

## II.

## THE EARLS OF FIFE IN THE 12TH CENTURY.

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Our knowledge of the feudalism of 12th-century Scotland is not so great that we can afford to neglect even the least of its exiguous traces. In this matter, the re-examination of evidence long available may well prove useful, while any fresh evidence certainly deserves our attention. Although it is clear that the 12th-century kings of Scotland were able to exercise a remarkably effective rule over their heterogeneous kingdom, our knowledge of the bases and instruments of that rule is, and to some degree always will be, partial and limited.<sup>1</sup> Among the questions which the student of early medieval Scotland will ask are, How soon did the monarchy implant institutions of the Anglo-Norman state in Scotland proper, as distinct from Cumbria and Scottish Northumbria; what was the importance, and geographical range, of knight-service, the very key to the feudal structure of the southern kingdom; was the introduction of feudalism achieved by the monarchy working exclusively with Anglo-Norman honorial barons such as Moreville, Brus, and the steward, Walter son of Alan; and what was the position in this social revolution, or at least upheaval, of the existing holders of power, the native magnates, whose counterparts in England had practically disappeared after 1075?

It is not claimed that the documents printed here will do more than provide useful pointers towards an answer to these questions. Nevertheless, in two respects their evidence is particularly valuable, and has hardly received the attention it deserves. They concern principally the native earls of Fife; and they deal largely with territory north of the Forth, where the policy of innovation followed by the Crown must succeed if it was to have any permanence in Scotland as a whole. Before discussing this evidence in detail, it will be necessary to judge the authenticity of the three documents here printed.

The texts of two of them, (II) and (III), were copied, with every appearance of fidelity, by Sir John Skene, Lord Clerk Register (1594-1604), and are to be found in his manuscript notebook in the possession of the Earl of

<sup>1</sup> In this field the student is especially indebted to Professor W. Croft Dickinson's introduction to *The Sheriff Court Book of Fife* (S.H.S., 1928), and to its valuable Appendix D, on the emergence of the sheriffdoms.

Haddington.<sup>1</sup> For the text of (I) we must have recourse to a collection, among the Harleian manuscripts,<sup>2</sup> of Sir James Balfour of Kinnaird and Denmylne, Lord Lyon King of Arms (1630-54). No one who has ever entered the field of Scottish antiquarian studies has shown the equal of Balfour's capacity, either for deliberately fabricating "documents" that never existed, or—what is, indeed, harder to forgive—for bungling the transcription, at as many crucial points as possible, of genuine historical texts to which he had an access denied in some cases to posterity. But although Balfour was incapable of making a correct and careful copy of a medieval Latin document, it must be said that the purported charter of Malcolm IV here given shows fewer traces of blundering inaccuracy than are usually to be looked for in a document of this provenance. Despite the serious difficulties which it presents, there seems little doubt that it was beyond Balfour's powers to have invented it: it comes too near to genuineness for such a supposition. Balfour in fact claimed to have copied it from the very notebook of Skene already referred to.<sup>3</sup> This claim is vitiated by a close examination of the Skene manuscript, which contains neither it nor any signs of an excised leaf on which it might have been written. Balfour did in fact copy three documents from the Skene manuscript, those printed as (II) and (III) below, and the famous charter of Malcolm IV confirming the stewardship to Walter son of Alan. Needless to say, Balfour did not make these copies without importing serious errors of his own, and unfortunately, before Dr George Neilson rescued the better (Skene) text of the stewardship charter in 1922,<sup>4</sup> it was the Balfour versions of both it and (II) which had found their way into print.<sup>5</sup> It is hoped that by giving here from the Skene manuscript the better text of (II), we may do for it what Dr Neilson did for the historically more interesting charter of the stewardship.

If Balfour did not invent (I), the questions remain, Where did he see it or its copy, and how far are we justified in believing that it represents a genuine production of the reign and writing-office of Malcolm IV? The former question cannot at present be answered, but the second deserves consideration.

From the standpoint of its diplomatic, there is only one objection to the

<sup>1</sup> I must express my thanks to Lord Haddington for generously allowing this MS. to be deposited at the Institute of Historical Research, London, so that I could consult it. There is a transcript of it in the Scottish Record Office, Edinburgh.

<sup>2</sup> B.M., MS. Harl. 4693.

<sup>3</sup> *Ibid.*, fo. 44. "Thir subsequent charters I had out of ane litel manuscrite urettin with the hand of Sir Johne Skeene clerk register copied by him off the principales."

<sup>4</sup> G. Neilson, "Birkenside and the Stewardship of Scotland," in *History of the Berwickshire Naturalists' Club*, xxiv (1922), 126-47.

