

MERLESWAIN AND THE COMYN EARLS OF BUCHAN: THEIR ANTECEDENTS IN ATHOLL AND FIFE

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ABSTRACT

The rise of the powerful Comyns from a Yorkshire Norman family to the largest landowners in Scotland as well as one of the guardians of the realm was based as much on advantageous marriage alliances as on their own efforts in obtaining high government positions from the Kings of Scotland. This article will show that through connections with Merleswain, an eleventh century immigrant to Scotland, the Comyns became aligned with the houses of Atholl and Fife, being both the king's kinsmen and the most prominent earls of Scotland.

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In 1058, after the death of Macbeth and his stepson Lulach, Malcolm Caenmore came to the throne of Scotland. His reign (1058-1093) marked a period in Scottish history denoted by internal strife and chaos, repeated incursions into England which led to numerous defeats, domestic and religious problems which spurred dislike and rebellion in his realm. His situation was complicated by the interference of his wife, St Margaret, in the reformation of the Celtic Church which had held sway in Scotland since the days of St Columba in the sixth century.

Though St Margaret managed to change the liturgical calendar to conform to the Roman church as well as insisting on agreement in matters of ecclesiastical rule, she still met with opposition from the local clergy about matters which were founded on principles of Celtic common law; such as celibacy, concubinage and fosterage.

Malcolm, likewise, found stiff resistance to change in most of his northern kingdoms which had long adhered to their own laws and customs. Each area was ruled not only by a *mormaer* but in addition several chieftains who oversaw their own kindred. These men were the "*ceann cineil*" or head of the clan who directed their kinsman in matters of war, protected them from outside interference, and appointed sergeants whose job was to oversee the administration of justice throughout the chieftain's domain by accusing wrongdoers and exacting punishments for the guilty. These sergeants were provided with food, lodging and all other necessary hospitality by members of the clan. The chieftain in turn received '*calp*' usually in the form of monetary remuneration from members of the *cineil* (MacQueen, 1998, pp.274-296).

It was during the reign of Malcolm's son David (1124-1153) that this form of government in Scotland was first challenged. In addition to completing the clerical reforms began by his mother, David also undermined Celtic common law by instituting feudalism in Scotland which had been brought to Britain by the Normans (Robertson, 1862, pp.333-344). This was a radical departure from the Celtic system

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² MacQueen presents an interesting discussion of this subject and an example of the Kennedy of Dunure family.

as feudalism relied on an overlord who was the king's vassal and many feoffees who held segments of the land from him³ (Barrow, 1980, pp.122-123).

In order to maintain control of the lowland and border regions David imported younger sons of the Norman nobility to Scotland where they became important vassals of the king (Barrow, 1980, pp.1-29). Though he was not the first to import Normans into the realm, he was the first to place them in administrative capacities in Scotland⁴ (Hudson, 1994, pp.143-144). Eventually several of these families became the most important officials of the realm. One of these families from northern England, the Comyns, would attain a feat not reached by any other, the earldom of one of the largest northern kingdoms, Buchan (Young, 1998, pp.174).

The Comyn family and their rise to power in medieval Scotland was enhanced by their connection to the descendants of Merleswain, an Anglo-Saxon refugee of the eleventh century. Through Merleswain's descendants, who married into the House of Fife and the Comyn's connection by marriage with the House of Atholl, neither of which was ever ranked among the opposition to the crown (Robertson, 1862, pp.124), the Comyn family became kinsmen of the kings of Scotland as well as their most important ally in the north. It was Buchan that was later to be identified with the family as their greatest possession (Young, 1998, pp.174-175, 179-183).

The House of Atholl

The earliest documented head of the house of Atholl was 'Dubdon satrapas Athochlach' who was killed at the Battle of Duncrub in 965⁵ (Skene, 1867, p.10; Robertson, 1862, p.77). There is uncertainty in the descent⁶ until the appearance of Madach who is first referred to as *Mormaer* of Atholl⁷ (Innes, 1843, pp.1-3). Madach appears again as a witness to a charter of David I, dated 1128-1136, concerning the shire of Kirkcaldy which had been withheld by force from the abbot of Dunfermline

³ It is during the reign of David I of Scotland that charters first mention land being granted to his 'knights', eg '*Ernulf son of Liulf. David Rex Scottorum comitibus baronibus vicecomitibus ministris et omnibus fidelibus suis clericis et laicis totius terrae suae, salutem. Sciatis me concessisse et dedisse Arnulfo isti meo militi totam terram de Swinton cum pecunia et hominibus et omnibus rebus iuste ad eandem terram pertinentibus: in feudo et in hereditate sibi et heredibus ita libere et quiete et honorifice tenere et habere sicut Udard vicecomes eam tenuit liberius et quietius per illud servitium inde faciendo monachis Dunhelmie quod ipse Udard eis inde faciebat, praesentibus testibus Willelmo nepote Regis et Madd. comite et Dunecano comite et Hugone de Morvilla et Waltero filio Alan. Apud Travercoir.* (Lawrie, 1905, p.80).

⁴ MacBeth was the first to introduce Normans into Scotland. He used them as a *gaill comlaind* or a mercenary force. He offered the Normans refuge when they were expelled from Edward the Confessor's court in 1052.

⁵ In addition there is a stone erected at the village of Dunning in Perthshire, where the Battle supposedly occurred, that commemorates his death.

⁶ CP 1:304 claims that Madach was the son of Maeltuirc, the brother of Malcolm III but no documentation is provided to substantiate this. *The Scots Peerage* (Paul, 1904) also presents this possibility based on *Scottish Kings* (Dunbar, 1906). No sources are provided in Dunbar's account which is a compilation of earlier secondary sources including Skene's genealogical treatises. Skene's work, though proficient as a 19th century work, has been superseded in many cases by 20th century research.

⁷ 'Madach Comes' appears as one of the witnesses to the foundation charter of Scone Abbey which has been dated as early as 1112-1114 but in actuality was after 1116 but before 1124. The other witnesses are also earls of the north 'Mallus comes' [Malise, earl of Strathern], 'Rothri comes' [Rothri, earl of Mar], 'Gartnach comes' [Gartnach, earl of Buchan], 'Dufagan comes' [Dufagan, earl of Angus] and 'Beth comes', who is most likely MacBeth, earl of Ross.

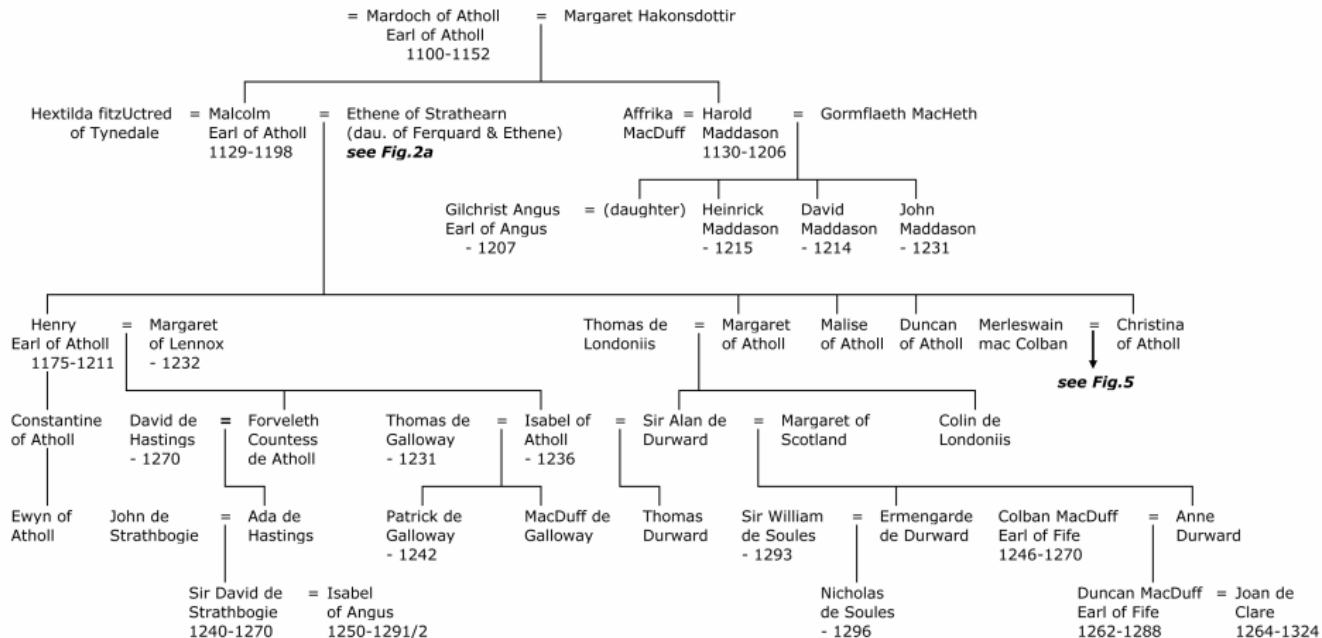


Fig 1. Descendants of Mardoch, Earl of Atholl

Abbey by Constantine, earl of Fife (Barrow, 1999, p.75). He witnessed at least three other charters for David I at Dunfermline abbey all in the same period (Innes, 1842, pp.3-4, 8, 10). Madach is also referred to as *patruelis* of David I by Thormodus Torfaeus in the *Historia rerum Norvegicarum*, published in 1711, whose credence is based upon the fact that Torfaeus used many medieval Norse manuscripts to create this four volume work and the origin of this statement allegedly came from these documents (cited by Paul, 1904, 1:415). Madach was married twice and his second wife was Margaret daughter of Hakon, earl of Orkney (Paul, 1904, 1:416).⁸

