

# THE HERALDRY OF THE EARLY FIFE EARLS: KIN-BASED SUCCESSION AND PRIMOGENITURE

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## ABSTRACT

The sigillographic and armorial evidence relating to the early earls of Fife has been analysed. The utilisation of a bend sable to differentiate senior and junior lines in the extended Fife kin group provides heraldic support for Guido's hypothesis of the existence of two lines of Fife earls in the late 12th and early 13th century.

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The earliest armorial seal associated with the earls of Fife belongs to Margaret de Toeny, Countess of Fife (d after 17 Jan 1244/45), wife and widow of Earl Malcolm (I) (*dsp* 1229). Two examples are extant, dating from 1236 and 1243, and display on an ogival seal, A woman standing, her headdress square with a chin piece, in her right hand a sprig of leaves, with the legend *SIGILLVM MARGARETE COMITISSE DE FIF*. The counterseal is circular and bears a shield, *Paly of six and a bend*, with the legend *SECRETI CVSTOS*.<sup>2</sup> These arms are displayed in colour in the Fife Roll (1304x08) for *Le Chont de Fyf*: *Or, three pallets gules, a bend sable* (FF5).<sup>3,4</sup> The question then arises: why would the wife of Scotland's premier earl use her husband's coat-of-arms bearing an apparent difference (the bend), thereby inferring membership of a junior line?

The recent investigation into early Fife genealogy by Guido<sup>5</sup> has proposed the existence of two distinct lines, one descending from Constantine MacDuff, generally considered as 2nd Earl of Fife (d 1129), and the other from Gillemichael MacDuff, taken as 3rd Earl of Fife (d 1136). The relationship between the two earls is unclear: Guido has opted for brothers, while Bannerman, in an earlier article, proposed cousins;<sup>6</sup> however the descent of the earldom at this early period follows the principles of tanistry where the leadership might pass to a collateral, the new earl being a member of the *derbfhine*, a group with a common great-grandfather. In practical terms leadership tended to alternate between two segments of a dynasty.<sup>7</sup>

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<sup>2</sup> G W Watson, "Margaret de Toeny, Countess of Fife", *Misc Gen & Her*, 5th series, 7 (1929/31): 329.

<sup>3</sup> Full details of the heraldic *sigla* are given at the end of the paper.

