



Hammond, Matthew H. (2011) Women and the adoption of charters in Scotland north of Forth, ca 1100-1286. *Innes Review*, 62 (1). pp. 5-46. ISSN 0020-157X

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Deposited on: 20 March 2014

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Women and the adoption of charters in Scotland north of Forth, c. 1150–1286

Abstract: This article traces the adoption of charters by women in Scotia, the core region of the kingdom of the Scots north of the Firth of Forth, in the twelfth century, and the developments in charter diplomatic employed primarily by monastic beneficiaries over the course of the following century. Initially, charters were produced in the name of countesses making donations of churches and lands to religious houses, and monastic scribes developed idiosyncratic methods of ‘strengthening’ these gifts through the confirmation of a husband or male relative. In the thirteenth century, charters in the name of women became more plentiful, especially in the case of widows, and more standard formulas emphasising the ‘lawful power of widowhood’ were employed widely. Charters also increasingly recorded donations and other acts by married women across the social scale, either on their own or jointly with their husbands. Moreover, gifts by men of lands which came to them *de jure uxoris* included standard diplomatic phraseology recording the consent of the wife. This article examines these trends broadly as well as through several case studies. The appendix lists 160 documents relating to women during this period.

Key words: charters; noblewomen; countesses; Europeanisation; monasteries; medieval marriage

A minor explosion has been taking place south of the border in the field of medieval women’s studies.¹ Work by Pauline Stafford, Lois Huneycutt, Susan Johns and others has leant a new focus to our understanding of the lives of English women, from queens down to local gentry.² In Scotland, green shoots are beginning to appear in a

¹ An early incarnation of this paper was delivered at the ‘On Wummin’s Wayis’ conference at the University of Glasgow on 24 May 2003. A substantially revised version was read to the same university’s Medieval Scottish and Celtic Studies evening seminar on 19 January 2006. I should like to express my gratitude to Dauvit Broun for reading versions of this paper, and to Hector MacQueen, Gilbert Márkus, Norman Shead, Simon Taylor and Alex Woolf for valuable discussions on the topic.

² Pauline Stafford, *Queens, Concubines and Dowagers: The King’s Wife in the Early Middle Ages* (Athens, GA, 1983); *eadem*, *Queen Emma and Queen Edith: Queenship*

field that was previously sadly neglected, but the study of women in the central middle ages is clearly still in its infancy here.³ The purpose of this article is to lay out the evidence for the adoption of charters produced in the names of women, especially noblewomen, in the twelfth and thirteenth centuries, and to examine the specific forms of language which were employed as monasteries sought new diplomatic strategies for 'handling' women's legal status as landholders.⁴ The body of documents analysed herein is drawn from monastic and private archives based north of Forth, and east of Lennox and Argyll, in the region known in Latin in the twelfth century as *Scotia* or *Albania*, but also including the handful of surviving relevant charter texts from Moray and the far north.⁵ At the time when women's charters first appear, the mid-twelfth century, the kingdom of the Scots was ruled as a collection of lands with divergent identities, such as *Scotia* or *Albania*, Lothian, Strathclyde and Galloway, all loosely held together under a single monarch.⁶ I have chosen Scotland north of Forth, the ancestral heartland of the kingdom, encompassing the great earldoms as well as central regions of royal demesne (such as Gowrie), as my focus for this study. Furthermore, whereas the kingdom came to be more closely tied together by the mid-thirteenth century, Scotland north of

and *Women's Power in Eleventh-Century England* (Oxford, 1997); Lois L. Huneycutt, *Matilda of Scotland: A Study in Medieval Queenship* (Woodbridge, 2003); Susan M. Johns, *Noblewomen, Aristocracy and Power in the Twelfth-Century Anglo-Norman Realm* (Manchester, 2003); Louise Wilkinson, *Women in Thirteenth-Century Lincolnshire* (Woodbridge, 2007); *eadem*, 'Women as sheriffs in early thirteenth century England', in *English Government in the Thirteenth Century*, ed. A. Jobson (Woodbridge, 2004), 111–24; Emma Cavell, 'The burial of noblewomen in thirteenth-century Shropshire', in *Thirteenth-Century England*, vol. xi, ed. Björn Weiler *et al.* (Woodbridge, 2007), 174–92.

³ Cynthia Neville, 'Women, charters and land ownership in Scotland, 1150–1350', *Journal of Legal History* 26 (2005), 21–45; Jessica Nelson, 'Scottish queenship in the thirteenth century', in *Thirteenth-Century England*, ed. Weiler *et al.*, 61–81; Kimm Curran, 'Looking for nuns: a prosopographical study of Scottish nuns in the later middle ages', *Records of the Scottish Church History Society* 35 (2005), 28–67. The work of Elizabeth Ewan has done much to throw light upon women in late medieval Scotland. For example, see *Women in Scotland c. 1100–c. 1750*, ed. Elizabeth Ewan and Maureen Meikle (East Linton, 1999).

⁴ The adoption of charters is generally recognised as one of the key elements of Europeanisation: Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950–1350* (London, 1993), 283–8.

⁵ The great majority of the documents thus relate to women who lived north of Forth, and to lands and properties which were north of the Forth, although a small handful relate to estates south of the Forth which were held by religious institutions based north of Forth.

⁶ Dauvit Broun, 'Defining Scotland and the Scots before the Wars of Independence', in *Image and Identity: The Making and Re-making of Scotland through the Ages*, ed. Dauvit Broun, R. J. Finlay and Michael Lynch (Edinburgh, 1998), 4–17.

Forth retained a distinct legal identity throughout the period under study, as the justiciars of Scotia. An appendix of documents is provided to allow the reader to peruse the material in greater detail. It is hoped that this analysis of the evidence for women's charters will help provide a springboard for more fruitful study of this theme in the future.

This article incorporates a new scheme of categorising charters which reflects the work of the three-year, AHRC-funded project, 'The Paradox of Medieval Scotland, 1093–1286' (PoMS). The documents from Scotland north of Forth involving women, listed in the appendix, include a three-part 'PoMS reference', the unique numbers by which documents are referenced in the PoMS database. These numbers will also be employed in a forthcoming four-part *Calendar of Scottish Charters and other documents, 1093–1286*.⁷ The first part of the number indicates the volume of the calendar: 1. Royal documents; 2. Ecclesiastical documents; 3. Aristocratic and other private documents; 4. Agreements, settlements, inquests, etc. The second element in the 'PoMS reference' refers to a distinct category of grantor, such as 'bishops of St Andrews' or 'earls of Fife'. The third and final part of the 'PoMS reference' refers to the unique number of the document itself within this series.

This article also incorporates the new system of terminology for charter types on which John Reuben Davies has recently published a very valuable study. This work places Scottish charters alongside the most up-to-date thinking of such English doyens of charterdom as Richard Sharpe and Nicholas Vincent.⁸ The new schema distinguishes those charters which use the dispositive verbs *dare* ('to give') or *donare* ('to donate') from those which do not, and identifies them as gifts (or donations; the terms are interchangeable). Whereas *dare* and *donare* are often matched up with *concedere* ('to grant' or 'to concede'); in many charters which did not record initial gifts, *concedere* was used without being paired up with *dare*. Charters wherein *concedere* was not paired up with *dare* can be divided into four types based on context: a) concessions of liberties or privileges (although the term *dare*

⁷ The work of Amanda Beam Frazier, John Reuben Davies, Andrew Smith and Nick Evans, with the assistance of Dauvit Broun, Keith Stringer, Cynthia Neville, Norman Shead, Simon Taylor, Gilbert Márkus, Elsa Hamilton and others on the charters, crucial for both the PoMS database and the Calendar, is very gratefully acknowledged.

⁸ John Reuben Davies, 'The donor and the duty of warrandice: giving and granting in Scottish charters', in *The Reality behind Charter Diplomacy in Anglo-Norman Britain: Studies by Dauvit Broun, John Reuben Davies, Richard Sharpe and Alice Taylor*, ed. Dauvit Broun (Glasgow, 2010), 120–65. Accessed at <http://www.poms.ac.uk/redist/pdf/John.pdf>

licenciam might also be used); b) the licensing by a lord of a gift or concession made by a tenant; c) the reaffirmation or renewal of a predecessor's gift; d) the renewal by a lord of a gift to a tenant's successor. Charters with *dare* and *concedere* or *concedere* alone usually included a phrase such as *hac presenti carta mea confirmare*, an expression which was not dispositive in its own right, but which emphasised the role of the written document in strengthening and establishing the actions described with the dispositive verbs *dare* and/or *concedere*. Thus, the new typology results in the following:

1. *Dare* (or *donare*), often with *concedere*: gift (or donation)
2. *Concedere* alone:
 - a) concession (of liberties/privileges)
 - b) confirmation (by superior lord)
 - c) renewal (succeeding generation; grantor)
 - d) succession (succeeding generation; lay beneficiary)

The charters listed in the appendix are classified according to this schema. One must still, of course, distinguish charters from short ephemeral documents such as *brieves* (called *writs* in English parlance) and two-sided documents, such as *chirograph* agreements. One final neologism: the term 'brieve-charter' is used for short dispositive documents, often appearing in the early days of charter adoption, which were addressed to specific individuals, normally administrative officials (that is, like *brieves*), yet whose main documentary function was dispositive (like charters).

Twelfth-century women's charters

As with charters describing transactions relating to men, women's charters began to be used in the kingdom of the Scots as a result of the influence of Benedictine and other reformed monastic houses. As Dauvit Broun has shown, the use of charters at the outset of the reform movement was not automatic, and should not be taken as given, but rather developed over the course of the early and mid-twelfth century in a handful of archival centres, especially Dunfermline abbey and St Andrews priory.⁹ This process took place in an atmosphere of cooperation and symbiosis with the royal household, which by the late

⁹ Dauvit Broun, 'The adoption of *brieves* in Scotland', in *Charters and Charter Scholarship in Britain and Ireland*, ed. Marie Therese Flanagan and Judith A. Green (Basingstoke, 2005), 164–83; A. A. M. Duncan, 'The foundation of St Andrews cathedral priory, 1140', *Scottish Historical Review* 84 (2005), 1–37.

twelfth century was producing most, if not all, of its own charters and brieves.¹⁰ It should be no surprise, then, that the first women's charters in Scotland north of Forth were produced in the names of noblewomen with strong royal ties to two 'early writing centres' – Dunfermline and St Andrews.

Without a doubt, the story of women's charters in Scotland north of Forth can be said to have begun with one individual – Countess Ada of Northumberland (d. 1178). Ada de Warenne was the wife of David I's son Earl Henry, who predeceased his father in 1152. Her children, Mael Coluim (Malcolm) and William, went on to rule the kingdom for over sixty years, from 1153 to 1214, while her third son, Earl David of Huntingdon, was an important cross-border baron. The texts of ten documents from Countess Ada dealing with the lands north of Forth have survived, all of which were from the period of her widowhood (1152–78).¹¹ The earliest surviving charter of a woman to a monastic foundation in Scotland north of Forth was a briefe-charter by Countess Ada to her grieve, burgesses and responsible men of Haddington, informing them of her grant¹² of a toft in that burgh to Dunfermline abbey. The document dates to between Earl Henry's death, 6 June 1152, and King David's death, 24 May 1153.¹³ It was probably due to her status as a member of the royal family that Countess Ada had her own clerk, William Giffard; however, as none of the originals of these texts survive, it is impossible to conduct the kind of detailed palaeographical examination that may answer such questions as whether his activities included producing charters in her name.¹⁴ While the majority of Countess Ada's north-of-Forth charters relate to the two known 'early writing centres' at Dunfermline abbey and St Andrews priory, there also exists the text of a briefe of protection issued to the priory of the Isle of May, the gift of a toft in Crail to Cambuskenneth abbey, and the

¹⁰ Dauvit Broun, 'The writing of charters in Scotland and Ireland in the twelfth century', in *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker (Turnhout, 2000), 113–31, at 120.

¹¹ Appendix, nos 1–8, 11–12.

¹² The term 'grant' here is used in a much more restricted sense than is usually employed in Scottish historical writing. This refers to the alienation of land in a charter which – unusually – employs *concedere* without *dare*, but in which there is no indication of an earlier gift.

¹³ *Registrum de Dunfermlyn*, ed. Cosmo Innes, Bannatyne Club (Edinburgh, 1842) [hereafter *Dunf. Reg.*], no. 152.

¹⁴ *Ibid.*, no. 151; *Liber Cartarum Prioratus Sancti Andree in Scotia*, ed. Thomas Thomson, Bannatyne Club (Edinburgh, 1841) [hereafter *St A. Lib.*], 207–8; *Calendar of the Laing Charters AD 854–1837*, ed. John Anderson (Edinburgh, 1899) [hereafter *Laing Chrs.*], no. 2.

donation of the church of Kilrenny, land in Pitcorthie and a toft in Crail (all in Fife) to Dryburgh abbey.¹⁵ To a certain extent, Ada's charter use echoes royal practice more strongly than it does contemporary male aristocratic practice; the aforementioned example of a brieve fits with Dauvit Broun's finding that royal scribes' production of brieves was one of the earliest developments in charter use in the kingdom.¹⁶ Furthermore, the recording on parchment of Ada's gift of Athelstaneford, East Lothian, to Alexander de St Martin predates by a generation the use of charters to record gifts of land by earls (or mormaers) to laypeople in Scotland north of Forth and echoes the development of the gifts of land to lay tenants, recorded in charters, by William I.¹⁷

Countess Ada's charters, like those of her son Earl David, should be viewed as existing halfway between royal documents and the charters of the Scottish earls. Of the sixty-one surviving texts of pre-1286 documents written in the names of women individually (that is, not charters authored jointly with husbands or brothers), only sixteen date to before the year 1200. Of those sixteen, ten were granted by Countess Ada.¹⁸ Furthermore, despite Ada's widowhood, none of her charters contain the sort of phrase that later became standard, such as 'in the free and lawful power of her widowhood'. Instead, her title emphasised that her power was quasi-royal: after 1153, she used the title 'mother of the king of Scots'. The image of queenlike independence seemingly expressed in her charters was balanced against the frequent use of *pro anima* clauses: in her charters to the religious houses of Cambuskenneth, Dunfermline, St Andrews and Dryburgh (six out of ten documents), Ada specified that the gifts were made for the souls of Earl Henry and herself.¹⁹ These, combined with the reference to her status as mother of kings, were the only nods to male authority.

Five of the remaining six twelfth-century charters relate to Dunfermline abbey and St Andrews priory, and should be seen in the

¹⁵ *Dunf. Reg.*, nos 151, 152; *St A. Lib.*, 207–9; A. A. M. Duncan, 'Documents relating to the priory of the Isle of May, c. 1140–1313, *Proceedings of the Society of Antiquaries of Scotland* [hereafter *PSAS*] 90 (1956–7), no. 51; *Registrum Monasterii S. Marie de Cambuskenneth*, ed. William Fraser, Grampian Club (Edinburgh, 1872) [hereafter *Camb. Reg.*], no. 192; *Liber S. Marie de Dryburgh*, ed. William Fraser, Bannatyne Club (Edinburgh, 1847) [hereafter *Dryb. Lib.*], no. 16.

¹⁶ Broun, 'Adoption of brieves', 172–9.

¹⁷ *Laing Chrs.*, no. 2. For an analysis of the earliest royal charters to lay tenants north of Forth, see Matthew H. Hammond, 'A Prosopographical Analysis of Society in East Central Scotland' (University of Glasgow, unpublished PhD thesis, 2005), 41.

¹⁸ See n. 11, above.

