

SCOTS AND SCANDINAVIANS IN MEDIAEVAL CAITHNESS: A STUDY OF THE PERIOD 1266-1375

Barbara E. Crawford

The period 1266-1375 was a very formative one in the history of Caithness when incoming Scottish families were changing the direction and character of the former Norse society, introducing new customs and a new language and setting the scene for the turbulent 15th century. It is also an obscure period, meriting precisely four pages in Calder's *Civil and Traditional History of Caithness* and no mention whatsoever in *The Caithness Book*. There is very little direct information to go on; no saga literature to enliven the gloom with tales of murdered earls and burnt prelates; no documentary information with its dry concentration on lands and rights; and very little reliable family history. It was preceded by the dramatic events of the years 1263-6 when the Scottish crown put into practice its successful policy of crushing any provincialist tendencies to support Norwegian imperialist moves (Crawford 1976-7. 113-5). It finishes in the year 1375 with the resignation of the ancient earldom of Caithness by the family of the earls of Orkney to the Scottish crown — a final achievement in the crown's desire to control the northernmost earldom in its kingdom. The interference by the Norwegian king in northern Scotland had been a threat to national sovereignty which no mediaeval king could ignore, and the Scottish kings did their best to ensure that such a threat would never occur again. Any development which took place in Caithness history from thenceforth would not be without the kings' interest and involvement, when that was possible. The position of the islands of Orkney, subject to another political authority — the kingdom of Norway — off their northern coasts was a constant irritant to the Scottish kings. Caithness's position as an adjunct of that semi-independent authority had to be watched very carefully, and royal vassals and servants were installed in the area as a means to achieving that control.

13th-14th CENTURY CAITHNESS: A PART OF THE NORTHERN WORLD?

The first question I would like to ask is; to what extent was Caithness a part of the northern world during this period? Were the earls of Orkney still a powerful force in Caithness after the great division of Caithness in the 13th century? (Crawford 1976-7. 111-3).

Events Surrounding the Death of the Maid of Norway

In the events following the death of Alexander III in 1276 without any male heirs, in which Norway was closely involved, Orkney and Caithness became central to the political relations of the two countries, and the earl probably had an important role to play. First of all there was the fateful voyage of the young Maid of Norway, offspring of King Erik of Norway and Margaret, daughter and heir of Alexander III. Accepted as heir to the throne by the Scottish barons the young Maid was also supposed to be the means by which the Scottish and English crowns would unite, for Edward I of England planned that she would marry his son and heir, Prince Edward. He therefore took a personal interest in the events of her arrival in Scotland and sent envoys north to Orkney in the summer of 1290 to attend her on her journey from Norway. She arrived with a grand entourage, which included the bishop of Bergen, the Chancellor of Norway, Sir Thore Haakonsson and his wife (the daughter of the powerful Norwegian baron, Erling Vidkunsson), but seems to have died soon afterwards.

The particular interest for us lies in the recorded itinerary of the English envoys, for they sent in their expenses to the English Exchequer afterwards where they detailed where they had spent every night and how much it had cost them (Stevenson 1870.i.183-6). They left Newcastle on 15th September and reached Duffus after ten days' travelling — mostly by sea. On 27th September they spent the night at Invernairn, 28th at Cromarty, 29th at Dornoch, and 30th September/1st October at Skelbo where they said that they spoke with the Scottish messengers — most probably receiving the news of the demise of the Maid; however they travelled on and spent the next night at Helmsdale, 3rd October at 'Hospital' and 4th/5th at Wick before returning south again, mostly by the same route. It took them 19 days to reach Wick from Newcastle travelling nearly every day. It is of interest to note where they broke their journey — at Duffus they probably stayed at the Cheyne residence (because on the return journey they stopped off at Strabrok which was another Cheyne possession in southern Scotland, and the Cheyne family were great supporters of the English king). At Invernairn and Cromarty there were royal castles, and at Dornoch the bishop's castle. Skelbo was a de Moravia possession. How about the next stage? 2nd October they were at Helmsdale, 3rd at 'Hospital', 4th at Wick. How could they have reached 'Hospital' (which others apart from myself have understood to be the hospital of St Magnus at Spittal) from Helmsdale in one day? And why did they go from Helmsdale to Wick via Spittal? The latest edition of *Mediaeval Religious Houses* also notices this difficulty and suggests that there must have been a pilgrims' hospital foundation on the coast between Helmsdale and Wick. The new *Map of Monastic Britain* in fact puts a hospice at Ousdale right on the ancient frontier between the Norse provinces of Caithness and Sutherland. Was this the 'Hospital' where they stayed on 3rd October? If so, it left a long distance to be covered on the next day to Wick. It is interesting to hear from Geoffrey Stell that there is some evidence for an ecclesiastical foundation at Latheron, exactly half way up

