

NOTES ON THE EARLDOM OF CAITHNESS. By W. F. SKENE, LL.D.,
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The earldom of Caithness was possessed for many generations by the Norwegian Earls of Orkney. They held the Islands of Orkney under the King of Norway according to Norwegian custom, by which the title of Jarl or Earl was a personal title. They held the earldom of Caithness under the King of Scotland, and its tenure was in accordance with the laws of Scotland.

We find from the Orkneyinga Saga that during this period the Orkney islands were frequently divided into two portions, and each half held by different members of the Norwegian family, each bearing the title of earl. We likewise find that the earldom of Caithness was at such times also frequently divided, and each half held by different Earls of Orkney, though whether both bore the title of Earl of Caithness does not appear.

It is unnecessary for our purpose to go further back than the rule of Thorfinn, Earl of Orkney, who died about A.D. 1056, and undoubtedly held the whole of the Orkneys and the entire earldom of Caithness for a long period.

He had two sons, Paul and Erlend, who after his death ruled jointly without dividing the earldoms, and their descendants may be termed the line of Paul and the line of Erlend.

After their death the islands were divided between Hakon, son of Paul, and Magnus, son of Erlend, each bearing the title of earl. The latter was the great earl known as St Magnus. After his death, Earl Hakon appears to have possessed the whole.

Earl Hakon had two sons, Harald and Paul, who again divided the islands, each having an earl's title, but Earl Harald appears to have held the whole of Caithness from the King of Scots. On his death Earl Paul obtained possession of the whole.

In the meantime the line of Erlend failed in the male line, in the person of Earl Magnus, but his sister Gunhild married a Norwegian called Kol, and had by him a son Kali, who claimed a share of the islands, when the King of Norway gave him the name of Rognwald, an earl's title, and divided the islands between him and Earl Paul.

Earl Paul's sister Margaret had married Madad, Earl of Atholl, and had by him a son Harald, and by a revolution which took place Earl Paul abdicated, and his nephew Harald was made earl in his place, and shared the islands with Earl Rognwald. The latter then went on a pilgrimage to Jerusalem, and in his absence Malcolm IV. made Erlend Ungi, son of Harald Slettmali, Earl of Caithness, and gave him half of Caithness, Earl Harald Maddadson having the other half.

Earl Rognwald then returns, and on Erlend's death, Orkney and Caithness were shared between him and Earl Harald.

The line of Erlend again failed on the death of Earl Rognwald, who left an only daughter Ingegerd, who married a Norwegian, Eirik Slagbrellir, and had three sons, Harald Ungi, Magnus Mangi, and Rognwald, and three daughters, Ingibiorg, Elin, and Ragnhild.

Earl Harald now possessed both Orkney and Caithness, but soon after the King of Norway gave Harald Ungi an earl's title with the half of the Orkneys, and by agreement with Earl Harald, King William the Lion gave Harald Ungi the half of Caithness which had belonged to Earl Rognwald, but they afterwards quarrelled, and Earl Harald Ungi was slain by the other Earl Harald, who again possessed the whole.

Owing to the mutilation of the Bishop of Caithness by Earl Harald, he was attacked by King William in 1201, and only allowed to retain Caithness on payment of 2000 merks of silver, while the district of Sutherland was taken from him and given to Hugo Freskin de Moravia.

Earl Harald died in 1206, and was succeeded by his son David, who died in 1214, when his brother John became Earl of Orkney and Caithness. Fordun tells us that King William made a treaty of peace with him in that year, and took his daughter as a hostage, but the burning of Bishop Adam in 1222 brought King Alexander II. down upon Earl John, who was obliged to give up part of his lands into the hands of the king, which, however, he redeemed the following year by paying a large sum of money, and by his death in 1231 the line of Paul again came to an end.

