

THE EARLDOM OF ROSS AND THE LORDSHIP OF THE ISLES

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The period covered is roughly 1215 to 1476, and the subject falls into three parts: the first concentrates on building up the earldom of Ross under the first five earls, the second brings together the earldom of Ross and the lordship of the Isles, and the third gives some indication of the way in which the two fitted together in practice [Fig. 5.1].

THE EARLS OF ROSS: EARLY THIRTEENTH – EARLY FOURTEENTH CENTURIES

The story of what the *Scots Peerage* calls the ancient earls of Ross began about 1215, when Farquhar helped Alexander II to crush rebellion in Moray and Ross and was rewarded with the earldom which, until then, seems to have been part of the province of Moray (*RMS*. II. i. App II). It was Farquhar, son of the lay patron of Applecross, who founded the abbey of Fearn in the early 1220s on a site in Kincardine parish; and it was he who, fifteen years later, moved the abbot and brethren, with their consent and 'for the more tranquillitie, peace and quyetnes', to the parish of Tarbat (*Chron.* 3–4). This was nearer the heart of the earldom and William, Farquhar's son, was recorded as dying at Earl's Allane, probably very near Fearn, in 1274 (*Cal. Fearn*). It was this first William who got a charter from Alexander III of the lordship of Skye, Norse until 1266, which was held along with the earldom but not merged with it.

There is no ready-made definition of the earldom of Ross. The earl's land covered the east of the modern county, but not the south part of the Black Isle, and we find the earls and their families dating charters and/or dying at Dingwall (Munro 4,6; Ross 163), Balconie (Ross 167), Alness (*RMS*, i. 301), Delny (*Chron.* 4, 9; Ross 169, 173), Earl's Allane (*Cal. Fearn*), and Tain (*Chron.* 4; Ross 198). The southern march was the river Beaully and the northern probably the Kyle of Sutherland, but when we consider the west, matters become much more complicated. In 1324 there was a definition of the bounds of the earldom of Moray as granted to Thomas Randolph. In the west this refers to the 'lands of Locharkaig and Glengarry and Glenelg, then by the march of Glenelg to the sea towards the west, and by the sea to the bounds of North Argyll which belongs to the Earl of Ross: and so by those marches to the marches of Ross and by the marches of Ross to the water of Forne [Beaully] and thence to the sea' (*Moray Reg.* 342). We know that Kintail and Gairloch were described as being in North Argyll in fourteenth-century charters granted by the earls