the coast between Helmsdale and Wick, and also of course at the junction of the inland route to Thurso with the southern coastal route. It seems, however, unlikely that there would be three hospital establishments on this stretch of coast-line; at Helmsdale (where the hospital of St. John is quite well documented), at Ousdale (according to the *Map of Monastic Britain*, and perhaps derived from obscure references to a hospital at 'Obsdalle', usually thought to be in Ross), and also at Latheron. But the evidence for two (Helmsdale and the 'Hospital' where the envoys stayed in 1290) certainly points to the need for places of refuge for pilgrims in this area, which, along with the well-known hospital of St. Magnus at Spittal, suggests to me an important pilgrimage route north to the shrine of St. Magnus at Kirkwall.

After my lecture, the possibility that these hospitals might be for pilgrims going in the other direction, to the tomb of St. Gilbert at Dornoch, was suggested. There is, however, no doubting the popularity of the cult of St. Magnus in the northern world — to which the kings of Scotland subscribed from the reign of Robert Bruce with an annual render from the farm of Aberdeen of bread and wine for use in the Cathedral of St. Magnus at Kirkwall (*Exch. Rolls*). It would also seem most unlikely that the earls of Orkney-Caithness would found a hospital (which they did at Spittal) for pilgrims travelling to the tomb of a bishop who had been the most successful representative of the Scottish crown's policy for bringing their Caithness earldom under direct control, and who had removed the head church of the Caithness diocese away from the earls' sphere of influence at Halkirk to the most southerly part of the diocese (Crawford 1976-7. 100,104). If these hospital foundations in Caithness point to a pilgrim route which had the earls' protection then it would be a pilgrim route to the tomb of one of their ancestors, not to the tomb of one of their enemies.

The envoys' journey in 1290 ended at Wick; evidently therefore they did not intend to travel on to Orkney (which had been their original purpose). It has been suggested (Anderson 1922.ii.695) that they may have diverted to Wick for the purpose of viewing the corpse of the dead princess which was transported back to Norway, in order to take back certain proof of the news of her demise (why otherwise did they continue to travel to the very northern coast at all?). The returning boat could have stopped off at Wick on its journey eastwards. It is perhaps relevant that the Cheyne family also held Wick thus providing another base for an overnight stay.

The Lands and Influence of the Caithness Earls

The late thirteenth century was a period of fairly close political contact between Scotland and Norway — in contrast with the preceding period and that which followed. After the cessation of the civil wars in 1240, the kings of Norway had political strength to cultivate international contacts, particularly looking across the North Sea to England and Scotland. This was not going to last very long into the 14th century when the union of the crown with Sweden, followed by economic problems, meant that Norway

became less involved with the west and turned her attention increasingly eastwards to Sweden and the Baltic.

First of all, after the Maid's death, when the question of claims to the Scottish throne arose, King Erik of Norway felt obliged to put forward a claim on behalf of his deceased wife and daughter. This was never taken very seriously in Scotland but it did lead, through Erik's involvement in the internal affairs of the kingdom and his association with the other competitors, to his second marriage to Isabella Bruce, daughter of the earl of Carrick, thus strengthening his Scottish contacts.

It is interesting to see what role the earl of Orkney-Caithness played in these political events. Naturally Erik would expect him to support his claim to the Scottish throne, and do all he could to further his cause. But there was not the slightest chance that the Norwegian king's claim would be accepted, and it was probably pretty unpopular. It was always very difficult for the earls to tread a diplomatic path which did not involve offending either of their kings or countries (and particularly so in time of war as can be seen in 1263). Earl John Magnusson maintained a fairly low profile, and does not appear to play any obvious part in the many diplomatic negotiations of which there is record in these years. He was never a member of any of the embassies which passed to and fro across the North Sea. Nor did he play any part in the internal affairs of Scotland at this time, for he was neither present at the meeting at Norham between Edward of England and the Scottish baronage in 1291, nor was he a sponsor of either Bruce or Balliol in the Great Cause, no doubt because of his need to appear to support King Erik's claim. He had a safe-conduct to visit King Edward at this time, which may have been for some mission on Erik's behalf. Yet he was not a member of the official Norwegian embassy which presented Erik's claim at Berwick in 1292. Once Balliol had been chosen as king the earl failed to attend his first parliament (along with well-known Bruce supporters). There is no evidence that he ever did homage to Balliol, and he was probably much more actively involved with Isabella Bruce's marriage to King Erik. Such evidence as there is suggests that he was closely connected with the Bruce family.