¹⁹ *Dunf. Reg.*, nos 151, 152; *Camb. Reg.*, no. 192; *St A. Lib.*, 208–9.

context of cooperation between these institutions and the network that connected Countess Ada to the earldoms of Fife and Mar. As discussed in my PhD thesis, a network developed around Ada, linking her with her niece, Ela, countess of Fife, and another possible relative, Agnes, countess of Mar.²⁰ Countess Ada and/or her top followers figure prominently as witnesses to the charters of Countess Ela to Dunfermline abbey and Countess Agnes to St Andrews priory.²¹ These charters reveal differing approaches to dealing with the ‘problems’ arising from married women’s donations to religious institutions. The charters recording Countess Agnes’ gifts to St Andrews priory of the church of St Finnan of Migvie, Aberdeenshire, and the land of ‘Inverinche’ or ‘Invermeth’ – now Inver in Monymusk parish – are similar to Countess Ada’s charters in their inclusion of a *pro anima* clause mentioning her husband, Earl Morgan (or Morgrund), by name.²² The canons took the further step of obtaining confirmations of the same gifts from Earl Morgan himself.²³ This is the first example of ‘parallel charters’ in the names of an earl and a countess in Scotland.²⁴ Of the four documents, Countess Ada and her chief tenant Alexander de St Martin witnessed all four, while Countess Ela of Fife, Hugh Giffard and William Giffard each witnessed three out of four. Agnes’ charter donating Migvie church uses the phrase *dedi concessi et hac carta mea confirmavi*; Morgan’s charter of the same church uses the phrase *dedisse et hac mea carta confirmasse*,²⁵ which is not the standard expression used by St Andrews scribes for confirmations (*concessisse et hac mea carta confirmasse*).²⁶ What makes it clear that Morgan’s charter is the confirming one is the phrase *sicut carta Agnetis comitis sponse mee predictis canonicis donacionem huius elemosine testatur et confirmat*: there is no parallel phrase in Agnes’ charter. In the case of the gift of a half-ploughgate in the estate of ‘Inverinche’, however, the language

²⁰ Hammond, ‘Prosopographical Analysis’, 49–52, 136–7.

²¹ *Dunf. Reg.*, no. 153; *St A. Lib.*, 249–50. One of Countess Agnes’ charters survives as a very well-preserved contemporary single-sheet made in a strong and distinctive hand: Edinburgh, National Library of Scotland [hereafter NLS], Adv. MS 15.1.18, no. 62.

²² *St A. Lib.*, 249–50.

²³ *Ibid.*, 248–9.

²⁴ Another charter of Morgan to St Andrews priory specifies that the couple were to enter into fraternity and were to be buried by the canons: *ibid.*, 246–7.

²⁵ This shortened formula, without *concessisse*, is used in three of Earl Morgan’s charters and one of Countess Agnes’ charters printed on pp 246–9 of the Bannatyne Club edition, which accurately reflects the usage in the MS cartulary: Edinburgh, National Archives of Scotland [hereafter NAS], GD 45/27/8, fol. 117r–v.

²⁶ This formula was in use by the 1160s. For example, see gift to St Andrews by Merleswain son of Colbán and confirmation by Merleswain son of Merleswain: *St A. Lib.*, 258–60.

used in the two versions is near identical. The only difference is that Agnes' charter specifies Earl Morgan's soul in the *pro anima* clause, while Morgan's charter mentions Agnes in the same way. It is as if two copies of the same charter were made, with empty spaces for the names of the two donors. The witnesses of the two charters are identical, as well, and in the same order, with the exception that Agnes' version omits three names – those of William Giffard, William of Ryedale, and William son of Hugh Giffard, between the names of Hugh Giffard and William, sheriff of Crail. It is tempting to think that a hurried copyist may have accidentally skipped over a line while transcribing the original parchment into the St Andrews cartulary, at some point in the thirteenth century.²⁷ In any case, these two charters were almost certainly produced at the same time. Unfortunately, only the 'original' contemporary single-sheet of one of Agnes' charters survives. It is noteworthy that Morgan and Agnes were not listed as witnesses to each other's charters.

The Benedictine monks of Dunfermline abbey took a different approach in recording the gift made by Ela, countess of Fife, of the church of West Calder, Midlothian. There seems not to have been a parallel donation or confirmation by her husband, Earl Donnchad (Duncan) II, although he is listed as a witness.²⁸ In contrast to Agnes' and Morgan's charters, Countess Ada did not attest, although her tenant Alexander de St Martin was listed as a witness, in addition to Maud de St Liz (or Senlis) and William de Aubini (or Aubigny), relatives of Earl Gillebrigte of Strathearn's wife.²⁹ This charter is the first in the group to contain a consent clause; however, it does not follow the formula which would eventually become standard. Later charters would employ words like *consensu* and *assensu*; instead, Ela's charter includes the phrase *concessione comitis Duncani domini mei*, 'with the concession of Earl Donnchad my lord'. This phrase is taking the place of a separate charter of confirmation by the earl; the earl is licensing his wife's gift.

Both Agnes and Ela's charters raise questions about ownership. The existence of charters recording gifts made either individually or jointly by a woman, or indeed even by a male with the consent of a wife or female relative, implied that the woman exercised some kind of (at least nominal) control over the property. These lands could either have been inherited by the woman from her natal family or given to her

²⁷ The printed edition accurately reflects the language in the cartulary manuscript.

²⁸ *Dunf. Reg.*, no. 153.

²⁹ Hammond, 'Prosopographical Analysis', 136–7.

as a dower or marriage portion (tocher) at the time of her wedding.³⁰ In the cases of Ela and Agnes, we see women of apparently non-Scottish aristocratic background marrying Scottish earls. In the case of West Calder, it is known that King David I gave those lands to Earl Donnchad's father, Earl Donnchad I.³¹ This would suggest that the earl had granted the estate to his wife as a marriage portion, and that she, perhaps with the encouragement of Countess Ada, had decided to show her devotion to God by participating in the growing trend of donating the previously unassigned church to a monastic house. Countess Agnes' donations of lands ('Inverinche') and churches (Migvie) may very well be accounted for in the same way.

The case of our final late twelfth-century countess, Orabilis, heiress of Leuchars in Fife, illustrates the ambiguous nature of the evidence and the extent to which the interpretative bent of the historian inevitably colours our perspective. At stake here, of course, is whether medieval noblewomen are viewed as pawns in the game or actors in their own right. Orabilis was sole legitimate heir to the landed estates of her father, Ness son of William. These estates included Leuchars and Lathrisk in Fife and probably Gask in Strathearn. Despite the existence of two presumably illegitimate brothers, Patrick and Constantine, Orabilis, as heir, was married to an Anglo-French knight, Robert de Quincy, and their son Saher de Quincy, later earl of Winchester, inherited the Scottish lands. At some point after 1172, Orabilis and de Quincy were divorced; the grounds for this are unclear, but consanguinity seems unlikely, and failure to bear an heir was obviously not a concern. In any event, Orabilis went on to marry Adam son of Donnchad, Earl Donnchad II of Fife's brother (which would make her a sister-in-law of Countess Ela). By 1188, she had become Countess Agnes' successor as countess of Mar, presumably by wedding Earl Gillecrisp, who witnessed one of her charters.³² Adam, brother of Earl

³⁰ The dower consisted of the lands set aside by a husband for the support of his wife; the marriage portion or tocher was the land provided by the wife's family on the occasion of the marriage.

³¹ *The Charters of King David I: The Written Acts of David I King of Scots, 1124–53 and of his son Henry Earl of Northumberland, 1139–52*, ed. G. W. S. Barrow (Woodbridge, 1999) [hereafter *Charters of David I*], no. 268 (lost act); *Regesta Regum Scottorum*, ed. G. W. S. Barrow et al. (Edinburgh, 1960–) [hereafter *RRS*], i, no. 86.

³² Matthew Hammond, 'Orabilis, countess of Mar', in *The Biographical Dictionary of Scottish Women*, ed. Elizabeth Ewan et al. (Edinburgh, 2006), 287–8. Earl Gillecrisp witnesses Orabilis' charter: *St A. Lib.*, 290–1.

Donnchad, was still alive in 1195 \times 8, so the dissolution of Orabilis' second marriage must also have been due to divorce or annulment.³³

In contrast to Agnes and Ela, Orabilis' power lay in her role as heiress to a significant estate in Scotia/Alba, a position which her father, Ness, seems to have deliberately attempted to shore up. A series of charters to St Andrews priory reveal the stages of Orabilis' career. Ness son of William, perhaps wishing to reinforce his daughter's legal position, included 'Orabilis his daughter and heiress' in a joint gift of the church of Lathrisk, Fife, to St Andrews priory, in a charter dating to around 1170 \times 8.³⁴ Presumably after Ness' death, Orabilis also gave the priory the land of 'Davach Ichthar hathyn' ('the davoch of lower Ethie'), possibly in Ethie parish, Angus,³⁵ as *Orabilis filia et heres Domini Nesii*, which survives in a charter text witnessed by Earl G(illecrisp) of Mar.³⁶ The form of her name, which emphasises her parentage rather than any spouse, coupled with the appearance of Earl Gillecrisp, suggests that this charter was produced during the hiatus between her second and third marriages. This charter contains no references to male authority (the *pro anima* clause places Orabilis herself first), but it does have a malediction threatening God's wrath on those who infringe on the rights relayed by the charter. Two slightly different versions were copied into the St Andrews cartulary.

The gift of the church of Leuchars illustrates a different strategy of document production. Ness son of William gave the church of Leuchars to St Andrews priory between 1172 and 1188, with his body, for which a charter text survives. Orabilis and her second husband, Adam son of Donnchad (of Fife), witnessed this charter.³⁷ Orabilis renewed this gift as *Orabilis comitissa de Mar filia nesii filii Willelmi* in a charter dating to the same period.³⁸ Earl Gillecrisp does not appear as a witness, but he was clearly still alive at this point. Ness had evidently arranged for his burial at St Andrews and must have been dead at the time of this charter. This conclusion is supported by the statement, included at the

³³ G. W. S. Barrow, 'The early charters of the family of Kinninmonth of that Ilk', in *The Study of Medieval Records: Essays in Honour of Kathleen Major*, ed. D. A. Bullough and R. L. Storey (Oxford, 1971), 107–31, no. 7.

³⁴ *St A. Lib.*, 254–5.

³⁵ Simon Taylor with Gilbert Márkus, *The Place-Names of Fife*, 5 vols (Donington, 2006–11), iv, 512–13.

³⁶ *St A. Lib.*, 290–1.

³⁷ *Ibid.*, 287. None of Ness or Orabilis' charters survive as originals.

³⁸ *Ibid.*, 287–8.

end of the document after the witnesses, which Orabilis must have made orally at the ceremony:

Being present I have heard and have granted this donation as my father's heir; I make this known to posterity; and I make it firm with the imposition of my seal as witness.³⁹

This charter was evidently composed at the same time as two companion charters of Matthew, bishop of Aberdeen, and Earl Donnchad II of Fife.⁴⁰ The texts of the three charters make clear that they record a ceremony at which were physically present – this is made explicit in the text – Bishop Matthew; Earl Donnchad; Michael the clerk; Albin, the earl's chaplain; Stephen the clerk, *persona* of the church of Leuchars; Philip the priest (presbyter); and Duncan son of Hamelin, Ness' chamberlain.⁴¹ The charters of Earl Donnchad and Bishop Matthew, who was formerly archdeacon of St Andrews and whose presence was probably necessitated by the ongoing controversy over the bishopric of St Andrews, include the same oath which Orabilis made, with the minor alteration of removing the phrase 'as my father's heir'. King William's confirmation of Ness' gift probably predated Ness' death and Orabilis' renewal, and in any event included a completely separate group of witnesses.⁴² To sum up, the succession of events regarding the gift of the church of Leuchars to St Andrews priory is as follows:

1. Ness son of William gives church, with his body
2. King William confirms Ness' gift
3. Ness dies
4. Orabilis, as countess of Mar, renews this gift, in a ceremony wherein Orabilis, Bishop Matthew of Aberdeen and Earl Donnchad II of Fife all make oaths to this effect, and attach their seals to three separate charters, at some point during the dispute over the bishopric of St Andrews

³⁹ *Hanc donacionem presens audiui & concessi tanquam heres patris mei hanc posteris innotesco Hanc eciam preposito sigillo meo tanquam testis confirmo.* My thanks to John Reuben Davies and Dauvit Broun for their advice on this passage.

⁴⁰ *Ibid.*, 288–9.

⁴¹ This name could represent the Gaelic name Donnchad son of Amlaib; alternatively, Duncan may have been the son of an Anglo-French knight Hamelin, given the signature moniker of the local nobility.

⁴² *RRS*, ii, no. 271; *St A. Lib.*, 289.

5. Bishop Hugh confirms the donation of Leuchars church, probably at the consecration of Richard, bishop of Moray.⁴³

Finally, Orabilis gave lands in Gask, Perthshire, to Inchaffray priory, probably on its foundation in 1200; she was dead by the time of the papal confirmation on 30 June 1203 that recorded the gift (her own charter text does not survive).⁴⁴ Based on this evidence, it is possible to see Orabilis as a pawn in the game – her marriage to Robert de Quincy can easily be interpreted as a case of the king arranging for a major Scottish estate to be passed to a loyal knightly supporter, who was then conveniently cast loose once an heir had been provided. On the other hand, Orabilis' subsequent career, including a second divorce, and culminating in her elevation to the rank of countess, suggests that she was no mean operator herself.

The only other surviving charter text of a twelfth-century gift made by an individual woman was a donation by an illegitimate daughter of Earl David of Huntingdon, the younger brother of King William. The earl had two daughters named Ada, after his mother Countess Ada, just as he had two sons named after his father, Earl Henry. Ada, daughter of Earl David and wife of Máel Ísu, son of Earl Ferteth of Strathearn, donated a ploughgate of land in her vill of Balmaw, Angus, with her body, to her father's Tironensian foundation at Lindores.⁴⁵ The charter text, which dates to between 1195 and 1199, can again be seen in the twin contexts of proximity to the royal family and donations made to new monastic establishments. As with this example, much of the growth in charter production can clearly be linked to the family of the religious house's founder or chief patron. For example, another of Earl David's daughters, Isabella, who married Robert de Brus IV, gave Craigie by Dundee to the same abbey between 1237 and 9 August 1248.⁴⁶

Early thirteenth-century countesses

There are very few surviving charters in the names of women individually which date to the first quarter of the thirteenth century.

⁴³ *St A. Lib.*, 289–90; *Scottish Episcopal Acta*, vol. i, ed. Norman Shead, Scottish History Society [SHS] (forthcoming), no. 224. The abbots of Arbroath, Scone and Kinloss, and the archdeacon of Moray are among the witnesses.

⁴⁴ *Charters, bulls and other documents relating to the abbey of Inchaffray*, ed. William Alexander Lindsay *et al.*, SHS (Edinburgh, 1908) [hereafter *Inchaff. Chrs.*], no. 21; for Saher de Quincy as lord of Gask, see *ibid.*, no. 38.

⁴⁵ *Chartulary of the Abbey of Lindores: 1195–1479*, ed. John Dowden, SHS (Edinburgh, 1903) [hereafter *Lind. Cart.*], no. 36.

⁴⁶ *Ibid.*, no. 40.

The most significant exception is a group of documents by Margerie, heiress to Earl Fergus of Buchan, and her husband, William Comyn, which follow on some of the trends established in the twelfth-century comital charters. The most striking difference, however, is that those charters dealt with women who married Scottish earls (although one, Orabilis, was also an heiress to a non-comital estate). Margerie, on the other hand, was the first heiress to a Scottish earldom to appear as a grantor in a Latin charter. Furthermore, the immigrant background of her husband's family makes this a special case. The documents seem to suggest that contemporaries were all too aware of the implications of an outsider succeeding to a Scottish earldom, which is reflected in the language used.