<sup>5</sup> The stewardship charter in *Acts of the Parliaments of Scotland*, I, 92-93 (red pagination); also in the Maitland Club's *Registrum de Passelet* and in other works. The charter given as (II) below was printed from Balfour's inaccurate version in Sir Robert Sibbald's *History of Fife* (ed. 1710, p. 96; ed. 1803, p. 229), and in the Bannatyne Club's *Liber Insule Missarum*, Appendix, No. 2.

genuineness of the document: the time-date, "anno 7 regni regis." But this may well have been Balfour's work, for he is known to have added dating clauses to charters which would not normally have had them.<sup>1</sup> Otherwise, diplomatically speaking, the charter is unobjectionable. *Ville* in line 8 is clearly a copyist's error for *iuste*, and is strong confirmation of the belief that the charter is not a Balfourian invention. The forms of the place-names approximate closely, where other examples are known, to those of the 12th or at latest 13th centuries. As for the witnesses, Ernest for Ernald (Arnold), bishop of St Andrews, is a wrong extension of *Ern'* made by Balfour in the stewardship charter,<sup>2</sup> and quite likely to have been repeated. The unknown "William, abbot of Stirling," might be explained as a conflation of "William, abbot of (Holyrood, Melrose<sup>3</sup>), Alured, abbot of Stirling." "Nell, son of the countess," improbable as the name sounds, almost certainly though unaccountably represents Ness, son of William, one of the chief Fife landholders of the period. Robert de Quinci's name occurs in Scottish record before the end of Malcolm IV's reign,<sup>4</sup> and indeed he witnessed at least one act of that king, at Yardley Hastings (Northants) c. 1161-4,<sup>5</sup> so his inclusion here raises no difficulty. Finally, and most significantly, there appears the name of William Burdet. It seems highly unlikely that either Balfour or any potential fabricator of this charter would have inserted the name of this prominent English tenant of the Scottish king's honour of Huntingdon, for his name does not figure at all in Scottish record of Malcolm's reign. Yet William Burdet served for a time as steward of Malcolm's Huntingdon estates, and as such witnessed an act of Malcolm done at Stirling in 1160-1.<sup>6</sup> In short, the witness list presents no objections to the authenticity of the charter, and the attestation of Bishop Arnold gives us limit-dates of November 1160 to September 1162.

The serious obstacle to accepting the document as it stands (discussed in the *Scots Peerage* <sup>7</sup>) lies in the very facts it purports to record. At the period of this charter, King Malcolm was giving his sisters in marriage,<sup>8</sup> and no niece of his is known who could possibly have been of marriageable age before 1162. The suggestion in the *Scots Peerage* <sup>9</sup> that this niece may have

<sup>1</sup> Cf. Neilson, *op. cit.*

<sup>2</sup> *Ibid.*

<sup>3</sup> A William was abbot of Holyrood from 1152 (*Chronicle of Holyrood* (S.H.S., 1938), p. 122), and Melrose was ruled by an abbot William from 1159 until his resignation in 1170 (*Chronicle of Melrose*. Facsimile Edition, pp. 35-36, 38).

<sup>4</sup> *Liber S. Marie de Melros* (Bannatyne Club), No. 39.

<sup>5</sup> B.M., *Collon Charter*, xv, 19 (another version printed by W. O. Hassall, *Clerkenwell Cartulary* (1949), No. 15).

<sup>6</sup> G. H. Fowler, *Cartulary of Old Wardon* (1930), No. 91.

<sup>7</sup> Ed. Sir J. Balfour Paul, iv, 7, here following fairly closely J. P. Wood's edition of Douglas's *Peerage*, I, 573-4.

<sup>8</sup> Margaret to the duke of Brittany in 1160; Ada to the count of Holland in 1162 (*Chronicle of Melrose*, sub annis).

<sup>9</sup> *Loc. cit.* The *Scots Peerage's* statement that the earl "had at least one illegitimate child" refers presumably to Margaret, allegedly mother of Alice de Lindesay (who was married c. 1228), but the claim that Margaret was Earl Henry's daughter rests on extremely flimsy and unsupported evidence (*Complete Peerage*, ed. Gibbs, x, 523-4; Sir A. Dunbar, *Scottish Kings* (1899), 69).

been the daughter of an unrecorded illegitimate son of Earl Henry cannot be substantiated by any evidence, and seems somewhat desperate. Moreover, in the charter the lady's name appears as Ada, yet it is certain that Earl Duncan II's wife was called Ela or Hela.<sup>1</sup> Since Ala might be a variant of Ela, the Ada of our charter could be explained without much difficulty as a misreading of Ala. The name Ela is rare in Scottish record of the time,<sup>2</sup> but it occurs in a number of English baronial families, where its use may be traced to the marriage of King Malcolm's uncle, William III earl Warenne, to Ela of Ponthieu, daughter of Ela of Burgundy.<sup>3</sup> The name Ela might thus suggest a Warenne connexion, and it is certainly worth noting an association between the two countesses, Ada de Warenne and Ela, in contemporary record,<sup>4</sup> and also that Reginald de Warenne, probably the Countess Ada's brother, witnessed an unprinted charter issued by Earl Duncan II of Fife in favour of the monks of May.<sup>5</sup> It is by no means improbable that King Malcolm should have given a relative in marriage to the earl of Fife, but her exact identity and relationship to the king are not known for certain, and the solution of this problem must await further evidence.