So aloof did Earl John remain from the events within Scotland that he did not do homage to King Edward during his tour of Scotland after the English invasion of 1296, neither by person nor proxy at Berwick. In fact the document containing his oath of fealty is the very last of all the hundreds in the *Ragman Rolls*. This oath was made to a royal official at Murkle in Caithness — an earldom estate — perhaps suggesting that the earl or his proxy came over from Orkney especially to do it. As possessor of an island earldom not under the political authority of the king of Scots the earl had of course the advantage of a bolt-hole. If a political situation was not to his advantage he could retreat to his island earldom, and this is probably what he did during the Wars of Independence. As might be imagined Caithness was hardly in the thick of the fighting. Although the earl's sympathies probably lay with Bruce, he was unable to do much in his Scottish earldom to further Bruce's cause, for he was surrounded in the north of Scotland by feudal magnates whose sympathies were nearly all

with the English. The Cheynes, the earls of Sutherland and Ross were all at some time commended by King Edward for their support.

It is worth stressing at this point how great a loss of land and influence within the earldom of Caithness the earls had suffered in the previous century. They had lost the whole of Sutherland by a complex series of transactions, and they had lost half of the lands of Caithness at the great division of the earldom c. 1239 when the Lady Joanna had inherited half of the earldom, plus apparently the lands of Strathnaver (Crawford 1976-7.111). This half of the earldom lands had been divided between her two daughters who held one quarter of Caithness each, while the lands of Strathnaver were given to the church of Moray. The whole lot eventually came into the hands of the Cheyne family, who would thus appear to have been as wealthy in land at this date — or more so — than the native earls within their Scottish earldom. These lands were however divided again between Rannald (Reginald) Cheyne III's two heiresses and thus passed to the Keiths of Inverugy and the Sutherlands of Duffus [Fig.4.1]. There is no evidence that either of these two families ever held Strathnaver and there is in fact a gap in our knowledge of the land-holding situation in Strathnaver between Cheyne possession in the mid-fourteenth century and Mackay possession in 1415. How the Mackays had got possession by that date is totally obscure and despite all the legends we do not know how they settled in Strathnaver or where they came from. I have only one piece of evidence to add to that problem and that is the existence of one 'Iver MacGoth' as a witness to an earldom charter of the late 13th century (*Dupplin Charters*). This is a grant of the ounceland of 'Nothegane' (Nottingham) to Reginald Cheyne the elder by Earl John which is witnessed by his uncle Harold, Walter the Seneschal, Swein, called 'of the Liverance' and 'Ivero MacGoth'. The latter *may* have been a member of the MacKay clan, showing that the family were highly placed already in the late 13th century in the following of either the earl or the Cheynes. It was, no doubt, through such an association that the family got possession of Strathnaver.

It appears possible to work out the holding of the Lady Joanna and her successors, the Cheynes, through two remarkable 16th century lists of Caithness estates, belonging to the Keiths of Inverugy and the Sutherlands of Duffus (*RMS*. iii. 745, 1798). The holdings of both families are expressed in terms of *half* of a township. (In fact the Keith lists are of two sisters whose holdings are expressed as $\frac{1}{2}\frac{1}{2}$ and the Sutherland list is filled out from a later earldom character). This suggests that these lists represent the estates *as they had been divided* at the time of Rannald Cheyne III's death, between his two daughters. They would thus be his Caithness inheritance which had descended from his grandmother the noble Lady Joanna. The two lists do not coincide absolutely; but both Keiths and Sutherlands had half of the townships of Akergill, Reis, Wesbuster, Harland in Wick, Stangergill, Sordell, Borrowston, Rasister and Ulbuster. They shared fractions of Myrelandnorne, the fishings of Wick, mill of Stangergill, Clardene, land in Murkill, the water of Thurso, Lybuster and mill, Brabisterdorane, Ormellie, Subamster, Dunnet, Harland, Ratter and Corsback in Dunnet. Sometimes the holding was $\frac{1}{4}$, $\frac{1}{3}$ or even $\frac{1}{6}$, showing

