with all privileges to Thomas, who was to succeed to the estate on his father's death (Abdn. Reg., i, 205–206). Bishop Henry Lichten gave out Murthill again – once more to Thomas Chalmers, but this time with the addition that two of his heirs might follow in the barony. Here too, the *narratio* sheds light on the reason for the infeftment: once again, two powerful lay nobles, Alexander Seton Lord Gordon and Alexander Stewart, earl of Mar and Garioch, had acted as intercessors for Chalmers. The charter was issued in consideration of the petitions and because of a sum of money that Thomas had paid into the church treasury (Abdn. Reg., i, 242). Whether or not bishop and chapter were pressured into this feudal relationship, it remained a relatively stable one for almost 100 years. The barony of Murthill was only mentioned again in the

bishopric's registers, when Bishop William Elphinstone started to reorganise the territorial lordship and its administrative structures.

A Man of Peace¹⁹? The Episcopate of William Elphinstone Revisited

On 26 January 1489, a dispute between Bishop William and Alexander Chalmers of Quiltis was settled before the Lord Auditors in Edinburgh. Alexander stated that Bishop Thomas Spens (1458–1480) had infefted him and two of his heirs with Murthill and associated fishing rights. He now relinquished the land into the hands of Bishop William, who granted it to him again – out of goodwill and because of the services Alexander had rendered and would render in the future. Alexander paid twelve marks annually in return, any of the barony's income in excess of this was to remunerate him for his services. There was, however a very important change in the infeftment: Legal privileges were now excluded from the feudal relationship- Although Murthill was a barony, Chalmers no longer received any legal pertinences; jurisdiction and the associated revenues remained with the bishopric. Tenants and inhabitants of Murthill had to come to the bishop's court and pay *heriyeld* and *bludwit* – just as other episcopal tenants did. This addition must have been implemented in the feudal relationship as a result of the new grant, as the feus of the early 15th century had explicitly granted the barony with all rights and privileges, including courts and their revenues. The feudal relationship was supplemented by a further aspect: should Alexander die before his son, also named Alexander, he would receive half of Murthill in return for annual payment of £5. Additionally, Alexander Chalmers was expected to give the bishop a bond of manrent. His son was also to give manrent if he entered into the tenancy. Manrent thus enhanced the service relationship originally established through the feudal relationship: the Chalmers were *feufamers* without jurisdictional rights but nevertheless entered into a service relationship with the bishop and took over parts of the baronial administration. In return, the bishop instated them as baillies of the lands, so that they would receive all court revenues except *heriyeld* and *bludwit*. In addition to the resulting increase in income from the barony, this lease arrangement also had another advantage for the bishop: the peasants of Murthill were placed in a direct dependency to the bishop, which had not existed before. Both parties swore to uphold this arrangement, and a penalty clause was added stipulating a penalty payment of £1000 (ASC MS 247, f. 63v–64r). The bond of manrent, in this case, was a far more tangible contract than a tenorial charter and very clearly organized the relationship between bishop and vassal.

19 MacFarlane, Elphinstone, 217.

This regulation shows how Elphinstone increased the income of the bishopric by reorganising the temporalities. This probably also explains why the relationship between Chalmers and the church, which had previously been regulated by a feudal contract, now had to be secured by *bonds of manrent*. A standardised infektment offered no scope for the precise division of legal licences or for the bishop to share in the income. With their bonds of manrent, the Chalmers were instated to administer the jurisdictional affairs of Murthill as bailties but could only retain the income they were entitled to from this activity. Murthill is not listed in the bishopric's rental of 1511, so it can be assumed that the arrangement made here remained in place for the following decades. Another clearly perceptible strategy in Bishop Elphinstone's lordship can be seen in the witness list. Land grants were still made with the formulary inclusion of consent and assent of the chapter, but barely any chapter members were present. Instead, various clerics and laymen testified, some of whom clearly belonged to the bishop's immediate circle. These include above all his relatives John Elphinstone of Pettindreich and Andrew Elphinstone of Selmys, the canons Robert and William Elphinstone, and the bishop's familiars Duncan Scherar (canon), Alexander Kyd, Andrew Bisset, Vicar of Inverroy, Gilbert Pyot and William Bynne (see above, 198f).

William Elphinstone led a similar conflict against the 6th Laird of Drum, Alexander Irvine. The latter's family had held the lands of Dulmaok and Petbrechar since 12 May 1331. William Irvine had been granted the land and extensive grazing rights in the Park of Drum for advice and faithful service by Bishop Alexander Kinninmund (I) with the unanimous consent of his chapter (NLS Adv. Ms. 16.1.10, f. 65v–66r). William and three of his heirs (all subsequent male heirs were named Alexander, making for a confusing family history) were to hold the land as a feu with extensive privileges. In return, 46s 8d had to be paid annually. William had received Drum as a free barony from Robert I in 1324 – from this point onwards, it was the main estate of the Irvines of Drum. The neighbouring lands feud by bishopric were therefore a welcome addition to the Irvines' possessions. In the 15th century, the Lairds of Drum were deputy sheriffs of Aberdeen. They were involved in the succession processes in the earldom of Mar and had close ties to the burgh of Aberdeen.