Of all the native magnates in the 12th century, the earls of Fife were most closely associated with the royal house. The evidence of their personal names, indeed, suggests a blood-relationship with the kings of Scots.<sup>6</sup> It is clear that the kings from David I onward could look to the earls of Fife for loyal support. When David's son died in 1152, it was the elder Earl Duncan who took with him through Scotland the boy Malcolm, to show him to the people as the heir to the throne. In 1173 it was the younger Earl Duncan who spoke first in King William's council (*sun plenier parlement*).<sup>7</sup> It is significant that the elder earl, a constant witness to royal acts, had been granted his earldom by King David as a fief, to be held by service evidently fixed, though unfortunately nowhere stated.<sup>8</sup> This infeftment by David I of a native magnate in a Scottish earldom deserves at least as much attention from historians as the better known grant of Annandale to the Anglo-

<sup>1</sup> Cf. *Reg. de Dunfermelyn*, No. 153; *Reg. Prioratus S. Andree*, pp. 208, 242, 244; *Carte de Northberwic*, No. 3 (all Bannatyne Club).

<sup>2</sup> The only 12th-century example I have found seems significant: Ela, daughter of Alexander of St Martin, one of the Countess Ada de Warenne's principal tenants (*Cartulary of Newbattle*, Nos. 101 and 102).

<sup>3</sup> *Complete Peerage* (ed. G. H. White), xi, 377, 379; xii, pt. i, 497.

<sup>4</sup> *Reg. Prior. S. Andree*, 207-8 (c. 1160-5), 248-9.

<sup>5</sup> B.M., MS. Egerton 3031, fo. 62v. The family of Warenne in Scotland, whose origins have not been traced, were benefactors to the earl of Fife's foundation of Culross early in the 13th century (*P.S.A.S.*, LX (1925-6), 67-94).

<sup>6</sup> Duncan and Malcolm occur four times and twice respectively, Constantine once.

<sup>7</sup> Jordan Fantosme, *Chronicle of the War between the English and the Scots* (ed. F. Michel, Surtees Soc., 1840), lines 288-301.

<sup>8</sup> *Nat. MSS. Scot.* (1867), i, pl. 1. While this is briefly commented upon in the introduction (p. xi), the only historian who seems to have appreciated its significance is Skene (*Celtic Scotland* (1880), III, 64 and n.), and he greatly exaggerated, in the writer's opinion, the thoroughness of the innovations brought in by David I.

Norman, Robert de Brus. The service by which Annandale and its castle were held was almost certainly military, despite the reticence of the earliest charter.<sup>1</sup> It is quite possible, though not certain, that the earldom of Fife likewise was held for the service of knights. Because of this reticence in the early documents, it is all the more valuable to have definite evidence for knight-service rendered by a native magnate, and for knight-service owed for land in Scotland benorth Forth, to supplement the two explicit examples<sup>2</sup> of grants for that service of any kind before 1153, and the few instances from the reign of Malcolm IV.<sup>3</sup>

The third charter here printed confirms to Malcolm, earl of Fife, the grant which King William had made to his father of Strathleven, and also the grant which King David had made to his grandfather<sup>4</sup> of (West) Calder. These fiefs were to be held *per servitium militum*. There is no reason to suppose that this service applied only to King William's grant; we have, in fact, further and valuable evidence for an infeftment for knight-service by King David, and this not to any Anglo-Norman feudatory but to one of the greatest of the Scottish nobles. The grant of Strathleven may be compared with similar infeftments for military service made by Malcolm IV, both in Scotland proper and in the area south of the Forth-Clyde line.<sup>5</sup> It is possible that Strathleven was granted to the earl after it had been surrendered by another member of the same family, Eggu (or Hugh), the son of Hugh, son of Earl Gillemichel of Fife,<sup>6</sup> who is himself referred to as a knight. The grant to Earl Duncan was made before 1178,<sup>7</sup> and probably between 1172 and 1178.<sup>8</sup>

The fact that Earl Duncan I of Fife received West Calder as a fief from

<sup>1</sup> Cf. the confirmation by William I (Lochmaben, 1165-74) of David I's original grant of Annandale, for the service of ten knights (not a hundred (!), as in Sir A. C. Lawrie, *Early Scottish Charters*, p. 308), *Nat. MSS. Scot.*, I, pl. xxxix.

<sup>2</sup> Lawrie, *Early Scottish Charters*, Nos. 186 and 222 (both datable probably late in David I's reign).

<sup>3</sup> The lack of surviving charters to laymen doubtless deceives us here. If we had the full texts of several grants to laymen of which we have only incidental mention (I have counted twelve such in the course of collecting Malcolm IV's acts), the extent of infeftment for knight-service in the Scottish kingdom would probably appear wider than it now does. For references to surviving examples, see below, note 5.

<sup>4</sup> The charter says *eidem Comiti Dunecano*, i.e. Earl Duncan II, clearly an error, though understandable. Writing at least fifty years after Earl Duncan I's death, and confronted, no doubt, by two charters issued to undifferentiated earls of Fife named Duncan, the royal clerks have confused the elder earl with his son and namesake.

