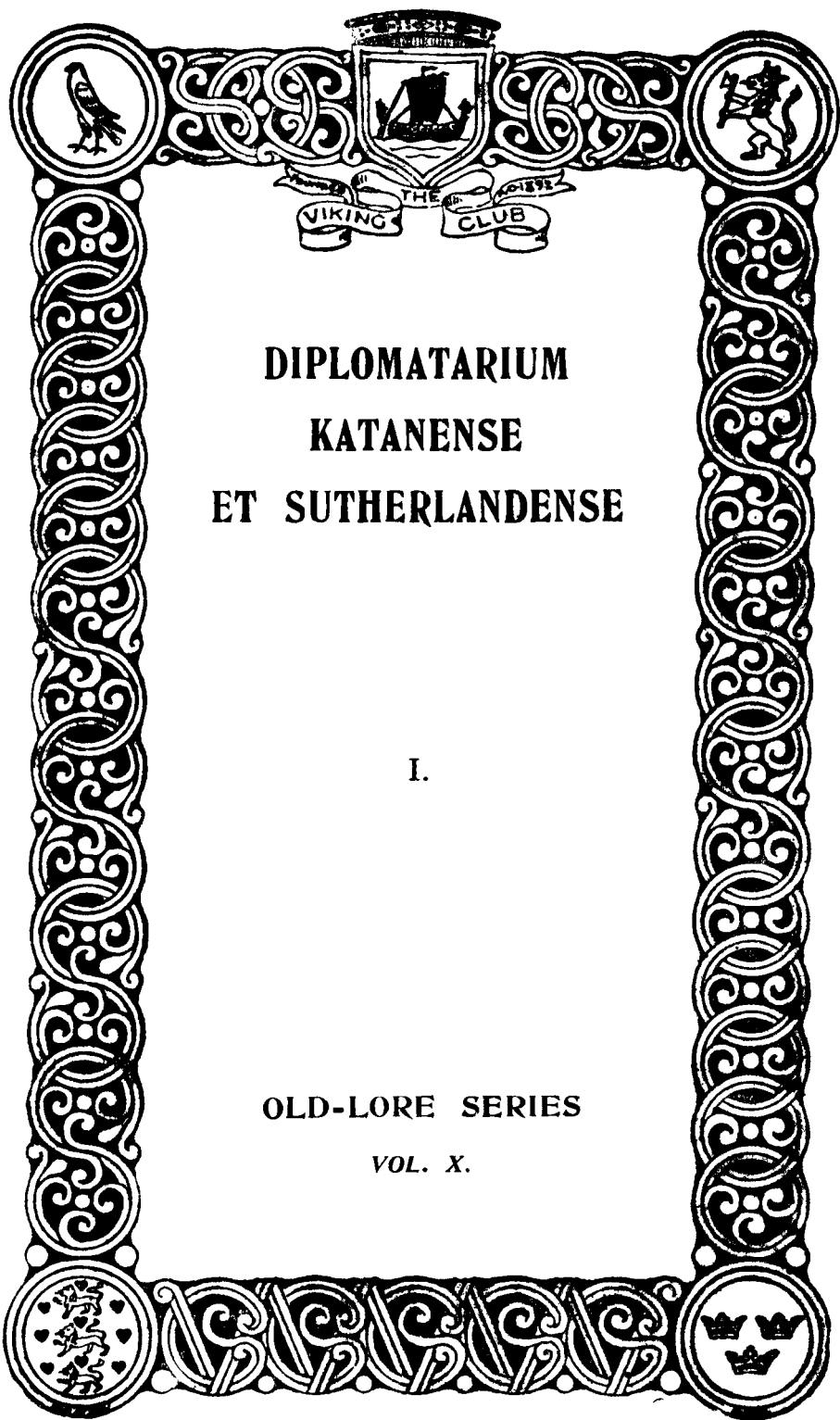


**DIPLOMATARIUM KATANENSE
ET SUTHERLANDENSE.**

I.



**DIPLOMATARIUM
KATANENSE
ET SUTHERLANDENSE**

I.

OLD-LORE SERIES

VOL. X.

DIPLOMATARIUM KATANENSE ET SUTHERLANDENSE

Caithness and Sutherland Records

COLLECTED AND EDITED BY

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With Introduction, Notes and Index by

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VOL. I.

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PREFACE.

IN this volume one of the completest collections of documents bearing on the civil and ecclesiastical history of Caithness and Sutherland from early times is, for the first time, brought together in one book. Some of these documents have not, hitherto, been easily accessible to students of northern history, but this difficulty has now been removed. The English translations of the Latin documents by the Rev. Henry Paton, M.A., Register House, Edinburgh, an expert record scholar, will also be useful and helpful to many. The Introduction, as will be seen, gives a general survey of the period covered by the documents, and in the Notes will be found information which, it is hoped, will be useful in explaining terms and phrases used in the documents. The modern forms of the place-names of Caithness and Sutherland have been given, where known, in the Notes together with short genealogical details of persons of standing mentioned in the documents, especially those connected with the two northern Counties. An honest attempt has been made to give as accurate information as possible. The reader will readily recognise, in the perusal of these Notes, that with the mass of details containing names of persons, place-names, feudal and ecclesiastical terms and phrases, together with items of historical and genea-

logical data that it is well-nigh impossible to attain to complete accuracy, and no one can be more conscious than the writer of his failure to reach this standard which he always kept steadily in view. Nevertheless, it is hoped, the Notes will, like all pioneer work, be useful in blazing a way through the tangled bush for those coming after. It will, also, be noticed that the Index is unusually full, giving dates, etc. In this the example set in the *Orkney and Shetland Records* has been followed.

In the body of the Notes acknowledgment has been made to the sources from which help has been derived. It now remains to make further acknowledgment for help kindly received in various ways from the following: Messrs. Francis J. Grant, W. S., *Rothesay Herald*, and Lyon Clerk, *Edinburgh*; A. W. Johnston, F.S.A.Scot., joint editor of this volume; Alexander Bruce, Town Clerk, *Wick*; Ian Machardy, M.A., Director of Education, *Caithness*; John E. Donaldson, M.A., *Corpus Christi College, Oxford*; and John Mowat, F.S.A.Scot., *Glasgow*.

Wick: 12th October, 1928.

DONALD BEATON.

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ERRATA.

- p. 48, line 10, from top of page for "Achnosich" read "Achosnich."
- p. 135, line 10, from top of page for "stangis" read "stagnis."
- p. 162, line 9, from foot of page for "Brathwell" read "Brawl."
- p. 173, line 16, from top of page for "Rowestorenastyngle" read "Rowestorenastynghe."
- p. 252, line 2, from foot of page for "capellanio" read "capellanis."
- p. 271, line 18, from foot of page for "Aberluthnet" read "Aberluthnot "
- p. 276, line 9, from top of page for "stangis" read "stagnis."
- p. 276, line 19, from top of page for "suckem" read "sucken."
- p. 277, line 18, from foot of page for "No. 5, p. 251" read "No. 19, p. 263."
- p. 277, line 4, from foot of page for "fifth" read "fourth."
- p. 277, line 3, from foot of page for "6th" read "5th."
- p. 290, line 18, from foot of page the following items "Nobili mulieri, Willelmi Graeme, Robertus de Keyth" should be placed under No. 142 at the top of the page.
- p. 292, line 8, from top of page for "in same parish" read "in Wick parish."

INTRODUCTION.

I.

GENERAL INTRODUCTION.

THE documents in the first volume of Caithness and Sutherland Records cover the years 1127-1449. These are of a varied character, but each in its own way throws some light on the civil or ecclesiastical history of these counties or contains references to northern families and their connection with the land. A number of charters, in chronicling transfers of land from one proprietor to another, furnishes us with old forms of place-names which, in many cases, help to explain their derivation. The history of the ancient province of Caithness and Sutherland has recently been dealt with by the late Rev. Angus MacKay in his *History of the Province of Cat* (1914), and it is not intended in this Introduction to go over the same ground. It is necessary, however, for the better understanding of the modern history of the far north to make some brief reference to the pre-Record period.

The earliest literary references to Caithness and Sutherland are to be found in the classical writers;¹ Pre-Record Period of Northern History.

¹ These references have been collected by W. Dinan, M.A., in his *Monumenta Historica Celta : Notices of the Celts in the Writings of the Greek and Latin Authors from the tenth Century, B.C., to the fifth Century, A.D., arranged chronologically with Translations, Commentary, Indices, and a Glossary of the Celtic Names and Words occurring in these Authors*. The first volume appeared in 1911 and though some of its translations have been adversely and justifiably criticised it is a work of more than ordinary value to the student interested in the matters with which it deals.

while the information from antiquities has been thoroughly collated and marshalled in the writings of Dr. Joseph Anderson,¹ Mr. Romilly Allen,² and Mr. A. O. Curle.³

The Picts.

In regard to the early inhabitants, who colonised Orkney (c. 700-800), it is interesting to notice that the Norsemen, called the Pentland Firth *Pettland*, that is *Pictland Fjörð*, which indicates that the mainland of Scotland (including Caithness, of course) was known to them as *Pettland*. At a later date, when the Western Isles were colonised, the Minch was known as *Skottland Fjörð*. The mainland was called *Skottland* in and after 872. The distinction indicated in these names between Picts and Scots is well recognised by ethnologists. Celtic scholars are generally agreed that the Picts were a branch of the Aryan-speaking race, and that their language belonged to the Cymric group.⁴ Traces of the language spoken by the early inhabitants are to be found in such place-names as Pitfour (G. *Baile-phùr*), *Pitgrudie* (G. *Baile-ghrùididh*), *Pittentrail*

¹ *Scotland in Pagan Times* (2 vols.); *Scotland in Early Christian Times* (2 vols.); *The Early Christian Monuments of Scotland* (Rhind Lectures for 1892).

² *Early Christian Monuments of Scotland*.

³ *Second Report and Inventory of Monuments and Constructions in the County of Sutherland*; and *Third Report and Inventory of Monuments and Constructions in the County of Caithness*.

⁴ The late Sir John Rhys, however, stoutly opposed this view and maintained that Pictish was a non-Aryan, pre-Celtic tongue. But as stated above the general opinion of Celtic scholars of the first rank is that Pictish was not Gaelic but Cymric, finding its affinity with Welsh rather than with Gaelic. The whole ethnological question of Picts and Scots is of much interest but cannot be further discussed here. A careful statement of the question with a criticism of Skene's views will be found in Dr. MacBain's edition of Skene's *Highlanders of Scotland*, pp. 381-401.

(*G. Baile an Tráill*), from which it will be seen that *pit* is translated *baile* in Gaelic.¹

The coming of the Norsemen² in the 8th century marks an important era in the history of Caithness and Sutherland. The Vikings left their impress upon these northern lands in such a way that it is manifest in the people themselves, their language³ and their place-names.⁴ When the Record period begins (1127-1153) Norse rule was the order of the day. It was a turbulent time, and the representatives of the Church were

The
Coming
of the
Norsemen.

¹ It may be stated that Dr. Jakob Jakobsen in a conversation with the writer informed him that he found some Pictish place-names in Orkney which showed a striking affinity to Welsh. The Celtic place-names of Caithness have not yet received the attention of a competent Celtic scholar. Sutherland has been more fortunate. Apart from the series of articles by Mr. John Mackay in the *Transactions of the Gaelic Society of Inverness* and Rev. Dr. Adam Gunn's paper in *Sutherland and the Reay Country* there are two important articles on "Some Sutherland Names of Places," by Dr. (now Prof.) W. J. Watson in the *Celtic Review*, II., 232-242; 360-368. In the first of these Dr. Watson deals with Pictish place-names in Sutherland.

² For the advent and settlement of the Norsemen in Caithness and Sutherland see *Hist. of Province of Cat.*, pp. 51-70.

³ Examples of the influence of the Norsemen on the dialect of Caithness will be found in Rev. John Horne's *County of Caithness*, pp. 60-88. Another field which, if carefully worked, would yield much interesting material to the philologist is the influence of the Norse on the Gaelic dialect of Caithness and Sutherland. As yet nothing has been done for Caithness but Sutherland has been more fortunate: see papers by Rev. Dr. Adam Gunn in *Sutherland and the Reay Country*, p. 173; *Trans. of the Gael. Soc., Inverness*, vol. XV.; and *Celtic Monthly*, vol. VI. There is also a paper by Rev. C. M. Robertson in the *Trans. of the Gael. Soc. Inverness*, vol. XXV. on "Sutherland Gaelic."

⁴ Norse place-names bulk largely in Caithness as may be seen in the *County of Caithness*, pp. 31-43. The Norse influence on Sutherland place-names will be seen in the series of papers already referred to in the *Trans. of the Gael. Soc. of Inverness*, and in the *Celtic Review*, II., 360. There is also a paper by the Rev. Adam Gunn in *Sutherland and the Reay Country*, p. 141 on this subject. Notes and papers on Sutherland and Norse place-names will be found in the *Old-Lore Miscellany*, vol. II., 213-226 (James Gray); III., 6, 14-21 (James Gray); 69, 131, 182-187 (Rev. Adam Gunn); 234-236 (Dr. Jón Stefánsson); vol. IV., 7, 70, 140-142 (Rev. Adam Gunn), 168.

not spared (No. 4, pp. 5-7). The appearance of the De Moravia family in Sutherland brought a new and important factor into the field, and this family were destined to play an important part not only in shaping the history of the north but also that of Scotland. The first evidence of their advent in Sutherland, so far as records are concerned, is to be found in a Charter by Hugh Freskyn to Gilbert, archdeacon of Moray, of the lands of Skelbo (No. 5, pp. 7-9).¹ How Hugh Freskyn came into possession of the lands is not known, but they were probably confiscated from Earl Harald and given as a royal gift.

The Period
of the First
Inter-
regnum
(1290-1292).

After the death of Margaret, Queen of Scots (26th September, 1290) the government of the country for a time was carried on by the four surviving Guardians who had been appointed by the Parliament at Scone in 1286. But in May, 1291, Edward I., king of England, called together a convention which met at Norham for the purpose of settling the heirship to the kingdom of Scotland. On 17th November, 1292, King Edward, as arbitrator, decided in favour of John Balliol. It was during the First Interregnum (1290-1292), as it was called, that King Edward took a part in managing the affairs of Scotland, as is evidenced in his grant of a safe-conduct to John, Earl of Caithness (No. 20), and in his mandate to the Keeper of Darnaway Forest to supply oak trees to the bishop of Caithness (No. 21). In January, 1291-2 he granted a warrant to the Guardians of Scotland to elect a new bishop for the see of Caithness. On 10th July, 1296, John Balliol abdicated the throne, and Edward was again ruler of Scotland. It was during this ascendancy that King Edward gave a mandate to the Earl of Surrey to pay Andrew Fraser 100 merks (No. 25). There was also an order given by him for the induction of Ferquhard, archdeacon

¹ These references are to the number attached to each document in the Records.

of Caithness (No. 27), and an order to William, Earl of Sutherland, to assist Brian Fitzalan in keeping order in Scotland (No. 29). That the Earl carried out the King's instructions is evident, for on 4 April, 1304, there was a letter from Edward in which he addresses the Earl as "our faithful and loyal William, Earl of Sutherland," and thanks him for "the good faith and goodwill" which he had shown to the King, and promises that this service would not go unrequited (No. 31). Though Robert the Bruce assumed the crown on 27 March, 1306, we find that on 4 April, 1306, King Edward gave an order for the delivery of the see of Caithness to Ferquhard (No. 33). Bruce lost no time in his attempt to free Scotland from the English yoke, and in his efforts he marched as far north as Caithness and Sutherland. The Earl of Ross petitioned Edward II. to send assistance, as Bruce had for a fortnight ravaged the counties of Ross, Sutherland and Caithness, with three thousand followers, and were it not that a truce had been entered into he would have utterly destroyed them. The Earl therefore pleaded:—"Be pleased, therefore, dear lord, to think of us and let us know what you purpose doing as to the above" (No. 34). In 1308, however, the Earl of Ross cast in his lot with Bruce, and in the same year his son and heir, Hugh, was married to Bruce's sister, Matilda. The Earl of Sutherland at this date was a minor, and was under the wardship of John, the younger son of the Earl of Ross (No. 34, p. 81). He must have been near his majority, for on 16 March, 1309, he attended Bruce's Parliament at St. Andrews.

Bruce's
invasion
of Suther-
land and
Caithness.

During the reign of David II. a number of charters was granted by him to William, Earl of Sutherland, who had married Margaret Bruce, the King's sister (Nos. 59, 60, 61, 62, 80, 83, 113). On 9 November, 1347, Pope Clement VI. granted a dispensation of marriage to Joan, countess of Strathearn, and William,

David II's
reign.

Dispensation of marriage granted to Countess of Strathearn and Earl of Sutherland

Earl of Sutherland, notwithstanding that the latter was related in the fourth degree of consanguinity to the countess's two former husbands, John, Earl of Atholl, and Maurice, Earl of Moray (No. 63). In August, 1357, Edward III. granted a safe-conduct to the bishop of Caithness and the bishop of Brechin to come with forty horsemen from Scotland to the town of Berwick-on-Tweed to treat for the ransom of David II. (Nos. 72, 73), who had been taken prisoner after the battle of Neville's Cross (17 October, 1346). On 3 October of the above year he was released after hostages had been given. Among these hostages was the Earl of Sutherland, who, with his servants, time and again, received safe-conducts from Edward III. (Nos. 78, 79, 81, 82, 86, 87, 89, 90, 92, 93, 94, 95, 97, 102, 103, 104, 105, 109, 110, 115, 116).

The records from 1370 to 1445 are mainly ecclesiastical, or concerned with the transfer of land from one proprietor to another, and as these will be dealt with under separate headings they need not be referred to at present. It may be necessary also to explain that such ecclesiastical documents as deal with marriage dispensations, and which throw light on the genealogies of the persons concerned, are dealt with in the Notes at the end of this volume.

II.

LAND CONVEYANCE.

Grant of Hootor Common to Bishop of Caithness.

The earliest transference of land, so far as the Records are concerned, is that of Hootor Common granted by King David to Andrew, bishop of Caithness in 1150 (No. 199).

Grant of the lands of Skelbo, etc. to Gilbert, archdeacon of Moray.

The next is that of "the land of Skelbo in Sutherland and of Fernebuchlyn and Invershin" with the "land of Sutherland towards the west which lies

between these lands before-named and the boundaries of Ross" belonging to Hugh Freskyn (No. 5). It was granted to Mr. Gilbert, archdeacon of Moray. The charter conveying the grant is drawn up in the usual form when feudal tenure held sway, and the land is held by Gilbert and his heirs "by their right divisions, in wood and plain, in meadows and pastures, in pools and mills, in muirs and marshes, in banks and in fishings, and in all their just pertinents, freely and quietly, fully, peacefully and honourably." The payment for the above lands is stated to be "the service of an archer for all exaction, custom, service and demand belonging to the grantor and his heirs, and relieving him and them of the forinsec service due to the King."¹ The above charter was confirmed 29 April, c. 1212, by King William the Lion (No. 6). About two years later (c. 1214) William, lord of Sutherland, describing himself as the "son and heir of the deceased Hugh Freskyn" who gave the original grant, confirms and ratified the charter granted by his late father (No. 7).

This land, which in a charter granted by Gilbert, bishop of Caithness, and dated 26 December, 1235, passed to his brother Richard, is described as "the whole land of Skelbo, and Ferinbeildin, and besides the whole land which lies between the said lands of Skelbo and Ferinbeildin and the boundaries of Ross towards the west."

Grant of the land of Skelbo, etc. by Gilbert, bishop of Caithness to his brother Richard.

There was also an important charter granted by Archibald, bishop of Moray, of certain lands in Strathnaver to Reginald le Cheyne and his wife (No. 13). The charter is dated May, 1269. The lands (Langdale or Langwall, Rossal or Rossewal, the tofts of Dovyr, Achness, Clibrig, Ardovyr and Corrienafearn) came into possession of the church of Moray as a gift from Lady Jean, sometime spouse of Sir Freskyn of Moray "in pure and perpetual alms (*in puram et perpetuam elemosinam*) for

Charter by Archibald, bishop of Moray, of the lands of Strathnaver.

¹ These terms are explained in the Notes.

the maintenance of two chaplains." Mary, wife of Sir Reginald le Cheyne, to whom the bishop granted the lands, was the daughter of Freskyn of Moray. The lands were granted on condition that "twelve merks of legal sterlings at two terms [were paid], that is to say, the half at Whitsunday and the other half at the feast of Martinmas," for the maintenance of the two chaplains referred to in the original grant.

Agreement
between
Archibald,
bishop of
Caithness,
and
William,
earl of
Sutherland
in regard to
Castle of
Skibo, etc.

In 1275 a long standing dispute between the earls of Sutherland and the bishops of Caithness was brought to an end through an agreement between Archibald, bishop of Caithness, and William, earl of Sutherland. After many meetings and discussions, the earl granted to the church of Caithness and the bishop and his successors "the castle of Skibo, with the six davachs of land adjoining, the six davachs of Cyderhall with the passage, the two and a half davachs of Migdale, Swor-dale, and Creich, with the fishing of Bonar, and the two davachs of Monimor, with their pertinents." "The two davachs of Evelix, the three davachs of Proncy, the one davach of Rearquhar, the three quarters of Astle (Asdale), the half davach of Achosnich, the three davachs of Torboll, the two davachs of Kinnauld, the four davachs of Lairg, and the one davach of Cuthil," were to remain with the earl and his heirs. The earl also received one davach of Unes to the value of half a merk on condition that he and his heirs should provide for a chaplain who in all time coming was to say mass at the altar of St. James in the church of Dornoch for the souls of the said earl and his predecessors and successors. The bishop on his part agreed to grant five merks from the fines of the town of Dornoch for the support of said chaplain (No. 17).

William of
Fedreth
and his
spouse
grant lands
in Strath-
naver to Sir
Reginald
Cheyne

In March, 1286, William of Fedreth, portioner of Duffus, and Christian, his spouse, granted to Sir Reginald le Cheyne "the four davachs of land which they presently possess in Strathnaver as well as all other

lands which by any title or grant whatsoever they may have in time coming in the tenement of Strathnaver."

Robert the Bruce in 1322 granted to William, earl of Ross, the lands of Dingwall and the lands of Frenerosherie in the Earldom of Sutherland (No. 38).

Grant by
Robert
Bruce to
William,
earl of Ross

Kenneth, earl of Sutherland, in an agreement dated 6 December, 1330, renounced all claims on Reginald Moray and his successors respecting sundry lands and debts, possessions, and their rights and other things which had been in dispute (No. 44).

Renuncia-
tion by
Kenneth,
earl of
Sutherland

In an agreement between the Abbot and Convent of Scone and Robert, called Little, and his brother David of Sutherland concerning the church of Kildonan, it is stated the Abbot and chapter of Scone "have granted and set in feu" to the above "their church of Kildonan with the land of Borrobol (Borubol) and all the other just pertinents belonging to the said church for the space of two full years from the day of the making of these presents for £14: 13: 4." The said Robert and David, for four merks allowed to them out of the above sum, were to "construct the said church sufficiently with stone and lime and shall meet all the ordinary burdens affecting the said church during the said two years, with the help of the lord bishop and with the suffragan of the present year." It was further agreed that the said Robert and David would have the church after the expiry of two years for eight years, provided they found sufficient cautioners acceptable to the Abbot and his chapter, the rent of £10 being payable yearly at the feast of Saint Michael the Archangel within the abbey of Scone. Failure to pay the said sum within fifteen days of the above feast was to incur a penalty of 100 shillings and liability to have the agreement cancelled (No. 45). For a later arrangement in connection with the church of Kildonan see No. 119.

Agreement
as to
church of
Kildonan.

The marriage of Margaret Bruce, sister of King David II. to William, Earl of Sutherland, accounted

Charter by
David II. to
William,
earl of
Sutherland

for the grants of certain lands to the Earl by the King. In 1345, King David granted to the earl a charter of the thanedoms of Downie, Kincardine, Aberluthnot and half of Formartine and Kintore (No. 59). This charter was confirmed by the King on 24 July, 1360 (No. 83), and the charter granting half the thanage of Formartine was confirmed 30 July, 1366 (No. 113.) These lands afterwards passed into the hands of Sir Walter of Leslie (No. 118). In the following year, the King granted and confirmed to the earl the barony of Cluny in the sheriffdom of Aberdeen (No. 61), and in the same year the rock of Dunnotar in the sheriffdom of Kincardine "to be held in fee and heritage with license to erect a fortalice upon the said rock" (No. 62). The King, in 1358-9, granted to Earl William and his son, John, nephew of the King, the barony of Urquhart, with its castle, in the sheriffdom of Inverness, in excambion for all the lands in Kincardine which the earl had received.

Grant by
earl
William to
his brother
Nicolas of
certain
lands in
Sutherland

The said earl granted a charter to his brother Nicolas, dated 13 September, 1360, conveying to him "the sixteen davachs of land lying within the earldom of Sutherland in the free barony which is called Torboll, namely, the three davachs of Torboll, one davach of Rearquhar, one davach of Astle, one davach of Over Proncy, one davach of Nether Proncy, and one davach of Proncy Croy, two davachs of Evelix, one davach of Grudiebrora, one davach of Sciberscross, one davach of Kilpheder greater and less, with the quarter of Meynferri, one davach of Caen lying on the east side of the Water of Strathully, and one davach of Kilpheder lying on the west side of that water"¹ (No. 84). This grant was confirmed by David II. in 1363 (No. 96). From a confirmation by the King in 1364 it appears that Earl William granted a charter to John of Tarale of six

Grant of
lands in
Strathileet
to John of
Tarale.

¹ See Nos. 96, 144 and 187.

davachs of the lands of Ruchy (Rovie) with pertinents in Strathfleet (No. 99).

In a charter dated 26 May, 1366, David II. granted to Mariota Cheyne, widow of John of Douglas, half the barony of Strabrock and the fourth part of the earldom of Caithness, with pertinents within the sheriffdom of Inverness (No. 111).

Grant of the fourth part of earldom of Caithness to Mariota Cheyne.

King Robert II. granted to his son David, Earl of Strathearn, the lands of Alexander of Aird. These included the castle of Brawl (Brathwell) and all and whole the lands thereof, and all other and sundry lands, lordships and rights of the lands whatsoever, with their pertinents, as well in the earldom of Caithness as elsewhere wherever they may be within the realm, which belonged to Alexander of the Aird by any manner of heritable succession affecting himself, or affecting him in connection with Matilda of Strathearn, his mother (No. 120).

Lands in Caithness granted to David, earl of Strathearn.

In February, 1376-7, King Robert granted a charter to Alexander Stewart, Lord of Badenoch, of three davachs of the lands of Garty in Sutherland which belonged to Alexander of the Aird which he had surrendered and resigned to the King (No. 121).

Lands of Garty in Sutherland granted to Lord of Badenoch.

King Robert confirmed in 1377 the grant made by David Stewart, Earl Palatine of Strathearn and of Caithness to William of Ross, younger son of the late Hugh of Ross, of all lands and rents, with pertinents, which belonged to Walter of Moray, within the earldom of Caithness, except the lands of Wester Clyth and Nether Greenland, with pertinents, which were granted heritably to Thomas Scarlet (No. 122).

Confirmation of charter by David Stewart, earl of Strathearn and Caithness granting land in Caithness.

Another charter granted by King Robert to Alexander Stewart, Earl of Buchan and Euphemia, lady of Ross, of Skye and Lewis, all the lands in Caithness and Sutherland, etc., which belonged to the said Euphemia by heritable right (No. 130).

Lands in Caithness and Sutherland granted to the earl of Buchan.

Grant to
Farquhar,
the royal
physician,
of lands of
Melness
and parts
of Hope
and the is-
lands lying
between
Rhu Stoer
and Rhu
Armadales.

Alexander Stewart, lord of Badenoch, made a grant of the lands of Melness and the two parts of Hope, with their pertinents, to Farquhar, the royal physician, which was confirmed by King Robert II., 4th September, 1379 (No. 125). In 1386, the King granted to Farquhar, the physician, for services rendered and to be rendered, the islands of Jura, Calva, Handa (Sanda), Eilean a' Ghamhna (Ellangowan), Eilean a' Bhuilg (Ellanwillighe), Eilean Roan, Eilean Hoan (Ellanhaga), Eilean Choarie (Ellanwhoera), Eilean a' Ghoill (Ellanegelye), Eilean na neimhe (Ellannyofo), and all the islands between Rhu Stoer in Assynt and Rhu Armadales (No. 132).

Grant to
Kenneth
Sutherland
of lands of
Drummuie
Backies
and Torrish

Robert, sixth Earl of Sutherland, granted in 1400, to his brother Kenneth Sutherland, the lands of Drummuie, Backies and Torrish in Sutherland (No. 139). In 1408 this grant was confirmed by Robert, Duke of Albany, Governor of Scotland (No. 145).

Grant of
certain
lands in
Sutherland
to Henry of
Sutherland

In November, 1408, John Sutherland, son and heir of Nicholas Sutherland, lord of the Castle of Duffus, ratifies a resignation which his father (Nicholas) made to the Earl of Sutherland as his superior, of the £40 lands with pertinents within the Earldom of Sutherland (Nos. 96) which he held in chief from the said earl and confirmed the grant which the said earl made to Henry of Sutherland of the said lands (No. 144). From a charter of confirmation by John, seventh Earl of Sutherland, dated 12 July, 1444, we learn that the above £40 lands were the lands of Torboll, viz., Torboll, Strathcarnag (Straghagcharn), Little Torboll, Evelix, Proncy Croy, Nether Proncy, Over Proncy, Achosnich, Doll, Rearquhar, Grudiebrora, Kerrowmain (Karoumenzhe), Sciberscross (Sipursale), Kilpedder-more, Kilpedder beg, an acre of land lying on the south side of Helmsdale, Caen and Kilpedder lying in Strathillidh (No. 187).¹

¹ See Nos. 84, 96 and 114.

Robert, Duke of Albany, Governor of Scotland, Walter Stewart, Earl of Atholl and Caithness, receives grant of lands of Cortachy. granted to his brother, Walter Stewart, Earl of Atholl and Caithness, in 1409, the lands of the barony of Cortachy, in the sheriffdom of Forfar, with the advocation of the parish church thereof formerly belonging to Archibald, Earl of Douglas (No. 146).

The Duke of Albany in 1410 confirmed a wadset by Confirmation of wadset of lands in Freswick and Auchingill in Caithness. William Mowat of Loscragy to his son John for eighty merks usual money which he had received from him by way of loan and converted to honourable and necessary use, of all and whole his lands that he had in the tenement and territories of Freswick with pertinents in Caithness. The lands were to revert to the owner whenever "the sum of eighty merks usual money [was paid] on one day between sunrise and sunset thereof together and at once well and truly without fraud or guile in the parish church of Freswick and upon the high altar thereof" (No. 148).

Donald, lord of the Isles, granted in 1415 to Angus Eyg of Strathnaver and Neil, his eldest son, the lands of Strathhalladale and Ferancostgraygis (No. 150). Grant of lands in Strathhalladale by Donald, lord of the Isles, to Angus, Eyg of Strathnaver.

Owing to the rebellion of Thomas Neilson, King James passed sentence of forfeiture upon him and made a grant of his lands to his brother Neil Neilson. The grant is dated 20 March, 1429-30, and the lands granted were Creich, Gairloch, Daan, Muieblairie, Gruinard (Croinzueorth), Tuttim (Tutumtarwach), Langort, Amat (Amayde) (No. 170). Grant of lands of Creich, Gairloch, etc., to Neil Neilson. In connection with the apprehension of Thomas Neilson, there is another grant by the King in March, 1429-30, to Angus of Moray of the lands of Spinningdale, Acharry (Alrecarre), Fload (Fud), Pulrossie (Polyssy), Bighouse, Trantlemore, Trantlebeg, Forsinard, and Forsinain (No. 171), and to Morgan Neilson, of the lands of Golval and Kirkton (Strathhalladale), Achness, Altasmore, Linsidemore and Inveran in Sutherland (No. 200). Grant of Spinningdale, etc., to Angus of Moray. Grant of lands of Golval, Kirkton, etc., to Morgan Neilson.

King James I. made a grant of the Earldom of Caith-

Grant of
earldom of
Caithness
to Allan
Stewart.

Lands of
Easter
Kindeace
granted to
Alexander
de Suther-
land of
Dunbeath.

ness, which the uncle of the King, Walter, Earl of Atholl, had resigned, to Allan Stewart, on 15 May, 1430 (No. 172).

In August, 1449, John de Yle, Earl of Ross and Lord of the Isles, granted the lands of Easter Kindeace to Alexander de Sutherland of Dunbeath (No. 198).

III.

THE MEDIEVAL CHURCH IN CAITHNESS AND SUTHERLAND (1136-1448).

The transition period between the Celtic Church and the Roman Church in the far north of Scotland is lacking in clearness and distinctness, at least, so far as our information, gleaned from the written records, is concerned. The story of the Celtic Church in Caithness and Sutherland is of special interest, as the evidence obtained from the Irish martyrologies and northern place-names seems to point definitely in the direction of a Pictish mission to the Northern Picts. The commonly accepted view that Caithness and Sutherland were indebted for their Christianity to the great Dalriadic missionary, Columcille of Iona, must now be given up. Even in the few place-names that seem to commemorate Columcille, there is not wanting evidence that some of them at least commemorate one or other of the many Pictish Columns or Colms.¹ The evidence for the evangelization of the far northern counties by Pictish missionaries, on the other hand, is abundant. The whole subject of the part played by these missionaries in the Christianization of the Northern Picts, as distinct from the Columban missionaries, has been worked out with keen historical insight by the Rev. A. Black Scott, Helmsdale, to

The Pictish
Mission.

¹ For the association of Colm with Drostan in Caithness see *Trans. Gael. Soc. Inverness*, XXVII., 118, 119.

whose researches in this particular field we refer all interested.¹ The passing of the Celtic Church in the north, by whatever means effected, was evidently an event not appreciated by the Northern Picts. This is seen in the tenacity with which they clung to the commemorations of their old missionaries, whose names have been handed down to us from those distant ages in place-names scattered all over the north.² As the Roman Church gained in influence it made an attempt to suppress the Pictish commemorations by nominating some of its own saints, and occasionally we find a Pictish and a Romish saint sharing honours together. The first document in the Records (No. 1, p. 1) is of particular interest, as "the monks dwelling at Dornoch in Caithness" were evidently Culdees, representatives of the old monastic Celtic Church.³ Since it was Rögnvald, earl of Orkney (1136-1158), who received the mandate from King David I., the document could not have been earlier than 1136.

The Monks
at Dornoch

As there are so many technical terms occurring in the ecclesiastical documents in the Records, it may be advisable, before giving a general outline of the history of the mediæval Church in Caithness and Sutherland, to turn attention to its constitution.

¹ See his *S. Ninian, Apostle of the Britons and Picts*, London: 1916; and *The Pictish Nation: Its People and its Church*. See also his articles *Nynia in Northern Pictland* (Scottish Historical Review, II.), *S. Maolrubha* (Ibid., VI.); *S. Donnán the Great and his Muinntir* (Trans. Scottish Ecclesiological Soc., 1. part III.); and papers on Barr (Finbar) and Drostan, under the headings: *Chapters in the History of the Church of the Picts*, and *S. Drostan of Buchan and Caithness* (Trans. Gael Soc. of Inverness, vol. XXVII.). His paper on *S. Columba (Columcille), the Gaidheal: His Relations with the Picts and how they developed* (Trans. Gael Soc. of Inverness, XXVIII., 15-66) should also be read, for though one may not agree with Mr. Scott in his inferences, yet he has done work that must be taken notice of.

² Rev. D. Beaton's *Eccles. Hist. of Caithness*, 68-88.

³ Reeves *On the Céli-dé, commonly called Culdees* in Trans. Royal Irish Academy, XXIV., 150; see also the Notes at the end of the Records.

I.—CONSTITUTION OF THE CHURCH IN THE SEE OF CAITHNESS (CAITHNESS AND SUTHERLAND).

It is not known when the bishopric of Caithness was constituted. The earliest bishops on record are Andrew, John, and Adam, all of whom preceded Gilbert, who signalised his episcopate by giving a constitution for the chapter of his diocese (No. 14, p. 14). The reason for the choice of certain places as the bishop's seat is to a large extent a matter of conjecture. At Brechin there had been a house of Keledei or Culdees, who, in process of time, were transformed into secular canons. At Dornoch there was also a Keledei community, but in Gilbert's time (1222-1245) there was in the "cathedral church but one priest serving God" (p. 18). Still, the fact that Dornoch had been an ecclesiastical centre may have influenced Gilbert's predecessors to make choice of Dornoch as their *cathedra*. The constitution of the cathedral of Caithness was modelled, like that of Moray and Glasgow, on the cathedral of Lincoln. Bishop Bricius of Moray had obtained an account of the constitution of Lincoln cathedral in 1212 (*Reg. Moraviensis*), on which the cathedral of Moray was modelled. Bishop Gilbert's connection with Moray explains how the cathedral of Caithness adopted the same model. The cathedral was dedicated to the Virgin (p. 18), and there were to be ten canons, with the bishop *ex-officio* (p. 19). Five of these canons were to be dignitaries—the dean, precentor, chancellor, treasurer, and archdeacon. The church of Durness was assigned for providing light and incense to the cathedral church (p. 21).

Dornoch
chosen as
the bishop's
cathedra.

Caithness
Cathedral
formed on
model of
Lincoln.

(1) Cathed-
ral organi-
sation:—
The Dean.

(1) *Cathedral Organisation*.—(a) The *Dean (decanus)* was the administrative head, and possessed disciplinary power not only over every member of the chapter, but also over the lesser clergy who were engaged in the services of the cathedral. In chapters where the bishop

was a canon he was inferior to the dean, though from his spiritual pre-eminence acknowledgment in many ways was made of his dignity; but in the chapter of Caithness Gilbert expressly says:—"We ordain . . . that in the said Church there shall be ten canons . . . over whom, as their head, the bishop shall preside" (p. 19).¹ And again, after mentioning the other dignitaries, he adds: "*next after the bishop* these persons are the principal and chief in the cathedral church" (p. 20). The dean, unlike the other canons who were appointed by the bishop, was "elected or postulated" by the whole body of the canons, or by the "greater or sounder part of them."² The dean's allowance (*prebenda*) was the church of Clyne, with the whole revenues and pertinents, the teind sheaves of the city of Dornoch and town of Embo, with the fourth part of the altarage of Dornoch and the whole land of Mid Dornoch (*Methandurnach*), (p. 19). To the dean, in common with the precentor, chancellor and treasurer, there was assigned a "free toft and croft in the city of Dornoch" and the church of Farr with its whole revenues, except the teinds and revenues of Halladale³ (p. 20). The churches assigned to these dignitaries were to be free from all burdens to the archdeacon, officials and rural deans (p. 20). In later times the dean had a deputy, the sub-dean, who acted in his absence.

The Bishop
head of the
chapter.

The Dean's
prebend.

The
Sub-dean.
The
Precentor

(b) The *precentor* (*cantor*), or chanter, was next in dig-

¹ The bishop was also a canon in Moray, Aberdeen, Brechin and Ross; this arrangement had parallels in Salisbury, Lincoln, Chichester, and Lichfield, and St. David's (Wales). Dr. MacEwen, in his *Hist. of the Church in Scotland*, I., 206 n., says:—"St. Gilbert was dean as well as bishop." This is not strictly accurate; there was a dean distinct from the bishop, though the bishop was head of the chapter in Caithness according to Gilbert's Constitution.

² Dowden's *Med. Church in Scotland*, 62, 63.

³ These had formerly been given to the church of Reay "on account of the proximity of the said church of Halladale and its great distance from the church of Farr" (p. 20). Halladale was only a chapel, not a parish church.

nity to the dean. He regulated the music, and admitted to office the boys who took part in the service, saw to their instruction and discipline, and appointed the teacher in the song-school. The precentor of Caithness had, as his prebend, the church of Creich, with its whole revenues, pertinents and chapels, the teind sheaves of Proncy, Evelix, Strathormlary (Stradormeli), Astle (Asdale), Rearquhar, the fourth part of the altarage of Dornoch, and the whole land of *Uachdar Innis* (Huchtherinche or Hoctor Common), Upper Meadow,¹ at Dornoch (p. 19); with a free toft and croft in the city of Dornoch and the church of Farr, with its whole revenues except the teinds and revenues of Halladale, in common with the dean, chancellor and treasurer (p. 20). His church was to be free from all burden from the archdeacon, officials and rural deans. The precentor was appointed by the bishop. In later times the precentor, when absent, had a deputy, known as the *subchanter* or *succentor*.

The Sub-
chanter or
Succentor.

The
Chancellor.

(c) The *chancellor* (*cancellarius*) was third in rank. It was his duty to see that the service books had been correctly transcribed, to compose the letters and charters of the chapter, to read in the meetings of the chapter letters and documents that had to be considered, and to prepare the list (*tabula*) of singers and readers told off weekly for the several services. He looked after the books in the library of the chapter, and was necessarily a man of some literary attainments.² To the chancellor was assigned the church of Rogart, with its whole revenues, the teind sheaves of Skelbo, that is twelve davachs, and the fourth part of the altarage of Dornoch (p. 19). In common with the dean, precentor and treasurer, there was also assigned a free toft and croft in the city of Dornoch and the church of Farr, with its whole revenues except the teinds and revenues of Halla-

his prebend

¹ See Notes at the end of the Records.

² Dowden's *Med. Church in Scotland*, 61.

dale (p. 20). The chancellor's church was to be free from all burden to the archdeacon, officials or rural dean (p. 20). He had also assigned to him in common with the treasurer and archdeacon the whole land of Pitgrudie and the two Herkhenys (which was to be divided among them in equal portions) with the common pasture of Dornoch (p. 20).

(d) The *treasurer* (*thesaurarius*) was fourth in dignity. ^{The Treasurer.} He was custodian of the treasures of the church, relics, and the *ornamenta*, largely consisting of vessels of silver and gold and costly vestments. To the treasurer of Caithness was assigned the church of Lairg, with its whole revenues, the teind sheaves of Skibo and Cyderhall, except the teinds assigned to the precentor at Strathormlary (Stradormeli), and the fourth part of the ^{his prebend} altarage of the church of Dornoch (pp. 19, 20). In common with the dean, precentor and chancellor, the treasurer had assigned to him a free toft and croft in the city of Dornoch and the church of Farr, with its whole revenues except the teinds and revenues of Halladale (p. 20). To him also, in common with the chancellor and archdeacon, was assigned the whole land of Pitgrudie and of the two Herkhenys (which was to be divided among them in equal portions), with the common pasture of Dornoch (p. 20).

(e) The *archdeacon*, whose chief functions were diocesan, in Gilbert's Constitution, is specially mentioned as one of the dignitaries. As *archdeacon* it was his duty to visit the churches in the diocese and to supervise the parochial clergy. He examined candidates for ordination and clerks when presented to benefices. To ^{his duties.} facilitate his work, parishes in most of the dioceses were grouped in sections, which were known as *deaneries of Christianity*, each presided over by a *dean of Christianity* or *rural dean*. ^{Rural Dean or Dean of Christianity.} Dr. Dowden says, so far as he is aware, there is no evidence to show that the dioceses of Brechin, Ross, and Caithness were divided into

Archdean. rural deaneries.¹ The archdeacon is often, though wrongly, designated *archdean* in Scottish documents. The similarity of sound between *archidecanus* and *archidiaconus* may account for the mistake, but the most probable explanation for the error is that suggested by Dr. Dowden, viz., that archdean meant the chief of the deans, that is the "deans of Christianity."² To the archdeacon of Caithness were assigned the churches of Bower and Watten with their whole revenue and pertinents. In common with the chancellor and treasurer, he had the whole land of Pitgrudie and the two Herkhenys (which was to be divided among them in equal portions) with the common pasture of Dornoch (p. 20).