On 28 November 1452, Sir Alexander Irvine of Drum surrendered Dulmaok and Petbrechar into the hands of Bishop Ingram Lindsay – being the last of three heirs that still had property rights through the original grant to William Irvine, and it is likely that he expected the lands to be granted to his son again. A precept of sasine dated 8 July 1452, in which James II instructed his sheriffs in Aberdeen to invest the son and heir of Alexander Irvine of Drum and his wife Jonete Keith (also named Alexander) into the family's estates, shows that Alexander was planning a transfer of his property (Coll. Abdn., iv, 81–82). No new infektment of the bishopric's lands is recorded in the records, and Irvine no longer appears in

the vicinity of the court of the diocesan administration. Later documentary evidence rather indicates that in the following decades there were property disputes between the church and Irvine, until Bishop Elphinstone attempted to establish direct lordship. On 11 February 1492, the Lords of Council ordered: “Alexander Irwin of Drum sall decist and cess fra the occupacioun and manurin of the landis of Dulmaok and Petbrachan to be broikit and manurit be a reuerend faider in God William Bischof of Abirdene and his tenentis” (ADC, i, 280). Apparently, in the meantime the bishops had established lease contracts with the peasantry, who were unable to assert themselves against the barons of Drum. The absence of both lands in the 1512 rental indicates that the bishopric remained unable to collect direct dues from the Irvines in the following decades.

In February 1490, a dispute between Bishop William Elphinstone and Sir David Lindsay of Beaufort was heard by the Lords Auditors. The bishop demanded that David should produce all letters and deeds conferring on him the office of baillie in the lordship of Birse. These were then to be publicly declared invalid, as they had been issued hereditarily without any legal basis and against all benefit and profit to the church. Although David’s father and two of his heirs had been granted the office, Elphinstone claimed that this had been an unlawful alienation. He also accused Lindsay of stealing a total of 23 oxen and eleven cows and of forcefully taking £8 from the bishop’s tenants’ rent over the last three years. This supposedly caused a total loss of one hundred merks. Lindsay admitted to taking 14 head of cattle and an annual pension due to him from the lands – albeit claiming this was due to him as baillie. The Lord Auditors decided that in future David should neither hold the office of baillie nor collect the rent and should also return the 14 cows and oxen he had admitted to taking. As he regarded the goods as a *pretendit gift* of the baillie’s office, he was not additionally convicted of plundering (RPS 1490/2/92). This compromise decision is one of the few indications of the administration of the Birse by the bishopric before 1511 and explains why the ecclesiastical registers record almost no leases or transactions relating to lands in Birse. David’s father, Walter Lindsay, was evidently already responsible for administering the church’s lands in this area as baillie. He was allowed to retain part of the income as payment. Lindsay of Beaufort caused the bishop an annual loss of around one hundred merks: If this was indeed the payment for the baillie, he received a share of around 20–25% of the income from the Birse (see below, 232).

As he had against Lindsay of Beaufort, Bishop William Elphinstone took action against Alexander MacPherson and obtained a writ from the Lord Auditors on 19 January 1489. This condemned Alexander for the *wrangwis occupatioune and manurin* of the lands of Mortlach and Tunmeth. By collecting rents from this area, he deprived the bishop of about £50 and four head of cattle a year. He also utilised the office of baillie of Murthlach and thereby received additional

income to the value of twenty cattle (Aberdeen-Banff Coll., 264–5). However, the bishopric's *Registrum Album* casts doubt on whether MacPherson actually held the office unlawfully: in an undated note Alexander MacPherson was described as the bishop's baillie (NLS Adv. Ms. 16.1.10, f. 139r). The scribe's hand and the place in the register indicate a date of 1500x10 and thus there are two possible interpretations: Either a scribe copied an earlier note (before 1489) into the register or MacPherson was formally appointed baillie after the legal dispute. The legal dispute could therefore have served to renegotiate his payment (Weil, *Lordship*).

As his predecessor Adam de Tynningham had successfully done 100 years prior, William Elphinstone tried to secure second teinds. In 1491, he therefore brought an action before the Lord Auditors against Arthur Lord Forbes, who refused to pay a share of all ward and relief payments from Druminnor and Futhes (ASC MS 247f. 66r). The outcome of this case is unknown, but the decisions of the Lord Auditors tended to turn the bishop's way – who was himself often part of this parliamentary committee. There are no baronial or regality court records from Aberdeen from the 15th century in existence, but it can be assumed that Elphinstone, like Adam Tynningham before him, not only litigated at parliament and royal courts, but also took action against the defaulting tenants and uncooperative laymen locally. The parliamentary committee had therefore not created any new inroad to justice, but merely formalised and facilitated the bishops' complaints procedure. It may be assumed that through his very close personal connection to the sessions and the royal court, Bishop William could expect positive outcome of litigation. Both Adam de Tynningham and William Elphinstone were engaged in a struggle to receive their due rents and income, gain more direct control in their temporalities and therefore used their access to the central courts to revise existing agreements with lay nobles and remove them from their respective territories despite legal claims. For some disputes, the bishops therefore had to use their access to parliament, or the crown, to obtain documents that forced the other party to give in or at least offered the bishop formal legal assurance of assistance, with which he could pressure the other party into arbitration. These legal disputes were aimed at and regularly led to the stabilisation of revenue and the regulation of administration of the territorial lordship (see below, 229 ff). Receiving a grant of regality and the establishment of several burghs-in-barony also indicate that William Elphinstone succeeded in consolidating the territorial lordship. However, this was not the culmination of a linear process over the entire period under study. During this time period, an intensification of lordship by the episcopal court can certainly be observed in Aberdeen – a process of territorialisation is tangible, even if we can by no means assume a directed development. On the lands of the bishops and the cathedral chapter of St Andrews, this process had been completed earlier, and the temporal

administration followed a different pattern from the initially more communal model in Aberdeen (Weil, *Gute Hirten*). While we do get an idea of the way lordship was exercised by bishops and canons in Aberdeen, the actual *Grundherrschaft*, the management of their estates, the yields and dues remain mostly hidden in the sources of the 14th and 15th centuries. This changes around 1500, as some documents surviving from Elphinstone's administration can enlighten our knowledge of the actual economic basis of the late medieval bishopric.