<sup>5</sup> Sp. Club, *Miscellany*, v, 241-2, No. 1; Nat. Library, MS. Adv. 34.3.25, pp. 182-3, No. 1; Neilson, *op. cit.*, 138-40; *Reg. Episcopatus Moraviensis* (Bannatyne Club), p. 453; and cf. *Laing Charters*, No. 2, for a contemporary knight's fee including land in Crailshire.

<sup>6</sup> Markinch church, doubtless within the Strathleven fief, was granted to St Andrews priory by Eggu, and his grant was confirmed by William I, before 1171 (*Reg. Prior. S. Andree*, pp. xxi and 216). Eggu surrendered part of Yester to the king between 1165 and 1182 (*Yester Writs*, Nos. 2 and 3).

<sup>7</sup> Earl Duncan in turn granted Markinch church to St Andrews, and William I confirmed his grant before the end of 1178 (*Reg. Prior. S. Andree*, pp. 242-3, 220). Scoonie may also have lain in this fief, and its church was likewise granted and confirmed by 1178 (*ibid.*, pp. 214, 220).

<sup>8</sup> An "Aviel of Strathleven" witnessed a writ of Earl Duncan II (*Carte de Northberwic*, No. 3) whose substance was confirmed by Bishop Richard of St Andrews by 1172 (*ibid.*, No. 4).

David I has not been generally recognised. The *Scots Peerage*, speaking of the grant of West Calder parish church to Dunfermline Abbey made by the Countess Ela of Fife, remarks<sup>1</sup> "the terms of the writ . . . suggest that she was heiress of Earl's Calder." Our charter, however, shows that West Calder must have been not the inheritance of the countess, but her dower. We cannot envisage the earldom of Fife as a compact territory in which the earl's sway was undivided, as, for example, Buchan or Strathearn probably were. It consisted rather of a group of scattered fiefs. No doubt the earl's original demesne was Cupar and lands in the middle zone of east Fife.<sup>2</sup> But Calder lay at the western end of Lothian, while at its eastern end the earls held North Berwick and its adjoining district,<sup>3</sup> commanding their own (earl's) ferry over the Forth. It is clear from (I) and (III) that the line of earls of Fife from Duncan II (1154-1204) onward was established in a really strong position in Fife itself and on its border as the result of royal favour. What Earl Duncan obtained as his bride's tocher was chiefly lands and revenue on the western edge of the Howe of Fife, together with the relatively remote valley of Strathbraan. Then, as we have seen, he was infeft in Strathleven, on the border of Fife proper and "Fothrif." His son Malcolm considerably extended the estates of the earldom. From King William he had a grant of Auchtermuchty,<sup>4</sup> and between 1204 and c. 1210 secured the reversion of Bangour (West Lothian),<sup>5</sup> not far from West Calder. He must also have acquired, though how is not known, extensive estates in what is now the extreme west of the county of Fife, including Culross, where he founded his abbey. This list, moreover, is not exhaustive.

The second charter here printed shows the alliance made, before he succeeded to his father's earldom, between Malcolm of Fife and the native family who held the earldom of Strathearn. As late as 1160, when Earl Ferteth of Strathearn had led an attempt to capture the young king Malcolm because he had gone on the "*chevauchée*" of Toulouse in the train of the king of England, it is doubtful if much Anglo-Norman legal or social influence had penetrated into this compact and Celtic region between the Ochils and the Tay. But Ferteth's son, Gilbert,<sup>6</sup> significantly married Maud de Aubeney

<sup>1</sup> IV, 7. The grant is in *Reg. de Dunfermelyn*, No. 153.

<sup>2</sup> Cf. *Reg. Prior. S. Andree*, pp. 241-2, 243-4, regarding Cupar church and land north of the Eden at Nydie Mill; *Carte de Northberwic*, No. 3, Aithernie and Montrave; *ibid.*, Nos. 6 and 7, Kilconquhar and Largo.

Witnesses of Earl Duncan II's acts included Derling of Airdit (Ardfift), Aviel of Fernie (Fernin), and Thomas of Cupar, while the earl's kinsmen were infeft in Ceres (*Scots Peerage*, IV, 5). For the earldom's demesne lands in 1294, see *Documents illust. of the History of Scotland* (ed. J. Stevenson, 1870), I, 415-8.

<sup>3</sup> *Carte de Northberwic*, No. 3. Earl Duncan II's steward was William de Famelton (*Reg. Prior. S. Andree*, pp. 242, 244), and "Famyltoun" was in the barony of North Berwick (*Reg. Mag. Sig.*, I, Appendix I, No. 123).

<sup>4</sup> *Reg. Prior. S. Andree*, pp. 228-9.

<sup>5</sup> *Acts of the Parliaments of Scotland*, I, 390 (red pagination).

<sup>6</sup> This name itself, always given in the form *Gilbertus*, may not be without significance, since Ferteth's son and heir was perhaps christened in the native name of Gillebrigde, sometimes latinised as Gilbertus. St. Bridget was one of the principal saints associated with Strathearn.