The Archdeacon's prebend.

The dean, precentor, chancellor, treasurer and archdeacon were known as dignitaries (*principales personæ*), and occupied the four stalls when sitting in the choir; besides them there were five other canons in the cathedral—the Bishop, Abbot of Scone, and three canons, the bishop, as we have seen, being head of the Chapter.

The Bishop (f) The *Bishop's* position in the chapter has already been referred to, and his place in the diocesan organisation will be discussed later on. Bishop Gilbert reserved for the episcopal use six out of the fourteen parish churches in the see, which were probably Golspie (Kilmalie), Loth, Reay, Wick, Thurso and Latheron. The teinds of Torboll and Kinnauld and twenty acres of land at Dornoch, with a toft and croft in the same, were assigned for the support of a vicar ministering on the bishop's behalf in the cathedral (p. 21).

Churches reserved for episcopal use.

The Abbot of Scone. (g) The *Abbot of Scone*, who acted as a canon of

¹ *Med. Church in Scotland*, 216. There is the mention of rural deans (p. 20) in Bishop Gilbert's Constitution, but there is no evidence in the ecclesiastical documents in the period from 1136-1448 to indicate that there were deaneries of Christianity in the diocese of Caithness.

² *Ibid.*, 221.

Caithness *ex-officio*, had assigned to him the church of Kildonan, with all its revenues (p. 21).

(h) The *three canons* had the parishes of Olig, Dunnet and Canisbay separately assigned to them, with the church of Skinnet to be held in common, and whose fruits were to be partaken only as was appointed with regard to the church of Farr (p. 21), and if none of them happened to be resident then these were to go to the maintenance and decoration of the cathedral church, provided one hundred shillings were first paid to William of Ross, clerk of Bishop Gilbert, and three marks to Eudo, his chaplain.

Seven priests and *three deacons* were also appointed. The dignitaries, the Bishop, and the Abbot of Scone had to provide a priest to minister for them in their absence (p. 19). The other three canons had to provide three deacons, who were to assist and serve the priests (p. 19). Each of these priests was to celebrate divine service every day, unless canonically prevented, and both priests and deacons were to be present every hour each day, unless any of them through sickness had leave of the bishop or dean. These deputies of the canons were known as *Vicars of the Choir*, or *Vicars Choral*, sometimes *stallaries* (*stallarii*), that is, vicars attached to the canon's stall, to distinguish them from the vicars in charge of the canon's parish.

A *Penalty for Non-Residence* is mentioned in Bishop Gilbert's Constitution. The dean was to be in residence for the half of every year and all the other canons, with the exception of the Abbot of Scone, were to be in residence for three months, unless they had leave from the bishop or chapter, failing which they were to pay twelve pence weekly, during absence, towards the maintenance and decoration of the cathedral church. The Abbot of Scone was specially privileged, as representation in the cathedral church by a priest as his vicar was

permitted to him; but he was not compelled to be resident in or to provide a vicar for his prebendal church of Kildonan; this also applied to his successors (pp. 20, 21). The extent to which non-residence affected the Scottish cathedrals is referred to by Dr. Dowden, and many examples are given in his *Medieval Church in Scotland*, 76-80, but so far as our Records reveal there was no trouble from non-residence in Caithness. Gilbert's constitution concludes by invoking the blessing of the Lord Jesus Christ upon the canons and vicars who act faithfully, but upon those who "distract and injure" there is invoked the wrath and indignation of Almighty God in eternal damnation (p. 22).

(2) *Diocesan
organisa-
tion.*

*Election of
bishops.*

*Mode of
election:—
(1) per
scrutinium.*

*The
Scrutatores.*

(2) *Diocesan Organisation.*—The method of the appointment of bishops, at least after the transition period from Celtic to Anglo-Norman methods, is well established. After the appointment of Cathedral chapters, the ordinary rule was that the chapters in the respective dioceses elected the bishops. The order of election was strictly regulated by Canon Law, and the slightest departure from it gave the Pope an opportunity of declaring that the election "had not been canonically celebrated." There were three modes of election:—(1) *per scrutinium*. By this method the chapter made choice of three members, who took the votes of the chapter one by one. Each vote was given secretly and was recorded in writing by the three Examiners or *Scrutatores*. When the votes were counted the result was announced. He who obtained the votes of the "greater and sounder part" (*major et sanior pars*) of the chapter was declared elected. The following Bishops of Caithness during the period covered by the Records were elected by this method: Alan (p. 110), Thomas de Fingask (p. 115). Hervey of Dundee had also been elected by this method, but he died before his consecration (p. 53).

(2) *per compromissum*. By this method the Chapter committed the choice to certain persons either of their own body or of outsiders, or to some of their own body conjoined with one or more outsiders. This mode was technically described *per viam compromissi*. The following bishops of Caithness were elected by this method:—Archibald (?Heroch, Hayrock), p. 40; Forcard (Fercard, Ferquhard) Belegaumbe, p. 77; Richard, dean of Caithness, was also elected *per viam compromissi*, but the Pope, using his influence, got the old dean to give up all claims to the bishopric, p. 53.

(3) *per inspirationem*. When the whole body of the electors without debate or discussion elected the person whose name had been proposed by some one as if they had been directly under the inspiration of the Holy Spirit (*per viam Spiritus Sancti*), it was said to be *per inspirationem*. During the period covered by the Records there was no such election to the see of Caithness.

When a person was said to be *postulated* it implied, that there was some canonical impediment which barred him from taking office. A person of illegitimate birth, the head of a monastic institution, and a bishop in charge of a see could not be elected, but the Chapter petitioned or *postulated* the Pope for a dispensation. The same applied to any one under the canonical age—thirty years. When an election was made, two or three of the members of the Chapter were sent to Rome, bearing the writ or “decree” reporting the election, or in the case of a postulation, a request together with a declaration setting forth in express terms the nature of the impediments to a canonical election.¹ If any persons were disposed to object, either on account of alleged irregularity in the procedure, or the alleged unfitness of the person elected or postulated, they too had to appear at Rome, either in person or by duly

(2) *per compromissum*.

(3) *per inspirationem*.

Postulation

Papal Confirmation of the Bishop-elect.

¹ Dowden's *Med. Church in Scotland*, 27.

authenticated procurators. The documents were sometimes submitted to members of the College of Cardinals (pp. 41, 77, 111, 115), and at other times to three Scottish Bishops (pp. 30, 71). In the latter case, if the Bishops were satisfied they were authorised to confirm the election "in the name of the Pope," and to make provision for the consecration of the elect. When the Pope refused to confirm an election it was not always the practice to state the reason, except in such general terms as "contrary to the approved canonical form" (p. 31), or the "election had not been canonically performed" (p. 64). In some instances the reason was given, as in the case of Nicholas, Abbot of Scone, whose election was not confirmed because "the said Abbot labours under a deficiency of knowledge intolerable in a prelate" (p. 37). In all such cases the Pope claimed the right of appointing the bishop to the vacant see (p. 64). In the case also of the death of Hervey of Dundee before consecration, the Pope appointed his successor (p. 53).

PAPAL PROVISIONS AND RESERVATIONS.

As time went on there was a growing tendency on "Providing" the part of the Popes "providing," as it was technically called, to Scottish bishoprics, that is, making appointments *ex proprio motu*. The first case in the Records of a direct papal *ex proprio motu* appointment is that of Andrew, Abbot of the Cistercian Monastery of Coupar, by Pope Boniface VIII. (p. 69). Pope John XXII. (1316) inaugurated a new era, and these papal provisions became the order of the day. The Popes from this date, with some exceptions as we shall see,¹ "reserved" to their own appointment or "provision" not only bishoprics, but all elective offices and dignities of value. While in England these papal

¹ Pope John's successor, in the case of Bishop Alan (No. 46, pp. 108-112), accepted the Chapter's choice without declaring it null and void.

"provisions" gave rise to keen resentment, in Scotland the discontent was not quite so marked, and the probable reason was that the Popes, benefiting by their experience with England, moved more cautiously in Scotland. The Chapters continued to make the elections, but the Popes declared the elections of the "reserved" sees null and void, and assumed that the Chapter, in ignorance of the reservation, had proceeded with the election. The Pope then proceeded to appoint the person upon whom the Chapter's choice had fallen (p. 158). The system of papal "reservations" proceeded on the doctrine that every ecclesiastical benefice was in theory at the disposal of the Pope. When a benefice became vacant the Pope, by declaring he had reserved it to his own provision, suspended the rights of the ordinary patron. In the Records there are many instances of reservations of deaneries (pp. 216, 219), precentorships (p. 212), chancellorships (p. 226), archdeaconries (pp. 90, 100, 129, etc.), canonries¹ (pp. 87, 89, 94, 97, etc.). This led to the innumerable petitions to the Pope which we have recorded in the *Calendar of Papal Registers, Petitions*, and of which we have many illustrations in these Records.

Papal Reservations.

PAPAL DISPENSATIONS.

(1) According to the Canon Law no two benefices with pastoral care could be held by one and the same person. But the Popes got over this difficulty by granting dispensations, hence the many references in these Records to petitions to hold more than one benefice (pp. 32, 120, 213). Some of the Caithness clergy carried pluralities to a high degree of perfection (pp. 120, 128, 131, 151, 154, 194). (2) The Canon Law also forbade the ordination of anyone suffering from the "defect of birth" (*defectus natalium*), that is one who

"Defect of birth."

¹ Nos. 39 (p. 84), 40 (p. 90), 43 (p. 97), give a very good idea of what a 'reservation' meant.

had not been born in wedlock. Rome got over the difficulty by granting a dispensation, and apart from the notorious instance of the fifty illegitimates for whom the Bishop of Caithness petitioned in 1381 (No. 128, p. 169), we have quite a number of such petitions in these Records (pp. 201, 209, 220, 240).¹ (3) The Canon Law also forbade the bestowal of benefices upon children, but papal dispensations opened up a way whereby favoured children might be appointed such as the sons of royal persons. The case of Alan Stewart, son of the Earl of Caithness and Atholl, aged twelve years and illegitimate, illustrates the above (p. 198).

PAROCHIAL CLERGY.

Reference has already been made to the Archdeacon and his place in the diocesan organisation, and attention must now be directed to the parochial clergy. Every canon whose prebend was a parish church was bound to provide a deputy to take spiritual charge of the parish. The canon was the rector, and his deputy was designated the vicar. In early times the clergyman appointed was removable at will, but owing to later enactments the vicars having permanency of tenure were known as *perpetual vicars*. In regard to the stipend sometimes the *garbal tithes* or *greater tithes* were assigned to the canon, while the *lesser tithes*²

Perpetual
Vicars.

¹ Dr. Dowden says:—"What we have to remark is that dispensations for illegitimacy were granted with so lavish a hand that it is certain that a considerable proportion of the clergy of Scotland, not only among the rank and file, but perhaps in even still greater abundance among the dignitaries and high officials of the church, was drawn from the offspring of irregular connexions."—*Med. Church in Scotland*, 280. For cases of dispensations for illegitimacy, see Index under Illegitimacy, papal dispensations for.

² The garbal tithes (*decimæ garburum*) were the tithes of the sheaves (*garbæ*) of all kinds of grain. These were sometimes called the *greater tithes* as distinguished from the tithes of the young of sheep, kine, and other animals, of milk, butter, cheese, wool, etc., which were called the *lesser tithes*. Dowden's *Med. Church in Scotland*, pp. 162, 163.

were given to the vicar. In other cases the whole tithes of a parish were assigned to the rector, who paid his vicar a fixed sum of money or *pension* as it was called.

CONSISTORIAL COURTS.

In each diocese there was a consistorial court, presided over by a lawyer skilled in the Canon Law. This judge was known as the *official*, and in the Records ^{The Official} we have references to him in No. 9, pp. 16, 20; No. 189, p. 235. According to Dr. Dowden,¹ he was a deputy, not an inferior, judge, and from his decisions there was ordinarily no appeal to the bishop. In the diocese of St. Andrews there were two *officials* for each of the two archdeaconries into which it was divided. The consistorial court dealt with such cases as matrimonial suits, including questions of legitimacy, bastardy and dowry. The probate and interpretative construction of wills also came within its review. Slander, disputes as to patronage and non-payment of tithes, assaults on ecclesiastical persons and brawling in sacred places were some of the matters dealt with by this Court.

II.—THE GENERAL HISTORY OF THE CHURCH IN THE SEE OF CAITHNESS (CAITHNESS AND SUTHERLAND).

The period during which the Roman Church in the diocese of Caithness gradually gained ascendancy over the Celtic Church until the triumph of the former under the episcopate of Gilbert (1222-45) may be roughly set down at a hundred years. Little is known of Andrew, the first Bishop of the See, except that he appeared frequently as a witness of royal charters,² and the probability is that he found much more congenial society

¹ *Med. Church in Scotland*, 288.

² A collection of references to his appearances as witness will be found in *Origines Parochiales Scotiæ*, II., part II., 598, and in Dowden's *Bishops of Scotland*, 232.

John,
second
bishop of
Caithness.

his tongue
cut out.

Lumberd
punished
for the
crime.

His
sentence.

at the court than in his far northern diocese. Andrew was present at Northampton, on 25th January, 1175-6, when the Scottish bishops declined to submit to the jurisdiction of the Archbishop of York. His successor, John, was evidently a man of some independence, for Pope Innocent III. directed the bishops of Orkney and Ross to compel John, bishop of Caithness, from preventing the payment of one penny from every house in the county of Caithness, granted by Harald, earl of Caithness, in the time of Pope Alexander III. (1159-81), and duly collected in the time of the late bishop Andrew (No. 3, pp. 2-4). It was this bishop who suffered so cruelly in his castle at Scrabster (Skarabólstaðr) in having his tongue cut out, and also, according to the *Orkneyinga Saga*, his eyes put out.¹ The penance meted out to Lumberd for cutting out the bishop's tongue is set forth in No. 4, pp. 5-7. It was sufficiently drastic, and gives abundant evidence that the Pope's arm was longer than Cæsar's, when in the far northern parts of Scotland a decree from Rome imposing a heavy penance not only was promulgated but actually carried into effect. Lumberd had imposed upon him a penance that was not only to satisfy his offence but also to terrify others. He was to "walk openly, in the sight of all beholders, naked and barefoot, except in breeches and a short and sleeveless woollen vest, having his tongue tied with a thin cord and drawn out for a little while, so that it protrudes beyond his lips, the ends of the cord being fastened to his neck, and this he shall do for fifteen days continuously throughout the land whence he came, and where the bishop was mutilated and the surrounding district, carrying rods in his hand with which, when he comes to the entrance of a church, but which he shall in no wise enter, throwing himself on the ground, he shall cause himself to be disciplined; and so in silence and fasting he shall spend the day

¹ *Orkneyinga Saga*, 196.

until the evening, and then for the support of nature partake of only bread and water. When the fifteen days are expired he shall prepare to set out within a month for Jerusalem, and there for three years sweat in the service of the Cross, never uplifting arms against Christians; and for eleven years he shall fast every sixth day on bread and water, unless by the indulgence of some discreet priest, either on account of his weakness of body, or the heat of summer, this abstinence is modified" (pp. 6-7).

The third bishop on record, Adam, ended his days tragically at Halkirk, on 11th September, 1222. According to the Saga writer, it was an ancient custom that the bishop should receive a spann of butter for every twenty cows. Bishop Adam wished to increase the impost, and asked a spann for every fifteen cows, and then for every twelve, and finally for every ten. The increasing impost irritated the *bændr*, and on the refusal of Earl John to interfere in the quarrel, the exasperated Caithness men assembled on a hill near the village of Halkirk, and then set off for the bishop's castle. The bishop was seized, and shut into a small house, which was set on fire.¹ King Alexander II. took severe vengeance for this outrage, cutting off the hands and feet of eighty people. The king's zeal is highly praised in the letter Pope Honorius III. addressed to the bishops of St. Andrews, Glasgow, Dunkeld, and Dunblane, and the Pope "implores the mercy of God to be with him wherever he may be, and establish him for his heavenly kingdom, to make him a great name, and bestow upon him rest from all his enemies" (p. 26). The Pope writes that when he heard of the bishop's cruel death: "our soul was terrified, our heart trembled, and our ears shook with the dreadfulness of that iniquity"; but king Alexander's terrible

Adam,
third
bishop of
Caithness

The
bishop's
exactions.

Bishop
Adam
burnt.

Pope
Honorius'
blessing.

¹ *Orkneyinga Saga*, 200; Wyntoun's *Orygynale Cronykil of Scotland*, II., 239; III., 256.

revenge calmed the papal heart and mitigated the grief which had rent it (No. 10, pp. 23-27). With the advent of Gilbert a new era dawned for the Roman Church in the diocese of Caithness. The new bishop had a gift for organizing, and his influence was strengthened by his connection with the house of De Moravia. His effort to bring ecclesiastical order and system into the diocese of Caithness is clearly outlined in his Constitution (No. 9, pp. 14-23) to which reference has been fully made in the preceding pages. The exact date of his election is not known, though it is related that it took place before the king and his army. That it should have taken place when king Alexander came north to avenge the murder of bishop Adam is not an unlikely thing. Bishop Gilbert was not only an ecclesiastic, but he held a stake in the land of his large diocese, as Nos. 6, pp. 9-10; 7, pp. 11, 12; 11, pp. 27, 28, clearly show.

Bishop Gilbert. Gilbert was succeeded by bishops William and Walter Baltrodi (No. 12, pp. 28-32), to whom further reference will be found in the list of bishops of Caithness appended to this Introduction. Some time after the death of bishop Walter the Chapter elected Nicolas, abbot of Scone, but his election was set aside by Pope Gregory X., on the ground that "the said abbot labours under a deficiency of knowledge intolerable in a prelate" (No. 14, pp. 37, 38). The Chapter then proceeded to the election of Archibald, archdeacon of Moray, who at the time of his election was not in priest's orders. It was during bishop Archibald's episcopate that the famous new valuation of ecclesiastical property in Scotland took place. Pope Gregory's ambition had been to send a crusade to the Holy Land, and at the Council of Lyons (1274), at which all the Scottish bishops were present with the exception of those of Dunkeld and Moray, who had to remain in Scotland *pro statu ecclesiae servando*. The Council decreed that a tenth of all church revenues during

Date of his election.

His successors.

Election of Nicolas, Abbot of Scone, annulled.

Archibald, Archdeacon of Moray elected.

Tithes for the Crusades.

six following years should be collected for the relief of the Holy Land.¹ Boiamund de Vicci, an Italian, was sent to Scotland to collect the tax. He met the clergy at Perth, and intimated that not only would payment be enforced by excommunication, but that the properties of the church must be revalued according to their real worth (*verus valor*). The clergy protested against this revaluation, and persuaded Boiamund to return to Rome with a petition beseeching that the old assessment might be accepted. The appeal failed, and Boiamund returned to Scotland to enforce the new assessment, which, under the name of "Bagimont's Roll," became, and remained until the Reformation, the basis of taxation on all church property.²

Boiamund de Vicci sent to Scotland to collect the tax.

The "real worth" (*verus valor*) valuation.

Bagimont's Roll.

The tithes collected from the diocese of Caithness for the intended crusade of Gregory X., which never came to anything, are given in Nos. 16, pp. 42, 43; 35, pp. 81-83. The sums collected for the year 1275 amounted

The tithes collected in Caithness and Sutherland

¹ This was not the first collection in Scotland for the Crusades. At a Church Council held at Perth in 1212, it was resolved to support the Crusade proclaimed by Innocent III. (*Scotichronicon*, viii., 78). The Crusade inaugurated by the Fourth Lateran Council (1215) was commended to Scotland by a special legate, and in 1247 Pope Innocent IV. commanded the bishop of Dunkeld to collect the *twentieth* of all ecclesiastical revenues in Scotland for aiding the Crusades (*C. P. R. Letters*, I., 237).

² Boiamund's name underwent some strange transformations such as *Bagimont* in "Bagimont's Roll" and sometimes as *Ragman* in "Ragman Roll." Latterly Ragman Roll was applied to acts of fealty and homage done by the Scottish nobility to Edward I. in 1296.

³ MacEwen's *Hist. of the Church in Scotland*, I., 237. The tax seems to have been paid with punctuality for the first two years (1275 and 1276) for which Boiamund's accounts are preserved. At the end of the fifth year Boiamund received a mandate from Rome to warn those who had incurred excommunication by non-payment (*C. P. R. Letters*, I., 465). Boiamund, himself, also was accused of not sending the money to Rome, but offered as an excuse the King's prohibition (*Ibid.* I., 469, 478).

to £36 9s. 4d., and for the following year to £45 11s. 10d.¹

Dispute
between
bishops of
Caithness
and earl of
Sutherland
settled, 1275

In 1275 a long standing dispute between the Church of Caithness and the earls of Sutherland was brought to an end by an agreement entered into between bishop Archibald and William, earl of Sutherland (No. 17, pp. 43-49).

Richard,
dean of
Caithness,
elected to
vacant see.

On the death of bishop Archibald the Chapter elected Richard, dean of Caithness, to the vacant See. Richard's character was anything but that which might be expected of a bishop. The Pope, in his letter to the bishops of St. Andrews and Aberdeen and to the *Minister provincialis* of the Minor Friars in Scotland, stated that Henry de Nottingham confessed that the dean had a son more than thirty years old and that he was said to have another, though Henry did not believe it. The Pope had also been informed that the dean had been struck by paralysis, and that he was so worn out by age that he could not duly execute the duties of the pastoral office. The old dean was persuaded to resign his right arising from the election, which he did. If the charges against the dean's moral character were true then they throw anything but a pleasant light on the moral tone of the Chapter of Caithness at this date.

Henry of
Noting-
ham's
report of
his
character.

He is per-
suaded to
re-sig-n.

Hervey of
Dundee
elected, but
dies at
Rome be-
fore
consecra-
tion.

Alan de St.
Edmund
elected to
the vacant
see.

On the resignation of Richard, Hervey de Donodei (Dundee) was appointed, but died at Rome before his consecration, whereupon Pope Martin IV. appointed Alan de St. Edmund to the vacant see (No. 18, pp. 49-55). Alan, from his connection with Archdeacon Hugh of Evesham, an Englishman, often figures in

¹ As these sums represented a tenth of the value of ecclesiastical property in the diocese, the value of such property would be £364 13s. 4d., and £455 18s. 4d. for the respective years. To be strictly accurate, however, the sums contributed by the clergy, who had to supply "procurations" or a money payment in lieu of entertainment, to the papal collector, should be deducted from the above. But even with this allowance if the purchasing power of money was about twenty-four times as great as now the above sums represent a vast amount from a poor diocese.

transactions with Edward I. after the death of Alexander III. (1285-6). He was appointed chancellor of Scotland by Edward, and in 1291 he commanded the Keeper of Darnaway Forest to provide Alan with 40 oaks for the fabric of the church of Caithness (No. 21, pp. 60, 61). Bishop Alan was succeeded by Adam, precentor of Ross (Nos. 22, pp. 61, 62; 23, pp. 62-65), and Andrew, abbot of Coupar (Nos. 26, pp. 67-70; 28, pp. 70-72).

On the abdication of John Balliol in 1296 King Edward I. took the government of Scotland into his own hands, and in the following year he conferred the archdeaconry of Caithness upon Ferquhard de Belegaumbe (No. 27, p. 70). In the great struggle for Independence the Scottish Churchmen took a strongly patriotic course. The Popes whose pontificates covered the period were Boniface VIII. (1294-1303), Benedict XI. (1303-4), Clement V. (1305-14), and John XXII. (1316-34). To begin with, Rome maintained a friendly attitude to Scotland, her "special daughter." After Wallace's defeat at Falkirk he appealed to the Pope who called upon Edward to liberate two Scottish bishops. This injunction was repeated in 1300, and Edward was summoned before the Roman Curia. The English king indignantly repudiated the Pope's rights to deal with political matters, and led his army northwards to invade Scotland, whereupon Boniface VIII., without a word of explanation, abandoned the Scottish cause, and in August, 1302, addressed Edward as "his illustrious and very dear brother in Christ." From this date onwards the weight of Rome was thrown on the English side. The Scottish bishops, however, with one or two exceptions, took their country's side, notwithstanding the papal attitude and the rebuke administered to them by Pope Boniface's letter in 1302.

In 1306 Edward commanded the guardians of Scot-

The Scot-
tish
struggle
for inde-
pendence.

Scottish
Church-
men keenly
patriotic.

Rome's
attitude to
Scotland
in the
struggle.

Boniface
favours
England.

Ferquhard
de Bele-
gaumbe
appointed
bishop.

Edward's
interfer-
ence in
regard to
"tempor-
alities."

Words in
the papal
bull
rejected by
the new
bishop.

Papal sen-
tence re-
moved
from Bruce.

Papal
Reserva-
tions.

Bishop
Ferqu-
hard's
successors.

land to deliver the temporalities of the bishopric to Ferquhard, whose election was confirmed by Clement V. in 1306 (No. 32, pp. 74-78), but as there were certain words in the papal bull of confirmation as to these temporalities "which appeared prejudicial to the King's right," and as "the bishop renounced the bull *quoad* these and acknowledged that he held the temporalities of the king," they were restored to Ferquhard (No. 33, p. 79). Bishop Ferquhard¹ at first favoured Edward, but in 1309 he adhered to the cause of Bruce. The papal anathemas launched against Bruce did nothing to withdraw from his cause the support of the clergy, and though the Battle of Bannockburn gave Scotland her place as a nation and Bruce as her King, the attitude of Rome remained unchanged until after the Treaty of Northampton (1328), when Bruce was restored to the favour of the Church and addressed as "our dearest son, Robert, the illustrious King of Scotland."² In the preceding pages it has already been pointed out that under Pope John XXII., a system of reserving ecclesiastical benefices for the papal disposal was inaugurated on a scale hitherto unpractised in Scotland. Petitions for benefices and papal "provisions" became the order of the day, and from 1329 (No. 39, pp. 84-90) to 1445 (No. 192, pp. 238-240) there are abundant illustrations of these papal "provisions."

Bishop Ferquhard was succeeded by David, of whom scarcely anything is known. He, in turn, was succeeded by Alan, archdeacon of Aberdeen, who was appointed by Pope Benedict XII., after having been elected by the Chapter of Caithness (No. 46, pp. 108-

¹For Leonard [de Flisco], who is described as bishop-elect of Caithness (No. 36, p. 83), see list of Bishops of Caithness appended to this Introduction.

²The best account of the papal attitude to the Scottish struggle for Independence will be found in MacEwen's *Hist. of the Church in Scotland*, I., 252-276.

112). The Pope, contrary to the usual custom adopted since the introduction of the reservation of benefices, did not declare this capitular election null and void. Alan's successor, Thomas of Fingask, was appointed by Pope Clement VI. (No. 49, pp. 113-116). Bishop Thomas was delegated by the clergy to treat with the English King for the ransom of King David,¹ and in connection with this safe-conducts were granted to him (Nos. 64, p. 127; 72, p. 130). In 1368, Malcolm, canon of Caithness and also of Orkney, was elected by the Chapter, but in accordance with the usual papal procedure the election was declared null and void, as Pope Urban V. had reserved the appointment to himself. He, then, appointed Malcolm to the vacant see (No. 117, pp. 156-159). The period covered by the episcopates of David, Alan, Thomas de Fingask and Malcolm has been described as one of the dreariest and most dismal in the history of Scotland, and though there is little to give us any clue to the state of affairs in the diocese of Caithness, it is probable that the conditions were similar to those farther south.²

Bishop
Thomas de
Fingask
appointed
to treat for
ransom of
David II.

Malcolm
elected
bishop.

Election
declared
null and
void, there-
after
Malcolm
appointed
by the Pope.

We now come to the period of the great Papal Schism (1378-1424), which affected Scotland as it did the whole of Christendom. Scotland cast in its lot with the anti-Popes,³ Clement VII.⁴ and Benedict XIII., and from

The Papal
Schism,
1378-1424.

¹ *Acts of the Parliament of Scotland*, I., 515, 518.

² There is humiliating evidence of the lack of morality among the priesthood during this period as is shown in MacEwen's *Hist. of the Church in Scotland*, I., 292.

³ Popes Clement VII. and Benedict XIII., though designated anti-Popes, were personally free from most of the stains which disgraced their Italian rivals.

⁴ Clement showed his favour to Scotland on his appointment by sending a nuncio authorising him to depose the adherents of his rival Pope Urban VI., and make appointments to the vacancies so created, to bestow 'livings' on poor clerks and admit 200 bastards to the priesthood after administering tonsure, to license 200 portable altars and to give 20 dispensations of marriage to next of kin, with 300 plenary remissions (*MacEwen's Hist. of the Church in Scotland*, I., 305, 306; *C. P. R. Letters*, IV., 240-2).

Alexander
Man
appointed
bishop.

Petition for
licence
to dispense
50 persons
of illegiti-
mate birth.

Pope
Boniface's
appoint-
ment of
John as
bishop of
Caithness.

17th November, 1378 (No. 123, p. 166) to 11th December, 1418, the ecclesiastical appointments in Scotland were made by these two anti-Popes. The first bishop appointed by Clement VII. to the see of Caithness was Alexander Man, and if, as Eubel states, he was appointed on 21st October, 1381, he lost no time in setting about his duties, for on 10th December, 1381, there was a petition from Alexander, bishop of Caithness, "for licence to dispense fifty persons of illegitimate birth, so that they may be ordained and hold a benefice"; the petition was granted for twenty-five. He also petitioned for "licence to dispense twenty persons related in the third or fourth degree so that they may intermarry": the petition was granted for six (No. 128, p. 169). The date of bishop Alexander's death is not known, but in 1402 Pope Boniface IX., in nominating Conrad as bishop of Sodor, states in his decree: "Whereas the church of Sodor is recently deprived of the comfort of a pastor because we caused our venerable brother John, bishop of Caithness, then bishop of Sodor, although in absence, to be released from his government of the church of Sodor" (No. 140, pp. 178-9). There is no evidence that John exercised his episcopal rights in Caithness, and as Scotland adhered to the anti-Popes, the probability is that John's appointment by Boniface IX. was ignored.¹ At the same time there is a suffi-

¹ The Popes and the anti-Popes occasionally poached on each other's preserves, and these double appointments have caused no small confusion to students anxious to unravel the tangled skein of the past. Mr. A. W. Johnston has given a list of the double appointments so far as Orkney is concerned (*Old Lore Miscellany*, III., 151) and Dr. Dowden also gives a list for Galloway (*Bishops of Scotland*, 375). He makes reference also to the difficulty of giving a correct list of the bishops of the see of Sodor through these double appointments (*Ibid.*, 286-288). On 14 February, 1407-8 Benedict XIII. (anti-Pope) appointed Alexander de Vaus, afterwards bishop of Caithness, to be bishop of Orkney, and in his decree he guards against interference with the interests of the archbishop of Trondheim in these words:—"That these presents shall work no prejudice hereafter to our venerable brother, the archbishop of Trondheim, to whom the foresaid church

ciently long period between the date given by Keith of bishop Alexander's death (1395) and the date of the appointment of his successor, Alexander de Vaus (1414), to admit of John's episcopate. The question as to whether John exercised episcopal functions in the see of Caithness must meantime be left undecided; the present evidence, however, gives no indication that he did. The next bishop appointed by Benedict XIII. (anti-Pope), as already indicated, was bishop Alexander de Vaus, who, according to Eubel, was appointed in 1414. It was during bishop Alexander de Vaus' episcopate that Scotland's allegiance to the anti-Popes terminated. Benedict XIII. left Avignon in 1403, and made his home at Nice, Genoa, Savona, Perpignan, and Peniscola in turn, from which places he dated his decrees, as many of the Records indicate. Latterly only Scotland and Aragon acknowledged him. He exercised no control over his officials. His own secretary, Nicolas de Clémanges, has left a gruesome picture of the state of things during Benedict's pontificate: "In regard to the cure of souls nowadays, no mention is made of divine services or the salvation or edification of the people; the one question is about their revenues—not what a benefice supplies to a resident servant of the Church, but what it will yield to one who is far away, and perhaps never intends to visit it. No

Question as to whether John exercised episcopal functions in Caithness.

Alexander de Vaus appointed bishop.

Scotland casts off allegiance to Benedict XIII., 1418.

Condition of affairs in Scotland during Benedict's pontificate.

by metropolitan law is known to be subject" (*Orkney and Shetland Records*, I., 244). It is significant, however, that while Orkney is always reckoned as adhering to the Italian Popes, Pope Martin V. in appointing Nicholas Tunnoh to the archdeaconry of Caithness, in his reference to this appointment, says:—"This canonship and a prebend of the said church canonically joined therewith became vacant when our venerable brother, Alexander, bishop of Caithness, formerly elect of Orkney, and at that time archdeacon of the said church of Caithness, was during the vacancy of the Church of Orkney provided to that see by Peter de Luna, sometime called Benedict the Thirteenth by his following, to which those parts then adhered." (No. 158, p. 206). The words in italics, however, evidently refer to Scotland and not to Orkney, as one might at first sight read them.

Benedict
deposed by
Council of
Constance,
1417.

General
Council of
the Three
Estates
rejects
Benedict.

Some of
Benedict's
dispensa-
tions in the
see of
Caithness.

one obtains a benefice without constant and repeated solicitation."¹ The latter statement is abundantly borne out by the petitions from the diocese of Caithness during Benedict's pontificate. Matters were no better managed by the Italian Popes, and at last a demand for a General Council, to restore unity and introduce reforms, became an accomplished fact. The Council met at Pisa, declared the papacy vacant, and appointed Alexander V.; but Gregory and Benedict, the rival Popes, ignored the appointment. Alexander V. soon gave way to John XXIII., concerning whom Milman states: it "shocks belief that even in those times a man whose life had been so wicked should ascend to the papacy."² At length the Council of Constance met, which began its work by burning Hus in 1414, and in 1417 set aside the three rival Popes and appointed Martin V. in their stead. The Scots had no representatives at Constance, and for about eighteen months after his deposition petitions were sent from Scotland to Benedict XIII. In October, 1418,³ a General Council of the Three Estates of the realm met at Perth, and after considerable argument⁴ it was decided that Scotland should cast in its lot with the adherents of Pope Martin V. During Benedict's pontificate, marriage dispensations were granted to Walter, earl of Caithness, and Elizabeth, daughter of Sir William Graham (No. 142, pp. 180-182), and John de Sutherland and

¹ Creighton's *Hist. of the Papacy*, I., 301, 375.

² Neander's verdict is stronger still. He describes him as "The greatest monster that had ever, or at least that had since the abominations in the tenth and eleventh centuries, polluted the papal chair." (*General Hist. of the Christian Religion and Church*, IX., 121).

³ Sir Archibald A. Dunbar following Bower gives the date as 2nd October, 1417 (*Scottish Kings*, 186), but Pope Martin had not been elected so early as this. The date, as pointed out by Dr. Hay Fleming, is October, 1418 (*Reformation in Scotland*, 21).

⁴ The arguments adduced on either side are given in the *Scotichronicon*, XV., 25.

Margaret de Duff (No. 153, pp. 198-200). It was Benedict, also, who granted to Alan Stewart, illegitimate son of Walter, earl of Caithness and Atholl, dispensations to hold the canonry and prebend of Menmuir, "notwithstanding he is illegitimate and twelve years of age" (No. 152, p. 198), and also the canonries and prebends of Cruden in Aberdeen and other benefices successively held by him for two years since his fifteenth year when studying arts in the University of St. Andrews (No. 54, p. 200). On 11th December, 1418, which must have been among the last petitions granted by Benedict, he gave a dispensation to Alan Stewart to hold benefices and cathedral dignities and to exchange them (No. 155, p. 200).

Near the end of the episcopate of bishop Alexander de Vaus a dispute arose between Nicholas Tunnoh (Tunno, Tunok) and Alexander Barbour about the archdeaconry of Caithness (No. 157, pp. 202, 203). It was finally settled in favour of Tunnoh by Pope Martin V. (No. 158, pp. 203-208).¹ In 1422 Alexander de Vaus was translated to Whithorn (No. 160, p. 209), and was succeeded by John de Cranach, dean of Ross (Nos. 163, p. 210; 164, p. 211). On his translation to Brechin, in 1426, Robert of Strathbrock was appointed in his place (No. 165, p. 211). In 1428 the Pope granted a mandate to bishop Robert to appoint John Rossell to the parish churches of Latheron and Dunbeath (No. 167, p. 212) in place of William of Sutherland, who held the benefice for more than a year though unordained, and though summoned to give it up retained it notwithstanding for seven years. In a document dated 3rd February, 1444-5, there is reference made to a simoniacal transaction (No. 189, pp. 235, 236) in which Richard of Holland, priest, is said to have entered into a bargain with William of Sutherland,

Dispute about archdeaconry of Caithness.

Alexander de Vaus's successors.

Appointment to the parish churches of Latheron and Dunbeath.

A simoniacal transaction.

¹ For dispute on the question of the right to the archdeaconry see *C. P. R. Letters*, VIII.

Official of
Caithness
to enquire
into the
matter.

archdeacon of Caithness, whereby it was agreed that William would exchange his archdeaconry for Richard's canonry and prebend of Ross, and would pay in his stead a certain yearly money pension which William had simoniacally bound himself to pay to Alexander of Ratter, priest of the diocese of Caithness; this exchange, it is added, was carried through by Robert, bishop of Caithness, who had special power from Thomas, bishop of Ross. The official of Caithness was commanded by the Pope to look into the matter, and if he found the charge brought by Alexander of Sutherland, who held "the poor hospital without cure of St. Mary (? St. Magnus) in the said diocese, value not exceeding £6 sterling," to remove William from the archdeaconry and appoint Alexander of Sutherland in his place. In August, 1445, David de Dishington, chancellor of Caithness, in a petition, states that Alexander of Ratter alleged that the chancellorship of Caithness had been adjudged to him by John de Strabrok, official of Caithness, which he terms an "unjust definitive sentence" (No. 194). In 1446 Master John Didaci de Coca, a papal chaplain and auditor, by "definitive sentence adjudged the archdeaconry to Richard, removed Alexander, inducted Richard, imposed perpetual silence on Alexander and condemned him in fruits and costs, which latter he afterwards taxed at 27 gold florins of the *camera*" (No. 196). Alexander de Sutherland evidently thought he had a claim on the archdeaconry, for Richard complained that "he had intruded himself and took and still retains possession, receiving the fruits." In 1448 John, Earl of Sutherland, petitioned the Pope to confirm the presentation of Alexander of Ratter referred to above to the Chaplainry of St. Andrew of Golspie (No. 197). In April, 1445 (No. 191, pp. 237, 238), Andrew de Tulloch became involved in a series of simoniacal transactions, in which the prebend of Canisbay, had a place, and the Pope appointed

Another
simoniacal
transaction

certain bishops to grant absolution to him, "enjoining penance, dispense him on account of irregularity contracted by celebrating mass, etc., when under the said sentences and rehabilitate him" (No. 191, p. 238). In July, 1445, he was appointed to the deanery of Caithness (which is described as a "weighty and elective dignity") on condition that he resigned the arch-deaconry of Orkney (No. 193).

Pope Martin V. was succeeded by Pope Eugenius IV.,¹ and one of the last documents in this volume is a decree allowing Thomas of Tulloch to accept the canonry of Caithness with the prebend of Canisbay, which Thomas of Tulloch, bishop of Orkney, had resigned (No. 192, pp. 238-240).

Pontificate
of Eugenius
IV.

IV.

NOTES ON THE BISHOPS OF CAITHNESS (1146—1446).

ANDREW is the first bishop of C. on record. He frequently witnesses royal charters in the reigns of David, Malcolm, and William. According to the *Scotichronicon* he died at Dumfermline, 29 December, 1184: the Chronicle of Melrose gives 30 December, 1185. Bishop Andrew received a grant of Hektor Common from King David (No. 194, p. 213).

¹ Pope Eugenius IV. was deposed by the Council of Basle in 1439, and Felix V. was elected in his place by three men. Felix found many supporters in Scotland (*C. P. R. Letters*, VIII., 238). The *Scotichronicon*, referring to a period about six years after the foregoing date, says:—"State and Church were at variance; the one excommunicated the other; men were guided by their own whims rather than by regard for principle, and the authority of Him who has given power to bind and loose was woollly despised (XVI., 6)." Though deposed, Eugenius still continued Pope, and gradually his cause prevailed in Scotland. In 1443 Scotland declared for "our holy Father the Pope Eugene" (*Acts Parl. of Scotland*, II., 33). In 1449 Felix resigned, and his cause in Scotland came to an end.

1. *Notes on the Bishops.*

John.

JOHN witnesses charters (1187-1199). In a mandate by Pope Innocent III., dated 27 May, 1198, the bishops of Orkney and Ross are asked to compel J., Bishop of Caithness, to desist from preventing the payment of one penny from every house in the county of C. (No. 3, pp. 2-5). For mutilation of this bishop by Earl Harald and penance imposed on Lumberd, see No. 4, pp. 5-7. Bishop John's castle was at Scrabster (*Skarabolstaðr*). He, according to the *Orkneyinga Saga*, is said to have recovered his sight through the intervention of St. Tröllhaena (Beaton's *Eccles. Hist. of Caithness*, p. 64).

Adam.

ADAM. This bishop, according to the *Orkneyinga Saga*, is said to have been a foundling laid at the door of a church. He was appointed abbot of Melrose in 1207, and elected bishop of C. on 5 August, 1213. The Zurich list of bishops who attended the Lateran Council, 1215, substitutes the name of the bishop of C. for that of the abbot of Kelso. This list is reprinted in Hefele and Leclercq (*Histoire des Conciles*, Paris, 1913. V., p. ii., 1750); see *Scottish Historical Review*, xix., 116 (January, 1922). The Chronicle of Melrose gives the information that bishop Adam, with Walter, bishop of Glasgow, and Brice, bishop of Moray, visited Rome in 1218 to seek presumably, says Dr. Dowden, absolution from the general sentence of excommunication against King Alexander and the kingdom of Scotland for having supported the cause of the English barons against King John (*Bishops of Scotland*, 234). The absolution was readily granted. In 1222 Adam was burnt at Halkirk (No. 10, pp. 23-27). His body was interred before the altar of the baptismal church of Skinnet, and in 1239 was transferred to Dornoch.

Gilbert of
Moravia.

GILBERT OF MORAVIA. Gilbert was archdeacon of Moray prior to his election to the bishopric of C., and in a charter (c. 1214) William, *dominus* of Sutherland,

confirms the grant made by Freskyn, his father, of certain lands to Gilbert (No. 7, pp. 11, 12). He was the son of Murdac of Moravia. The *Scotichronicon* credits him with ably defending the rights and independence of the Scottish church at the Council of Northampton. Dr. Dowden, with others, is not disposed to connect the Gilbert of this date with Gilbert, afterwards bishop of C. His Constitution of the Church of Caithness is given in No. 9, pp. 14-23. Gilbert is believed to have died 1 April, 1245 (*Bishops of Scotland*, 235), but the Icelandic Annals give 1244. Whether he was even formally canonised is not known, but his cult as St. Gilbert was observed. In No. 17, pp. 43-49, there is evidence of a dispute about certain lands between the bishop and the earl of Sutherland, which was settled in 1275 by bishop Archibald and William, earl of Sutherland. In 1235 Alexander II. confirms the grant of lands made by Gilbert to his brother Richard of the lands of Skelbo and Ferinbeildin (No. 11, pp. 27-28).

WILLIAM. The date of his accession is unknown. William. There is a complaint by William, bishop of C., with six other Scottish bishops, to Alexander III. of certain spoliations of church property (1250).