The maternity of Malcolm, the eldest son and his father's heir, has been questioned, but it seems apparent that Harold, the younger son, was definitely the son of Margaret as in 1139 he was made Earl of Orkney jointly with Rognvald (Paul, 1904, 1:416).⁹ Malcolm must have succeeded his father as Earl of Atholl by 1154¹⁰ when he attests a confirmation of gifts by Malcolm IV to Dunfermline Abbey (Innes, 1842, pp.19-22). In 1163 he is a witness to another charter of Malcolm IV of Scotland which confirmed to the monks of Paisley a gift of the island of Renfrew with its fishing rights from Walter fitz Alan, high steward of Scotland¹¹ (Barrow, 1960, p.270). Paul states that a charter of David I is witnessed by Malcolm as *Mael-Moire* of Atholl indicating that he succeeded his father before 1153. The charter in question is from David I to the monks at [Old] Deer Abbey¹² in Buchan (Young, 1998, pp.185-186; Robertson, 1843, p.407):

*David king of Scots, to all his good men, greetings. You are to know that the clergy of Deer are to be quit and immune from all lay service and improper exaction, as is written in their book, and as they proved by argument at Banff and swore at Aberdeen. Wherefore I strictly enjoin that no-one shall dare to do any harm to them or to their goods. Witness, Gregory bishop of Dunkeld. Witness, Andrew bishop of Caithness. Witness, Samson bishop of Brechin. Witness, Donnchad earl of Fife and Mal-Moire of Atholl and Gille-Brigte earl of Angus, and Gille-Comded son of Aed, and Bróiccín, and Cormac of Turriff, and Adam son of Ferdornach, and Gille-Aindrias son of Maitne; at Aberdeen.*¹³ (Anderson, 1922, p.178).

There is no indication in the above charter that Madach was not still alive at this time or that Malcolm had become Earl of Atholl. In addition the name 'Maelmoire' [servant of Mary] was usually translated as Myles and 'Maelcoluim' [servant of Columba] as

⁸ Paul takes this information from the 1873 edition of Orkneyinga Saga pp.161,170.

⁹ This was again extracted from the 1873 edition of the Orkneyinga saga pp.86, 106, 108.

¹⁰ *The Scots Peerage* (Paul, 1904) sets the upper limit for the death of Madach as 1152 when his widow Margaret returned to Orkney (*Orkneyinga Saga*, 1873 ed., pp.161, 170).

¹¹ This charter is dated between 1163-1165.

¹² The original Deer Abbey was a Culdee monastery said to be founded by St Drostan in the late sixth century. It was refounded about two miles further west in 1219 by William Comyn earl of Buchan as a Cistercian monastery under the rule of St Benedict. The lands of the original monastery were granted to the new abbey. William Comyn and his wife Marjory countess of Buchan were buried in the new abbey.

¹³ *Dauid rex Scottorum omnibus probis hominibus suis salutes. Sciatis quod clerici de Dér sint quieti et immunes ab omni laicorum officio et exactione indebita, sicut in libro eorum scribuntur est, et dirationauerunt apud Banb & iurauerunt apud Abberdeon. Quapropter firmiter precipio ut nullus eis aut eorum catellis aliquam iniuriam inferre presumat. Teste Gregorio episcopo de Dún Callden. Teste Andrea episcopo de Catenes. Teste Samsonis episcopo de Brechin. Teste Doncado comite de Fib, & Mal-Mori d' Athóla, & Ggille-Brite comite d' Éngus, & Gille-Comded mac Æd, & Bróicín, & Cormac de Turbrud, & Adam mac Ferdornach, & Gille-'ndrias mac Matni, apud Abberdeon.*

Malcolm (MacBain, 1998, p.403-404)¹⁴. This would seem to indicate that Maelmoire was a separate entity and may have been an elder brother of Malcolm who either predeceased his father, Madach, or acceded to the title dying shortly after his father leaving no issue¹⁵. In either case his brother Malcolm would have succeeded him.

Malcolm, as earl of Atholl, was a frequent witness to royal charters of both Malcolm IV and William I. He was one of the witnesses to a grant of William I when Ardross was given to Merleswain mac Colban in 1172-74 (Barrow, 1971, p.211). He also attested William's confirmation of the church of Lørsersch to St Andrews, which was given to them by Nes Fitz William (Thompson, 1841, p.224). Between 1178-1180 he was one of the witnesses when William I gave his brother David the earldom of Lennox (Dowden, 1903, pp.1-2). Malcolm granted the church of Moulin in Perthshire to Dunfermline Abbey between 1187-1195 (Barrow, 1971, p.341), the Church of Dul to St Andrews (Thompson, 1841, pp.245-246) and the church of Logy Mahedy with its chapels to Scone Abbey (Innes, 1843, p.21).

Malcolm earl of Atholl was married twice. His first wife appears to be a daughter of Ferquhard Earl of Strathern by his wife Ethne.¹⁶ This can be supported by several pieces of documentation. Gilbert of Strathern witnessed charters granting the church of Moulin to Dunfermline Abbey for both Malcolm earl of Atholl and Henry Earl of Atholl, his successor. In Malcolm's charter he is among the first witnesses and is the first witness for Henry's confirmation of his father's grant to the abbey (Innes, 1842, pp.85-86). The latter is witnessed by '*Malisio fratre Comitit Atholie*'. Malise [*'Mael Iesu'* or servant of Jesus] (MacBain, 1998, p.403) was a name used exclusively by the Strathern family and their retainers. For this name to have been used by a younger brother of Earl Henry is almost conclusive proof that their mother was of the house of Strathern.

Malcolm's second wife was known to be Hextilda widow of Richard Comyn¹⁷, Justiciar of Lothian who died before 1182. She is called '*Hextildis, Comitissa de Eththetela*' in a confirmation of her deceased husband's grant to Rievaulx Abbey (Atkinson, 1889, pp.214-215). She is also shown with her second husband, step-children and her children by her first marriage in the *Durham Liber Vitae*¹⁸ (Raine, 1841, p.62; Thompson, 1923, f.60). Hextilda is a witness to Malcolm's gift of the church of Dul to Dunfermline Abbey where she is denoted as '*Hextilda comitissa sponsa mea*' (Thompson, 1841, pp.245-246).

¹⁴ Although MacBain states that Maelmoire was a common name, documents of the medieval period show very few uses of this given name.

¹⁵ This could also be supported from onomastic evidence if CP is correct and there was an earl of Atholl prior to Madach named Maelmuire.

¹⁶ It seems highly probable that this daughter of Strathern was also named Ethne as the name appears in the children of her daughter Christina. It was a common practice to name one daughter after her mother in this era.

¹⁷ Hextilda was the daughter of Uchtred of Tynedale by Bethoc, daughter of Donald III of Scotland. She is mentioned in several charters and other documents with her first husband and her children of this marriage (Innes, 1853, p.2; Innes, 1840, pp.210-211; Innes, 1846, p.223; Bain, 1881, No.2287; Round, 1904, pp.104-119; Paul, 1904, 1:504).

¹⁸ *Malcolmus filius Mad'. comes Athodlie. Hextilda filia Uchthredi uxor eius. Simo' fil' eius. He'ricus fil' eius. Dunecanus fr' eius. Bedoch soror eius. Kelethathoni' fil' eius. Cristina soror eius. Margareta soror eius. Co'sta tinus nep' eius. Will's Cumi'. Cristien cum'. Edena Cum'. Ada Cum'.* (Bevan, 2005).