INHERITANCE of the EARLDOM OF CAITHNESS in the fourteenth century

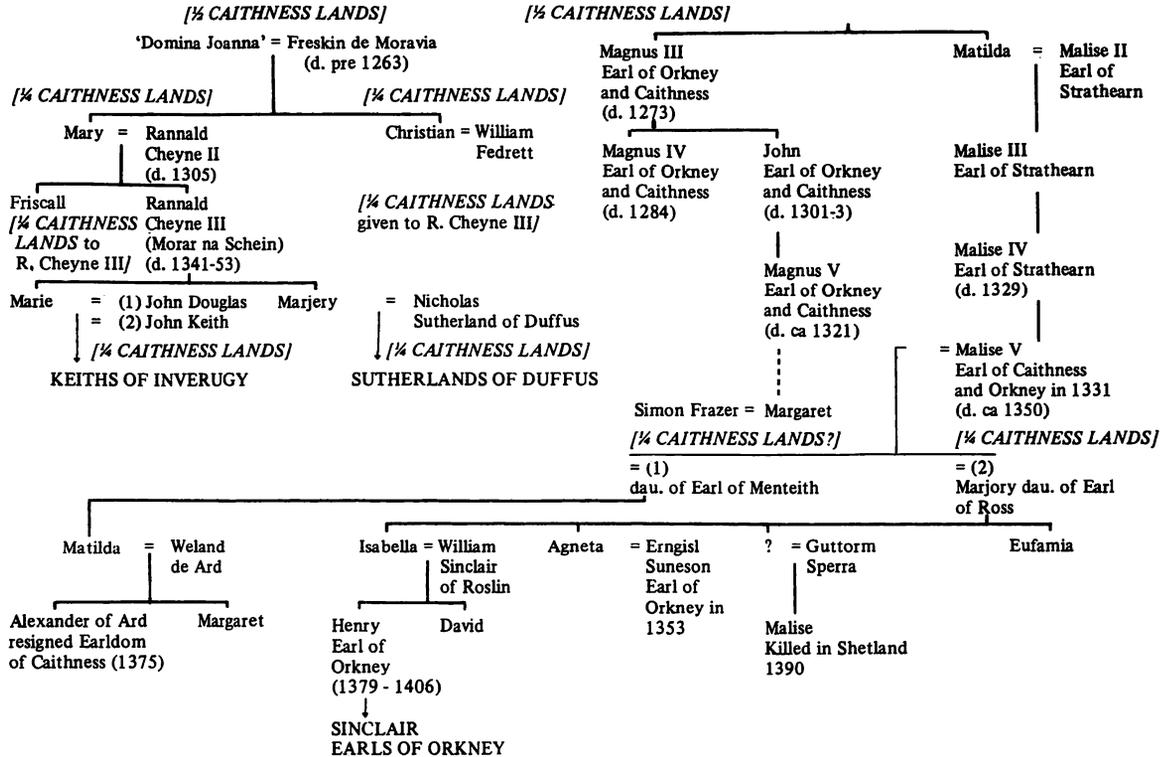


Fig. 4.1. Inheritance of the Earldom of Caithness in the 14th century.

the amount of subdivision which had gone on in these estates, and particularly in the fishings which are divided into $\frac{1}{4}$ s. In a few instances there are undivided holdings, i.e. the whole of a township, but the vast majority are shared townships. The conclusion seems inescapable that these lists represent in essence the 13th century inheritance of Lady Joanna. They are distributed between the parishes of Wick, Dunnet, Bower, Halkirk, Thurso and Reay, and particularly clustered in Wick, Dunnet and Thurso. They thus stretch across the middle of the county, not touching the southern half from Wick to Berridale, and barely in the north-eastern parish of Canisbay. One can assume that the earl's half therefore lay primarily in precisely these latter areas. It does not look as if the earldom lands had been divided on a straight north-south basis in 1239 (although there is evidence that the earldom had been so divided between rival claimants in the 12th century); but it had certainly been divided on a geographical basis so that the earldom line and Joanna's descendants were the dominant landholders in particular areas. When Joanna's inheritance was divided between *her* descendants however, it was the townships themselves that were divided in half.