WALTER DE BALTRODI (Baltrodin, Baltroddi). Prior Walter de
Baltrodi. to his appointment he was canon of C. (pp. 29, 31). In No. 12, pp. 28-32, there is a full account of his election. The capitular election was set aside as *contra formam canonicam*. But, owing to the poverty of the church in C., the expenses of the journey and the unanimity of the chapter, the Pope (Urban IV.) gave a mandate to the bishops of Dunkeld, Brechin and Ross, to examine his birth and attainments, and if they were satisfied to consecrate him bishop. The *Book of Mackay*, p. 18, and the *Scots Peerage*, VII., 158, state that Bishop Walter had a daughter, who was married to Iye

MacEth (MacKay). In this connection it is of interest to note that the Pope speaks of him as *de honestate vite, grata morum decentia* (of honest life, and integrity of morals), p. 29. Walter died in 1270.

[Nicholas.]

[NICHOLAS] was abbot of Scone and *ex-officio* canon of C. The decree of Nicholas' election was presented by Henry of Notingham to Gregory X., but was not confirmed because the abbot laboured *under a deficiency of knowledge intolerable in a prelate* (No. 14, p. 37).

Archibald
Hayrock

ARCHIBALD (Herock, Hayrock). Bishop Archibald, though archdeacon of Moray, was only in deacon's orders (p. 41) at the time of his election. The electors proceeded *per viam compromissi*, and in No. 15, pp. 38-42, there is an account of the election. Archibald was consecrated in 1275. In this year an agreement was come to in a long-standing controversy between the bishops of C. and the earls of Sutherland. The terms of the agreement are given in No. 17, pp. 43-49. It was during bishop Archibald's episcopate that Boiamund de Vicci visited Scotland, and in Nos. 16, pp. 42, 43; 35, pp. 81-83, there is an account of the tithes collected for the crusades in the diocese of Caithness in the years 1275 and 1276.

The date of Archibald's death is not known, but he was dead at least three months before 9 March, 1278-9.

[Richard.]

[RICHARD], was dean of C. at his election. He was elected more than 3 months before 9 March, 1278-9, when Nicholas III. wrote to the bishops of St. Andrews and Aberdeen and the *minister provincialis* of the Minor Friars in Scotland. Richard's proctor, Henry of Notingham, informed the Pope that the dean had a son more than 30 years of age and that he was said to have another, though Henry did not believe it. The Pope had been informed by others that the dean had been struck by paralysis, and was so worn out by age as not to be able to execute the pastoral office. The dean

also failed to seek confirmation within three months from his election, and in view of all this the Pope asked the above ecclesiastics to use their influence to get the old dean to resign, which he did (No. 18, pp. 53).

[HERVEY DE DONODEI (DUNDEE)], canon of St. Andrews, was elected by the chapter *per viam scrutinii*, and went to Rome to have his election confirmed, but dying there, Pope Martin IV., according to the custom by which all sees falling vacant by death at the Apostolic See were filled by the Pope without capitular election, appointed Alan de St. Edmund (No. 18, pp. 49-55). [Hervey de Donodei]

ALAN DE ST. EDMUND was provided by Pope Martin IV., 13 April, 1282. He was chaplain of Hugh of Evesham, presbyter-cardinal of St. Lawrence in Lucina. His connection with Hugh of Evesham, an Englishman, may account for his figuring so often in the transactions of Edward I. His appearances are recorded in *Orig. Parochiales Scotiae*, II., 604-6. He was made chancellor of Scotland by Edward I., and in October, 1291, a mandate was issued by Edward I. to the Keeper of Darnaway Forest to supply oak trees to the bishop of C. (No. 21, pp. 60, 61). On 8 January, 1291-2, the King, in recognition of the faithful service of Alan, bishop of C., granted all the bishop's *bona et catalla*, which according to the custom of Scotland belonged to him as over-lord, to the prior of Coldingham and to the bishop's brother, Master Adam de St. Edmund. Bishop Alan died some time before 12 December, 1290, and on 20 January, 1291-2, King Edward granted a warrant to the Guardians of Scotland to elect a new bishop in his place (No. 22, pp. 61, 62). [Alan de St. Edmund.]

[I. (JOHN OR JAMES)], archdeacon of C., was elected by the chapter of C. on the death of Alan, but the Pope, on examining the decree of his election, declared it null and void, and appointed Adam, precentor of Ross, to the vacant see (No. 23, pp. 62-65). [I. (John or James).]

Adam.

ADAM, precentor of Ross, was consecrated by Hugo, cardinal-bishop of Ostia, in April, 1296. He died at Sienna the same year before 17 December.

Andrew.

ANDREW, abbot of the Cistercian monastery of Cupar was provided "though absent" by Boniface VIII. (No. 26, pp. 67-70). This is the first instance of a direct papal *ex proprio motu* appointment to the see of Caithness. On 1 August, 1297, Pope Boniface writes to the bishops of Aberdeen, Glasgow and Ross, informing them that a petition on behalf of Andrew, elect of Caithness, had been received, setting forth "that on account of the distractions of wars imminent in these parts and the very grave risks and danger of the way, that he do not come to the apostolic see for the gift of consecration." (No. 28, pp. 70-72). The Pope, therefore, ordained the above bishops when they should be required by Andrew to meet for the purpose of consecrating him, one being chosen by the bishop-elect for the consecration, the others assisting. The See was vacant 29 July, 1297 (p. 70. For Leonard de Flisco see *Notes* at end).

Ferquhard
Bele-
gaumbe.

FERQUHARD (FERCARD, FORCARD) BELEGAUMBE (Belejaumbe, Beleraumbe, Beleiaumbe, Balleganube). On 29 July, 1297, Edward I., having conferred the archdeaconry of Caithness on Ferquhard Belegaumbe, commanded the keeper of the spirituality to induct him (No. 27, pp. 70). He received a safe conduct from Edward I., 16 June, 1304, as bishop-elect of Caithness, "going to Rome on the business of his election" (No. 31, p. 74). At his election he was dean of Caithness (No. 32, p. 77). By the death of Andrew, the see being vacant, the chapter appointed three of the canons, William, Henry, abbot of Scone, and David de Rach to make the election. Ferquhard was chosen, and went to Rome for confirmation. He was consecrated by Peter, cardinal-bishop of Sabina (No. 32, pp. 74-78). Concurrent letters to the people of the diocese, to the

dean and chapter, to the vassals of the See, to the clergy of the diocese, and to Edward, illustrious King of England (No. 32, p. 78), were sent by the Pope. The mention of Edward's name showed that the Pope recognised him as King of Scotland. Edward, on 4 April, 1306, commanded the Guardians of Scotland to deliver the temporalities of the see of Caithness to Ferquhard, but as certain words in the bull of confirmation appeared to be prejudicial to Edward's rights, the bishop renounced the bull *quoad* these words (No. 33, p. 79). In 1309-10 he acknowledged Bruce's right to the crown (*Acts of the Parliament of Scotland*, I., 460). The See was vacant at Martinmas, 1327 (*Exchequer Rolls*, I., 114).

DAVID is named in the papal letter appointing his ^{David} successor Alan (No. 46, p. 110). Dr. Maitland Thomson states "he apparently is never mentioned by name in Scottish record, but he is evidently the bishop who made a fine with the chamberlain in 1329, perhaps for entry to the temporalities" (*Bishops of Scotland*, 241 n.).

ALAN, archdeacon of Aberdeen, was in deacon's ^{Alan.} orders at the time of his election, and was the immediate successor of David (No. 46, p. 110). He was elected *per formam scrutinii*, and on being raised to the priesthood was consecrated by Peter, bishop of Sabina (No. 46, pp. 108-112). Alan died before 29 November, 1342 (No. 49, p. 115).

THOMAS DE FINGASK (Fyngasc, Fyngaske), dean of Brechin, canon of Caithness, and also of Aberdeen with prebend of Mortlach (No. 5, p. 119), licentiate in Decrees, elected bishop by the chapter *per formam scrutinii*. Prior to receiving confirmation, Thomas, "for certain reasons, not, however, connected with [his] personal character, sisted proceedings" and renounced all right. The Pope, thereupon, appointed Thomas to ^{Thomas de Fingask.}

the vacant See (No. 49, pp. 113-116). He was probably consecrated in 1342 or early in 1342-3, for on 14 January, 1342-3, provision of the canonry and prebend of Mortlach, void by the consecration of Thomas, bishop of Caithness, was made to Gilbert Armstrong (No. 57, p. 119). He received a safe-conduct from Edward III. about April, 1349 (No. 64, p. 127). He was appointed by the clergy to treat with the English for the ransom of King David (*Acts of the Parliament of Scotland*, I., 515, 518). He is not to be confused with *Thomas episcopus Cathayensis* provided 11 May, 1360 (Theiner's *Vetera Monumenta*, No. 641), for the said Thomas was bishop, not of Caithness but of Iniscattery in Ireland.

Malcolm. MALCOLM, canon of Caithness and also of Orkney (*Diplom. Norveg.*, VII., 309) was provided by Urban V., 21 February, 1368-9 (No. 117, pp. 156-159). Malcolm had been elected by the Chapter, but the election being declared null and void by Pope Urban, he appointed Malcolm to the vacant see.

Alexander Man. ALEXANDER (MAN), canon of Moray, and archdeacon of Ross (No. 127, p. 169; *Reg. Vat.*, 288, 287). He was elect of Caithness, 24 September, 1381 (No. 127, p. 169). Eubel gives the date of his appointment by Clement VII. as 21 October, 1381. On 10 December, 1381, he petitioned for license to dispense fifty persons of illegitimate birth, so that they might be ordained and hold benefices. License was granted for twenty-five. On the same date he petitioned for license to dispense twenty persons related in the third or fourth degree so that they might intermarry. License was granted for six (No. 128, p. 169). The date of Alexander's death is unknown.

[John.] In nominating Conrad as bishop of Sodor, Pope Boniface IX., in his decree, says: "Whereas the church of Sodor is recently deprived of the comfort of a

pastor because we caused our venerable brother John, bishop of Caithness, then bishop of Sodor, although in absence, to be released from his government of that church of Sodor, and to be transferred by apostolic authority to the church of Caithness, which was destitute of a pastor" (No. 140, p. 179). The see of Caithness at this date recognised the Avignon Popes (anti-Popes), so that the appointment made by Boniface IX. was probably not recognised by the ecclesiastical authorities in Scotland. The words referring to the church of Caithness being destitute of a pastor would imply that Bishop Alexander had been dead some time before 9 January, 1401-2, unless Boniface ignored altogether the appointments of Clement the anti-Pope. The interval between the last mentioned date in the record of bishop Alexander, July, 1395, and the appointment of Alexander de Vaus in 1414 is difficult to account for, unless bishop Alexander Man lived a number of years after 1395, or that John acted as bishop for a number of years.

ALEXANDER DE VAUS, archdeacon of Caithness, said to be the younger son of William de Vaus. Eubel gives the date of his appointment by Benedict XIII. as 4 May, 1414. The Pope (Benedict XIII.) had appointed Alexander to be bishop of Orkney, but he had "failed to obtain consecration as such within the time appointed by the canon law for the consecration of bishops" (No. 158, p. 206). His appointment to Orkney, says Dr. Maitland Thomson, must have been before 12 February, 1407-8, on which day he was granted the faculty to be ordained by any Roman Catholic bishop (*Regesta Avinconensis*, 330, 376). The papal bishop John of Colchester, however, was in actual possession of the See at this date (*Old Lore Miscellany*, III., 151). On 4 May, 1414, he was granted the administration of the bishopric of Orkney for two years, the See being vacant at that date (*Orkney and*

Alexander
de Vaus.

Shetland Records, I., 245). On 4 December, 1422, the Pope absolved Alexander from the bond by which he was bound to the church of Caithness and translated him to Candida Casa (No. 160, p. 209).

Alexander appears to have resigned his See, and the resignation probably took place before the appointment of his successor, Thomas Spens, in 1449-50. It was during bishop Alexander's Caithness episcopate that Scotland cast off its allegiance to the anti-Pope Benedict XIII.

John de
Cranach.

JOHN DE CRANACH (Craemach, Crannoch, Cranok), dean of Ross, rector of Chantonay in the diocese of Le Mans, M.A. and bachelor in Theology, was provided by Martin V., on 4 December, 1422. He received a fresh provision, 11 December, 1424 (No. 163, p. 210). He received a safe-conduct, 4 December, 1425 (No. 164, p. 211), and was translated to Brechin, 7 June, 1426.

Robert
Strath-
brock.

ROBERT STRATHBROCK (Strabrok), priest of the diocese of St. Andrews, was provided by Martin V., on 4 June, 1427 (No. 165, p. 211). He was bishop of Caithness, 10 October, 1444 (*Registrum Magni Sigillium*, ii., No. 281).

Diplomatarium Katanense et Sutherlandense.

*Mandate by King David the First to the Earls of
Orkney and Caithness to protect the monks at
Dornoch.*

*Register of Dunfermline p. 14, No. 23. Printed: Haddan and Stubbs
II. 228. Orkney and Shetland Records I., p. 17.*

1. [1127-1153] **Abernethy.**

David Rex Scottorum Reinwaldo Comiti de Orchardia
et Comiti et omnibus probis hominibus Cateneis et
Orchadie, salutem. Mando vobis et precipio quod sicut
me diligitis monachos et homines eorum et res habitantes
ad Durnach in Cateneis diligatis et ubicunque inter vos
venerint, manuteneatis, non permittendo quod aliquis eis
injuriam vel contumeliam faciat, nec fieri permittat;
testibus, cancellario, et Herberto, camerario. Apud
Abernithi.

(Translation.)

*David, King of Scots, to Reinwald, Earl of Orkney,
and to the Earl¹ and all goodmen of Caithness and
Orkney, greeting. To you I command and ordain that
as ye love me ye respect and maintain the monks and
their men dwelling in Dornoch in Caithness and their
goods, and wherever they come among you, that you
permit no one to do them harm or to insult them; wit-
nesses, the chancellor and Herbert, the chamberlain, at
Abernethy.*

¹ Rögnvald, Earl of Orkney, 1136-1158, ruled Caithness in the name of
Harald Maddadh's son, his co-regent after 1139; therefore Caithness is omitted
after "and to the Earl." O. and S. Records, I., p. 18n.

Charter, Harald, Earl of Orkney, Shetland, and Caithness, to the monks of Scone, of a mark of silver.

Liber Ecclesie de Scon, p. 37, No. 58. Printed: D.N. II., p. 2, Orkney and Shetland Records I., p. 19.

2. [1190-1206].

Dilectissimis amicis suis et hominibus Haraldus, Orcardensis, Hetlandensis et Catanesie Comes, salutem. Sciatis me dedisse et hac mea carta confirmasse Deo et Sancto Michaeli et canonicis manentibus in Scona singulis annis unam marcam argenti ad pondus marce Scotie libratam. Quare volo ut singulis annis hec elemosina predicte domui reddatur a me et filio meo, Turphino, et heredibus meis in perpetuum pro animabus antecessorum meorum et pro anima mea et uxoris mee videlicet; testibus hiis, Turfino, filio meo, Laurencio, cancellario, et aliis.

(Translation.)

To our much loved friends and men Harald, Earl of Orkney, Shetland and Caithness, greeting. Know ye that I have given and by this my Charter have confirmed to God and Saint Michael and the canons dwelling in Scone year by year one mark of silver weighed to the weight of a mark Scots. Wherefore I will that year by year this alms be paid to the foresaid house by me and my son Torphin and my heirs for ever for the souls of my predecessors and for my own soul and the soul of my wife, to wit¹; witnesses, Torphin, my son; Laurence, chancellor, and others.

Mandate to Bishop Biarne, of Orkney, and Reginald, Bishop of Ross, to compel John, Bishop of Caithness, to desist from preventing the payment of 1d. on every house in the county

¹ Her name, Hvarflöð, is omitted. Harald was Earl of Orkney, 1139-1206.

of Caithness granted to the Apostolic See by Harald, Earl of Cuithness and Orkney, in the time of Pope Alexander III., and duly collected in the time of the late Bishop Andrew.

From the original in the Papal Archives, Reg. Innoc. III. T. I. fol. 55, cp. 213. Cp. the copy in Cod. Chart (15th cent.). Reg. In. III. an. 1, fol. 21. Printed: Baluze, Epist. Innoc. III. T. I., p. 117. D.N. VII., p. 2. Orkney and Shetland Records, vol. I., p. 22. Calendar of Papal Registers: Papal Letters I., p. 1.

3.

May 27, 1198.

Rome.

Innocentius Episcopus servus servorum Dei venerabilibus fratribus, Orchadiensi et Rosmarchenensi Episcopis, salutem et apostolicam benedictionem. Dilectus filius nobilis vir H[araldus], Catenensis et Orcadiensis Comes, nobis significare curavit quod ipse pro redemptione peccatorum suorum a tempore felicitis memorie Alexandri Pape, predecessoris nostri, denarium unum de qualibet domo in Comitatu Catenensi habitata annuatim statuit pro elemosina colligendum et ob reverentiam beatorum apostolorum Petri et Pauli ad sedem apostolicam dirigere consuevit, quam visitationem nomine elemosine annuatim ad opus Romane ecclesie colligende tam suo quam bone memorie A[ndree], olim Catenensis Episcopi, et aliorum nobilium illarum partium testimonio confirmavit. Cum autem postea, memorato A[ndrea], Catenensi Episcopo, viam universe carnis ingresso, venerabilis frater noster J[ohannes] in eandem ecclesiam fuisset in episcopum institutus, predictam elemosinam irritare presumens, eam ab his qui sunt in sua diocesi constituti auctoritate propria interdixit exsolvi. Quocirca fratribus vestris (i.e., fraternitati vestre) per apostolica scripta mandamus quatenus si vobis constiterit de predictis, prefatum Catenensem Episcopum, simonitione premissa hoc facere neglexerit, ad satisfaciendum de elemosinis subtractis hucusque, et ne eas reddi de cetero, interdicat,

sicut justum fuerit, auctoritate nostra sublato appellationis obstaculo, per censuras ecclesiasticas compellatis. Quod si ambo his exsequendis interesse non potueris alter vestrum ea nichilominus exsequatur, Datum Rome apud Sanctum Petrum, sexto Kalendas Junii pontificatus nostri anno primo.

(Translation.)

Innocent, Bishop and servant of the servants of God, to his venerable brothers, the bishops of Orkney and Ross, greeting and the apostolic benediction. The noble man, our beloved son, Harald, Earl of Caithness and Orkney, has been careful to intimate to us that he had for the remission of his sins from the time of Pope Alexander, our predecessor, of happy memory, ordained one penny to be collected yearly from every inhabited house within the earldom of Caithness, which from his regard for the holy apostles, Peter and Paul, he was wont to send to the apostolic see; and which tribute to be collected annually in name of alms for the necessities of the Church of Rome he confirmed by his own testimony with that of the late Andrew, Bishop of Caithness, of good memory, and of other noble men of those parts. But when Andrew, Bishop of Caithness foresaid, died, our venerable brother, John, who had been appointed bishop of the said church, presuming to make void the foresaid alms, forbade the payment thereof by such as were appointed by his authority in his diocese. Wherefore we command your fraternity by this apostolic writ that, if you find the facts to be as stated above, and if, after due warning, the foresaid bishop shall neglect to restore the alms abstracted to this present time, and no longer forbid them to be paid as is just, you compel him so to do by ecclesiastical censures, refusing him by our authority the right of appeal. And if both of you together cannot execute this mandate, then one of you alone shall do so. Given at Rome, at Saint Peter's, on 27th May, 1198.

Order to the Bishop of the Orkneys to receive Lumberd, a layman, the bearer of this letter, and cause him to perform his enjoined penance for having, on an expedition with the Earl of Caithness, stormed a castle in which he took John, Bishop of Caithness, whose tongue, as he says, he was forced by some of the Earl's army to cut out.

From the original in the Vatican Reg. Inn. III. T. 1 (l. 5, an. 5), fol. 23, cp. 79. Printed in Baluze: Epist. Innoc. III. I., p. 663. Raynaldi Annal. eccles., an. 1202, p. 10. D.N. VII., p. 3. Calendar of Papal Registers: Papal Letters, I., p. 12. Orkney and Shetland Records, vol. I. p. 24.

4.

[c. September 1]¹ 1202.

Subiaco.

Innocentius Episcopus s[ervus] s[ervorum] D[ei] venerabili fratri, . . . Orchadensi Episcopo, salutem et apostolicam benedictionem. Ex litteris tue fraternitatis accepimus quod Lumberdus, laicus lator presentium, cum Comite suo Catenesiam in expeditione perrexit, ubi castello ab exercitu Comitis expugnato, et interfectus pene omnibus qui erant in ipso, captus est Episcopus Catenesie, cujus ut linquam obscideret, a quibusdā, ut dicit, de exercitu Comitis est cohactus. Quia vero gravis est et grandis excessus, nos ei secundum formam ecclesie absoluto, talem et ad satisfactionem suam et ad terrorem aliorum injunximus penitentiam, ut cum festinatione revertens in patriam, discalciatus et nudus preter bracas et laneum vestimentum curtum et sine manicis, linqua subtili funiculo religata, et paulisper extracta, ut promineat extra labia summitatibus ejusdem funiculi nexis in collo cum virgis in manu, quindecim diebus continuis per terram suam unde ipse est oriundus, et terram illam unde erat Episcopus mutilatus, ac circumpositam regionem, videntibus universis manifeste procedat, veniensque ad

¹ This letter is undated, but it comes between letters dated 30th August and 3rd September.

ingressum ecclesie sed nequaquam ingrediens, prostratum in terram disciplinari se faciat cum virgis quas in manu gestabit, sicque in silentio et jejunio usque post vesperam diem ducat et tunc ad sustentationem nature pane tantum reficiatur et aqua. Illis vero quindecim diebus peractis preparet se ut infra mensem incipiat Jerosolimitanam provinciam proficisci, ubi per triennium desudet in obsequio crucifixi, arma decetero contra Christianos minime assumpturus, et per undecim annos omnibus sextis feriis in pane et aqua jejunet, nisi forte per indulgentiam alicujus discreti pontificus, vel propter debilitatem corporis, vel propter fervorem estatis hec abstinencia temperetur. In ergo redeuntem hoc modo recipias, et injunctam sibi penitentiam eum observare. Datum apud monasterium Subiacense.

(Translation.)

Innocent, Bishop and servant of the servants of God, to his venerable brother, . . . , Bishop of Orkney, greeting and the apostolic benediction. We understand by your letter, brother, that Lumberd, a layman, the bearer of these presents, accompanied his earl on an expedition in Caithness, when the castle being reduced by the earl's army, nearly all who were in it were killed and the Bishop of Caithness was captured, whose tongue he was compelled by certain of the earl's army, as he says, to cut out. Now, because this is a terrible and great outrage, we having absolved him according to the forms of the church, have enjoined upon him such a penance as shall satisfy his offence and be terrifying to others, namely, that returning instantly to his country he shall walk openly in the sight of all beholders, naked and barefoot, except in breeches and a short and sleeveless woollen vest, having his tongue tied with a thin cord and drawn out for a little while so that it protrudes beyond his lips, the ends of the cord

being fastened to his neck, and this he shall do for fifteen days continuously throughout the land whence he came and where the bishop was mutilated and the surrounding district, carrying rods in his hand with which, when he comes to the entrance of a church, but which he shall in no wise enter, throwing himself on the ground, he shall cause himself to be disciplined; and so in silence and fasting he shall spend the day until the evening, and then for the support of nature partake of only bread and water. When the fifteen days are expired he shall prepare to set out within a month for Jerusalem, and there for three years sweat in the service of the Cross, never uplifting arms against Christians; and for eleven years he shall fast every sixth day on bread and water unless by the indulgence of some discreet priest, either on account of his weakness of body, or the heat of summer, this abstinence is modified. Receive him therefore on his return in this manner and cause him to observe this penance imposed upon him. Given at the Monastery of Subjaco.

Charter, Hugh Freskyn to Gilbert, Archdeacon of Moray, of the lands of Skelbo, in Sutherland, and others.

The original on vellum in Dunrobin Castle. Printed: The Sutherland Book, vol. III, p. 1. [Facsimile].

5.

c.1211.

Omnibus hominibus et amicis suis has literas visuris vel auditoris, Hugo Freskyn, salutem in Domino. Sciant omnes, tam presentes quam futuri, me dedisse, concessisse et hac presenti carta mea confirmasse Magistro Gilberto, archidiacono Moravie, et illis heredibus de parentela sua, quibus ipse dare et concedere voluerit, et heredibus eorum, totam terram meam de Scelbol in Suthyrlandia, et de Fernebuchlyn et Inverchyn; et preterea totam terram

meam de Suthyrlandia versus occidentem, que jacet inter has terras prenominate et divisas de Ros: Tenendas et habendas sibi et heredibus suis prenominate in perpetuum de me et heredibus meis, per rectas divisas suas, in bosco et in plano, in pratis et in pascuis, in stangnis et molendinis, in moris et maresiis, in ripis et in piscariis, et in omnibus justis pertinenciis suis, libere et quiete, planarie, pacifice, et honorifice: Faciendo pro predictis terris servitium unius sagitarii, pro omni exactione, consuetudine, servitio et demanda ad me et ad heredes meos spectanti[bu]s, et adquietando forinsecum servitium Domini Regis quantum ad predictas terras pertinet. Ego vero Hugo Freskyn et heredes mei predictas terras prenominate predicto Magistro Gilberto, archidiacono Moravie, et illis heredibus de parentela sua, quibus ipse dare et concedere voluerit, et heredibus eorum, contra omnes homines et feminas warantizabimus, acquietabimus et defendemus in perpetuum; hiis testibus, Willelmo, fratre meo, Andrea, fratre meo, Waltero Morthach, Hugone Duglas, Freskyno Duglas, Waldevo de Garviacht, Roberto, Camerario, Reginaldo, janitore, Ricardo de Moravia, Archebaldo de Duffus, Augustino de Elgyn, Thomas, filio Augustini, Johanne Nigro, Alexandro de Elgyn, et multis aliis.

(Translation.)

To all his men and friends who shall see or hear these letters Hugh Freskyn, greeting in the Lord. Know ye all both present and to come that I have given and granted and by this my present Charter have confirmed to Mr. Gilbert, archdeacon of Moray, and those heirs of his parents to whom he shall be pleased to give and grant the same, and their heirs, all my land of Skelbo in Sutherland and of Fernebuchlyn and Invershin; and further, all my land of Sutherland towards the west which lies between these lands before-named and the boundaries of Ross: To be had and

held by him and his heirs aforesaid for ever of me and my heirs by their right divisions, in wood and plain, in meadows and pastures, in pools and mills, in muirs and marshes, in banks and in fishings, and in all their just pertinents, freely and quietly, fully, peacefully and honourably: Paying for the foresaid lands the service of an archer for all exaction, custom, service and demand belonging to me and my heirs, and relieving them of the forinsec service due to the king so far as pertains to the foresaid lands. And I, Hugh Freskyn, and my heirs shall warrand, acquit and defend for ever the aforesaid lands to the before-mentioned Mr. Gilbert, archdeacon of Moray, and the heirs of his parents, to whom he shall give and grant the same and their heirs against all men and women for ever; these being witnesses, William, my brother; Andrew, my brother; Walter Morthach, Hugh Douglas, Freskyn Douglas, Waldeve of Garrioch; Robert, the chamberlain; Reginald, the janitor; Richard of Moray, Archibald of Duffus, Augustine of Elgin, Thomas, son of Augustine; John Black, Alexander of Elgin, and many others.

Confirmation by King William the Lion of the preceding Charter to Gilbert, Archdeacon of Moray, of the lands of Skelbo, and others.

Original on vellum in Dunrobin Castle. Printed: The Sutherland Book, vol. III., p. 2. [Facsimile].

6. April 29, [c. 1212]. Selkirk.

Willelmus, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciant presentes et futuri me concessisse et hac carta mea confirmasse donationem illam quam Hugo Fresekin fecit Magistro Gilleberto, archidiacono Moravie, de toto terra

de Scelebol in Suthyrlandia, et de Ferenbeuchlin, et de tota terra de Suthyrlandia versus occidentem, que jacet inter has terras prenominatas et divisas de Ros: Tenendas sibi et illis heredibus de parentela sua, quibus ipse terras illas dare et concedere voluerit, de predicto Hugone Fresekin et heredibus suis hereditarie, per rectas divisas suas, et cum omnibus justis pertinentiis suis, ita libere et quiete, plenarie et honorifice, sicut carta predicti Hugonis Fresekin testatur; salvo servicio meo; testibus, Willelmo de Boscho, cancellario meo, Olivero et Willelmo, capellanis meis, Philippo de Valoniis, camerario meo, Hugone de Sigillo, clerico meo; apud Seleschirche, xxix die Aprilis.

(Translation.)

William, by the grace of God, King of Scots, to all good men of his whole realm, cleric and laic, greeting. Know ye both present and to come that I have granted and by this my Charter have confirmed that gift which Hugh Freskyn made to Mr. Gilbert, archdeacon of Moray, of the whole land of Skelbo in Sutherland, and Ferenbeuchlin, and the whole land of Sutherland towards the west which lies between these before-mentioned lands and the boundaries of Ross: To be held by him and those heirs of his parents to whom he shall give and grant these lands, of the foresaid Hugh Freskyn and his heirs heritably by their right divisions and with all their just pertinents as freely and quietly, fully and honourably as is set forth in the Charter of the foresaid Hugh Freskyn, saving my service; witnesses, William of Bosco, my chancellor; Oliver and William, my chaplains; Philip of Valloniis, my chamberlain; Hugh of the Seal, my clerk; at Selkirk, 29th April.

Charter of William, Lord of Sutherland, son of the deceased Hugh Freskyn, confirming the Charter to Gilbert, Archdeacon of Moray.

Original on vellum in Dunrobin Castle. Printed: The Sutherland Book, vol. III., p. 2. [Facsimile].

7.

[c. 1214]

Omnibus hoc scriptum visuris vel audituris, Willelmus, dominus de Suthyrlandia, filius et heres quondam Hugonis Freskyn, eternam in Domino salutem. Noverit universitas vestra me confirmasse, ratum et gratum habuisse, pro me et heredibus meis, illam donacionem quam Hugo Freskyn, quondam pater meus, dedit et concessit Magistro Gilberto, archydiacono Moravie, et illis heredibus de parentela sua, quibus ipse dare et concedere voluerit, et heredibus eorum, totam terram meam de Scelbotil in Suthyrlandia, et de Fernebuchlyn et de Inverchen, et preterea totam terram meam de Suthyrlandia versus occidentem, que jacet inter has terras prenominate, et divisas de Ros: Tenendas et habendas sibi et heredibus suis prenominate in perpetuum, de me et heredibus meis, per rectas divisas suas, cum omnibus libertatibus, commoditatibus et asiamentis dictis terris spectantibus seu spectare valentibus, sicut carta dicti Hugonis Freskyn in se testatur. Ego vero Willelmus et heredes mei dictas terras prenominate, ut prescriptum est, dicto Magistro Gilberto, archydiacono Moravie, et illis heredibus de parentela sua quibus ipse concedere et dare voluerit et heredibus eorum, contra omnes homines et feminas warantizabimus, acquietabimus et in perpetuum defendemus. In cujus rei testimonium sigillum meum est appensum; hiis testibus, Henrico, decano de Ros, Mauricio, cancellario, Hugone Duglas, Freskyno de Duglas, Reginaldo, janitore, Johanne Nigro, et multis aliis.

(Translation.)

To all who shall see or hear this Charter William, Lord of Sutherland, son and heir of the deceased Hugh

Freskyn, eternal greeting in the Lord. Know ye all that I have confirmed and thankfully ratified for me and my heirs that donation which Hugh Freskyn, my late father, gave and granted to Mr. Gilbert, archdeacon of Moray, and those heirs of his parents to whom he should grant and convey it, and their heirs, my whole land of Skelbo in Sutherland and of Fernebuchlyn and Invershin, and besides my whole land of Sutherland towards the west which lies between these forenamed lands and the boundaries of Ross: To be had and held by him and his heirs before-named for ever of me and my heirs by their right meiths, with all liberties, commodities and easements belonging to the said lands or which may belong thereto as set forth in the Charter of the said Hugh Freskyn. And I, William, and my heirs shall warrand, acquit and for ever defend the said lands before-named as is before-written to the said Mr. Gilbert, archdeacon of Moray, and those heirs of his parents to whom he shall give and convey the same and their heirs, against all men and women. In witness whereof my seal is appended, these being witnesses, Henry, dean of Ross; Maurice, the chancellor; Hugh Douglas, Freskyn of Douglas, Reginald, the janitor, John Black and many others.

Mandate by King Alexander the Second to the Sheriffs of Moray and Caithness, to protect a ship of the Abbot and Convent of Scone.

Liber Ecclesie de Scon, p. 45, No. 73.

8.

[1214-1249].

Alexander Dei gratia Rex Scottorum, omnibus vice-comitibus ballivis et ceteris probis hominibus suis de Moravia et de Catannie ad quos litere presentes pervenerint, salutem. Sciatis nos navem abbatis et con-

ventus de Scona et homines suos qui sunt in ipsa et omnia bona eorum que habent in eadem sub nostra firma pace et protectione juste suscepisse. Quare firmiter prohibemus ne quis dicte navi vel hominibus qui sunt in eadem aut bonis infra ipsam contentis malum, injuriam, molestiam injuste inferat aut gravamen super nostram plenariam forisfacturam. Et vobis mandamus et precipimus quatinus cum ipsa navis per vos transierit ipsam et homines abbatis et conventus qui in ea fuerint juste manuteneatis et defendatis, non permittentes quantum in vobis est ut aliquis eis injuriam inferat aut gravamen, set eos ea que ad victum ipsorum abbatis et conventus fuerint necessaria inter vos sine impedimento emere permittatis; testibus . . .

(Translation.)

Alexander, by the grace of God, King of Scots, to all sheriffs, bailies and others his good men of Moray and Caithness to whom these present letters shall come, greeting. Know ye that we have justly taken under our sure peace and protection a ship belonging to the abbot and convent of Scone and their men who are in it, and all their goods which they have in the same. Wherefore we firmly forbid any person unjustly to injure, molest, or damage the said ship or men therein or goods contained within the same under the penalty of our full forfeiture. And we ordain and command that when the said ship passes by you you further the same and the men of the abbot and convent therein and justly maintain and defend them to your power, permitting no one to do them any injury or molestation, and that you permit them to buy among you without hindrance such things as may be necessary for the support of the said abbot and convent; witnesses . . .

*Appointment by Gilbert,¹ Bishop of Caithness, of a
Constitution for the Chapter of his diocese.*

Original on vellum in Dunrobin Castle. Printed: The Sutherland Book, vol. III., p. 3. Miscellany of the Bannatyne Club, Vol. iii. p. 17. Two ancient Records of the Bishopric of Caithness, pp. 17-21.

9.

[1222-1245].

Universis Christi fidelibus hoc scriptum visuris vel audituris, Gilbertus, divina miseracione Episcopus Cathanensis, eternam in Domino salutem. Cum in temporibus precedentibus tempus administracionis [nostre], in cathedrali ecclesia nostra non esset nisi unicus sacerdos Deo ministrans, tum propter loci paupertatem tum propter frequentem hostilitatem, nos ad honorem Domini nostri Jesu Christi et beatissime Marie, matris ejus, et omnium sanctorum, desiderantes in eadem cultum divinum ampliare, habito super hoc diligent . . . et consilio virorum discretorum, decrevimus ipsam Cathedralē ecclesiam sumptibus propriis edificand . . . rem supra-memorate Dei genitricis dedicavimus, pro modulo paupertatis nostre conventualem erigere: Ordin[amus] itaque et providimus in eadem ecclesia decem esse canonicos episcopo qui pro tempore fuerit, inter eos coninvicem[m] per se vel suos vicarios vigiliter ministraturos quibus episcopus quasi caput preeminebit: ex reliquorum numero quinque creatis dignitatibus; videlicet, decanatu, precentaria, cancellaria, thesauraria et archidiaconatu, quorum quilibet, una cum episcopo et abbate de Scona,² canonico in eadem ecclesia instituto, sacerdotem unicum in sua absencia pro se inveniet singulis diebus in prefata ecclesia ministrantem. Tres vero reliqui canonici tres invenient diaconos predictis sacerdotibus in ispa ecclesia

¹ Bishop Gilbert is the Archdeacon of Moray already noticed who received the grant of Skelbo etc., from Hugh Freskyn about 1211. He was a son of the House of De Moravia or Moray, and after his death was canonised, his festival day being the 1st of April.

² The Abbey of Scone seems to have had a close connection with the See of Caithness.

vigiliter assistentes et servientes. Ad sustentacionem quatuor predictorum canonicorum, et luminaribus ecclesie cathedralis, quatuordecim parochialibus ecclesiis nostre diocesis deputatis, sexque consimilibus episcopalibus usibus reservatis, unicuique ipsorum suam prebendam discretam et distinctam assignare curavimus; in primis, decanatu ecclesiam de Clun cum omnibus proventibus suis et pertinenciis, decimas garbarum civitatis de Durnach et ville de Ethenbol, cum quarta parte altaragii de Durnach, et tota terra de Methandurnach; precentarie autem, ecclesiam de Crech, cum omnibus suis proventibus et pertinenciis et capellis, decimas garbarum de Proinci et de Avelech, de Stradormeli, Askesdale et Rutheuerchar, quartam partem altaragii de Durnach cum tota terra de Huctherhinche apud Durnach; cancellarie autem, ecclesiam de Rothegorth, cum suis proventibus omnibus et pertinenciis, decimas garbarum de Scelleboll, scilicet, de duodecim dawachs et quartam partem altaragii de Durnach; thesaurarie vero, ecclesiam de Larg, cum omnibus proventibus suis et pertinenciis, decimas garbarum de Scitheboll et Syvardhoch, exceptis decimis precentarie apud Stradormeli preassignatis, ad predictas terras spectantibus et similiter quartam partem altaragii ecclesie de Durnach; assignato nichilominus unicuique premissarum quatuor prebendarum, tofto et crofto liberis in civitate de Durnach. Et ut predictas optinentes dignitates ad residenciam facilius et melius inducantur, ipsis in ecclesia cathedrali residentibus, aut in ejusdem vel episcopi negociis exterius occupatis, ecclesiam de Far, cum omnibus suis proventibus et pertinenciis, in communi assignavimus; exceptis decimis et proventibus de Helgedall, ecclesie de Ra, prius a nobis, propter ipsius ecclesie ad Helg[edall] propinquitatem et ecclesie de Far magnam distanciam deputatis; reservataque nobis nichilominus potestate dividendi predictam parochiam de Far in plures propter ipsius diffusionem: Decernentes et statuentes ut residenc . . . premissum est, ejusdem

ecclesie proventus omnis et suarum capellarum pro equali percipiant porcione quando residen . . . cerint, absentes autem in sua nichil percipiant absentia. Quicum sint etiam post episcopum in ecclesia cathedrali principales et precipui, ipsorum ecclesias ab omni onere archidiaconali, officialium et decanorum ruralium liberas fore decrevimus et immunes; statuentes ut predictarum nullus jurisdictionem aliquam in eorum personas vel familias aut capellanos exercere presumat; ipsorum per nos et capitulum excessibus corrigendis: Archidiaconatui autem assignavimus ecclesias de Bouer et Watne, cum omnibus suis proventibus et pertinenciis. Insuper assignavimus cancellarie et thesaurarie et archidiaconatui totam terram de Pethgrudi, et totam terram de duabus Herkhenys, equali porcione inter eos dividendas, cum cumuni pastura dicte civitatis de Durnach: Prebende vero abbatis de Scona, ecclesiam de Kelduninach cum suis proventibus omnibus et pertinenciis assignavimus, qui per sacerdotem vicarium in ecclesia cathedrali ministrabit, ut superius est expressum, ipso et suis successoribus ad residenciam, vel ad inveniendum vicarium in ecclesia sua prebendali nullatenus compellendis: eo tamen proviso, quod eidem ecclesie per sacerdotem competentem nichilominus servatus. Tribus autem reliquis prebendis, tres ecclesias parochiales, videlicet, Olrich, Donotf, Canenisbi, separatim, adjunximus ecclesiam de Scynend, ipsorum communitati deputantes; cujus proventus concedentis tantum percipiant, ut superius ecclesia de Far ordinatum est et dispositum: Si vero nullum eorum residere contigerit operacioni et ornatui ecclesie cedant cathedralis, salarie centum solidos Willelmo de Ros, clerico nostro, prius concessis et assignatis in una summam eadem ecclesia percipiendis, et similiter salarius tribus marcis Eudoni, capellano nostro, assignatis singulis annis in eadem ecclesia in una summa percipiendis . . . bus aut

decedentibus predicta ecclesia de Scynand ad usus predictorum trium canonicorum ecclesie per equales portiones inter eos dividenda. Ecclesiam autem de Dyynes assignavimus ad inveniendum cathedrali ecclesie hujusmodi lumen et incensum. Ad sustentationem insuper vicarii pro nobis in dicta cathedrali ecclesia ministrantis ex consensu capituli nostri, decimas garbarum de Thoreboll et de Kynald, et viginti acras terre apud Durnach cum tofto et crofto in eadem civitate assignavimus. Nichilominus quinque prebendis superius proximo institutis et distinctis toftis et croftis ibidem assignatis, ne in absentiis suis exinde valeant excusaciones assumere. Decrevimus igitur et constituimus, ut premissas ecclesias et eas prebendas optinentes cum omnibus pertinentiis libere percipiant et quiete, salvis nobis episcopalibus de ecclesiis. Preterea per communem capituli consensum, statuentes decrevimus ut decanus singulis annis saltem, per medietatem cujuslibet anni, moram contrahat in ecclesia cathedrali, et omnes alii canonici in dignitatibus vel extra constituti, excepto abbate de Scona, singulis annis residenciam faciant per tres menses simul vel singillatim, nisi licenciatus fuerit ab episcopo vel capitulo: quam qui non fecerit qualibet hebdomada sue absencie, operationi et ornatui cathedralis ecclesie duodecim denarios persolvat. Decernentes insuper statuimus, quod si quis canonicorum canonicè vocatus per episcopum vel capitulum ut veniat ad defensionem ecclesie, consilium et auxilium eidem inpensurus, venire neglexerit, redditu suo privetur prebende, quousque veniat ad eorum competentem satisfactionem, nisi canonicam pretendere possit excusacionem. Item ordinavimus et statuimus, ut quilibet septem sacerdotum in premissa ecclesia cathedrali ministrantium, singulis diebus celebret divina, nisi canonicè fuerit prepeditus, et tam predicti sacerdotes omnes quam diaconi, singulis horis intersint qualibet die, nisi aliquem abesse con-

tingat infirmitatis causa vel licencia episcopi, si presens fuerit vel decani; Qui vero se aliter absentaverit, secundum consuetudinem super hoc in ecclesia optinendam puniatur: Cunctis igitur predictæ cathedrali ecclesie et canonicis ac vicariis in ipsa Deo ministrantibus s . . . jura servantibus, sit pax et gloria Domini nostri Jesu Christi quatenus, et hic fructum bone accionis percipiant et apud districtum judicem premia eterne pacis inveniant; distrahentibus autem et injuriantibus, via et indignacio Omnipotentis Dei in perpetuam dampnationem. Et ut premissa omnia rata permaneant et inconcussa ac robur optineant perpetue firmitatis, huic ordinacionis et constitucionis nostre pagine propria manu subscripsimus, eidemque in indubitabile testimonium sigillum nostrum, una cum sigillo capituli nostri, fecimus apponi; postulantes ut quod nostra qualiscunque statuit discretio successorum nostrorum nulla cassare presumat elacio; de qua ut evidencius in posterum constare possit, singuli canonicorum nostrorum propriis manibus roborantes subscripserunt. Teste capitulo.

(Translation.)