EARLS OF ROSS AND LORDS OF THE ISLES

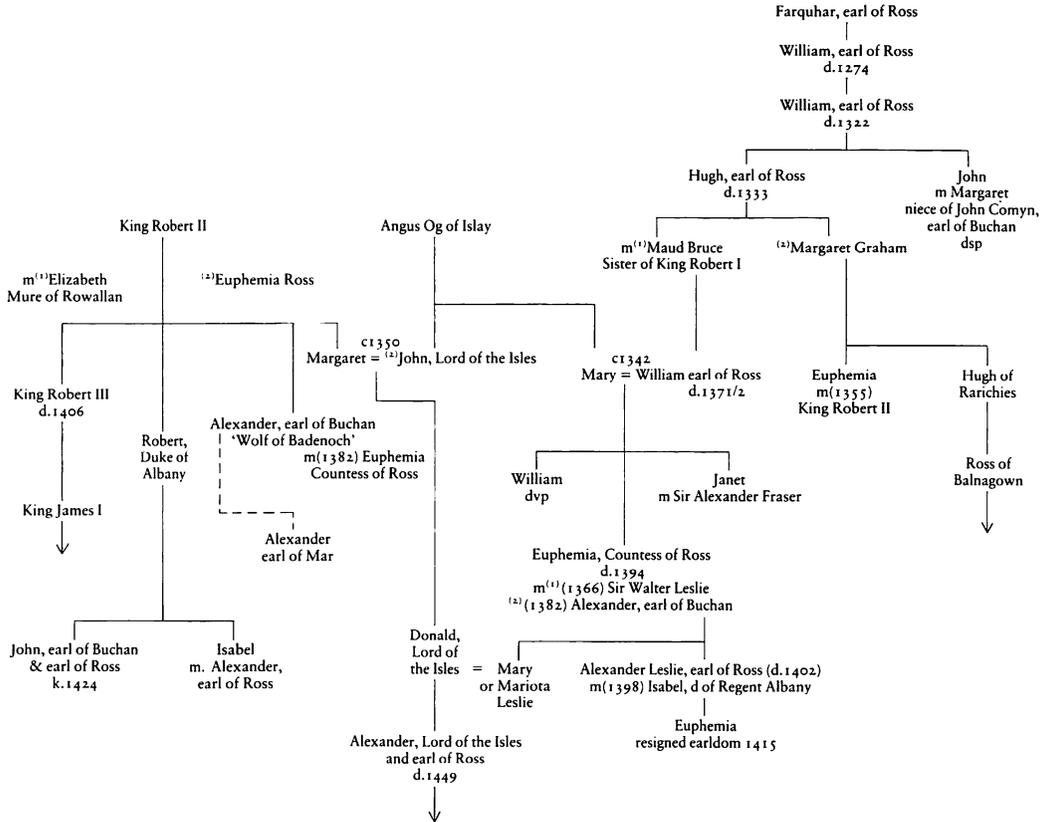


Fig. 5.1 Earls of Ross and Lords of the Isles.

of Ross to Ranald of the Isles (*RRS*. vi. 505) and Paul McTyre (*RMS*. i. 437). The Moray definition seems to tell us two things: first that North Argyll was a geographical description and has no relation to the modern county of Argyll and indeed had no common boundary with it; and second that in the fourteenth century the western coastlands were not part of the earldom of Ross, although held by the earls.

William, 3rd Earl of Ross was a supporter of Balliol and was in the tower of London after the battle of Dunbar in 1296 until about 1303/4 (Barrow 104). In 1306 he was responsible for the capture at Tain of Bruce's wife and daughter, his sister Mary the Countess of Buchan, and the Earl of Atholl (*ibid.* 228). During the confused events of 1308 he sent a request for help to Edward II, but when he received none he submitted to Bruce at Auldearn in October (*ibid.* 251–52; *APS*. i. 117). He was given easy terms, getting all his lands back with the additions of Ferincoskry (an area on the north of the Kyle of Sutherland) and the until then royal burgh of Dingwall and its castle (*RMS*. i. II. 370). Nor was this all, for William's sons Hugh and John were singled out for honours. In 1323 Hugh married the king's sister Maud (Ross 192) and thereafter added to the lands his father owned, getting Cromarty and Nairn and extending south into Strathglass (*RMS*. i. II. 54, 55, 65). John, his younger brother, also made a profitable marriage through royal influence — to Margaret Comyn, niece and co-heiress of John Earl of Buchan (Barrow 384; *RMS*. i. II. 49). The earl was an English supporter but his wife Isobel, daughter of the Earl of Fife, escaped north to crown Bruce in 1306, only to be captured a few months later with the royal ladies at Tain. Buchan died in 1308, and his lands and the marriages of his two nieces came into the king's hands. Margaret's sister married Henry de Beaumont; they became, in Professor Barrow's phrase, 'irretrievably English' and were disinherited after Bannockburn, their lands in Buchan being divided among several of Bruce's followers (Barrow 385). John and Margaret had no children and in 1316 Margaret's lands, which lay between the rivers Ythan and Don in Aberdeenshire, were entailed on John's elder brother Hugh (*RMS*. i. II. 11). This brought a great extension of wealth, power and influence to the earls of Ross. Yet another marriage seems to have been arranged, this time for Isabel, sister of Hugh and John; for a dispensation is said to have been issued by the Pope in 1317 for her marriage with Edward Bruce (*SP*. vii. 235), though they were not married when he died the following year.

Hugh was Earl of Ross for only ten years and fell at the battle of Halidon Hill in 1333 (*Chron.* 6). Just two months before he died Hugh gave charters to his younger son Hugh of lands at Rarichies, between Balintore and Nigg (Ross 165), and also of the lands in Buchan still in the hands of his uncle's widow Margaret (Ross 167).

Hugh's son William, 5th Earl, was said to be in Norway when his father died and not to have taken possession of the earldom until 1336. The family chronicle says that he returned after long banishment but gives no hint of the cause (*Chron.* 6, 9). The same chronicle also says that the abbey of Fearn built in Finlay's time was only of clay and rough stones, and

that it was William who inspired the building of the kirk of hewn stones, the date of the operation being 1338–55 (*Chron.* 6, 7).