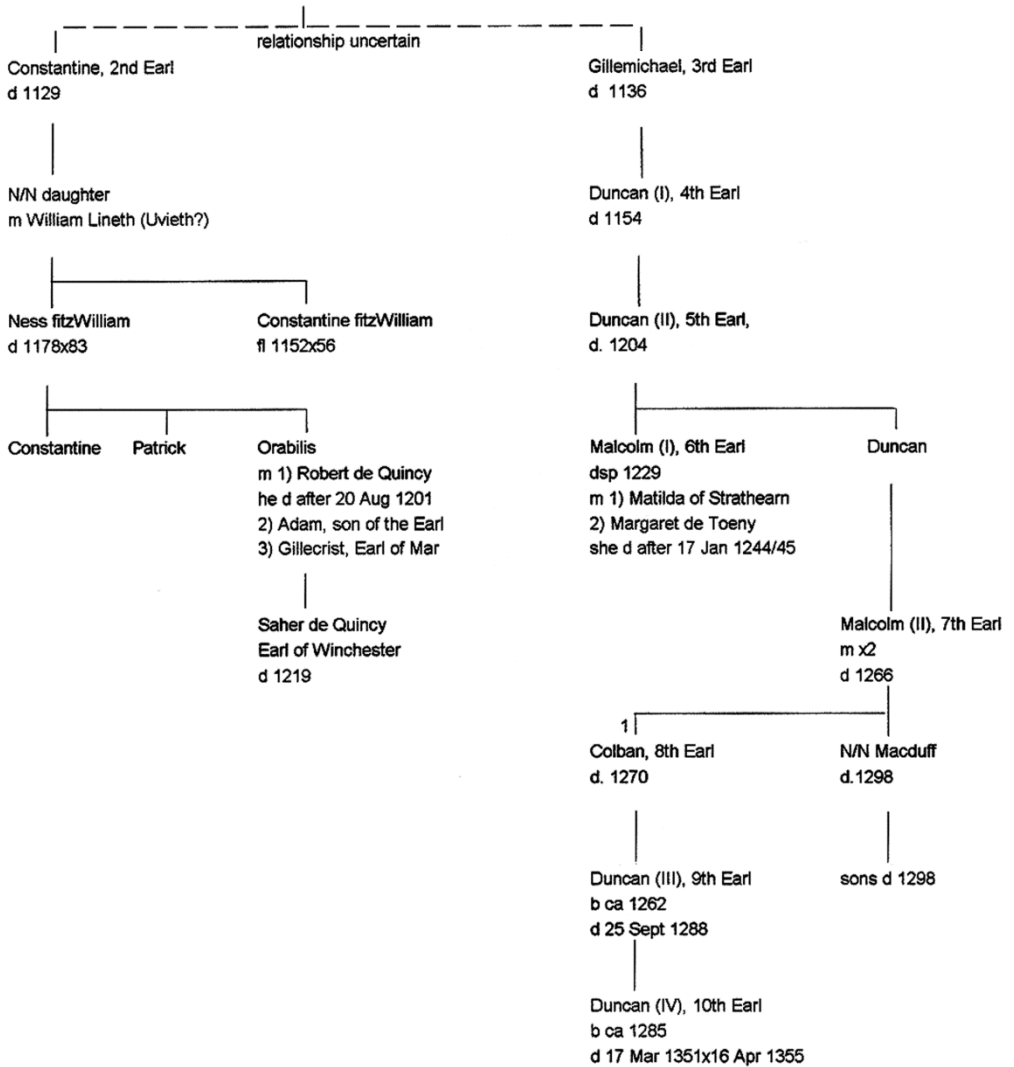
<sup>4</sup> The Fife Roll, despite its name, is an English armorial giving the name and arms of Edward I's administrators and commanders in Scotland at the end of his reign. It can only be assumed that the English herald compiling the roll had out of date information regarding the Earl of Fife's arms.

<sup>5</sup> M A Guido, "Nes fitzWilliam and the earls of Fife: the origin of the house of Fife 962-1129", *Foundations*, 2 (2006-08): 112. Biographical information on many of the people cited in this paper can be found in the Paradox of Medieval Scotland 1093-1286 (POMS) database <http://www.poms.ac.uk/db/search>.

<sup>6</sup> J Bannerman, "MacDuff of Fife", in A Grant & K J Stringer (eds), *Medieval Scotland: Crown, Lordship and Community* (1993), 20.

<sup>7</sup> A A M Duncan, *Scotland: the Making of the Kingdom*, The Edinburgh History of Scotland, Vol I (1975), 112-13.

Fig 1 Fife Earls



The senior line, presumably holders of the undifferenced arms of *Or, three pallets gules*, passed, according to Guido, at an early date to a daughter (Fig 1) who married a Norman incomer, William Lineth (Uvieth?).<sup>8</sup> This marriage produced two sons, Ness fitzWilliam and Constantine fitzWilliam (fl 1152x56), of whom the

<sup>8</sup> G W S Barrow, "Companions of the Atheling", in A Gillingham (ed), *Anglo-Norman Studies XXV: Proceedings of the Battle Conference* (2003), 35 suggests that William Uvieth is the likely ancestor of the Eviot family, the senior branch of which died out in the early 14<sup>th</sup> century when the barony of Ceres was split among the heiresses of David Ovyot (see A Grant, *The Higher Nobility and their Estates in Scotland, ca 1371-1424, D Phil thesis*, University of Oxford, 1975, p 370). The junior branch was based at Balhousie till the 17<sup>th</sup> century. Ceres had earlier been held by Adam of Syras, or Ceres, a junior member of the Fife family in the early 12<sup>th</sup> century.