To all the faithful in Christ who shall see or hear this writing, Gilbert, by divine mercy Bishop of Caithness, greeting in the Lord everlasting. Whereas in the times before our administration there was in our cathedral church but one priest serving God, both on account of the poverty of the place and also of frequent invasions, we, desiring for the honour of our Lord Jesus Christ, and the most blessed Mary, his mother, and all saints, to amplify the divine worship therein, and having diligently considered the same and sought the advice of discreet men, have determined at our own expense to build the said cathedral church and consecrate the same to the honour of the before-mentioned Mother of God, as also to erect a conventual

as our poverty may permit. We ordain therefore and provide that in the said church there shall be ten canons with the bishop who shall be for the time, and they shall vigilantly by themselves or their vicars by turns discharge the duties of the ministry therein, over whom as their head the bishop shall preside. Out of their number five shall be appointed dignitaries, to wit, a dean, precentor, chancellor, treasurer, and archdeacon, each of whom, together with the bishop and the Abbot of Scone, a canon appointed in the said church, shall find one priest to minister for him in the said church in his absence every day. The three remaining canons shall find deacons who shall diligently assist and serve the foresaid priests in the said church. For the support of four of the canons foresaid and the lighting of the cathedral church we have been careful to assign fourteen of the parish churches of our diocese, reserving six for the episcopal use, appointing to each one his respective prebend, as follows: To the deanery the church of Clyne with its whole revenues and pertinents, the teind sheaves of the city of Dornoch and town of Embo with the fourth part of the altarage of Dornoch and the whole land of Methandurnach; to the precentorship, the church of Creich with its whole revenues, pertinents and chapels, the teind sheaves of Pronsy, Evelix, Stradormeli, Asdale and Rearquhar, the fourth part of the altarage of Dornoch, and the whole land of Huctherhinche at Dornoch; to the chancellorship, the church of Rogart, with its whole revenues and pertinents, the teind sheaves of Skelbo, that is to say, of twelve davachs, and the fourth part of the altarage of Dornoch; and to the treasurer'ship, the church of Lairg with the whole revenues and pertinents thereof, the teind sheaves of Skibo and Cyderhall (except the teinds already assigned to the precentorship at Stradormeli), belonging to the foresaid lands, and likewise the fourth part

of the altarage of the church of Dornoch; there being also assigned to each of the foresaid four prebends a free toft and croft in the city of Dornoch. And in order to induce the forsaid dignitaries the more readily and easily to make their residence in the cathedral church either while occupied in the services thereof or without on the business of the bishop, we have assigned to them in common the church of Farr with its whole revenues and pertinents, except the teinds and revenues of Hallidale, which have formerly been given to the church of Reay by us on account of the proximity of the said church to Hallidale and its great distance from the church of Farr, but reserving to us power of dividing the foresaid parish of Farr into several parts on account of its scattered condition; decerning and ordaining that those who shall reside as is aforesaid shall equally participate in the revenues of the said whole church and its chapels when they make their residence there; but shall receive nothing thereof when they are absent. And because also next after the bishop these persons are the principal and chief in the cathedral church we ordain that their churches shall be free from all burden to the archdeacon, officials and rural deans, ordaining that none of them presume to exercise any authority over their persons or households or chaplains, as their excesses shall be corrected by us and our chapter. To the archdiaconate we have assigned the churches of Bower and Watten, with their whole revenues and pertinents. Moreover we have assigned to the chancellor, the treasurer and the archdiaconate the whole land of Pitgrudy and the entire land of the two Herkhenys, to be divided among them by equal portions, with the common pasture of the said city of Dornoch. For the prebend of the Abbot of Scone we have assigned the church of Kildonan with all its revenues and pertinents, and he shall serve in the cathedral church

by a priest as his vicar as above expressed, but he and his successors shall not be compelled to make residence nor to find a vicar in their prebendal church, it being provided, however, that the said church shall be served by a competent priest. For the three remaining prebends we have assigned the three parish churches of Odrig, Dunnet and Canisbay separately, and adjoined thereto the church of Skinnet to be held in common among them, of the fruits of which they shall partake only as is above appointed and ordained with regard to the church of Farr, and if none of them shall happen to be resident, then these shall go to the maintenance and decoration of the cathedral church, there being first paid therefrom in one sum the salary of one hundred shillings to William of Ross, our clerk, and the further salary of three marks to Eudo, our chaplain, which is assigned to them yearly to be paid in the said church, failing the foresaid church of Skinnet being divided for the use aforesaid in equal portions to the three canons of the church. The church of Durness we have assigned for providing light and incense to the aforesaid cathedral church; and for the support of a vicar ministering on our behalf in the said cathedral church we have consigned with the consent of our chapter the teinds of Torboll and Kinnauld and twenty acres of land at Dornoch, with a toft and croft in the said city. Further to the five prebends last above appointed and set forth tofts and crofts there are also assigned that they may have no excuse for absenting themselves. We therefore have ordained and appointed that they shall freely and quietly enjoy the foresaid churches and these prebends, saving always our episcopal rights in the churches. Moreover by common consent of the chapter we have ordained that at least for the half of every year the dean shall remain in residence in the cathedral church, and all the other canons, whether appointed to dignities or not, except the Abbot

of Scone, shall remain in residence for three months every year either together or severally unless they have leave from the bishop or chapter, without which the defaulter shall pay twelve pence weekly during his absence towards the maintenance and decoration of the cathedral church. And further we have ordained that if any canon shall be lawfully summoned by the bishop or chapter to come and give his advice and counsel for the defence of the church and shall neglect to come, he shall be deprived of his prebendal revenue until such time as he shall give suitable satisfaction unless he is able to render a canonical excuse. Likewise we have ordained and determined that each of the seven priests serving in the foresaid cathedral church shall every day celebrate divine service unless he is canonically prevented, and that both the aforesaid priests and the deacons shall be present at every hour each day unless any of them shall happen to be absent from sickness or by leave of the bishop if he be present or of the dean; but whoever shall otherwise absent himself shall be punished according to the manner thereof to be instituted in the foresaid church. To al' the canons and vicars therefore of the aforesaid church serving God therein and observing the laws thereof, be the peace and glory of our Lord Jesus Christ so that they may partake of the fruit of their good action here and at the last judgment obtain the rewards of eternal peace; but upon those who shall distract and injure them let the wrath and indignation of Almighty God be theirs in eternal damnation. And that the whole premises may remain firm and immoveable and be of perpetual force and vigour we have subscribed this page of our ordinance and constitution with our own hand and in indubitable testimony thereof have caused append our seal together with the seal of our chapter; praying that what our discretion, such as it is, has appointed the elevation of our successors will not

presume to annul; as to which that it may be still more evident to posterity each of our canons have strengthened the same by their subscription; the chapter being witness.

Papal admonition to the King of Scots to avenge the death of Adam, Bishop of Caithness, and placing his slayers and their lands under ecclesiastical interdict.

Original in the Papal Archives. Printed: Theiner's Vetera Monumenta, p. 21, No. 49.

10.

January 13, 1223.

Lateran.

Honorius Episcopus, etc. Venerabilibus fratribus . . . Sancti Andree, . . . Glaswensi, . . . Dunkeldensi et . . . Dumblanensi Episcopis, salutem, etc. Nunc scimus vere, quod karissimus in Christo filius noster . . . Rex Scotorum illustris ad vindictam malefactorum, laudem vero bonorum traditam sibi a domino exercent potestatem, cum commissas in regno suo nequitias non pastiatur impunitas. Jam plene cognoscimus, quod libertatem ecclesiasticam diligit, cum sue auctores injurie prosequatur. Jam revera ipsum Dei fatemur adletam (athletam), cum ad vindicandum sanguinem Christi ejus, qui de terra clamat ad ipsum, regalibus negotiis pretermisissis, intendat. Audito quidem ex litteris vestris, quam abhorrendum facinus, quamque detestabile malum dudum sit in regno suo patratum, noster expavit animus, cor contremuit, et aures ex ipsius orribilitate facinoris timuerunt, sed ex earundem litterarum intellecto tenore, quam animose idem Rex insurrexerit contra hujus scelleris patratores, dolorem, quem nobis facti atrocitas intulit, pro magna parte sensimus ex sua diligentia mitigatum. Eedem sane littere continebant, quod orta inter recolende memorie A. Cathanensem episcopum ex parte una, et parrochianos suos ex altera super decimis

et aliis Katanensis ecclesie juribus questione, ipsaque in presentia Regis ipsius mediantibus quibusdam personis ecclesiasticis amicabile compositione sopita, cedente tandem episcopo ad propria, ipsoque Rege in Angliam pro arduis regni sui negotiis properante, iidem parrochiani tamquam moti adversus eum, quia ecclesie sue causam egerat contra ipsos, in pastorem pium lupi rapaces, in patrem degeneres filii, ac in Christum Dominum diaboli satellites irruentes, eum vestibus propriis spoliatum, cesum, lapidatum et bipenni vulneratum ad mortem, in coquina propria ejus interitus nimis avidi cremaverunt. Rex vero prefatus, qui proficiscens in Angliam jam ad extrema regni sui pervenerat, hoc audito, dolens et ex tanta perversitate scleris conturbatus, ad vindicandam tam crudelem episcopi dicti mortem, et ad male perdendum malos, qui eundem episcopum sic pediderant, prorsus omissis, que ipsum tralebant, negotiis, se protinus exercitiis suis collectis accinerit, aperte insinuans, quod eum injuria Christi angat, et sue zeletur ecclesie libertatem, pro cujus defensione mortem subiit episcopus memoratus. Nos ergo juxta postulationem vestram ipsius Regis super hoc excellentiam commendantes, ac prosequentes actionibus gratiarum eum per scripta nostra monuimus, ut assumptum prepositum ulciscendi Deo et ecclesie super hoc illatam injuriam ulciscendo taliter prosequatur, quod pro eo ipsa teneatur ecclesia Dei misericordiam implorare, ut semper sit, ubicumque ambulat, ipse secum et in eternum stabiliat regnum suum, faciatque sibi nomen grande, ac ab omnibus inimicis suis ei requiem largiatur. Cum autem, sicut in litteris continebatur eisdem, vos hujusmodi iniquitatis auctores et fautores eorum publice denuncia-veritis excommunicationis sententie subiacere, nos, quod super hoc a vobis factum est approbantes, et penam augere volentes eorum, fraternitati vestre per apostolica scripta mandamus, quatenus ipsorum terris,

si quas habent, districto ecclesiastico interdicto sub-
 jectis, tam prefatam excommunicationis sententiam,
 quam ipsum prefatum districtissime faciatis usque ad
 satisfactionem congruam observari. Datam Laterani,
 idibus Januarii, pontificatus nostri anno septimo.

(Translation.)

*Honorius, Bishop, etc. . . . to our venerable
 brothers the bishops of St. Andrews, Glasgow, Dun-
 keld and Dunblane, greeting, etc. Now we do truly
 know that our very dear son in Christ . . . illustrious
 King of the Scots, exercises the power conferred upon
 him by the Lord for the punishment of evildoers and
 the praise of them that do well, and doth not suffer
 crimes committed in his kingdom to go unpunished.
 Now we are fully aware that he cherishes ecclesiastical
 liberty when he proceeds against those who injure it.
 Yet once more we confess that he is a champion for
 God when, laying aside other regal business, he sets
 himself to avenge the blood of His Christ which cries
 to him from the earth. When we learned from your
 letters how horrible a deed, how abhorrent a wicked-
 ness was recently perpetrated in his kingdom our soul
 was terrified, our heart trembled and our ears shook
 with the dreadfulfulness of that iniquity; but as we under-
 stood from the same letters how zealously the said king
 had risen up against the perpetrators of this wickedness
 we felt the grief which the atrocity of the deed had filled
 us very much mitigated by his diligence. These letters
 indeed informed us of a dispute between A[dam],
 Bishop of Caithness, of renowned memory, on the one
 pari and his parishioners on the other concerning the
 teinds and other rights of the church of Caithness, and
 that through the mediation of certain ecclesiastical
 personages an amicable agreement had been arrived at
 in presence of the King himself, in which the bishop
 at last was granted his own, and that when the said*

King was hastening to England on important business connected with his realm, these parishioners moved against him because he had done justice to the church against them, raging like wolves against their godly pastor, as degenerate sons against their father, and rushing madly like the emissaries of the devil against Christ the Lord, stripped him of his clothing, beat him, stoned him, and with their pole-axes wounded him to death, and yet not satisfied with his death roasted him in his own kitchen. But the foresaid king, who had set out for England and had already reached the borders of his kingdom, when he heard of this crime, grieving and greatly troubled at such horrible wickedness, hastened to avenge this so cruel a death of the said bishop by destroying those wicked persons who had destroyed the said bishop, and putting aside entirely the business upon which he was engaged, he straightway gathered together his army, openly showing that wrong done to Christ vexed him and that he was jealous for the liberty of his Church in the defence of which the foresaid bishop had suffered death. We, therefore, with reference to your desire, commending the excellence of the said king in this matter and giving him our thanks for the same, have by these our writings admonished him to prosecute the purpose he has made of avenging this wrong done to God and his Church, on which account the said church is bound to implore the mercy of God to be with him wherever he may be, and establish him for his heavenly kingdom, to make him a great name and bestow upon him rest from all his enemies. And whereas, as is set forth in the said letters, you have publicly excommunicated the authors and favourers of this iniquity, we, approving what has been done by you herein, and wishing rather to increase their punishment, ordain to your fraternity by these apostolic writings that you place their lands, if they possess any, under the strictest ecclesiastical interdict,

to endure as the foresaid sentence of excommunication until suitable satisfaction has been given. Dated at Lateran 13th January, 1223.

Charter by King Alexander the Second confirming the Gift by Gilbert, Bishop of Caithness, to his brother Richard of the lands of Skelbo, etc.

Original on vellum in Dunrobin Castle. Printed: The Sutherland Book, vol. III., p. 6. [Facsimile].

11. December 26, 1235. St. Andrews.

Alexander, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, salutem. Sciant presentes et futuri nos concessisse, et hac carta nostra confirmasse donationem illam quam Gilbertus, Episcopus Katannie, fecit Ricardo, fratri suo, de tota terra suo de Suthyrlandia, quam Hugo Fresekyn dicto episcopo dedit, scilicet de tota terra de Skellebolle, et de Ferinbeildin, et pretereā de tota terra que jacet inter dictas terras de Skellebolle et de Ferinbeilldyn et divisas de Ros versus occidentem: Tenendas eidem Ricardo, et heredibus suis, de heredibus predicti Hugonis Fresekin in feodo et hereditate, per rectas divisas suas, et cum omnibus justis pertinentiis suis, ita libere et quiete, plenarie et honorifice, sicut carta dicti Gilberti, episcopi, inde plenius confecta predicto Ricardo, et carta prenominati Hugonis Fresekyn, et confirmatio domini regis Willelmi, patris nostri, super dictis terris prefato Gilberto, episcopo, plenius confecte, juste testantur et confirmant; salvo servitio nostro; testibus Willelmo, episcopo Glasguensi, cancellario; Patricio, Comite de Dunbar; Waltero, filio Alani Senescalli, justiciario Scocie; Waltero Olifard justiciario Laodonie; Alano Hostiario, Waltero Byset, Willelmo de Mar: Apud Sanctum Andream, vicesimo sexto die Decembris, anno regni domini Regis vicesimo secundo.

(Translation.)

Alexander, by the grace of God, King of Scots, to all good men of his whole realm, greeting. Know ye both present and to come that we have granted and by this our Charter have confirmed that donation which Gilbert, Bishop of Caithness, made to Richard, his brother, of his whole land of Sutherland which Hugh Freskyn gave to the said bishop, namely, the whole land of Skelbo, and Ferinbeildin, and besides the whole land which lies between the said lands of Skelbo and Ferinbeildin and the boundaries of Ross towards the west: To be held by the said Richard and his heirs of the heirs of the foresaid Hugh Freskyn in fee and heritage by their right meiths and with all their just pertinents, as freely and quietly, fully and honourably, conform to the fuller Charter made thereupon by the said Bishop Gilbert to the foresaid Richard, and the Charter of the before-named Hugh Freskyn and confirmation thereof by the lord King William, our father, to the foresaid Bishop Gilbert of these lands at fuller length, in which they are justly set forth and confirmed, saving our service; witnesses, William, Bishop of Glasgow, chancellor; Patrick, Earl of Dunbar; Walter, son of Alan Stewart, justiciar of Scotland; Walter Olifard, justiciar of Lothian; Alan Durward, Walter Bysset, and William of Mar. At St. Andrews, 26th December, in the 22nd year of the king's reign [1235].

Mandate by Pope Urban the Fourth for the installation of Walter of Baltrodin as Bishop of Caithness.

Original in the Papal Archives. Printed: Theiner's Vetera Monumenta, p. 89, No. 229.

12.

June 13, 1263.

Orvieto.

Urbanus Episcopus, etc. Venerabilibus fratribus . . . Duncheldensi, . . . Brechinensi et . . . Ros-

sensi Episcopis, salutem, etc. Inter curas multiplices et immensas quibus assidue angimur et distrahimur **supra vires**, propensior mentem nostram sollicitudo perurget ut viduatis ecclesiis, et hiis maxime que nullo medio apostolice sedi subsunt, circumspecto nostre diligentie studio provisio, Deo auctore, fructuosa proveniat et salubris, ac talibus suprema ecclesiarum gubernacula nostris temporibus committantur, qui dampna preteriti temporis prudenter et sollicite instaurantes, solerti vigilantia recta regant et dirigant indirecta. Sane vacante Catanensi ecclesia, dilecti filii . . . Decanus et Capitulum ipsius pro futuri substitutione pastoris, ut moris est, convenientes in unum, dilectum filium **Magistrum Waltherum de Baltrodin**, eorum concanonicum, ad ipsius ecclesie regimen elegerunt. Presentatam nuper nobis per dilectum filium Rogerum de Aberdon ejusdem ecclesie canonicum electionem hujusmodi, eam examinari fecimus diligentius, et quia ipsam invenimus contra formam canonicam attentatam, eam de fratrum nostrorum consilio justitia cassavimus exigente. Verum quia dictus Waltherus de honestate vite, grata morum decentia, dono scientie litteralis, ac spiritualium et temporalium circumspecta prudentia laudabili testimonio commendatur, nos attendentes, quod ad personam ejus vota dictorum decani et capituli, quibus unanime fuerat in ipsius ascriptione propositum, concorditer congruerant, considerantes etiam ejusdem ecclesie paupertatem, que in tanta locorum distantia in gravia itinerum et viarum dispendia non posse absque gravi difficultate et onere expensarum, necnon cupientes vitare periculum, quod ex mora in talibus potest non immerito formidari, dignum duximus, ut circa provisionem ipsius ecclesie, que immediate dicte sedi subesse dinoscitur, faciendo specialem gratiam memorato Waltero, curemus apostolice sollicitudinis studium adhibere. Ideoque fraternitati vestre mandamus, quatenus vos vel duo

vestrum, Deum habentes pro oculis, si dictum Walterum de legitimo matrimonio procreatum, et honestatis scientia, ac viis meritis, necnon spiritualium et temporalium providentia dignum inveneritis ad pontificalis apicem dignitatis, eumque dispensatione, quam super pluralitate beneficiorum obtinuisse a sede apostolica dicitur, diligentius inspecta, duo beneficia, que obtinet curam animarum habentia, per dispensationem eandem tenuisse licite a tenere, ipsum auctoritate nostra preficiatis ecclesie predictae in Episcopum et pastorem, et facientes sibi a clero civitatis et diocesis Catanensis obedientiam et reverentiam debitam exhiberi, munus consecrationis impendatis eidem, recepturi ab eo postmodum nostro et ecclesie Romane nomine fidelitatis solite iuramentum juxta formam, quam vobis sub bulla nostra mittimus interclusam. Alioquin de alia persona ydonea, de qua expedire videritis, eidem ecclesie auctoritate nostra providere curetis, facientes sibi ab eodem clero hujusmodi obedientiam et reverentiam exhiberi, ac tandem sibi munus consecrationis impendere studeatis, recepturi similiter ab eo juxta formam eandem nostro et ejusdem ecclesie Romane nomine hujusmodi iuramentum. Formam autem iuramenti, quod prestabit ille, quem ibidem prefici contigerit in pastorem, per ejusdem patentes litteras suo sigillo signatas per proprium nuntium quantocius destinatis. Quod si forte aliquem vestrum tempore consecrationis hujusmodi abesse contigerit, reliqui ascito uno vicino episcopo, cum illo ipsius consecrationis officium prosequantur. Datum apud Urbemveterem, idibus Junii, pontificatus nostri anno secundo.

(Translation.)

Urbanus, Bishop, etc., to our venerable brothers, the bishops of Dunkeld, Brechin and Ross, greeting, etc. Among the huge and manifold cares which

strenuously press upon and distract us beyond our strength, the foremost anxiety upon our mind is for bereaved churches and specially for those at a distance from the apostolic see, so that we may with earnest and diligent circumspection and foresight, under God, secure their welfare and fruitfulness by committing the supreme government of these churches in our time to the care of such men as, prudently and carefully repairing the losses of the past, shall by their watchful vigilance maintain things in order and rectify that which is amiss. Now the church of Caithness being vacant, our beloved sons the dean and chapter thereof, having met, as is customary, to determine who shall be their future pastor, have elected our beloved son, Master Walter of Baltrodin, their fellow canon, to the oversight of the said church. This election was lately presented to us by our beloved son, Roger of Aberdeen, one of the canons of that church, and we caused it to be carefully examined, but finding it contrary to the approved canonical form, we have by the counsel of our brethren and in the interests of righteousness annulled the same. But because the said Walter is of honest life, integrity of morals, has good knowledge of letters, and is recommended by worthy testimony as prudent and circumspect in both spiritual and temporal affairs, we, considering that the said dean and chapter gave their votes for him and were unanimous in their purpose, cordially agreeing together therein, considering also the poverty of that church, and its great distance so that journeys cannot be made without great difficulty and onerous expense, and further desiring to obviate the danger which threatens, not undeservedly, if delay takes place in such cases, we deem it right to bestow the care of the apostolic solicitude towards the provision of the said church, which we understand to be immediately under the said see, by granting our special favour to the fore-

said Walter. Wherefore to your fraternity we command that you or two of you, having God before your eyes, if you shall find that the said Walter was begotten in lawful marriage and is of good learning and becoming virtue, and that by prudence in things spiritual and temporal he is worthy to be raised to this point of priestly dignity, as also having carefully inspected the dispensation which he is said to have obtained from the apostolic see respecting the plurality of benefices, having two benefices which concern the care of souls, and that he has lawfully held and holds the same by dispensation, by our authority promote him to the episcopate and pastorate of the aforesaid church and cause him to receive the due obedience and reverence of the clergy of the city and diocese of Caithness, granting to him the gift of consecration, which is to be received by him after he has taken the customary oath of fidelity to us and in name of the Roman Church in terms of the form which we send herewith inclosed under our bull. Otherwise you are to be careful to provide some other fit person, as shall seem to you expedient, by our authority, to the said church, causing him to receive the obedience and reverence of the clergy thereof, and in due course confer upon him the gift of consecration, receiving in like manner from him this oath in terms of the said form to us and in name of the Church of Rome; but this form of oath which he shall take who shall happen to be promoted to the pastorate there, shall be signed by letters patent under his own seal and directed by you as soon as possible by your own mesenger. And if it shall happen that any of you are absent at the time of consecration, the others, having summoned a neighbouring bishop, may proceed with him to the work of that consecration. Given at Orvieto, 13th June, 1263.

Charter by Archibald, Bishop of Moray, to Reginald le Cheyne and his spouse of the lands of Strathnaver.

Registrum Episcopatus Moraviensis, p. 139.

13.

May, 1269.

Kinnedor.

Omnibus sancte matris ecclesie filiis hoc scriptum visuris vel auditoris Archebaldus Dei gratia Moraviensis episcopus salutem in Domino. Noverit universitas vestra nos de voluntate et consensu decani et capituli nostri dedisse, concessisse et hac carta nostra confirmasse Domino Reginaldo le Chen juniore, Domino de Duffus, et Marie, sponse sue, filie quondam Friskyni de Moravia, et heredibus suis ex ipsis procreatis et procreandis ad feodifirmam totam terram nostram de Strathnavir Cattenensis diocesis quam nobilis mulier, Domina Johanna, quondam sponsa Domini Friskyni de Moravia, contulit nobis et ecclesie nostre Moraviensi in puram et perpetuam elemosinam ad sustentationem duorum capellanorum in eadem perpetuo ministrandorum, videlicet de Langeval et Rossewal, de tofftys de Dovyr, de Achenedess, de Clibre, Ardovyr et Corneferne, cum omnibus [focariis ?] et aliis aysiammentis ad dictas terras pertinentibus: Tenendam et habendam sibi et heredibus suis supradictis de nobis et successoribus nostris adeo libere, plenarie et honorifice in omnibus et per omnia sicut carta dicte Domine Johanne per quam totam predictam terram nobis et ecclesie nostre Moraviensi contulit plenius testatur: Reddendo inde singulis annis ad canoniam de Elgyn decano et capitulo Moraviensi seu eorum certo procuratori ad hoc constituto duodecim marcas sterlingorum legalium ad duos terminos, medietatem scilicet ad Pentecostem et aliam medietatem ad festum Sancti Martini in hyeme proximo sequens, ad sustentationem duorum capellanorum predictorum qui in eadem ecclesia sicut predictum est ministrabunt, ad quarum etiam duodecim marcarum solutionem in supradictis terminis predictis decano et capitulo vel eorundem procuratori fideliter plene et

integre et sine malo . . . vel quocunque impedimento faciendam, dictus Reginaldus le Chen et Maria, sponsa sua, dictis decano et capitulo vel eorum procuratori seipsos et heredes suos supradictos et etiam bona sua mobilia et immobilia necnon et se moventia per hanc scripturam publicam obligaverunt et predictas terras omnes de Strathnavir una cum predictis Episcopo et capitulo cum omnibus viribus suis contra omnes homines et feminas perpetuo defendent et tuebuntur cum effectum, renunciantes in omnibus et singulis pro se et heredibus suis omni juris auxilio, canonici et civilis, privilegio fori et maxime cruce signatorum et cruce signandorum omni consuetudini et statuto omnibus literis indultis cum privilegiis a sede apostolica et a curia regia impetratis et impetrandis, necnon et prohibitioni constitutioni de duabus dietis edite in concilio generali et omni excusationi defensionis personali et reali que possit obici contra istud instrumentum vel que nobis ecclesie nostre possit obesse et sibi et suis prodesse, nichilominus subjicientes se et heredes suos quoad hoc jurisdictioni episcopi, decani, archidiaconi ecclesie Moraviensis qui pro tempore fuerint, ut liceat eis aut uni eorum sine strepitu quocunque, monitionibus tantummodo legitimis ad castrum de ubicunque fuerint vel etiam inveniuntur, per suspensionis ab ingressu ecclesie et excommunicationis majoris et interdicti in terras eorundem sententias, quousque ad debitam solutionem predictae pecunie summe plenius faciendam, si in ejusdem pecunie solutione cessaverint, districtius compellere, et ad omnia premissa fideliter et sine fraude observanda dicti R[eginaldus] et M[aria], sponsa sua, pro se et heredibus suis in presentia nostra, decani et capituli sacramentum prestiterunt corporale. In hujus rei testimonium presenti scripto sigillum nostrum una cum sigillo capituli nostri fecimus apponi, cum subscriptionibus canonicorum. Datum apud Kenedor in Moravia M^o. cc^o. lx nono mense Maio.

(Translation.)

To all the sons of holy mother Church who shall see or hear this writing, Archibald, by the grace of God, Bishop of Moray, greeting in the Lord. Be it known to you all that we with the willing consent of our dean and chapter have granted and by this our Charter have confirmed to Sir Reginald le Cheyne, younger, Lord of Duffus, and Mary, his spouse, daughter of the deceased Freskyn of Moray, and the heirs procreated and to be procreated between them, in feu farm all our land of Strathnaver in the diocese of Caithness which a noble woman Lady Jean, sometime spouse of Sir Freskyn of Moray, gave to us and our church of Moray, in pure and perpetual alms for the maintenance of two chaplains perpetually to minister therein, that is to say, Langwall and Rossewall, the tofts of Dovyr Achness, Clibrig, Ardovyr and Corrienafearn, with all [bond servants] and other easements belonging to the said lands: To be had and held by him and his heirs beforesaid of us and our successors as freely, fully, and honourably in all and by all as is more fully set forth in the Charter whereby the said Lady Jean conferred the whole foresaid land on us and our church of Moray: Paying therefore yearly at the chanonry of Elgin to the dean and chapter of Moray or their certain procurator appointed thereto twelve merks of legal sterlings at two terms, that is to say, the half at Whit-Sunday and the other half at the feast of Martinmas in winter thereafter, for the maintenance of the two chaplains foresaid who shall serve in the said church as is above-written; for the payment of the which twelve merks at the foresaid terms to the before-mentioned dean and chapter or their procurator, faithfully, fully, and entirely, and without guile or any impediment whatsoever the said Reginald le Cheyne and Mary, his spouse, bind themselves and their heirs aforesaid and likewise all their goods moveable and immoveable and

moving themselves to the said dean and chapter or their procurator; and they shall effectually and in all time coming defend and protect all the foresaid lands of Strathnaver together with the foresaid bishop and chapter with all their men against all men and women, renouncing in all and sundry for themselves and their heirs all help of law, canon and civil, privilege of court and especially all custom and statute of crusaders, actual or purposing, with indulgences and privileges sought and to be sought from the apostolic see and from the royal court, as also the appointed prohibition of the two diets promulgated in the general council, and all excuse, personal and real defence which can be objected against that instrument or which can prejudice us or our church and be of advantage to them and theirs; and nevertheless submitting themselves and their heirs in this matter to the jurisdiction of the bishop, dean and archdeacon of the Church of Moray, who shall be for the time, so that it shall be lawful to them or one of them without any discussion whatsoever, lawful warnings having been given at the Castle of wherever they may be or even shall be found, forcibly to compel them by sentences of suspension from entering the Church, the major excommunication and interdict upon their lands, until they make due and full payment of the foresaid sum of money if they shall have stopped payment thereof; and for the observance of all the premises faithfully and without fraud the said Reginald and Mary, his spouse, for themselves and their heirs, gave their solemn oath in presence of us and the dean and chapter. In witness whereof we have caused append to this present writing our seal, together with the seal of the chapter and the subscriptions of the canons. Dated at Kinnedar in Moray, May, 1269.

Faculty to the Dean and Chapter of Caithness to elect another Bishop instead of Nicholas, Abbot of Scone, whose election has been annulled.

Original in the Papal Archives. Vatican Transcripts, in Gen. Reg. House, Edinburgh, 37, fol. 92v.

14.

June 4, 1273.

Orvieto.

Decano et capitulo ecclesie Cathanensis. Olim ecclesia vestra pastoris solacio destituta vos convenientes in unum dilectum filium Nicolaum, Abbatem monasterii de Scona, Sanctiandree diocesis, in vestrum episcopum concorditer elegistis. Sane presentata nobis ex parte vestra per dilectum filium Magistrum Henricum de Nothingham, clericum, procuratorem vestrum, electione hujusmodi nos ipsam pro eo quod dictus abbas patiebatur in scientia defectum intolerabilem in prelado de fratrum nostrorum consilio cassavimus, justicia exigente. Volentes itaque vobis in hac parte gratiam facere specialem eligendi vobis iterum personam ydoneam in episcopum et pastorem liberam vobis concedimus auctoritate presentium facultatem. Datum apud Urbem Veterem ij Nonas Junij Pontificatus nostri anno secundo.

(Translation.)

To the dean and chapter of the church of Caithness. Your church being for some time destitute of the solace of a bishop, you, meeting together, with one consent, elected our beloved son Nicholas, Abbot of the Monastery of Scone, in the diocese of St. Andrews, to be your bishop; but on the presentation of your election to us by your procurator, our beloved son, Mr. Henry of Nothingham, clerk, we have annulled it in the interests of justice and by advice of our brethren, because that the said abbot labours under a deficiency of knowledge intolerable in a prelate. We therefore

require you and grant you the special favour of making election a second time of a suitable person as your bishop and pastor, committing by authority of these presents to you the free faculty of so doing. Dated at Orvieto, fourth June, in the second year of our pontificate (1273).

Mandate by Pope Gregory the Tenth for the consecration of Archibald, archdeacon of Moray, as Bishop of Caithness.

Original in the Papal Archives. Printed: Theiner's Vetera Monumenta, p. 104, No. 259.

15.

November 1, 1274.

Lyons.

Gregorius Episcopus, etc. Venerabilibus fratribus . . . Moraviensi, . . . Aberdonensi, et . . . Ergadiensi Episcopis, salutem, etc. Dilecti filii R. decanus et capitulum ecclesie Cathanensis nobis significare curarunt, quod olim ecclesia ipsa, que ad Romanam ecclesiam nullo pertinet mediante, pastoris solatio destituta, post cassationem electionis de Nicolas, Abbate Monasterii de Scona ordinis Sancti Augustini Sancti Andree diocesis, qui in eadem ecclesia ratione monasterii sui quandam prebendam canonice obtinuit, a canonicis ipsius ecclesie celebrate; ac post obtentam licentiam per ipsos decanum et capitulum a sede apostolica iterum eligendi, dicti decanus et capitulum, vocatis omnibus, qui voluerunt, debuerunt et potuerunt commode interesse, die ad hoc prefixa convenientes in unum, deliberaverunt unanimiter et concorditer ad provisionem ipsius ecclesie faciendam per viam procedere compromissi: sicque prefati capitulum eidem decano, ac dilectis filiis, Patricio, thesaurario, et Magistro Rogero de Castello, canonico Cathanensis, providendi eidem ecclesie de persona ydonea de ipsius gremio, vel aliunde etiam assumenda concesserunt liberam postestatem. Sane iidem decanus,

thesaurarius, et Magister Rogerus, super hoc inter se diligenti tractatu et provida deliberatione prehabitis, dilectum filium Archebaldum, Archidiaconum Moraviensem, virum, ut asserunt, providum et honestum, auctoritate concessionis hujusmodi elegerunt canonice in Cathanensem episcopum et pastorem. Iidem itaque decanus et capitulum facientes nobis decretum electionis hujusmodi per dilectos filios, Magistros Rogerum, canonicum Cathanensem, et Robertum, perpetuum vicarium ecclesie de Duffis, eorum nuntios destinatos propter hoc ad sedem apostolicam, presentari a nobis, ut electionem confirmaremus eandem suppliciter postularunt: nosque ipsius electionis examinationem venerabili fratri nostro . . . Ostiensi et Velletrensi Episcopo, ac dilectis filiis nostris G., tituli Sancti Marci presbitero, et I. Sancte Marie in Cosmedin diacono Cardinalibus duximus committendam. Et licet per eosdem Episcopum et Cardinales, ipsius electionis examinato processu, compertum fuerit, eandem electionem fuisse canonice celebratum, quia tamen de ydoneitate persone dicti electi apud sedem apostolicam ad plenum constare nequivit, nos de circumspectione vestra plenam in Domino fiduciam obtinentes, fraternitati vestre per apostolica scripta mandamus, quatenus de meritis dicti electi diligenter ac sollicite inquisito, si eum ydoneum esse repereritis, et congruentem tanto oneri et honori, prefatam electionem auctoritate nostra confirmare curetis, et unus vestrum eundem electum, qui fore dicitur in diaconatus ordine constitutus, in presbiterum statutis temporibus ordinet, eique, ascitis sibi duobus vel tribus episcopis, munus consecrationis impendat, recepturus ab eo postmodum nostra et ecclesi Romane nomine fidelitatis solite juramentum juxta formam, quam vobis sub bulla nostra mittimus interclusam. Alioquin, eadem electione rite cassata, faciatis eidem ecclesie Cathanensi de persona ydonea per dictos

decanum et capitulum eligenda canonice provideri. Contradictores, etc. Formam autem juramenti, quod electus ipse prestabit, de verbo ad verbum per ejus patentes litteras suo sigillo signatas ille ex vobis, qui eidem electo prefatum munus consecrationis impenderit, per proprium nuntium nobis studeat quantocius destinare. Quod si non omnes, etc. Datum Lugduni, Kalendi Novembris, pontificatus nostri anno tertio.

(Translation.)

Gregory, Bishop, etc., to our venerable brothers the bishops of Moray, Aberdeen and Argyll, greeting, etc. Our beloved sons, R. dean, and the chapter of the church of Caithness, have been careful to intimate to us that the said erstwhile church, which belongs immediately to the Roman see, is deprived of the comfort of a pastor through the annulling of the election of Nicolas, Abbot of the Monastery of Scone of the order of Saint Augustine in the diocese of St. Andrews, who canonically held a certain prebend in the said church in right of his monastery; which election was made by the canons of the said church; and after obtaining license from the apostolic see for another election to be made by the said dean and chapter, the said dean and chapter, having summoned all persons who would, should or could conveniently be present, met together on a day appointed for the purpose and decided with one accord to make provision for the said church by way of compromise, and so the foresaid chapter granted full power to the said dean, and to our beloved sons, Patrick, the treasurer, and Mr. Roger of Castle, a canon of Caithness, to provide a suitable person from the bosom of the said church or even to choose one elsewhere. Accordingly the said dean, treasurer, and Mr. Roger, having carefully and with thoughtful deliberation considered the matter among themselves, by authority of the foresaid remit,

made choice canonically of our beloved son, Archibald, archdeacon of Moray, a man, they say, both prudent and worthy, to be bishop and pastor of Caithness. Thereupon the said dean and chapter sent their decreet of this election by our beloved sons, Mr. Roger, a canon of Caithness, and Mr. Robert, perpetual vicar of the church of Duffus, messengers appointed by them for this purpose to the apostolic see, to be presented to us, humbly craving that we would confirm this election; which election we committed for examination to our venerable brother, the Bishop of Ostia and Velitrae, and our beloved sons G. titular priest of St. Mark, and I., deacon to the cardinals of Saint Mary in Cosmedin. And although it was found by the said bishop and cardinals, who examined the proces of this election that the same has been canonically performed, yet, because at the apostolic see there is not sufficient knowledge of the fitness of the person of the said elect, we, placing full reliance in the Lord upon your circumspection, ordain your fraternity by these apostolic writings carefully to inquire into the merits of the said elect, and if you find him suitable and competent to so great a burden and honour, to confirm by our authority the said election, and one of you shall ordain the said elect, who is said to have been already in deacon's orders, the dates being appointed, to the priesthood, who thereafter, assuming with him two or three bishops, shall confer the gift of consecration, which is to be received by him after he has taken the customary oath of fidelity to us and in name of the Church of Rome in terms of the form which we send to you herewith inclosed under our bull. Otherwise, having duly annulled the said election, you will cause the church of Caithness to be provided of some other suitable person to be canonically elected by the said dean and chapter. But the form of the oath which the elect himself shall give word for word by letters patent

sealed with his own seal, he shall be careful to direct to us by his own messenger as quickly as possible through you who shall confer the foresaid gift of consecration. Given at Lyons 1st November, 1274.

Excerpt from Bagimont's Roll concerning the teinds uplifted for the Crusades from the Bishopric of Caithness.

From the Register in the Vatican at Rome. Printed in Theiner's Vetera Monumenta, p. 112, No. 264.

16.

1275.

Collectio decime in Episcopatu Cathanie pro primo anno. De bonis domini Episcopi receptis 11 lib. 2 sol. 9 den. ob.; Prebenda Decani 3 lib. 6 sol. 8 den. ob.; Cantoris 50 sol.; Thesaurarii 50 sol. 1 d. ob.; Cancellarii 3 lib. 9 sol. 1 den. ob.; de Coldulmau 30 sol. 2 den.; de Olric 2 marc.; de Dimosc 33 sol. 4 den.; de Cranesby 40 sol.; de Ascend 5 sol. 4 den.; Vicarius de Haukyrc 14 sol. 2 den. ob.; de Turishau 26 sol. 7 den.; Capella de Haludal 9 sol. 4 den.; Vicarius de Lagheryn 27 sol. 10 den.; de Ra 9 sol. 3 den. ob.; de Culmalium 15 sol. 10 den.; de pensione H. de Notingham 13 sol. 4 den.; Domini Eugenii 4 sol.; De ecclesia de Durnes 14 sol. 8 den. Vicarius domini Episcopi nichil solvit de decima (7 marcas). Summa 36 lib. 9 sol. 4 den.

(Translation.)

Collection of the teind in the bishopric of Caithness for the first year:—

	£	s.	d.
Received from the goods of the Lord			
Bishop	11	2	9½
Received from the prebend of the Dean ...	3	6	8½
„ „ „ Precentor	2	10	0
„ „ „ Treasurer	2	10	1
„ „ „ Chancellor	3	9	1½

			£	s.	d.
Received from Kildonan	...	...	1	10	2
„ „ Orlig	...	...	2	merks.	
„ „ Dunnet	...	...	1	13	4
„ „ Canisby	...	...	2	0	0
„ „ Assynt	...	...		5	4
„ „ the Vicar of Halkyrk	...	...	14	2	$\frac{1}{2}$
„ „ the Vicar of Thurso	...	...	1	6	7
„ „ the Chapel of Hallidale	...	...		9	4
„ „ the Vicar of Latheron	...	...	1	7	10
„ „ the Vicar of Reay	...	...		9	$3\frac{1}{2}$
„ „ the Vicar of Kilmalie ¹	...	...	15	10	
„ „ the pension of Henry of Nottingham ²	...	...		13	4
„ „ Lord Eugene	...	...		4	0
„ „ the Church of Durness (the Vicar of the Lord Bishop pays no teind)	...	...		7	merks.
Summa			£36	9	4

Agreement between Archibald, Bishop of Caithness, and William, Earl of Sutherland, in regard to the Castle of Skibo, and other lands.

Original on vellum in Dunrobin Castle. Printed: The Sutherland Book, vol. III., p. 7. Facsimile. Miscellany of the Bannatyne Club, vol. III., p. 21. Two Records of the Bishopric of Caithness.

17. **September 22, 1275. Dornoch.**

Omnibus sancte matris ecclesie filiis hoc scriptum visuris vel audituris, Archebaldus, miseracione divina Episcopus Cathannie, salutem eternam in Domino. Cum diutina controversia

¹ Kilmalie is the old name for the parish of Golspie.