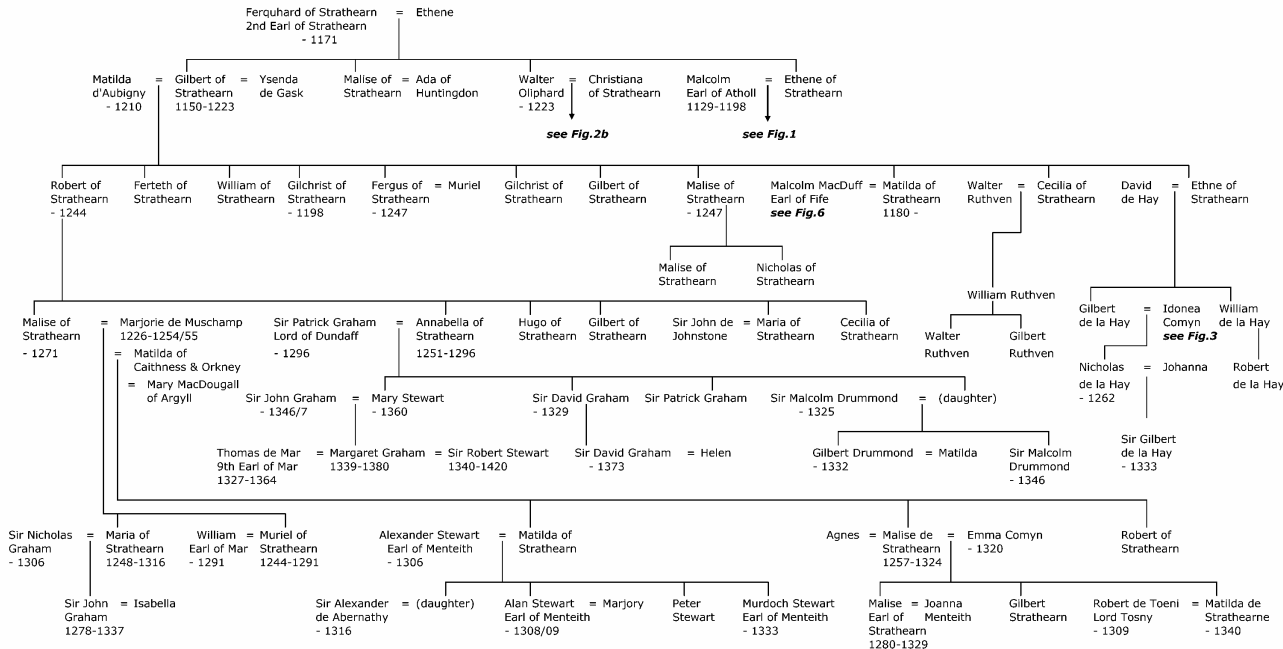


Fig 2a. Descendants of Ferquhard, 2nd Earl of Strathearn

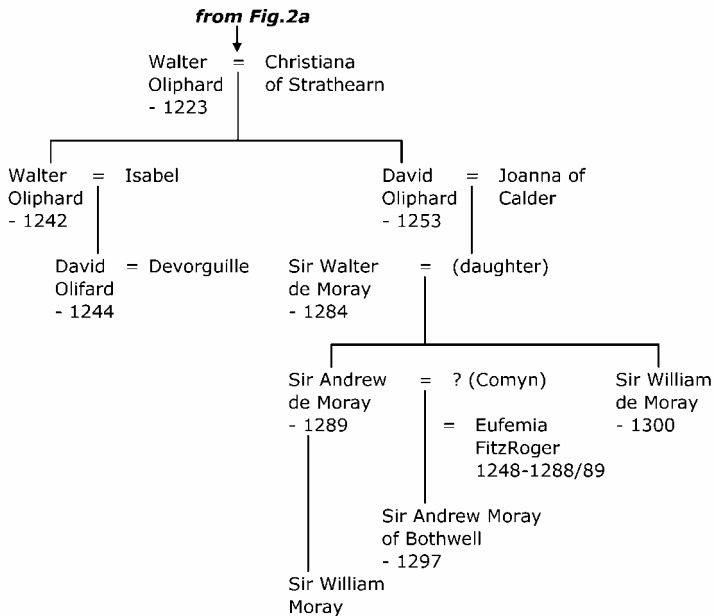


Fig 2b. (continuation of Fig.2a) *Descendants of Ferquhard, 2nd Earl of Strathearn*

Malcolm Earl of Atholl died before 1198 when his son Henry was a witness to Gilbert of Strathern's gift to Malcolm, son of Duncan Earl of Fife, in Frank-marriage with his daughter Matilda¹⁹ (Barrow, 1953, pp.60-61). On 5 September 1199 Henry witnessed the king's confirmation of another charter of Gilbert Earl of Strathern to Inchaffray Abbey (Lindsay, 1908, p.4).

Henry Earl of Atholl married Margaret referred to in the confirmation of the Church of Dul to St. Andrews as '*Comitissa Margareta sponsa mea*'²⁰ (Thompson, 1841, pp. 246), and in the confirmation of the Church of Moulin to Dunfermline Abbey as '*Margareta Comitissa Atholie*' (Innes, 1842, p.86). The identity of Margaret can be conjectured, based on strong circumstantial evidence. She is probably the daughter of Alwyn, the

¹⁹ *Comes Gilbertus de Stradern omnibus hominibus suis et amicis tam clericis quam laicis salutem. Sciunt tam futuri quam presentes me dedisse et concessisse et hac mea carta confirmasse Malcolmo filio Comitis Doncani cum Matilda filia mea has terras...in liberum maritagium... Hii[s] Testes Johannes episcopus de Dunkeld, Robertus abbas de Scona, Ernald abbas de Cuper, Matillis Comitissa, Henricus Comes de Athotle, Malisius frater comitis, Jocelinus Ramus, Bricius iudex, Willelmus de Ram', Simon de Ram', Macbed viccomes de Scona, Gillenanem dapifer Comitis, Doncanus thaenus de Struin et pluribus aliis. Gilcris filius Comitis.*

This charter was enacted between 1194 when Arnold became abbot of Coupar, and 1198 when Robert Abbot of Scone resigned. Barrow states that this document is earlier than the charter of Arbroath, 24 August 1198, traditionally used to date the upper limit for death of Malcolm Earl of Atholl (Innes, 1848, p.103).

²⁰ This charter is not dated but Paul (1904) states it was written c.1202. It seems apparent from the dating that Margaret must have been the mother of Isabella and Forveleth as she survived her husband and was still living in 1233 when she witnessed a charter for her eldest daughter.

2nd Earl of Lennox, by his wife Eva of Menteith.²¹ This is based on two important pieces of evidence. Isabella the eldest daughter of Henry earl of Atholl and Margaret made two charters to Coupar Angus Abbey after the death of her husband and son which were primarily witnessed by Walter, Earl of Menteith (Easson, 1947, pp.89-92). This can only be explained by a family relationship between Walter's wife Isabella, Countess of Menteith, and Isabella, Countess of Atholl. Isabella, countess of Menteith, was the daughter of Maurice 'the Younger' Earl of Menteith. Maurice was the brother of Eva of Menteith which made Margaret, wife of Henry Earl of Atholl, Isabella's first cousin. This would explain the connection between the two women.

The second piece of evidence is onomastic but again due to rarity very conclusive. The name Forveleth is an extremely unusual forename. It has only a few documented examples in Scotland before 1300. The name is first found in the Irish Annals in the eighth century²² (MacAirt, 1983, p.233). It is rendered Forveleth in the Scottish documents and occurs in a *breve* of inquisition of 1271. This inquisition shows that Malcolm, brother of Maldouen 3rd earl of Lennox, had a daughter Forveleth who married into the Finlay of Campsie²³ family. She had three daughters by her husband; Elena who married Bernard de Erth, Mary who married John de Wardroba and Forveleth who married Norrinus de Monnorgund. These daughters were the heirs of their grandfather Malcolm and his brother Dugald, who was a cleric (Leveson-Gower, 1770, pp.6-7).

The only other example of this name appears in a charter of Alexander II from 1232 granting the lands of Kerdan and Breckyn in Angus²⁴ to Gillandres MacLeod and his heirs by his wife Forveleth, daughter of Brice *judex*²⁵ (Barrow, 1973, p.76). These lands were the dowry of Forveleth as her father held them before 1232. It is probable that originally the ancestors of Brice were vassals of the Earl of Lennox²⁶ (Barrow, 1953, pp.60-61).

Henry had two daughters, Isabella and Forveleth, by his wife Margaret and at least one illegitimate son Conan²⁷ (Dowden, 1903, pp.79-80; Easson, 1947, pp.119-120). Henry Earl of Atholl died shortly before January 1210/11 (CP 1:305; Paul, 1904, 1: 418). He was succeeded by his eldest daughter Isabella who became Countess of Atholl. Her husband Thomas of Galloway became *jure uxoris* Earl of Atholl and remained such until his death in 1231 (Paul, 1904, 1:419). He and Isabella confirmed the gift by her grandfather Malcolm, Earl of Atholl, of the church of Moulin to

²¹ The earldom of Menteith abutted the earldom of Lennox making this a marriage which secured the borders for both.

²² The name is rendered as Forbflaith and appears in the *Annals of Ulster* in 780 and also in the later composed *Annals of the Four Masters* in an entry for the year 775. Forbflaith was the abbess of Cluain Brónaig a monastery in county Longford that was a dependency of the abbey of Kildare in Leinster.

²³ Campsie is located in the northern border region of the original earldom of Lennox.

²⁴ Angus is located between Mearns and Perthshire. The original earldom of Lennox included Stirling and much of Perthshire making this a neighbouring region.

²⁵ Brice served as King William I's justice between 1189 and his death in 1212. He continued in this position for Alexander II until his death, which can be assumed to have occurred before 1232 when this charter was made.

²⁶ Brice was known to Henry Earl of Atholl, and both men were witnesses in succession to an 1199 charter of Gilbert of Strathern.

²⁷ Conan is called '*Conanus filius Henrici quondam Comititis de Athoyle*' in Charter #73 from Lindsore Abbey. He also witnessed a charter from Coupar Angus Abbey for his half-sister Forveleth as '*Cumming filio Comititis*'.

Dunfermline Abbey²⁸ (Innes, 1842, p.86). In 1232 Isabella confirmed a gift by her deceased husband Thomas Earl of Atholl to Coupar Angus Abbey²⁹ (Easson, 1947, pp. 89-92). This charter makes it clear that Isabella's mother Margaret was still alive as she was one of the witnesses. Walter Comyn, whose wife was a cousin of Countess Isabella, was the second witness. Curiously a son named MacDuff is the last witness. As he is referred to as '*Macduff filio comitis*' it can be assumed that he was a son of Isabella by Thomas of Galloway. The only known issue of Isabella of Atholl by Thomas of Galloway was Patrick Earl of Atholl. Whether this MacDuff is a transcription error or a heretofore unknown child is not elucidated in any other known documentation leaving this simply as speculation. If he was indeed a child of Isabella by Thomas of Galloway, he died before 1242.

Around 1233 Isabella married Alan Durward³⁰ (Innes, 1848, pp.76, 91; Easson, 1947, pp.89-92). Alan Durward attempted to claim the title of Earl of Atholl in right of Isabella between 1233-1235 but upon Isabella's death in 1236, her son Patrick became Earl of Atholl a title which was documented as being held by him in 1237

²⁸ *Confirmacio Thoma de Galwethia Comitiss Atholie et Isabelle Comitisse de ecclesia de Molin.*

Thoma de Galethia comes de Atholie et Isabelle uxor eius Comitissa Atholie omnibus probis hominibus terre sue salutem. Sciunt tam presentes quam futuri nos concessisse et hac presenti carta confirmasse ecclesie Sancte Trinitas de Dunfermelyn et monachis ibidem Deo servientibus donacionem illam quam Comes Malcolmus de Atholie eis fecit et Henricus filius eius Comes de Atholie eisdem confirmavit de ecclesia de Molin cum omnibus iustis pertinenciis suis et cum iii carucatis terre scilicet Petduuedi et Petmaldoic et Balconne et Petmacduuegille in liberam et perpetuam elemosinam tenendam eis de nobis et heredibus nostris ita libere et quiete plenarie et honorifice sicut liberius quociens plenarius et honorificencius aliqua elemosina in eadem ecclesia de Dunfermelyn tenetur excepto communi auxillio doini regis commune autem pasturam habebunt et omnia aisiamenta sua in terris nostris qua curcumiacent terreorum in boscho et plano et aquis et ceteris rebus necessariis. Hiis testibus Magistro Hugo de Mortuo Mari, Johanne Byseth, Willelmo Brun, Eustachio Mala Herba, Willelmo clerico de Morau, Petro Byset, Radulpho et Brade clerico, Henrico filio Galfridi de Perth, Nicholao de Benauchin.