It is significant that the gifts were made to St Andrews priory, the beneficiary of many of the preceding examples.⁴⁷ The preferences of the priory's scribes may go some way towards an explanation of the use of parallel charters granted by husband and wife, a strategy which had been utilised in the case of Agnes and Morgan of Mar, but not in the case of Countess Ela of Fife's gift to Dunfermline abbey. Countess Margerie of Buchan's charter confirming the church of Kennoway, Fife, to St Andrews priory, has no surviving parallel charter in the name of her husband, Earl William Comyn. It includes a sealing clause, which uses the expression 'my seal'.⁴⁸ In another charter, which has no sealing clause, Margerie confirms to St Andrews priory the land of Kilmux 'in Kennoway-shire'.⁴⁹ Both the church of Kennoway and the land of Kilmux had been given to St Andrews by Merleswain son of Colbán, a member of the Buchan kin-group. This document, however, contains a clause specifying that the act had been done of her own free will, *me spontanea voluntate*.⁵⁰ William's parallel charter specifies that he is confirming the lands with the consent of his wife.⁵¹ Margerie's third charter records the donation of a half mark of silver from her rents of 'Inverine' (possibly St Monans, Fife⁵²) to the same priory. As the

⁴⁷ Appendix, nos 2, 4, 5, 7, 9, 10, 13, 14.

⁴⁸ *St A. Lib.*, 253; NLS, Adv. MS 15.1.18, no. 65.

⁴⁹ For the identification of Kilmux, see Taylor with Márkus, *Place-Names of Fife*, ii, 232–3.

⁵⁰ *St A. Lib.*, 254.

⁵¹ *Ibid.*, 251–2.

⁵² 'Inverine' has been fairly widely accepted to indicate Inverie, now known as St Monans (or Monance), Fife, although this identification has only been tentatively included in Taylor with Márkus, *Place-Names of Fife*, iii, 553–6. Whereas members of the Buchan kin-group held land in Kennoway parish, Fife, this land is in the parish of St Monans, for which there is no other evidence of Buchan landholding (although in the middle ages the church itself was in the parish of Kilconquhar). Furthermore, Inverie was given by King David I to the monks of the priory of the Isle of May, a gift which

charter is written in the ‘plural of majesty’, otherwise known as the ‘royal we’, the sealing clause features the expression ‘our seal’.⁵³ A parallel charter was produced in William’s name, again with his wife’s consent.⁵⁴ The similar witness lists of the whole group of charters suggest that they were produced at the same time at some point between 1214 and 1233. It is noteworthy that Earl William’s charter of renewal to Dryburgh abbey and gift to Deer abbey also contained consent clauses: in the Deer charter, it specified ‘the counsel, assent and consent of Margerie my wife, daughter of the late Fergus, earl of Buchan’.⁵⁵ All of these characteristics seem to point to the importance of the heiress, Margerie, in establishing and maintaining legitimacy, not only for her outsider husband, but also for the continuing transmission of donated lands and rights, which had already been established in the previous generation.

It is useful to compare Margerie and William Comyn in Buchan to their contemporaries, Isabel, countess of Atholl, and her husband, Thomas of Galloway. There are several interesting parallels. Thomas and William were the first male outsiders to marry into Scottish earldoms during the charter era (before that we do not know enough to make such judgements). Presumably this rested on the exclusion of surviving males from within the kin-group as ‘illegitimate’; however, men such as Conan son of Earl Henry of Atholl continued to hold land in the regions and appear to have supported, or at least tolerated, the new regimes. Thomas and William’s careers spanned the same time period; Thomas was earl shortly before January 1210, William soon after 9 October 1211.⁵⁶ Thomas died in 1231, William in 1233. Whereas Margerie and William Comyn’s confirmations to St Andrews priory had been expressed in separate but parallel charters, the renewal of Moulin church to Dunfermline abbey, on the part of Isabel and Thomas of Galloway, was encapsulated in a single joint charter.⁵⁷ It is difficult to determine whether the decision to enact a joint charter was

was confirmed by Kings Mael Coluim IV and William I: *Charters of David I*, no. 133; *RRS*, i, no. 168; *RRS*, ii, no. 8. That May priory’s estates in the area were extensive is shown by the dispute over its estate of ‘Tarbreakes’ in the mid-thirteenth century: *St A. Lib.*, 384. An alternative and less problematic identification would place ‘Inverine’ elsewhere, either in the parish of Fettykil (Leslie) in Fife, over which the earls of Buchan also held some kind of lordship, or in Buchan itself.

⁵³ *St A. Lib.*, 252–3.

⁵⁴ *Ibid.*, 250.

⁵⁵ *Dryb. Lib.*, no. 18; *Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff*, vol. ii, ed. Joseph Robertson, Spalding Club (Aberdeen, 1847) [hereafter *A.B. Ill.*, ii], 427; NLS, Acc. 7079/1.

⁵⁶ *RRS*, ii, nos 489, 502.

⁵⁷ *Dunf. Reg.*, no. 149; NLS, Ch. 862.

made by the earl and countess themselves, or by the monastic clerks, but it does stand in contradistinction to the parallel charter strategy, which never seems to have existed outwith St Andrews documents. Within the format of the joint charter, furthermore, there was no qualifying language, expressing the will or consent of the heiress countess. There is no sealing clause to compare with those in the Buchan charters. Finally, the form of the title, *Thomas de Galweia comes de Athol' & Isabel' uxor eius Comitissa Atholie*, expresses the dignity of office of both individuals, presenting them as a kind of comital package. Both countesses granted further charters in the 1230s, as widows.

Widowhood and developments in diplomatic

Until that time, there was no special formula for specifying that a charter was being granted by an aristocratic lady who expressed her power individually and without the attachment of a male, based legally on her rights as a widow. It is clear that some of the women before the 1230s were making gifts, confirmations and renewals in their own names, although often with the explicit backing of a husband or father, and in cooperation with professional male clergy. The most unproblematic example is Countess Ada – all of her surviving charter texts come from the 26-year period of her widowhood. None of her charters mention the fact of her widowhood as being significant, but her title, ‘mother of the king of Scots’, made clear the source of her quasi-royal power, whence sprang her right to act individually on her estates as any male lord would. It is significant also that Orabilis of Leuchars was able to do much the same thing in the charter she granted between her marriages to Adam son of Earl Donnchad I and Earl Gillecrisp of Mar; her power seemed to rest on her status as an heiress (note the title ‘daughter and heiress of Sir Ness’).⁵⁸ Following on the pattern established by Countess Ada, Queen Ermengarde was active in her nineteen-year widowhood after the death of King William in 1214.⁵⁹ Her gift of the advowson of the church of Kettins, Perthshire, to the hospital of St Edward in Berwick, for example, contains no mention of the word ‘widowhood’, but does include a grandiose title (‘Ermengarde, by the grace of God, Queen of Scots’), and use of the plural of majesty.⁶⁰

⁵⁸ *St A. Lib.*, 290–1.

⁵⁹ Ermengarde died on 11 February 1233.

⁶⁰ *Calendar of Writs preserved at Yester House 1166–1503*, ed. Charles C. Harvey and John Macleod, Scottish Record Society (Edinburgh, 1930) [hereafter *Yester Writs*], no. 11; NAS, GD 28/11. It is noteworthy that this hospital in Berwick and her foundation at Balmerino were dedicated to St Edward the Confessor (although

Starting in the early 1230s, charter texts including clauses that specifically mention widowhood appeared and grew steadily in number throughout the mid-thirteenth century.⁶¹ Thus, unlike with Ada, Orabilis and Ermengarde, dowager countesses' rights began to be shored up by legalistic phraseology, although this was clearly part of a broader trend in charter diplomatic towards longer and more complex *formulae*. The case of Thomas of Galloway's widow, Countess Isabel, is particularly instructive. After the death of her husband,⁶² Isabel appears in three charters (and a possible fourth) to Coupar Angus abbey.⁶³ These charters, including her donation of Murthly, her renewal of the gift of Tulach made by her husband, and her confirmation of the gift of Invervack made by William Olifard (all in Perthshire), contain remarkably similar witness lists, suggesting that they were composed on the same occasion. Despite the fact that three of these documents come from a late, poorly copied and incomplete antiquarian 'breviarium',⁶⁴ it is clear that all four were attested by Isabel's mother, Earl Henry's wife Countess Margaret, Sir Walter Comyn (described in two charters as earl of Menteith), Sir Robert de Muhaut (Mowat) and Sir Geoffrey de Bosco (or del Bois). Two of the charters were witnessed by 'Madith son of the earl of Menteith' or 'Maduff son of the earl'.⁶⁵ The document relating

officially, as with all Cistercian monasteries, Balmerino was dedicated to the Blessed Virgin Mary).

⁶¹ Such clauses had been used in English charters since the late twelfth century: Johns, *Noblewomen*, 72.

⁶² His last attestation was 19 March 1231 (N.S.), from *Liber Sancte Marie de Melros*, ed. Cosmo Innes, Bannatyne Club, 2 vols (Edinburgh, 1837), i, no. 175, and he died in '1231' (O.S.), from *Chronica de Mailros*, ed. Joseph Stevenson, Bannatyne Club (Edinburgh, 1835), s.a. 1231. Note, however, that the Melrose chroniclers used varying methods of calculating the New Year. See also *The Chronicle of Melrose Abbey. A Stratigraphic Edition*, vol. i: *Introduction and Facsimile Edition*, ed. Dauvit Broun and Julian Harrison, SHS (Edinburgh, 2007), with accompanying DVD of the manuscript.

⁶³ *Charters of the Abbey of Coupar Angus*, ed. D. E. Easson, SHS, 2 vols (Edinburgh, 1947) [hereafter *C. A. Chrs.*], i, no. 39; Darnaway castle, Earl of Moray Charters [hereafter *Moray Charters*], Box 32, Div. IV, Bundle 1, no. 18; *Rental Book of the Cistercian Abbey of Coupar-Angus*, ed. Charles Rogers, Grampian Club, 2 vols (London, 1879–80) [hereafter *C. A. Rent.*], i, nos 30, 32, 34. No. 32 may or may not record the grant made in *C. A. Chrs.*, i, no. 39.

⁶⁴ NLS, Adv. MS 33.2.9, copied by Sir James Balfour of Denmilne (d. 1657). See also G. R. C. Davis, *Medieval Cartularies of Great Britain and Ireland*, rev. Claire Breay, Julian Harrison and David M. Smith (London, 2010), 231, no. 1132.

⁶⁵ *C. A. Rent.*, i, no. 30, which was also witnessed by Hugh the larderer, and *C. A. Chrs.*, i, no. 39.

to Murthly, which unfortunately survives only in a poor copy, however, is unique among this corpus. The text is as follows:⁶⁶

Omnibus Christi fidelibus, &c., Walterus Cumyn, Comes de Menteith, et Margaretta Comitissa vxor Comitis Henrici, et Robertus de Altomonte, et Duncanus filius Sybaldi, et Gaufridus de Bosco, eternam in Domino salutem nouerit vniversitas vestra Nos anno Gratiae Mccxxxii in vigilia Sancti Laurentii presentes fuisse apud Raith in Atholia vt coram nobis Isabell Comitissa, heres legitima Atholiae in libera potestate constituta post obitum domini sui Thome Comitis de Galawayea, pro salute animae suae et animarum antecessorum et successorum suorum, dedit et carta sua confirmauit monachis de Cupro, &c., totam terram suam de Mortuth: hoc autem presens scriptum sigillorum nostrorum appositione, in testimonium roborauimus, ne aliquis heredum dictae comitissae huius pretexto, viz., quod ipsa non erat tunc temporis in libera potestate, ne cartae ipsius aut confirmationi possit contradicere, &c.

To all Christ's faithful, etc., Walter Comyn, earl of Menteith, and Margaret the Countess, wife of Earl Henry, and Robert de Muhaut, and Duncan son of Sibald, and Geoffrey del Bois, eternal greetings in the Lord. All of you may know that we, having been present at Rait in Atholl on the vigils of St Laurence, 1232, where in front of us, Isabell the Countess, legitimate heir of Atholl, constituted in free power,⁶⁷ after the death of her lord, Thomas the Earl, of Galloway, for the welfare⁶⁸ of her soul and of the souls of her ancestors and successors, gave and by her charter established to the monks of Coupar, etc., all her land of Murthly; moreover, in testimony, we have strengthened this present writing by the application of our seals, so that none of the heirs of the said countess by pretext, such as that the same was not at that time in her free power, no charter or confirmation of the same may contradict it.

This council at Rait, the *caput* of the earldom of Atholl, held on either 9 August 1232 or 2 February 1233, was headed up by Walter Comyn, earl of Menteith, and crucially included Countess Margaret, wife of Earl Henry, the earl of Atholl who had died by 1210.⁶⁹ Oddly, Countess

⁶⁶ C. A. Rent., i, no. 34.

⁶⁷ Or 'authority'.

⁶⁸ Or 'salvation'.

⁶⁹ The text states that this council took place at Rait in Atholl on the vigils of St Laurence in AD 1232. If this refers to St Laurence the Martyr, the date is 9 August 1232. If it refers to the feast of St Laurence, archbishop of Canterbury, however, the date is 2 February 1233 (N.S.). The first reference to Alan Durward as earl of Atholl dates to

Margaret was not explicitly called Isabel's mother in this late copy, but Margaret does appear in the witness list to the only surviving contemporary single sheet from this group, in which she is called 'my mother'.⁷⁰ Professor A. A. M. Duncan has suggested that Margaret was possibly a member of the Comyn family herself.⁷¹ The 'heirs' whom Earl Walter Comyn had in mind must have included Alan Durward, who was claiming the earldom of Atholl for himself by the autumn of 1233, and whose career was marked by decades of opposition to the Comyn family.⁷²

There is strong evidence of Comyn influence in the area. Even before the death of Earl Thomas of Galloway, William Comyn the clerk, younger brother of Earl Walter Comyn of Menteith, was already acting as rector of the church of Dull, with its extensive landed estates in Atholl. Bishop Hugh of Dunkeld ratified the arrangement whereby William paid St Andrews priory three marks for control of the church, and the promise that the canons would enjoy its profits after his death.⁷³ Now, the church of Dull had been given to St Andrews priory by Earl Mael Coluim of Atholl between c. 1179 and 1198, for the welfare or salvation of his soul and that of his wife, Countess Hextilda.⁷⁴ Hextilda was daughter of Uhtred son of Waltheof of Tynedale and Bethoc, daughter of King Domnall III; furthermore, she was the widow of Richard Comyn, justiciar of Lothian, who died around 1179.⁷⁵ Earl Mael Coluim's charter specified that the church of Dull, with all its lands, chapels and pertinents, was to go to St Andrews after the death of the earl's clerk, also named William (surely a different William). So, the link between the earls of Atholl and the Comyn family goes back to Earl Mael Coluim's marriage to Richard Comyn's widow, and was

11 September × 12 October 1233: *Liber S. Thome de Aberbrothoc*, ed. Cosmo Innes and Patrick Chalmers, Bannatyne Club, 2 vols (Edinburgh, 1848–56) [hereafter *Arb. Lib.*], i, no. 128. This council would seem to suggest that Alan's claims began by early 1233.

⁷⁰ *C. A. Chrs.*, i, no. 39.

⁷¹ A. A. M. Duncan, 'The earldom of Atholl in the thirteenth century', *The Scottish Genealogist* 7 (1960), 2–10, at 9.

⁷² Alan Durward issued a charter as earl of Atholl between 11 September and 12 October 1233, although the property mentioned in the charter was not part of the Atholl estates: *Arb. Lib.*, i, no. 128; Matthew H. Hammond, 'Hostiarii Regis Scotie: the Durward family in the thirteenth century', in *The Exercise of Power in Medieval Scotland, c.1200–1500*, ed. Steve Boardman and Alasdair Ross (Dublin, 2003), 118–38, at 127–9.

⁷³ *St A. Lib.*, 297. According to Bishop Hugh, the priory still held the right of presentation of the vicar: *ibid.*, 295–6.