It is of course possible that William Uvieth was the forbear of both families by different wives.

former is the more important figure. Ness fitzWilliam, whose odd juxtaposition of local Gaelic name with a Norman one is rare, flourished in the period 1156x78 when he is found as a charter witness alongside his Fife cousins. Indeed, in one charter he is referred to as Ness fitzCountess,<sup>9</sup> a key pointer in his identification as the son of a Fife heiress and an Anglo-Norman father. His high rank ensured that he was one of the Scottish hostages following the treaty of Falaise in 1174: he died a few years later, probably 1178x83. He held substantial estates in Fife, especially at Leuchars, but also at Lathrisk and Colessie, whose position suggests that they were initially part of the comital lands which had passed to him via his mother's *maritagium*. He left two sons, Constantine and Patrick, probably illegitimate, as the estates passed to his daughter, Orabilis, who carried them to her husband, Robert de Quincy, an Anglo-Norman incomer (d after 20 Aug 1201).<sup>10</sup>

Orabilis, as heiress of the senior line, must have retained a right to the undifferenced arms. Although this is at odds with the norms of heraldic practice, at this early date in the development of heraldry in a society with different inheritance rules it is a possibility especially when it is remembered that the early chequy shields of Beaumont (Leicester) and Warenne originated in the arms of their wife, Isabel de Vermandois. As Orabilis and her distant cousin, Earl Malcolm (I), were of the same generation, her *floruit* could have overlapped with that of his wife, Margaret de Toeny, ensuring the arms on the latter's seal needed to be differenced.

Their son, Saher de Quincy (d 1219), lord of Leuchars, was created Earl of Winchester in 1207 by John of England, but later became a steadfast opponent of the king and signed the *Magna Carta* in 1216. His earlier seals display *A fess together with a multi-pointed label in chief* (SHS55101, SHS55103); however there is an abrupt change in the early 13th century to a masculy shield (SHS55013). The colours of the former are unknown<sup>11</sup> but the latter are found as *Gules, seven (3,3,1) voided lozenges conjoined or* (MP,I,32) where the choice of colours is possibly indicative of the Fife connection.<sup>12</sup>

The head of the junior line, Duncan I (d 1154) (Fig 1), was the first earl to have his Gaelic province converted to a feudal fief:<sup>13</sup> at the same time, the succession changed from a kin-based process to feudal primogeniture. The seals of the next two earls, Duncan (II) (SHS35410) and his son, Malcolm (I) (SHS35411, SHS35412), are non-heraldic.<sup>14</sup> That of the latter's wife, as discussed above, displays the difference of a bend. Her ancestry is also of some note: her father, Roger de Toeny, lord of Flamstead (d 1209), married Constance (d 1226), daughter of Raoul, Vicomte de Beaumont-sur-Sarthe; her sister, Ermengarde (d 12 Feb

<sup>9</sup> G W S Barrow, "The Earls of Fife in the 12th Century", *Proc Soc Antiq Scot*, **87** (1952/53): 51.

<sup>10</sup> Orabilis was divorced from her first husband, probably by 1178, and subsequently married Adam, son of Earl Duncan I of Fife, and Gillechrist, Earl of Mar. See M Hammond, "Charters of Ness son of William and his daughter Orabilis, lords of Leuchars, Fife", <http://www.arts.gla.ac.uk/scottishstudies/charters/Ness%20and%20Orabilis%20for%20web.pdf> (accessed 14 Jan 2011).

<sup>11</sup> These arms are given as *Argent, a fess azure, a label of seven points gules* and as *Or, a fess gules and a label of eleven points azure* in various internet sources but no painted examples are given in medieval rolls-of-arms.

<sup>12</sup> See *CP*, Vol XII, part II, Appendix I for an overview of de Quincy heraldry.

<sup>13</sup> G W S Barrow, *The Anglo-Norman Era in Scottish History* (1980), 84ff.