Grain, Cattle and Wood: Income of the Territorial Lordship, c. 1500

A rental from 1511 has survived from Aberdeen, which not only provides detailed information on the management of the land in the diocese but also offers a further important reference point for the development of the value of the land. The rental provides the most comprehensive late medieval assessment of the diocese's income from its temporal estates. The total of all direct rents and second teinds was £682 17s 8d, plus £16 10s in lieu of labour services. The bishopric also received victuals: 2c 7b corn; 25c 1b 2f flour; 21c 5b malting barley; 27c 2f barley and 8c 12b oats. The animal levies totalled 62 cattle (18s 4d each), 167 mutton (3s 6d each), 8 pigs, 6 wild geese, 44 domestic geese, 798 chickens, 742 capons, 234 grouse, 6 calves, 51 goats, 2 trays of cheese and 22 trays of butter. Even a cautious conversion of the natural resources shows that they at least doubled the total income. The grassums (totalling up to £300) were added in unregular rotation. The annual income from the bishopric's temporal lordship alone can be estimated at £1500–1700, at least for the period around 1511 (Butter, Birse). However, this does not describe the actual absolute land values for two reasons. For one, we do not know whether the rental records actual dues or the expected nominal income – there are no records of actual rent payments. Secondly, it completely masques all profits of the tenants. Also missing is any income from legal privileges, fisheries or forests that were not leased but remained directly in the hands of the bishop. In addition, there was the personal income from the canons' prebends and the bishop's mensa, as well as all *spiritualia*. For example, the bishop received £117 10s annually as procurations from the parish churches of his diocese (Reg. Abdn., ii, 55–56). Using MacDougall's estimate of the total annual crown revenues under James III as a contra point, the bishops of Aberdeen could probably boast an income of about 10% of the crown revenues from their temporalities alone (MacDougall, James III, 143).

The 1511-rental is a unique source; however, it opens up a way to connect the late medieval economic realities in the bishopric to the more abundant economic sources of the 16th century. We do, however, need to be very careful to assume that the rental actually lists any payments made and rather depicts the expected

or due income. The extent made on behalf of Queen Mary in 1547 listed the bishop's secular lands at £80 "conforme to his rentell" (Aberdeen-Banff Coll, 120). The rents of his Aberdeenshire estates listed in this retour were therefore assessed at £320 in that year. A comparison to the 1511 rental is difficult as it is unclear which lands were included into the valuation of 1547 (only the lordships of Birse, Tullynessle, Rayne and Daviot were named). The *Assumptions*, however, offer another complete rental, which was probably created around 1560x70 (Kirk, *Assumptions*, 413). The total yields can be easily compared:

Table 3: Comparison of the property lists of the bishopric of Aberdeen from 1511 and 1560x70.

	1511	1560x70
money	£699 17s 8d	ca. £860
barley	48c 5b 2f	35c 9b
meal	25c 1b 2f	24c 4b 2f
oats	8c 12b	8c 3b
wheat	2c 12b	3c 8b
marts	42 + Fordice	47,5
wedder	166	141
pigs	8	17
capons	742	306
chicken	798	1428
grouse	234	228
geese	/	55

The 1560x70 rental listed some baronies that were not included in the 1511 rental, including Aberdeen, Murthill, Tullynessle and Damate, hence the discrepancy in monetary income. Some of these baronies, e.g. Murthill (see above, 223), were still feud out in 1511 and therefore did not generate any monetary income. The records from the lordships of Birse, Murtlach, Fethernear and Clatt line up so clearly that it might be safe to assume that the income from leasing remained stable throughout the diocese from at least c. 1500. The extensive victual rents also continued to exist, i. e. there were no further commutations, and there was no increase in *feufarms* in the diocese.

The crown's income during vacancies shows that there had to have been a considerable increase in revenue in the second half of the 15th century. In 1441, the exchequer rolls recorded only £26 from the Birse at Whitsun; with three levy dates a year, the Crown was able to draw a total of about £75 from the land during the vacancy. The other lordships of the diocese (Tullynessle, Clatt, Rayne, Daviot, Aberdeen, Murthlach and Fordice) were listed as unoccupied and waste in the

same year (ER, v, 95). In the Birse (as well as other parts of the territorial lordship), however, there is evidence of measures to increase yields, starting as early as 1420. Percie, described as *vastam et inhabitatam*, was leased to Thomas Donaldson over a space of ten years by Bishop Gilbert on 25 January 1420. The rent was low. For the first six years Thomas was to pay 12d a year, the remaining four years 2s, and he owed court services. However, the deed obliged the tenant to have built up the village properly at the end of the ten years. The low rent, especially in the first six years, was intended to enable Thomas to repair the damage to the vill and at the same time to carry out such development that Percie could subsequently be leased out in an appropriate condition and for higher sums (NLS Adv. Ms. 16.1.10, f. 127v-r). In 1428, bishop Henry Lichton tried to improve the lands of Tyrepressy by leasing it to John Clerico and his kin: He had to build a manor fit to house the bishop for a night and plant trees (Reg. Abdn., i, 229). The strategy was successful in the long run: the two ploughgates of the village yielded a yearly sum of £4 3s 4d in 1511, as well as rents in kind and husband dues (Butter, Birse, 12–13). As early as 1434, income could be drawn from many of the vills in the bishopric's lordship. This is shown through an endowment by Bishop Henry, which used income from the mills of Clatt and Tullynessle and the brewery of Rayne.