² There is a place called Nottingham near Forss, in the parish of Latheron.

quondam exorta fuit inter venerabiles patres, predecessores nostros, Gilbertum, Willelmum et Walterum, bone memorie episcopos Cathannie, nomine dicte ecclesie ex una parte, et nobiles viros, Willelmum, clare memorie, et Willelmum, ejus filium, comites Sutthirlandie, super castro de Schythebolle cum quibusdam aliis terris, videlicet, sex davatis de Schythebolle et sex davatis de Syttheraw cum passagio, et duabus davatis terre cum dimidia de Miggewec, Swerdisdale, Creych, cum piscaria de la Bunnach de Cuttheldawach, de duabus davatis de Monimor, de duabus davatis de Awelec, de tribus davatis de Proinsy, de una davata de Roweherchar, de tribus quarteriis de Haskesdale, de dimidia davata de Hacchencossy, de tribus davatis de Thorebolle, de duabus davatis de Kynalde, et de quatuor davatis de Largge, in quibus terris et castro dicti predecessores nostri nomine ecclesie Cathannie jus sibi vendicabant a predictis comitibus; et dicta controversia in non modicum dispendium ecclesie Cathannie, et graves sumptus dictarum comitum diu fuit agitata, et protelata usque ad tempus nostrum, et Willelmi filii predicti comitis clare memorie, tandem viri fideles, et pacis zelatores, prelati ecclesiarum, nobiles viri, comites et barones, et alii quamplures fidedingni, pressuris et angustiis ecclesie Cathannie et laboribus et expensis predictorum Comitum compacientes, zelo caritatis instincti, partes suas diligenter interposuerunt ut pacem et unitatem inter ecclesiam Cathannie, nos, et successores nostros, et predictum nobilem Willelmum Comitem, et ejus heredes ordinarent, et in perpetuum stabilirent. Tandem post multas ordinationes et prelocuciones, dictus comes concilio dictorum prelatorum, procerum et aliorum fidedingnorum inclinatus, mera voluntate sua et spontanea concessit ecclesie Cathannie, nobis et successoribus nostris castrum de Schythebolle cum sex davatis terre

adjacentibus, et sex davatis terre de Sytheraw cum passagio, et duabus davatis cum dimidia de Miggewech, Swerdel et de Creych, cum piscatura de le Bunnach, et duabus davatis de Monimor, cum eorum pertinenciis: Tenendas et habendas, et in perpetuum pacifice possidendas ecclesie Cathannie, nobis et successoribus nostris, salvo forinseco servicio domini Regis, sine aliqua controversia de cetero motura ab ipso Comite vel heredibus suis. Residue vero terre, videlicet, due davate de Awelech, tres davate de Proinsy, una davata de Rutherhard, tres quarterie de Haskesdale, dimidia davate de Hachencosse, tres davate de Thorebol, due davate de Kynalde, quatuor davate de Largge, et una davata de Cuttheldawach, de mera voluntate nostra et consensu capituli nostri residebunt penes predictum Comitem et heredes suos in perpetuum, plenarie, hereditarie et pacifice sine contradictione vel inquietacione moturis a nobis vel successoribus nostris. Ad hoc vero ut ecclesie nostre nobis et successoribus nostris securius esset provisum, et ut plenariam possessionem dictarum terrarum ecclesie nostre nobis et successoribus nostris a dicto Comite concessarum poterimus nancissi, et pro utilitate et commodo nobis et successoribus nostris a dicto comite collatis, de voluntate et consensu capituli nostri, dedimus et concessimus predicto Comiti et heredibus suis unam davatam de Owenes, valentem dimidia marce, et quod dictus Comes et sui heredes possint nobis et successoribus nostris, qui pro tempore fuerint, unum capellanum presentare, qui in perpetuum celebrabit in ecclesia de Durnach ad altare Sancti Jacobi pro animabus dicti Comitis predecessorum et successorum suorum; quemquidem capellanum nos et successores nostri, ad presentacionem predicti Comitis et heredum suorum, admittemus, et dicto capellano ad ejus sustentacionem quinque marcas annuas de bonis episcopalibus, videlicet, de finis nostris de villa

nostra de Durnach per manus ballivorum nostrorum qui pro tempore fuerint et successorum nostrorum, ad duos anni terminos, videlicet ad festum Sancti Martini in yeme duas marcas cum dimidia, et duas marcas cum dimidia ad Pentecostes, imperpetuum, administrabimus. Promisimus etiam, de voluntate et consensu capituli nostri pro nobis et successoribus nostris, quod nos providebimus, faciemus pro dicto Comite et ejus heredibus omnem securitatem ad istas ordinacionem concessionem in perpetuum inviolabiliter observandas quam ipse et consilium suum velint, et poterint de jure ordinare vel petere. Et ad istam ordinacionem seu compositionem inviolabiliter imperpetuum observandam in omnibus et per omnia, prout superius scriptum est, tam nos pro nobis et successoribus nostris, tam decanus, archidiaconus, precentor et cancellarius, pro se et capitulo Cathannie, comes pro se et heredibus suis fidem dedimus corporalem. In cujus rei testimonium et ad majorem hujus rei securitatem huic scripto penes Comitem et ejus heredes residenti sigillum nostrum, una cum communi sigillo capituli Cathannie, et sigillis decani, archidiaconi, precentoris et cancellarii Cathannie, est appensum: Consimili vero scripture penes nos et successores nostros et capitulum nostram residenti, sigillum predicti Comitis, una cum sigillis Domini Willelmi de Monte Alto, Domini Andree de Moravia, Domini Alexandri de Moravia, et Domini David de Ynverlunan, est appensum. Actum in Cathedrali ecclesia Cathannie, X kalendas Octobris, anno gracie m^o. cc^o. septuagesimo quinto.

(Translation.)

To all the sons of holy mother church who shall see or hear this writing, Archibald, by divine mercy Bishop of Caithness, eternal greeting in the Lord. Whereas of late a controversy had arisen between the venerable fathers, our predecessors, Gilbert, William

and Walter, of good memory, Bishops of Caithness, on behalf of the said church on the one part, and the noble men, William, of famous memory, and William, his son, Earls of Sutherland, with reference to the Castle of Skibo and certain other lands, namely, the six davachs of Skibo, and six davachs of Cyderhall with the passage, the two and a half davachs of land of Migdale, Swordale and Creich, with the fishing of the Bonar and Cuthil, the two davachs of Monimor, the two davachs of Evelix, the three davachs of Proncy, the one davach of Rearquhar, the three-quarters of Asdale, the half davach of 'Achosnich, the three davachs of Torboll, the two davachs of Kinnauld, and the four davachs of Lairg, which lands and castle our said predecessors claimed to belong to the church of Caithness by right from the earls foresaid; and this controversy has gone on for long, not without grave cost to the church of Caithness and much expense to the said earls, and has come down to our time and that of William, the son of the foresaid earl of famous memory, at length faithful men and eager for peace, being prelates of the church and noblemen, both earls and barons, and not a few others of good name, compassionating the burdens and anxieties of the church of Caithness and the labours and outlays of the foresaid earls, interposed their earnest efforts with the zeal of disinterested friendship so that peace and unity might be restored and perpetually established between the church of Caithness, us and our successors and the foresaid noble Earl William, and his heirs. In the end, after many meetings and discussions, the said earl, moved by the counsel of the said prelates, nobles and other worthy men, of his own free will granted to the church of Caithness and to us and our successors the Castle of Skibo with the six davachs of land adjoining, the six davachs of Cyderhall with the passage, the two and a half davachs of Migdale, Swor-

dale, and Creich, with the fishing of the Bonar, and the two davachs of Monimor, with their pertinents : To be had and held and peacefully possessed in all time coming by the church of Caithness, us and our successors, saving the forinsec service due to the King, without any controversy to be raised hereafter by the said earl or his heirs ; but the remaining lands, that is to say, the two davachs of Evelix, the three davachs of Pronsy, the one davach of Rearquhar, the three-quarters of Asdale, the half davach of 'Achnosnich, the three davachs of Torboll, the two davachs of Kinnauld, the four davachs of Lairg, and the one davach of Cuthil shall, with our free will and consent of our chapter, remain with the said earl and his heirs in all time coming, fully, heritably, and peacefully without any molestation or opposition to be made by us or our successors. And further that this provision to our church, us and our successors may be more secure, and that we may be able to obtain full possession of the said lands granted to our church, us and our successors by the said earl, and for the help and benefit conferred upon us and our successors by the said earl, we of our free will and with the consent of our chapter have given and granted to the foresaid earl and his heirs one davach of Unes to the value of half a merk, and that the said earl and his heirs may present to us and our successors who shall be for the time one chaplain who in all time coming shall say mass at the altar of St. James in the church of Dornoch for the souls of the said earl and his predecessors and successors ; which chaplain on the presentation of the foresaid earl and his heirs, we shall admit, and shall assign to the said chaplain for his support five merks annually from the episcopal revenues, viz., from our fines of our town of Dornoch by the hands of the bailies of us and of our successors who shall be for the time at the two yearly terms, viz.,

at the feast of Martinmas in winter two and a half merks, and at the feast of Whitsunday, two and a half merks, in all time coming. We also promise of our own free will and with the consent of our chapter that we shall provide and make all security for the inviolable observance in all time coming of those concessions to the said earl and his heirs which he and his council may desire and can lawfully seek and ordain. And for the inviolable observance of this ordinance or agreement in all time coming in all and by all as is above written, both we for ourselves and our successors, and the dean, archdeacon, precentor, and chancellor for themselves and the chapter of Caithness, and the said earl for himself and his heirs have given their bodily oath. In witness whereof and for the greater security of this agreement our seal, together with the common seal of the chapter of Caithness and the seals of the dean, archdeacon, precentor, and chancellor of Caithness, are appended to this writing, which is to remain with the earl and his heirs; and to a similar writing which is to remain with us and our successors and our chapter, the seals of the said earl, together with the seals of Sir William of Morvat, Sir Andrew of Moray, Sir Alexander of Moray, and Sir David of Inverlunan, are appended. Done in the cathedral church of Caithness, 22nd September, 1275.

Letters from Pope Martin the Fourth, to Alan, Bishop of Caithness, upon his promotion to that see.

Original in the Vatican at Rome. Regesta Vaticana, Vol. xli., fol. 41d.

18.

April 13, 1282.

Orvieto.

Venerabili fratri, Alano, Episcopo Cathanenensi.
Dudum Cathanenensis ecclesia per obitum bone

memorie Archebaldi, Cathanenensis Episcopi, pastoris solatis destituta, dilecti filii capitulum eiusdem ecclesie in electionis negotio per viam compromissi procedere intendentes in quosdam ex ipsis compromittere curaverunt, qui tandem consentientes in Ricardum, decanum ecclesie supradicte, ipsum in Cathanensem Episcopum concorditer elegerunt. Presenta itaque felicitis recordationis Nicolao, pape predecessori, electione huiusmodi predecessor ipse venerabilibus fratribus nostris . . . Sancti Andree et . . . Haberdonensi Episcopis ac dilecto filio . . . Ministro provinciali ordinis Fratrum Minorum in Scotia per suas sub certa forma dedit litteras in mandatis ut eidem Ricardo sano consilio suaderent quod ipse sibi et ecclesie predictae compatiens renunciaret libere omni iuri, si quod ei ex electione prefata fuisset forsitan acquisitum, et ex tunc memorati capitulum, prout alias ad ipsos pertinere dinoscitur salubrius eidem providerunt ecclesie de pastore. Prelibatus vero Ricardus, licet electioni huiusmodi de se facte, suum prebuisset consensum ductus tamen consilio saniori omne ius, si quod sibi ex electione competeat, eadem resignare curavit. Quare prefati capitulum Cathanense, die ad eligendum prefixa, vocatis omnibus qui voluerunt, debuerunt et potuerunt commode interesse tandem in electione huiusmodi per viam scrutinii procedentes, quondam Magistrum Herveum de Donodei, canonicum ecclesie Sancti Andree in Scotia, in suum et eiusdem ecclesie Cathanensis Episcopum concorditer elegerunt. Cumque prefatus Magister Herveus pro negotio electionis huiusmodi se facte, cui consentire curaverat, esset apud sedem apostolicam constitutus debitum nature persolvit. Unde nos, volentes eidem ecclesie Cathanensis de persona ydonea providere provisionem ipsius ecclesie ea vice de fratrum nostrorum consilio dispositioni sedis apostolice duximus reservandam. Nolentes igitur prefatam ecclesiam Cathanensem

diutius vacationis incommoda sustinere, considerantes quoque tuam multiplicem probitatem fidedignis quamplurimum commendatam necnon et laudabilia tue honeste conversationis et rite merita et virtutes alias quibus esse nosceris redimitus te, tunc capellanum dilecti filii nostri Hugonis, tituli Sancti Laurentii in Lucina presbiteri cardinalis, de predictorum fratrum consilio eidem ecclesie Cathanensis prefecimus in Episcopum et pastorem, plenam et liberam administrationem ipsius tibi in spiritualibus et temporalibus committentes. Subsequenter tibi de nostris manibus munere consecrationis impenso, firma concepta fiducia quod, dirigente Domino actus tuos, eadem Cathanense ecclesia per tue circumspeditionis industriam in spiritualibus et temporalibus prospere dirigetur et salubria, dante Domino, suscipiet incrementa. Ferens itaque sub humilis devotionis officio impositum a Domino tibi onus eiusdem ecclesie sollicitam curam geras gregem dominicum in illa tibi commissum doctrina verbi et operis informando, ita quod ecclesia ipsa per tue diligentie studium votivis proficere commodis et optatis consurgere valeat incrementis.

Datum apud Urbemveterem, idibus Aprilis anno secundo.

In eodem modo dilectis filiis, capitulo ecclesie Cathanensis. Dudum ecclesia Cathanensis, etc., ut in proxima superiori verbis competentibus mutatis usque incrementa. Quocirca universitati vestre per apostolica scripta mandamus quatenus eidem Episcopo tamquam patri et pastori animarum vestrarum plene ac humiliter intendentes obedientiam et reverentiam sibi debitam exhibere curetis. Alioquin sententiam quam ipse propter hoc rite tulerit in rebelles ratam, etc. Datum ut supra.

In eodem modo clero civitatis et diocesis Cathanensis.

In eodem modo populo civitatis Cathanensis, etc.,

usque incrementa. Quocirca universitatem vestram rogamus et hortamur attente mandantes quatenus eundem Episcopum devote recipientes et honeste tractantes eius salubribus mandatis et monitis humiliter intendatis. Ita quod ipse in vobis devotionis repperisse letetur vosque in eo patrem habeatis assidue gratiosum. Datum ut supra.

In eodem modo universis vassallis ecclesie Cathanensis, etc., usque humiliter intendatis. Et prestantes eidem fidelitatis solite iuramentum consueta exhibere servitia et se iuribus et redditibus sibi debitis eidem respondere curetis. Ita quod ipse, etc., usque gratiosum; alioquin sententiam sive penam quam ipse spiritualiter et temporaliter propter hoc rite tulerit sive statuerit in rebelles, etc. Datum ut supra.

In eodem modo carissimo in Christo filio . . . regi Scotie illustri. Dudum, etc., usque incrementa. Quare celsitudinem regiam paterno rogamus et hortamur affectu quatenus eundem Episcopum et commissam sibi ecclesiam, pro divina et apostolice sedis reverentia habens propensius commendatos sic te dicto Episcopo favorabilem exhibeas et benignum ac ipsum et eandem ecclesiam tue benevolentie gratia prosequaris quod idem Episcopus regalibus fultus presidiiis commissum sibi regimen facilius et efficacius prosequatur; nosque proinde magnificentiam tuam dignis in Domino laudibus non immerito attollamus. Datum ut supra.

(Translation.)

To our venerable brother, Alan, Bishop of Caithness. When recently the church of Caithness was deprived of the comfort of a pastor by the death of Archibald, Bishop of Caithness, of good memory, our beloved sons, the chapter of that church, were careful to proceed in the business of election by way of compromise, intending to nominate some of their own number, and at

length unanimously agreed to elect Richard, dean of that church, to be Bishop of Caithness. This election was in due course presented to Pope Nicolas, of happy memory, our predecessor, who thereupon sent letters under a certain form to our venerable brothers, the Bishops of St. Andrews and Aberdeen, and our beloved son, . . . , minister provincial of the Order of Friars Minors in Scotland, to persuade the said Richard, by good counsel, for the sake of the foresaid Church freely to renounce all right which may have accrued to him from the said election and leave the foresaid chapter free according to their acknowledged right to provide a pastor for the church. To this, influenced by wise counsel, the foresaid Richard gave his consent, notwithstanding of his said election, and renounced all right which he might have thereby; and thereupon the foresaid chapter of Caithness, having fixed a day for the said election and summoned all parties who would, could or should have interest therein, and proceeding in the said election by way of scrutiny, unanimously chose the late Mr. Hervey of Dundee, a canon of the church of St. Andrews in Scotland to be their bishop and of the church of Caithness. But when the foresaid Mr. Hervey had determined to betake himself to the apostolic see regarding this election of himself, to which he was minded to consent, he died. Thereupon we, desiring that the said church of Caithness should be provided with a competent person, by the counsel of our brethren, caused the matter to be reserved to the disposal of the apostolic see. Unwilling therefore that the foresaid church of Caithness should longer undergo the inconveniences of a vacancy, and considering your manifold worth, so highly commended by many, as also the praiseworthy merits of your honest conversation and life and the other virtues with which you were known to be graced, we by advice of our foresaid brethren promoted you, then chaplain of our beloved son, Hugh,

titular priest-cardinal of St. Laurence in Lucina, to be bishop and pastor of the said church of Caithness, committing to you the full and free administration thereof in spiritual and temporal things. Subsequently with our hands we bestowed on you the gift of consecration, being firmly persuaded that under the Lord's direction your actions and circumspect diligence will greatly increase the prosperity of the said church of Caithness both in things spiritual and temporal. Uplifting therefore the yoke imposed upon you by the Lord in the duty of humble devotion do you assume the earnest care of that church and feed the flock of the Lord in that place with divine truth and service so that by your diligent efforts and prayers that church may abound in greatly desired blessings. Dated at Orvieto, 13th April, 1282.

In like manner to our beloved sons the chapter of the church of Caithness. When lately the church of Caithness, etc. (as in the previous letter, altering the words as necessary as far as "incrementa"). Therefore to your university we by these apostolic writings command that you yield due reverence and obedience to the said bishop, humbly and fully regarding him as your father and the shepherd of your souls. Otherwise you will justly incur the sentence which he will pass upon you as rebels, etc. Dated as above.

In like manner to the clergy of the city and diocese of Caithness.

In the same manner to the people of the city of Caithness (as far as "incrementa"). Wherefore we request and exhort all of you attentively giving heed that ye receive the said bishop devoutly and deal with him honestly, humbly obeying his commands and admonitions which are for your well-being, so that he may find joy in your devotedness and you in him the kindly solicitude of a father. Dated as above.

In like manner to all the vassals of the church of

Caithness, etc. (as far as that ye humbly obey), and proffering to him your customary oath of fealty be ye careful to render to him the usual services and pay to him the rents and duties which are due, so that he (etc., as far as "gratiosum"), otherwise yours shall be the sentence or penalty which both in spiritual and temporal things he shall inflict and appoint as upon rebels. Dated as above.

In like manner to our very dear son in Christ, . . . illustrious King of Scots. When lately (etc., as far as "incrementa"). Wherefore we paternally request and exhort your royal highness favourably and kindly for the reverence you have for divine things and the apostolic see to receive the said bishop and of your gracious goodwill protect him and the church committed to him so that under the royal ægis the said bishop may find his government easy and effective; and we for this shall extol your distinguished excellency in our praises to the Lord. Dated as above.

Agreement whereby William of Fedreth and his spouse grants lands in Strathnaver to Sir Reginald Cheyne for performing services due by them.

Registrum Episcopatus Moraviensis, p. 341.

19.

March, 1286.

Elgin.

Noverint universi presens scriptum visuri vel audituri quod anno Domini millesimo cc°. octogesimo sexto die Dominica proxima ante Annunciationem beate Marie Virginis, in ecclesia cathedrali de Elgyn, talis questio facta fuit inter Willelmum de Fedreth, portionarium de Duffhus, et Cristianam, sponsam suam, ex una parte, et nobilem virum, Dominum Reginaldum le Chene, filium, militem, ex altera, videlicet, quod

prefatus W[illelmus] et C[ristiana] dederunt et concesserunt et presenti scripto confirmaverunt prefato Domino R[eginaldo] quatuor davatas terre quas nunc habent in Strathnavyr ac etiam omnes alias terras quas quocunque titulo vel ex quacunque concessione habere poterunt in futuro in tenemento de Strathnavyr: Tenendas et habendas a predictis W[illelmo] et C[ristiana] et heredibus suis eidem Domino Reginaldo et heredibus suis imperpetuum cum omnibus juribus, libertatibus, rectitudinibus, aysiamendis et pertinentiis ad dictas terras pertinentibus seu in posterum de jure pertinere valentibus, adeo libere, quiete, plenarie et honorifice sicut carta originalis dicte terre de Strathnavyr confecta in se plenius proportat. Predictus Dominus R[eginaldus] et heredes sui pro prefatis W[illelmo] et C[ristiana] et heredibus eorum facient tertiam partem liberi servitii unius militis pro tenemento quod prefati W[illelmus] et C[ristiana] et heredes eorum nunc habent in baronia de Duffhus et in baronia de Strathbrok vel etiam quocunque titulo seu successione in dictis baroniis de Duffhus et de Strathbrok habere poterunt in futuro. Facient etiam dictus R[eginaldus] et heredes sui sectam ad curiam Domini Regis justiciarii et vicecomitis quantum spectat ad partem ipsos W[illelmum] et C[ristianam] et heredes suos in tenemento de Duffhus et de Strathbrok nunc contingentem vel in posterum contingere valentem, ita videlicet quod homines dictorum W[illelmi] et C[ristiane] et heredum suorum venient ad prefatas curias et intererunt et testimonium de dicta secta pro tertia parte ipso contingente in tenemento de Duffhus et de Strathbrok perhibebunt; hoc etiam adjecto quod homines et tenentes dictorum W[illelmi] et C[ristiane] et heredum suorum facient Scoticanum servitium quotienscunque hujusmodi servitium contigerit exigi vel prestari: Salvis etiam prefatis W[illelmo] et C[ristiana] et eorum heredibus omnibus juribus et

libertatibus ad dictas duas baronias de Duffhus et de Strathbrok pertinentibus pro parte ipsos nunc contingente seu quocunque modo ipsos in posterum contingere valente. Et ut omnia et singula predicta firma maneant et inconcussa predictæ partes in presentia venerabilis patris A. Dei gratia Episcopi et capituli Moraviensis et aliorum multorum fidedignorum fide media corporale prestiterunt sacramentum, pena nihilominus centum solidorum contra partem a predicta conventionione resilire volentem fabrice Moraviensis ecclesie convertenda et plenius persolvenda, et principali conventionione in suo robore etiam duratura. Nos vero dicti W[illelmus] et C[ristiana] et heredes nostri dictas quatuor davatas terre de Strathnavyr cum pertinentiis dicto Domino R[eginaldo] et heredibus suis contra omnes homines et feminas warandizabimus, acquietabimus pro predicto servitio faciendo et imperpetuum defendemus. In cujus rei testimonium huic scripto sigilla nostra una cum sigillis venerabilis patris Domini A. Dei gratia tunc Episcopi Moraviensis et Domini J. archidiaconi ejusdem loci ad instantiam nostram sunt apposita.

(Translation.)

Be it known to all who shall see or hear this writing that in the year of our Lord one thousand twelve hundred and eighty-six on the Lord's Day immediately after the Annunciation of the blessed Virgin Mary, in the cathedral church of Elgin, the following arrangement was made between William of Fedreth, portioner of Duffus, and Christian, his spouse, on the one part, and a noble man, Sir Reginald le Cheyne, younger, knight, on the other, namely, that the foresaid William and Christian gave and granted and by this present writing confirmed to the foresaid Sir Reginald the four davachs of land which they presently possess in Strathnaver as well as all other lands which by any title or

grant whatsoever they may have in time coming in the tenement of Strathnaver: To be had and held from the aforesaid William and Christian and their heirs by the said Sir Reginald and his heirs for ever with all rights, liberties, rectitudes, easements and pertinents belonging to the said lands or which in time coming may lawfully pertain thereto as freely, quietly, fully and honourably as is more fully set forth in the original Charter granted of the said lands of Strathnaver. The foresaid Sir Reginald and his heirs shall on behalf of the foresaid William and Christian and their heirs render the third part of the free service of a knight for the tenement which the foresaid William and Christian and their heirs presently have in the barony of Duffus and in the barony of Strabrock or which they may have in future by whatsoever title or succession in the said baronies of Duffus and Strabrock. And the said Reginald and his heirs shall also give suit at the court of the King's justiciary and sheriff so far as appertains to the part now affecting or which may in time coming affect the said William and Christian and their heirs in the tenement of Duffus and Strabrock, so that the men of the said William and Christian and their heirs shall come to the foresaid courts, and be present therein and bear testimony of the said suit for the third part affecting them in the tenement of Duffus and Strabrock; this also being added that the men and tenants of the said William and Christian and their heirs shall render Scottish service as often as this service shall happen to be exacted or required; saving also to the foresaid William and Christian and their heirs all rights and liberties pertaining to the said two baronies of Duffus and Strabrock so far as presently affects them or by any manner of way may affect them in time coming. And that all and sundry the premises may remain sure and unaltered the foresaid parties in presence of a venerable father A[rchibald], by the grace of God, Bishop of

Moray, and of the chapter of Moray and many other worthy men, gave their bodily oath, under the penalty of one hundred shillings to be fully paid by the party resiling from this agreement, the same to be applied towards the fabric of the church of Moray, and the principal agreement still to endure in full force. And we the said William and Christian and our heirs shall warrand, acquit and for ever defend the said four davachs of the land of Strathnaver with pertinents to the said Sir Reginald and his heirs against all men and women for the making of the aforesaid service. In witness whereof our seals are appended to this present writing, together with the seals of the venerable father Sir A[rchibald], by the grace of God present Bishop of Moray, and Sir J[ohn], archdeacon of the said place, at our request.

Letters of Safe-Conduct for John, Earl of Caithness and Orkney.

Patent Roll, 19 Edward I., m. 14. Printed in Historical Documents, Scotland, vol. I., p. 228, 229.

20.

May 13, 1291.

Norham.

Johannes, Comes Catenensis et Orcadensis, habet litteras de conductu in veniendo ad regem cum familia et rebus suis quas secum ducet, cum rege morando et ad partes suas redeundo, duraturas usque ad octabas Sanctæ Trinitatis proximo futuras (June 24). Teste rege, apud Norham, xiiij die Maii.

Consimiles litteras de conductu habet Willelmus de Grumbaig, valettus prædicti Comitiss, ad regem in nuncium nuper missus, in redeundo ad dominium suum Comitem prædictum, cum equis et hernesio suo; duraturas usque ad festum Ascensionis Domini proximo futurum (May 31). Teste rege, ut supra.

(Translation.)

John, Earl of Caithness and Orkney, has letters of safe-conduct for coming to the King with his household and goods which he brings with him, and for remaining with the King and returning to his own place again, and these are to endure until the Octaves of Holy Trinity next (24th June). Witness, the King, at Norham, 13th May.

William of Grumbaig, valet of the foresaid earl, has similar letters of safe-conduct, having been lately sent as a messenger to the King, and for returning to his master, the earl foresaid, with horses and their furniture; and these to endure until the feast of our Lord's Ascension next (31st May), the King being witness. At Norham.

Mandate by King Edward the First of England to the Keeper of Darnaway Forest, to supply oak trees to the Bishop of Caithness.

Rotuli Scotiæ, vol. I., p. 6a.

21.

October 26, 1291.

Bergeveny.

Rex et superior dominus regni Scotiæ, dilecto et fideli suo Alexandro Comyn, custodi bosci de Ternway in Moravia, salutem. Quia pro animabus bone memorie Alexandri, quondam Regis Scotie ultimo defuncti, et Margarete, quondam Regine ejusdem regni Scotie, consortis sue et sororis nostre, dedimus venerabili patri A., Catanensi Episcopo, cancellario Scotie, quadraginta quercus aptas ad maeremium ad fabricam cathedralis ecclesie sue Catanensis, vobis mandamus quod in bosco predicto hujusmodi quadraginta quercus prefato Episcopo habere faciatis ad fabricam ecclesie supradicte. In cujus, etc. Teste Rege apud Bergeveny xxvj die Octobris.

(Translation.)

The King and over lord of the kingdom of Scotland to his beloved and faithful Alexander Comyn, keeper of the Forest of Darnaway in Moray, greeting. Whereas we have given for the souls of blessed memory of Alexander, sometime King of Scots, lately deceased, and Margaret, sometime Queen of the said kingdom, his consort and our sister, to the venerable father A[lan],¹ Bishop of Caithness, chancellor of Scotland, as a mourning gift, forty fit oaks for the fabric of his cathedral church of Caithness, we command you to let the foresaid bishop have these forty oaks for the fabric of his foresaid church from the foresaid forest. In witness whereof, etc. Attested by the King at Bergavenny, 26th October (1291).

¹ Alan of St. Edmund, who was appointed Chancellor of Scotland by King Edward the First.

Warrant by King Edward the First to the Guardians of Scotland to elect a new bishop for the See of Caithness.

Rotuli Scotiæ, vol. I., p. 7a.

22. January 20, 1291-2. Westminster.

Rex et superior dominus regni Scotie, venerabilibus in Christo patribus, W[illelmi] Sancti Andree et R[oberti] Glascuensis eadem gratia Episcopis, et ceteris custodibus ejusdem regni, salutem. Mandamus vobis quod custodiam Episcopatus Catenensis vacantis per mortem bone memorie Alani, nuper Episcopi ejusdem loci, cum pertinenciis alicui clerico et fideli nostro partium illarum qui sufficiens et idoneus ad custodiam illam fuerit, prout moris est in illis partibus, committatis. In cujus, etc. [Teste Rege apud Westmonasterium xx^o die January].

(Translation.)

The King and over lord of the Kingdom of Scotland to the venerable fathers in Christ, W[illiam], Bishop of St. Andrews, and R[obert], Bishop of Glasgow by the same grace, and to the other guardians of that realm, greeting. We ordain you to commit the keeping of the bishopric of Caithness now vacant by the death of Alan, lately bishop of that place with pertinents, of good memory, to some one of our faithful clerics of those parts who shall be sufficient and competent for that office, as the custom is in these parts. In [witness] whereof, etc. Attested by the King at Westminster, 20th January, 1291-2.

Confirmation by Pope Boniface the Eighth of the consecration of Adam, precentor of Ross, as Bishop of Caithness.

Original in the Vatican at Rome. Printed: Theiner's Vetera Monumenta, p. 161, No. 353.

23.

April 29, 1296.

Rome.

Bonifacius Episcopus, etc., venerabili fratri, Ade, Episcopo Cathanensi in Scotia, salutem, etc. Ex suscepto servitutis officio sollicitudine pulsamur assidua ut ecclesias omnes, quarum cura nobis est Summi dispositione Pastoris commissa, spiritualibus et temporalibus commodis augeamus et earum maxime per debite provisionis ministerium necessitatibus consulamus, que noscuntur pastoris solatio destitute. Dudum siquidem, ecclesia Cathanensi in Scotia per obitum bone memorie Alani, Cathanensis Episcopi, pastoris solatio destituta, dilecti filii capitulum ejusdem ecclesie, ut moris est, convenientes in unum pro futuri substitutione pastoris, dilectum filium J[oannem], Archidiaconum Cathanensem, in eorum et dicte ecclesie Cathanensis Episcopum elegerunt: ac hujusmodi

electionis decreto nobis postmodum presentato, nos tam electionem ipsam, quam ejusdem electi personam examinari fecimus diligenter, et demum quia invenimus electionem eandem minus canonice celebratam, ipsam de fratrum nostrorum consilio duximus irritandam. Demum vero cupientes eidem ecclesie, ne ulterius viduata maneret de pastore ydoneo providere ac considerantes laudabile testimonium, quod tibi de honestate morum, conversatione vite laudabilis providentia spiritualium et circumspectione temporalium perhibetur, digne ad personam tuam convertimus nostre considerationis intuitum, ipsam fore perutilem ad ipsius ecclesie regimen arbitantes: ideoque te, tunc precentorem ecclesie Rossensis, de predictorum fratrum nostrorum consilio, et apostolice plenitudine potestatis prefate Cathanensi ecclesie in episcopum preficimus et pastorem, tibi curam et administrationem ipsius Cathanensis ecclesie in spiritualibus et temporalibus plenarie committendo; ac subsequenter munus consecrationis per venerabilem fratrem nostrum, H. Ostiensem Episcopum, tibi fecimus elargiri, firma concepta fiducia, quod dirigente Domino actus tuos, predicta ecclesie Cathanensis per tue circumspectionis industriam spiritualibus et temporalibus proficiet incrementis. Suscipe igitur jugum Domini reverenter, et suavi ejus oneri colla submitte. Ipsius ecclesie Cathanensis administrationem prudenter exequi studeas, et gregis tibi commissi custodiam cures prosequi diligenter, ut laudabili de ipso coram Deo reddita ratione, unacum eo regnum Dei a mundi primordiis preparatum electis accipere, ac introire in dilecta Domini tabernacula merearis. Datum Rome apud Sanctum Petrum, III. kalendas Maij, pontificatus nostri anno secundo. In eodem modo dilectis filiis capitulo ecclesie Cathanensis, populo civitatis et diocesis Cathanensis, et carissimo in Christo filio, . . . Regi Scotie illustri.

(Translation.)

Boniface, Bishop, etc., to our venerable brother, Adam, Bishop of Caithness in Scotland, greeting, etc. Out of the careful solitude of the office in which we have undertaken to serve we are greatly concerned that all the churches of which the charge has been committed to us by the disposition of the Chief Shepherd be enlarged by us with both spiritual and temporal benefits and especially by the due provision of ministers for the necessities of those which know the miseries of the want of a pastor. When therefore recently the church of Caithness in Scotland was destitute of the comfort of a bishop through the death of Alan, Bishop of Caithness, of good memory, our beloved sons, the chapter of that church, meeting together, as the custom is, for providing another pastor, made choice of J[ohn], archdeacon of Caithness, to be bishop of them and the said church of Caithness; but when the minute of this election was afterwards presented to us, we caused careful examination to be made not only of the election itself, but also of the person who was elected, and, in end, because we found that this election had not been canonically performed, we, by advice of our brethren, caused it to be annulled. But desiring that the said church should not longer remain destitute of a suitable pastor and considering the praiseworthy accounts given of you, your virtue, your decorous life, and your prudence and circumspection both in things spiritual and temporal, we deservedly turned our thoughts to you, believing that your government would be beneficial to that church; and therefore we, in the plenitude of our apostolic authority, and by the counsel of our brethren aforesaid, promoted you, then precentor of the church of Ross, to be bishop and pastor of the aforesaid church of Caithness, committing plenarily to you the care and administration of the said church of Caithness in things spiritual and temporal; and

thereafter we caused you to receive the gift of consecration by our venerable brother, H . . . , Bishop of Ostia, having the firm confidence that, the Lord directing your actions, the foresaid church of Caithness will by the industry of your circumspection increase greatly in things spiritual and temporal. Take up therefore reverently the Lord's yoke and submit your neck to his sweet burden. Be careful prudently to exercise the administration of the said church of Caithness and diligently aim to care for the flock committed to you so that at the rendering of accounts you may have praise before God, receive therewith that kingdom of God prepared for his elect from before the foundation of the world, and be found worthy to enter into the joyful habitations of the Lord. Given at St. Peter's at Rome, 29th April, 1296.

To the same effect missives were sent to our beloved sons the chapter of the church of Caithness, the people of the city and diocese of Caithness and our very dear son in Christ . . . , illustrious King of Scots.

Letters of Protection by King Edward the First to John, Earl of Caithness.

Patent Roll, 24 Edward I., m. 9. Printed also in Historical Documents, Scotland. vol. II., p. 81.

24.

August 28, 1296.

Berwick.

Johannes, Comes Catanniæ, habet litteras regis de protectione simplices, duraturas usque ad festum Sancti Michaelis proximo futurum et ab eodem festo per unum annum proximo sequentem completum. Teste rege apud Berewicum super Twedam, xxviiij die Augusti.

(Translation.)

John, Earl of Caithness, has simple letters of protection from the King to endure until Michaelmas next and a complete year thereafter. Attested by the King at Berwick-upon-Tweed, 28th August [1296].

Mandate by King Edward the First to the Earl of Surrey, Guardian of Scotland, to pay to Andrew Fraser 100 merks.

Rotuli Scotiæ, vol. I., p. 35b.

25.

October 1, 1296.

Morpeth.

Rex dilecto et fideli suo Johanni de Warennæ, Comiti Surrey, custodi regni et terre sue Scotiæ, salutem. Quia de gratia nostra speciali concessimus Andree Fresel, qui per preceptum nostrum in Angliam profecturus est ultra Trentam et ibidem ad voluntatem nostram prout ordinavimus moraturus, centum marcas precipiendas de exitibus terrarum et tenementarum que sunt de dote uxoris sue in Catannia ad sustentationem suam uxoris et familie sue donec aliud inde duxerimus ordinandum, ita quod si terre et tenementa predicta valorem annum centum marcarum non attingant de eo quod inde defuerit per vos suppleatur. Vobis mandamus quod prefato Andree predictas centum marcas habere faciatis in forma predicta. Teste Rege apud Morpeth primo die Octobris.

(Translation.)

The King to his beloved and faithful John of Warren, Earl of Surrey, guardian of the kingdom and country of Scotland, greeting. Whereas of our special favour we have granted to Andrew Fraser, who by our command has set out for England, beyond the Trent, and will there remain during our pleasure as we have ordained, one hundred merks to be uplifted from the lands and tenements which form the dowry of his wife in Caithness, for his support and that of his wife and family until we shall have otherwise directed, so that if the foresaid lands and tenements do not reach the annual value of one hundred merks, you are to supply what is lacking; we command you therefore to make the said hundred merks forthcoming to the said Andrew in manner as above. Attested by the King at Morpeth, 1st October [1296].

Appointment by Pope Boniface the Eighth of Andrew, Abbot of Coupar, as Bishop of Caithness.

Original in the Vatican at Rome. Printed: Theiner's Vetera Monumenta, p. 163, No. 359.

26. December 17, 1296. Rome.

Bonifacius Episcopus, etc., dilecto filio, Andree, electo Cathanensi, salutem, etc. Dum ad universas orbis ecclesias juxta pontificalis officii debitum apostolice dirigimus considerationis intuitum, earum propensior sollicitudo nos angit que ad Romanam ecclesiam nullo pertinent mediante, cum presertim propriis destitute pastoribus vacationis incommodis exponuntur, ut illis, nostro co-operante ministerio, viri preficiantur ydonei quorum industria et virtute salubriter gubernentur. Dudum siquidem, ecclesia Cathanensi, ad Romanam ecclesiam nullo medio pertinente, per obitum bone memorie A[dami], Episcopi Cathanensis, qui nuper apud civitatem Senensem diem clausit extremum, vacante, nos ad provisionem ipsius, ne prolixè vacationis dampna subire (cogatur), diligentius intendentes, post deliberationem solempnem super hoc habitam, tandem considerantes in te ingentium dona virtutum, super quibus testimonia prelatorum et aliorum fidedignorum illarum partium te commendant, ad te, Abbatem Monasterii de Cupro Cisterciensis ordinis Sancti Andree diocesis, virum utique, prout ex testimoniis recepimus antedictis, moribus et vita laudabilem, discretionis maturitate conspicuum, in spiritualibus providum et temporalibus circumspectum, oculum direximus nostre mentis. Sperantes igitur, premissis omnibus diligenti meditatione pensatis, quod eadem ecclesia per te, qui hactenus dicto monasterio salubriter prefuisti, salutaria recipiet incrementa, cum preteritorum consideratio rationem probabilem soleat inducere de futuris, de persona tua nobis et fratribus nostris ob tuorum exigentiam

meritorum accepta eidem ecclesie providemus, teque licet absentem preficimus ipsi ecclesie de eorumdem fratrum consilio in Episcopum et pastorem, curam et administrationem ipsius in spiritualibus et temporalibus tibi plenarie committendo, firma de te concepta fiducia, quod eadem ecclesia sub tuo felici regimine, dextera Domini tibi assistente propitia, per tue circumspectionis industriam et providentiam circumspectam salubriter et prospere dirigetur. Quocirca discretioni tue per apostolica scripta mandamus quatenus impositum tibi onus a Domino reverenter suscipiens, et suavi ejus jugo humiliter collum flectens, sic regimen ejusdem ecclesie tue gubernationi commisse studeas exercere sollicitate, fideliter et prudenter, quod ecclesia ipsa, gratia tibi suffragante divina, votivis, jugiter amplietur commodis et salubribus proficiat incrementis. Datum Rome apud Sanctum Petrum XVI calendas Januarij, pontificatus nostri anno secundo.

In eodem modo dilectis filiis . . . decano et capitulo ecclesie Cathanensis, et carissimo in Christo filio . . . Regi Scotie illustri.

(Translation.)

Boniface, Bishop, etc., to our beloved son, Andrew, elect of Caithness, greeting, etc. While according to the duty of the pontifical office we apostolically direct our thoughts to all the churches of the world, a keener solicitude oppresses us for those which immediately belong to the Roman see, especially when these are exposed to the inconveniences of a vacancy through being deprived of their own pastors, so that to them by our assistance suitable persons may be appointed by whose industry and virtue they may be prosperously governed. When, therefore, recently the church of Caithness became vacant by the death of A[dam], Bishop of Caithness, of worthy memory, who lately departed this life at the city of Sienna, for the provision

thereof, that it should not be obliged to undergo the risks of a protracted vacancy, we diligently considered the matter and after solemn deliberation thereupon cast our thoughts upon you, [Andrew], Abbot of the monastery of Coupar, of the Cistercian order, in the diocese of St. Andrews, believing that your great gifts, which have been commended by many prelates and other worthy men of those parts, your laudable life and morals, your conspicuous and mature discretion, your prudence in spiritual matters and circumspection in temporal affairs, recommend you as one worthy of the office. Hoping therefore after earnest consideration of the whole premises that the said church will receive prosperous increase by you, who have hitherto successfully presided over the said monastery, as consideration of the past warrants a favourable expectation for the future, and the necessity of your gifts being recognised by us and our brethren, we have provided you to the said church, and though you are absent, we by the advice of our said brethren promote you to the said church as bishop and pastor, committing fully to you the charge and administration thereof in things spiritual and temporal, having full confidence that the said church under your happy government, the right hand of the Lord assisting propitiously, shall be prosperously and successfully guided by your watchful industry and prudent circumspection. We therefore by these apostolic writings, ordain your discretion reverently to undertake the burden placed upon you by the Lord and humbly bend your neck to his pleasant yoke, and be solicitously careful so to exercise faithfully and prudently the authority committed to you in the government of the said church that the said church, divine grace assisting you, may always abound in greatly desired blessings and prosper by successful enlargements. Given at St. Peter's at Rome, 17th December, 1296.

In the same manner to our beloved sons, the dean and chapter of the church of Caithness, and our very dear son in Christ, . . . illustrious King of Scots.

Order by King Edward the First for the induction of Ferquhard, archdeacon of Caithness.

Patent, 25 Edwd. I., part 2, m. 10; Bain's Calendar of Documents relating to Scotland, vol. II., p. 240.

27. July 29, 1297. Westminster.

The King, having conferred the Archdeaconry of Caithness on Ferquhard Belejaumbe, sede vacante, commands the keeper of the spirituality to induct him.

Mandate by Pope Boniface the Eighth for the consecration of Andrew, elect of Caithness, as Bishop of Caithness.

Original in the Vatican at Rome. Printed: Theiner's Vetera Monumenta, p. 164, No. 360.

28. August 1, 1297. Orvieto.

Bonifacius Episcopus, etc., venerabilibus fratribus . . . Aberdonensi, . . . Glasguensi, et . . . Rossensi Episcopis, salutem, etc. Cum nos nuper ecclesie Cathanensi, ad Romanam ecclesiam nullo medio pertinente, tunc vacanti de dilecto filio A[ndree], electo Cathanensi, absente de fratribus nostrorum consilio duximus providendum, eidemque electo, prout ex parte ipsius fuit propositum coram nobis, propter guerrarum discrimina in illis partibus imminencia, et viarum pericula valde grave ac periculosum existat apostolicam sedem adire pro consecrationis munere obtinendo; nos eidem electo circa predicta providere volentes, ipsius supplicationibus inclinati, fraternitati vestre per apostolica scripta mandamus, quatenus ad predictam ecclesiam vel aliam, cum ab eo super hoc fueritis requisiti, vos personaliter conferentes, unus vestrum,

quem ipse voluerit, reliquis ei assistantibus, dicto electo munus consecrationis impendat, recepturus postmodum ab eodem nostro et ecclesie Romane nomine fidelitatis debite solitum juramentum juxta formam quam vobis sub bulla nostra mittimus interclusam. Formam autem juramenti, quod ipse prestabit, de verbo ad verbum nobis per ejusdem patentes litteras ipsius sigillo munitas per proprium nuntium quantocius destinare curetis. Quod si aliquis vestrum hiis exequendis interesse forte nequiverit, reliqui duo alii unum Episcopum gratiam et communionem dicte sedis habentem ad eorum executionem assumant. Datum apud Urbemveterem, kalendas Augusti, pontificatus nostri anno tertio.

(Translation.)