²⁹ *Moray Charters* (c.1232), Box 32, Div. IV, Bundle I, No. 18. XXXIX. *Charter of Isabel, countess of Athole, hereby, in the lawful power of pure widowhood, she grants and confirms to Coupar Tolawch which Farchar Macholf holds as tacksmand of the said monks and which Thomas, earl of Athole, gave to the abbey.*

Omnibus...Isabel comitissa Atholie salutem in Domino. Sciunt omnes...me in legia potestate pure viduetatis mee concessisse ...Deo et Sancte Marie de Cupro et monachis...pro salute anime mee et anime domini mei Thome Comitiss Atholie et omnium antecessorum et successorum nostrorum Tolawch quam modo Farchar Macholf tanquam firmarius de dictis viris religiosis tenet qui (rectius que) est iuxta Innervak per suas rectas divisas cum omnibus iustis pertinenciis et libertatibus suis quam dominus meus Thomas Comes Atholie dictis ecclesie et monachis in puram et perpetuam elemosinam possidendam dedit et concessit. Tenendam et habendam dictis monachis de predicto domino meo et heredibus suis in perpetuum ita libere...sicut carta eiusdem domini mei comitis prefatis monachis inde data plenius in se proportat et testatur. In cuius Rei testimonium huic presenti carte confirmacionis mee sigillum meum patenter apponi feci. Hiis testibus M. Comitissa matre mea, Domino Waltero Comin, Domino Roberto Mouvat, Domino G. de Bosco, Maduff filio Comitiss et multis aliis.

Seal intact. End: Confirmacio Isabelle comitisse de Tolawch et vak per se.

³⁰ Arbroath Charters #102 and #128 both show Alan Durward as '*Comes Atholie*' in the period 1232-1234. Although there is no record of the marriage of Isabella and Alan Durward it has been assumed based on the title. Isabella was Countess of Atholl, still a widow in 1232 [Coupar Angus charter #39], would have held the title until her son Patrick became earl of Atholl. Though it has been debated and theories about Alan Durward's ancestry proposed, the marriage is the simplest explanation of what occurred (Boardman, 2003, pp.118-139).

(Paul, 1904, I: 421). Patrick, Earl of Atholl, who was murdered in 1242³¹ (Paul, 1904, I: pp.418-419, 422; Watt, 1990, pp.181-183, 280), was succeeded in the earldom by Forveleth, his aunt.

Forveleth, Countess of Atholl, and her husband Sir David Hastings had an only daughter and heir, Ada, who married John of Strathbogie, the grandson of Duncan, Earl of Fife, and his wife Ela de Warenne, uniting the two houses.

Merleswain and the House of Fife

Merleswain first occurs in the 11th century. He is referred to frequently in the Domesday Book. He was Sheriff of Lincolnshire in 1066 (CP 10:319) and held vast lands in Yorkshire as well as smaller estates in Cornwall, Devonshire and Somerset³² (Barrow, 1994, pp.250). The Anglo-Saxon Chronicle states that he came to Scotland in 1067/1068 with Edgar Aethling, Edgar's mother Agatha and Edgar's sisters Margaret [St Margaret of Scotland] and Christina³³ (Swanton, 1998, pp.200-201). In 1069 Merleswain was among the retinue of Edgar Aethling when he joined the Danes in attacking the Normans at York³⁴ (Swanton, 1998, p.204). His death went unrecorded in Scottish Annals.

³¹ Paul states that Patrick was a kinsman of the Comyn family. This is based on a passage written in Book II of Fordun [Walter Goodall's 1759 translation] p.73. The phrase used is '*cognati eius*' which would indicate that John Comyn 'the Red' of Badenoch and Alexander Comyn, earl of Buchan were maternal kinsman of Patrick, Earl of Atholl. The problem here lies in the fact that Fordun makes a statement that is far removed from the event as he wrote this in the 1370s. This relationship is not shown in any contemporary documentation. We have no indication of Fordun's source and though Goodall's translation is definitely the better of the two available pre-20th century texts [Skene's 1872 version being the other], there are still some problems with his text. Paul tries to rectify this problem by making Margaret, the wife of Henry, Earl of Atholl, a member of the Comyn family. This is highly improbable as is the possibility that Henry, Earl of Atholl was the half-brother of William Comyn. The chronology is wrong and there are other factors that were presented earlier in this article disproving both scenarios. Watt's (1990) translation of Bower also reflects the term '*cognati eius*' but in his notes he translates the phrase as 'relatives' which could indicate several other possible connections between the two families.

³² Merleswain's former properties came into the possession of at least two men, Walter of Douai and the majority to Ralph de Paganel. The *Domesday Book* for Somerset states "*Walscin (Walter) [of Douai] holds Bridgewater. Merleswain held it before 1066. It paid tax for 5 hides and had land for 10 ploughs. In lordship were 3 ploughs and 5 slaves. There were 13 villagers, 9 smallholders and 5 cottagers with 8 ploughs. A mill which paid 5 shillings had 100 acres of woodland, 10 acres of meadow and 30 acres of pasture. Value when acquired was 100 shillings and has now increased to £7.*" The large holdings formerly belonging to Merleswain in York came into the possession of Ralph de Paganel, Sheriff of York in 1088 and founder of Holy Trinity Priory. He also held a few of Merleswain's former lands in Devon and Somerset. The Cornwall property shows no new owner "*Merleswein held it before 1066, and paid tax for 2 H; 12 h. there, however. Land for 60 ploughs; in lordship, 3 ploughs; 20 slaves; 1h. 35 villages and 37 smallholders with 13 ploughs & 11 h. A market which pays 4s.; a mill which pays 12s; woodland, 400 acres; pasture, 4 leagues long and 2 leagues wide. Formerly £8; value now £26, less 20d. 8 unbroken mares; 10 cattle; 250 sheep.*"

³³ This event is recorded in both MSS E [Peterborough MSS] and MSS D [Worcester MSS].

³⁴ The Worcester MSS states that Merleswain was also accompanied by Waltheof, son of Siward and husband of Judith niece of the Conqueror, and Gospatric, earl of Northumbria who brought the Northumbrians to this battle. Then, "*riding and marching with an enormous raiding army, greatly rejoicing; and thus all resolutely went to York and broke down and demolished the castle, and won countless treasures in there, and there killed many hundreds of French men and led many with them to ship.*"