As a final detail, the Birse and Mortlach will be examined in comparison in order to gain an insight into the organisation and reorganisation of the bishopric's landed estates. In 1511, the bishop and chapter of Aberdeen leased 44 ploughgates in the Birse. The *Old Statistical Account* noted that the individual villages (24 instead of 21 by the 18th century) were estimated to be between 80–85 fertile (Scottish) acres in size. Using the more conservative estimate, the size of a ploughgate in this region was obviously still well below Duncan's estimated minimum of 60 acres – probably between 40–45 acres. This meant that a team of oxen worked only 8–9 acres a day. This was due to the relatively poor quality of the soil and the additional work involved in cultivating the subsoil (Duncan, Making of, 313). The geographical location of the lordship today still reflects its agricultural use: the villages and farmland are located at the foot of the Grampians towards the River Dee. Despite the soil quality, the two mills and three breweries in this lordship still indicate a relatively high level of agricultural production. These were centrally located and therefore probably easily accessible to all farmers. The uplands and valleys of the forest of Birse provided timber, peat and nuts for the inhabitants, who had to deliver these resources (or at least part of the yield from the forest) to Old Aberdeen. The extensive deliveries of timber to Aberdeen by the peasants and the carpenter recorded in 1511 give the impression of a healthy tree population; the extensive destruction of the forest did not take place until the 17th century, after various tenants had gained access to the forest rights. The Grampian foothills were also suitable

summer pastures. The medieval shielings of the villages can still be seen today, except in places where modern villages have been built. Each of the villages had its own mountain pasture, where the entire livestock was herded communally for at least five months of the year (Weil, *Gute Hirten*).

The monetary annual rent from the Birse amounted to £146 6s 8d Scots. In addition, the church received 21 cattle, 45 mutton, 120 chickens, 12 capons, 68 bushels of oats, 40 bushels of barley, 26 bushels of corn, 132 cartloads of wood, 44 geese and 2 grazing pigs. The tenant in Percie was required to provide a dish of butter, and the carpenter in Dulsak had to make a total of 150 pieces of wooden crockery. Later leases show that the social and rent structure in the Birse remained largely stable. The village of Tullisnacht was leased to David (12 oxgang) and James Ross (4 oxgang) in 1511, and in 1549 Alexander and James Ross were again granted leases for a period of 18 years. The rent (£6) was the same and both had to continue to pay the rent and offer labour and cartage services (Reg. Abdn., i, 446). Other villages were bundled together and leased to lay nobles for 18 years, but here too there was no change in income (Reg. Abdn., i, 445–6). This shows how much the peasants depended on the landowner renewing their leases. Even if it seems unlikely that the lay nobles changed the structures of the village, such leases illustrate the arbitrariness and lack of legal security of the peasants as tenants (Weil, *Gute Hirten*).

The manorial centre of Mortlach was a special case, as its villages were granted exclusively in *feufarm* by 1543. By analysing this lordship, the effects of this form of land allocation on the lord's income on the one hand and on the local social structure on the other can be examined. Mortlach, *villa* and *monasterium*, were confirmed through papal bull in 1157 as belonging to Bishop Edward. It was not until Bishop Adam Tynningham's administration was in place that the lordship of Mortlach appears in the records, when William Keith stated that he was the bishop's tenant there. The individual vills and their tenants remain largely unknown throughout the Middle Ages. An early note from the *Registrum Album* provides information "De terris ville dominii de Murthlach que pertinent ad episcopum" (NLS Adv. Ms. 16.1.10, f. 38v). The scribe noted the lands and vills within the lordship of Mortlach that had been in the possession of the bishop since they were granted by Malcolm Canmore. He initially recorded seven vills, totalling three davachs each. In addition, the two Dunmeths, Little and Meikle Clune, Cloveth and the church lands are listed as belonging to it.

In the 1511 rental, the total income from eight vills and associated mill and brewery amounted to £69 5s 10d and the equivalent of 2.5 cattle, 15 rams, 7 calves, 42 goats and 21 units of butter. This did not include the income from the forest of Glenrynes, which remained directly in the hands of the bishop. A total of twelve ploughgates were farmed in the lordship, and the amount of income reflects this difference in size in comparison to the Birse. Although the monetary rents were

higher at a rate of roughly £1 / ploughgate, the burden of rent in kind was significantly lower. The victuals received by the bishopric also highlight a marked difference in the use of the land. Situated to the north-west of the diocese, in Banffshire, the episcopal tenants appear to have primarily farmed livestock rather than harvested crops. No crops had to be given as rent, the number of calves and amount of butter testifies to a strong emphasis on cattle farming.

Following the rental, there was a marked change in the bishopric's approach to this particular part of their temporalities. In 1545, Belland and Auchlochir were granted to Magister George Gordon. He was to pay the customary *prestationibus in pecuniam commutates* annually, totalling at a yearly £24 15s 4d. The heirs had to pay double the sum in the event of inheritance to be instated. The old *prestationes* can be seen from the rental of 1511. The villages each comprised two ploughgates, Belland yielded £6 13s 4d, Auchlochir £8. The tenants also paid 6s 8d for bondage and services. The annual difference to the *feufarm* of £9 15s 4d was therefore the result of the commutation of the rents in kind: rynnart, 4 rams, 12 capons, 6 units of butter and 2 grazing calves. The Gordon family already had a foothold in Mortlach in 1511, John Gordon leased twelve oxgangs, including four in Auchlochir, as well as the manorial mill. George Gordon may have had kinship access to the region as a result. The other tenant families (Makgillewe/8 oxgang; Makgillandris/6; Patrickson/4; Donaldson/4; Anderson/4; Reauch/2) were probably still farming the village in 1545 but now had to come to terms with the *feufarmer* George Gordon and pay their dues to him (Reg. Abdn., i, S. 420, 431). George had received another *feufarm* charter for Tunmeth Major in 1543. Once more, the previous rents were converted to £13 3s 8d, in addition Gordon had to give three suits of court at the local court, meeting at Laochquhy. Laochquhy and Petway with the mill and brewery of Petglassy were also granted in *feufarm* in the same year, namely to John Innes, son of Robert Innes of Innermarkie. His heir, Robert, received Tunmeth Minor with brewery and Leddavach and Perthbeg. For this the Innes family paid £52 11s 4d, each of the brothers owed three court services, the old dues being replaced by the same sum of money as in all other cases (Reg. Abdn., i, 421; 456–7). The remaining three villages, Petglass, Kethbeg and Auchinhandavach, were granted in January 1544 to Alexander Ogilvy of that Ilk, who annually paid £20 12s 2d. In 1549, however, he sold them to Magister George Gordon (Reg. Abdn., i, 424, 432).