(de Aubigni, etc.), daughter of William de Aubeney.<sup>1</sup> If Maud's father was, as is probable, William II de Aubeney, "the Breton" (*Brito*), who died in 1166,<sup>2</sup> it is tempting to surmise that it was the king of Scots himself—Malcolm IV or his brother William I—who arranged the marriage between Maud de Aubeney and Gilbert of Strathearn. For Maud's mother, if this identification of her father be correct, was Maud de Senliz, a first cousin (of the half-blood) of both the Scottish kings.<sup>3</sup> She was daughter of another Maud de Senliz, and granddaughter of Earl Simon I de Senliz (of Northampton) and of Maud, afterwards the queen of David I of Scotland. Curiously enough, both ladies, mother and daughter, preserved Earl Simon's surname as their own.<sup>4</sup> The younger Maud, left a widow by William II de Aubeney in 1166, was still living in 1185, when her name was entered on the *Rotulus de Dominabus*, and her age given as sixty.<sup>5</sup> It is extremely interesting to find her and William de Aubeney (no doubt her son, William III) witnessing the grant to Dunfermline of West Calder church (already mentioned) by the Countess Ela of Fife.<sup>6</sup> All these records reveal to us a close-knit aristocratic group whose members possessed, or were influenced by, relationship with the Scottish royal family. It was through such groups that the social customs and political structure of Norman and Angevin England penetrated the boundaries of Celtic Scotland and took root there. On a lower level than that of the great earls, knightly families were established whose founders (*e.g.* Warennes<sup>7</sup> and Luvetots<sup>8</sup>) had come to Scotland in the service of the incoming nobility or of noble families which had adopted the military feudalism of the south. In (II) we have a document classically feudal in form, by which Earl Gilbert, whose father's loyalty to the monarchy had wavered in the face of foreign influence, sealed his alliance with a family which, though hardly less Scottish, had a tradition of support for the Crown.

Both (I) and (II) are grants *in liberum maritagium*, in frank marriage. If the text of (I) were authentic, King Malcolm's grant would be the earliest

<sup>1</sup> *Charters of Inchaffray* (S.H.S.), No. 9. For confirmation of the supposition (*ibid.*, p. lix) that Maud's father was William de Aubeney *Brito*, see below.

<sup>2</sup> The best guide to the family relationships of the de Aubeney of Belvoir is J. H. Round, *Feudal England*, pp. 475-6, 575, and the same writer *apud* Hist. MSS. Com., *Rulland*, iv, 106-7. The identity of Earl Gilbert's father-in-law with William de Aubeney of Belvoir is suggested by the relationship of his wife with the Scottish royal house, and the fact that a son of Earl Gilbert, when a hostage in England in 1213, was in the custody of William III de Aubeney (*Charters of Inchaffray*, p. lxi).

<sup>3</sup> See the table in *Feudal England*, p. 575.

<sup>4</sup> Round, *op. cit.*, established this curious fact beyond doubt.

<sup>5</sup> Pipe Roll Soc., xxxv (1913), 1, 63.

<sup>6</sup> *Reg. de Dunfermelyn*, No. 153.

<sup>7</sup> See above, p. 54, n. 5.

<sup>8</sup> For the Luvetots, see *Charters of Inchaffray*, pp. lxxxii-lxxxiii. It may be noted that yet another Maud de Senliz appears in record of this time, as the wife of a Richard de Luvetot, both of whom witnessed a grant by Earl Simon III de Senliz of Northampton in favour of Belvoir priory (Hist. MSS. Com., *Rulland*, iv, 99).

instance of frank marriage known in Scottish record. Since an esquire of King William I held land in Northumberland in frank marriage before 1174,<sup>1</sup> a similar grant in 1160-2 may not seem an impossibility. But in view of the unsatisfactory source of the document, we cannot be sure that the notion of frank marriage, a tenure designed to benefit the heirs of a marriage, was familiar in Scottish aristocratic circles in Malcolm IV's time. (II) however, dating 1194-8, is an undoubted example of such a grant, and finds at least one explicit parallel in contemporary Scottish record.<sup>2</sup>

As might be expected, the lands to be held by Malcolm of Earl Gilbert in frank marriage were fairly extensive.<sup>3</sup> They formed a compact estate on the eastern slope of the Ochils, reaching into the howe of Kinross and easily accessible from the Fife lands in upper Stratheden and at Culross and Cleish. It is significant that all the places named lie in the parishes of Glendevon and Fossoway, and we may reasonably conclude that this estate has determined the boundaries of the later parishes. We should notice that Balfour mistranscribed as *Glendovan* what Skene wrote as *Glendoñon*.<sup>4</sup> Skene's version should be accepted as the earliest recorded form of this name, and it may be necessary to modify Watson's suggested etymology.<sup>5</sup> Moreover, Balfour entirely omitted the names of two other places included in Skene's text. Of these, *Dolketh* is represented by Upper and Nether Dalkeith, in Fossoway parish. The other name Skene seems to have found hard to transcribe. What he wrote as *Pertinuor* or *Pertinuer* may stand for an original *Pethuer* or *Petinuer*, the name preserved in present-day Pitfar, a mile and a half south of Dalkeith. This identification is made probable by the association of the place with Dalkeith and the inclusion of Pitfar within Fossoway parish. It may involve the assumption that we have an example of a name in *Pett*- from which the article has been dropped;<sup>6</sup> and the problem