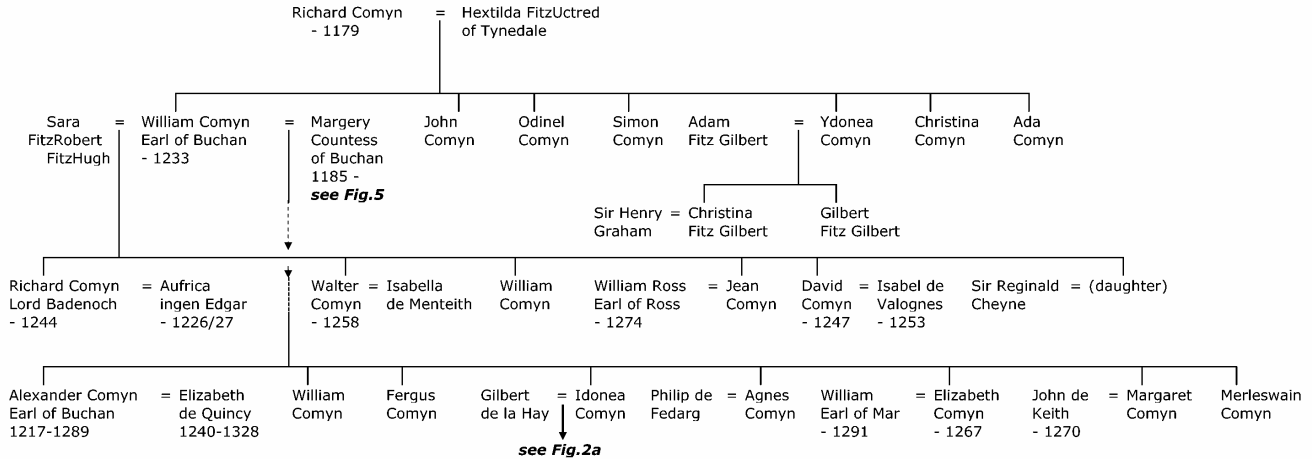


Fig 3. Descendants of Richard Comyn, Lord Tynedale, justiciary

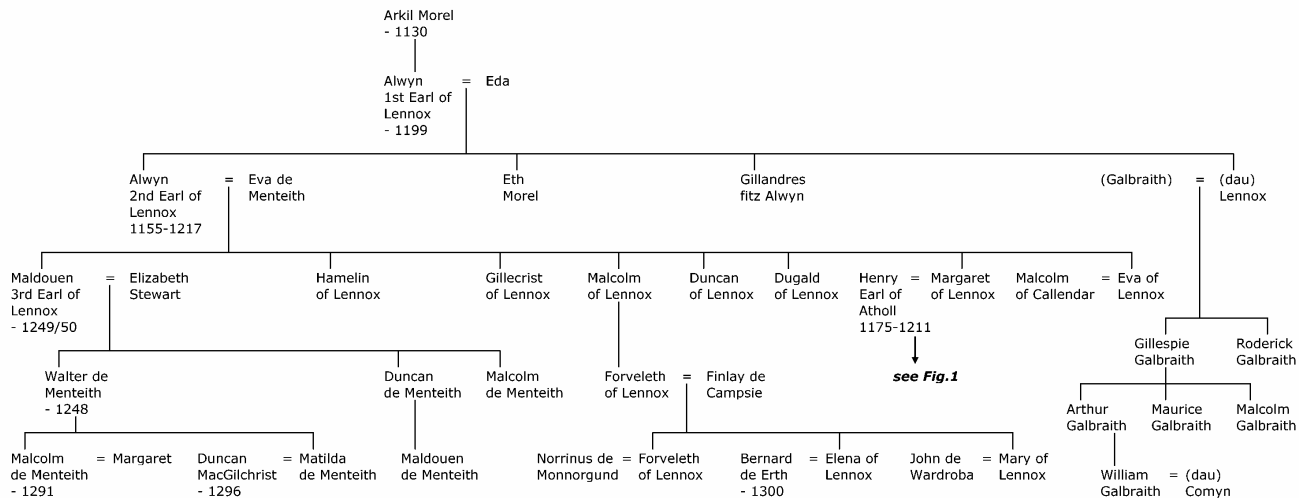


Fig 4. Descendants of Arkil Morel

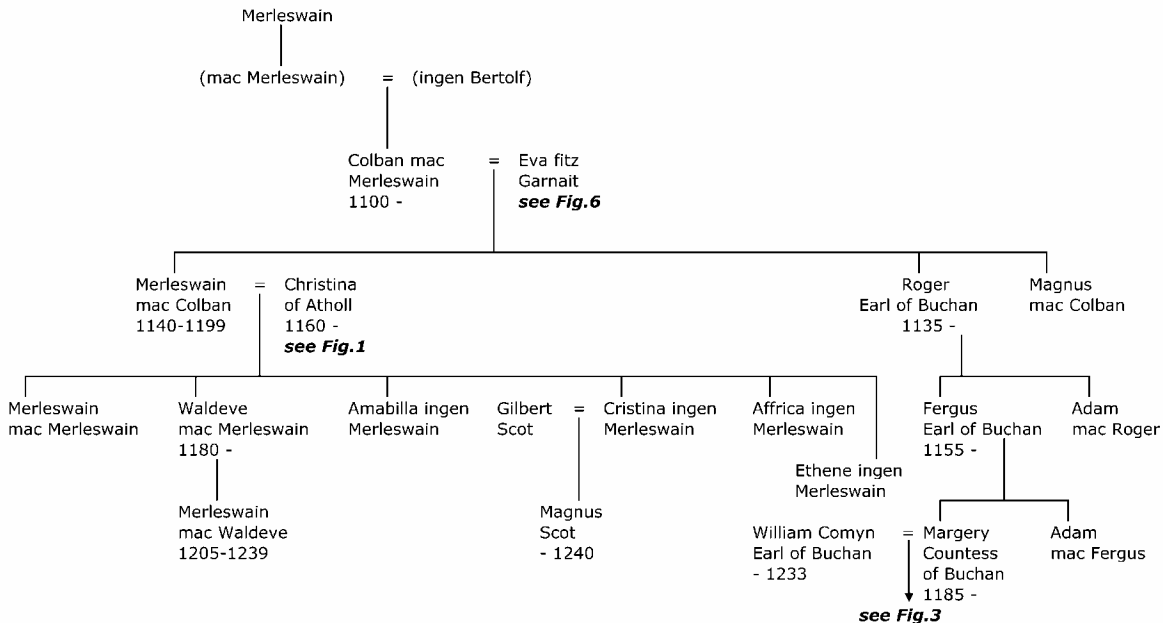


Fig 5. Descendants of Merleswain

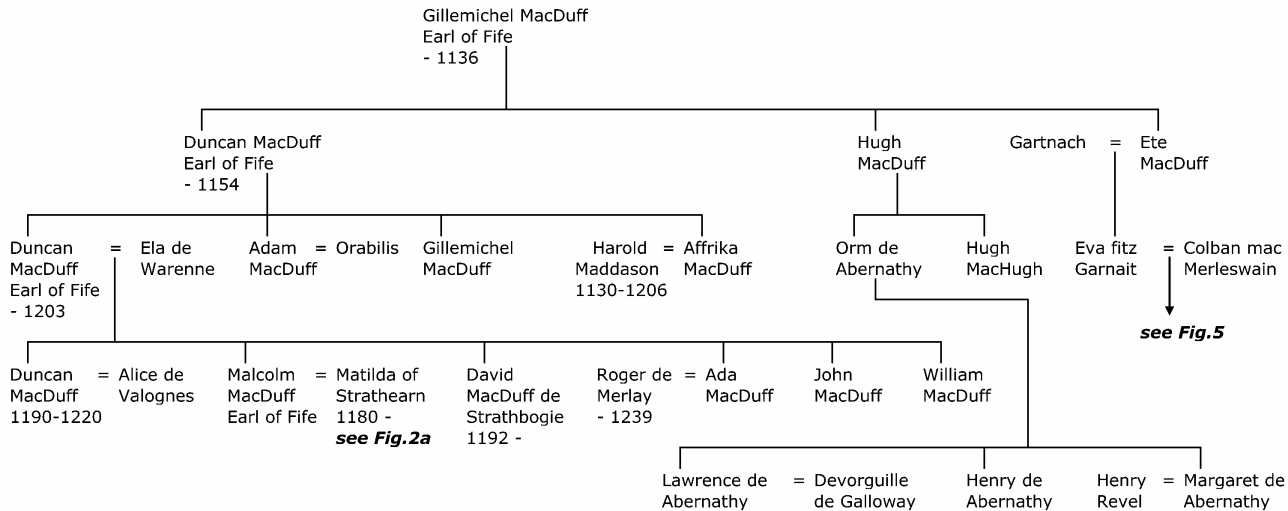


Fig 6. Descendants of Gillemichel MacDuff, Earl of Fife

Merleswain left issue as his son must have married a daughter of Bertolf³⁵, another refugee who accompanied Edgar Aethling. This is conclusively shown in a series of charters at Inchcolm Abbey³⁶ (Easson, 1938, pp.xxiv-xxv, 24-27, 139-141,145-146). These charters also prove that the patronage of the church of Fithkil must have descended through Merleswain's heir and his wife to Colban, their son, to two of Colban's sons Merleswain mac Colban and Roger, Earl of Buchan as their successors were involved in a dispute with Inchcolm Abbey over this right in 1263³⁷ (Easson, 1938, pp.25-27, 139-141, 145-146).

Merleswain son of Colban first appears as a witness to a charter of Malcolm IV in 1160³⁸ (Barrow, 1960, pp.219-220). He also appears in another charter around the same date where he is named as one of the Guardians of Dunfermline Abbey with other members of the House of Fife (Guido, 2006, pp.125-126). In addition to Kennoway, Merleswain held Ardross in Fife which he was granted by William I, King of Scotland between 1172 and 1174 (Barrow, 1971, p.211). Merleswain's exact relationship to the earls of Fife apparently stemmed from his mother Eva, daughter of Gartnait by his wife Ete daughter of Gillemichel, Earl of Fife. Eva was the wife of Colban, Earl of Buchan³⁹ (Thomson, 1841, pp.258-260).

Ete, daughter of Gillemichel, is first documented in the *Book of Deer* where she appears as the wife of Gartnait, Earl of Buchan⁴⁰ (Anderson, 1922, p.178). Her husband Gartnait was the son of Cainnech [Kenneth] who was the grandson of Dobharcon (Anderson, 1922, p.178). He witnessed the foundation charter of Scone Abbey by Alexander I as 'Gartnach Comes' (Innes, 1843, pp.1-3). They had one known child, a daughter Eva (Lawrie, 1905, pp.84, 346). Eva married Colbain who was Mormaer of Buchan *jure uxoris* indicating that Eva was the sole remaining heir of her parents.

Eva and Colbain had three sons; Roger, who became Earl of Buchan, Merleswain who inherited lands in Kennoway and Magnus⁴¹ who witnessed two charters for William Comyn, Earl of Buchan between 1219-1233⁴² (Robertson, 1847, pp.426-428).

³⁵ It seems likely that Merleswain was the paternal ancestor of Colban as the Leslie family kept possession of the lands in Fithkil and only the advowson of the church was inherited by Colban's descendants.

³⁶ The advowson of the church of Fithkil passed to both the Comyn descents and the issue of Merleswain mac Waldeve as both parties relinquished their rights to this patronage in 1263 to Richard, Bishop of Dunkeld. The actual land of Fithkil in Fife was granted to Bertolf by Malcolm III of Scotland and in 1282 came into the possession of Sir Norman Leslie, his great-grandson, and became known as Leslie.

³⁷ Text of these charters appears in the Appendix.

³⁸ Malcolm IV grants to Berowald the Fleming lands in Elgin [Perth] for one knight's fee. The charter is dated December 25, 1160 and among the witnesses is "*Merlesuano filio Colbanii*".

³⁹ Colban father of Merleswain is shown to be Colban, Earl of Buchan as he witnessed two charters of his son in St Andrew's Register. Though the exact relationship is not specified the accumulated evidence presents a very conclusive case for this.

⁴⁰ Ete is not clearly stated to be the daughter of Gillemichel, Earl of Fife but further documentation will show that Kennoway passed to her descendants which originally was held by MacDuff, Earl of Fife. This coupled with the fact Gillemichel was the only earl with this name in this time period and the fact that Ete married the earl of Buchan, who would have married on his own level, make it certain that she was indeed the daughter of the earl of Fife.

⁴¹ Magnus mac Colban either left no heirs or was illegitimate as none of his successors are named in the dispute with Inchcolm Abbey over the lands in Fithkil.