By 1549, in the course of only 6 years the entire lordship of Mortlach was transferred from direct lease management to the hands of two laird families as *feufarmers*, the Innes of Innermarkie and the Gordons of Beldorny. It is likely that Gordon benefited from the fact that his kinsman William Gordon had held office in the diocese since 1540 and eventually became bishop as a crown candidate in 1545. However, there is no evidence that Gordon was favoured regarding the due rent; it is more probable that the whole transfer was solely due to

his position as regional laird. The fifteen small tenant families listed in the 1511 rental now had to come to terms with new sub-lords. The court services owed also transferred jurisdictional influence on the feu farmers, and they were free to change the tenant structure in the villages. The *feufarm*-contracts in comparison to the 1511 rental show clearly why this practice was perceived as a heavy burden on the peasants by contemporaries. In 1511, the bishopric took £71 6s 8d from the lordship of Mortlach, as well as victuals. 38 years later, the total annual income was £111 2s 6d. The *feufarmers* also wanted to make a profit from these lands, so the rent burden on the farmers was bound to increase. In the event of inheritance, when double the rent had to be paid as relief, this pressure could increase further. Although this constellation appeared at first glance to be a lucrative arrangement with no administrative burden for the bishop and chapter, Mortlach remained the exception. The other manors continued to be leased directly and for limited periods of time to peasant farmers or lairds, and the rents in kind remained integral. Geographical location may have been the deciding factor in this case, as Mortlach lay outside the diocese and at 80–90 km was almost twice as far from the administrative centre as the other manors.

This example illustrates, on the one hand, that the church as landowner did not suffer any economic disadvantage from the granting of *feufarms* and, on the other, that this form of granting was by no means the standard in the 16th century. The administration adapted to the circumstances and endeavoured to find the most efficient method of land use in each case. *Feufarming* may have been the only way to quickly increase the availability of ready cash, but it was in no way or form the creeping dispossession of the church into the hands of laics. At the same time, lease levels stagnated at least from 1511 onwards. The registers of the bishopric only record a single rent increase in the 16th century, for a part of Knokepok in the Birse the tenant had to pay an additional 20d *in augmentationem rentalis* (Reg. Abdn., i, 458–9). The recovery of land values in the late 15th century was followed by a period of stability.

3.4. Good Shepherds? Scottish Clerics, Spiritualities, Temporalities and the Realm

Although bishops and abbots exercised lordship in the largest regalities of the Scottish kingdom in the late Middle Ages, nothing was previously known about the organisation, structures and functioning of these territorial lordships. Scottish ecclesiastical history in the 20th century contented itself with updating medieval hagiographies to link ecclesiastical history to national history (see above, 160ff). Thus, Annie Dunlop was able to state that “[Bishop James] Ken-

nedey's whole life was an offering to his country" (Dunlop, Kennedy, 255) and Leslie MacFarlane claimed that "it remains true that in an ambitious and grasping age, Elphinstone was remarkably unselfseeking and indifferent to power. A genuine patriot, he strove constantly to make the community of the realm a workable reality." (MacFarlane, Elphinstone, 13). According to this conception of history, when the clergy were not busy managing the affairs of the kingdom for the best, they focussed on the reformation of their dioceses and the blossoming of the Scottish national church in all its facets. These positions in church history still have an impact on Scottish medieval studies today. Bishops, abbots and other high-ranking clergy are analysed with regard to their spiritual works, as scholars or as officials at the royal court – the exercise of lordship within their temporalities, on the other hand, is of no interest. When clergy are encountered in the documentary or chronicle tradition, historiography generally assumes that they were the victims of violent lay nobles aiming at the wealth and landed property of the church. Ecclesiastical registers, however, form a large part of the source base for the study of medieval Scotland and thereby necessarily serve to substantiate theses on the development of the political community, constitution, lordship and king-magnate relationships.

The present work revises this view of the Scottish clergy. For this chapter, the example of the bishopric of Aberdeen has shown that it is worthwhile to use these sources as what they are – representative of clerical lordship. Nevertheless, this has only offered a glimpse of the full scope of the PhD-thesis. There, the charters and registers produced in the chanceries of the bishoprics of Aberdeen, St Andrews and Arbroath Abbey have been used for the first time as the basis for an examination of the respective lordships. In part, this has made it possible to write a groundwork-history of the bishoprics and monasteries studied, which had previously been concealed, and in part it has extended existing Scottish research in the following three areas:

- 1) The bishops of Aberdeen and St Andrews, the priors of St Andrews and the abbots of Arbroath ruled over extensive landholdings, which were also endowed with secular jurisdiction. The territorial extent of these possessions differed significantly from the dioceses. They were sovereigns and as such interacted on an equal footing with neighbouring lairds and magnates. While the abbots of Arbroath had been lords of a regality since the early 14th century, a consolidation of episcopal dominions can be observed between 1380 and 1513. The crown erected the bishoprics of Aberdeen (1489) and St Andrews (1452) as free regalities, at a time when the Stewart kings were simultaneously struggling to remove the great lay regalities and thus centralise their rule in the kingdom. The bishops did not take a planned approach to the consolidation of their lordships – they rather seem to have seized opportunities to centralise and bundle legal and economic privileges. As lords of the land and people, the high clergy played an

important role in exercising public jurisdiction in the kingdom and used their courts to organise relationships and dependencies with their vassals and tenants. On the one hand, the bishops and abbots established feudal relationships with lay nobles by granting land, thus securing services and military protection, and on the other hand, a considerable part of the income was derived from the temporalities through leases, feu-farm or direct cultivation.