⁷⁴ *Ibid.*, 245–6. The gift was confirmed by Bishop John the Scot of Dunkeld, 1182 × 1203, and by his successor Bishop Richard, 1203 × 9: *ibid.*, 294–5.

⁷⁵ Alan Young, *Robert the Bruce's Rivals: The Comyns, 1212–1314* (East Linton, 1997), 29.

probably continued with the likely marriage of their son, Earl Henry of Atholl, to Margaret. However, restrictions of consanguinity suggest that either Henry was not Hextilda's son, or else that Margaret, if a Comyn, was herself not a descendant of Hextilda and Richard. Thus, Countess Isabel, wife of Earl Thomas of Galloway, was herself possibly the daughter of a Comyn; in any event, a position which was almost certainly in the possession of the earls of Atholl – the parsonage of Dull – was given to Earl Walter Comyn's brother, William. In order to regain control of Dull, St Andrews priory had to pay a heavy price: in a chirograph dated 23 April (Easter) 1234, William Comyn the clerk demitted the church of Dull, Perthshire, to St Andrews priory, for annual payment of sixty-eight marks during his lifetime.⁷⁶ Over a decade later, on 26 April 1245, Geoffrey, bishop of Dunkeld, had to settle an ongoing dispute between the prior of St Andrews and William Comyn, 'who was claiming to be the rector of the church of Dull'. The bishop, having inspected charters of the earl of Atholl, King Alexander II and Bishop Hugh of Dunkeld, found that the canons of St Andrews had the full right to the church of Dull, with its temporalities and spiritualities.⁷⁷

Thus, it is possible to see the 1234 council under Earl Walter Comyn of Menteith and the group of charters to Coupar Angus which it produced in the name of Countess Isabel as a Comyn-backed political move to protect Atholl from the encroachment of Alan Durward, in the guise of vouchsafing the rights of the widow countess-heiress.⁷⁸ The presence of Walter Comyn and Countess Margaret in the witness lists to Isabel's other charters suggests that they, too, were composed at this council at Rait. The confirmation of Invervack contains the phrase *in libera potestate constituta*; that of Tulach employs *in legia potestate pure viduetatis mee*.⁷⁹ This repeated use of the expression 'in free

⁷⁶ NLS, Adv. MS 15.1.18, no. 31. The priory was to pay twenty-two marks at Martinmas, twenty-two marks at the Purification of the BVM, and twenty-one marks at Easter, retaining three marks as a pension owed by the same William for the church of Dull.

⁷⁷ Excepting the chapel of Glenlyon: *St A. Lib.*, 307–8.

⁷⁸ In the final lines of the document, the word *ipsa* is used to refer to 'herself', that is, Countess Isabel, in the phrase 'that she herself was not at that time in her free power'. The end of the late copy seems to cut out some words, but the use of *ipsius* probably refers to the same subject as *ipse*, that is, the countess. The statement of this council seems to be suggesting that none of the charters or confirmations of Countess Isabel herself should be allowed to contradict the actions of the council. If this interpretation is correct, there were either already existing documents in the name of Countess Isabel which Walter Comyn was trying to quash, or else he was worried that Alan Durward would try to produce his own charters in Countess Isabel's name.

⁷⁹ *C. A. Rent.*, i, no. 30; *C. A. Chrs.*, i, no. 39.

power' (or 'authority') and 'in the lawful power of my pure widowhood' suggests that by 1233 these phrases were not just rhetoric, but referred to some solid legal basis. It is possible that Countess Isabel was infirm or mentally unfit; in any event, this council gives us the first examples of the 'power of widowhood' phrase in Scotland north of the Forth.⁸⁰ Alternatively, the potentially overweening role of Earl Walter Comyn raises the distinct possibility that the apparent concern for a widow's legal rights, as expressed in the 'legal power' or 'legitimate authority' phrase, might have been intended to mask exactly the opposite sort of scenario – the political control and manipulation of wealthy widows.

Specific mention of the legal right based on widowhood began to be used by other countesses north of Forth about the same time. Thus, Countess Margerie of Buchan renewed the gift her father Earl Fergus had made to Arbroath abbey, 'in the legitimate authority of her widowhood'.⁸¹ Countess Forbflaith of Atholl, Isabel's sister, similarly confirmed *in legia potestate viduitatis mee constituta* in the 1240s.⁸² Likewise, Matilda, countess of Angus, granted a series of four charters (three renewals and one new gift), either in her first but very short widowhood after the death of John Comyn in 1242 or in her slightly longer second widowhood after the death of Gilbert de Umfraville in 1245.⁸³ All four were granted 'in the legitimate authority of her widowhood', regardless of whether it was a renewal of her great-grandfather's gifts to Arbroath abbey, a new donation in her own name to the abbey, or a renewal to an individual, in this case, Nicholas, son of Brice the priest,⁸⁴ of Monifieth.⁸⁵

The use of the 'power of widowhood' formula ran across all writing-centres and social classes. Monastic archives that preserved the charters included the earlier *scriptoria*, like Dunfermline, Scone and St Andrews, as well as newer houses like Coupar Angus, Arbroath, Inchcolm and Inchaffray. Notably, this collection cuts across many types of religious order, including reformed monks, like Benedictines, Cistercians and Tironensians, as well as several houses of canons regular. It would be unwise to attribute this pervasive development to the preference or legal requirements of any one monastery or order.

⁸⁰ Further research is needed to track the development of this and similar phrases in Scotland south of Forth.

⁸¹ *Arb. Lib.*, i, no. 132.

⁸² *C. A. Chrs.*, i, no. 52; NAS, GD 83/3.

⁸³ If the former, as is more likely (Robert son of Warnebald was dead by sometime in 1245), then the Comyn connection may be significant, as with Countess Isabel.

⁸⁴ Probably a latinisation of Niall or Colin, son of Maelbrigte or Gillebrigte.

⁸⁵ *Arb. Lib.*, i, nos 49, 114, 115, App., no. 5; NAS, RH 6/35.

Similarly, the formula was utilised for women of various classes, including the daughters of barons, such as Richenda, daughter of Humphrey of Berkeley,⁸⁶ Orabilla, sister and heiress of Sir Hugh Sai and wife of the late Reginald de Warenne,⁸⁷ Christina de Valognes, daughter of William de Valognes, the chamberlain,⁸⁸ and members of the lesser gentry and smaller landholders, like Margaret, daughter of Duncan of Ceres, Fife,⁸⁹ Eva of Carsegownie, Angus, daughter of Walter Lorimer,⁹⁰ and Muirgheal (Muriel), daughter of Comgall son of Donnchad.⁹¹ Moreover, this legalistic phrase seems to have successfully handled the insecurities of landholding by widows, which earlier drafters of charters were so clearly at pains to gird themselves against. It is likely that the 'power of widowhood' formula reflected more clearly defined rights for widow landholders, which may have made diplomatic solutions like 'parallel charters' and Orabilis of Leuchars' 'heiress statement' unnecessary in the mid-thirteenth century.

There were a few exceptions to this tendency, however, in charters that must deal with widows, or possibly divorced women. For example, around 1263, Scholastica, daughter of the late Merleswain of Ardross, Fife, ratified the concession that she had made with her husband, Richard, to Inchcolm abbey, of the right of patronage to the church of 'Fithkil' (or Fettykil), now Leslie, Fife, with none of the usual phrases added.⁹² Many other exceptions to the 'widowhood clause' rule related to the cathedral church of Moray, which may have had idiosyncratic practices. All of the charters relating to the hospital of St Nicholas at the Bridge of Spey were unfettered by widowhood or consent clauses, although this may have been a consequence of that institution's relations with two generations of female patrons. The hospital's founder and benefactress, Muriel of Pollok (also called Muriel of Rothes), was involved in gifts to the hospital in the 1230s and in a 1235 dispute involving the churches of Moray and St Andrews, presumably after the death of her husband, Walter Murdoch, but no mention of widowhood is made.⁹³ Incidentally, Muriel had made a joint donation with her husband of lands in the Rothes area to Kinloss abbey by

⁸⁶ *Arb. Lib.*, i, no. 263. See appendix for further examples.

⁸⁷ *Liber ecclesie de Scon*, ed. Cosmo Innes, Bannatyne Club (Edinburgh, 1843) [hereafter *Scone Liber*], no. 87.

⁸⁸ *Registrum de Panmure*, ed. John Stuart, 2 vols (Edinburgh, 1874), ii, 140.

⁸⁹ *Dunf. Reg.*, no. 176.

⁹⁰ NLS, Adv. MS 34.6.24, 377.

⁹¹ *Registrum Episcopatus Moraviensis*, ed. Cosmo Innes, Bannatyne Club (Edinburgh, 1837) [hereafter *Moray Reg.*], App. (C.O.), no. 13.

⁹² *Charters of the Abbey of Inchcolm*, ed. D. E. Easson and Angus MacDonald, SHS (Edinburgh, 1938) [hereafter *Inchcolm Chrs.*], no. 25.

⁹³ *Moray Reg.*, nos 106, 107, 111.

1222.⁹⁴ Furthermore, the daughter of Muriel and Walter, Eva Murdoch, lady of Rothies, gave any right she had in the church of Rothies to the hospital, probably shortly after the death of her mother, ‘of celebrated remembrance’.⁹⁵ Some twenty years later, in 1263, Lady Eva gave and quitclaimed lands to Bishop Archibald of Moray. On neither occasion is any mention made of a husband or other living male relative, nor is any widowhood or consent clause included.⁹⁶ While the Rothies situation is remarkable, and probably reflects the local importance of Muriel and Eva, as well as their position as patrons of St Nicholas’, it must also be weighed against the writing practices of the Moray clerks. For example, also in 1263, Euphemia, the ex-wife of Sir Walter of Moray, lord of Duffus, quitclaimed her dowerlands, ‘which were Sir Walter, my former lord’s’, to Bishop Archibald. Surely the significance of this document is that in a charter so explicitly dealing with marriage and dead husbands, there is still no widowhood formula.⁹⁷

Monasteries were willing to provide financial support to women, particularly when circumstances allowed an opening for the abbey to expand its landholdings at the expense of an heiress. An excellent case in point is illuminated by the extensive documentary output of Arbroath abbey regarding Richenda, heir to a major Kincardineshire landholder, Humphrey of Berkeley. Richenda and her husband, Robert son of Warnebald, inherited much of the parishes of Fordoun and Conveth (that is, Laurencekirk) from Humphrey.⁹⁸ The estates in Fordoun parish were first quitclaimed to the abbey in late 1214 or early 1215 by Humphrey’s brother John, and by 1225 this arrangement was expanded to include John’s son Robert.⁹⁹ Richenda and her husband first appear probably in the 1230s, when they gave the same Fordoun lands, and a series of documents between then and Robert son of Warnebald’s death in or shortly before 1245 specifies that the abbey was providing an allowance or stipend to the couple.¹⁰⁰ Arbroath evidently used Richenda and Robert’s position of financial dependence as a way to press its own advantage, and the abbey was soon in possession of the mill of Conveth with all its multure and an adjacent oxgang.¹⁰¹

⁹⁴ NLS, Adv. MS 29.4.2 (x), fols 231r–232v.

⁹⁵ *Moray Reg.*, no. 112.

⁹⁶ *Ibid.*, no. 125.

⁹⁷ *Ibid.*, no. 216.

⁹⁸ Some of these lands were evidently held by Humphrey’s brother, John son of Theobald, before reverting to Richenda.

⁹⁹ London, British Library [hereafter BL], Add. MS 33245, fol. 152r. The agreement was confirmed by King Alexander II in 1222: *ibid.*, fol. 147r. For the later agreement, see fol. 147r–v.

¹⁰⁰ *Arb. Lib.*, i, no. 261. King Alexander II confirmed this charter in 1238: *ibid.*, no. 262.

¹⁰¹ BL, Add. MS 33245, fol. 146r–v; 152r–v.

Between 1239 and 1242, Robert and Richenda made an agreement with the abbey, letting out lands in Conveth parish at feuferme for one hundred shillings annually; this was followed by another 1242 agreement which added that the rent payment would go down to twenty shillings after Robert's death.¹⁰² That year, the abbey farmed the same lands and mill out to John Wischard at a tidy profit.¹⁰³ Charter texts in the name of Richenda during the period of her widowhood show her ratifying the earlier feuferme agreement on the Conveth lands, this time mentioning only the twenty shillings rent and omitting altogether that the arrangement had previously been for one hundred shillings, and demitting the same lands in perpetual ferme at that price.¹⁰⁴ A further document has Richenda giving the mill of Conveth outright, in free and perpetual alms, to the abbey, because she and her husband had been unable to warrant the lands.¹⁰⁵ As for the lands in Fordoun parish, these were also given to Arbroath in free and perpetual alms, in order to account for her debts and the allowance the abbey had provided her; this was confirmed by the king in 1246.¹⁰⁶ One of the two versions of Richenda's charter includes the statement that she had reminded the monks that she was in the full power of her widowhood, but whether this is genuinely Richenda's voice shining through or merely a diplomatic device on the part of the monks is impossible to tell.¹⁰⁷ What is clear is that Arbroath abbey had exploited the situation of inheritance by a female heir to expand greatly its operations in the Mearns, and that it had done so with the approving eye of the king. An interesting coda to this sad song suggests that Richenda's family was not as happy to surrender its claim as the documents suggest; a 1284 quitclaim records that Hugh, son of Constance, Richenda's niece and heir, renounced any right he had to the Kincardineshire lands; ironically, he was also renting land from the abbey near Arbroath for twenty shillings per annum.¹⁰⁸

Married women in charters

As with widows' charters, the earlier documents expressing the acts of married noblewomen tended to vary depending on archive and circumstance. In the late twelfth-century charters, Dunfermline and

¹⁰² *Ibid.*, fol. 151r-v.

¹⁰³ *Arb. Lib.*, i, no. 272; BL, Add. MS 33245, fols 151v-152r. The rent for the Conveth lands was eight marks; that for the mill was two pounds.

¹⁰⁴ BL, Add. MS 33245, fols 145r-v; 149r-v.

¹⁰⁵ *Ibid.*, fol. 148r.

¹⁰⁶ *Ibid.*, fol. 149r; *Arb. Lib.*, i, no. 263. The royal confirmation is *ibid.*, no. 264.

¹⁰⁷ *Arb. Lib.*, i, no. 263.

¹⁰⁸ BL, Add. MS 33245, fol. 153v.

St Andrews used two different approaches, as we have seen. The gift to Dunfermline abbey by Countess Ela of Fife included a clause recording the consent of her husband, Earl Donnchad II of Fife. The gifts made to St Andrews priory by Agnes, countess of Mar, on the other hand, were joined by parallel charters in the name of her spouse, Earl Morgan, with mutually referential *pro anima* clauses. Much the same was seen in charters to the same religious house from Countess Margerie and Earl William Comyn of Buchan. These charters reflect idiosyncratic responses to specific circumstances, and predate the development of a more standardised method of handling donations to monasteries by married women, who fell into two camps, those who were alienating lands to which they had a right as heiresses, and those who were giving dowers or marriage-portions, whereby their right was based on their role as wife. The marriage portion was given with the woman, usually by her father, at the time of the wedding, whereas the dower was a fraction of the husband's own estate, usually a third, which was intended to support the wife, especially in the event of the husband's death.¹⁰⁹

Three different diplomatic paths developed in the thirteenth century for handling donations made by women who were currently married, but the forms that emerged did not make very clear the distinction between heiresses and those with marriage portions. The form settled on for most gifts involving married women was the joint charter, in which the husband and wife are characterised as co-grantors. Many married couples may have wished to make donations for the benefit of their souls to religious houses *as couples*, regardless of the status of the wife *vis-à-vis* the land. This tendency, it should be emphasised, was not dependent on the advent of the Latin charter form, and it is possible that there was already a tradition of joint donations to religious houses within Scotland north of Forth, regardless of whether and how they were recorded in writing. In the early 1130s, at least, the Book of Deer *notitiae* make clear that Gartnait son of Cainnech (mormaer of Buchan) and Éte daughter of Gille Mícheíl, had given lands jointly to the saints Columba and Drostan, and their successors, Colbán mormaer of Buchan and Eva, daughter of Gartnait, appear along with Donnchad, the head of Clann Morgainn, in a text dating to around 1150.¹¹⁰ Such joint gifts surface again from about 1180, but were rare

¹⁰⁹ Judith A. Green, 'Aristocratic women in early twelfth-century England', in *Anglo-Norman Political Culture and the Twelfth-Century Renaissance*, ed. C. Warren Hollister (Woodbridge, 1997), 59–82, at 60–3.