⁴² The witnesses on the first charter were "*Marjoria comitissa uxore nostre, Magno filio comitis Colben, Adam filio comitis Fergusii et multis aliis*", and on the second were "*Marjoria comitissa*

A charter of St Andrews (Thomson, 1841, pp.268-269) shows that Merleswain son of Colbain held land in Kennoway. In this document Merleswain grants to St Andrews the tithes, rents and other oblations [including the land which Simon, presbyter of the church, holds] of the church of Kennoway as well as the lands called Chlenoth and other specified lands held by Merleswain. It is this grant that is later confirmed by William Comyn and Marjory his wife to the monks of St Andrews indicating that the land in Kennoway passed to the Comyn line from this family with the exception of a portion reserved to Merleswain son of Waldeve, a grandson of Merleswain son of Colban.

Merleswain son of Colban married into the house of Atholl. This is apparent from an entry in the *Durham Liber Vitae*⁴³ showing the following family group, '*Merleswain, Amabilla, Waldeuus, Affrica, Cristina, Ethene*' (Raine, 1841, p.84). These are the children of Merleswain and this list must have been made after his death. It is likely that they made a contribution to Durham in remembrance of their parents as the Atholl and Comyn families, both of whom were their relatives, were prominent patrons of the church. Further proof of their mother's identity is shown in the obscurity of the name Ethene or Ethne⁴⁴ in 12th century Scotland. This name was exclusive to the Strathern family in this period which makes it obvious that he married a daughter of Malcolm, Earl of Atholl, by his first wife. They had two sons; Merleswain and Waldeve, and four daughters; Affrica, Cristina, Ethene and Amabilla. Nothing is known of the progeny except Merleswain, the heir to his father, Waldeve and his sister Christina who married Gilbert Scot son of Ewen de Monnorgund⁴⁵ (Thompson, 1841, pp.269-270). Christina had one son Magnus Scot who confirmed his parents gift to St Andrews sometime around 1240⁴⁶ (Thompson, 1841, p.270).

Merleswain son of Merleswain first appears attesting a charter of Malcolm son of Duncan, Earl of Fife to the nuns of North Berwick Abbey before 1199⁴⁷ (Seton, 1926,

uxore mea, Magno filio Colbeyn comitis, Adam filio Fergus comitis, Willelmo filio Orm, Willelmo de Slanes, Roberto de Invirkelder et Nicholao capellanis nostris, Merlswanno filio comitis, Johanne filio Hucredi et multis aliis .

⁴³ Merleswain's children are listed, as are their relatives the Comyn and Atholl families. The name Merleswain is exclusive to this family and its retainers as are the occurrences of Merleswain appearing with the names Waldeve and Cristina, both of whom are documented in other sources.

⁴⁴ The names Ethene and Cristina can be used to identify Merleswain's wife as the daughter of Malcolm, earl of Atholl by his first wife Ethne of Stratherne. It is highly likely that their daughter Cristina of Atholl was this woman. Cristina is also mentioned as the daughter of Malcolm, Earl of Atholl in the *Durham Liber Vitae*.

⁴⁵ This gift of land on the Pillic next to the mill was given by '*Gillebertus Scotus filius Eweni de Monorgrunt*' with the assent of '*Cristine filie Merleswani uxoris mee et heredis mei*'. The charter is attested by '*Magnus filio Colbani, Willelmo Giffard, Duncano de Balendan, Michaelde de Inchethore, Willelmo Ruffo, Walkelno filio Stephani, Willelmo Wacelin, Hugo Camerun, Dolfino Dunakir*', showing not only the relationship to Magnus son of Colban, Earl of Buchan, but also giving a date to the charter as William Giffard was enfeoffed of a nearby property in Tealing c.1190-1195.

⁴⁶ *Magnus filius Gilberti Scoti filii Ewen de Monorgrunt* '.... *'concessisse et hac carta nostra confirmasse Deo et eccelsie Beati Andree apostoli et canonicis ibidem Deo servientibus et servituris tresdecim acras terre continuas super Pyllic iuxta molendinum quam predictus Gillebertus pater meus dedit* .

⁴⁷ *His testibus Domino patre meo comite Duncano, Domina mea comitisse Ela matre mea, Adam patruo meo, Duncano, David, Willelmo, [et] Johanne fratribus meis, Merlesuano, Domino Jacobo magistro predictarum monialium, Magistro Simone de Torfekin, Roberto de Upsetelintun, Siluestro filio Willelmi de Siclinhalc, Waltero capellano Comitiss, Willelmo Fairfax, Astino senescallo patris mei,*

pp.308-309). By his appearance at the end of the witness list, with his father appearing toward the beginning, it appears that he is young at this time. Later he witnessed his father's gift of the church of Kennoway to St Andrews where he appears among the clerics⁴⁸ (Thompson, 1841, pp.258-259). In another charter '*Merleswanus filius Merleswani*' confirms this gift to St Andrews to be held by the '*carta patris meis eis testatur*'. This charter was witnessed by several members of the house of Fife and his grandfather Colban, Earl of Buchan⁴⁹ (Thompson, 1841, pp.259-260). Whatever the circumstances it certainly appears that Merleswain son of Merleswain had no heirs as his patrimony was eventually in the hands of Marjory, Countess of Buchan and her husband William Comyn, as well as his nephew Merleswain son of Waldeve.

Waldeve son of Merleswain witnessed a charter of Malcolm, Earl of Fife, c.1228 to the nuns of North Berwick Abbey which included the land of the hospital they had built in Ardross (Innes, 1847, pp.8-9). Waldeve was the first witness after the prior of the Abbey and Malcolm's brothers indicating his rights to the lands as Lord of Ardross.

Waldeve left a son, Merleswain, who was active in a settlement with Inchcolm Abbey in 1239 (Easson, 1938, pp.xxiv-xxv, 15-17, 125-127). He is also the '*Merlswanus filius Waldevi*' who was mentioned in a series of charters concerning land in Kennoway⁵⁰ made to St Andrew's by William Comyn, Earl of Buchan c.1220⁵¹ (Thomson, 1841, pp.251-252). In two charters that Margery, Countess of Buchan confirmed for her husband after his death c.1235-1240⁵¹ (Thomson, 1841, pp.253-254) Merleswain son of Waldeve has his service in respect of the land in Kennoway reserved to him as it was in the original charter.

Merleswain son of Waldeve left two daughters as his heirs. Scolastica, one of the daughters, renounced her own and her husband Richard's rights,⁵² in the patronage of Fithkil in 1263, to Inchcolm Abbey (Easson, 1938, pp.24-25).

Margaret, the other daughter, was married twice (1) Hugh de Perisby and (2) Sir John de Soules. Margaret and her first husband granted land in Innergellie to Dryburgh Abbey (Spottiswode, 1847, p.13). In her charter as well as the confirmation of the gift to Dryburgh Abbey by William I, she is called '*Margareta de Ardrosse filia domini Merleswan quondam domini de Innergelly*' (Spottiswode, 1847, pp.13-14). Margaret of Ardross left no known descendants by either marriage and the identity of her sister's married name is obscured in the Inchcolm charter concerning her gift.

Malbride, Cospatricio de Rereis, Merlesuaino filio Merlesuain, Laurencio de Abernithie, Waltero de Lundin.

⁴⁸ *Hiis testibus Comite Dunecano, Colbano, Domino Nesio Filio Willelmi, Adam clerico et Merleswano filius Merleswani, Magistro Johanne, Michaele clerico, Adam fratre comitis, Adam milite de Streis, Odone dapifero episcopi, Symeone prebiterio de Kennakin, Roberto decano, Magistro Malpatrico.*

⁴⁹ *Testibus Dunecano comite de Fif, Comite Colbano, Nesio filio Willelmi, Adam fratre comitis, Magistro Johanne nepote episcopi, Michaele clerico, Adam clerico, Adam milite de Syrais, Odone dapifero episcopi, Hugone pincerna, Milone homine comitis, Simeone presbiterio de Kennakin, Japhet filio eius Cuttberto decano de Fif, Magistro Malpatricio et pluribus aliis.*

⁵⁰ Kennoway [which is in Fife] is called Kennochin or Kennoquhy in the charters of St Andrew's. This is an older form of the name which may be based on the Gaelic "*Caenn*" meaning "head" or "end". As the register of St Andrew's was originally written in Gaelic the proper names often show their Gaelic derivations.

⁵¹ See Appendix for full text of these charters.

⁵² Other than this charter to Inchcolm Abbey there is no other mention of a Richard married to Scolastica daughter of Merleswain of Ardross making him unidentifiable.

Another charter of St Andrews (Thomson, 1841, p.370) deals with a gift of Roger, Earl of Buchan, to the Culdee monks of Monymusk. This is an annual gift of barley and cheese⁵³ and it is the same as it was in the time of 'Gartenach avus'. This shows that Roger, Earl of Buchan, is the grandson of Garnait, Earl of Buchan (Thomson, 1841, p.370).

Roger, Earl of Buchan, had two sons; Adam, the younger son, who in 1214 witnessed his brother's grant of land in Slayns to John son of Uchtred (Robertson, 1843, pp.407-409) and Fergus, the eldest son, who inherited his father's lands. He appears in the *Cartulary of Arbroath* as "*Fergus Comes de Buchan*"⁵⁴ (Innes, 1848, p.57). Fergus had two children, a son Adam (Robertson, 1847, pp.426-427) and a daughter Marjory. Adam appears to have been illegitimate as, upon the death of Fergus, his daughter Marjory was his sole heir. She married William Comyn, justiciar of Scotland⁵⁵ (Young, 1998, pp.174-176) as his second wife (Bain, 1881, no.318 ⁵⁶). Marjory brought the lands and title of the earls of Buchan to the Comyn family (Young, 1998, pp.174-181). Marjory and her husband are recorded in several charters of St Andrews that show they held the right to confirm the church of Kennoway which was granted to St Andrews by Merleswain son of Colbain. They also had to reserve the service in respect of the land to Merleswain son of Waldeve. This can only be explained by the fact that Merleswain, son of Colbain, and Roger, Earl of Buchan, were brothers.