So, if we return to the political situation in Caithness during the late 13th century Wars of Independence we can see that the pro-English Cheynes were just as powerful in Caithness as the earl. They probably dominated the area during the wars, while the earl retreated to his island earldom — and provided a welcome for members of Bruce's party if not for Bruce himself. Earl John's links with Norway were strong, particularly when Isabella Bruce was queen. In fact the earl is said in the *Icelandic Annals* to have been betrothed to Isabella and Erik's infant daughter in the year 1300. This may be a reflection of Isabella's need for protection after the death of her husband, when her brother-in-law succeeded to the throne and brought in new policies, and no doubt regarded his infant niece as a possible threat to his position. The earl however died soon afterwards, and with his death, and the changed political situation in Norway, a new era starts. The earls are rarely in the future going to play the same international role which the political situation had sometimes in the past afforded them. With this shrinking of the horizons Caithness ceased to be part of a North Sea arena. During the thirteenth century it could perhaps be said to be still a part of the northern world — that is, when the earldom of Orkney was itself closely bound to a kingdom of Norway which had some political vitality, and when influence from the Norse earldom still reached across the Pentland Firth. During the 14th century this position was reversed and it was to be the Scottish element in the joint earldom which became the dominant cultural influence extending northwards into the islands.

14th CENTURY CAITHNESS: SCOTTISH CULTURAL ASCENDENCY

A prime reason for this change was another period of disruption in the inheritance of the earldoms. From about 1320-1330 there was no earl of Orkney or of Caithness, although plenty of people were apparently putting claims forward, to judge from the records. As I have suggested before it

would seem that such disruptions took place because the inheritance customs of the earldom of Orkney took precedence (Crawford 1976-7. 112). It was apparently important that a claimant got his right to the earldom of Orkney accepted by the king of Norway before being able to take up the lands and emoluments of the earldom of Caithness. At least I know of no earl of Caithness in this period who was not also earl of Orkney and accepted by the king of Norway. There is a discussion of this situation in an 18th or early 19th century history of the earldom (*Abstract of the Account of the Orkneys* in the possession of Captain Wemyss, East Wemyss, Fife) in which one of the heirs to the earldom in the 14th century is quoted as advocating that all heirs should have part of Caithness by virtue of the arrangements in Orkney, 'Caithness being an Ancient Province of the country [Orkney] and both under the same laws and regulations'. This process often took some time especially if there were different claimants, as there usually were, for any offspring of a previous earl had a right to claim the earldom. In 1331, the heir who finally got his claim acknowledged — and we know that he went to Norway to do so — was Malise, earl of Strathearn, one of the foremost Scottish earls. (See *Genealogy of the Earls of Orkney* for his claim) [Fig. 4.1].

Malise, Earl of Caithness and Orkney

For the first time the earl of Caithness and Orkney was a major Scottish magnate by virtue of his other possessions. In fact, Malise forfeited his earldom of Strathearn at just the time that he moved north and laid his claim to the northern earldoms. Because of his problems in southern Scotland Malise was more active in the north than he might otherwise have been. When he went to Norway (or more probably Sweden, for King Magnus Smek spent most of his reign in Sweden) he married two of his daughters to Swedish noblemen. His own second marriage took place at this time, to Marjory of Ross, and this symbolises his establishment in the north and identification with the most powerful family in northern Scotland. This alliance opened the way to control of the Caithness earldom by the earl of Ross, which was disastrous in many ways and primarily for the continued existence of Caithness as an independent earldom. The period of Earl Malise's rule, more than that of any preceding earl, drew Caithness into the northern Scottish political situation, and made the area subject to Scottish influences. In this respect Calder is right when he says that the rule of the Norse earls terminated in 1331 (rather than in 1214 when Earl John Haroldsson was murdered in a cellar in Thurso, a date which others have taken to mark the end of the Norse period in Caithness).¹

In what ways did Earl Malise's rule bring in Scottish people and influences? Obviously this Scottish magnate did not go north alone; there would be a retinue of relations and dependents that any baronial magnate had around him, all expecting to be granted land and office. It is from this period that we begin to find enfeoffments of earldom estate appearing in the *Register of the Great Seal* — for instance in 1337 when Reginald More,