FIRST LINKS WITH THE LORDSHIP: MID – LATER FOURTEENTH CENTURY

In spite of his close connections with the royal house, made even closer in 1355 when Robert the Steward (later Robert II) married William's half-sister Euphemia (*CPL.* iii. 574), William ends up a sad and frustrated man, seeing the split between the earldom and the traditional heartlands of Ross. He married in 1342 Mary, daughter of another Bruce supporter, Angus of the Isles (*CPL.* iii. 85), a marriage which is a major landmark in our story. They had only one son William, who died young, probably about 1357, for in August of that year he was reported to be too ill to travel to London to take his place as one of the hostages for the payment of the King's ransom (*RRS.* vi. 175, 186; *CDS.* iii. 435). Perhaps young William was always weakly, for seven years before his death, in April 1350, the earl nominated his brother Hugh as his heir in the event of his death without legitimate heirs male of his body. This nomination had the consent of the granter's sister Marjorie, Countess of Caithness and Orkney, and was on condition of getting the King's consent. The document also states that this was done 'at the instance and request of all the great men and nobles of our whole earldom of Ross and of freeholders and others both cleric and lay' (Ross 163). Earl William was survived by his daughters Euphemia and Janet, but he supported his father's grants to Hugh of lands of Rarichies and added more lands in the heart of Ross even before his son's death (Ross 173, 181). William was already out of royal favour through his murder in 1346 of Ranald MacRuari when royal forces collected at Elcho, near Perth, before the battle of Neville's Cross, and his subsequent desertion of the King's army (Nicholson 146). Later he brought further trouble on himself by supporting his relatives the Steward and the Lord of the Isles in their defiance of David II during the 1360s, and with them earned the dislike of David's queen, Margaret Logie.

This is probably the background to the marriage of William's elder daughter Euphemia to Sir Walter Leslie, which took place in or about 1366 (*RMS.* i. 258; *CPL.* iv. 59). Walter was a younger son of the Fife family of Leslie. He and his brother Norman were soldiers of fortune in Prussia, France and Italy, and had been on crusade with King Peter of Cyprus to Alexandria in 1365. His marriage to Euphemia may have been arranged, and was certainly supported, by King David II, probably in the hope of detaching the heir to the earldom of Ross from the strong Highland party forming round the Steward and the Lord of the Isles. After their marriage Walter was much about the court, and in high favour with the king and queen. The marriage was followed by the resignation by William of all his earldom lands into the hands of David II for a re-grant, dated 23 October 1370, giving succession to heirs male of the body, followed by Euphemia and Walter and their heirs (*RMS.* i. 354).

Very soon after this, in February 1370/1, David died, and on 24 June 1371 William addressed a complaint to his half brother-in-law, now Robert II (Ross 193; *Chron.* 33–38; *AB Ill.* ii. 387–91, English trans. in Innes 70–72). He says that David had given to Walter and Euphemia ‘all my land and also those of my brother Hugh within Buchan, without our leave and without legal process’. It appears that Hugh had been ‘in foreign parts as a banished man’; William says that he tried to object, and travelled to see David at Aberdeen. There when he ‘was invited to dine with my lord the king, I asked, after dinner, an answer about my affairs; but the king, after consulting, sent me a great schedule of questions to be answered, wherein were put forward many authorities of the civil law; which, when I had read, I said I did not come to dispute at law with my lord the king, and then, without seeking leave, I journeyed to Ross’. He met the king again in Inverness and was forced to agree to make grants to Sir Walter Leslie, and so the earldom was restored. But William ended strongly ‘... never was my daughter spoused with the said Sir Walter with my will, but quite against my will: Nor did I make to them any grant or gift of lands or agreement of any kind of succession at any time up to the day of the death of my lord King David your predecessor, except by compulsion of my lord the king and through fear of his anger’.

Robert II did not act on this complaint, and after William’s death on 9 February 1371/2 (*Cal. Fearn*) the earldom was confirmed to Walter and Euphemia. The Buchan lands had reverted from John and his widow Margaret Comyn to Earl Hugh in terms of the 1316 charter (*RMS.* i. II. 11), and in 1333 Hugh settled them on his younger son Hugh (Ross 167). Before his death, Hugh the younger had apparently returned them to his elder brother Earl William so that he might ‘make a better defence in them’ while Hugh was abroad, but as we have seen they descended to Walter and Euphemia, and they were given by them on 4 June 1375 to Euphemia’s sister Janet on her marriage to Sir Alexander Fraser, ancestor of the Saltoun family, as recompense for Janet’s share of the earldom of Ross (*AB Ill.* iv. 87–88). Meanwhile Hugh seems to have died shortly before his brother and was succeeded in his Ross-shire lands by his son William (*RMS.* i. 619; Ross 176). From William descended the Rosses of Balnagown, chiefs of the clan, landowners in Ross but not in Buchan, heirs male of the old earldom but no longer earls of Ross. William held his lands from Walter and Euphemia, as his son Walter was to do from his cousin Alexander (Ross 178, 179).