<sup>1</sup> The evidence for this is contained in a charter of King William I printed (from the original) by J. Hodgson, *History of Northumberland*, Part III, I, No. 2. There seems no reason to question the authenticity of this charter, but the attestation of *Eugen*, i.e. *Engelramus*, bishop of Glasgow (d. 1174), means that the figure x<sup>o</sup>ii in the dating clause must be a mistake, perhaps for v<sup>o</sup>ii (i.e. 1172). The charter shows that Reginald Prath held a third of Haughton in frank marriage with the daughter of Randulf son of Uhtred.

<sup>2</sup> Sir W. Fraser, *Facsimiles of Scottish Charters* (1903), No. 20, curiously enough a grant in frank marriage by the same esquire, Reginald Prat.

<sup>3</sup> For contemporary grants in marriage by barons of middle rank, we may notice Herbert the Chamberlain's settlement of Borrowstoun (Bo'ness and Carriden parish) on his son-in-law Hugh Giffard of Yester (*Yester Wrils*, S.R.S., No. 1), and the grant of Fowlis in Gowrie made by William Masculus on giving his daughter to Archibald of Forgan (Scottish Record Office, Transcripts of Royal Charters, 1165-1214). Incidentally, Dr Angus MacDonald, in his *Place-Names of West Lothian* (Edinburgh, 1941), overlooked the form for Borrowstoun, "Berewaldestune," in the Yester charter, although it is older by nearly two centuries than the earliest form he cites, and corrects his suggested derivation of the name. That "Berewaldestune" is Borrowstoun is shown by the fact that Herbert the Chamberlain was lord of Kinneil (*Charters of Holyrood*, No. 14; *Reg. Mag. Sig.*, I, App. I, No. 48).

<sup>4</sup> The significance of the stroke Skene wrote above the *m* is not certain. It need not stand for an omitted second *m*, and only a single *m* would lenite to produce the *v* of the modern name.

<sup>5</sup> *Celtic Place-Names of Scotland* (1926), 438.

<sup>6</sup> Watson (*op. cit.*, 267, 412) gives instances of the article being dropped from *Pett* names, Pitlurg and (now obsolete) Pethferlen, both in Aberdeenshire.



(if Skene's faulty transcription does not make further discussion otiose) must be left to the elucidation of a competent place-name scholar.

The presence of these names enables us to confirm the supposition that since this was a grant in frank marriage, and since Malcolm and Maud had no surviving children,<sup>1</sup> the lands involved reverted to the earls of Strathearn. Not only was Aldie held of the earl of Strathearn in the 13th and 14th centuries,<sup>2</sup> but Earl Malise III of Strathearn granted Pitfar (*Pethuer*) to William of Moray (first of Tullibardine) c. 1280-90,<sup>3</sup> and the descent of this land (*Pethwere*, *Petwer*, *Petverr*, etc.), said to be in the earldom of Strathearn in 1363-5 and at later dates,<sup>4</sup> may be traced in the records of its holders, the Murrays of Tullibardine.<sup>5</sup> A connexion between Aldie, Pitfar (*Pytwer*) and Dalkeith is suggested by documents in the Great Seal Register and the Atholl charter chest.<sup>6</sup> It follows, incidentally, that nothing can be argued from the descent of these lands as to the alleged descent of the Murrays of Tullibardine from a 13th-century earl of Fife.<sup>7</sup>

Balfour did not only alter and omit names: he left out the expression *in tristris*, "in hunting stations,"<sup>8</sup> and he bungled the names of the witnesses, producing errors which Sibbald naturally could not rectify, and which the editor of the *Liber Insule Missarum* actually aggravated.

In editing the two charters from the Skene manuscript, the texts are given unaltered, but certain words and letters not given by Skene at length are included, in italics. The first charter is given in the barbarous form of Balfour's manuscript, but with important emendations noted. It will be seen that there are differences between the texts of Balfour and Sibbald, but the latter's version is unquestionably a copy of the former's.

<sup>1</sup> *Scots Peerage*, s.v. "Fife."

<sup>2</sup> J. Raine, *History of North Durham* (1852), Appendix, No. 144; *Liber Insule Missarum*, p. xlv, No. 28.

<sup>3</sup> *Liber Insule Missarum*, Appendix, No. 19.

<sup>4</sup> *Reg. Mag. Sig.*, I, No. 825; H.M.C., Seventh Rep., pp. 707 ff., Nos. 36, 44, 49 and 64. In the last, Pitfar is described as the six merklands of Solsgirth and four merklands of Blairingone.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, p. 705, No. 10; *Reg. Mag. Sig.*, 1424-1513, No. 286.