⁵³ The gift is specified as "*xx mudios de grano ordeicio et decem cudros casei*" and "*viginti cudros casei et quatuor modios de grano ordeici*" which is translated as "20 bushels of barley and 10 weights of cheese" and "20 weights of cheese and 4 bushels of barley". These amounts were from two separate locations held by Roger, Earl of Buchan. According to Latham "*hordeiceus*" was an adjective relating to barley [the "h" can either be used or omitted] and "*cudrus*" was one variant of a word used in Scotland to mean "weight of cheese" (cf. Gaelic '*cutthrom*'). This use of a Gaelic word also employed in Latin is consistent with the other charters found in the St Andrews Register as these were originally written in Gaelic and then later translated into Latin which presented many errors and misspellings that led to mistranslations of the original charters.

⁵⁴ See Appendix for full text of charter.

⁵⁵ William Comyn became earl of Buchan between 9 October 1211 (Innes, 1842, p.32) and 17 August 1214 (Innes, 1848, p.46). He was Justiciar of Scotland from 1205.

⁵⁶ 1201-1202. Northamptonshire: ---*Simon de Pateshulle renders his account. New Oblations: --- Rolland of Galloway owes 500 marks for having a recognizance whether Richard de Moreville father of his wife Elena, was seized of a knight's fee and pertinents in Basiath for 15 days before the war began between King Henry the father and King Henry the son. William Cumin accounts for 25 marks and a pallfrey for having to wife the younger daughter of Robert Fitz Hugh, with a reasonable part of the frank tenement which was the said Robert's. He has paid into the treasury 20 marks; and he owes 5 marks and a pallfrey.* [Pipe Rolls, 3 John, Rot. 13].

The earls of Buchan continued through the Comyn line with Alexander,⁵⁷ son of William Comyn by his wife Countess Marjory. One charter shows that Alexander Comyn was acquainted with his cousin Gilbert Scot, as Gilbert witnessed a confirmation charter of Alexander's to St Andrews (Thomson, 1841, pp.282-283). Alexander Comyn also married another distant cousin Elizabeth de Quincy⁵⁸, daughter of Roger de Quincy, Earl of Winchester by his wife Helen of Galloway⁵⁹ (Spottiswode, 1847, p.99). They had several sons but the title was eventually assumed by Henry de Beaumont, a staunch supporter of Edward III, King of England (Bain, 1887), when he married Alice Comyn, daughter of Alexander Comyn, the remaining son of Alexander Comyn and his wife Elizabeth de Quincy, by Joan Latimer. Henry de Beaumont left a son John de Beaumont as his heir.⁶⁰ His descendants did not use the title of Earl of Buchan which reverted back to Scotland, as it was held in 1404 by Alexander Stewart, son of Robert II, King of Scotland.

The Comyn family were the most powerful of the Anglo-Norman earls in Scotland. Through their relationships with the kings of Scotland in official positions such as being Justiciars first of regions and later of Scotland itself and through intermarriage with the older Celtic earldoms they attained a power base in northern Scotland. From Buchan they oversaw all activity in Scotland and after the untimely death of the Maid of Norway they were the most influential family in the land. Only the rise of Robert the Bruce in 1306 stopped them from obtaining absolute power as their lands were confiscated when they submitted to Edward I of England, and were redistributed to followers of Robert I of Scotland (Young, 1998, pp.198-199).

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- ⁵⁷ Although Alexander succeeded his father in 1233 as earl of Buchan, several charters document that there was apparently an older brother, Merleswain Comyn, who must have predeceased his father. He attests a charter of Malcolm, Earl of Fife, confirming the land in Hirmanstoun to Archibald Douglas as '*Merleswyne filio comitis de Buchane*' 1214-1226 (Innes, 1853, p.xxxiii). It is clearly shown that he is not a son of an earlier earl of Buchan when he attests his father's charter giving the land of Fochyl on the Ythan, which was one of the main rivers in Buchan (Young, pp.183-184), to the new Deer Abbey, 1219-1233. The witnesses are '*Marjoria comitissa uxore mea, Magno filio Colbeyn comitis, Adam filio Fergus comitis, Willelmo filio Orm, Willelmo de Slanes, Roberto de Invirkelder et Nicholao capellanis nostris, Merlswanno filio comitis, Johanne filio Hucredi et multis aliis*'. This list clearly identifies Magnus as the son of Earl Colban and Adam as the son of Earl Fergus. Merleswain is simply called the son of the earl which indicates he is William Comyn's son.
- ⁵⁸ Roger de Quincy, Earl of Winchester, was the son of Saier de Quincy, Earl of Winchester, son of Orabilia de Leuchars daughter of Nes Fitz William. Nes Fitz William was the son of an unnamed daughter of Constantine, Earl of Fife, brother of Gillemichel, Earl of Fife. This made Elizabeth de Quincy and Alexander Comyn related in the seventh degree on both sides. For further discussion on the descent of the de Quincy family see Guido (2006).
- ⁵⁹ Roger de Quincy makes a gift to Dryburgh abbey of the forest of '*Gleddiswod*' in which he states that this gift is made '*pro salute anime nostre et Alyenore sponse mee et pro animabus Alain de Galwythya et Helene filie sue quondam sponse nostre*'. Helen of Galloway was his first wife and the daughter of Alan of Galloway, Constable of Scotland. It was through his marriage that Roger de Quincy inherited the office of Constable to Alexander III of Scotland.
- ⁶⁰ IPM, Henry de Beaumont. File 62-2. Vol. viii, p.190. '*Write of certiorari de foedis taken 14 March, 14 Edward III, 1340-1. The jury say that Henry de Beaumont died seised of a moiety of a knight's fee in Whatton, held of the king in chief, as of the right of Alice, his wife, who survives. John de Beaumont, aged 22 and more, son of the said Henry, is his heir*' (Farnham, 1930).

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Appendix:

Liber Cartarum Prioratus Sancti Andree in Scotia, E Registro Ipso in Archivis Baronum de Panmure Hodie Asservato. (Thomson, 1841, pp.251-254):

Carta Willelmi Cumin comitis de Buchan de ecclesia de Kennachin.

Omnibus Christi fidelibus presens scriptum visuris vel audituris Willelmus Cumin comes de Buchan salutem. Noverit universitas vestra nos concessisse et hac carta nostra confirmasse Deo et ecclesie Sancti Andree apostoli in Scocia et canonicis ibidem Deo servientibus et servituris ecclesiam de Kennauchin cum decimis et oblationibus et terris et cum omnibus eidem ecclesie iuste pertinentibus sicut carta Merleswani filii Colbani et confirmaciones heredum suorum testantur et in huius rei testimonium presens scriptum sigillo nostro roboravimus. Hiis testibus Domino Germano priore et conventu de Rustinot, Ranulf de Bonekil, Roberto de Muhaut, Michaele de Muhaut, Philippo de Fenderberg elia capellano, Adam de Cheket, Adam de Rule clericis et multis aliis.

Carta Willelmi Cumin comitis de Buchan de terra Kinemucho.

Omnibus sancte matris ecclesie filiis tam presentibus quam futuris W[illelmus] Cumin comes de Buchan salutem in Domino. Sciatis nos ex consentu et assensu Margerie Comitisse de Buchan uxoris nostre et heredum nostrorum de Buchan concessisse et hac carta nostra confirmasse canonicis in ecclesia Beati Andree apostoli Deo servientibus et servituris quandam terram que dictur Kenmuckeveth in Kennochyr per rectas divisas suas cum communi pastura et cum omnibus eidem terre iuste pertinentibus tenendam eisdem canonicis in puram et perpetuam elemosinam ita libere et quiete ab omni servicio et exactione seculari sicuti carta Merleswani filii Colbani et confirmaciones heredum suorum dictis canonicis de predicta terra facte testantur et confirmant salvo nobis et heredibus nostris redditu et servicio que Merleswain filius Waldevi et heredes sui nobis et heredibus nostris debent de eadem terra. Hiis testibus Domino Germano priore et conventu de Rustinot, Ranulf de Bonekil, Roberto de Muhaut, Michaele de Muhaut, Philippo de Feodacs, Helya capellano, Adam de Cheket et Adam de Rule clericis et multis aliis.

Carta Willelmi Cumin comitis de Buchan de Distuccione hominum.

Omnibus Christi fidelibus presens scriptum visuris vel audituris Willelmus Cumin Comes de Buhhan Justiciar Scocie Salutem. Noverit quod nos et heredes nostri de Buhhan iuste distringemus Merlesweynum filium Waldevi et heredes suos ut warrantent canonicis in ecclesia Sancti Andree apostoli Deo servientibus et servituris terram de Kenmuckeveth in Kennochynschyr cum omnibus libertatibus et pertinenciis eiusdem terre. Ita libere et quiete sicuti carta et confirmaciones antecessorum suorum testantur et confirmant et in huius rei testimonium presens scriptum sigilli nostri munimine roboravimus. Hiis testibus Domino Germano priore de Rustinot, Domino Ranulfo de Bonekil, Roberto de Muchaut, Helya capellano, Adam de Cheket [et] Adam de Rule clericis, Philippo de Melgedrum, Roberto Cumin et multis aliis.

Carta Majorie Cumin comitisse de Buchan de ecclesia de Kennachin.