This finding means that not only the ecclesiastical history, but also the political history of the kingdom of Scotland needs to be fundamentally revised, taking into account ecclesiastical lords as central components of the political community. This, the thorough examination of individual lords and regions, can also serve to finally overcome the powerful narratives of national historiography. For example, in my book I can show the decisive influence that the economic predicament and regional connections of Bishop Patrick Graham had on the establishment of the archbishopric of St Andrews in 1472 – after all, one of the central events in Scottish constitutional and ecclesiastical history of the 15th century. There is no source evidence of Bishop Graham or King James III pushing through a national agenda, which older research believed to have been observed in this process.

2) The analysis of the estates of Arbroath Abbey has provided important insights into social and economic history. The clerical lords succeeded in stabilising the land values that had collapsed as a result of the disasters of the 14th century and in achieving relatively stable yields. By the end of the 15th century, there were lucrative farming units in the north-east of Scotland, in which burgesses, lay nobles and clergy were now increasingly investing. The associated *feufarm* was not a symptom of the creeping loss of church property to the lay nobility and burgesses, but rather one of several ways in which the clergy could obtain cash through their landholdings. In the lordship of Arbroath, there is no evidence of a withdrawal of the abbots from the lordship, but rather an intensification of it. The end of unfreedom often alleged by Scottish scholars also needs to be revised: even in the 15th century, the peasants were closely tied to the lord of the manor and continued to pay the dues and services that are regarded as the main markers of unfreedom (death duties, marriage duty, meal money). Further regional and urban historical studies are needed to enhance our understanding of the workings of the late medieval feudal economy in the kingdom of Scotland.

3) A central concern of Scottish ecclesiastical history was to evaluate the success or failure of ecclesiastical officials – usually measuring their performance with “spiritualistischer Elle” (Jannsen, Biographien, 195). Annie Dunlop claimed that Bishop Kennedy had striven throughout his life for law, order and peace in the kingdom and diocese, and justice for all the oppressed and injured (Dunlop, Kennedy, 73–4, 120). MacFarlane suggested that the 27 Scottish bishops and

archbishops who held office between 1488 and 1514 were capable, experienced and conscientious men. They constantly endeavoured to raise the educational standards of the parish clergy and established hospitals and almshouses (MacFarlane, *Reformable*, 38). He similarly judged Patrick Graham to have been a conscientious and hard-working bishop, although he had come to office through unlawful nepotism. As evidence for this, MacFarlane was satisfied that Bishop Patrick was regularly involved in parliament and duly exercised his chancellorship at the university of St Andrews (MacFarlane, *Primacy*, 113). These assessments of the late medieval prelates ignore essential areas of their exercise of power. The personal motivation behind spiritual rule over people, land, pensions and communities cannot simply be gleaned from the bishops' vitae and chronicles of the 15th and 16th centuries. This heuristic, the search for intentions and purposes, leads to rather erroneous conclusions or the untested adoption of contemporary narratives. Additionally, the practice of lordship is neglected. However, Norman MacDougall's criticism of research into ecclesiastical history also fell short: he judged and evaluated episcopal activity solely on the basis of their success or failure as officials at the royal court. Thus, only official records could provide information about an episcopal career in late medieval Scotland, as the chroniclers of the 16th century were too strongly influenced by the impressions of their time (MacDougall, James Kennedy, 9).

The broadening of perspective in the examination of the Scottish church undertaken in this work through the study of ecclesiastical lordship makes it possible to recognise the high clergy as an important part of the political community of the kingdom of Scotland. Political participation in the region and in the central administration of the kingdom was no longer based on the personal suitability of individual clerics but could be explained in structural terms. It became apparent that the exercise of power by the clergy was not primarily characterised by their relationship with the crown and manifested itself through the exercise of court offices but took place locally. The institutions of the Scottish church were not only a separate legal entity, but their officers, the prelates and other clergymen, were also an integral part of the regional networks in their role as territorial lords. This framework determined the policies of the prelates in Aberdeen and St Andrew. The appropriate fulfilment of the duties of a regional lord was expected by contemporaries: From the point of view of the cathedral chapter or monastic community, this initially included securing and expanding the property, from the point of view of the families and networks of friends, the exercise of patronage and, from the perspective of the crown and kingdom, the maintenance of a functioning regional secular (and ecclesiastical) jurisdiction.

Personalities do not have to take a back seat to structures. Representation and remembrance culture, *memoria*, also expressed in contemporary chronicles, were integral part of clerical lordship and must be considered. Building projects

and endowments were partly aimed at increasing religious services or improving the status of and providing for the family, above all they staged the prelate as founder and builder. Although there are no personal testimonies to establish intentionality, it must be noted in retrospect that this staging not only had a contemporary but also a long-lasting effect. In early modern and modern historiography as well as in popular, urban and university traditions, prelates such as Henry Wardlaw, William Elphinstone, John Hepburn and James Kennedy are still remembered today as founding fathers, benefactors and great clergymen. However, if the ideal of episcopal rule set out in the Council of Basel in 1433 is taken as the contemporary benchmark, the prelates of Aberdeen and St Andrews could not live up to it: “Der Herr hat nicht gesagt: Bessere die Wände und Mauern der Kirche aus, nicht: Befestige Burgen und Städte, nicht: Sammle Reichtümer, nicht: Vermehre die Einkünfte, und schließlich auch nicht: Kümmere dich unablässig um den weltlichen Besitz der Kirche – er hat vielmehr gesagt: Weide meine Schafe”²⁰ (cit. after Janssen, Biographien, 185). They were not so much grazing the Lord’s sheep as the livestock of their institutions.

20 The Lord did not say: Renovate the walls of the church, not: fortify castles and burghs, not: collect riches, not: increase income, and lastly neither: care non-stop about the temporal possessions of the church – instead He has said: graze my sheep (my translation).