Chamberlain of Scotland, was enfeoffed by Malise with the lands of Berriedale (although this is said to have been done at the request of the Scottish crown) (*Exch. Rolls.* i.453). Primarily however Malise left five daughters as joint heiresses to his lands in Orkney and Caithness — a ready-made situation for others to step in and make the most of the peculiar circumstances. Even more was the situation open to the unscrupulous when the laws of inheritance were less rigid than in normal Scottish law, and possession of the earldom title to *Caithness* depended on a grant of the earldom of *Orkney* being made to the successful candidate by the king of Norway. In fact the earldom of Caithness was virtually in abeyance from Malise's death c.1350 until 1375, and there are several pieces of evidence to show that Caithness was torn apart in this period between the factions controlling the main heiresses. The same ms. *Abstract* referred to above talks of the 'Intestine Convulsions which raged with great fury' at this date. It coincided partly with the exile of King David II when there was no central authority which could have tried to exercise some control; in 1358 the value of the deanery of Caithness was said to be no more than 15 marks 'on account of wars'. The family which benefited most from this situation — and this is the most striking result of Earl Malise's rule — was the family of Ross. Earl Malise's second marriage bound him firmly to them and he evidently looked to his brother-in-law, William earl of Ross, as the only power capable of maintaining control in his Scottish earldom after his death. In 1344 he designated his daughter by his marriage to Marjory of Ross his heir to the earldom of Caithness and gave control of her marriage into the hands of her uncle, the earl of Ross, who promised at the same time to defend Caithness as his own (*RMS.i.App.i.150*). That promise was certainly carried out to the extent that in 1359 an entry in the *Exchequer Rolls* records that there was no income from the lands of the former Malise of Strathearn within the earldom of Caithness because the earl of Ross had intromitted with the same (*Exch. Rolls.* i. 570).

The Rise of the Rosses

In the following years control of Caithness contributed to the powerful political position which the earl of Ross was winning for himself. During the 1360s he and his brother Hugh along with other members of the so-called 'Highland Party' virtually threw off their allegiance to the Scottish crown and refused to contribute towards the ransom of King David. Ross influence extended across the Pentland Firth into Orkney, so that the family was building up a private empire on the lines of the old Norse earls, only this time it was a Scottish empire. From the 1360s we have documents concerning grants of Ross lands in *Scotland* being drawn up in *Kirkwall* (a completely new development) and a member of the Sinclair family held the office of bailiff of the king of Norway in Orkney. In 1367 an edict of the Scottish king, returned from England, addressed to the sheriff and bailiffs of Inverness and their deputies, as well as the crowner of Caithness, forbade anyone to enter the lands or harbours of Orkney unless for travel,

merchandise or other peaceful business (*Dipl. Norv.* iii, 358).² This edict was evidently issued in response to a request from the king of Norway, as the document survives in the Norwegian royal archives. It shows us to what extent the Scots were moving north over the Pentland Firth at this time, and the evident resentment this caused among the native Orcadians. Indeed the turmoil caused by this invasion of the islands is all too evident from a detailed peace treaty drawn up two years later, in 1369, between the bishop of Orkney and the Norwegian governor of the islands (*Orkney Recs.* 16-17). It refers to foreigners who had moved into the islands and been dominating political affairs there, and some of the witnesses have Scottish names from the north of Scotland. It would not be surprising if this situation had resulted in fighting, and although there is no contemporary evidence for any such disturbance, the same 18th century *Abstract* of the Earldom mentioned earlier gives details about a battle fought in Orkney between the Earl of Ross and what is called the 'Norwegian Party', after which Earl William was forced to return to Scotland.

It seems necessary to bring into this discussion of the history of Caithness events in Orkney — and indeed Norway — for I think that they are more relevant for understanding the situation in Caithness at this date than is sometimes allowed. The ancient joint earldom was still a political unit, even though the currents are by the mid-fourteenth century flowing north. The Pentland Firth seems to have been no more a barrier to the Scots and the men of Ross than it had ever been to the Norwegians and the men of Orkney. The reason why the current was then flowing north was the political vacuum in the native earldom line after the death of Earl Malise, and in Norway itself. It was this lack of political authority which allowed the Ross family to expand its sphere of influence so successfully. For the 1350s and 1360s found Norway in a very difficult position because of the economic problems resulting from the Black Death of 1350. As far as northern Scotland and the Northern Isles are concerned we are here in a world of conjecture. The plague is very badly documented in Scotland as a whole; in the north I have come across not a single reference to it or its after-effects. This *may* be because its effects were so much less devastating than they were in the south. But we know that as far as Norway itself was concerned this was certainly not the case. Norway was very badly hit by the plague and it would be surprising if the western colonies did not suffer some of the same effects. Contact being as close as it was between Orkney, Shetland and Bergen one would expect the islands to be infected to some degree. They must certainly have been affected by the total disruption in Norway which resulted from the visitation. Administration in many respects ceased. The centre of political life in Norway had in any case moved to the east, and the total result of all this must have been an enfeebling of control over the islands. This may explain why it took so long for any appointments to be made to the earldom after Malise's death c.1350. As regards the sphere of church appointments it is striking that it is just this period which sees the first appearance of Scottish clerics in the islands. The first certain Scottish bishop of Orkney was the Bishop William