Boniface, Bishop, etc., to his venerable brothers, the bishops of Aberdeen, Glasgow and Ross, greeting, etc. Whereas lately we caused the church of Caithness, then vacant, and belonging immediately to the Roman see, with counsel of our brethren, to be provided with our beloved son, A[ndrew], elect of Caithness, in his absence, we, also willingly agreed to the petition made to us on his behalf that on account of the distractions of wars imminent in these parts and the very grave risks and danger of the way that he do not come to the apostolic see for the gift of consecration; and therefore by these apostolic writings we ordain your fraternity that when you shall be required by him for this purpose, either in the foresaid church or another, one of you, whom he desires, after that you personally confer together, the others assisting, confer upon the said elect the gift of consecration, which he is to receive after he has duly taken the oath of fidelity to us and in name of the Church of Rome in terms of the form which we send to you herewith inclosed under our bull. This form of

oath which he shall take word for word, confirmed by his letters patent and his seal, you shall be careful to send to us by your own messenger as speedily as possible. And if any one of you perchance is unable to be present at these duties the other two shall assume one bishop having the grace and communion of the said see for the doing thereof. Given at Orvieto, 1st August, 1297, in the third year of our pontificate.

Order by King Edward the First to William, Earl of Sutherland, to assist Brian Fitzalan in the keeping of Scotland.

Printed in Rotuli Scotiae, vol. I, p. 50.

29.

September 26, 1297.

London.

Rex, dilecto et fideli suo Willielmo, Comiti de Sutherland, salutem. Super eo quod erga nos hiis diebus in Scotia bene et fideliter vos gessistis vobis grates referimus speciales. Et quia commisimus dilecto et fideli nostro Briano, filio Alani, custodiam regni nostri Scotie supradicti, vobis mandamus in homagio, fide et dilectione quibus nobis tenemini, firmiter injungendo, quatinus quod in hac parte viriliter et laudabiliter incoastis, continuantes de bono in melius in omnibus que ad custodiam illam pertinent, cum equis et armis et toto posse vestro sitis intendentes, obediens respondere consilio et auxilio ipsum ad malitiam nostrorum rebellium in illis partibus reprimendam quotiens necesse fuerit et super hoc per prefatum Brianum ex parte nostra fueritis requisite. Et hoc sicut nos et tranquillitatem regni nostri diligitis et sicut de vobis plene confidimus nullatenus omittatis. Teste Edwardo filio Regis.

(Translation.)

The King to his beloved and faithful William, Earl of Sutherland, greeting. Forasmuch as during

these days you have borne yourself well and faithfully in Scotland on our behalf, we return you special thanks for the same. And because we have intrusted our beloved and faithful Brian, son of Alan, with the keeping of our above-mentioned kingdom of Scotland, we command and straitly enjoin you by the homage, fidelity and affection which you owe to us that you manfully and laudably go on in the same course from good to better in all things which pertain to that charge, assisting him loyally and energetically with horses and arms and your whole power, as also with your advice and help for repressing the malice of our rebels in those parts as often as may be necessary and as you may be required in our name by the said Brian. And this on no wise ye omit as ye tender our peace and that of our realm, and as we are fully confident ye will do. Attested by Edward, son of the King.

King Edward the First of England to William, second Earl of Sutherland, thanking him for his goodwill.

Original in the Public Record Office, London, Tower Miscellaneous Rolls, No. 459/22; Bain's Calendar, vol. II, p. 388; facsimile and transcript in The Sutherland Book, vol. II, p. 1.

30.

April 4, 1304.

St. Andrews.

Rex, a nostre foial et loial Willame, conte de Sutherueland, salutz. Nous vous savoms bon gre, et vous mercioms mult de la bone fay et de la bone volunte qe vous avez totefoiz porte devers nous, et vous fesoms assavoir qe nous avoms bone volunte de faire pur vous ceo qe nous purroms en bone manere. Donne, etc. Saint Andreu, le iiij jour de Averil.

(Translation.)

The King to our faithful and loyal William, Earl of Sutherland, greeting. We take it well of you, and

we thank you much for the good faith and the goodwill which you have still borne towards us: and we assure you that we have goodwill to do for you that which we can do in good manner. Given at St. Andrews, the fourth day of April.

Safe-conduct for Ferquhard, Bishop-elect of Caithness, to go to Rome.

Noted in Bain's Calendar of Documents relating to Scotland, vol. II, p. 408.

31.

June 16, 1304.

Stirling.

Safe conduct for a year for Fercard, bishop elect of Caithness, going to Rome on the business of his election. The King signifies his assent thereto to the Pope.

Confirmation by Pope Clement V. of the election of Forcard, as Bishop of Caithness.

Original in the Vatican at Rome. Regesta, Vat. 52, fol. 103d.

32.

January 22, 1306.

Lyons.

Venerabili fratri, Forcardo, Episcopo Catanenensi. Debitum officii nostri requirit ut inter sollicitudines alius quibus assidue premimur specialiter circa ecclesias solertiam adhibentes ipsarum utilitatibus intendamus ut viduatis ne longe vacationis dispendia patiatur celeriter per nostre diligentie studium de illorum provideatur substitutione pastorum per quos spiritualiter, auctore Domino, continuum suscipere valeant incrementum. Dudum siquidem ecclesia Catanenensis per obitum bone memorie Andree, Episcopi Catanenensis, pastoris solatis destituta dilecti filii capitulum eiusdem ecclesie, vocatis et presentibus omnibus qui voluerunt debuerunt et potuerunt comode interesse, die ad eligendum prefixa, ut moris est, convenientes in unum et ad hoc per viam deliberantes procedere compromissi in dilectos filios Will'm, Henricum, Abbatem de Scona,

et David de Rach, eiusdem ecclesie canonicos, unanimiter et concorditer compromittentes curaverunt, concessa eis providendi ea vice per electionem canonicam ipsi ecclesie de pastore plena et libera potestate, promittentes quod illum in suum et dicte ecclesie pastorem receperunt et habuerunt quem iidem compromissarii vel maior pars eorum duxerent eligendum; prefati vero compromissarii huiusmodi compromissa et potestate receptis et concedentes in partem compromissi forma diligenter servata suisque votis diligenter discussis, in te nunc ipsius ecclesie decanum unanimiter et concorditer concenserunt, et deinde dictus abbas vice et nomine suo et aliorum collegiorum suorum ac totius capituli predictorum te elegit in pastorem ecclesie prelibate tuque post modum huiusmodi electioni de te facte ad instantiam ipsius capituli humiliter consensisti. Deinde vero infra tempus a jure statutum tu et procuratores dicti capituli ad hoc specialiter constituti pro confirmatione electionis huiusmodi ad sedem apostolicam accessistis, presentato itaque nobis electionis eiusdem quum tue examinationem persone venerabili fratri nostro J. episcopo Portuensi, et dilectis filiis nostris, J. tituli sanctorum Marcellini et Petri presbitero et Luce sante Marie in Via Lata diacono cardinalibus duximus committendam facta itaque nobis per eorum super examinatione huiusmodi relationem fidei, quia electionem ipsam invenimus de te persona ydonea canonice celebratam, illam de predictorum et aliorum fratrum nostrorum consilio et apostolice potestatis plenitudine confirmamus teque eidem ecclesie preficimus in episcopum et pastorem, tibi curam et administrationem ipsius in spiritualibus et temporalibus committendo, tibi que consequenter per venerabilem fratrem nostrum P., Sabinensem episcopum, fecimus munus consecrationis impendi forma concepta fiducia quod, dirigente domino actus tuos, eidem ecclesie per tue providentie studium prosperitatis

et honoris Deo propicia grata et utilia proveniant incrementa. Ideoque fraternitati tue per apostolica scripta mandamus quatenus humiliter suscipiens huiusmodi impositum a Domino tibi onus sic curam et administrationem ipsius ecclesie prudenter et utiliter exequaris quod ipsa tuo salubri ministeria prospere dirigatur ac spiritualibus et temporalibus comodis valeat augmentari, tuque velud pastor sollicitudine per vigili ecclesiam ipsam gubernasse fructuose regimine comproveris ac exinde nostram et apostolice sedis gratiam uberius consequi merearis. Datum Lugduni xi. kalendas Februarii.

Item scribitur populo civitatis et diocesis Catanensis in forma consueta.

Eodem modo scribitur decano et capitulo eiusdem ecclesie in forma consueta.

Item scribitur universis vassallis ecclesie supradicte ut supra usque quocirca universitati vestre per apostolica scripta mandamus quatenus predictum episcopum debita honorificentia prosequentes eique prestantes fidelitatis solite iuramentum necnon consueta servicia et jura a vobis sibi debita exhibere integre studeatis, alioquin sententiam, etc. Datum ut supra in aliis.

Eodem modo scribitur clero civitatis et diocesis in forma consueta.

Item scribitur carissimo in Christo filio, E. Regi Anglie illustri in forma consueta.

(Translation.)

To our venerable brother, Forcard, Bishop of Caithness. The duty of our office requires of us that amid the other anxieties which press heavily upon us we should have a very special concern for the welfare of the churches, so that by our diligent care those which are destitute of pastors may not have to endure a long vacancy, but be provided with such as may, under God, secure their

continual spiritual increase. Now, recently the Church of Caithness has been deprived of the comfort of a pastor by the death of Andrew, Bishop of Caithness, of good memory, and our beloved sons, the chapter of that church, being convoked, and all being present who could, ought, and were conveniently able to be, the day having been appointed for election, as the custom is, they, meeting together for this purpose and deliberating thereupon, proceeded by way of compromise unanimously and cordially agreed to commit to our beloved sons, William, Henry, Abbot of Scone, and David de Rach, Canons of the said church, the provision on their behalf by a canonical election of a pastor for that church, granting their full and free power, and promising to receive and hold for their pastor whomsoever they or the greater part of them should decide to elect. Whereupon these delegates, accepting this commission upon them, gave diligent attention to this matter, and after discussion among themselves unanimously and cordially decided to elect the dean of the said church. Whereupon the said Abbot in his own name and that of his colleagues, and of the entire chapter foresaid, elected you to be pastor of the aforesaid church, and you, after this election thus made of you at the instance of the said chapter, humbly consented. Thereupon you and the procurators of the said chapter thereto specially appointed within the term appointed by law approached the apostolic see for confirmation of the said election, which on being so presented to us we remitted for examination to our venerable brother, J. Bishop of Oporto (?), and our beloved sons, J. Titular of Saints Marcellinus and Peter, priest, and Luke, dean of St. Mary, in Via Lata, cardinals. Having examined the same, they reported to us that they had found the election valid and yourself personally suitable, and therefore we, with consent of the foresaid and our other brethren, canonically and in the plenitude of our apostolic power confirm the same and promote

you to be bishop and pastor of the said church, committing to you the care and administration thereof in things spiritual and temporal. We have also appointed our venerable brother, P. Bishop of Sabina, to confer upon you the gift of consecration, your fealty having been tendered, so that under the Lord's direction you may by your actions, care and guiding of the said church bring to it a grateful and useful increase of prosperity and honour, God being propitious. And so to your fraternity we command by these apostolic writings that humbly undertaking this burden imposed upon you by the Lord, you prosecute the charge and administration of this church, prudently and usefully, so that under your salutary ministry it may be prosperously guided and enabled to increase in both spiritual and temporal goods, and that you as pastor, by your watchful care and fruitful regimen, may be approved in your government of the said church, and thereby more abundantly deserve our further favour, and that of the apostolic see. Given at Lyons, 22nd January, 1306.

A missive is also written to the people of the city and diocese of Caithness in the usual form.

In like manner the dean and chapter of the said church are written to in the usual form.

Likewise the whole vassals of the aforesaid church are written to as above, with this addition. Wherefore by these apostolic writings we command you all that you be careful to give due honour to the foresaid bishop, yielding and tendering to him the customary oath of fidelity, and the usual services and rights due by you to him, otherwise sentence, etc. Dated as above in the others.

In the same manner the clergy of the city and diocese are written in the usual form.

Likewise there is a letter to our dearest son in Christ, Edward, illustrious King of England, in the usual form.

*Order by King Edward the First for the delivery
of the see of Caithness to Ferquhard.*

*Patent, 34 Edward I., m. 31; Bain's Calendar of Documents relating
to Scotland, vol. ii., p. 472.*

33.

April 4, 1306.

Winchester.

*The King commands the Guardians of Scotland to deliver the
temporalities of the bishopric of Caithness to Fercard, late Dean of
Caithness, whose election has been confirmed by the Pope, and whose fealty
the King has taken.*

Similar writ to William, Earl of Ross, custos of the See.

*Memorandum:—As there were certain words in the Bull of confirmation
as to the temporalities, which appeared prejudicial to the King's right,
the Bishop on the above day at Winchester renounced the bull quoad
these, and acknowledged that he held the temporalities of the King, who
of his grace restored them. Safe conduct for the Bishop and retinue
going to his See.*

*Petitions by William, Earl of Ross, to King
Edward the Second of England, in reference to
Bruce's invasion of Sutherland, etc., and the
gift of the ward of the Earldom of Sutherland to
his son John.*

*Printed in The Sutherland Book, vol. iii., p. 10; Bain's Calendar,
vol. iv., pp. 399, 400.*

34.

c. 1307-8.

Par le Counte de Rosse. Fait a savoir qe nous
ounes la venue Sire Roberd de Bruse envers les parties
de Rosse od grant poer par quei nous ne avoms poer
encontre lui mes ne purquant nus fesayoms. A vuer
nos gentz, e joums une quinzaine od treis mile des
gentz sur nos coustages en marches de nostre counte
e en deus autres countes, coe est a savoir, la counte de
Sothrenland e de Cathenesse, e les destrut outreement
si nous ne vssoms pris treuse od lui, od prier de bone
gent ke de religion qe des autres jesques a la Pente-
coste prochein, avenant qe socour nous vigne de vous
nostre seignor, sile vous plect, qar tote nostre

esperaunce et tote nostre afraunce est en vous, Sire. E sachez, cher Sire, qe en nulle manere ne vssom pris treuse od lui mes pour ceo qe le Gardeyn de Moref ne fust a loigne du pais, qe la gent de sa garde ne volent respoudre a nous sanz le comandement de lui pur destruer nos enemis issi qe nulle ayde avioms mes soulement de nos gentz de mene. Dount, cher Seignor, sile voust prest, remembrer de nous et nous mandez vostre volonte des choses qe nous avoms avandit.

Ad istam petitionem non potest responderi sine Rege.

Fete a savoir qe Gillame, jadis Counte de Sothreland, fist a la fey nostre seignor, vostre pere, e quant il morout Sire Aymer de Valaunce, Gardein d'Escoce, a cele heure graunta la garde de mesme cele countee a Johan, nostre fiz puisnee, pur respoudre des issues meme cele countee, sauues ses depenses. E pur ceo qe le fiz mesme cele countee nest pas suffisaunt de senz pur gouverner avandite countee voillez, cher Sire, comaunder a nous par vostre lettre qe nous pernomes la feaute del eyre le avantdit counte, e qe nous faceoms lever la relefe de meme cele countee et qe nous le peusoms avoir, sile vous pleust, pur nostre grauntz despenses qe nous aveoms fet en defense encountre vos enemys, et qe lavant dite countee soit gre par nous a vostre volente et a vostre grace, puis qe le eyr de meme cele counte neest mie suffisaunte.

Coram Rege.

[There are other petitions by the Earl of Ross, but they do not refer to Sutherland.]

(Translation.)

By the Earl of Ross. To inform that Sir Robert the Bruce came towards these parts of Ross with so great power that no effectual resistance could be offered. For a fortnight with three thousand people he

ravaged our country and other two counties, those of Sutherland and Caithness, and would have utterly destroyed them if we had not begged a truce till Whitsunday next, when we trust we shall have succour from our lord, if it be your pleasure, for all our hope and confidence is in you, Sire. And be assured, dear Sire, that on no account would we have accepted of this truce had not the Warden of Moray been absent from the country, and we could not obtain the assistance of his people against our enemies without his sanction. Be pleased, therefore, dear lord, to think of us and let us know what you purpose doing as to the above. This petition cannot be answered without the king.

To inform that William, late Earl of Sutherland, made faith to our Lord, your father, and when he died Sir Aymer de Valence, Warden of Scotland, immediately granted the keeping of that county to John, our younger son, and to answer for its revenues, less his expenses. And because this revenue is not of itself sufficient to meet the cost of governing the county be pleased by your letter to us to grant power to uplift the relief duty of the county, and the proceeds of the justice court, so that, if you please we may recover somewhat of the great expense to which we have been put in our defence against your enemies, and that we may have the said county kept by us in your will and favour.

*Excerpt from Bagimont's Roll concerning the teinds uplifted for the Crusades from the Bishopric of Caithness.*¹

From the Register in the Vatican at Rome. Printed in Theiner's Vetera Monumenta, p. 115, No. 264.

35.

1276.

Collectis decime terre sancte in episcopatu Cathanensi pro secundo anno.

¹ This paper has been accidentally omitted at its proper date. Cf. p. 42 *ante*.

Dominus Episcopus solvit de bonis suis et de ecclesia de Durnes, 17 lib. 6 sol. 6 den.; de bonis ejusdem in Suth[er]land, 2 lib. 11 sol. 7 den.; Vicarius de Laterne, 32 sol.; de pensione Magistri H. de Nottigham, 1 marc.; prebenda de Cananby, 32 sol.; Vicarius de Thorsan, 2 marc.; capella de Helwedale, 9 sol. 4 den.; Vicarius de Ra, 9 sol. 4 den.; Vicarius de Haukyrc, 13 sol. 9 den.; de pensione Domini Eugenii, 2 sol.; Vicarius de Ascend, 5 sol. 4 den.; Cancellarius, 63 sol. 3 den.; Decanus Cathanensis, 2 marc. 4 sol. 5 den. ob. pro primo termino; item pro secundo termino, 38 sol. 9 den. ob.; prebenda de Olic, 2 marc.; de duabus partibus ecclesie de Scynand, 18 sol. 8 den.; ecclesia de Dunost, 2 marc.; prebenda de Keldoninave, 2 marc.; Vicarius de Culmalyn, 17 sol. 5 den.; de Precentore, 63 sol. 11 den.; de Thesaurario, 48 sol. 10 den.; de Vicario domini Episcopi, 8 sol.

Summa 45 lib. 11 sol. 10 den.

(Translation.)

Collection of the tenth for the Holy Land in the bishopric of Caithness, for the second year.

	£	s.	d.
<i>The Lord Bishop pays from his goods and</i>			
<i>from the Church of Durness</i> ...	17	6	6
„ „ <i>from his goods in Sutherland</i>	2	11	7
<i>The Vicar of Latheron</i> ...	1	12	0
<i>From the pension of Mr. H., of Nottingham</i>		13	4
<i>From the prebend of Canisby</i> ...	1	12	0
<i>The Vicar of Thurso</i> ...	1	6	8
<i>The Chapel of Hallidale</i> ...		9	4
<i>The Vicar of Reay</i> ...		9	4
<i>The Vicar of Halkirk</i> ...		13	9
<i>From the pension of Sir Ewen</i> ...		2	0
<i>The Vicar of Assynt</i> ...		5	4
<i>The Chancellor</i> ...	3	3	3

	£	s.	d.
<i>The Dean of Caithness for the first term...</i>	1	11	1½
„ „ <i>for the second term</i>	1	18	9½
<i>From the prebend of Orlig ...</i>	1	6	8
<i>From the two parts of the Church of Scynand ...</i>		18	8
<i>From the Church of Dunnet ...</i>	1	6	8
<i>From the prebend of Kildonan ...</i>	1	6	8
<i>The Vicar of Kilmalie ...</i>		17	5
<i>From the Precentor ...</i>	3	3	11
<i>From the Treasurer ...</i>	2	8	10
<i>From the Bishop's Vicar ...</i>		8	0
<i>Sum ...</i>	£45	11	10

*Leonard de Flisco, bishop-elect of Caithness.*¹

Regesta, vol. li., f. 70 d. 1. Benedict xi; Papal Letters, i., p. 612.

36. January 30, 1304.

Power to Leonard [de Flisco] Bishop elect of Caithness [sic.], provost of Bruges in the diocese of Tournay, to appoint two fit persons to the canonries and prebends of Bruges, the collation of which belongs to him.

Letter to the Earls of Caithness and Sutherland and others.

Regesta, vol. cx., f. 106 [1, 2, 3, 4]; John xxii.; Theiner 212; Papal Letters, ii., 428.

37. August 28 [1316-1319]. Avignon.

To Duncan, Earl of Fife; Thomas, Earl of Moray, Lord of Maine and Annandale; Patrick de Dunbar, Earl of March; Malisius, Earl of Strathern; Malcolm, Earl of Levenaux; William, Earl of Rosse; Magnus, Earl of Caithness and Orkney; William, Earl of Sutherland; Walter Stewart (senescallo); William de Soulis, butler; Robert de Hay, con-

¹ This paper has been accidentally omitted at its proper date.

stable; Robert de Keth, marshal of Scotland, and others, urging them to foster unity and peace. Their letters sent by Robert's envoys begging the Pope to exhort the King of England to let them go, have been received, and the Pope has done what was desired.

Extract of Charter by Robert the Bruce, King of Scots, to William, Earl of Ross, of the lands of Dingwall, and of the lands of Frenerosherie within the Earldom of Sutherland.

Noted in The Sutherland Book, vol. iii., p. 11.

38. August 5, 1322. Cullen.

Original not found, but Charter described as above by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 566, as then among the writs of the Earldom of Sutherland.

Apostolic letters for providing Adam Herok to a canonship in the Church of Caithness on the first vacancy.

Original in the Vatican at Rome. Register Vaticana 90, fol. 217d.

39. March 20, 1329. Avignon.

Rubrica: mdlxxi. Ade Herok providetur sibi de canonicatu ecclesie Cathanensis et prebenda vacatura.

Dilecto filio, Ade Herok, canonico Cathanensi, salutem.

Nobilitas generis, morum decor et alia tue probitatis merita quibus fidedignorum testimonio te iuvari percepimus nos inducunt ut tibi reddamur in exhibitione gratie liberales. Volentes itaque tibi nullum adhuc ut asseritur ecclesiasticum beneficium assecuto premisorum intuitu gratiam facere specialem canonicatum ecclesie Cathanensem cum plenitudine iuris canonici apostolica tibi auctoritate conferimus et de illo etiam providemus prebendam, vero si qua in dicta ecclesia vacat ad presens vel cum vacaverit quam per te vel

procuratorem tuum ad hoc legitime constitutum infra unius mensis spatium postquam tibi vel eidem procuratori vacatio illius innotuerit duxeris acceptandam conferendam tibi post acceptationem huiusmodi cum omnibus iuribus et pertinentiis suis donationi apostolice reservamus; districtius inhibentes venerabili fratri nostro, Episcopo et dilectis filiis, capitulo Cathanense seu illi vel illis ad quem vel ad quos in eadem ecclesia prebendarum collatio, provisio seu quevis alia dispositio, communiter vel divisim, pertinet ne de dicta prebenda interim etiam ante acceptationem huiusmodi nisi postquam eis constiterit quod tu vel procurator predictus illam nolueritis acceptare disponere quoquomodo presumant, ac decernentes ex nunc irritum et inane si secus super hiis a quoquam, quavis auctoritate, scienter vel ignoranter, contigerit attemptari; non obstantibus de certo canonicorum numero et quibuslibet aliis statutis et consuetudinibus eiusdem ecclesie contrariis, iuramento, confirmatione apostolica vel quacumque firmitate alia roboratis; aut si aliqui apostolica vel alia quavis auctoritate in eadem ecclesia in canonicos sint recepti vel ut recipiantur instant; seu si super provisionibus sibi faciendis de canonicatibus et prebendis in dicta ecclesia speciales vel de beneficiis ecclesiasticis in illis partibus generales sedis apostolice vel legatorum eius litteras impetrarint, etiam si per eas ad inhibitionem, reservationem et decretum vel alias quomodolibet sit processum quibus omnibus preterquam auctoritate nostra in ecclesia ipsa receptis seu prebendas expectantibus in eadem te in assecutione dicte prebende volumus anteferri, sed nullum per hoc eis quoad assecutionem prebendarum ac beneficiorum aliorum preiudicium generari; aut si eisdem Episcopo et capitulo vel quibusvis aliis, communiter vel divisim, ab eadem sit sede indultum quod ad receptionem vel provisionem alicuius minime teneantur et ad id compelli non possint quodque de canonicatibus et pre-

bendis ipsius ecclesie vel aliis beneficiis ecclesiasticis ad eorum collationem, provisionem vel quamcumque aliam dispositionem, coniunctim vel separatim, spectantibus nulli valeat provideri per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem, et qualibet alia dicte sedis indulgentia, generali vel speciali, cuiuscunque tenoris existat, per quam presentibus non expressam vel totaliter non insertam effectus huiusmodi gratia impediri valeat quomodolibet vel differri et de qua cuiusque toto tenore habenda sit in nostris litteris mentio specialis; seu si presens non fueris ad prestandum de observandis statutis et consuetudinibus eiusdem ecclesie solitum iuramentum, dummodo in absentia tua per procuratorem ydoneum, et cum ad ecclesiam ipsam accesseris corporaliter illud prestes. Nulli ergo, etc., nostre collationis, provisionis, reservationis, inhibitionis ac constitutionis infringere, etc.

Datum Avinione xiii. kalendas Aprilis anno tertio-decimo Datum Avinione xii.

[*In eodem modo*]. Venerabili fratri . . . Episcopo Brechinensi et dilectis filiis . . . Archidiacono de Campinia in ecclesia Leodiense, ac Gaufrido de Forays Canonico Moraviensi, salutem. Nobilitas generis [*etc., usque illud prestes*]. Quocirca mandamus quatenus vos, vel duo aut unus vestrum, per vos vel alium seu alias eundem Adam vel procuratorem suum eius nomine ex nunc in prefata Cathanense ecclesia recipi facientes auctoritate nostra in canonicum et in fratrem stallo sibi in choro et loco in capitulo ipsius ecclesie cum plenitudine iuris canonici assignatis prebendam per nos, ut premittitur, reservatam, si dicte nostre reservationis tempore in dicta ecclesia vacabat vel tunc vacavit aut cum illam vacare contigerit, eidem Ade vel procuratori suo pro eo post acceptationem huiusmodi, cum omnibus iuribus et pertinentiis suis auctoritate predicta

conferre et assignare curetis; inducentes eum vel dictum procuratorem pro ipso in corporalem possessionem prebende, iurium et pertinentiarum predictorum, et defendentes inductum, ac facientes sibi de ipsorum canonicatus et prebende fructibus, redditibus, proventibus, iuribus et obventionibus universis integre responderi, non obstantibus omnibus supradictis; seu si eisdem Episcopo et capitulo vel quibusvis aliis, communiter vel divisim, ab eadem sede indultum existat quod interdicti, suspendi vel excommunicari non possint per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem. Contradictores auctoritate nostra, etc.

Datum [ut *supra*].

(Translation.)

Rubic. 1571. Adam Herok is provided with a Canonship of the Church of Caithness and a prebend when it shall be vacant.

To our beloved son Adam Herok, canon of Caithness, greeting. Your noble birth, becoming manners, and the other merits of your integrity which have been made known to us by the testimony of trustworthy persons, induce us to manifest liberally our favour towards you. Willing accordingly to bestow some special favour upon you, and no ecclesiastical benefice having as yet, as is affirmed, been conferred in respect of the premises, we by apostolic authority confer upon you a canonship in the Church of Caithness with the plenitude of canonical right and also provide you to a prebend, if any is presently vacant in that Church, or when any shall become vacant, which we reserve to the apostolic gift to be conferred upon you, with all its rights and pertinents, the same being accepted personally by you or by your procurator specially appointed for that effect within one month after the vacancy has been intimated to you or your procurator; strictly pro-

hibiting our venerable brother . . . , Bishop of Caithness, and our beloved sons, the Chapter of Caithness, or any of those to whom in the said church the collation, provision, or any other manner of disposition of the prebends conjunctly or severally may pertain, from disposing of the said prebend in the meantime, even before the receiving hereof, until it is made known to them that you or your foresaid procurator is unwilling to accept it; and declaring such act forthwith to be void and null if any one by whatsoever authority shall knowingly or ignorantly happen to attempt to do otherwise; notwithstanding that the number of the canons is fixed and whatsoever other statutes and customs of the said church to the contrary, even though confirmed by vow, apostolic sanction, or any other manner of ratification; or if any urge that by the apostolic or any other authority they are received or to be received among the canons in the said church; or if special letters concerning the provisions to be made to such anent the canonships and prebends in the said church, or general letters concerning ecclesiastical benefices in those parts shall have been sought and obtained from the Apostolic see or its legates, even though by them it may be permitted to go as far as inhibition, reservation, and decree or any other process whatsoever, to all of whom waiting to receive prebends in that church, we require you to be preferred to the said prebend, excepting those who by our authority have already been received therein, but hereby no prejudice is to accrue to anyone so far as respects their succeeding to other prebends or benefices; or if it has been granted by the said see to the said Bishop and Chapter or any others jointly or severally that they are not bound to receive or provide anyone and cannot be compelled thereto, and that they cannot provide any one to the canonships and prebends of that church or other ecclesiastical benefices belonging thereto and at their

collation, provision or any other kind of disposition whatsoever, jointly or severally, by apostolic letters which do not make full and express mention word for word of such gift, and any other indulgence of the said see, general or special, of whatsoever tenor it may be, by which the purpose of this grant through not being exprest or fully inserted in these presents may be in any way hindered or deferred, of which the special mention is to be taken from the whole tenor of our letters. And if you cannot be present personally to tender the customary oath for observing the statutes and customs of the said church you may meanwhile act by a fit procurator in absence, and when you go to the said church you can give the same personally. Let no one, therefore, etc., infringe our collation, provision, reservation, inhibition and appointment, etc. Given at Avignon, 20th March, in the thirteenth year [of our pontificate].

[In like manner]. To our venerable brother, . . . Bishop of Brechin, . . . , Archdeacon of Campinia in the Church of Liege, and Galfrid of Forays, Canon of Moray, greeting. Your noble birth [etc., as far as give the same personally]. We therefore ordain that you or two or one of you by yourselves or one or other of you cause the said Adam or his procurator in his name forthwith to be received into the foresaid Church of Caithness by our authority as a canon and cause a stall to be assigned to him among the brotherhood in the choir and a place in the chapter of the said church with full canonical rights, and that you cause the prebend reserved by us, as is above-written, if any is vacant at the time of our said reservation, or has since fallen vacant or when it shall happen to become vacant to be assigned to and conferred upon the said Adam or his procurator for his acceptance thereof with all its rights and pertinents, by our authority foresaid, inducting him or his said procurator for him in bodily possession of the prebend, and rights

and pertinents foresaid; defending him therein, when inducted, and causing him to be fully answered of the whole fruits, revenues, customs, duties and rights of the prebend, notwithstanding of all above-written, or even if there be any grant to the said bishop and chapter or any others jointly or severally from the said see that they cannot be interdicted, suspended or excommunicated by letters apostolic not making full and express mention word for word of this grant. Contradictors by our authority, etc. Dated [as above].

Mr. Andrew Hirdmanston, archdeacon of Caithness, provided to the deanery of Moray.

Regesta, vol. xcii., f. 7; 14 John xxii.; *Papal Letters* ii., 298.

40. September 19, 1329. Avignon.

To Master Andrew de Hirdmanustron. Provision, at the request of John, Bishop of Moray, of the deanery of Moray, void by the death of Walter, bishop-elect of the same; notwithstanding that he has the archdeaconry of Caithness, and canonries and prebends of Dunkeld, Aberdeen and Ross.

Concurrent mandate to the Bishop and Dean of Ross and Master Richard de Pilmor, canon of Aberdeen.

Pope John XXII. transfers to Engelbert Luning a canonry and church in Caithness and the first vacant prebend which he will accept, notwithstanding that he already holds a canonry in the church of Orkney, and at the same time appoints three executors.

From the Original Reg. in the papal archives. *Reg. Comm. Johan. xxii.*, an. xiv., p. 3, sp. 522. (Compare *D. N. vi.* No. 124; Sept. 22, 1326, in which Pope John xxii. enjoins bishop (Halvard) of Hammer together with the nuncios John of Serone and Bernard of Ortolis, finally to pronounce judgement in the case between William, bishop of Orkney, and Engelbert Luning, canon of Orkney, sub-collector of the papal revenues in that place, so that he obtains compensation for his imprisonment, and that the papal chair receives what is owing to it). Printed: *D.N. vii.*, No. 129, p. 143.

41.

October 21, 1329.

Avignon.

Johannes, Episcopus, servus servorum Dei, dilecto filio, Engelberto Luning, canonico Cathanensi, salutem et apostolicam benedictionem. Apostolice liberalitatis dexteram ad illos libenter extendimus quibus ad id vita laudabilis et alia virtutis merita suffragantur. Volentes itaque tibi meritorum tuorum obtentu super quibus apud nos fidedignorum testimonio commendaris gratiam facere specialem canonicatum ecclesie Cathanensis cum plenitudine juris canonici apostolica tibi auctoritate conferimus; et de illo eciam providemus prebendam vero seu portionem nulli alij jure debitam, si qua in dicta ecclesia vacat ad presens, vel cum vacaverit quam per te vel procuratorem tuum ad hoc specialiter constitutum infra unius mensis spatium postquam tibi vel eidem procuratori vacatio illius innotuerit duxeris acceptandam; conferendam tibi post acceptationem huiusmodi cum omnibus juribus et pertinentijs suis donationi apostolice reservamus, districtius inhibentes venerabili fratri nostro . . . , episcopo et dilectis filiis, capitulo Cathanensibus, ac illi vel illis ad quem vel ad quos in eadem ecclesia canonicorum receptio et prebendarum collatio, provisio, seu quevis alia dispositio pertinet communiter vel divisim, ne de illa interim etiam ante acceptationem huiusmodi nisi postquam eis constiterit, quod tu vel procurator predictus ipsam nolueritis acceptare, disponere quoquomodo presumant; ac decernentes exnunc irritum et inane si secus super hiis a quoquam quavis auctoritate contigerit attemptari, non obstantibus de certo canonicorum numero et quibuslibet aliis ejusdem ecclesie statutis et consuetudinibus contrariis, juramento, confirmatione sedis apostolice vel quacunque firmitate alia roboratis, aut si aliqui apostolica vel alia quavis auctoritate in eadem ecclesia in canonicos sint recepti vel ut recipiantur insistant, sive si super provisionibus sibi faciendis de canonicatibus et prebendis in eadem

ecclesia speciales vel de beneficijs ecclesiasticis in illis partibus generales nostras vel predecessorum nostrorum, Romanorum pontificum, aut legatorum dicte sedis litteras impetrarint, etiam si per eas ad inhibitionem, reservationem et decretum, vel alias quomodolibet sit processum, quibus omnibus preterquam auctoritate nostra in ecclesia ipsa receptis vel prebendas expectantibus te in ipsius assecutione prebende volumus anteferri; sed nullum per hoc eis quoad assecutionem aliorum prebendarum et beneficiorum prejudicium generari; seu si capitulo ejusdem ecclesie vel quibusvis aliis communiter vel divisim a dicta sit sede indultum quod ad receptionem vel provisionem alicuius minime teneantur, et ad id compelli non possint, quodque de canonicatibus et prebendis ejusdem ecclesie et aliis beneficijs ecclesiasticis ad eorum collationem, provisionem vel quamvis aliam dispositionem, conjunctim vel separatim spectantibus nulli valeat provideri per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem, et qualibet alia dicte sedis indulgentia generali vel speciali cuiuscumque tenoris existat per quam presentibus non expressum vel totaliter non insertam effectus huiusmodi gratie impediri valeat quomodolibet vel differri, et de qua cuiusque toto tenore habenda sit in nostris litteris mentio specialis; aut si presens non fueris ad prestandum de observandis statutis et consuetudinibus ipsius ecclesie solitum iuramentum, dummodo in absentia tua per procuratorem ydoneum, et cum ad ecclesiam ipsam accesseris corporaliter illud prestes; aut quod in ecclesia Orchadensi canonicatum et prebendam nosceris obtinere. Nulli ergo omino hominum liceat hanc paginam nostre collationis, provisionis, reservationis, inhibitionis et constitutionis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit indignationem omnipotentis Dei et beatorum

Petri et Pauli apostolorum eius se noverit incursum.
Datum Avinione xij kalendas Novembris pontificatus
nostri anno quartodecimo.

[*In eundem modum*] Dilectis filiis . . . Avinionensis
et . . . Cathanensis decanis ac . . . archidiacono
Sodorensis ecclesiarum salutem et apostolicam bene-
dictionem. Apostolice liberalitatis [etc. *usque* noscitur
obtinere]. Quocirca mandamus quatinus vos vel duo aut
unus vestrum, per vos vel alium seu alios eundem
Engelbertum, vel procuratorem suum ejus nomine
exnunc auctoritate nostra in eadem ecclesia Cathanensi
faciatis recepti in canonicum et in fratrem, stallo
sibi in choro et loco in capitulo ejusdem ecclesie
cum plenitudine juris canonici assignatis, ipsumque,
vel dictum procuratorem pro eo, in corporalem
possessionem dicte prebende per nos sibi collate, ac
jurium et pertinentiarum ipsius, si qua tempore huius-
modi reservationis per nos sibi facto de illa in ecclesia
predicta vacabat, inducatis auctoritate nostra et
defendatis inductum; alioquin prebendam per nos ut
premittitur in dicta ecclesia reservatam, si a tempore
dicte reservationis vacavit ibidem, vel quam primum
illa vacare contingerit, eidem Engelberto vel procuratori
suo nomine, auctoritate predicta conferre et assignare
curetis, facientes eum pacifica illius possessione
gaudere, sibi que de ipsorum canonicatus et prebende
fructibus, redditibus, proventibus, juribus et obven-
tionibus universis integre responderi; non obstantibus
omnibus supradictis; seu si eisdem episcopo vel
quibusvis alijs communiter vel divisim ab eadem sede
indultum existat quod interdici, suspendi vel excom-
municari non possint per litteras apostolicas non
facientes plenam et expressam ac de verbo ad verbum
de indulto huiusmodi mentionem; contradictores
auctoritate nostra, appellatione proposita, compescendo.
Datum [*ut supra*].

(Translation.)

John, Bishop, servant of the servants of God, to our beloved son, Engelbert Luning, canon of Caithness, greeting and the apostolic benediction. We freely extend the right hand of apostolic generosity to those whose praiseworthy life and other meritorious virtues recommend them thereto. Desiring therefore to mark our approval of your merits which have been laid before us by trustworthy persons, we have, by apostolic authority, conferred upon you as a special favour, a canonship of the Church of Caithness, with the plenitude of canon law, and therewith we also provide you to a prebend or portion, not lawfully belonging to any other, if such be presently vacant in the said church or as soon as such shall be vacant, which you or your procurator appointed by you for this purpose shall be bound to accept within the space of one month after the said vacancy shall have been notified to you or your said procurator, the conferring of which upon you, after such acceptance, with all its rights and pertinents, we reserve to the apostolic donation, strictly forbidding our venerable brother, . . . Bishop of Caithness, and our beloved sons in the chapter thereof, and him or those to whom in the said church the reception of canons and collation of prebends, provision or any other kind of disposition whatsoever belongs unitedly or severally, that they may not presume meanwhile to dispose thereof in any manner of way either before the reception hereof, or until it has been made known to them that you or your said procurator do not intend to accept it, declaring the same forthwith to be null and void if otherwise in the premises by whatsoever authority anything shall happen to be attempted; notwithstanding of a certain number of the canons and any other statutes and customs of the said church to the contrary confirmed by oath, ratification of the apostolic see or any other manner of confirmation whatsoever, although some may have been received as

canons in the said church by apostolic or any other authority, or may insist that they should be so received, even if upon provisions of canonships and prebends to be bestowed upon them in the said church they may have impetrated our special or general letters concerning ecclesiastical benefices in those parts or those of our predecessors, the Popes of Rome, or of the legates of the said see, and even if process should have been led by them to inhibition, reservation and decree or any other whatsoever, to all of whom except those who have been received into the said church by our authority or to those awaiting prebends, we will that you be preferred in the succession of that prebend; but this shall infer no prejudice to them as regards the succession to other prebends and benefices; or if it has been granted by the said see to the chapter of the said church or to any others jointly or severally, that they are not bound to the receiving or providing of any person, and cannot be compelled thereto, and that they have no power to provide anyone to the canonships and prebends of the said church or other ecclesiastical benefices at their collation, provision, or any other manner of disposition belonging to them jointly or severally by letters apostolic which do not make full and express mention word for word of such grant, and of any other indulgence of the said see, general or special, of whatsoever tenor it may be, whereby the purpose of this grant through not being expressed or fully inserted in these presents may be in any way hindered or deferred, concerning which the special mention hereof is to be held as contained in the whole tenor of our letters; also if you cannot be personally present to tender the usual oath for the observance of the statutes and constitutions of the said church, you may in the meantime do so by a suitable procurator, and when you go in person to the said church you may tender it; or that you are known to hold a canonship or prebend in the Church of Orkney. Let no one therefore rashly presume to

infringe or come in the contrary to this our deed of collation, provision, reservation, inhibition and appointment, and if any shall presume to attempt it let him know that he shall incur the wrath of God Almighty and of his blessed apostles, Peter and Paul. Dated at Avignon, 21st October, in the fourteenth year of our pontificate.

[In like manner it is written] *To our beloved sons, and deans of Avignon and Caithness, and Archdeacon of Salisbury, greeting and the apostolic benediction [etc., as far as Church of Orkney]. We therefore command that you or two or one of you by our authority cause the said Engelbert or his procurator in his name to be forthwith admitted as a canon and brother in the said church of Caithness, and assign to him a stall in the choir and a place in the chapter of the said church with the plenitude of canon law; as also you shall by our authority, induct him or his said procurator on his behalf in corporal possession of the said prebend bestowed on him by us with the rights and pertinents thereof, if any such shall be vacant in the said church at the time of this reservation made by us in his favour, and you shall defend him as inducted therein, otherwise you shall be careful to assign to and confer upon the said Engelbert or his procurator in his name by our authority foresaid the prebend reserved by us in the foresaid church as is above written, if there is a vacancy there at the time of the said reservation, or as soon as there shall happen to be one, causing him to have peaceful possession thereof, and to be fully answered of the whole fruits, rents, produce, dues and customs of the said canonship and prebend, all above written notwithstanding, even though the said bishop or any others, jointly or severally, should be in possession of an indulgence from the said see whereby they cannot be interdicted, suspended or excommunicated by letters apostolic, which do not make full and express mention,*

word for word, of such a grant; and compelling gain-sayers to acquiescence by our authority should an appeal be tabled. Dated [as above].

Letter to the archdeacon and treasurer of Caithness.

Regesta, vol. xciii., f. 58 d.; 14 John xxii.; Papal Letters ii., 301.

42. November 24, 1329. Avignon.

To William de Rosmarkyn. Provision of a canonry of Ross with reservation of a prebend.

Concurrent mandate to Master John Tod, archdeacon of Caithness, William Comyn, archdeacon of Lothian, and Gilbert de Rosmarkyn, treasurer of Caithness.

Apostolic letters reserving the archidiaconate of Caithness about to be vacated by Mr. Andrew de Herdmanston.

Original in the Vatican at Rome. Regista Vaticana 93, fol. [69d.] Ep. 215.

43. November 24, 1329. Avignon.

Rubrica: ccxv. Magistro Johanni Todd, clerico Dunkeldensis diocesis, providetur sibi de Archidiaconatu ecclesie Cathanensis in proximo vacaturo.