Concluding Remarks

Scottish historiography of the 20th century told the story of the late medieval kingdom as a conflict between kings and magnates, a united community of the realm against England and a clash of cultures on the highland/lowland divide. These antagonisms were perceived as the main drivers for political, societal and cultural development. Current research has already modified this narrative. This volume tried to offer a further perspective, formed through the bottom-up view of regional lordship and its respective sources. While we do not provide a “new” history of late medieval Scotland, we still hope to have added some insight into how other factors, besides cultural developments and the Anglo-Scottish conflict, have shaped the late medieval history of Scotland.

In doing so we have repeatedly problematized a perspective relying on cultural factors. Instead, we were looking at land and practices of land holding, granting and conflicts as focal point. This shift of perspective was consequently followed by a shift in the source base: We did not want to reread late medieval chronicles and prominent charters and bonds, but based our research on a large collection of charters, bonds and other legal documents concerning the North-east of the kingdom. Through this volume (and our other publications) we have aimed to offer a fresh view on the following five aspects:

(1.) Even though the cultural differences in the kingdom were existent, they cannot solely explain conflicts. In the case of Galloway, alleged barbaric practices in family tradition and administration persisted even after the region’s integration into the Kingdom of Scotland. Throughout the Middle Ages, portraying a region as predominantly barbarous and underdeveloped served as a convenient justification for military expansion. Similarly, 15th-century chronicles depicted the Gaelic north as particularly uncivilized, a narrative reinforced by the Scottish kings’ fluctuating state of cold and hot war with the Lord of the Isles from the reign of James I onwards.

Consequent comparisons between alleged Gaelic and Anglo-Norman cultural practices revealed that both followed a logic dominated by the acquisition and control of land. Marriage and inheritance practices therefore developed along

similar lines, as the inheritance contracts of the MacDonald family show, which also seemed to aim for a form of male entail. The Anglo-Norman supplications to Rome demonstrate that concubinage and other forms of marriage-like unions also existed in the southeast of the kingdom.

Clerical authors also tended to advance stereotypes to explain conflicts between bishops and their 'barbarous' neighbours. Looking at the practices of (clerical) landholding, however, these conflicts seem to be more readily explained as the interactions of a landed nobility fighting for resources and income.

(2) During the 14th and 15th century, the Scottish kingdom underwent profound changes, with the establishment of new institutions and a new nobility. These processes have been viewed as centralisation directed by the Stewart kings. Our detailed local studies have shown that the regional structures of lordship remained relatively intact, as the central authority neither had the means to intrude nor had a vested interest in breaking up functioning jurisdictions. It is undeniable, however, that the three James kings were in constant conflict with the high nobility and ultimately triumphed over them. The Black Douglas family and the Lords of the Isles did not survive the 15th century. Consequently, Scottish kings became more powerful, facing fewer direct rivals within the kingdom. The three James kings aimed to meet the standard courtly culture such as in Burgundy and France. This was reflected in the impressive consumption patterns of 15th-century Scottish monarchs and therefore the crown's sources of revenue were systematically expanded. Notable expenditures include investments in advanced military technology, such as bronze cannons (one of which claimed the life of James II), and the construction of the Renaissance palace at Linlithgow. Superficially, this development appears similar to centralization.

As a result, Scottish historiography has long assumed that the three James kings systematically sought to remodel Scotland along English lines, with particular emphasis on James I's assassination as evidence of resistance to these efforts. The assumption that a conflict – between James I's exposure to English administrative practices during his long captivity and Scotland's decentralized traditions – explains the political developments of the 15th century has persisted. However, the process that ultimately led to the most significant centralization of the legal system likely originated from the lower ranks of the nobility. In German research, we speak of centralization of power when a king or prince is able to bring all other rulers under control with his administration and the judicial system. All residents in the territory were therefore affected by the measures of centralization and consolidation of power. In Scotland, however – as we can show – the high nobility was affected by the efforts of the James kings, whose main interest was to gain access to the income from the principalities. In addition, the principalities were intended to provide for their descendants. In the small dominions of the lower nobility, however, this conflict had almost no effect

on their property and income. However, the king-magnate conflict opened up opportunities for lower nobility to advance at the royal court. It is possible that James III's preference for favorites such as Cochrane was an expression of the kings' mistrust of the high nobility (including their own family).

From the reign of James I onward, both the office of the sheriff and parliament were increasingly used as instruments for resource extraction by the king and the high nobility. As a result, these institutions ceased to provide fundamental services demanded by the nobility as a whole, particularly in matters of inheritance, feudal tenure, and property disputes. This conflict led to the emergence of a more inclusive institution, the so-called sessions (both the parliamentary session and that of the Lords of Council), which provided greater legal security. While these connections require further investigation, the evidence presented here suggests that the more impartial rulings of the sessions enabled burgher families, such as the Menzies, to become active in the land market. With due caution, it may even be argued that this development facilitated market access for new actors.

Therefore, it was not the elite, and certainly not the king, who consciously created new institutions with the intent of driving social or economic change. Rather, the entire process resulted from efforts to maintain existing legal jurisdictions while reducing the number of complaints presented in parliament – thereby freeing up more time for what the king was primarily concerned with: taxation.

The ecclesiastical lordships were barely affected by these new institutions. Their own temporal jurisdictions were consolidated during the 15th century; a process adorned with a grant of regality in St Andrews (1445) and Aberdeen (1489). The bishops' and abbots' courts therefore remained the authoritative jurisdictions for their vassals and tenants. In conflicts with neighbours and bailies during the 15th century, the parliamentary and counciliar sessions simply assumed the parts of the 14th century's kings and parliament as the highest level for conflict settlement. It seems as if prelates like William Elphinstone or John Hepburn were especially keen on litigating there as they may have had favourable access to these institutions, often being members of the sessions themselves.