¹¹⁰ Katherine Forsyth, Dauvit Broun and Thomas Clancy, 'The property records: text and translation', in *Studies on the Book of Deer*, ed. Katherine Forsyth (Dublin, 2008), 131–44, texts III, IV and VI. There were also early royal joint gifts to monasteries,

until the early thirteenth century, when they seem to grow steadily. While it was not necessary for the wife in the charter to have rights over the land, it seems likely that she was often an heiress who brought the land to the male grantor, as in the case of Henry Revel and Margaret of Abernethy's gift of lands at Coultra, Fife, to St Andrews, around 1180.¹¹¹ It seems clear that the joint charter was often, but not always, used in contexts that emphasised the salvatory returns of the arrangement. Many charters had *pro anima* clauses mentioning both husband and wife, and some, like that of Walter of Lundin, Fife, and Christina to Arbroath abbey, specify recognition of their joint *fraternitas*.¹¹²

While marital consensus may have been one reason for issuing a joint charter, there were clearly several others. As we have seen with Margaret of Abernethy and Henry Revel, the inheritance of lands through an heiress would have provided a legal reason for the wife's inclusion. Their donation of Coultra casts doubt on the notion of joint charters as the work of co-equal partnerships: in this charter, the first person plural (*nos dedisse et concessisse et hac nostra presenti carta confirmasse*) is abandoned halfway through in favour of the first person singular, referring only to Henry (*pro anima mea et anima margarete sponse mee*).¹¹³ Similarly, the alienation of lands obtained as a *maritagium* (dower or marriage portion) could underpin the use of the joint form. This was certainly the case with a 1201 × 7 donation charter by Philip de Maleville (Melville) and his wife, Eva, daughter of Walter son of Sibald, to Arbroath abbey of lands that were specifically defined as those which had been given by Walter son of Sibald with his daughter in marriage.¹¹⁴

The joint charter was remarkable in the flexibility of its usefulness. The form was used by virtually all of the monasteries north of Forth, including the earlier writing centres at St Andrews, Scone and Dunfermline, and newer houses like Arbroath, Inchcolm, Inchaffray, Lindores, Kinloss and Balmerino. It was used widely across all of the landholding classes. Earl Gillebrigte and Matilda d'Aubini of Strathearn, for example, were co-grantors in the grandiose foundation charter of Inchaffray priory in 1200.¹¹⁵ Joint charters were most common, however, among the classes of baronial and lower gentry; for

including donations by Macbeth and Gruoch and Mael Coluim III and Margaret, respectively, to St Serf's, Loch Leven: *St A. Lib.*, 113–18.

¹¹¹ *St A. Lib.*, 271; NLS, Adv. MS 15.1.18, no. 46.

¹¹² *Arb. Lib.*, i, no. 138.

¹¹³ *St A. Lib.*, 271; NLS, Adv. MS 15.1.18, no. 46.

¹¹⁴ *Arb. Lib.*, i, no. 93.

¹¹⁵ *Inchaff. Chrs.*, no. 9; Earl of Kinnoull, Dupplin Charters, no. 106.

example, the form was employed for monastic donations by William Wascelin and Mabilia to Lindores abbey, and again, by Mabilia and her second husband, Robert Griffin.¹¹⁶ The form was even used in monastic charters with burgesses as grantors.¹¹⁷ Furthermore, it was also employed in non-monastic charters, in circumstances that almost always seem to point to an heiress. Such was the case for Philip de Mowbray and Galiena of Inverkeithing, in their charter to Hugh son of William, as well as for Philip de Munfichet and Anna, daughter and heiress of the late Sir Colin Durward, and Robert son of Warnebald and Richenda, daughter of Humphrey of Berkeley, and likely seems true for Henry and his wife Ada, the niece of Richard, bishop of Dunkeld, when they sold half of their land in Perth to Gilbert, son-in-law of Uhtred.¹¹⁸

The joint charter form could also be used in various ways that seem to underline the legal needs and security of the more powerful monastic beneficiary, giving way to quitclaims and sales. Canons at Scone expanded the form to include a female heiress in a quitclaim of a Perth toft by William son of Ketel of Perth, his wife Eda, and his daughter Wymark.¹¹⁹ Nor was the form limited to husband and wife. Scone abbey seems to have gone to extreme lengths with the quitclaim of Matilda, ex-wife of John Furbur, of land in Perth that had been destroyed by fire: the quitclaim was made by ‘Matilda and all the brothers and parents of the said John as well as of the woman, and the whole commune of Perth’, effectively placing responsibility for Matilda’s actions in the hands of the burgh council.¹²⁰ Eva and David de la Haye, her son, quitclaimed the lands in Pitmilley, Fife, which her late husband, William, had given to St Andrews priory, but to which Eva was the heiress (William stated that he received the land ‘with his wife’). The inclusion of the current male head of the Hay family, David, must have been some kind of safeguard.¹²¹ Much the same monastic attitude seems to be at work in the case of Harvey son of Humphrey of Forfar, and his sister Heloise, who jointly sold their Forfar land to Balmerino abbey.¹²²

¹¹⁶ *Lind. Cart.*, nos 37, 39.

¹¹⁷ *Scone Liber*, no. 97.

¹¹⁸ *The Moncreiffs and the Moncreiffes*, ed. Frederick Moncreiff and William Moncreiffe, 2 vols (Edinburgh, 1929) [hereafter *Moncreiffs*], i, no. 1; *St A. Lib.*, 364; *Arb. Lib.*, i, no. 261; *Liber S. Marie de Balmorinach*, ed. W. B. D. D. Turnbull, Abbotsford Club (Edinburgh, 1841) [hereafter *Balm. Lib.*], no. 28.

¹¹⁹ *Scone Liber*, no. 97.

¹²⁰ *Ibid.*, no. 96.

¹²¹ *St A. Lib.*, 313–14.

¹²² *Balm. Lib.*, no. 36.

Less frequently, monastic scribes sometimes phrased donations as individual gifts by women, but included a clause emphasising the consent of the heir or husband. This tendency seemed to emanate from Dunfermline, with gifts from Agnes and Alicia, sister heiresses in Cramond, and their sons and heirs, William and John.¹²³ Another possibility was the appearance of the grantor's mother in the consent clause. This was the case in a charter of Christina, daughter of Walter Corbet, who gave a neyf named Martin son of Uviet to St Andrews priory, with the consent of her husband, William, son of Earl Patrick of Dunbar, and her mother, Alice de Valognes.¹²⁴ The consent clause was used for Ysenda, 'spouse of Earl Gillebrigte of Strathearn', whose dignity was oddly below that of most other contemporary countesses. Perhaps due to her humbler local origins, Ysenda is not termed 'countess' herself, and the gift to Inchaffray abbey was made 'with the consent of the earl her lord'. Furthermore, the charter states that she did not have her own seal, which was an anomaly by that time (the early 1220s).¹²⁵

The third standardised form that was developed for landholding rights of married women was the charter by the husband, but with a clause stating the consent of the wife. Much like the joint charter, this form seems to have first appeared in charters from Scotland north of Forth in the twelfth century and gained considerable momentum in the early thirteenth. As with the joint charter, this form was used for all landholding classes, from earls down to burgesses, and was employed in monastic as well as lay charters. As with joint charters, this form could be utilised for lands to which the wife had a right as either an heiress or the holder of a marriage-portion. As stated above, William Comyn, as earl of Buchan, addressed four charters that stressed the consent of Countess Margerie, his wife.¹²⁶ In the same way, David of Hastings, earl of Atholl, included the consent of his heiress-countess wife, Forbflaith, in his charter to Coupar Angus abbey.¹²⁷ In other cases, it was clearly the *maritagium* that was being transferred. Reginald of Carriden, West Lothian, son-in-law of Philip d'Eu, sold to Culross abbey with the consent of his wife Eda, for twenty-five shillings 'the

¹²³ *Dunf. Reg.*, nos 172, 202.

¹²⁴ *St A. Lib.*, 262–3.

¹²⁵ *Inchaff. Chrs.*, no. 46; NAS, GD 24/5/1/1. See also Neville, 'Women, charters and land ownership', 21–2.

¹²⁶ *St A. Lib.*, 250–2; *A.B. Ill.*, ii, 427; NLS, Acc. 7079/1; *Dryb. Lib.*, no. 18.

¹²⁷ *C. A. Chrs.*, i, no. 50; Moray Charters, 32/IV/1/20.

piece of land which was given to him in free marriage with Eda his wife'.¹²⁸

Another trend that occurred over the same period was the recording in writing of the gifts of such marriage-portions and dowerlands. Such mention of 'free marriage' had existed in English aristocratic charters since the first half of the twelfth century.¹²⁹ This process began in Scotland with royal charters, with Mael Colum IV's gift of 1160 × 2 of Falkland and other lands, mostly in Fife, to Earl Donnchad II, 'with his niece Ada', which is surely correctly interpreted as a mistake for Ada de Warenne's niece, Countess Ela.¹³⁰ William I continued this practice, giving Linlathen, Angus, in marriage with Eda to Alexander of Lamberton, and confirming William Maule's gift of Fowlis Easter with his sister, Christina, to Roger de Mortimer.¹³¹

By 1200, earls had begun this practice of recording their gifts of dowers and marriage portions accompanying their daughters' marriages. The first known instance of this was Earl Gillebrigte of Strathearn's gift (1194 × 8) 'in free marriage' (for such was the legal phrase) to Mael Colum son of Earl Donnchad II of Fife, with his daughter, Matilda, of the lands of Glendevon and others.¹³² There are several conspicuous examples of other earls following suit. William Comyn, earl of Buchan, gave lands in Peeblesshire to Adam son of Gilbert, with his sister Idonea, as well as giving lands in Mar to Sir Gilbert de la Haye with his daughter, who was also called Idonea.¹³³ This form was in use by the lesser gentry by the 1220s and provides an important context for the impressive growth in charters produced not by monastic beneficiaries, as had been done for the previous sixty or seventy years, but instead by lesser baronial families (or clerks in their

¹²⁸ *Analecta Scotica*, ed. James Maidment, 2 vols (Edinburgh, 1834–7) [hereafter *Analecta Scotica*], ii, no. 6.

¹²⁹ Ruth Blakely, *The Brus Family in England and Scotland, 1100–1295* (Woodbridge, 2005), App., no. 8 (1125 × 35). This document is BL, Cotton Charters, viii.21, printed in *Early Yorkshire Charters*, ed. William Farrer, 3 vols (Edinburgh, 1914–16), ii, no. 650. See also *Charters of the Honour of Mowbray, 1107–1191*, ed. D. E. Greenway (London, 1972), no. 374 (1138 × 48).

¹³⁰ *RRS*, i, no. 190.

¹³¹ *RRS*, ii, nos 338, 564. The Linlathen charter is only known through a 1235 confirmation by Alexander II.

¹³² *Liber Insule Missarum*, ed. Cosmo Innes, Bannatyne Club (Edinburgh, 1847) [hereafter *Inchaff. Lib.*], App., no. 2; G. W. S. Barrow, 'The earls of Fife in the twelfth century', *PSAS* 87 (1952–3), no. 2.

¹³³ *Registrum Honoris de Morton*, ed. Cosmo Innes, Thomas Thomson and Alexander Macdonald, Bannatyne Club, 2 vols (Edinburgh, 1853) [hereafter *Mort. Reg.*], ii, no. 5; NAS, RH 1/2/31.

hire), and addressed to laypeople of the same class. Some of the earlier examples are the gifts by Hugh of Nydie, Fife, to Alexander of Blair, with his daughter, Ela, and by John of Kinross to Alexander of Ogilvie with his daughter, Dionisia, both of which were written by 1232 and survive as contemporary single sheets.¹³⁴

Not all such transactions were written in the standard form of *x* grants land to *y* with female *z*, however. Others made the gift to the woman herself or to the couple. Earl Gillebrigte of Strathearn's successor, Earl Robert, confirmed his father's gift to both his sister Cecilia and her husband Walter son of Alan of Ruthven.¹³⁵ Earl Robert's successor, Earl Máel Ísu II, gave Kincardine by Auchterarder to his sister Amabilia *ad ipsam maritandam*, but neglected to include the name of her husband.¹³⁶ Similarly, the earl granted the right to collect neyfs to his other sister, Mary, without reference to any husband, and gave land in Keillour to his daughter, Cecilia, 'and the heirs of her body', but again with no mention of a spouse, although it is possible that she was not yet married.¹³⁷

Noblewomen played an important part in the adoption of charters in Scotland north of Forth, maintaining and probably encouraging aristocratic relationships with monastic institutions. This paper's emphasis on the processes of charter adoption and developments in diplomatic have made an over-representation of countesses and other noblewomen unavoidable, since they were at the forefront of these trends; however, the following appendix demonstrates the ample opportunity for more extensive research on the activities of women further down the social scale, especially those from the merchant class and the gentry. The position of countess-heiresses and countesses-by-marriage was recognised in the earlier generations of charter production, before the shift towards standardised diplomatic terminology which occurred in the 1230s. Lands controlled by women, especially widows, were clearly seen as vulnerable by religious houses as well as by aristocratic male relatives, as the case of Countess Isabel of Atholl clearly illustrates, and a variety of diplomatic solutions to shore up their legal status were developed over time. Clearly, the contexts within which women's charters were produced could vary greatly, allowing for the creation of a whole spectrum of documents

¹³⁴ Nether Durdie, Perthshire, Lindsay of Evelick charters, 97/1 and 2; *The Miscellany of the Scottish History Society*, vol. iv (Edinburgh, 1926) [hereafter *SHS Misc.*, iv], nos 8, 11.

¹³⁵ *Inchaff. Lib.*, App., no. 8; NAS, RH 6/19; NAS, GD 90/1/15.

¹³⁶ *Moray Reg.*, C.O., no. 12; *Inchaff. Lib.*, App., no. 14; NAS, GD 220/1/A1/3/2.

¹³⁷ *Inchaff. Chrs.*, App., no. 5; Earl of Kinnoull, Dupplin charters, no. 105 (ii); *Mort. Reg.*, ii, no. 6.

which were capable of sometimes underpinning women's power, at other times penning it in. As the legal demands on documents grew, the need for standardised forms emerged, but even within these confines, there was a degree of flexibility. Even after 1230, there were no hard-and-fast rules, as shown by the Pollok/Rothes charters to St Nicholas' hospital, as well as by Earl Máel Ísu II's marriage charter which is missing a husband. While the society of the time was often misogynistic, nevertheless these documents sometimes seem as likely to have protected women's rights as landholders within that society as they were designed with an eye to circumscribing those rights. As the rich vein of charters involving women outlined further in the appendix reveals, there is much more for us to learn about the noblewomen of central medieval Scotland and their role as landholders.