who was party to the 1369 agreement; the first certain Scottish archdeacon of Orkney was William of Buchan (1369) and the first certain Scottish archdeacon of Shetland, William Wood, prior to 1372. If the local clergy had been as decimated as we know the Norwegian clergy was, then it is not surprising to find Scotsmen filling the vacancies. Some of them were from Ross country (Sir Christian of Teyn and Fergus of Ross in 1369) arriving no doubt in the wake of the Ross party.

If this sort of influence can be seen across the Firth, how much more must Caithness itself have been imbued with the Ross imprint at this time. We know Earl William got hold of Dunbeath and Reay; his brother Hugh, Freswick, Okyngill and Harpsdol. A glance through the *Fasti Ecclesiae Scoticanæ* shows there to have been a Precentor of Caithness in 1350, said to be in Ross Diocese, and a Treasurer called Gilbert de Rosmarkie (recorded 1341). Could this influx, indeed, have had some effect on strengthening the Gaelic language in Caithness and perhaps even having some influence on the place-names?

There is finally one more very important result of the period of Ross power in the north, and that was the sequestration or purchase of the earldom of Caithness by the Scottish crown in 1375 — determined to forestall any repetition of the independent stand of the ‘Highland Party’. By the late fourteenth century the crown was powerful enough to take the earldom, or what was left of it, into its own hands. The very year following the death of the earl of Ross a Scottish nuncio went to Orkney ‘*pro negociis regis*’. In August of the same year, 1373, a document was drawn up at Scarmclet in Caithness concerning the inheritance of the earldom during the previous century and suggesting that the situation in the earldom was under review. Only a fragment of a copy of this document survives, the preceding page having gone missing when the *Panmure Codex* was rebound (*Bannatyne Miscellany* iii. 43). But at least it tells us that somebody in Caithness was interested in the history of the earldom in the year 1373. The document would probably have been drawn up by a cleric and at a later date Scarmclet certainly formed part of the archdeacon’s lands in Caithness. Perhaps the archdeacon had a house there; somebody must have had a house there for this important document concerning the earldom to have been drawn up there, and as far as I know it did not form part of the earldom estate or Cheyne estate. From my study of the *Panmure Codex* I think that this 1373 document was in the possession of the Church when it was copied out in the late 15th century, possibly among the archives of the Cathedral Church of Orkney (Crawford 1976). If so, this would suggest that its compilation in 1373 had something to do with the earldom family and that it may have been drawn up for one of Earl Malise’s heiresses or their husbands. There was nobody else who had interests in both Caithness and Orkney, so that a document concerning the inheritance of Caithness which had been put in the Cathedral Church of Orkney for safe-keeping had probably been put there by a member of the earldom family. The individual most likely to have had this interest was Earl Malise’s eldest grandson, Alexander of Ard, whose mother Matilda was Malise’s eldest daughter by his first marriage. She had married Weland

of Ard, member of an important family around Inverness. Alexander's claims to Orkney and Caithness had been strongly pressed in the 1350s against the Ross clan and his mother's half-sister, Isabella (pressed in fact by a mysterious individual called Duncan Anderson who had written a threatening letter to the people of Orkney telling them to stop returning their dues to the king of Norway — another example of an aggressive Scot muscling in on the Orkney scene in these years). Alexander of Ard was successful in winning the support of the king of Norway somewhat later and in 1375 he was granted all royal lands and rights in Orkney by King Hakon for a year, after which he was to go to Norway and prove that he was worthy of being granted the earldom for life (*Orkney Recs.* 19). Somewhat strangely, in that very same year Alexander resigned to the Scottish crown all his lands in Caithness or elsewhere which were his by hereditary succession from his mother, and any right which he had to the earldom of Strathearn from his grand-father (*RMS.* i. 615). There is no evidence that he had ever called himself earl of Caithness because, as mentioned earlier, he probably had to get a grant of the Orkney earldom first. This he never got, despite his 1375 grant of the royal lands and rights in Orkney, so poor old Alexander lost all his rights in both earldoms. Perhaps the 1373 letter concerning the inheritance of the earldom of Caithness was in some way connected with the decision to resign the earldom of Caithness up to the Crown. Whether it was a voluntary or forced decision is not clear, although as I have been suggesting, the crown was keen to get hold of the earl's position in the north, in order to forestall any repetition of the events of the 1350s and 60s. The 15th century *Genealogy of the Earls of Orkney* says that Alexander sold his earldom to the Crown.