(3) At the lower levels of administration, the consolidation of property titles and revenues occurred more discreetly. We can discern two strategies in use by the lower nobility: The first strategy was to remain cautiously waiting in the conflict between the crown and the magnates, before ultimately aligning themselves with the monarchy when these conflicts were decided in the monarch's favour. As a second strategy, they used the opportunities offered by the crown through offices and promotion to gain social status and economic wealth. Several prominently upward mobile families such as the Maxwells or the Gordons derived their wealth more from offices and pensions granted by the crown than from extensive earldom holdings, as had been the case with the Black Douglasses.

Therefore, the hierarchisation of the nobility was no longer achieved through extensive landed possessions (earldoms) and family ties to the heroes of the Wars of Independence, but through the accumulation of offices and private contracts.

Consequently, the so-called bonds can be interpreted a result of this transformation (2 and 3) of the kingdom. Earlier Scottish research interpreted the emergence of bonds from a cultural-anthropological perspective (Wormald) or within the framework of feuding practices in the 15th century (Boardman). These studies have the merit of demonstrating that acts of violence in premodern societies were not entirely arbitrary but followed their own unwritten rules. However, the interpretation presented here has a different aim: to show how conflicting land interests within the nobility led to an increasing legal formalization of disputes.

A purely functional interpretation of bonds suggests that these documents were primarily designed to regulate land interests between parties. This applies both to the bonds of manrent, which in many cases modified or substituted feudal relationships, and to the bonds of obligation, which were almost exclusively concerned with economic interests. Particularly the bonds of obligation were accepted as evidence in court cases before the sessions and thus allowed disputes to be heard there. Only one group of legal contracts, the bonds of friendship, align with Stephen Boardman's suggestion that they served as instruments for settling feuds.

The increased appearance of bonds in various forms did not ring in a new, post-feudal Scottish lordship, both clerical institutions and lay nobles still predominantly organised themselves via feudal tenure and the corresponding instruments of charters and notarial instruments recording and witnessing the implementation of tenurial relationships. The 'feudal', tenurial relationships oriented towards the lords' court, were mostly sufficient to organize the vassal-structures inside the ecclesiastical lordships, therefore, a recourse to bonds, especially bonds of manrent, was barely necessary. Bonds (in the form of contractual indentures) were used to implement specific relationships, such as the transmission of offices, and remained to be used (in the form of obligations) as means to conclude economic transactions (debts, sales, etc.).

Further research is needed to examine how bonds of obligation were used in legal proceedings and whether their usage changed after the establishment of the Court of Session in 1532. From that point on, property disputes could routinely be litigated at the Court of Session while adhering to the formal legal process. In any case, it seems valuable to consider if the development of this institution had consequences for the writing and the use of bonds of obligation.

(4) The results of our study of the bishoprics of Aberdeen and St Andrews have shown that these are no separate spiritual entities, which stood apart from the rest of the realm, but they were closely intertwined. While there are some

structural differences in the foundation of and the access to clerical lordship in comparison to the lay princes, the execution of lordship and the practices of landholding are very similar. Therefore, clerical lordships need to be observed as major actors in the political and constitutional history of late medieval Scotland. After the demise of the Black Douglases, these lordships (often regalities) remained as the largest jurisdictions in the Scottish kingdom. More prosopographical studies are needed to examine who controlled access to the offices which held the keys to these lordships, to determine the influence of lay families (including the royal family) on these ecclesiastical institutions and the impact of these on the formation of noble lordship.

(5) Land not only remained the basis for hierarchical and vertical relationships of the nobility, it was also the main source of income for most parts of society. Through charters, lease contracts and sparsely available rentals, inquisitions and testaments we have examined the functioning and fate of *Grundherrschaften* (rent-collecting lordships) at the basis of regalities, earldoms and baronies. Thereby, we were able to nuance some of the open questions concerning the late medieval Scottish rural economy. The increase of written leases or the advent of feufarm did not fundamentally alter the rural economy but rather cast formerly oral obligations between lord and tenant into more or less legally valid written text. In an increasingly commercialised rural economy, the tenants remained firmly bound to the lord by way of due services, rents and the subjection to his court. Although any quantifiable economic conclusions in Scotland must be made with caution – since only nominal land rents can be observed – the price inflation of the 16th century alone does not seem sufficient to explain the slow stabilisation and increase of landed income. Based on the sources examined here, it appears justified to suggest that moderate economic growth occurred, and that this was at least partly due to increased investment security for lower noble landowners. In Scotland, there is reason to suspect that the recovery of nominal land rents and their moderate increase coincided with the introduction of the *sessions* – suggesting that greater legal security and more inclusive institutions may have contributed to economic recovery. On the part of the clerical institutions, an increased lordly demand for cash (as e.g. whenever a new abbot or bishop ascended to office and the papal curia needed to be paid) stimulated the leasing of teinds, the monetisation of rents and the dynamization of rural economy. In the 15th century, the burghs also contributed to the Scottish economy. Their burghers were increasingly active on the land market, and furthermore the burghs functioned as hubs for regional and long-distance trade activity. The increased use of burghal laws is a clear sign that nobles recognized the potential revenues they could earn by promoting the economic activities of burghers and merchants. We are convinced that our investigations of the tradition (written records of all kinds), which start from the question of how the

lower nobility in particular managed their land and how land ownership contributed to the organisation of noble society in the counties, also provide indications of the potential of these sources for a further economic and social history of Scotland in the late Middle Ages.

We are also certain that the history of late medieval Scotland should not only be told from the perspective of crown, magnates and the sources produced by and for them but bottom-up: There are large enough quantities of mostly underused sources stemming from clerical institutions, nobility and the burghs, which can further enhance our knowledge of the political structure and the socio-economic composition of the kingdom.

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