Dilecto filio, Magistro Johanni Todd, clerico Dunkeldensi diocesis, salutem. Litterarum scientia, morum decor aliaque laudabilia tue merita probitatis super quibus apud nos fidedignorum testimonio commendaris exposuint ut personam tuam paterna benivolentia prosequentes tibi reddamur in exhibitione gratie liberales. Cum itaque nuper dilecto filio, Magistro Andree de Hirdmaniston, Decano ecclesie Moraviensis de decanatu ecclesie tunc vacante per nostras certi tenoris litteras duxerimus providendum, ac propterea archidiaconatus ecclesie Cathanensis, quem idem Magister Andreas in eadem Cathanense ecclesia tunc temporis obtinebat, sicut adhuc obtinet quam primum idem Magister Andreas ipsius

decanatus possessionem pacificam fuerit assecutus vacare speretur; nos, volentes tibi premissorum meritorum tuorum intuitu gratiam facere specialem, dictum archidiaconatum cum ipsum premissis vel alio quovismodo preterquam per ipsius Magistri Andree obitum vacare contigerit conferendum tibi cum omnibus iuribus et pertinentiis suis donationi apostolice reservamus, districtius inhibentes venerabili fratri nostro, Episcopo et dilectis filiis, capitulo Cathanensi ac illi vel illis ad quem vel ad quos ipsius archidiaconatus collatio, provisio vel quevis alia dispositio alias pertinet, communiter vel divisim, ne de dicto archidiaconatu hac vice contra reservationem nostram huiusmodi disponere quoquomodo presumant, ac decernentes exnunc irritum et inane si secus super hiis a quoquam, quavis auctoritate, scienter vel ignoranter, contigerit attemptari, non obstantibus quibuscumque statutis et consuetudinibus eiusdem ecclesie Cathanensis contrariis, iuramento confirmatione apostolica vel quacumque firmitate alia roboratis; aut si aliqui super provisionibus sibi faciendis de dignitatibus personalibus vel officiis in eadem ecclesia speciales vel de beneficiis ecclesiasticis in illis partibus generales apostolice sedis vel legatorum eius litteras impetrarint, etiam si per eas ad inhibitionem, reservationem et decretum, vel alias quomodolibet sit processum quibus omnibus te in assecutione dicti archidiaconatus volumus anteferri, sed nullum per hoc eis quoad assecutionem dignitatum personatum et officiorum ac beneficiorum aliorum preiudicium generari; seu si eisdem Episcopo et capitulo vel quibusvis aliis, communiter vel divisim, ab eadem sit sede indultum quod ad receptionem vel provisionem alicuius minime teneantur et ad id compelli non possint, quodque de dignitatibus personalibus vel officiis dicte ecclesie Cathanensis vel aliis beneficiis ecclesiasticis ad eorum collationem, provisionem vel quamcumque aliam

dispositionem, coniunctim vel separatim, spectantibus nulli valeat provideri per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem, et qualibet alia dicte sedis indulgentia generali vel speciali cuiuscunque tenoris existat per quam presentibus non expressam vel totaliter non insertam effectus huiusmodi nostre gratia impediri valeat quomodolibet vel differri, et de qua cuiusque toto tenore habenda sit in nostris litteris mentio specialis; aut si presens non fueris ad prestandum de observandis statutis et consuetudinibus predictae ecclesie Cathanensis solitum iuramentum dummodo in absentia tua per procuratorem ydoneum, et cum ad ecclesiam ipsam accesseris corporaliter illud prestes. Nulli ergo, etc., nostre reservationis, inhibitionis, constitutionis et voluntatis infringere, etc. Datum Avinione VIII. kalendas Decembris, anno quartodecimo.

[*In eodem modo*]. Venerabili fratri, Episcopo Moraviensi et dilectis filiis, Decano Moraviensi ac Gotio de Arimino, Canonico Ravennatarum ecclesiarum, capellano nostro, salutem. Litterarum scientia, morum decor [*etc., usque illud prestes*]. Quocirca mandamus quatenus vos, vel duo aut unus vestrum, per vos vel alium seu alias prefatum archidiaconatum, cum eum, ut prefertur, vacare contigerit, predicto Magistro Johanni vel procuratori suo, eius nomine, cum omnibus iuribus et pertinentiis suis, auctoritate nostra conferre et assignare curetis; inducentes eum vel dictum procuratorem pro eo in corporalem possessionem illius ac iurium et pertinentiarum ipsius et defendentes inductum, ac facientes eundem Magistrum Johannem seu procuratorem suum pro eo ad archidiaconatum predictum, prout est moris, admitti sibi que de ipsius archidiaconatus fructibus, redditibus, proventibus iuribus et obventionibus universis integre responderi; non obstantibus omnibus supradictis, seu si eidem

Episcopo et capitulo vel quibusvis aliis, communiter vel divisim, a prefata sede indultum existat quod interdicti, suspendi vel excommunicari non possint per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem. Contradictores auctoritate nostra, etc. Datum [ut supra].

(Translation.)

Rubric. To Mr. John Todd, clerk of the diocese of Dunkeld, to whom the archidiaconate of the Church of Caithness is provided on its next vacancy. To our beloved son, Mr. John Todd, clerk of the diocese of Dunkeld, greeting. By trustworthy testimony you have been commended before us for your learning, worthy life and other praiseworthy merits which incline us to bestow upon your person our fatherly favour and liberal grace. As therefore we have by our letters of a certain tenor caused our beloved Master Andrew of Hirdmanston, dean of the Church of Moray, to be provided to the deanery of that church, then vacant, whereby the archidiaconate of the Church of Caithness, which the said Mr. Andrew at that time held in the said Church of Caithness and still holds, is likely to be vacant, as soon as the said Mr. Andrew acquires the peaceable possession of the said deanery, we, desirous of showing our gracious recognition of your merits aforesaid by some special favour, reserve to the apostolic gift the said archidiaconate when it shall happen to be vacant either as aforesaid or in any other way than by the death of the said Mr. Andrew, that it with all its rights and pertinents may be conferred upon you; strictly prohibiting our venerable brother, , Bishop of Caithness, and our beloved sons, the chapter of Caithness, or any to whom the collation, provision or any other kind of disposal of the said archidiaconate belongs, jointly or severally, from

presuming to dispose thereof on this occasion in any manner of way contrary to this reservation, and declaring hereby any such null and void if either knowingly or in ignorance the same shall be attempted; and that notwithstanding of any laws or customs of the said Church of Caithness to the contrary, oath, apostolic confirmation or any other security whatsoever: Or if any have obtained special or general letters from the apostolic see or its legates for providing them with personal dignities or offices in the said church, or ecclesiastical benefices in those parts, even if in them there is an inhibition, reservation, and decree or any manner of process, we desire that you be preferred in the acquisition of the said archidiaconate to all such, yet nothing herein shall be to their prejudice in the obtaining of other personal dignities and offices and benefices: Or if it has been granted to the said Bishop and chapter or any others jointly or severally by the said see that they are not bound to receive or provide anyone and cannot be compelled thereto, and that they cannot provide anyone to the personal dignities or offices of the said Church of Caithness or other ecclesiastical benefices at their collation, provision or any other kind of disposal jointly or severally by apostolic letters which do not make full and express mention word for word of such indulgence and any other special or general indulgence of the said see of whatsoever tenor it may be by which the purpose of this grant through not being expressed or fully inserted in these presents may be in anyway prevented or impeded, and of which the special mention is to be found in the whole tenor of our letters: Or if you cannot be present personally to tender the customary oath for observing the statutes and customs of the fore-said Church of Caithness you may meanwhile do so by a competent procurator, and when you go personally to the said church you may tender the same. Let no one,

therefore, etc., infringe our reservation, inhibition, appointment and will. Given at Avignon, 24th November, in our fourteenth year.

[In like manner]. To our venerable brother . . . Bishop of Moray, and our beloved sons . . . Dean of Moray, and Gotio de Arimino, Canon, our chaplain of the Churches of Ravenna, greeting. The learning, goodness of life [etc., as far as you may tender the same]. Wherefore we command that you, or two or one of you, cause to be conferred and assigned by you or one or others the aforesaid archidiaconate when it shall happen to be vacant as aforesaid to the before-mentioned Mr. John, or his procurator in his name, by our authority, with all the rights and pertinents thereof, inducting him or his said procurator for him in corporal possession thereof with its rights and pertinents, and maintaining him so inducted, and causing the said Mr. John or his procurator for him to be admitted to the foresaid archidiaconate in the usual manner, and to be fully answered of the fruits and revenues, profits, rights and whole produce of the said archidiaconate, notwithstanding of all that is above-written, even if there be any grant from the aforesaid see to the said Bishop and chapter or any others jointly or severally by which they cannot be interdicted, suspended or excommunicated by letters apostolic not making full and express mention word for word of such grant: gainsayers by our authority, etc. Dated [as above].

Renunciation by Kenneth, fourth Earl of Sutherland, in favour of Reginald Moray, of all claims on the said Reginald's possessions within his earldom.

Printed in "The Sutherland Book," vol. iii., p. 11.

44.

December 6, 1330.

Golspie.

Omnibus has literas visuris vel audituris Kennatus,
Comes Suthyrlandye, filius quondam Willelmi, Comitis

Suthyrlandye, eternam in Domino salutem. Noverit universitas vestra quod quia plures dissensiones retroactis temporibus suscitatae fuerunt inter progenitores nostros ex una parte, et predecessores Reginaldi de Moravia, filii et heredis Alani quondam de Moravia, Domini de Culbyn, ex altera, super diversis terris, debitis, possessionibus et earum juribus atque rebus aliis, nos, ad hujusmodi dissensiones omnino sedandas et pro finali concordia ac perfecta amicitia inter nos et heredes nostros et dictum Reginaldum atque heredes suos perpetualiter confovenda et tenenda, presencium tenore remisimus, resignavimus et quiete clamavimus, pro nobis et heredibus nostris, dicto Reginaldo et heredibus suis, omnimodas exactiones debitorum, ac omnes et singulas controversias, querelas et calumpnias, motas sen movendas usque ad tempus confectionis presencium literarum, super universis et singulis terris, possessionibus et tenementis in comitatu nostro, de quibus carta nostra confirmationis exinde confecta, quam dicto Reginaldo et heredibus suis fieri fecimus, plenius et expresse in se proportat et testatur; ita quod non liceat nobis vel alicui heredum nostrorum aliquod jus seu clameum in eisdem terris vel possessionibus in futurum exigere vel vendicare, seu impedimentum facere ratione alicujus controversie primitus mote, quam per presentes omnino remisimus; et imperpetuum donavimus dicto Reginaldo totum relevium terrarum suarum in Suthyrlandia ratione et ex causa copule matrimonialis inter Gilbertum de Moravia, filium et heredem dicti Reginaldi, et Eustachiam, primogenitam filiam nostram: Volentes et efficaciter fide media promittentes, quod si aliquae litere obligatorie seu convencionales aut aliqua munimenta vel scripta, pupblica vel privata, possint inveniri que nobis et heredibus nostris poterunt prodesse et dicto Reginaldo vel heredibus suis aliququaliter obesse, exnunc scripture hujusmodi ubicunque invenientur et ad quorumcunque

manus devenierint nullius sint efficacie vel virtutis, set perpetualiter presentium tenore omni robore careant firmitatis. Insuper in vi fidei antedictæ fatemur nos esse firmiter obligatos ad manutenendum et defendendum dictum Reginaldum, homines suos et terras suas ac ipsorum possessiones et ad confovendum eosdem in omni justicia, consilio et auxilio atque favore. In cujus rei testimonium sigillum nostrum presentibus est apensum. Datum apud capellam Sancti Andree de Golespii in crastino Sancti Nicholai, anno Domini nostri Jesu Christi millesimo ccc^{mo} trigesimo.

(Translation.)

To all who shall see or hear these letters, Kenneth, Earl of Sutherland, son of the deceased William, Earl of Sutherland, greeting in the Lord everlasting. Be it known to you all that whereas in times past many disputes have arisen between our progenitors on the one part and the predecessors of Reginald of Moray, son and heir of Alan, sometime of Moray, Lord of Culbin, on the other, respecting sundry lands and debts, possessions and their rights and other things, we, for the final settlement of these disputes and the cherishing and maintaining of a permanent concord and perfect friendship between ourself and our heirs and the said Reginald and his heirs, have remitted, renounced and discharged for us and our heirs to the said Reginald and his heirs the exaction of debts of any kind whatsoever, and all and sundry controversies, law-pleas and complaints moved or contemplated up to the time of the making of these presents respecting all and sundry lands, possessions, and holdings within our earldom contained in the charter of confirmation granted by us thereupon, which we have caused to be drawn up in favour of the said Reginald and his heirs, and which expressly and more fully sets forth and declares the same; so that it shall not be lawful to us or any of our

heirs to demand or lay claim to any right or interest in the said lands or possessions in time coming, or to raise any impediment on the ground of any former dispute, which by these presents we have entirely remitted; and we have given in perpetuity to the said Reginald the whole relief of his lands in Sutherland on account of the marriage bond which has been entered into between Gilbert of Moray, son and heir of the said Reginald, and Eustace, our eldest daughter, desiring and for surety hereof, most faithfully promising that if any bonds or contracts or other deeds or writings, public or private, may be found by which any benefit may accrue to us and our heirs and at the same time injure the said Reginald or his heirs, forthwith such writs, wherever they shall be found and in whose hands whatsoever they may come, shall be of no force or validity, but shall for ever by the tenor of these presents be deprived of all strength. Moreover, in virtue of our foresaid promise, we acknowledge that we are firmly obliged to maintain and defend the said Reginald and his men and lands and their possessions, and to protect them in all justice, counsel, help and favour. In witness whereof our seal is appended to these presents; dated at the chapel of Saint Andrew of Golspie on the morrow of Saint Nicholas, in the year of our Lord Jesus Christ, 1330.

*Agreement between the Abbot and Convent of
Scone and Robert Little and his brother David
of Sutherland.*

Printed in Liber Ecclesie de Scon, p. 120, No. 162.

46.

June 1332.

Convencio inter Abbatem et Conventum de Scona et Robertum dictum Lytil super ecclesiam de Kyldonane.

Hec est Convencio facta die Sabati proxima post festum Sancti Barnabe Apostoli anno gratie m^o ccc^o tricesimo secundo inter religiosos viros, Dominum sanctum Abbatem

et conventum de Scona et ejusdem loci conventum, ex parte una, et Robertum dictum Lytil et David fratrem suum de Sothirlandia, ex parte altera, videlicet, quod dicti Abbas et conventus ex unanimi consensu et assensu totius capituli sui concesserunt et ad firmam dimiserunt eisdem ecclesiam suam de Kyldonane cum terra de Borubol et cum omnibus aliis justis pertinentiis ad dictam ecclesiam pertinentibus usque ad terminum duorum annorum plenarie complendorum a die confeccionis presencium, pro quatuordecem libris tresdecem solidis et quatuor denariis premanibus nobis solutis et in usus monasterii nostri conversis. Dicti vero Robertus et David dictam ecclesiam construent sufficienter cum apidibus et calce pro quatuor marcis eisdem allocatils in dicta summa pecunie, et sustinebunt omnia onera ordinaria dictam ecclesiam tangencia per dictos duos annos cum auxilio domini episcopi et cum papali anni presentis. Dicti vero Robertus et David vel eorum alter quem esse contigerit superstitem habebunt vel habebit dictam ecclesiam per octo annos post finem dictorum duorum annorum, si invenerint vel invenerit sufficientes et nobis placentes fidejussores: Solvendo nobis annuatim ad festum Sancti Michaelis Archangeli infra abbathiam de Scona decem libros sterlingorum, et si contingat, quod absit, dictos Robertum et David vel eorum alterum in solucione dicte pecunie per quindenam post festum prenotatum in toto vel in parte deficere, obligant se ad penam centum solidorum solvendorum fabrice nostre de Scona; et licebit dictis religiosis intrromittere se de dicta ecclesia sua et de omnibus fructibus suis sine aliqua contradiccione vel cavillatione, presenti convencionem irrita et cassata. Dicti vero Robertus et David omnia onera ordinaria et extraordinaria qualitercunque tangencia sustinebunt preter papalia et contribuciones regias de novo emergentes. In cujus rei testimonium parti hujus indenture penes predictos Robertum et David remanenti

sigillum commune dicti abbatis et conventus est appensum, parti vero penes predictos dominum abbatem et conventum remanenti sigillum dicti Roberti est appensum una cum sigillo Domini Augustini, capellani socii episcopi Brechinensis.

(Translation.)

Agreement between the Abbot and Convent of Scone and Robert, called Little, concerning the Church of Kildonan.

This agreement was made on the Saturday immediately after the feast of Saint Barnabas the Apostle in the year of grace, 1332, between the religious men, his sacred lordship the Abbot and the convent of Scone and the convent of the said place on the one part, and Robert, called Little and David, his brother, of Sutherland, on the other part, to the following effect, viz., the said Abbot and Convent with one consent and with the consent of their whole chapter have granted and set in feu to them their church of Kildonan with the land of Borubol and all other just pertinents belonging to the said church for the space of two full years from the day of the making of these presents for £14 13s. 4d. already paid into our hands and employed for the uses of our monastery; and the said Robert and David for four merks allowed to them in the said sum of money shall construct the said church sufficiently with stone and lime and shall meet all the ordinary burdens affecting the said church during the said two years with the help of the lord bishop and with the suffragan of the present year; and the said Robert and David, or the survivor of them, shall have the said church for eight years after the close of the said two years if they find sufficient cautioners acceptable to us, and shall pay to us yearly at the feast of Saint Michael the Archangel within the abbacy of Scone £10 sterling; and should it happen, which Heaven forbid, that the said Robert and David, or either of them fail

in payment of the said sum within fifteen days after the foresaid feast, or of any part thereof, they shall be bound to pay a penalty of 100s. towards our building of Scone, and it shall be lawful for the said religious men to intromit with their said church and with all its revenues without contradiction or cavilation, this present agreement being thereby annulled and void. And the said Robert and David shall meet all the ordinary and extraordinary burdens whatsoever which shall fall due except any new papal or royal contributions which may be imposed. In witness whereof to the part of this indenture remaining with the foresaid Robert and David, the common seal of the said abbot and convent is appended, and to the part remaining with the said lord abbot and convent the seal of the said Robert is appended, together with the seal of Sir Augustine, chaplain associate of the Bishop of Brechin.

Appointment by Pope Benedict the Twelfth of Alan, Archdeacon of Aberdeen, to be Bishop of Caithness.

Theiner's Vetera Monumenta, p. 276, No. 548.

46.

January 16, 1341.

Avignon.

Benedictus Episcopus, etc., Venerabili fratri, Alano, Episcopo Cathanensi, salutem, etc. Inter cetera, etc. Olim siquidem ecclesia Cathanensi, dicte Romane ecclesie immediate subjecta, per obitum bone memorie David, Episcopi Cathanensis, qui in partibus illis debitum nature persolvit, pastoris solatio destituta, dilecti filii capitulum ipsius ecclesie, vocatis omnibus, qui debuerunt, voluerunt et potuerunt commode interesse, die ad eligendum prefixa, ut moris est, convenientes in unum, ac deliberantes in hujusmodi electionis negocio per formam procedere scrutinii, tribus

de dictis capitulo fidedignis, videlicet Adam dicto Heroch, cancellario, Gilberto, thesaurario, et Johanni de Moravia, canonico ecclesie memorate, ut sua seorsum primo, ac deinde singulorum de dictis capitulo secreto et singillatim vota diligentius scrutarentur, et illa in scriptis redacta publicarent illico in communi, potestatem unanimiter contulerunt. Qui hujusmodi potestate recepta, secedentes in partem, sua primo seorsum, et deinde singulorum de dictis capitulo vota diligentius perscrutati fuerunt, et eis in scriptis redactis, mox in communi vota hujusmodi publicarunt, et collatione super hiis habita inter eos, compertum extitit in te, tunc Archidiaconum Aberdonensem, in diaconatus ordine constitutum, omnes et singulos de dictis capitulo vota sua concorditer direxisse, ac subsequenter prefatus Gilbertus, thesaurarius, vice sua et collegarum suorum, ac de ipsorum et ipsius capituli mandato, te in Episcopum elegit Cathanensem, ac electionem hujusmodi sic a dicto capitulo concorditer celebratam clero et populo solempniter publicavit. Tuque post consensum eidem electioni ad instantiam dictarum capituli a te legitime prestitum ad sedem apostolicam personaliter accessisti, et tam tu per te ipsum, quam dicti capitulum per certos eorum procuratores et nuncios ydoneos ab eis propterea ad nos specialiter destinatos, confirmari per nos electionem prefatam, ipsius nobis presentato decreto, humiliter postulastis, in hiis omnibus statutis a jure temporibus observatis. Nos igitur electionem prefatam, tueque persone merita per venerabilem fratrem Petrum, Episcopum Penestrinum, et dilectos filios nostros, Imbertum, Basilice XII Apostolorum presbiterum, ac Neapoleonem Sancti Adriani diaconum cardinales examinari fecimus diligenter; et facta nobis ab eisdem episcopo et cardinalibus super hiis relatione plenaria et fidei, quia invenimus electionem eandem de te persona ydonea, cui de litterarum scientia,

honestate morum et vite virtutum meritis fidedigna testimonia suffragantur, canonice celebratam, eam de fratrum nostorum consilio auctoritate apostolica confirmavimus, teque ipsi Cathanensi ecclesie preficimus in episcopum et pastorem, curam et administrationem illius tibi in spiritualibus et temporalibus plenarie committendo: et subsequenter per venerabilem fratrem nostrum Petrum, Episcopum Sabinensem, tibi interim in presbiterum rite promotu, fecimus munus consecrationis impendi, firma spe, etc. Datum Avinione, XVII Kalendas Februarii, Pontificatus nostri anno septimo.

In eadem modo capitulo ecclesie Cathanensis, clero et populo civitatis et diocesis Cathanensis, David, Regi Scocie illustri.

(Translation.)

Benedict, Bishop, etc., to our venerable brother, Alan, Bishop of Caithness, greeting, etc. Among other things, etc. Whereas for some time the Church of Caithness, which is immediately subject to the Roman See, has been deprived of the consolation of a pastor through the death of David, Bishop of Caithness, of good memory, who in those parts paid the debt of nature, and our beloved sons, the chapter of that church, having summoned all those who conveniently ought, would, or should have interest therein, a day having been previously appointed for the election as is customary for their meeting together, it was decided to proceed in this matter of the election by way of scrutiny, and they unanimously conferred power on three trustworthy persons of the said chapter, namely, Adam called Heroch, the chancellor, Gilbert, the treasurer, and John of Moray, a canon of the foresaid church, to very diligently scrutinise the votes first of each other separately and then of each of the members of the said chapter secretly and one by one, and having put their report in writing, to communicate the same

in the meeting publicly. And these persons so authorised having gone apart first took their own votes separately and then very diligently ascertained the minds of each member of the said chapter one by one, and having written out the results they forthwith made the same known as above, when upon a comparison among them it was found that the votes of all and sundry of the said chapter had been cast for you, then Archdeacon of Aberdeen and appointed by order to the deaconate. And thereafter the foresaid Gilbert, treasurer, in his own name and that of his colleagues and by their command and that of the said chapter elected you to be Bishop of Caithness, and made solemn intimation of this election thus made by the said chapter to the clergy and people. And you, having given your consent to the said election when lawfully desired to do so at the instance of the said chapter, betook yourself personally to the Apostolic See, and both you by yourself and the said chapter by their certified procurators and suitable messengers specially appointed for this purpose, humbly presented the decretal to us and prayed that we would confirm the foresaid election, all those things appointed by law having been duly observed. Accordingly we caused careful examination to be made of the foresaid election and of your personal merits by our venerable brother, Peter, Bishop of Palestrina, and our beloved sons Imbert, priest of the Church of the Twelve Apostles, and Neapoleon, deacon of Saint Adrian, cardinals, and a full and faithful relation of their proceedings hereupon having been made to us by the said bishop and cardinals, we have found the said election of yourself as a suitable person, endowed with knowledge of literature, honourable life and manners, and meritorious virtue as has been credibly reported to us, canonically observed, and by apostolic authority, with the concurrence of our brethren, we have confirmed the same, and have preferred you to be Bishop and pastor in the said Church of Caithness, committing

fully the charge and administration thereof both in spiritual and temporal things to you; and subsequently we caused the gift of consecration to be bestowed upon you by our venerable brother, Peter, Bishop of the Sabines, you meanwhile being duly raised to the priesthood; in the firm hope, etc. Dated at Avignon, 16th January, in the seventh year of our pontificate.

In like manner to the chapter of the church of Caithness; to the clergy and people of the city and diocese of Caithness, and to David, illustrious King of Scots.

Alan, Bishop of Caithness.

Petitions, vol. i., f. 4 d.; 1 Clement vi.; Papal Petitions, i. 1.

47. May 22, 1342. Avignon.

John de Rate., M.A., and CURSOR in theology, for the archdeaconry of Aberdeen, void by the consecration of Alan, Bishop of Caithness, notwithstanding that he has a canonry and prebend of Aberdeen, and a canonry with expectation of a prebend in St. Donatian, Bruges, and the church of Kilchodilscam, in the diocese of Aberdeen. He is ready to resign the church and the prebend of Aberdeen.

Granted, Avignon 11, Kal. June (22 May).

Alan, Bishop of Caithness.

Regesta, vol. cxlii., f. 242; 1 Clement vi.; Papal Letters, iii., 75.

48. May 22, 1342. Avignon.

To Master John de Rate, M.A. Provision of the archdeaconry of Aberdeen, void by the consecration of Alan, Bishop of Caithness, notwithstanding that he has canonries and prebends of Aberdeen and Bruges and the church of Kilchodilscam.

[Cal. Pet. i. 1.]

Concurrent mandate to the Bishop and Archdeacon of St. Andrews and the Abbot of Arbroath.

*Appointment by Pope Clement the Sixth of
Thomas de Fingask as Bishop of Caithness.*

Theiner's Vetera Monumenta, p. 277, No. 551.

49. November 29, 1342.

Clemens, Episcopus, etc. Dilecto filio, Thome de Fingast, Electo Cathanensi, salutem, etc. Ad universalis ecclesie regimen [*etc., usque* proficiant incrementis]. Olim siquidem ecclesia Cathanensi, eidem Romane ecclesie immediate subjecta, per obitum bone memorie Alani, Episcopi Cathanensis, qui in partibus illis debitum naturale persolvit, pastoris solatio destituta, dilecti filii, capitulum ipsius ecclesie, vocatis omnibus qui debuerunt, voluerunt et potuerunt comode interesse, pro futuri electione pastoris inibi celebranda, die ad hoc prefixa, ut moris est, convenientes in unum, te, ipsius ecclesie Canonicum, in eorum Episcopum per formam scrutinii concorditer elegerunt: Tuque, electionis ipsius tibi presentato decreto, post consensum hujusmodi electioni per te ad instantiam dicti capituli prestitum ad apostolicam sedem personaliter accessisti, et tam tu quam iidem capitulum per certos eorum procuratores et nuncios ad eandem sedem propter hoc specialiter destinatos, hujusmodi electionis de te facte negotio coram nobis in consistorio proposito, nobis humiliter supplicastis, ut electionem eandem confirmare de benignitate sedis apostolice dignaremur, in hiis omnibus statutis a jure temporibus observatis. Nos igitur electionem predictam, tueque persone merita per venerabilem fratrem, Bertrandum, Episcopum Ostiensem, et dilectos filios nostros, Imbertum Basilice XII Apostolorum presbiterum, et Raymundum, Sancte Marie nove diaconum, cardinales, examinari fecimus diligenter: et tandem tu certis ex causis, non tamen persone tue vitio, omni juri, quod tibi ex electione prefata quomolibet competeat, sponte in manibus nostris cessisti.

Nos itaque hujusmodi cessione admissa, ad provisionem ipsius Cathanensis ecclesie, ne prolixè vacationis incurreret detrimenta, sollicitis studiis intendentes, cum nullus preter nos hac vice de provisione ipsius se intromittere possit, pro eo, quod nos ante cessionem hujusmodi omnes ecclesias cathedrales, quarum electos electionibus suis cedere ac cessiones eorum per nos, seu auctoritate nostra admitti contingeret, ordinationi et dispositioni nostre specialiter duximus reservandas, decernendo extunc irritum et inane, si secus super hoc per quoscumque quavis auctoritate scienter vel ignoranter contingeret attemptari. Post deliberationem quam de preficiendo eidem ecclesie Cathanensi personam utilem ac etiam fructuosam, per quam dicta ecclesia Cathanensis preservari valeat a noxiis, et in prosperis feliciter adaugeri, cum fratribus nostris habuimus diligentem, demum ad te, canonicum prefate Cathanensis ecclesie, licentiatum in decretis, in sacerdotio constitutum, vite ac morum honestate decorum, in spiritualibus providum et temporalibus circumspectum, direximus oculos nostre mentis: quibus omnibus attenta meditatione pensatis, etiam considerata predictorum te eligentium unanimi voluntate, de persona tua, nobis et eisdem fratribus consideratione premissorum tuorum meritorum accepta, prefate Cathanensi ecclesie de predictorum fratrum consilio auctoritate apostolica providemus, teque illi preficimus in episcopum et pastorem, curam et administrationem ipsius ecclesie Cathanensis tibi in spiritualibus et temporalibus plenarie committendo, etc. Datum III. kalendas Decembris, pontificatus nostri anno primo.

In eadem modo capitulo ecclesie Cathanensis, clero et populo civitatis et diocesis Cathanensis, et David, Regi Scotie.

(Translation.)

Clement, Bishop, etc., to our beloved son, Thomas of Fingask, elect of Caithness, greeting, etc. To the

government of the Church universal [etc., as far as they may benefit by increase]. For some time the Church of Caithness, which is immediately subject to the Church of Rome, through the death of Alan, Bishop of Caithness, of good memory, who paid the debt of nature in those parts, having been deprived of the consolation of a pastor, our beloved sons, the chapter of that church, having summoned all who ought, should, or could conveniently have interest therein for making election therein of their future pastor, and a day having been duly appointed they met together and harmoniously by the way of scrutiny elected you, a canon of that church, to be their bishop; and you, on their decision having been intimated to you, having given your consent, at the instance of the said chapter, went personally to the apostolic see, where both you and the said chapter by certain their procurators and messengers to the said see appointed specially for this purpose of this election made of you, having propounded the business before us in consistory, humbly besought us to deign with the benignity of the apostolic see to confirm the said election, as all things appointed to be done therein had been duly observed. We therefore caused the foresaid election and your own personal character to be carefully investigated by our venerable brother, Bertrand, Bishop of Ostia, and our beloved sons Imbert, priest of the Church of the Twelve Apostles, and Raymond, deacon of the church of the new Saint Mary, cardinals, when at length you of your own accord for certain reasons, not however connected with your personal character, sisted proceedings in our hands, renouncing all right whatsoever which was competent to you by virtue of the foresaid election. Accordingly we, having accepted this resignation, desiring with solicitous care to provide for the said church of Caithness, that no injury might be done to it by a lengthened vacancy (as no one other than ourselves could at this juncture deal with its provision, seeing that prior to this

resignation we had caused all cathedral churches of which the elects happened to consent to their elections, and their consents were admitted by us or our authority to be specially reserved to our ordination and disposition, decerning forthwith to be null and void whatsoever otherwise should be done herein by whomsoever or by whatsoever authority and that either knowingly or ignorantly) after deliberation how the said church of Caithness might be provided with some useful and likewise fruitful person by whom that church might be preserved from dangers and happily increased in prosperity, and when we had consulted earnestly with our brethren at length our thoughts were directed to you, who are a canon of the foresaid church of Caithness, a licentiate in decreets, an ordained priest, honest and upright in life and character, prudent in spiritual things and circumspect in temporal affairs, all which having considered intently as also the unanimous desire of the foresaid electors to have you, and the consideration of your person and your merits aforesaid being agreeable to us and our said brethren, we, by apostolic authority, with advice of our brethren aforesaid, provide you to the foresaid church of Caithness, and promote you as Bishop and pastor thereof, committing to you entirely the charge and administration of the said church of Caithness in spiritual things and in temporal, etc. Dated 29th November, in the first year of our pontificate.

In like manner to the chapter of the church of Caithness; to the clergy and people of the city and diocese of Caithness; and to David, King of Scotland.

Dispensation by Pope Clement the Sixth for the marriage of William, Earl of Sutherland, with Margaret, sister of King David the Second.

Theiner's Vetera Monumenta, p. 278, No. 552.

50. December 1, 1342. Avignon.

Clemens, Episcopus, etc. Venerabili fratri, . . . Episcopo Cathanensi, salutem, etc. Exhibita nobis pro parte dilecti filii nobilis viri, Guillelmi, Comitis Sothirlandie, Cathanensis diocesis, et dilecte in Christo filie, nobilis mulieris, Margarete, sororis germane carissimi in Christo filii nostri, David, Regis Scotorum illustris, petitio continebat, quod inter eosdem Comitem et Margaretam et eorum progenitores et amicos, hostis antiqui nequitia procurante, guerre, dissensiones atque scandala plurima sunt exorta, propter quod homicidia, incendia, depredationes, spolia et alia mala sepius evenerunt, et continue evenire non cessant, atque ecclesie multe partium illarum fuerint passe non modica detrimenta, et majora evenire sperantur nisi de oportuno remedio succurratur. Verum cum de consensu et voluntate ipsius Regis predicti Guillelmus et Margareta, qui in quarto consanguinitatis gradu ab eodem stipite hinc inde dependente invicem se contingunt, tot et tantis volentes periculis obviare, matrimonium desiderent simul contrahere, et propter hoc hujusmodi periculis verisimiliter obviare credatur et possit: prefati Rex, Guillelmus et Margareta nobis humiliter supplicarunt, ut pro bono pacis providere eisdem Guillelmo et Margareta in hac parte de oportune dispensationis beneficio dignaremur. Nos igitur, qui Christifidelibus libenter pacis commoda procuramus, cupientes hujusmodi periculis, quantum cum Deo possumus, obviare, hujusmodi supplicationibus inclinati, fraternitati tue, de qua plenam in Domino fiduciam obtinemus, per apostolica scripta committimus et mandamus, quatenus, si est ita cum prefatis Guillelmo et Margareta, ut

impedimento, quod ex hujusmodi consanguinitate provenit, non obstante, possint simul matrimonium licite contrahere, auctoritate nostra dispenses, prolem suscipiendam ex hujusmodi matrimonio legitimam decernendo. Datum Avinione, kalendas Decembris, pontificatus nostri anno primo.

(Translation.)

Clement, Bishop, etc., to our venerable brother, . . . Bishop of Caithness, greeting, etc. There has been shown to us, on behalf of our beloved son, the noble man, William, Earl of Sutherland, of the diocese of Caithness, and our beloved daughter in Christ, the noble woman, Margaret, sister german of our very dear son in Christ, David, renowned king of Scots, a petition setting forth that by the procuring of the malignity of the old enemy between the said Earl and Margaret and their progenitors and friends, very many wars, dissensions and causes of offence have arisen through which slaughters, burnings, raidings, spoliations, and other evils have frequently occurred and continually go on occurring, and many of the churches in those parts have sustained no small damage, and greater is yet to be feared, unless they are afforded some opportune relief. But when with the consent and by the desire of the said king, the foresaid William and Margaret, who happen to be related in the fourth degree of consanguinity, being on both sides descended from the same stock, desired to contract a marriage together in order thereby to put a stop to so many and so great perils, and in the belief that this step would have that desired effect, the foresaid king, William and Margaret humbly besought us for the sake of a good peace to deign to provide the said William and Margaret in this respect the opportune benefit of a dispensation, we, therefore, who most readily will secure for the faithful in Christ the comforts of peace, desiring to

obviate those dangers so far as under God we can, yield to the prayer of these petitions, and we commit to your fraternity, in whom we have full confidence in the Lord, and by these apostolic writings ordain you that if it be as stated with the foresaid William and Margaret, you by our authority dispense with the impediment which arises from their consanguinity so that they may lawfully marry each other, decerning the offspring procreated of this marriage to be lawful. Dated at Avignon, 1st December, in the first year of our pontificate.

Thomas, Bishop of Caithness.

Regesta, vol. cliii., f. 105; 1 *Clement vi.*; *Papal Letters*, iii., 79.

51. January 14, 1343. Avignon.

To Gilbert Armstrong. Provision of the canonry and prebend of Murthelach (Mortlach) in Aberdeen, void by the consecration of Thomas, Bishop of Caithness.

Concurrent mandate to the Bishop of St. Andrews, the archdeacon of the same and the precentor of Moray.

Thomas, Bishop of Caithness.

Regesta, vol. cxlvii., f. 459 d.; 1 *Clement vi.*; *Papal Letters*, iii. 54.

52. March 8, 1343. Villeneuve by Avignon.

To Philip Wilde, M.A. Provision of the deanery of Brechin, void by the promotion of Thomas, Bishop of Caithness.

[*Cal. Pet.* i. 15.]

Concurrent mandate to the Bishop of Moray, the archdeacon of St. Andrews and the precentor of Moray.

Thomas, Bishop of Caithness.

Petitions, vol. 2, f. 88; 1 *Clement vi.*; *Papal Petitions* i. 15.

53. March 8, 1343. Villeneuve by Avignon.

Philip Wilde, of the diocese of Brechin, M.A., who has studied theology for ten years, and is about to read his courses

for the doctorate, which he would have done before, if able to meet the expenses, for the deanery of Brechin, void by the promotion of Thomas de Fyngaske to the see of Caithness, and his consecration; notwithstanding that he has a canonry of Glasgow, with expectation of a prebend, by authority of papal letters.

Granted, Villeneuve by Avignon, 8 Id. March (8th March).

Petition of Thomas of Pilmuir for a canonship of Caithness, granted.

Petitions, vol. 5, f. 145; 2 *Clement vi.*; *Papal Petitions*, i. 68.

54. August 8, 1343. Villeneuve by Avignon.

Thomas de Pylmer, nephew of the Bishop of Moray; scholar in arts and civil law; for a canonry and prebend of Caithness.

Granted, Villeneuve by Avignon, 6 Id., Aug. (8 August).

Petition of Gilbert Fleming, canon of Caithness, granted.

Petitions, vol. 3, f. 116 d.; 2 *Clement vi.*; *Papal Petitions*, i. 33.

55. January 9, 1344. Avignon.

David, King of Scotland. On behalf of his councillor and ambassador, Gilbert Flamyng, doctor of canon law, licentiate in arts and civil law, for a canonry and prebend of Glasgow; notwithstanding that he holds the deanery of Aberdeen and a canonry of Caithness, and is litigating in the Roman court about a canonry and prebend of Moray.

Granted, Avignon, 5 Id., January (9 January).

Petition of Gilbert Fleming, canon of Caithness, granted.

Petitions, vol. 9, f. 9; 4 *Clement vi.*; *Papal Petitions*, i. 92.

56. [1345.]

Gilbert Fleming, dean of Aberdeen, doctor of canon law, for provision of a dispensation to hold the church of Liston, in the diocese of St. Andrews, void by the death at the Roman court of Angus de Ergadia; notwithstanding that he has a canonry of Glasgow with expectation of a prebend, and a

canonry of Caithness, and is litigating in the Roman court about a canonry and prebend of Moray.

Granted. No date. Cancelled.

Thomas of Pilmuir, canon of Caithness.

Regesta, vol. clxiii, f. 221; 3 *Clement vi.*; *Papal Letters*, iii. 149.

57.

January 25, 1345.

Avignon.

To the Abbot of St. Columba and the archdeacon and precentor of Dunkeld. Mandate at the request of Richard, Bishop of Dunkeld, to make provision to his nephew, Thomas de Pilmuir, canon of Caithness, of the canonry and prebend of Rethref in Dunkeld, void by reason that William de Angus has held them without a dispensation on account of illegitimacy.

Gilbert Fleming, canon of Caithness.

Regesta, vol. clxix., f. 54 d.; 4 *Clement vi.*; *Papal Letters* iii., 203.

58.

May 19, 1345. Villeneuve by Avignon.

To Gilbert Flemyng. Provision of the church of Liston in the diocese of St. Andrews, void by the death of Angus de Ergadia, notwithstanding that he has the deanery of Aberdeen, canonries of Glasgow and Caithness, with expectation of prebends, and is litigating in the Roman Court about a canonry and prebend of Moray.

[*Cal. Pet.* i. 92.]

Concurrent mandate to the Bishop of Brechin, the archdeacon of Lothian and another named.

Charter by King David the Second to William, Earl of Sutherland, and Margaret Bruce, his spouse, the king's sister, in free marriage, of the thanedoms of Douny, Kincardine, Aberluthnot, and half of Formartine and Kintore.

Printed in "*The Sutherland Book*," vol. iii., p. 12.

59.

September 28, 1345.

Dumbarton.

King David II. grants and confirms to William, Earl of Sutherland, and Margaret of Bruys, the King's sister, the thanage of Douny, in the

sheriffdom of Foirfair, in free marriage, in fee and heritage, in all its limits, bounds, pertinents, and feudal privileges; also in like manner of holding, the thanedom of Kincardine with the castle or manor and the park thereof, and the thanedoms of Fethircarne and Abirluthnok, in the sheriffdom of Kincardin; with the advocations or right of patronage of all churches which shall happen to vaik within the said baronies; also in like manner the thanedoms of Fermartyne and Kintor, in the sheriffdom of Abirdene, with the mills and multures. It is provided that, failing heirs of the said marriage to survive the grantees, the subjects aforesaid shall revert to the Crown, saving the right which Matilda de Bruys, the King's sister, has to the half of the thanedoms of Fermartyne and Kintor in virtue of the King's grant thereof to her, if she shall survive her said sister, Margaret. Witnesses to the charter are, Robert Stewart, the King's nephew (nepote nostro), John Randolph, Earl of Moray, Lord of Annandale and Man, Patrick of Dunbar, Earl of March, Maurice, Earl of Strathearn, and Thomas de Carnoto, Chancellor.

Charter by King David the Second to William, Earl of Sutherland, and Margaret Bruce, his Countess, erecting the earldom of Sutherland into a free regality.

Printed in "The Sutherland Book," vol. iii., p. 14.

60.

October 10, 1345.

Lanark.

David, Dei gratia Rex Scotorum, omnibus probis hominibus totius terre sue, salutem. Sciatis nos concessisse et hac presenti carta nostra confirmasse dilecto genero nostro, Wilielmo, Comiti Sutherlandie, et Margarete, spouse sue, sorori nostre charissime, quod ipsi et heredes inter ipsos legitime procreandi habeant, teneant et possideant de nobis et heredibus nostris totum comitatum Sutherlandie in adeo liberam regalitatem in perpetuum, cum omnibus et singulis libertatibus, commoditatibus, asiamentis, justis pertinentiis et liberis consuetudinibus, que ad liberam regalitatem spectare noscuntur, in omnibus et per omnia, sicut aliqua regalitas per totum regnum nostrum liberius possidetur ab aliquo

seu tenetur. In cujus rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; testibus, Roberto, Senescallo Scotie; Joanne Rannolph, Comite Moravie, Domino Vallis Annandie et Mannie, consanguineo [nostro], Patricio de Dunbar, Comite de Marchia; Mauricio, Comite de Stratherne, et Thoma de Carnoch, Cancellario nostro, militibus; apud Lanerk, decimo die Octobris, anno regni nostri decimo septimo.

(Translation.)

David, by the grace of God, King of Scots, to all good men of his whole realm, greeting. Know ye that we have granted and by this our present charter have confirmed to our beloved brother-in-law, William, Earl of Sutherland, and Margaret, his wife, our dearest sister, that they and the heirs to be lawfully procreated between them shall have, hold and possess the whole earldom of Sutherland in as free a regality in all time coming, with all and sundry liberties, commodities, easements, just pertinents and free customs which are known to belong to a free regality in all and by all as any regality throughout our whole kingdom is possessed or held by any one. In witness whereof we have ordained our seal to be appended to this our present charter; witnesses, Robert, steward of Scotland; John Randolph, Earl of Moray and Lord of Annandale and Man, our cousin; Patrick of Dunbar, Earl of March; Maurice, Earl of Strathearn, and Thomas of Carnock, our Chancellor, knights; at Lanark, 10th October, in the seventeenth year of our reign.