Appendix

Women's charters in Scotland north of Forth to 1286

I. Charters by women, individually

- A. No qualifications
- B. In free widowhood
- C. With consent of heir
- D. With consent of husband
- E. With consent of friends

II. Charters by women, jointly

- A. Wife and husband
- B. Mother and son
- C. Daughter and father
- D. Sister and brother
- E. Aunt and nephew
- F. Woman and burgh council

III. Charters granted with consent of a woman

- A. Charters granted by husband
- B. Charters granted by someone else

IV. Charters addressed to women

- A. Individually
- B. Jointly

V. Agreements and settlements (involving women as parties)

VI. Marriage charters (and one marriage agreement); female relative given away with marriage portion

VII. Pre-1150 property records

VIII. Other documents relating to women

Document numbers with asterisks indicate charters which survive as contemporary single-sheets. Documents with the § symbol indicate conspicuous 'lost acts'.

I. Charters by women, individually

A. *No qualifications*

1. Ada, countess of Northumberland, to Dunfermline abbey. Brieve-charter (grant). 1152 × 3. *Dunf. Reg.*, no. 152. PoMS 3/5/2
2. Countess Ada, mother of the king of Scots, to St Andrews priory. Charter (gift). 1153 × 63. *St A. Lib.*, 207–8. PoMS 3/5/4
3. Countess Ada, mother of the king of Scots, to Cambuskenneth abbey. Charter (gift). 1153 × 74. *Camb. Reg.*, no. 192. PoMS 3/5/8
4. Countess Ada, mother of the king of Scots, to St Andrews priory. Charter (gift). 1153 × 72. *St A. Lib.*, 208. PoMS 3/5/5
5. Countess Ada, mother of the king of Scots, to St Andrews priory. Charter (gift). 1153 × 72. *St A. Lib.*, 209. PoMS 3/5/6
6. Countess Ada, mother of the king of Scots, to Dryburgh abbey. Charter (gift). 1153 × 72, prob. 1165 × 72. *Dryb. Lib.*, no. 16. PoMS 3/5/9
7. Countess Ada, mother of the king of Scots, to St Andrews priory. Charter (gift). 1153 × 78. *St A. Lib.*, 208–9. PoMS 3/5/7
- *8. Countess Ada, mother of the king of Scots, to Alexander de St Martin. Charter (gift). 1153 × 78. Edinburgh University Library, Laing Charters, no. 67. PoMS 3/5/11
9. Agnes, countess of Mar, to St Andrews priory. Charter (gift). 1154 × 78, prob. 1164 × 78. *St A. Lib.*, 249. PoMS 3/18/4
- *10. Agnes, countess of Mar, to St Andrews priory. Charter (gift). 1164 × 78. *St A. Lib.*, 249–50; *A.B. Ill.*, ii, 19; NLS, Adv. MS 15.1.18, no. 62. PoMS 3/18/5
11. Countess Ada, mother of the king of Scots, to Dunfermline abbey. Charter (gift). 1165 × 78. *Dunf. Reg.*, no. 151. PoMS 3/5/12
12. Countess Ada, mother of the king of Scots, to her men and bailies of Crail (FIF), for the priory of the Isle of May. Brieve. 1165 × 78. Duncan, ‘Documents relating to the priory of the Isle of May’, no. 51. PoMS 3/5/13
13. Orabilis, daughter and heiress of Sir Ness, to St Andrews priory. Charter (gift). 1172 × 88, prob. 1183 × 7. *St A. Lib.*, 290–1. PoMS 3/346/3
14. Orabilis, countess of Mar, daughter of Ness, son of William, to St Andrews priory. Charter (confirmation). 1172 × 88, prob. 1183 × 7. *St A. Lib.*, 287–8. PoMS 3/18/8
15. Ada, daughter of Earl David of Huntingdon, wife of Máel Ísu, son of Earl Ferteth of Strathearn to Lindores abbey. Charter (gift). 1195 × 9. *Lind. Cart.*, no. 36. PoMS 3/21/61
16. Margerie, countess of Buchan, to St Andrews priory. Charter (obligation). 1211 × 33. *St A. Lib.*, 252–3. PoMS 3/12/22
- *17. Margerie Comyn, countess of Buchan, to St Andrews priory. Charter (confirmation). 1211 × 33. *St A. Lib.*, 253; NLS, Adv. MS 15.1.18, no. 65. PoMS 3/12/23
18. Margerie Comyn, countess of Buchan, to St Andrews priory. Charter (confirmation). 1211 × 33. *St A. Lib.*, 254. PoMS 3/12/24
- *19. Ermengarde, by the grace of God, queen of Scots, to the hospital of St Edward in Berwick. Charter (gift). 1214 × 33. *Yester Writs*, no. 11; NAS, GD 28/11. PoMS 1/10/1
20. Muriel of Pollok to St Nicholas’ hospital, Bridge of Spey. Charter (gift). 1227 × 30. *Moray Reg.*, no. 106. PoMS 3/473/6

21. Muriel of Rothes, daughter of the late Peter of Pollok, to St Nicholas' hospital next to the Bridge of Spey (MOR). Charter (gift). 6 December 1238.¹³⁸ *Moray Reg.*, no. 107. PoMS 3/473/7
22. Lady Eva Murdoch, lady of Rothes, to St Nicholas' hospital, Bridge of Spey. Charter (renewal). 1238 × 63, prob. early. *Moray Reg.*, no. 112. PoMS 3/427/3
23. Isabella de Brus, daughter of Earl David and wife of Robert de Brus (IV) to Lindores abbey. Charter (gift). 1237 × 48. *Lind. Cart.*, no. 40. PoMS 3/106/21
24. Emma of Smeaton, daughter and heiress of the late Gilbert of Smeaton, to Dunfermline abbey. Charter (quitclaim). c. 1230 × 53. *Dunf. Reg.*, no. 195. PoMS 3/538/4
25. Eva Murdoch, lady of Rothes, to Bishop Archibald and Moray cathedral. Charter (quitclaim). 11 April 1260 or 13 April 1263. *Moray Reg.*, no. 125. PoMS 3/427/4
26. Scholastica, daughter of the late Merleswain of Ardross, to Inchcolm abbey. Charter (confirmation). c. 13 June 1263. *Inchcolm Chrs.*, no. 25. PoMS 3/49/4
27. Euphemia, ex-wife of Sir Walter of Moray, lord of Duffus to Bishop Archibald and Moray cathedral. Charter (quitclaim). Kinneddar, February 1264. *Moray Reg.*, no. 216. PoMS 3/414/5
- *28. Elena (Helen) la Zouche to John of Kinloch. Soon after 23 February 1274. Charter (grant). William Fraser, *History of the Carnegies, Earls of Southesk, and of their Kindred*, vol. ii (Edinburgh, 1867), App., no. 29. PoMS 3/622/1
- *29. Emma daughter of the late Robert 'Byboyis' to Sir Nicholas de la Haye, lord of Erroll. Charter (quitclaim). 1264 ×; prob. × 19 March 1286. *The Miscellany of the Spalding Club*, 5 vols (Edinburgh, 1841–52), ii, 310–11, no. 13; Earl of Erroll, Erroll Charters, no. 26. PoMS 3/112/1

B. In free widowhood

- *30. Isabel, countess of Atholl, to Coupar Angus abbey.¹³⁹ Charter (renewal). 1231 × 3. *C. A. Chrs.*, i, no. 39; Darnaway Castle, Moray Charters, Box 32, Div. IV, Bundle I, no. 18. PoMS 3/11/11
31. Isabel, countess of Atholl, to Coupar Angus abbey. Charter (confirmation). 1231 × 3. *C. A. Rent.*, i, no. 30. PoMS 3/11/12
32. Countess Isabel, legitimate heiress of Atholl, to Coupar Angus abbey. Notification. 9 August 1232 or 2 February 1233, at Rait in Atholl.¹⁴⁰ *C. A. Rent.*, i, no. 34. PoMS 3/19/1
33. Margaret, countess of Buchan to Arbroath abbey. Charter (renewal). 1233 × 44. *Arb. Lib.*, i, no. 132. PoMS 3/12/25

¹³⁸ St Nicholas' Day.

¹³⁹ *C. A. Rent.*, i, no. 32, probably records the grant made in *C. A. Chrs.*, i, no. 39. There are, however, a few interesting variants. *C. A. Rent.*, i, no. 32 records the grant of 'Morthollow', as compared to *C. A. Chrs.*, i, no. 39's 'Tolawch', but this could have been due to scribal conflation with Murthly, which is given as 'Mortuth' in *C. A. Rent.*, i, no. 34. In *C. A. Rent.*, i, no. 32, Isabel refers to *matre nostra*: in *C. A. Chrs.*, i, no. 39, she is *matre mea*. *C. A. Chrs.*, i, no. 39 also records the attestation of a *Maduff filio comitis*. It is possible that *C. A. Rent.*, i, no. 32, was based on either a differently worded charter of the same act, or, less likely, that it refers to a grant of Murthly rather than Tulach.

¹⁴⁰ 'On the vigils of St Laurence, 1232'. If this is St Laurence the Martyr, then the date is 9 August 1232. If this is St Laurence of Canterbury, then it is 2 February 1233 (N.S.).

34. Margaret of Ceres, former spouse of Michael Scott, to Dunfermline abbey. Charter (renewal). 1238 × 50. *Dunf. Reg.*, no. 176. PoMS 3/135/1
35. Matilda, countess of Angus, to Arbroath abbey. Charter (renewal) 1242 × 3. *Arb. Lib.*, i, no. 49.¹⁴¹ PoMS 3/10/13
36. Matilda, countess of Angus, to Arbroath abbey. Charter (renewal) 1242 × 3. *Arb. Lib.*, i, no. 114. PoMS 3/10/14
37. Matilda, countess of Angus, to Arbroath abbey. Charter (gift). 1242 × 3 or 1245 × 7. *Arb. Lib.*, i, no. 115. PoMS 3/10/15
- *38. Matilda, countess of Angus, to Nicholas, son of Brice (Maelbrigte) the priest. Charter (renewal). 1242 × 3 or 1245 × 7. *Arb. Lib.*, i, App., no. 5; William Fraser, *The Douglas Book*, 4 vols (Edinburgh, 1885) [Fraser, *Douglas*], iii, Add. Chrs., no. 284; NAS, RH 6/35. PoMS 3/10/16
- *39. Forbflaith, countess of Atholl, to Coupar Angus abbey. Charter (confirmation). 1244 × 7. *C. A. Chrs.*, i, no. 52; *Bamff Charters, AD 1232–1703*, ed. James H. Ramsay (London, 1915), no. 3; NAS, GD 83/3. PoMS 3/11/18
- *40. Richenda, daughter of Humphrey of Berkeley, to Roger Wyrfauch. Charter (gift). 1242 × 51, prob. 1245 ×. *St A. Lib.*, 285–6; NLS, Adv. MS 15.1.18, no. 61. PoMS 3/83/15
41. Richenda, daughter and heiress of Humphrey of Berkeley and Agatha his spouse, to Arbroath abbey. Charter (quitclaim). ‘1245’. BL, Add. MS 33245, fol. 145r–v. PoMS 3/83/11
42. Richenda, daughter and heiress of Humphrey of Berkeley and his Agatha his spouse, to Arbroath abbey. Charter (gift). 1242 × 7, perhaps 1245. BL, Add. MS 33245, fol. 149r. PoMS 3/83/12
43. Richenda, daughter of Humphrey of Berkeley, to Arbroath abbey. Charter (renewal). 25 March 1245 × 7 March 1246. BL, Add. MS 33245, fol. 148r. PoMS 3/83/14
44. Richenda, daughter of Humphrey of Berkeley, to Arbroath abbey. Charter (renewal) ‘1245’. BL, Add. MS 33245, fol. 149r–v. PoMS 3/83/10
45. Richenda, daughter of Humphrey of Berkeley, to Arbroath abbey. Charter (renewal?). 25 March 1245 × 7 March 1246. *Arb. Lib.*, i, no. 263. PoMS 3/83/13
46. Orabilla, sister and heiress of Sir Hugh Sai, wife of the late Reginald de Warenne, to Scone abbey. Charter (gift). ‘1247’, at Scone. *Scone Liber*, no. 87. PoMS 3/520/1
47. Eva of Carsegownie, Angus, daughter of Walter Lorimer, to Mael Coluim the clerk, son of Waltheof, of the land of Carsegownie. Charter (confirmation). c. 1241 × c. 1264, prob. 1244 × late 1240s. NLS, Adv. MS 34.6.24 (‘Fife Families’), 377. PoMS 3/131/1
48. Christiana de Valognes to John of Liddel. Charter (succession). 22 June 1254 ×, poss. 1250s. *Panmure Reg.*, ii, 140–1. PoMS 3/585/5
49. Margerie de Lascelles to Inchcolm abbey. Charter (gift). c. 1266. *Inchcolm Chrs.*, no. 28. PoMS 3/337/5
- *50. Margerie de Lascelles, daughter of Alan de Lascelles, to St Andrews priory. Charter (renewal). October 1266. *St. A. Lib.*, 109. NLS, Adv. MS 15.1.18, no. 55. PoMS 3/337/6

¹⁴¹ This charter could not have been granted during Matilda’s second widowhood, 1245 x 2 December 1247, as Sir Robert son of Warnebald was dead by 1245.

- *51. Muirgheal, daughter of the late Comgall, son of Donnchad to Sir William of Moray, knight, son of Sir Malcolm of Moray, knight. Charter (gift). 28 October 1284. *Moray Reg.*, C.O., no. 13; *Inchaff. Lib.*, App., no. 6; Duke of Atholl Charters, 1/I/4 and 5. PoMS 3/169/1
- *52. 'Mary, widow of the late Eogann, son of Conan, greetings. When, having been bitten by the reason of conscience, she came to know by her rational soul, in her lawful widowhood, to have erred against God and justice, by unjustly troubling Sir William of Moray, knight, son of Sir Malcolm of Moray, knight, contrary to the writings and agreements that had been made between the same (William) and herself, in the time of the said Ewen, her husband, by her consent, regarding the eastern half of the vill of Tullibardine, Perthshire, Mary wishes and concedes for herself and her heirs, and confirms in this present charter, in the free power of her widowhood, the eastern half of Tullibardine to Sir William in feu-farm.' Charter (grant). 1284 × 96. *Moray Reg.*, C.O., no. 15; *Inchaff. Lib.*, App., no. 18; Duke of Atholl Charters, 1/I/8. PoMS 3/11/27

C. With consent of heir

53. Agnes, daughter of John, son of Ralph of Cramond, to Dunfermline abbey, with consent of William her heir. Charter (gift). c. 1200s or 1210s. *Dunf. Reg.*, no. 172. PoMS 3/180/1
54. Margaret, daughter of Duncan of Ceres, spouse of Michael Scott, to Dunfermline abbey, with consent of Duncan, her heir. Charter (confirmation). Early thirteenth century × 22 April 1231. *Dunf. Reg.*, no. 175. PoMS 3/529/2
- *55. Margaret, wife of the late Michael Scot, to her son John, with consent of Duncan her heir. Charter (gift). 1238 × 12 May 1250. *Inventory of Pitfirrane Writs 1230–1794*, ed. William Angus, Scottish Record Society (Edinburgh, 1932), no. 4; NLS, Ch. 6004. PoMS 3/529/4
56. Alicia, daughter of John, son of Ralph, to Dunfermline abbey, with consent of John, her son and heir. Charter (gift). c. 1230s. *Dunf. Reg.*, no. 202. PoMS 3/180/2