<sup>14</sup> The presence of a lion rampant on one of Earl Malcolm's seals has not been confirmed by later commentators (SHS35412).

1233/34) was the wife of William the Lion, King of Scots. She was, therefore, cousin-german to Alexander II, King of Scots, and also a more distant relative of her Fife husband.

One of the responsibilities of their male successors was the inauguration of the king, as pictured in the seal of Scone Abbey (dating from the mid-13th century), which displays three small shields in base, one of which shows the paly Fife coat, now lacking the bend (SAS923). These undifferenced paly arms appear on the seal of Earl Colban (d 1270) (SAS925, SHS35413) and are given for *Le Counte de ffyf* as *Argent, three pallets gules* (LM56) in the Lord Marshal's Roll of 1295 where it should be remembered that this roll is unfinished and a gold field often appears as argent.<sup>15</sup> Thus the junior line had adopted the undifferenced arms by the middle of the 13th century.

Thereafter an abrupt change took place, the paly coat being replaced by the more familiar lion rampant of the Fife earls. This took place towards the end of the 13th century when there were two long periods of minority among the feudal earls of Fife, that of Duncan (III) lasting from 1270 to c 1283, and that of Duncan (IV) from 1288 to c 1306 when the leadership of Clan MacDuff passed to N/N MacDuff, a younger brother of Earl Colban. He and his sons were killed at the battle of Falkirk in 1298. But it would appear that during the nonages the lion rampant, the iconography of the kin-based leader of Clan MacDuff, became the predominant symbol of the Fife family.

After 1306 when Duncan (IV) (d 1351x55) came of age as earl and took over the leadership of the kindred, he opted to retain the lion rampant symbolism. Thus his equestrian seal includes a shield bearing a lion rampant, arms which are repeated on the caparisons of his horse (SAS926, SHS35414). Contemporaneously his arms appear in the Balliol Roll of 1334 for *Le counte de Fyf: Gules, a lion rampant or* (BL2), obviously an error for *Or, a lion rampant gules*. There are many later correct examples (GL692, BER1293, SC11).

Evidence to underpin both 'feudal' arms and 'kin-based' iconography can be found in the heraldry of the wider MacDuff kindred (Fig 2).

David de Strathbogie (d ca 1260), a younger son of Earl Duncan (II), married Helen de Hastings, Countess of Atholl, and their descendants succeeded as earls of Atholl in ca 1264.<sup>16</sup> As earls in their own right they essentially moved outwith the boundaries of Clan MacDuff but nevertheless adopted arms based on those of their Fife comital kinsmen. Thus John de Strathbogie, Earl of Atholl (d 1306), bore on his seal *Three pallets* (SAS2729, SHS62504) which appear for *Le Counte de Lascele pale d'or et de sable* in Walford's Roll of 1273 (C62), an achievement found amongst the earliest group of shields of Scottish earls.