Omnibus Christi fidelibus presens scriptum visuris vel audituris Marioria Cumin comitissa de Buchan eternam in Domino salutem, Noverit universitas vestra me concessisse et hac carta mea confirmasse Deo et ecclesie sancte Andree apostoli in Scocia et canonicis ibidem Deo servientibus et servituris ecclesiam de Kennauchyn cum decimis et oblationibus et terris et cum omnibus eidem ecclesie iuste pertinentibus sicut carta Merleswani filii Colbani et confirmaciones heredum suorum testantur et in huius rei testimonium presens scriptum sigillo meo roboravi. Hiis testibus Domino Germano priore et conventu de Rustinot, Rannulf de Bonekil, Roberto de Muhaut, Michaele de Mohaut, Philippo de Fendarg, Helya Capellano, Adam de Cheket et Adam de Rule clericis et aliis.

Carta Majorie Cumin comitisse de Buchan de Kinmunchaveth.

Omnibus Christi fidelibus presens scriptum visuris vel audituris Marioria Cumin comitissa de Buchhan eternam in Domino salutem. Noverit universitas vestra me spontanea voluntate concessisse et hac mea carta confirmasse Deo et ecclesie Sancti Andree apostoli et canonicis ibidem Deo servientibus et servituris Kenmuch in Kinnahhinfyre per rectas divisas suas cum communi pastura in pratis in moris et cum omnibus eidem terre iuste pertinentibus tenendam eisdem in liberam et perpetuam elemosinam ita libere et quiete ab omni servicio seculari sicuti carta Merleswani filii Colbani et confirmaciones heredum suorum eisdem canonicis de eadem terra Sancte testantur et confirman salvo redditu et servicio que Merlswanus filius Waldevi et heredes sui michi et heredibus meis debent de predicta terra. Hiis testibus Domino priore de Rustinoth, Ranulfo de Bonekil, Johanne de Sancto Claro, Ade de Cheket et Ade de Rule clericis, Helya capellano, Kelardo iudice et multis aliis.

Charters of the Abbey of Inchcolm. (Easson & MacDonald, 1938, pp.24-27, 139, 141, 145-6):

XXV (c.1263). Charter by Scolastica, daughter of the late Merleswain of Ardross, ratifying to Inchcolm the concession made by her and Richard her husband, of the right of patronage of the church of Fithkil.

The date is fixed by the reference to the confirmation of the election of Walter de Baltrodi, as Bishop of Caithness.

Omnibus ad quos litere presentes pervenerint Scolastica filia quondam Merlessuani de Ardross salutem in Domino. Noveritis me in omnibus et per omnia ratam habere et firmam pro me et heredibus meis imperpetuum concessionem illam quam Ricardus maritus meus et ego fecimus Deo et Sancto Columbe de Insula et canonicis ibidem Deo servientibus et imperpetuum servituris super toto iure patronatus ecclesie de Fithkil quod habui vel quod habere potui et tactis sacrosanctis sponte iuravi et insuper fide media me obligavi quod nunquam contra concessionem predictam aliquo tempore quicquid de marito meo contigerit venire attemptabo. Volens et concedens pro me et heredibus quod si in aliquo contravenire attemptaverimus liceat episcopo Dunkeldensi qui pro tempore fuerit nos tanquam periuros ab omni actu legitimo repellere et excommunicatione maiori innodare eandem non relaxaturus donec ab eorum vexatione desisterimus omnia dampna et expensas que occasione resistentie et contradictionis nostre dicti canonici incurrerint plene restituerimus Nichilominus me et heredes meos presenti scripto firmiter obligando quod quicumque nostrum dictam concessionem nostram infirmare attemptaverit aut aliquo modo infringere molitus fuerit centum libras nomine pene predictis canonicis per superdictam excommunicationis coercionem ab episcopo faciendam absque omni contradictione persolvat rata nichilominus prima concessione. Renunciando in hac parte pro me et heredibus meis imperpetuum omni exceptioni cavillationi et omni iuris remedio canonici et civilis et omni privilegio fori compeenti et competituro regie prohibitioni et privilegio cruceignatorum et omnibus impetratis et impetrandis omnibus etiam et singulis que dictis abbati et conventui et eorum successoribus nocere poterunt et nobis prodesse. In cuius rei testimonium presenti scripto sigillum venerabilis patris Ricardi Dei gratia episcopi Dunkeldensis una cum sigillo meo apponi procuravi. Hiis testibus magistro Waltero electo Cathanensi tunc temporis confirmato, magistro Roberto de Stutevill decano Dunkeldensi, Magistro Johanne de Evirley archidiacono Dunkeldensi, David et Thoma Perth canonicis Dunkeldensibus, Domino Nicholao de Sules, Magistro Jordano Lochard, Hugone de Perisby, Domino Johanne capellano de Luffnoch et multis aliis.

Moray Charters (Transumpt) 42.4.7.

XXVI (c.1263). Charter by Alexander Comin, Earl of Buchan, relating that after he had instituted a lawsuit, in his own name and in the name of Thomas de Meldrum, against the abbot and convent of Inchcolm, before Richard, Bishop of Dunkeld, regarding the patronage of the church of Fithkil, vacant by the death of its rector, Master John de Everley, at length taking pity on the poverty of the monastery and desiring a share in its prayers, he renounced all right and claim to the patronage, in his own name and Thomas de Meldrum's, in favour of Inchcolm.

This follows on the previous charter by which Scolastica, daughter of Merleswain, gives up her right of patronage in the church of Fithkil to Inchcolm.

Omnibus sancte matris ecclesie filiis presens scriptum visuris vel audituris Alexander Comine Comes de Bochone salutem in Domino. Noverit universitas vestra quod cum nos viros religiosos abbatem et conventum de Insula Sancti Columbe coram venerabili patre Ricardo Dei gratia Dunkeldensi episcopo traxissemus in causam nomine nostro et nomine Thome de Melghedrum super advocacione ecclesie de Fithkil vacantis per mortem magistri Johannis de Everlei quondam

reitoris eiusdem cuius advocacionem tam ratione domini fundi quam concessione dicti Thome dicebamus ad nos de iure pertinere et in dictam causam per aliquot dies fuisset processum. Tandem post multas altercaciones nos Deum pre oculis habentes et pauperitati eiusdem monasterii de Insula pia devotione compatientes ac participium orationum eiusdem monasterii affectantes eidem monasterio et canonicis ibidem Deo servientibus et imperpetuum servituris totam ius et clameum quod in advocacione eiusdem ecclesie de Fithkil tam nomine nostro proprio quam nomine dicti Thome qui ius suum nobis cessit aliquo tempore habuimus vel habere poterimus pro salute amine nostre et antecessorum et successorum nostrorum pro nobis et heredibus nostris imperpetuum dedimus concessimus et quietum clamavimus. In cuius rei testimonium presenti scripto sigillum nostrum autenticum apponi fecimus. Hiis testibus Domino Willelmo comite de Mar, Waltero comite de Menteth, Waltero de Moravis, David de Louchor, Radulpho de Lassel tunc temporis vicecomite de Fife, Willelmo de Valencis, Rocardo de Bigertoun, Ricardo camerario, Johanne de Kynnere militibus, Hugone de Perisby, Michaele de Arnot, Duncano de Crambeth, Waltero de Strathany clerico, Ricardo clerico vicecomitis et aliis.

Moray Charters (Transumpt) 42.3.13.

XXVII (c.1263). Charter of Richard, Bishop of Dunkeld, confirming the concession of the patronage of the church of Fithkil by the heirs of Merleswain of Ardross and Alexander Comyn, Earl of Buchan, to Inchcolm and appropriating it to the monastery. The charter confirms Nos. xxv and xxvi. and secures the monastery's object, viz. the complete appropriation of the church of Fithkil.

Omnibus Christi fidelibus presens scriptum visuris vel auditoris Ricardus Dei gratia episcopus Dunkeldensis salutem in Domino sempiternam. Cum heredes Merlessuani de Ardros in Fife quicquid iuris habuerant in advocacione ecclesie de Fithkil canonicis de Insula Sancti Columbe per cartas suas concesserint et nobilis vir Alexander Comyne comes de Bochane huic facto pro se et Thoma de Melghedrum per aliquod tempus se opposuerit tandem dictus nobilis vexationi dictorum canonicorum parcere volens et pauperitati quicquid iuris dicebat se habere in advocacione dicte ecclesie de Fithkil pro se vel Thoma de Melghedrum predictis canonicis quietum clamavit et concessit pro se et heredibus suis imperpetuum. Nos igitur loci diocesanus pauperitatem dictorum religiosorum attendentes et servicium divinum in dicta Insula augmentare volentes predictam ecclesiam de Fythkil cum omnibus pertinentiis et obventionibus in usus proprios auctoritate nostra episcopali de consensu et assensu capituli nostri Dunkeldensis conferimus et confirmamus predictis canonicis imperpetuum obtinendam. In cuius rei testimonium presens scriptum sigillo nostro una cum sigillo capituli nostri fecimus roborari. Teste capitulo.

Moray Charters (Transumpt) 42.3.14; 42.4.8.

Liber S. Thome de Aberbrothoc, Registrorum Abacie de Aberbrothoc.

(Innes, 1848, p.57):

85. Carta Fergus Comitis de Buchan de una marca.

Universis sancte matris ecclesie filiis Fergus Comes de Buchan salutem. Sciant presentes et futuri me dedisse et concessisse et hac carta mea confirmasse Deo et Sancti Thome martiri et conventui de Abirbrothoc unam marcam argenti singulis anis in perpetuam elemosinam ad terminum Pentecosten pro salute anime mee et omnium. Hanc ut elemosinam volo precor et precipio ut heredes mei in perpetuum concedant et persolvant. Testibus Domino Willelmo Rege, Domino David fratre eius, Matheo episcopo Abirdun, Symon archidiacono fratre eius, Willelmo Persona de Abirdun, Matheo fratre eius, Williemo filio Normanni, Willelmo filio Hugo, Gilberto filio Joscelini burgensibus de Abirdon.