D. With consent of husband

57. Ela, countess of Fife, to Dunfermline abbey, with concession of Earl Donnchad her lord (Duncan II, earl of Fife). Charter (gift). 1154 × 9. *Dunf. Reg.*, no. 153. PoMS 3/16/10
58. Christina, daughter of Walter Corbet, to St Andrews priory, with consent of William, son of Earl Patrick (of Dunbar), her husband, and Alice de Valognes, her mother. Charter (gift). c. 1212 × 29. *St A. Lib.*, 262–3. PoMS 3/173/8
- *59. Ysenda (Iselt), spouse of Earl Gilbert of Strathearn to Inchaffray abbey, by consent of the earl her lord. Charter (gift). 1221 × 3. *Inchaff. Chrs.*, no. 46; NAS, GD 24/5/1/1. PoMS 3/21/26
- §60. John of Johnstone, knight, ratifies the grant made by his spouse, Lady Mary, to Inchaffray abbey, with his consent, of a portion of her pension from her land at Strathy, in her lifetime, 'as is more fully contained in the charter dealing with that matter'. He declares his express wish and consent, in case anyone questions the gift due to her being subject to him in the law of matrimony. Charter (confirmation [of gift by woman with consent]) 3 June 1284. *Inchaff. Chrs.*, no. 116. PoMS 3/306/1

E. With consent of friends

61. Katerina, daughter of the later Walter of Wells, burgess of Aberdeen, of mature and legal age, to the Carmelite friary of Aberdeen, with the consent of all her friends. Charter (gift/sale). Aberdeen, 17 January 1278. *RRS*, vi, no. 260, pp 292–3. PoMS 3/630/6

II. Charters by women, jointly*A. Wife and husband*

62. Walter, lord of Lundin, Fife, and Christina, his spouse, to Inchcolm priory. Charter (gift). 1166 × 1235, perhaps late. *Inchcolm Chrs.*, no. 3. PoMS 3/369/4
- *63. Henry Revel and Margaret (of Abernethy), his spouse, to St Andrews priory. Charter (gift). 1173 × c. 1210, prob. c. 1200 ×. *St A. Lib.*, 271; NLS, Adv. MS 15.1.18, no. 46. PoMS 3/502/1
64. Henry, and his wife, Ada, niece of Richard de Prebenda, bishop of Dunkeld to Gilbert, son-in-law of Uhtred. Charter (sale). 1182 × 1203. *Balm. Lib.*, no. 28. PoMS 3/625/2
65. William Wascelin and Mabilia, his wife, to Lindores abbey. Charter (gift). 1190 × 1219, prob. × 1215. *Lind. Cart.*, no. 37. PoMS 3/602/1
66. Robert de Ros (of Roos) and Isabella, his wife, to Arbroath abbey. Charter (confirmation). October 1199 × 24 September 1200. *Arb. Lib.*, i, no. 38. PoMS 3/508/1
67. Philip de Melville and his spouse, Eva, daughter of Walter, son of Sibald, to Arbroath abbey. Charter (gift). 1199 × 1207, prob. × 1205. *Arb. Lib.*, i, no. 93. PoMS 3/384/6
- *68. Gilbert (Gillebrigte), son of Ferteth, by the favour of God, earl of Strathearn, and Matilda, daughter of William de Aubini, countess, establish a priory for Augustinian canons at Inchaffray. Charter (gift). 24 December 1200 × 24 March 1201. *Inchaff. Chrs.*, no. 9 (facsimile); Kinnoull/Dupplin Charters, no. 106. PoMS 3/21/25
69. Walter Murdoch and Muriel, daughter of Peter of Pollok, his wife, to Kinloss abbey. Charter (gift). 1203 × 14. NLS, Adv. MS 29.4.2 (x), fols 231r–232v. PoMS 3/427/2
- *70. Philip de Mowbray and Galiena, his spouse, to Hugh, son of William. c. 1196 × 1215, poss. c. 1205 ×. *Moncreiffs*, i, no. 1; Easter Moncreiffe, Perthshire, Moncreiffe Charters, 4/1. PoMS 3/419/1
71. Robert Griffin and Mabilia, his wife, to Lindores abbey. Charter (renewal). 1207 × 25. *Lind. Cart.*, no. 39. PoMS 3/258/1
- *72. Thomas of Galloway, earl of Atholl, and his wife Isabel, countess of Atholl, to Dunfermline abbey. 1210 × 31. *Dunf. Reg.*, no. 149; NLS, Ch. 862. PoMS 3/11/10
73. Philip de Mowbray and Galiena, his wife, to Dunfermline abbey. Charter (quitclaim). Edinburgh, 1 July 1212. *Dunf. Reg.*, no. 166. PoMS 3/419/2
74. William son of Ketel of Perth, and his wife Eda, and his daughter Wymark, to Scone abbey. Charter (quitclaim). 1209 × 45, poss. c. 1212 × 31. *Scone Liber*, no. 97. PoMS 3/646/1
75. William, son of Earl Patrick (of Dunbar), and Christina Corbet, his spouse, to St Andrews priory. Charter (gift). c. 1212 × 32. *St A. Lib.*, 278. PoMS 3/15/108
76. Earl William Comyn and Margaret, his spouse, countess of Buchan to Arbroath abbey. Charter (gift). 1220 × 2. *Arb. Lib.*, i, no. 130. PoMS 3/12/21
77. Walter of Lundin, Fife, and Christina, his spouse, to Arbroath abbey. Charter (gift). c. 1230s. *Arb. Lib.*, i, no. 138. PoMS 3/369/6

78. Gilbert Stute, burgess of Aberdeen, and Emma, his spouse, to Arbroath abbey. Charter (appointment). Poss. 1215 × 49. *Arb. Lib.*, i, no. 140. PoMS 3/630/1
79. Michael Scot and Margaret, his spouse, to Dunfermline abbey, with the consent of Duncan, their heir. Charter (gift). Early thirteenth century × 1231. *Dunf. Reg.*, no. 174. PoMS 3/529/1
80. Philip de Munfichet (Muschet), and his wife Anna, daughter and heiress of the late Sir Colin Durward to Monymusk priory. Charter (quitclaim). Leochel, 1251 × late thirteenth century. *St A. Lib.*, 364. PoMS 3/426/4
81. Robert, son of Warnebald, and Richenda, his spouse, to Arbroath abbey. Charter (gift). 1214 × 38, prob. 1230 × . *Arb. Lib.*, i, no. 261. PoMS 3/83/7
82. Robert, son of Warnebald, and Richenda, his spouse, to Arbroath abbey. Charter (gift). 1214 × 45. BL, Add. MS 33245, fols 152r–v. PoMS 3/83/8
83. Robert, son of Warnebald, and Richenda, his spouse, to Arbroath abbey. Charter (gift). 1218 × 45, prob. late. BL, Add. MS 33245, fol. 146r–v. PoMS 3/83/9
84. William of Smeaton, East Lothian, and his wife Emma, to Dunfermline abbey. Charter (quitclaim). c. 1230 × 53, prob. late. *Dunf. Reg.*, no. 194. PoMS 3/538/3
85. Sir John Russell and Isabella, his wife, countess of Menteith, to Sir Hugh of Abernethy. Charter (gift). 1258 × 61. Fraser, *Douglas*, iii, no. 2; *idem*, *The Red Book of Menteith*, 2 vols (Edinburgh, 1880), [Fraser, *Menteith*], ii, no. 6. PoMS 3/19/3
86. John de la Haye (Hay) and his wife, Juliana, to Lindores abbey. Charter (concession). c. 1230 × 18 April 1241. *Lind. Cart.*, no. 66. PoMS 3/276/13
87. Malcolm of Kilspindie, Perthshire, and Margerie, his wife, to Lindores abbey, by the consent of their firstborn son, William. Charter (gift). c. 1230s × c. 1250s, perhaps late. *Lind. Cart.*, no. 74. PoMS 3/317/1
88. Andrew del Bois (Boyce) and Elizabeth (Bisset), his spouse, to Beaully priory. Charter (gift). 16 September 1278. *The Charters of the Priory of Beaully*, ed. Edmund Chisholm Batten, Grampian Club (London, 1877), no. 7. PoMS 3/93/4
- §89. King Alexander III confirms a joint grant by William Dod, burgess of Inverkeithing, Fife, and Matilda, his spouse, to Inchcolm abbey, of the mills of Fordell, Fife, with their lands. Charter (confirmation [of donation by William and Matilda]). 1 December 1279. *Inchcolm Chrs.*, no. 31. PoMS 1/8/122
90. Reginald Cheyne *fi*ls, lord of Duffus, and Mary (daughter of Sir Freskin of Moray and Lady Joanna), his wife, to Kinloss abbey. Charter (restoration). Elgin, 6 June 1283. *A.B. Ill.*, iv, 73–5. PoMS 3/141/5

B. Mother and son

91. Eva and David de la Haye (Hay), her son, to St Andrews priory. Charter (quitclaim). c. 1200 × 5. *St A. Lib.*, 313–14. PoMS 3/276/3

C. Daughter and father

92. Ness, son of William (of Leuchars), and Orabilis, his daughter and heiress, to St Andrews priory. Charter (gift). c. 1170 × 8. *St A. Lib.*, 254–5. PoMS 3/346/1

D. Sister and brother

93. Harvey, son of Humphrey ‘Wllebeter’ of Forfar, and Heloise, his sister, to Balmerino abbey. Charter (sale). c. 1240s. *Balm. Lib.*, no. 36. PoMS 3/638/3

E. Aunt and nephew

94. Peter de la Haye (Hay) and Margerie de Lascelles, 'by common will and consent', to St Andrews priory. Charter (renewal). 1251 × 60. *St A. Lib.*, 108. PoMS 3/276/22

F. Woman and burgh council

95. Matilda, former wife of John Furbur¹⁴² and all the brothers and kin of the said John as well as of the woman, and the whole commune of Perth, to Scone abbey. Charter (quitclaim). × 6 September 1236. *Scone Liber*, no. 96. PoMS 3/646/7

III. Charters granted with consent of a woman*A. Charters granted by husband*

96. Gilbert Scot, son of Ewen of Monorgan, Perthshire, to St Andrews priory, with consent and will of Christina, daughter of Merleswain (of Ardross and Kennoway, Fife), his wife. Charter (gift). Late twelfth/early thirteenth century, prob. 1196 × . *St A. Lib.*, 269–70. PoMS 3/411/1
97. Alan de Lascelles, son of Alan de Lascelles, and Juliana de Somerville (his mother), to St Andrews priory, with consent and will of his wife, Amabilia. Charter (gift). 1199 × 1202. *St A. Lib.*, 260. PoMS 3/337/1
98. William Comyn, earl of Buchan, justiciar of Scotia, to St Andrews priory, with the consent of Margerie, his wife. Charter (obligation). 1211 × 33. *St A. Lib.*, 250. PoMS 3/12/7
99. William Comyn, earl of Buchan, to St Andrews priory, with the consent of Margerie, countess of Buchan, his wife, and of their heirs to Buchan. Charter (confirmation). 1211 × 33. *St A. Lib.*, 251–2. PoMS 3/12/9
100. Reginald of Carriden, West Lothian, son-in-law of Philip d'Eu, to Culross abbey, with consent of Eda, his wife. Charter (gift). 1217 × c. 1230s. *Analecta Scotica*, ii, no. 6. PoMS 3/129/1
- *101. William Comyn, earl of Buchan, to Deer abbey, with the counsel, assent and consent of Marjorie, his wife, daughter of the late Fergus, earl of Buchan. Charter (gift). 1219 × 33. *A.B. Ill.*, ii, 427–8; NLS, Acc. 7079/1. PoMS 3/12/18
102. William Comyn, earl of Buchan, to Dryburgh abbey, with the consent of his wife, Margaret, countess of Buchan. Charter (renewal). 1211 × 33, poss. 1214 × . *Dryb. Lib.*, no. 18. PoMS 3/12/16
- *103. Robert of Methven, to Inchaffray abbey, with the assent of Lady Soliva, his wife, and of their children. Charter (gift). 1227 × 34. *Inchaff. Chrs.*, no. 57; Kinnoull Chrs., no. 7. PoMS 3/404/1
104. Roger Wyrfauk, to St Andrews priory, with consent of Cecilia, his wife. Charter (gift). 1238 × 50. *St A. Lib.*, 279. PoMS 3/611/1
105. Adam, son of Odo (of Kinninmonth, Fife), to St Andrews priory, by consent of his wife and John, his heir. Charter (sale). 1240 × 50. *St A. Lib.*, 281. PoMS 3/323/1
- *106. David of Hastings, earl of Atholl, to Coupar Angus abbey, with consent of Forbhflaith, his spouse, countess of Atholl, and his heirs. Charter (renewal). 1242 × 7. *C. A. Chrs.*, i, no. 50; Moray Charters, 32/IV/I/20. PoMS 3/11/17
- *107. William, son of Patrick the brewer of Kintillo, Perthshire, to Sir Matthew of Moncreiffe, Perthshire, with the consent of his spouse, Eve. Charter

¹⁴² Or 'wife of the late John Furbur'.

- (quitclaim). × 1247, prob. 1240s. *Moncreiffs*, i, no. 3; Easter Moncreiffe, Perthshire, Moncreiffe Charters 1/10. PoMS 3/325/1
- *108. Colbán, earl of Fife, to Master William Wishart, with consent and will of Anna, his spouse. Charter (gift). 1266 × 70. Kinnoull/Dupplin Charters, no. 114; NAS, GD 212/1/6. PoMS 3/16/29
109. Richard of Nydie, Fife, to Balmerino abbey, with the express will and consent of his wife, Amabilla. Charter (gift). 1240 × 66, poss. late. *Balm. Lib.*, no. 50. PoMS 3/445/6
110. Simon of Lynn, burgess of Perth, to Cristin de l'Isle (Lyle), burgess of Perth, with consent of Cecilia his spouse and John his son and heir. Charter (sale). c. 1270 × 8. *SHS Misc.*, iv, 319–20 ('Miscellaneous Charters, 1165–1300', no. 15); NAS, GD 160/112/1. PoMS 3/646/16
- *111. Gilbert III, lord of Glencarnie, to Gilbert his first-born son, with will of Matilda his spouse. Charter (gift). Glencarnie, 2 February 1281. William Fraser, *The Chiefs of Grant*, 3 vols (Edinburgh, 1883) [Fraser, *Grant*], vol. iii, pt 1, no. 10; NAS, GD 248/4. PoMS 3/29/1
112. Walter called 'of Melville', burgess of Aberdeen, to the friars of the Holy Trinity and Captives of Aberdeen, with consent of his spouse, Sybilla. 1281 ×, prob. 1280s. *Registrum Episcopatus Aberdonensis*, ed. Cosmo Innes, Maitland and Spalding Clubs, 2 vols (Edinburgh, 1845), ii, 280–1. PoMS 3/630/8
113. Hugh Herock, burgess of Elgin, to the church of Moray (Elgin cathedral), by consent and will of his wife, Margaret. Charter (gift). Elgin, 8 September 1286. *Moray Reg.*, no. 221. PoMS 3/637/2

B. Charters granted by someone else

114. William Olifard, to Coupar Angus abbey, with consent of his lord Thomas, earl of Atholl, and Isabella, his spouse. Charter (gift). c. 1210 × 31. *C. A. Rent.*, i, no. 28. PoMS 3/452/6
115. William de Valognes, son and heir of Sir William de Valognes, to St Andrews priory, by consent and will of Margaret, his mother. Charter (gift). St Andrews, 30 November 1284. *St A. Lib.*, 420–1. PoMS 3/585/6

IV. Charters addressed to women

A. Individually

116. King William I to Agatha, wife of Humphrey, son of Theobald. Charter (gift). 1189 × 95. *RRS*, ii, no. 344; BL, Add. MS 33245, fol. 144v. PoMS 1/6/315
- *117. John of Wilton, Roxburghshire, to his sister Matilda, 'for her homage and service'. Charter (gift). 1202 × 38, prob. c. 1238. G. W. S. Barrow, 'Some East Fife documents of the 12th and 13th centuries', in *The Scottish Tradition*, ed. *idem* (Edinburgh, 1974), 23–43, no. 5; NAS, GD 82/1. PoMS 3/608/1
- *118. Máel Ísu II (Malise), earl of Strathearn, to Amabilia, his sister, for her marriage. Charter (gift). 1258 × 71, prob. c. 1260. *Moray Reg.*, C.O., no. 12; *Inchaff. Lib.*, App., no. 14; NAS, GD 220/1/A1/3/2. PoMS 3/21/47
- *119. Máel Ísu II (Malise), earl of Strathearn, to Lady Mary, his sister. Charter (concession). 21 February 1269. *Inchaff. Chrs.*, App., no. 5; Cynthia J. Neville, 'The Earls of Strathearn from the Twelfth to the Mid-Fourteenth Century, with an Edition of their Written Acts', 2 vols (University of Aberdeen, unpublished PhD thesis, 1983), ii, 113–15, no. 60; Earl of Kinnoull, Dupplin Charters, no. 105 (ii). PoMS 3/21/50