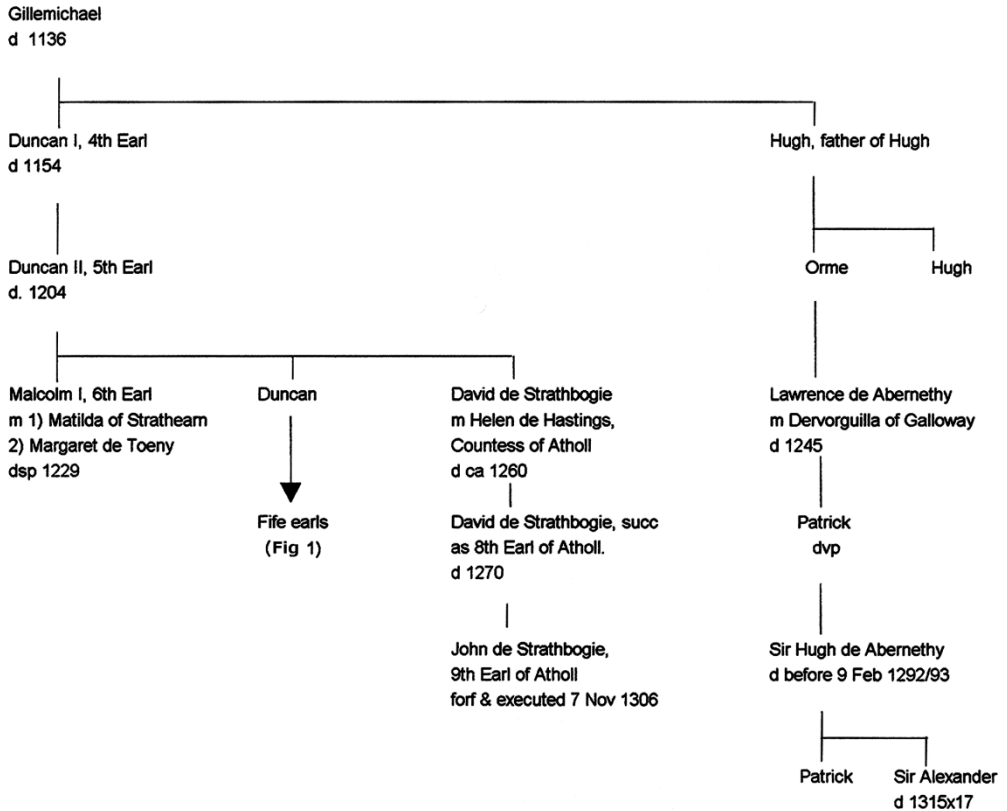
In contrast the Abernethy family were among the earliest cadets of the Fife earls tracing their descent from Aedh/Hugh, son of Earl Gillelmichael, at a time when tanistry was still in operation. Orme, son of Hugh, is described as lay abbot of Abernethy in the 1170s.<sup>17</sup> The title of abbot was lost in the course of the 13th century and replaced by that of lord. The relationship between the two families was bedevilled by the murder of Earl Duncan (III) by Patrick de Abernethy *inter alia* at Pitpullox in 1288.

<sup>15</sup> G J Brault (ed), *Rolls of Arms temp Edward I (Aspilogia III)* (1997), 323.

<sup>16</sup> A A M Duncan, "The Earldom of Atholl in the 13th Century", *The Scottish Genealogist*, 7 (1960): 2.

<sup>17</sup> *SP*, 7: 396.

Fig 2 Fife kindred



The leader of this branch of the kindred at the end of the 13th century was Sir Alexander de Abernethy (d 1315x17) who took part in the Wars of Independence on the English side. His seal is found attached to the Ragman Roll and shows *On an eagle displayed, a shield bearing A lion rampant debriused by a bendlet* (SAS3, SHS22314). The earliest painted example for *Le Sr de Abernethy: Or, a lion rampant gules, a bendlet sable* is found in the Balliol Roll of 1334 (BL22).<sup>18</sup> However at how earlier a date the Abernethy branch of the family adopted the lion rampant arms is unknown.

Functioning in parallel with the Fife lion was the lion rampant of the Scottish kings, though it is not clear how the arms were differentiated at an early date. The earliest sigillographic examples of the arms of the royal house display *A lion rampant*<sup>19</sup> but it is not until the reign of Alexander III (1249-1286) that the double tressure was added to emphasise the independent nature of Scottish kingship, free from English overlordship.<sup>20</sup> The earliest painted example is found

<sup>18</sup> There is one earlier badly corrupted example in Collins' Roll for *Patryke de Abernythel: Gules, a lion rampant or, surmounted by a bend azure* (Q496).

<sup>19</sup> B A McAndrew, *Scotland's Historic Heraldry* (2006), 23ff.