The 1375 resignation is in fact a resignation of the 'castle of Brathwell and the land of the same and all other lands, lordships and rights of lands whatsoever in the earldom of Caithness' — which cannot have amounted to a great deal, considering the earlier loss of half of the earldom, and considering the likelihood that Earl Malise may only have held $\frac{1}{4}$ Caithness which had probably been divided between his five daughters. One must assume that the Crown only got hold of a fraction of the original earldom lands; but it got hold of the castle of Brathwell (Brawl), and the *Genealogy of the Earls of Orkney* tells us that this was the 'principal manuring or manse' of the Caithness earldom (*Bannatyne Miscellany* iii. 69), or what historians of feudal society would call the *caput*. Possession of this castle was evidently considered by the Scots to carry the right to the title of earl for we find that shortly afterwards King Robert's son, David, to whom Alexander of Ard's resigned lands were granted, held the title of earl of Caithness (as well as earl of Strathearn). The reference to the castle of Brathwell is the first documentary evidence for its importance as the earl's main seat. It is of course most likely that it had been an earldom residence for a long time; in 1222 Earl John was said to be residing a short way off from Halkirk when Bishop Adam was murdered. But in those days it was only one of many earldom residences (Murkle, recorded 1296; Thurso, recorded 1190s). During the later divisions of the earldom lands and rights,

Brathwell came to be the *caput* (what would have been called in the Norse days, and was called for a long time in Orkney inheritance arrangements the *heid bol*) which went to the eldest son. From 1375 it was in the possession of members of the royal family until the earldom of Caithness was handed out, first to Sir George Crichton in 1450 and shortly after to Earl William Sinclair.

The Sinclairs: King's Men

It is perhaps time the Sinclair family were brought under consideration, for once they arrive on the Caithness scene a new era starts, and Caithness was over-run by them (as it still is!). The obvious starting point is the marriage of Isabella, daughter of Earl Malise, to Sir William Sinclair of Roslin, a marriage from which stemmed Sinclair fortunes in the north.³

From the time of this marriage, in the middle of the century, more Sinclairs come to light in Ross and Orkney where they had obviously gone in the Ross wake. The pattern is clear; the Sinclairs were well in with the Ross family and moved north during the period of disturbance in the 1350s and 60s. But right from the beginning these Sinclairs show the trait which marks them out through their northern career; they were king's men. It did not matter which king, Norwegian or Scottish, they climbed to power up the ladder of royal office; Sir Henry Sinclair as baillie of Caithness in 1321, Thomas Sinclair as baillie of Orkney in 1364, and Sir William Sinclair's son Henry who made the running against tremendous odds (including four cousins who were also struggling for power) and got a grant of the earldom of Orkney from King Hakon in 1379. This trait is seen at its best in the last Norwegian Earl William Sinclair, who was Chancellor of Scotland in the 15th century and who managed through influence in that position to get a grant of the earldom of Caithness from King James II, and re-unite it once again with his earldom of Orkney.

Footnotes

1. Calder unfortunately omits any reference to Earl Malise's period of rule and implies that the Sinclairs established themselves immediately after the demise of the Angus line in 1331 — a myth perpetuated in *The Caithness Book* where it is said that Henry Sinclair succeeded in 1331.
2. This is the first reference to the office of 'crownor' in Caithness, an office later held hereditarily by the Gunn family.
3. This is not actually the first appearance of the Sinclairs in the north. Indeed it would be surprising if it were, for to be married to Earl Malise's designated heiress who was in the wardship of her uncle William, earl of Ross, suggests that William Sinclair was closely allied to the earl and in some favour with him. To be in this position presupposes to some extent previous Sinclair contacts in the north. In fact William's grandfather, Henry, was royal bailiiff of Caithness in 1321 (*Orkney Recs.* 6). Whether the family got a permanent hold of any lands at this date is not certain: there is one brief reference (*R.M.S.* app. ii) to Sir Henry having a charter of 'Thanachkegis', located only in Inverness-shire. This may possibly be Fannoch (south of Wick).

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