<sup>7</sup> As in the *Scots Peerage*, I, 449 ff., where the writer ignores the objection that if Earl Malcolm who received this *maritagium* had had a surviving daughter she would have inherited or carried with her the earldom, while, if she were illegitimate, she could not have inherited the *maritagium*. In fact, we do not know why there was a connexion between the earls of Strathearn and the Murrays of Tullibardine.

<sup>8</sup> This expression is not common in 12th-century Scottish documents, but it occurs in a charter of William I to Earl Gilbert of Strathearn's brother Malise, 1172-8 (*Charters of Inchaffray*, Appendix, No. 1), and in Malcolm IV's charter of the stewardship, already cited.

## I.

King Malcolm IV grants in frank marriage to Duncan, earl of Fife and his heir born of his wife Ada, the king's niece, Strathmiglo, Falkland, Rathillet, Strathbraan, and the whole farm of (King's) Kettle. (Edinburgh, 1160-2.)

Source: B.M., MS. Harl. 4693, fo. 46.

Printed: R. Sibbald, *History of Fife* (1710), 95-96; (1803), 228.

Malcolmus dei gratia Rex Scottorum Episcopis Abbatibus Comitibus Baronibus,<sup>1</sup> Justiciis Vicecomitibus, Ministris et omnibus hominibus totius terre<sup>2</sup> sue francis Anglis et Scotis tam presentibus quam futuris Salutem Sciant tam posteri quam presentes, me dedisse concessisse et hac mea carta confirmasse Duncano Comiti<sup>3</sup> et heredi suo qui de uxore sua Ada nepte mea nasceretur Stradimiggloch<sup>4</sup> et Falecklen et Radhulit, et Stradbrauen et totam firmam meam de Cattell in liberum Maritagium, in Bosco<sup>5</sup> et plano, in pratis et pascuis, in Aquis et Molendinis, et in omnibus libertatibus ville<sup>6</sup> eisdem terris pertinentibus, Quare uolo et precipio ut Comes Duncanus et heredes sui has prenomintas terras habeant [et]<sup>7</sup> teneant libere et quiete in Liberum Maritagium presentibus testibus, Ernesto episcopo St Andree<sup>8</sup> Villielmo abbate de Streuelin<sup>9</sup> Osberto abbate de Jedburghe Willielmo fratre Regis Ada Comitissa Valtero Cancellario Gilberto<sup>10</sup> Comite de Anegus Richardo de Morueill Odonell de Umphraweill Richardo Comyne Philippo de Colueill Villielmo de<sup>11</sup> Burdet Matheo Archidiacono St Andree Nell<sup>12</sup> filio Comitisse Orme filio Hugonis Roberto de Quinci Apud Edinburghe A<sup>o</sup> 7 regni regis.

<sup>1</sup> MS., Barronibus. <sup>2</sup> Here and throughout, MS. has *æ*, where the original doubtless had *e*. <sup>3</sup> MS., Comite. <sup>4</sup> MS., Seradimiggloch. <sup>5</sup> MS., Biosco. <sup>6</sup> No doubt a miscopying of *iuste*. <sup>7</sup> MS. omits. <sup>8</sup> For *Ernaldo episcopo Sancti Andree*. <sup>9</sup> See above, p. 53. <sup>10</sup> For *Gillebrigde*. <sup>11</sup> The *de* is an error; see above, p. 53. <sup>12</sup> For *Ness*, probably. Sibbald, *loc. cit.*, prints *Nesso*. *Comitisse* is unexplained.

## II.

Gilbert, earl of Strathearn, grants in frank marriage to Malcolm, son of Earl Duncan of Fife, with his daughter Maud, Glendevon, Carnbo, Aldie, Fossoway, Dalkeith and (?) Pitfar (1194-8).

Source: Sir John Skene's MS. Notebook, *penes* Lord Haddington, p. 2. Copy, with numerous errors, B.M., MS. Harl. 4693, fo. 44v. For printed versions, see above, p. 52, n. 5.

Comes Gilbertus de Stradern . Omnibus hominibus suis et amicis . tam clericis quam laicis . Salutem. Sciant tam futuri quam presentes me dedisse et concessisse et hac mea carta confirmasse Malcolm filio Comitiss