<sup>20</sup> J Malden, "The Double Tressure", *Emblems of Scotland* (1997), 13.

in the Matthew Paris shields where the arms appear with the legend *scutum regis scocie* displaying *Or, a lion rampant gules within a tressured bordure gules* (MP,I,85). It thus appears that MacDuff of Fife was the head of the senior, but non-royal, line of the kindred while the king of Scots was the head of a junior, but royal, segment.<sup>21</sup>

It is instructive to compare the armorial bearings of the cadet line of the Scottish kings, in the persons of David, Earl of Huntingdon (d 1219), and his son, John le Scot, Earl of Huntingdon and Chester (*dsp* 1237). While the former's early seal is non-heraldic (SHS04003), his later seal (SHS04004) and that of his son (SHS04005) display *Or, three piles conjoined in base* on their counterseals. These arms appear in the Matthew Paris shields as *Or, three piles conjoined in base gules* (MP,II,19) to which a bend sable has been added in a later variant (B14). With John le Scot's death *sine prole* in 1237, his arms were 'adopted' by his illegitimate half-brother, Henry of Brechin, whose son, William, is found bearing them in Walford's Roll (C64). Curiously both versions appear in Thomas Jenyns Ordinary of c 1410 for *Dauid, conte de Huntyngdone: Paly fitchy or and gules* (TJ1242) and for *Le conte de Huntyngdon: Paly or and gules, a bend sable* (TJ1264).<sup>22</sup>

These arms raise an interesting technical point as Brault in his 'Early Blazon'<sup>23</sup> notes that medieval practice confused these two ordinaries *ie* a vertical stripe, a pale, and a wedge-shaped pile. However the use of the former by the Fife earls and the use of the latter by the Huntingdon earls, different strands of the same family, in the same decade, clearly points to their heraldic differentiation, in Scotland at least, at an early date.

The utilisation of a bend or a riband sable as a difference in all three strands of the extended kin group - in the paly Fife comital arms, in the lion rampant of the MacDuff kindred arms and in the piles of the Huntingdon earls - is clearly significant and offers heraldic support to Guido's hypothesis of two lines of Fife earls in the late 12th and early 13th centuries.

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- ASPIII *Aspilogia III*: G J Brault (ed), *Rolls of Arms temp Edward I* (London, 1997). Critical edition of Heralds' Roll, Dering Roll, Camden Roll, St George's Roll, Charles' Roll, Segar's Roll, Lord Marshal's Roll, Collins' Roll, Falkirk Roll, Guillim's Roll, Caerlaverock Poem, Galloway Roll, Smallpece's Roll, Stirling Roll, Nativity Roll, Fife Roll, and Sir William le Neve's Roll.
- B Glover's Roll, c 1253: *Aspilogia II*.
- BER *Armorial de Berry, 1445–50*: E de Boos (ed), *Armorial de Gilles le Bouvier, héraut Berry, Documents d'héraldique médiévale* (Paris, 1995), Vol VII.
- BL Balliol Roll, c 1334: B A McAndrew (ed), *The Balliol Roll* (Boston, 2002).
- C Walford's Roll, c 1275: *Aspilogia II*.
- FF Fife Roll, early 14th century: *Aspilogia III*.

<sup>21</sup> I Moncreiffe of that ilk, *Highland Clans* (1977), 46-7.

<sup>22</sup> E de Boos, *L'Armorial ordonné de la Reine Marguerite*, Documents d'héraldique médiévale (2004), Vol VI.

<sup>23</sup> G J Brault, *Early Blazon* (1972), 253.

- GL Armorial Gelre, 1370–95: P Adam-Even (ed), *L'Armorial universel du héraut Gelre*, (Leuven, 1992, reprinted in a new edition with a complete set of plates).
- LM Lord Marshal's Roll, 1295: *Aspilogia III*.
- MP Matthew Paris Shields, c 1244–59: *Aspilogia II*.
- SAS Scottish Armorial Seals: W R Macdonald (ed), *Scottish Armorial Seals* (Edinburgh, 1904).
- SC Scots Roll, 1455–58: C Campbell, *The Scots Roll* (Dunfermline, 1995).
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