The Leslies had a son Alexander, and a daughter Mary. Walter Leslie died at Perth in February 1381/2 (*Chron.* 9) and within five months Euphemia was married to Alexander Stewart, the Wolf of Badenoch, who took the title of Earl of Buchan (*RMS.* i. 736, 742). Alexander Leslie seems to have succeeded to the earldom of Ross on his mother’s death *c.* 1394, but he died at Dingwall in May 1402 (*Cal. Fearn*). By his wife Isabel, daughter of Robert, Duke of Albany, Regent of Scotland, Alexander had a daughter, yet another Euphemia, who was taken over by her grandfather Albany who by 1405 was calling himself lord of the ward of Ross (*Cawdor Bk.* 5).

EARLDOM AND LORDSHIP: FIFTEENTH CENTURY

It is now that the Lords of the Isles come directly into the picture because Mary Leslie, aunt of the heiress of Ross, was married to Donald Lord of the Isles. The battle fought at Harlaw in 1411 by Donald is regarded as his challenge to the Regent for the earldom of Ross. There are two extremes of interpretation of Donald's motives in undertaking the invasion of the east of Scotland: one is that he was aiming to take over the earldom of Ross, and the other is that he was aiming to take over the crown of Scotland. Donald's claim to Ross was in right of his wife Mary Leslie. This was fairly straightforward, as in the normal way she would have been heir presumptive to her niece Euphemia who was still very young, certainly under thirteen, in 1411. The succession had already gone through the female line when Mary's mother had followed her father in 1371/2. On the death of Alexander in 1402 Donald might have expected the official wardship of the infant heiress. But as we have seen, by 1405 Albany had taken over his grandchild. The power of the Albanys was getting very strong in the Highlands. Recently Mar had been acquired by one of them in very dubious circumstances, and Donald may well have had good reason to suspect that Ross would be similarly swallowed up. There may have been more to it than that, for after the mysterious death of David Duke of Rothesay in 1402, and the death of Robert III in 1406 at the time of the capture by England of his son James, the Regent Albany looked like swallowing up not just Ross but all Scotland. Donald was probably one of the few magnates and certainly the only one in the Highlands capable of withstanding Albany. In 1407 his nephew Hector Maclean of Duart got a safe conduct to visit James in England and in the following year English envoys visited Donald (Nicholson 234). Was he perhaps setting up assistance for James against Albany with English support?

Whatever Donald's exact motive or objective may have been is hard to determine because the result of the battle of Harlaw was indecisive. Donald had seized Inverness and marched east. In July 1411 he was caught by an Albany army under Mar and fought at Harlaw near Inverurie. Both sides claimed to have won, but Donald withdrew to the Isles and later in the season Albany had an army in Dingwall and a garrison in the castle there. In 1412 he raised more men, but Donald submitted, handed over hostages and took an oath to keep the peace (Nicholson 235).

Three years later Albany persuaded Euphemia, still under seventeen, to resign the earldom to his son John, already Earl of Buchan, whom failing to his other sons in turn and finally to Albany himself (*Reg. Ho. Charter.* 243). Even so, in 1421 Donald referred to himself in petitions to the Pope as Lord of the Isles and of the earldom of Ross (CSSR. i. 268–69, 271–72), and in a document written in Scots in 1420 his wife appears as Lady of the Isles and of Ross (Brodie).

The date of Donald's death is uncertain, probably 1423. His son Alexander called himself Lord of the Isles and Master of the earldom of Ross in 1426 (CSSR. ii. 133–34) and also in 1427 (*RMS.* ii. 2287). By this

time Buchan was dead, killed at Verneuil in 1424, and the Albany family all dead or disgraced by the newly released King James; but Alexander's mother was still alive. After some ups and downs of fortune, including prison in Tantallon, Alexander was recognized as Earl of Ross before January 1436/7 (Gordon Cumming 5; Macfarlane 12a).