Doncāni cum Matilda filia mea has terras . scilicet Glendomōn per omnes rectas diuisas suas et cum omnibus iustis pertinentiis suis . Et Carnbo per omnes rectas diuisas suas . et cum omnibus iustis pertinentiis . et Aldi et Fossedmeg<sup>1</sup> per omnes rectas diuisas suas et [cum]<sup>2</sup> omnibus iustis pertinentiis suis . et Dolketh et Pertinuer<sup>3</sup> per omnes rectas diuisas suas et cum omnibus iustis pertinentiis suis . in liberum maritagium . in bosco et plano . in pratis et pascuis . in moris et marisiis<sup>4</sup> in tristris in stagnis et molendinis in aquis et piscariis . in ecclesiis et capellis . et omnibus aliis aisiamentis ad predictas terras pertinentibus Tenendum sibi et heredibus suis et habendum et possidendum . de me et heredibus meis . ita libere quiete<sup>5</sup> plenarie et honorifice . sicut liberius et honorificentius aliquod maritagium alicuius Comitis uel baronis tenetur . et habetur et possidetur . in regno Scotie Hii testes Johannes episcopus de Dunkeld Robertus abbas de Scona Ernald abbas de Cuper Matillis Comitissa Henricus comes de Athotle<sup>6</sup>. Malisius frater comitis Jocelinus Ramus . Bricius iudex Willelmus de Ram'<sup>7</sup> Simon de Ram'<sup>7</sup> . Macheð uicecomes de Scona<sup>8</sup> Gillenanem dapifer comitis<sup>9</sup> Doncanus thaenus de Struin<sup>10</sup> . et pluribus aliis<sup>11</sup> . Gilcrist filius comitis.<sup>12</sup>

<sup>1</sup> Balfour's transcript (MS. Harl. 4693, fo. 44v) has *Fossedmege* followed by Sibbald, *op. cit.*, 96. The *Liber Insule Missarum*, p. xxiv, has an unjustified Fossedwege. <sup>2</sup> MS. omits. <sup>3</sup> Or *Pertinuer*; see above, p. 58. <sup>4</sup> First *s* written over a *c*. <sup>5</sup> MS., *quietæ*. <sup>6</sup> This may be the first recorded appearance of Henry, earl of Atholl, whose name occurs in a charter of 1198, after August (*Reg. vetus de Aberbrothoc*, No. 148). <sup>7</sup> This name, which gave Skene some difficulty, probably stands for *de Rameseia*. <sup>8</sup> Cf. *Reg. vetus de Aberbrothoc*, No. 35; he was probably the same as Macbeth, *iudex* of Gowrie, a witness to two contemporary acts (*Liber de Scon*, No. 21; *Register of Cupar-Angus*, ed. C. Rogers, I, 325), and if so, provides a good example of a *iudex* becoming a royal sheriff. <sup>9</sup> A very frequent witness to the earl's acts (cf. *Charters of Inchaffray*, *passim*). <sup>10</sup> Strowan, near Crieff, according to the editors of the *Charters of Inchaffray*. Since Dunning and Forteviot were thanages, perhaps this place is the modern Struie, in Forteviot parish. <sup>11</sup> *Sic*. <sup>12</sup> Probably Earl Gilbert's eldest son, who died on 5th October 1198 or 1199 (*Charters of Inchaffray*, No. 9, and p. 267). The date-limits of this charter are fixed by the witnessing of Arnold, abbot of Coupar from 1194 (*Chronicle of Melrose*, sub anno), and Robert, abbot of Scone, who resigned in 1198 (*Scotichronicon*, ed. W. Goodall, I, 492, 513).

### III.

King William I confirms to Malcolm, earl of Fife, the grant of Strathleven, which the king made to the earl's father, Earl Duncan; and the grant of (West) Calder, which the king's grandfather, King David I, made to Earl Duncan (I); to be held as the charters of the two kings bear witness, for knights' service. Clunie (in Stormont), 22 March, 1204–1207.

Source: Sir John Skene's MS. Notebook, *penes* Lord Haddington, p. 6. Copy, with some grotesque errors, in B.M., MS. Harl. 4693, fos. 46v–47. Not previously printed.

W. dei *gratia* Rex Scott' . Episcopis . Abbatibus . Comitibus . Baronibus . Justiciis . Vicecomitibus . prepositis Ministris et omnibus probis hominibus totius terre sue clericis et laicis salutem Sciant presentes . et futuri me concessisse . et hac carta mea confirmasse . *Comiti Malcolmo* . de Fif . donationem illam quam feci *Comiti Dunecano* patri ejus de Stradleuene . et donationem illam quam Rex David avus meus eidem <sup>1</sup> *Comiti* <sup>2</sup> *Dunecano* fecit de Kaldouer. Tenend' sibi et heredibus suis de me et heredibus meis in feudo et hereditate per rectas diuisas predictarum terrarum et cum omnibus aliis ad predictas terras iuste pertinentibus . ita libere et quiete, plenarie et honorifice . sicut carta Regis *David* aui mei et mea testantur . per seruicium militum <sup>3</sup> . Testibus *Florentio* *Electo Glasguensi Cancellario* nostro <sup>4</sup> . *Willelmo Cumin Justiciario*. *Waltero Olifard*. *Henrico filio Comitis David* fratris mei *Rogero Mortemer* Apud *Clonin'* xxij die Mart'.

<sup>1</sup> This must be an error, for which see above, p. 55, n. 4. <sup>2</sup> MS., *Comite*.  
<sup>3</sup> A numeral may have been omitted before *militum*, but there is no justification in Skene's text for Balfour's *propter seruitium duorum militum* (B.M., MS. Harl. 4693, fo. 47). <sup>4</sup> *Sic*. Florence was bishop-elect of Glasgow from 1202 to 1207.