In 1232, we find Magnus son of Gillebride, Earl of Angus, called Earl of Caithness, and the earldom remained in this family till between 1320 and 1329, when Magnus, Earl of Orkney and Caithness, died; but during this time it is clear that these earls only possessed one-half of Caithness, and the other half appears in the possession of the De Moravia family, for Freskin, Lord of Duffus, who married Johanna, who possessed Strathnaver in her own right, and died before 1269, had two daughters, Mary married to Sir Reginald Cheyne, and Christian married to William de Fedrett, and each of these daughters had one-fourth part of Caithness, for William de Fedrett resigns his fourth to Sir Reginald Cheyne, who then appears in possession of one-half of Caithness.

These daughters probably inherited the half of Caithness through their mother Johanna, and Gillebride having called one of his sons by the Norwegian name of Magnus, indicates that he had a Norwegian mother. This is clear from his also becoming Earl of Orkney, which the King of Scots could not have given him. Gillebride died in 1200, so that Magnus must have been born before that date, and about the time of Earl Harald Ungi, who had half of Caithness, and died in 1198. Magnus is a name peculiar to this line, as the great Earl Magnus belonged to it, and Harald Ungi had a brother Magnus. The probability is that the half of Caithness which belonged to the Angus family was that half usually possessed by the earls of the line of Erlend, and was given by King Alexander with the title of Earl to Magnus, as the son of one of Earl Harald Ungi's sisters, while Johanna, through whom the Moray family inherited the other half, was, as indicated by her name, the daughter of John, Earl of Caithness by the line of Paul, who had been kept by the king as a hostage, and given in marriage to Freskin de Moravia.

Magnus, Earl of Orkney and Caithness, the last of the earls of the Angus line, died before 1329, when "Caterina Comitissa Orcadiae et Cathanesiae" grants a charter "in viduitate." In 1330 we find a claim on the earldom of Caithness by Simon Fraser and Margaret his spouse, one of the heirs of the Earls of Caithness (Acta. Parl. vi.) In 1331 we find Malise, Earl of Stratherne, charged on the Chamberlain Rolls (p. 404) with the rents of the fourth part of Caithness; and in 1334 Malise appears as earl of the earldom of Stratherne, Caithness, and Orkney (Cart. Inchaffray). It is clear, therefore, that the half of Caithness which belonged to the Angus earls, had like the other half passed to two co-heirs, and that the title of earl, with one-fourth of the earldom, had gone to the Earl of Stratherne.

There is some difficulty in clearing up the history of the last few Earls of Stratherne, and of discriminating between them, as they all have the name of Malise. The first of the name of Malise was the son of Robert, Earl of Stratherne, and Fordun (Bower) fixes the date of his death when he says, in 1271, "Malisius comes de Stratherne in partibus Gallicanis decessit et apud Dunblane sepelitur." In giving the death of Magnus, King of Man, in 1269, he adds, "cujus relictam comes Malisius de Stratherne *postea* duxit videlicet filiam Eugenie de Ergadia;" but the *postea* refers to after 1271, and this was the second Malise the son of the former, for we find in 1291, Malise, Earl of Stratherne, does homage to Edward I. at Stirling on 12th July, and twelve days after "Maria Regina de Man et Comitissa de Stratherne" does homage at Perth in presence of Earl Malise. He died before 1296, as among the widows who are secured in their possessions by the King of England in that year is "Maria quæ fuit uxor Malesii Comitis de Stratherne."

In point of fact Malise (2d) must have died before February 1292, for in that year "Maria Comitissa de Stratherne quæ fuit uxor Hugonis de Abernethyn" is summoned to Parliament to show cause why Alexander de Abernethyn, son of Hugo, should not have his lands in Fyfe and Perth (Act. Parl. vi.); and that she was not the same Maria as the Queen of Man is clear from this, that she appears along with her in the list of widows in 1296 as "Maria quæ fuit uxor Hugonis de Abernethyn." She must therefore have been the wife of Malise (3d), son of Malise (2d).