From about 1436 then, the earldom of Ross was held jointly with the lordship of the Isles, first by Alexander until 1449, and then by his son John until the forfeiture of the earldom to the crown in 1475. The story of the period appears in *The Middle Ages in the Highlands* (Maclean 23–37), and only the place of the earldom is relevant here. Under these two lords the north Argyll lands seem to have been included with the earldom of Ross, and Skye with the lordship: John granted Lochalsh, Lochcarron and Lochbroom to his natural brother Celestine in 1463 (*RMS*. ii. 806), and in the same year Celestine also received from his brother 28 merklands in Sleat, now described as in the lordship of the Isles (*ibid.*). Also later, in 1498, Alexander MacLeod of Dunvegan (Alasdair Crotach) was confirmed in lands in Skye within the lordship of the Isles (*RMS*. ii. 2420), although presumably his ancestors once held them from the Ross lords of Skye. Although Alexander and John both spent some time on the eastern seaboard, there is no surviving record of either of them being in the northern part of the west coast, even though what was once north Argyll was now definitely within their earldom.

The island lords had until the 1430s spent their time in Islay, Mull, Morvern and Lochaber, to judge by the place/dates of their charters. From similar evidence we can judge something of the movements of Alexander and John. Many of the surviving documents reflect their dual role, and deal with lands and affairs of the Isles and the earldom of Ross. Alexander seems to have been somewhat Ross-oriented, but this may have been because for some years in the late 1430s and early 1440s he was Justiciar north of Forth (as Earl William had been a century earlier), holding his courts in Inverness. He died at Dingwall in 1449 and was buried at Fortrose (*Misc. Scot.* iv. 130) as Earl of Ross, rather than with his predecessors as Lords of the Isles in Iona. But he and his son John, who was never Justiciar, seem to have regarded their roles as interchangeable. The charters issued in either territory did not concern lands in that territory only: for example two concerning Urquhart lands in the Black Isle were dated at Islay in 1472 (Laing i. 453) and 1475 (Cromarty Box. 1), and a Thane of Cawdor was confirmed in his father's lands in a document dated in Kintyre in 1468 (*Cawdor Bk.* 51–52). Similarly many charters of lands in the west were drawn up at Dingwall.

The appearance of island chiefs as charter witnesses at Dingwall and Inverness is also recorded in this period. The Lords of the Isles had a council to advise them, and while accounts of its functions and composition are traditional, ten of the documents that survive state that they are granted specifically with the consent of the council. Three out of the six in which witnesses are named are dated at Dingwall, and a fourth at Inverness. Maclean of Duart figures in all four of them, Macleans of

Lochbuie, Coll and Ardgour each make one or two appearances, and even lesser chiefs like Mackinnon and MacQuarrie of Ulva and MacDuffie of Colonsay are included (Monro 140–42). Some of the earl's mainland vassals such as Munro of Foulis and Ross of Balnagown also witnessed his charters in Ross, but there is no indication that they dominated the men from the Isles. We have found only one record of the meeting of a council. This took place on 28 May 1450 within the earl's chamber in the castle of Dingwall, to consider some business concerned with grants by the old earls of Ross of lands in Ferincoskry (Inverchassley and Ospisdale). The witnesses named, and presumably attending, were John Stewart lord of Lorn, Lachlan Maclean lord of Duart, William thane of Cawdor, John Maclean of Coll and an unidentified Rolland son of Alexander (surely from the west) (Ross 191). Not the traditional island council, you may say, but hardly a council of the earl of Ross either.

ANNEXATION OF EARLDOM AND LORDSHIP: LATE FIFTEENTH CENTURY

The end came for the earldom of Ross nearly twenty years before the end of the lordship of the Isles. John's treaty with Edward IV came to light and he was summoned before Parliament in the autumn of 1475 — summoned not in the Isles, but at Dingwall Castle and at the crosses of Dingwall and Inverness (*APS*. ii. 108–10). He failed to appear and action was taken by Huntly before 28 March 1476. In July, John submitted to the king and was stripped of his earldom of Ross, of Kintyre and Knapdale, and of the office of sheriff of Inverness and Nairn (*ibid.* 113). The earldom of Ross was annexed to the crown and later given to the king's second son, while the lordship of the Isles (transformed into a lordship of Parliament) was given back to John (*Reg. Ho. Charter*. 457). Clearly the king had not the power or resources to capture the lordship (it was different twenty years later); the earldom was rich and handy and was the obvious choice for forfeiture. John's estranged wife Elizabeth Livingston was provided for from rents of lands in Ross and in Buchan confirmed to her by the king (*RMS*. ii. 1227, 1272, 1318 etc).

The arrangement of 1476 was not permanent, however, and by the end of August 1493 John had been deprived of the lordship also (*RMS*. ii. 2172). The pretext for this was a series of rebellions, including unrest in Ross, engineered by younger members of John's family. But by then the earldom had been turned into a royal dukedom, and its affairs were no longer the direct concern of any of the families who had held it during the previous centuries.

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