120. Máel Ísu II (Malise), earl of Strathearn, to Cecilia, his daughter. Charter (gift). 1259 × 71, prob. 1269 ×. Neville, 'Strathearn acts', no. 61; *Morton Reg.*, ii, no. 6. PoMS 3/21/51

B. Jointly

- *121. Robert, earl of Strathearn, to Cecilia, his sister, and Walter, son of Alan (of Ruthven). Charter (renewal). 1223 × 30. *Inchaff. Lib.*, App., no. 8; Neville, 'Strathearn acts', nos 43, 43a; NAS, RH 6/19; GD 90/1/15. PoMS 3/21/32
- *122. King Alexander III to Gilbert of Glencarnie, junior, and Marjorie, his spouse. Charter (confirmation) [of gift made by John Prat, knight, brother of Marjorie]. 14 August 1267. Fraser, *Grant*, vol. iii, pt 1, no. 8; NAS, GD 248/4. PoMS 1/8/64

V. Agreements and settlements (involving women as parties)

123. Henry, abbot of Kelso, Thomas, prior of Coldingham, and R., prior of Kelso (papal judges-delegate), hearing a dispute between Abbot Patrick and the convent of Dunfermline abbey, on one side, and Philip de Moubray and Galiena his wife, on the other. Settlement. Edinburgh, 31 May 1212 (initial hearing took place on 29 July 1211). *Dunf. Reg.*, no. 211. PoMS 4/32/24
124. An agreement between Lady Ermengarde, the queen, mother of the Lord King Alexander II, and Sir Adam of Stawell, Somerset (brother of Richard Revel), which arranged for the sale of Balmerino and Coultra, Fife, to the queen, for one thousand marks. Agreement. Forfar, 12 October 1225. *Balm. Lib.*, no. 5. PoMS 4/2/1
125. Agreement between Bishop Andrew and the chapter of Moray and Robert Hode and Matilda, his spouse, made in the presence of papal judges-delegate, namely, the abbot of Deer and the dean and archdeacon of Aberdeen. Agreement (before papal judges). '1225'. *Moray Reg.*, *Carte Originales*, no. 6. PoMS 4/32/48
126. Resolution of dispute between Sir Henry, abbot, and the convent of Inchcolm, on one side, and Robert of Rosyth, Fife, Roger of Balmule, Fife, and Christina, his wife, sister of the said Robert, on the other, made in the presence of the abbots of Dunfermline and Culross. Agreement. '1233'. *Inchcolm Chrs.*, no. 15. PoMS 4/20/28
127. Sir Ralph, prior of May, taking the place of the abbot of Paisley, and Master J., rector of the schools of St Andrews, taking the place of the dean of Lennox, hearing a dispute between the lord abbot and convent of Dunfermline abbey, on one side, and Sir Philip de Mowbray and Galiena, his wife, on the other. Settlement. 26 April 1233, in the church of Inverkeithing. *Dunf. Reg.*, no. 222. PoMS 4/20/28
128. Dispute between Prior Henry and the convent of St Andrews, on one side, and Bishop Andrew and the chapter of Moray, and Muriel of Rothes and St Nicholas' hospital at the Bridge of Spey, on the other. Agreement. '1235'. *St A. Lib.*, 326–7; *Moray Reg.*, no. 111. PoMS 4/4/15A and 15B.
129. Inspection made 1 August 1251 at Forfar by Robert, abbot of Dunfermline, the chancellor, of an agreement dated 3 August 1236 at 'Ordebofyin' (probably Ord Hill by Braiklay and Tarves, Aberdeenshire), between the abbot and convent of Arbroath and Margaret, countess of Buchan, at that time in the power of her widowhood. Inspection of agreement. *Arb. Lib.*, i, no. 227; BL, Add. MS 33245, fol. 162r. PoMS 4/20/30
130. Agreement between Robert, son of Warnebald, and Richenda, his spouse, on one side, and Abbot Adam and the convent of Arbroath, on the other. Agreement. 1239 × 42. BL, Add. MS 33245, fol. 151r–v. PoMS 4/20/32
131. Agreement between Robert, son of Warnebald, and Richenda, his spouse, on one side, and the abbot and convent of Arbroath, on the other, by which Robert and

- Richenda agree to farm out lands in Conveth parish to the abbey for a hundred shillings yearly. Agreement. 1242. BL, Add. MS 33245, fols 146v–147r. PoMS 4/20/33
- *132. Dispute between Prior John and the convent of St Andrews and Goda, niece of Robert called ‘King’. Agreement. ‘1247’. NLS, Adv. MS 15.1.18, no. 37. PoMS 4/21/4
- *133. Final concord between Duncan and Patrick, brothers, and Ela and Christina, sisters, their spouses, on one side, and Gilbert of Cleish, Fife. After a perambulation, each side quitclaims certain areas. 12 March 1253. Agreement. NAS, GD 254/1. PoMS 4/26/9
134. Dispute between the abbot and convent of Inchcolm, on one side, and Ness of Balmule, Fife, and Sibilla, his wife, and Simon of Forret, Fife, and Christina, his wife, on the other. Agreement. 1252; 2 February ×. *Inchcolm Chrs.*, no. 21. PoMS 4/22/4
135. Clement, bishop of Dunblane, Richard, abbot of Cambuskenneth, Walter Comyn, earl of Menteith, Alexander Comyn, earl of Buchan and justiciar of Scotia, William, earl of Mar, chamberlain, Alexander the Steward, Robert de Ros, Nicholas de Soules, David of Graham, Master Gamell, William the chaplain and Alexander of Corbridge, clerk of the lord king, and John Blund and John Salvain, knights, announce that Emma, daughter and heiress of the late Gilbert of Smeaton, East Lothian, in her widowhood, in the presence of the king and by his counsel, recognised that the tenement of Smeaton in the feu of Musselburgh, properly belonged to Dunfermline abbey. Notification. Stirling, 17 December 1253. *Dunf. Reg.*, no. 83. PoMS 4/37/3
136. The court of the justiciar of Scotia, Alexander Comyn, earl of Buchan, hears the dispute between Arbroath abbey and Sir Thomas of Rattray, knight, *actorem nomine* Christina, his wife. Agreement (in justiciar court). ‘1253’. *Arb. Lib.*, i, no. 294. PoMS 4/20/37
137. Dispute between the abbot and convent of Arbroath, on one side, and Sir Peter de Maule lord of Panmure and Christina his wife, on the other. Agreement. ‘1254’, with perambulation to be made on 22 June. *Arb. Lib.*, i, no. 366. PoMS 4/20/38
138. Walter Baker of Perth, and Hawise, his spouse, daughter and heiress of the late Nicholas Pape, Burgess of Perth, announce that there had been a dispute in the full court of Perth between them and the abbot and convent of Inchaffray over lands in Perth that had belonged to the late Nicholas Pape. Walter and Hawise granted their claim to the land in exchange for a sum of money. Agreement/sale. 1259 × 84. *Inchaff. Chrs.*, no. 110. PoMS 3/646/15
- *139. Agreement between Sir Hugh of Abernethy and Lady Ethona, spouse of the late Sir Cristin, son of ‘Banchauer’, by which Ethona, in her widowhood and free power. Agreement. ‘1277’. Fraser, *Douglas*, iii, no. 7. PoMS 4/26/15
140. Sub-delegates of the abbot of Deer, papal judge delegate, write concerning the dispute between Archibald, bishop of Moray, and William de Fenton and his spouse Cecilia (Bisset), directing the dean of Christianity of Inverness, the rector of Dunlichity, Inverness-shire, and the vicar of Wardlaw (now Kirkhill, Inverness-shire), to travel to Beaufort castle and threaten Sir William and Cecilia with excommunication and ecclesiastical interdict. Letter. Kinloss, 26 March 1280. *Moray Reg.*, no. 127. PoMS 4/32/105
141. Dispute between William of Fedderate, Aberdeenshire, and his wife, Christina (daughter of Freskin of Moray and Lady Joanna), on one side, and Reginald Cheyne *fiis*, knight, on the other. Agreement. Elgin, 23 March 1287. *Moray Reg.*, no. 263.

VI. Marriage charters (and one marriage agreement); female relative given away with marriage portion

142. King Mael Coluim IV to Donnchad II (Duncan), earl of Fife, and his heir born of the king's niece, Ada, in free marriage. Charter (gift). 1160 × 2. *RRS*, i, no. 190. 'Ada' is usually interpreted as an alternate name for Ela, countess of Fife.¹⁴³ PoMS 1/5/67
- *143. King William I to Roger de Mortimer, with Christina, daughter of William Maule. Charter (gift). 1189 × 95. *RRS*, ii, no. 338; NAS, GD 90/1/9. PoMS 1/6/309
144. King William I to Alexander of Lamberton, with Eda, daughter of Henry of 'Kinpunde'. Early thirteenth century? *RRS*, ii, no. 564. ['Lost act'; evidence from NLS, Adv. MS 34.6.24, p. 271]
145. King William I to his daughter Marjorie, in free marriage. *RRS*, ii, no. 568A. ['Lost Act'; evidence from *Balm. Lib.*, no. 10]
146. Gillebrigte/Gilbert, earl of Strathearn, to Mael Coluim, son of Earl Donnchad II of Fife, with his daughter, Matilda, in free marriage. Charter (gift). 1194 × 8. Barrow, 'The earls of Fife in the twelfth century', no. 2; *Inchaff. Lib.*, App., no. 2; Neville, 'Strathearn acts', no. 27. PoMS 3/21/2
- *147. Richard of Kinnaird to John son of Richard of Invertiel, Fife, with his sister Isabella, in free marriage. Charter (gift). c. 1190s × 1227. NLS, Adv. Ch. A.3; Walter Macfarlane, *Genealogical Collections concerning Families in Scotland*, ed. James Toshach Clark, SHS, 2 vols (Edinburgh, 1906–8), i, 52–3. PoMS 3/320/2
- *148. Hugh of Nydie, Fife, to Alexander of Blair with Ela his daughter. Charter (gift). 1204 × 29. 'Miscellaneous charters, 1165–1300: from transcripts in the collection of the late Sir William Fraser', ed. William Angus, in *SHS Misc.*, iv, 303–25, no. 8; Nether Durdie, Perthshire, Lindsay of Evelick Charters, 97/1. PoMS 3/445/1
149. William Comyn, earl of Buchan, to Adam son of Gilbert with his sister Idonea, in free marriage. Charter (gift). 1211 × 24. *Morton Reg.*, ii, no. 5. PoMS 3/12/14
150. William Comyn, earl of Buchan, to Sir Gilbert de la Haye, with his daughter Idonea, in free marriage. Charter (gift). 1211 × 33. NAS, RH 1/2/31. PoMS 3/12/11
151. Alexander of Seton, knight, to Adam of Polwarth, with his sister Emma, in marriage. Charter (gift). Early thirteenth century. *Dunf. Reg.*, no. 177. PoMS 3/532/1
- *152. John of Kinross, son of Harvey of Kinross, to Alexander of Ogilvie with Dionisia his daughter, in free marriage. Charter (gift). 1239 × 56. *SHS Misc.*, iv, no. 11; Nether Durdie, Perthshire, Lindsay of Evelick Charters, 97/2. PoMS 3/324/1
- *153. John of Denmuir, Fife, to Sir Matthew of Moncreiffe and Marjorie, his spouse, John's sister, in free marriage. 1249 × 63. *Moncreiffs*, i, no. 7. PoMS 3/193/1
- *154. Sir Hugh of Abernethy and Sir William of Douglas make an agreement at Edinburgh castle, 6 April 1259, that William's son and heir, Hugh, is to marry Hugh of Abernethy's sister, Margaret, gaining in free marriage twenty markates of land. Agreement (chirograph). Fraser, *Douglas*, iii, no. 1. PoMS 4/26/11
- *155. Gilbert of Glencarnie to Duncan of Frendraught, Aberdeenshire, with Marjorie, his daughter, in free marriage. Charter (gift). 1282 × 98. Fraser, *Grant*, vol. iii, pt 1, no. 11; NAS, GD 248/4/11. PoMS 3/29/2

¹⁴³ Ela may be a short form of Adela, which could be easily mistaken for Ada. Note that Ela was already countess of Fife 1154 × 9 (no. 57 above).

VII. Pre-1150 property records

156. Gartnait, son of Cainneach,¹⁴⁴ and Éte, daughter of Gille Mícheíl, gave the *pett* of Mac Gobraig to Columba and Drostan (of Deer, Aberdeenshire). 23 April 1131 × 22 April 1132. *Studies in the Book of Deer*, ed. Forsyth, 138–9, Text III; Kenneth Jackson, *The Gaelic Notes in the Book of Deer* (Cambridge, 1972), 31, 34–5, no. III. PoMS 3/12/1
157. Gartnait and the daughter of Gille Mícheíl gave the ‘deep spot’ in Pitfour, Aberdeenshire, to Columba and Drostan (of Deer). c. 1132?. *Studies in the Book of Deer*, ed. Forsyth, 140–1, Text IV; Jackson, *Book of Deer*, 31, 35, no. V. PoMS 3/12/2

VIII. Other documents relating to women

158. King William has granted the quitclaim which Walter Olifard made to Gilbert, earl of Strathearn, his mother’s brother, of the right of the ‘avocation’ [advowson] of the church of Strageath (PER), which is ‘founded’ in free marriage, which Earl Ferteth gave to Walter Olifard, father of the said Walter, with Christian, his daughter and mother to the said Walter. Charter (confirmation). Alyth, 6 March, 1208 or 1210. PoMS 1/6/462
159. King Alexander II has given, granted, and by his charter established, to Alan of Leny and Margaret of Leny, daughter of the late Giolla Espuig of Leny, knight, the lands of the same within the sheriffdom of Perth which had once been the said Margaret’s, but that she, induced by no force or fear, but through her pure volition, gave up to the king at Scone by staff and baton; to be held as Margaret held or possessed before this resignation, by virtue of the small sword which Cuilén, a former king, gave symbolically to her predecessor, Giolla Espuig Mór, for his particular service, rendering henceforth the due and accustomed service to the king. NAS, RD 2/156, fol. 47r (17 June 1744); *Accounts of the Chamberlain of Scotland in the Years 1329, 1330, and 1331* (Edinburgh, 1771). Fraser, *Menteith*, i, lxxiv–lxxv (translation). PoMS 1/7/266. Due to a remarkable reference to a small sword given by King Cuilén, this document has often been assumed to be spurious, although recent research suggests that it may have been based on a contemporary charter.¹⁴⁵
160. A 1512 charter from the earl of Huntly to Kinloss abbey mentions a charter by which David of Strathbogie, son of the earl of Fife, and his wife G, gave Belach to Kinloss abbey, after having had a dispute, by described bounds. Also mentions charter of Alexander II or III confirming this grant. W. Cramond, ‘Records of the monastery of Kinloss’, *Northern Notes and Queries, or The Scottish Antiquary* 4 (1890), 145–7. c. 1220s or 1230s. PoMS 3/36/1

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¹⁴⁴ Mormaer of Buchan.

¹⁴⁵ My thanks to Dauvit Broun for allowing me access to his unpublished edition of this document.