This Malise (3d) is said in Wood's "Peerage" to have been killed at the

battle of Halidon Hill in 1333; but he died long before, for we find that his second wife was Johanna de Menteith, whom he married in the reign of Robert Bruce, as that king confirms a grant by Malise, Earl of Stratherne, to Johanna, daughter to John Menteith, his spouse (Rob. Index), and she after his death married John, Earl of Atholl, for there is in Theiner a dispensation in 1339 for the marriage of Johanna, Countess of Stratherne, widow of John, Earl of Atholl, to Maurice de Moravia. Now this John, Earl of Atholl, was himself undoubtedly killed at the battle of Halidon Hill in 1333. In point of fact Malise (3d) must have died before 1320, for King Robert also grants a charter to Maria de Stratherne, wife of Malise of Stratherne, of the lands of Kingkell, Brechin, which were David de Brechin's (Rob. Index.) She must have been therefore married to Malise (4th) during the lifetime of his father Malise (3d), as he is not termed earl; but this Maria is undoubtedly the Comitissa de Stratherne who was implicated along with David de Brechin and William de Soulis in a conspiracy in 1320 (Fordun), and Malise (4th) must then have been earl.

Malise (3d) had two daughters—Matilda, married to Robert de Tony, and Maria to Sir John Murray of Drumsagard; for in 1293 we find him contracting for the marriage of his daughter Matilda, then under 20, to Robert de Tony (Hist. Doc. i. 394); and in the chartulary of Inchaffray are two charters by Malisius Comes de Stratherne to John de Moravia and his heirs by Maria filia nostra; and his son Malise (4th) confirms a grant soon after 1319 by Malisius "pater noster quondam comes de Stratherne" to John de Moravia et Maria filia Comitiss.

In 1320, Malise, Earl of Stratherne, signs the letter to the Pope. This must have been Malise (4th); and in 1334, in a charter in which he styles himself earl of the earldoms of Stratherne, Caithness, and Orkney, he grants to William, Earl of Ross, the marriage of his daughter Isabel by Marjory his wife, declaring her his heir of the earldom of Caithness failing an heir male of the marriage of the said Earl Malise and Marjory (Cart. Inch.). She must have been his second wife. It has usually been assumed that Isabel married the Earl of Ross, but this is impossible, for in another deed in 1350 the Earl of Ross styles Marjory, Countess of Stratherne, his sister. He was therefore Isabel's uncle, and the deed was granted at the time of Earl Malise's forfeiture, when Isabel was

probably still a child, and was intended if possible to protect the succession.

Earl Malise (4th) had several other daughters. In 1353 Erngils, a Norwegian, gets from the King of Norway the title of Earl of Orkney in right of his mother Agneta, which he forfeits in 1357. In that year Duncan son of Andrew protests for Alexander de le Arde in right of his mother Matilda, called eldest daughter of Earl Malise. In 1364 Euphemia de Stratherne appears as one of the heirs of the late Earl Malise. In 1374 Alexander de le Arde resigns his rights through his mother Matilda to the King. In 1379 Henry St Clair and Malise Sperre claim the earldom of Orkney. Henry becomes earl and calls his mother Isabella St Clair in a charter of lands of which she was heiress. Matilda was probably daughter of Maria the first wife, and the little favour shown to her rights may have arisen from her brother's complicity in the conspiracy in 1320. The other daughters were probably children of Marjory, and the Earl of Ross appears to have married his niece Isabella to Sir William St Clair, the father of Henry.

It is clear the right to Orkney and Caithness could not have come to the Earls of Stratherne through the Queen of Man wife of Malise (2d), nor through either of the wives of Malise (4th), as his daughters by both wives claimed. He must, therefore, have derived his right through his mother, one of the wives of Malise (3d), but this could not have been Johanna de Menteith, and therefore Maria, widow of Hugo de Abernethyn, seems the only possible heiress of the Earldom of Caithness.