Charter by King David the Second to William, Earl of Sutherland, and Margaret Bruce, his spouse, of the barony of Cluny in Aberdeenshire, in free marriage.

Printed in "The Sutherland Book," vol. iii., p. 14.

61. November 4, 1345. Aberdeen.

King David II. grants and confirms to William, Earl of Sutherland, his beloved brother, and Margaret, his spouse, the King's sister, in free marriage, the barony of Cluny in the sheriffdom of Abirdene, with the advocacy of churches; to be held of the Crown in fee and heritage as a free barony, with mills and multures, and all other privileges and pertinents of a free barony. Witnesses as in the preceding charter.

Charter by King David the Second to William, Earl of Sutherland, and his spouse, Margaret Bruce, of the Crag of Dunnottar.

Printed in "The Sutherland Book," vol. iii., p. 15.

62. March 30, 1346. Edinburgh.

King David II. grants and confirms to William, Earl of Sutherland, and Margaret, his spouse, the King's sister, the rock of Dunotir, in the sheriffdom of Kincardyn; to be held in fee and heritage, with license to erect a fortalice upon the said rock; paying yearly to the Crown a pair of white gloves at Whitsunday, if asked. Witnesses as in the preceding charter.

Dispensation by Pope Clement VI. for the marriage of Joan, Countess of Strathearn, and William, Earl of Sutherland, notwithstanding that he was related in the fourth degree to her two former husbands, John, Earl of Atholl, and Maurice, Earl of Moray.

From original Reg. in the Papal Archives, Reg. com. Clem. VI. an. VI. lib. IV., part 2, fol. 116, ep. 213. Transcript: Vatican Transcripts in Gen. Reg. House, Edinburgh, 184, fol. 116. Printed: Diplomatarium Norvegicum, VII., No. 206, p. 209.

63.

November 9, 1347.

Avignon.

Clements, Episcopus, servus servorum Dei venerabili fratri . . . Episcopo Cathanensi, salutem et apostolicam benedictionem. Exhibita nobis dilecti filij nobilis viri Willelmi, Comitis Sothyrlandie, et dilecte in Christo filie nobilis mulieris Johanne, Comitisse de Stratheryn, tue diocesis, petitio continebat quod olim eadem Johanna cum quo(n)dam Johanne Atholie et deinde dicto Johanne viam uniuerse carnis ingresso cum quondam Mauritio de Moravia, comitibus, matrimonium contraxit per verba legitime de presenti, carnali inter eos copula subsecuta, quodque postmodum, prefato Mauritio ab hac luce subtracto, prefati Willelmus et Johanna, ignorantes inter eos aliquod impedimentum existere quod matrimonium impediret, adinvicem per verba de presenti matrimonium contraxerunt. Verum quia postmodum ad ipsorum Willelmi et Johanne deducto notitiam quod ipsi quarto affinitatis gradu dupliciter invicem se contingunt, pre eo quod prefati Willelmus, Johannes et Mauritius quarto consanguinitatis gradu se invicem contingebant, propter quod prefati Willelmus et Johanna non possunt absque dispensatione sedis apostolice in dicto matrimonio licite remanere, nobis humiliter supplicarunt ut cum ex eorum separatione, si fieret, magna scandala timeantur et personarum pericula verisimiliter proventura providere super hoc eis de oportune dispensationis gratia dignemur. Nos igitur, qui salutem et pacem querimus singulorem predictorum Willelmi et Johanne animarum providere saluti ac huiusmodi obviare scandalis salubriter cupientes, fraternitati tue de qua in hiis et aliis fiduciam gerimus in Domino specialem, per apostolica scripta mandamus quatinus, si est ita cum predictis Willelmo et Johanna, ut impedimento quod ex huiusmodi affinitate provenit non obstante possint in sic contracto matrimonio licite remanere apostolica auctoritate dispenses, prolem susceptam et suscipiendam

ex huiusmodi matrimonio legitimam nuntiando.
Datum Avinione v. Idus Novembris pontificatus nostri
anno sexto.

(Translation.)

Clement, Bishop, servant of the servants of God, to our venerable brother, the Bishop of Caithness, greeting and the apostolic benediction. There has been shown to us the petition of our beloved son, the noble man, William, Earl of Sutherland, and of our beloved daughter in Christ, the noble woman, Joan, Countess of Strathearn, of your diocese, setting forth that some time ago the said Joan contracted lawful marriage with the deceased John, Earl of Atholl, and after his death, with the deceased Maurice, Earl of Moray, by mutual promise, and carnal intercourse followed, and when the foresaid Maurice died, the said William and Joan, unaware that any impediment existed to their union, married each other by mutual promise. But when recently it was brought to their notice that they were doubly connected in the fourth degree of affinity inasmuch as the foresaid William, John and Maurice were related to each other in the fourth degree of consanguinity, on account of which the foresaid William and Joan could not lawfully remain in the married state without a dispensation from the Papal See they humbly besought us opportunely to provide the grace of dispensation hereupon as, if they should be separated, they feared great scandals might arise and even dangers be brought upon them personally. We therefore, as we desire the welfare and peace of the souls of both the said William and Joan and wish prudently to prevent scandals hereupon, do, by these apostolic writs, ordain your fraternity, in whose special fidelity in this and other matters in the Lord we repose, that, if it be so with the foresaid William and Joan, you by apostolic authority dispense with the impediment which arises

from this affinity, so that notwithstanding thereof they may remain lawfully in this marriage they have contracted, declaring the offspring begotten and to be begotten of this marriage to be lawful. Dated at Avignon, the fifth of the Ides of November, in the sixth year of our pontificate.

Safe Conduct for Mr. Thomas of Fingask, Bishop of Caithness.

Tower Miscellaneous Rolls, No. 459; printed in Bain's Calendar of Scottish Documents, vol. iii., No. 1527.

64. [April 1348.]

[Memoranda] *A conduct for Master William of Laundels, bishop of St. Andrew, item, one for Master Adam of Murreve, bishop of Breghyn; item, one for Master Thomas of Fyngaske, bishop of Caithness (Catenays); item, one for Monsire David of Lyndesay, lord of Crawforde; item, one for Monsire Robert of Erskyne, and one for William of Meldrome; item, one in case of any man or horse falling sick on the way; item, one for James of Sandilandes and Andrew of Ormiston; to return to their country and come back if need be, with 4 companions on horseback; item, a general precept to all the King's officers to escort the said ambassadors; item, each conduct to be 'doublez,' and state the number of persons, and to last till 1st September; item, a precept to the Bishop of Durham to release a Scottish ship's crew and cargo, arrested at Hertelpole in stress of weather during the truce. [On paper. No date].*

Thomas of Coventry, canon of Caithness.

Regesta, vol. clxxxi., f. 148 d.; 6 Clement vi.; Papal Letters iii. 256.

65. April 2, 1348. Avignon.

To the Abbots of Kinloss and Fern and the Dean of Moray. Mandate to give to Thomas de Conventre, canon of Caithness, the treasurership of Ross, void by reason that William de Lindesay, since deceased, held it together with the church of Hare in the diocese of Glasgow.

Petition on behalf of Thomas of Pilmuir, canon of Caithness, granted.

Petitions, vol. 17, f. 295; 7 Clement vi.; Papal Petitions, . 158.

66. May 10, 1349. Avignon.

Thomas de Pilmor, rector of Edwy, in the diocese of St. Andrews. Signification that the said church was collated to him by authority of the ordinary, in ignorance that it had lapsed to the Roman Court. Ingram de Kethenis therefore prays the Pope to give the said church to Thomas; notwithstanding that he has a canonry of Caithness, with expectation of a prebend.

Granted, Avignon, 6 Id., May (10 May).

Malcolm of Dumbreck, canon of Caithness.

Petitions, vol. 19, ff. 213, 215; 8 Clement vi.; Papal Petitions, i. 175.

67. May 22, 1349. Avignon.

Roll of the University of Paris (f. 183 d.). . . . Petition of masters of the English nation for provision to them of benefices as in the underwritten petitions. . . . (inter alios).

To Master Malcolm de Drumbrec, clerk, of the diocese of Aberdeen, provision is made of a canonry of Caithness, with expectation of a prebend; notwithstanding that he has the vicarage of Tarvas, in the diocese of Aberdeen, and a canonry of Dunblane, with expectation of a prebend.

Avignon, 11 Kal. June (22 May).

Malcolm of Dumbreck, canon of Caithness.

Regesta, vol. cxcvi., f. 76; 8 Clement vi.; Papal Letters, iii. 346.

68. May 22, 1349. Avignon.

To Malcolm de Dumbreck, M.A. Provision to him of a canonry in Caithness, notwithstanding that he has the vicarage of Tharavase in the same diocese.

[*Cal. Pet. i. 175.*]

Concurrent mandate to the Bishop and archdeacon of Aberdeen and the archdeacon of Caithness.

Disposition by John of Menteith, sheriff of Clackmannan, to John Mercer, burgess of Perth, of the ward and relief of the lands of the deceased Sir William Murray of Tullibardine.

Original in the Athole charter-chest; printed in "The Sutherland Book," vol. iii., p. 16.

69. May 31, 1352. Perth.

John of Meneteth, sheriff of Clackmannan, disposes to John Mercer, burgess of Perth, for a certain sum of money, all right and claim which he has in the wards or reliefs of the lands of the deceased Sir William of Moray, lord of Tolibardy, granted to him by William, Earl of Sotheyrland, and Jean, his spouse, Countess of Stratheryn; with all right also which he has to an annual rent out of Pytwer and Aldy through Christian More, widow of Reginald More; with clause of warrandice. The seals of the granter and Walter Oliphant are to be appended.

Petition of William of Forres, canon of Caithness, granted.

Petitions, vol. 26, f. 233 d.; 3 Innocent vi.; Papal Petitions, i. 289.

70. October 11, 1355. Avignon.

Nicholas, cardinal of St. Mary's in Via Lata. On behalf of his chaplain, William de Fores, advanced in canon law, for the canonry and archdeaconry of Caithness, void by the death of John Tod, and reserved by the Pope, notwithstanding that he has a canonry and subdeanery or prebend of Brechin, and the church of Lethnote, in the diocese of Brechin, all which he is ready to resign, and a canonry and prebend of Moray.

Granted, Avignon, 5 Id., Oct. (11 October).

William of Forres, archdeacon of Caithness.

Regesta, vol. cccxviii., f. 213; 3 Innocent vi.; Papal Letters iii. 543.

71. November 27, 1355. Avignon.

To William de Fores. Provision at the request of Nicholas, cardinal of St. Mary's in Via Lata, whose chaplain he is, of the archdeaconry of Caithness, reserved to the Pope in the lifetime of John Tod, notwithstanding that he has the subdeanery of

Brechin and the church of Lethnot in the same diocese, both of which he is to resign.

[See *Cal. Pet. i.*, 289.]

Concurrent mandate to the Bishop of Brechin, the archdeacon of Moray and another named.

King Edward the Third grants a safe-conduct to the Bishop of Cathenes and the Bishop of Brechyn to come with forty horsemen from Scotland to the town of Berwick-on-Tweed, there to treat for the ransom of King David.

Printed in "Rotuli Scotiæ," vol. i., p. 809b.

72. August 16, 1357. Westminster.

Letters patent by John, Bishop of Moray, appointing Thomas, Bishop of Caithness, his proctor, for the ransom of King David.

Chapter House (Scots Documents), Box 93, No. 9; mentioned in Bain's Calendar of Scottish Documents, vol. iii., No. 1643.

73. September 18, 1357. Elgin.

Letters patent by John, Bishop of Moray, appointing Thomas, Bishop of Caithness, his proctor, for the ransom of King David. Large oval seal, brown wax, appended by tag. At top a church; in central compartment the Father seated holding the Son on the cross; emblems of the 4 evangelists in circles around; background diapered with annulets; at base a Bishop kneeling in prayer; at his dexter side a shield charged with 3 cushions within the double tressure; at sinister, another with the arms of Scotland: Legend:—

'S' IOH'IS D'PILMOR DEI GRACIA . . . NSIS.'

Petition on behalf of William of Forres, dean of Caithness, granted.

Petitions, vol. 29, f. 4 d.; 6 Innocent vi.; Papal Petitions, i., 326.

74. February 11, 1358. Avignon.

Roll of Confirmations:—

For confirmation of the collation by the ordinary to William de Fores, advanced in canon law, of the deanery of Caithness,

valued, on account of wars, at no more than 15 merks, notwithstanding that he has a canonry and prebend of Brechin, the hospital of Caithness, and a canonry of Moray, with expectation of a prebend, from all of which he gets only 8 marks.

Granted. Avignon, 3 Id., Feb. (11 February).

For confirmation of the collation by the ordinary to John de Loncford of the archdeaconry of Caithness.

Granted. Dated as above.

William of Forres, dean of Caithness.

Regesta, vol. ccxxxiii., f. 407 d.; 6 Innocent vi.; *Papal Letters*, iii. 594, 595.

75.

February 11, 1358.

Avignon.

To William de Fores. Confirmation of the collation of the deanery of Caithness, valued, on account of the wars, at only fifteen marks, void by the death of Adam Horok; he having also canonries of Brechin and Moray, and a poor hospital in the diocese of Caithness, from the rents of which he cannot get the value of eight marks.

[See *Cal. Pet.* i. 324, 326.]

John de Lancford, archdeacon of Caithness.

Regesta, vol. ccxxxiii., f. 407 d.; 6 Innocent vi.; *Papal Letters*, iii., 594.

76.

February 11, 1358.

Avignon.

To John de Lancford, priest of the diocese of Aberdeen. Confirmation of the collation of the archdeaconry of Caithness, made to him by Thomas, Bishop of the same, on its voidance by the death of John Tod, a doubt having arisen whether it was reserved to the Pope.

[See *Cal. Pet.* i., 324, 326.]

Petitions on behalf of William of Forres, dean; and John of Loncford, archdeacon of Caithness, granted.

Petitions, vol. 28; 9 Innocent vi.; *Papal Petitions*, i. p. 324.

77.

February 12, 1358.

[Benefices collated in Scotland in the sixth year of Innocent VI.] :—

Confirmation of the collation by the ordinary to William de Fores, of the deanery of Caithness.

2 *Id. Feb.* (12 February).

Confirmation of the collation by the ordinary to John de Loncford of the archdeaconry of Caithness.

2 *Id. Feb.* (12 February).

Memorandum that William, Earl of Sutherland, who came to dwell in England as a hostage for King David, but has received license from King Edward III. to return this day to Scotland, gave his oath to John of Cherleton, the King's chamberlain, in the chamber of the Bishop Wynton in Southwark, that he would return to his imprisonment on 2nd February next.

Printed in "Rotuli Scotiæ," vol. i., p. 830 b.

78.

October 28, 1358.

Southwark.

Safe-conduct granted to William, Earl of Sutherland, one of the hostages for King David, to go to Scotland, and to return to his imprisonment on 2nd February ensuing.

Printed in "Rotuli Scotiæ," vol. i., p. 830 b.

79.

October 26, 1358.

Westminster.

Charter by King David the Second to William, Earl of Sutherland, and to his son, John, nephew of the King, of the barony of Urquhart, with the castle of the same, in the sheriffdom of Inverness, in excambion for all the lands in Kincardine which the said Earl William got with the King's sister, now deceased.

Mentioned in "The Sutherland Book," vol. iii. p. 17.

80. **February 28, 1358-9.**¹ **Scone.**

This charter is referred to by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 428, as existing in his day; and it is also noted in Robertson's Index of Missing Charters, p. 49.

King Edward III. grants a safe-conduct to Nicholas of Cryghton, domestic to William, Earl of Sutherland, and his two companions on horse-back, whom the Earl has sent to Scotland to expedite his business, to go thither and return.

Printed in "Rotuli Scotiæ," vol. i., p. 837 b.

81. **April 1, 1359.** **Westminster.**

Safe-conduct to John de Croye, clerk in Scotland, and domestic to the Earl of Sutherland, to pass beyond seas and transact the said Earl's business at the court of Rome, and thence to return to England and pass therethrough to Scotland; this to endure for one year.

Printed in "Rotuli Scotiæ," vol. i., p. 841 b.

82. **September 9, 1359.** **Westminster.**

¹All the charters granted by King David II. after June 6, 1352 (from the 24th to the 42nd year of his reign inclusive), from some unexplained cause, are dated one regnal year short of the true date; so that, to find the correct date of a charter granted during that period, it is necessary to add one to any regnal year. (See *Scottish Kings*, by Sir A. H. Dunbar). The dates in the headings of the documents given here have been corrected accordingly. An illustration of the error will be seen in No. III. (see below), where a charter is granted by King David on May 26th, in the 36th year of his reign (1365) on a previous resignation of May 25th, 1366.

Charter by King David the Second confirming to William, Earl of Sutherland, a former grant of the baronies of Douny, Kincardine, Aberluthnot, Formartine, and Kintore.

Printed in "The Sutherland Book," vol. iii., p. 17.

83.

July 24, 1360.

Perth.

David, King of Scots, ratifies and confirms the grant which was made to William, Earl of Sutherland, and the deceased Margaret de Bruys, the King's sister, of the barony of Douny in Forfarshire, the baronies of Kincardin and Abirluthnot and Fethircarne, the half of the lands of Fermartyne and the half of the Thanage of Kintore; to be held as contained in the said charter. Witnesses hereto were, William, Bishop of St. Andrews; Patrick, Bishop of Brechlyn, Chancellor; Robert the Steward of Scotland, Earl of Stratherne; Patrick, Earl of March and Moray, William, Earl of Douglas, Robert of Erskyne and John of Prestoun, knights.

Charter by William, fifth Earl of Sutherland, to Nicolas Sutherland, his brother, of the barony of Torboll.

Printed in "The Sutherland Book," vol. iii., p. 18.

84.

September 13, 1360.

Aberdeen.

Universis hanc cartam visuris vel audituris, Willelmus, Comes de Sothyrland, eternam in Domino salutem. Vestra noverit universitas nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto fratri nostro, Nicolao de Sothyrland, pro suo fideli homagio et servicio nobis impenso et impendendo, sexdecim davatas terre jacentes infra comitatum de Sothyrland in libera baronia que dicitur Thorbol, videlicet, tres davatas de Thorbol, unam davatam de Rouearkar, unam davatam de Assastel, unam davatam de Proncey superiori, et unam davatam de Proncey inferiori, ac unam davatam de Proncecroey, duas davatas de Evelek, unam davatam de Grodybrorak, unam davatam de Sibyrsoch, duas davatas de Kylpedre

majori et minori, cum quarterio de Meyngferri, unam davatam de Caden jacentem ex orientali parte aque de Strathulli, et unam davatam de Kylpedre jacentem ex orientali parte ejusdem aque: Tenendas et habendas predicto Nicolas et heredibus suis de corpore suo legitime procreatis et procreandis, de nobis et heredibus nostris, pure et imperpetuum, in libera baronia, in moris, maresiis, boscis, planis, pascuis, pratis, semitis, viis, piscariis, venacionibus, aucupacionibus, in stangnis, aquis, turbariis et petariis, molendinis, fabricis et brasinis, cum sok et sak, tol et them, furca et fossa, infangandtheif, cum omnibus aliis comoditatibus, curiis, placitis et querelis, et cum nativis ejusdem terre, ac cum omnibus libertatibus, comoditatibus et aysiammentis ad dictam baroniam de Thorbol spectantibus seu spectare valentibus, tam non nominatis quam nominatis, tam sub terra quam sursum, quomodolibet in futurum: Reddendo inde nobis et heredibus nostris predictus Nicolaus et heredes sui servitium unius militis per annum, pro omni servicio, exaccione seu demanda qualicunque. Nos vero predictus Willelmus et heredes nostri predictam baroniam de Thorbol, cum pertinenciis, libertatibus et aysiammentis, predicto Nicolao et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium presenti carte sigillum nostrum est appensum; datum apud Aberden, tertia decima die mensis Septembris, anno Domini millesimo trecentesimo sexagesimo; hiis testibus, venerabilibus in Christo patribus, dominis Johanne, Moraviensi, et Thoma, Cathenensi, Dei gratia episcopis, Thoma de Moravia, panetario Scocie, et multis aliis.

(Translation.)

To all who shall see or hear this charter William, Earl of Sutherland, greeting in the Lord everlasting. Know ye all that we have given and granted and by

this our present charter have confirmed to our beloved brother, Nicholas of Sutherland, for his faithful homage and service rendered and to be rendered to us, the sixteen davachs of land lying within the earldom of Sutherland in the free barony, which is called Torboll, namely, the three davachs of Torboll, one davach of Rearquhar, one davach of Astle, one davach of Over Proncy, one davach of Nether Proncy, and one davach of Proncy Croy, two davachs of Evelix, one davach of Grodybrorak,¹ one davach of Sciberscross, one davach of Kilpheder greater and less, with the quarter of Meyngferri, one davach of Caen lying on the east side of the Water of Strathulli,² and one davach of Kilpheder lying on the west side of that water: To be held and possessed by the foresaid Nicholas and his heirs lawfully begotten and to be begotten of his body of us and our heirs purely and perpetually in free barony, in muirs, marshes, woods, plains, pastures, meadows, pathways, roads, fishings, huntings and fowlings, in pools and waters, turferies, and peateries, mills, smithies and maltkilns, with sok and sak, tholl and them, pit and gallows, infangthief and all other commodities, courts, pleas and complaints and with the natives of the said land, and with all liberties, commodities and easements belonging to the said barony of Torboll or able to belong thereto, as well not named as named, both under the earth and above, by any manner of way in time coming: Paying therefore to us and our heirs the foresaid Nicholas and his heirs the service of one knight yearly for all other service, exaction or demand whatsoever. And we the foresaid William and our heirs shall warrand, acquit, and for ever defend the foresaid barony of Torboll with its pertinents, liberties and easements to the foresaid Nicholas and his heirs against all men and women. In witness whereof our seal is appended to this present

¹ Grudy or Grudie.

² Strath-illidh = Strath of Kildonan.

charter, dated at Aberdeen, 3rd September, 1360, before these witnesses, the venerable fathers in Christ, John, by the grace of God, Bishop of Moray, and Thomas, Bishop of Caithness, Thomas of Moray, *panetarius* of Scotland, and many others.

Safe-conduct for Robert of Caithness.

"*Rotuli Scotiæ*," vol. i., p. 858 b.

85. November 28, 1361. Westminster.

Safe-conduct granted by King Edward III. to Robert of Catenesse, servitor to the Earl of Sutherland, to pass to Scotland with two companions on the Earl's business, and to return by the feast of the nativity of St. John the Baptist.

Safe-conduct for William, Earl of Sutherland, one of the hostages for King David II.

"*Rotuli Scotiæ*," vol. i., p. 860 a.

86. January 23, 1361-2. Westminster.

License granted by King Edward III. to William, Earl of Sutherland, one of the hostages for King David, to journey to Scotland for discharging his business, returning to London as a hostage before 15th May next or at latest on that day. He is allowed twelve horsemen to accompany him.

Safe-conduct for John of Greenburn, on the Earl of Sutherland's business.

"*Rotuli Scotiæ*," vol. i., p. 861 a.

87. February 9, 1361-2. Westminster.

Safe-conduct granted by King Edward III. to John of Greneburn, a Scot, to come into England and do business for the Earl of Sutherland, and thence return to Scotland, allowing him one companion, two horsemen, and a boy. This to endure till the feast of Michaelmas next.

Safe-conduct for Robert of Caithness.

"*Rotuli Scotiæ*," vol. i., p. 863 a.

88. April 28, 1362. Westminster.

Safe-conduct to Robert of Catenesse, servitor to the Earl of Sutherland, to pass with two companions to Scotland to transact the Earl's business, returning to England at Michaelmas next.

Safe-conduct for William, Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 863 a.

89. April 28, 1362. Westminster.

Prorogation of the license and safe-conduct granted to William, Earl of Sutherland, who now has returned from Scotland to York and there abides, that he may go back to Scotland, provided he come to London, and remain therein a hostage as before, prior to the feast of St. Peter ad vincula next to come; and upon this he shall give his bodily oath before he leaves York. Permission is given to twelve horsemen to accompany him.

Mandate for taking the oath of William, Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 863 b.

90. April 30, 1362. Westminster.

King Edward III. empowers Marmaduke le Conestable, sheriff of the King at York? (vic' R. Ebor), and Henry de Ingelby, canon of the church of St. Peter at York, to receive the oath of William, Earl of Sutherland.

Extract Charter by King David II. confirming a grant by Malise, Earl of Strathearn, to William, Earl of Ross, of the marriage of his daughter Isabella, whom he constitutes his heir and successor to the Earldom of Caithness, failing a heir male of his own.

Printed in "*The Sutherland Book*," vol. iii., p. 19.

91.

May 12, 1362.

Scone.

David Dei gratia Rex Scotorum omnibus probis hominibus totius terre sue, salutem. Sciatis nos inspexisse quandam cartam Malisii, Comitis de Cathanense, in hec verba:—Universis sancte matris ecclesie filiis presentes literas inspecturis, Malisius, Comes comitatum de Stratherne, Cathanense et Orcadense, salutem in Domino sempiternam. Noverit universitas vestra nos, non vi non metu non dolo inductum, sed mera et libera voluntate mea, dedisse et concessisse maritagium Isabelle, filie nostre, inter nos et Marjoriam, spousam nostram, progenite, magnifico viro Gulielmo, Comiti de Ros, ad maritandam eam, cum et quando sibi visum fuerit expediens cum bono consilio nostro: Quamquidem Isabellam facimus et constituimus ac ordinamus heredem ac successorem nostram totius comitatus nostri Cathanie cum suis pertinentiis justis, si cum dicta Marjoria, sponsa nostra, masculum superstitem nos [non] habuimus: Dictus vero Gulielmus, Comes de Ros, promisit et fideliter manucepit dictum comitatum Cathanensem pariter et comitatum ejusdem pro posse suo defendere et manutene. In cujus rei testimonium presentibus sigillum nostrum apposuimus in domo Fratrum Predicatorum de Inverness, vigesimo octavo die mensis Maii, anno Domini millesimo tricentesimo quadragesimo quarto. Quamquidem cartam in omnibus suis punctis, articulis, conditionibus, etc., approbamus, etc. Apud Sconam, xii die mensis Maii, anno regni nostri tricesimo secundo.

(Translation.)

David by the grace of God King of Scots, to all good men of his whole realm, greeting. Know ye that we have inspected a certain charter by Malise, Earl of Caithness, which is as follows:—To all the sons of holy mother church who shall see these present letters, Malise, Earl of the earldoms of Strathearn, Caithness,

and Orkney, greeting in the Lord everlasting. Know ye all that we, neither induced by violence, fear nor fraud, but of our mere and free good pleasure, have given and granted the marriage of Isabella, our daughter, begotten between us and Marjory, our spouse, to the renowned William, Earl of Ross, that he may marry her when it may seem good to him with our advice; and the said Isabella we make, constitute and ordain our heir and successor of our whole earldom of Caithness with its just pertinents, if we shall have no surviving male heir by our spouse, the said Marjory. And the said William, Earl of Ross, has promised and faithfully undertaken to defend and maintain the said earldom of Caithness in the same manner as his own earldom at his utter power. In witness whereof we have appended our seal to these presents in the house of the Friars Preachers of Inverness on the 28th of May, 1344: Which charter in all its points, articles and conditions, etc., we approve, etc. At Scone, 12th May, in the thirty-second year of our reign.

Safe-conduct for Robert of Caithness, valet of the Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 866a.

92. November 8, 1362. Westminster.

Safe-conduct granted to Robert of Catnes, valet (vallettus) of the Earl of Sutherland, and to several Scottish earls to journey from Scotland into England by sea or by land as far as Canterbury, therein to dwell, and to return to their country by the feast of the nativity of St. John Baptist.

Safe-conduct for Nicholas Sutherland, and others.

"*Rotuli Scotiæ*," vol. i., p. 867b.

93. December 10, 1362. Westminster.

Safe-conduct to Mr. John Peny, a Scottish clerk with two mounted companions, and to Nicolas Sutherland, Scotsman, with four mounted companions, to come into and sojourn for a year in England and then return to Scotland.

Safe-conduct for William, Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 874a.

94. September 20, 1363. Westminster.

Prorogation of the safe-conduct granted to William, Earl of Suderland, to remain with his twelve horsemen in Scotland until Whit-sunday next, he giving his bodily oath to Randolph of Nevill that he will return to London by that time.

Mandate for taking the oath of the Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 874b.

95. September 21, 1363. Westminster.

The King empowers Randolph of Nevill to receive the oath foresaid from the said Earl of Sutherland.

Charter of Confirmation in favour of Nicolas of Suthirlande, of lands in the barony of Torboll.

Registrum Magni Sigilli, Lib. i., No. 36; amplified from a copy in the Sutherland Book, vol. iii., pp. 18-20, being a facsimile of the original in the Sutherland Charter Chest.

96. October 17, 1363. Edinburgh.

David, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue clericis et laicis, salutem. Sciatis nos inspexisse ac veraciter intellexisse quandam cartam Willelmi, Comitis de Sothirland, non rasam non abolitam non cancellatam nec in aliqua sui parte viciatam aut suspectam, tenorem qui sequitur in omnibus continentem: Universis hanc cartam visuris vel audituris, Willelmus, Comes de Sothyrlande, eternam

in Domino salutem. Vestra noverit universitas nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto fratri nostro, Nicolao de Sothyrlande, pro suo fideli homagio et servicio nobis impenso et impendendo, sexdecim davatas terre jacentes infra comitatum de Sothyrlande in libera baronia que dicitur Thorbol, videlicet, tres davatas de Thorbol unam davatam de Rouearkar, unam davatam de Assastel, unam davatam de Proncey superiori, et unam davatam de Proncey inferiori, ac unam davatam de Proncecroey, duas davatas de Evelek, unam davatam de Grodybrorak, unam davatam de Sibyrsoc, duas davatas de Kylpedre majori et minori, cum quarterio de Meyngferry, unam davatam de Caven jacentem ex orientali parte aque de Strathully, et unam davatam de Kylpedre jacentem ex orientali parte ejusdem aque: Tenendas et habendas predicto Nicholao et heredibus suis de corpore suo legitime procreatis et procreandis de nobis et heredibus nostris pure et imperpetuum, in libera baronia, in moris, maresiis, boscis, planis, pascuis, pratis, semitis, viis, piscariis, venacionibus, aucupacionibus, in stangnis, aquis, turbariis, petariis, molendinis, fabricis et brasinis, cum sok et sak, tol et theme, furca et fossa, infangandthe[if], cum omnibus aliis comoditatibus, curiis, placitis et querelis, et cum nativis ejusdem terre ac cum omnibus libertatibus, comoditatibus et aysiamenis ad dictam baroniam de Thorbol spectantibus seu spectare valentibus, tam non nominatis quam nominatis, tam sub terra quam sursum quomodolibet in futurum: Reddendo inde nobis et heredibus nostris predictus Nicholaus et heredes sui servicium unius militis per annum, pro omni servicio, exactione seu demanda qualicunque. Nos vero predictus Willelmus et heredes nostri predictam baroniam de Thorbol cum pertinenciis, libertatibus et aysiamenis predicto Nicolao et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium presenti

carte sigillum nostrum est appensum, datum apud Aberden tercia decima die mensis Septembris, anno Domini millesimo trecentesimo sexagesimo, hiis testibus, venerabilibus in Christo patribus, Dominis Johanne Dei gratia Moraviensi et Thoma Cathanensi Dei gratia Episcopis, Thoma de Moravia, pannetario Scocie, et multis aliis: Quam quidem cartam donacionemque et concessionem in eadem contentas, in omnibus suis punctis, articulis, condicionibus, modis ac circumstanciis suis quibuscunque forma pariter et effectum in omnibus et per omnia approbamus, ratificamus et pro nobis et heredibus nostris in perpetuum confirmamus, salvo servicio nostro. In cujus rei testimonium presenti carte confirmacionis nostre sigillum nostrum precepimus apponi; testibus, venerabilibus in Christo patribus, Willelmo, Episcopo Sancti Andree, et Patricio, Episcopo Brechinensi, Cancellario nostro, Roberto, Senescallo Scotie, Comite de Stratherne, nepote nostro, Roberto de Erskyne, camerario nostro, et Johanne del Yle, militibus; apud Edinburgh xvij^{mo} die mensis Octobris, anno regni nostri tricesimo quarto.

(Translation.)

DAVID, by the grace of God, King of Scots, to all good men of his whole realm, cleric and laic, greeting. Know ye that we have seen and examined and perfectly understood a certain Charter by William, Earl of Sutherland, which is not erased nor destroyed nor cancelled nor vitiated or suspect in any part, and of which the whole tenor follows:—TO ALL who shall see or hear this Charter William Earl of Sutherland (wisheth) everlasting salvation in the Lord. Be it known to you all that we have given and granted and by this our present charter have confirmed to our beloved brother, Nicholas of Sutherland, for his faithful homage and service rendered and to be rendered by him to us, sixteen davachs of land lying within the Earldom of Suther-

land in the free barony which is called Torboll, namely, the three davachs of Torboll, one davach of Rearquhar, one davach of Astle, one davach of Upper Proncy, one davach of Lower Proncy, one davach of Proncy-croy, two davachs of Evelix, one davach of Grody-brorak,¹ one davach of Sciberscross, two davachs of Kilpheder, Meikle and Little, with the quarter of Meyngferry, one davach of Caen lying on the east side of the Water of Strathully,² and one davach of Kilpheder lying on the west side of that water: To be had and held by the foresaid Nicholas and the heirs lawfully procreated and to be procreated of his body of us and our heirs freely and for ever, in free barony, in muirs, marshes, woods, plains, pastures, meadows, pathways, roads, fishings, huntings, fowlings, in pools and waters, turferies, peateries, milns, smithies and maltkilns, with sok and sak, tol and theme, pit and gallows, infangthief, and all other easements, courts, pleas and suits and with the natives of the said land, and with all liberties, commodities and easements belonging to the said barony of Torboll or which may belong thereto, as well not named as named, both under the earth and above, by any manner of way in time coming: Paying therefor to us and our heirs the foresaid Nicholas and his heirs the service of one knight yearly for all other service, exaction, or demand whatsoever. And we, the foresaid William and our heirs shall warrand, acquit and for ever defend the foresaid barony of Torboll with its pertinents, liberties and easements to the aforesaid Nicholas and his heirs against all men and women. In witness whereof our seal is appended to this present charter at Aberdeen the thirteenth day of September in the year of our Lord one thousand three hundred and sixty, before these witnesses, the venerable fathers in Christ John, by the grace of God, Bishop of Moray, and Thomas, by the grace of God, Bishop of Caithness,

¹ Grudy or Grudie.

² Strath-illidh=Strath of Kildonan.

Thomas of Moray, *panetarius* of Scotland, and many others: Which charter and the gift and grant contained therein in all the points, articles, conditions, modes and circumstances thereof whatsoever, in form likewise and effect in all and by all we approve, ratify and for us and our heirs for ever confirm, saving our service; in witness whereof we have ordained our seal to be appended to this our present charter of confirmation; witnesses, the venerable fathers in Christ, William, Bishop of St. Andrews, and Patrick, Bishop of Brechin, our Chancellor; Robert, Steward of Scotland and Earl of Strathearn, our nephew; Robert of Erskine, our Chamberlain; and John of the Isles, knight; at Edinburgh, the seventeenth day of October, in the thirty-fourth year of our reign. [1362].

Safe-conduct for William, Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 878b.

97. **December 6, 1363.** **Westminster.**

Safe-conduct granted to the Earl of Sutherland, one of the hostages for the Scottish king, to pass to Scotland with his twelve domestics, mounted and on foot, and to return hither in a year's time.

Safe-conduct for Jean, Countess of Sutherland.

"*Rotuli Scotiæ*," vol i., p. 878b.

98. **December 6, 1363.** **Westminster.**

"Safe-conduct granted to Jean, Countess of Sutherland, to come into England with ten of her domestics, mounted and on foot, and therein to dwell, and return to Scotland in a year.

Charter by King David II. confirming a Charter by William, Earl of Sutherland, to John of Tarale, of six davachs of the lands of Rovie in Strathfleet.

"*Sutherland Book*," vol. iii., p. 20 (*where it is in facsimile*).

99.

June 28, 1364.

Perth.

David, Dei gratia Rex Scotorum, omnibus probis hominibus tocius terre sue clericis et laicis, salutem. Sciatis nos approbasse, ratificasse, et hac presenti carta nostra confirmasse donacionem illam et concessionem quas dilectus et fidelis noster Willelmus, comes Suthirlandie, fecit et concessit fideli nostro Johanni de Tarale, de sex davatis terre de Ruchy, cum pertinenciis, in Straflete infra vicecomitatum de Invernys; Tenendis et habendis dicto Johanni et heredibus suis, in feodo et hereditate, per omnes rectas metas et divisas suas, cum omnibus et singulis libertatibus, commoditatibus, aysiamenis et justis pertinenciis quibuscunque ad dictas sex davatas terre spectantibus, seu quoquomodo juste spectare valentibus in futurum, adeo libere et quiete, plenarie, integre et honorifice, in omnibus et per omnia, sicut carta sive litere predicti Comitis prefato Johanni de dictis sex davatis terre facte in se plenius juste continent et proportant; salvo servicio nostro. In cujus rei testimonium presenti carte confirmacionis nostre sigillum nostrum precepimus apponi; testibus, venerabilibus in Christo patribus, Willelmo, Episcopo Sancti Andree, et Patricio, Episcopo Brechynensi, Cancellario nostro, Roberto, Senescallo Scocie, Comite de Stratherne, nepote nostro, Willelmo, Comite de Douglas, Roberto de Erskyne, Camerario nostro, et Archebaldo de Douglas, militibus; apud Perth, vicesimo octavo die Junii, anno regni nostri tricesimo quinto.

(Translation.)

David by the grace of God King of Scots, to all good men of his whole realm, cleric and laic, greeting. Know ye that we have approved and ratified and by this our present charter have confirmed that donation and gift which our beloved and faithful William, Earl of Sutherland, made and granted to our faithful John of Tarale of the six davachs of the lands of Ruchy,¹ with

¹ Rovie?

pertinents in Strath Fleet, within the sheriffdom of Inverness; To be held and possessed by the said John and his heirs in fee and heritage by all their right meiths and marches, with all and sundry liberties, commodities, easements, and just pertinents whatsoever belonging to the said six davachs of land or which by any manner of way may justly belong to them in time coming, as freely and quietly, fully, entirely and honourably in all and by all as the charter or letter of the foresaid Earl to the foresaid John of the said six davachs of land in itself more fully contains and sets forth, saving our service. In witness whereof to this our present charter of confirmation we have ordained our seal to be appended; witnesses, the venerable fathers in Christ, William, Bishop of Saint Andrews; and Patrick, Bishop of Brechin, our Chancellor; Robert, steward of Scotland, Earl of Strathearn, our nephew; William, Earl of Douglas; Robert of Erskine, our Chamberlain, and Archibald of Douglas, knights; at Perth, 28th June, in the thirty-fifth year of our reign.

Safe-conduct for Maurice of Sutherland.

"Rotuli Scotiæ," vol. i., p. 887.

100. November 11, 1364. Westminster.

Safe-conduct granted to Maurice de Sotherland, Scotsman, for a year, to come with one horseman to England and abide.

Safe-conduct for Jean, Countess of Sutherland.

"Rotuli Scotiæ," vol. i., p. 889a.

101. December 6, 1364. Westminster.

Safe-conduct granted to Joanna, Countess of Sutherland, as before, for another year, to come to and remain in England with her ten domestics, mounted and on foot.

Safe-conduct for Robert Caithness.

"*Rotuli Scotiæ*," vol. i., p. 889b.

102. December 12, 1364. Westminster.

Robert Catnesse, servitor to the Earl of Mar, is allowed a safe-conduct to pass to Scotland with six horsemen and transact the Earl's business, returning to England at Whitsunday next.

Safe-conduct for William, Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 889b.

103. December 12, 1364. Westminster.

Prorogation granted to William, Earl of Sutherland, to travel and remain with his twelve domestics, mounted and on foot, in Scotland, until Easter next, and thereafter for the space of a year until the following Easter.

Safe-conducts for James of Stratton and Alexander Ramsay, valets of the Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 889b.

104. December 12, 1364. Westminster.

Safe-conduct to James of Stratton, valet of the Earl of Sutherland, to go to Scotland, accompanied by four mounted companions, and return to England, enduring for a year. Similar letters in favour of Alexander Rameseye, valet of the said Earl.

Safe-conduct for William, Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 889b.

105. December 12, 1364. Westminster.

Repetition of the prorogation granted to the Earl of Sutherland for the period from Easter next to the following Easter.

*Mandate to grant Dispensation for the marriage
of Andrew de Garioch and Catharine de Sutherland.*

*Vatican Transcripts in General Register House, Edinburgh,
254, fol. 46v. (cap. 294).*

106.

January 21, 1365.

Avignon.

Venerabili fratri. . . . Episcopo Cathanensi, salutem, etc. Exhibita nobis pro parte dilecti filii nobilis viri Andree de Garwyach, domicelli Aberdonensis, et dilecte in Christo filie, nobilis mulieris, Catherine de Sudyrland, domicelle tue diocesis, peticio continebat quod ipsi olim ignorantes aliquod impedimentum inter eos existere propter quod non possent invicem matrimonialiter copulari matrimonium, publice bannis juxta morem nobilium illarum partium editis in facie ecclesie, nemine se opponente, per verba de presenti invicem contraxerunt illudque carnali copula consummarunt ac prolem exinde susceperunt, quodque postmodum ad eorum pervenit noticiam quod ipsi quarto consanguinitatis gradu invicem sunt conjuncti propter quod in hujusmodi matrimonio licite remanere nequeunt, dispensacione super hoc apostolica non obtenta. Quare pro parte ipsorum Andree et Catherine fuit nobis humiliter supplicatum ut cum ex eorum separacione si fieret gravia possent scandala exoriri providere ipsis super hoc de oportune dispensacionis gracia misericorditer dignaremur. Nos igitur, qui cunctorum Christi fidelium salutem et quietem appetimus prefatis scandalis obviare volentes hujusmodi supplicationibus inclinati, fraternitati tue de qua in hiis et aliis gerimus in Domino fiduciam specialem, per apostolica scripta committimus et mandamus quatinus, si est ita, et dicta Catherine propter hoc rapta non fuerit et ad id parentum ipsorum Andree et Catherine et majoris partis consanguineorum ipsorum citra tercium gradum accedat assensus, cum eisdem Andrea et Catherine ut impedimento quod ex hujusmodi consanguinitate provenit non

obstante in dicto matrimonio possint licite remanere auctoritate nostra dispenses, prolem susceptam et suscipiendam ex hujusmodi matrimonio legitimam decernendo. Datum Avinione xii kalendas Februarij, anno tercio.

(Translation.)

To our venerable brother. . . . Bishop of Caithness, greeting, etc. There has been shown to us a petition on behalf of our beloved son, the noble man Andrew of Garioch, a young gentleman of Aberdeenshire, and our beloved daughter in Christ, the noble woman, Catharine of Sutherland, a young lady of your diocese, representing that some time ago in their ignorance that any impediment existed to their marriage they had, after the publication of banns according to the custom among the nobles of those parts, been married by verbal promise in face of the congregation, no one making objection, and they had afterwards cohabited together and begotten children; but it had since come to their knowledge that they were connected together in the fourth degree of consanguinity, and so could not lawfully remain in the married state without obtaining our apostolic dispensation thereupon. Accordingly, on behalf of the said Andrew and Catherine we have been humbly entreated mercifully to deign to provide for them in this matter by the opportune grace of a dispensation, seeing greater scandals would arise from their separation. We therefore, whose concern is for the salvation and peace of all the faithful in Christ, desiring to obviate the foresaid scandals, have yielded to these petitions, and by these apostolic letters we commit to your fraternity, whose special fidelity in the Lord in these and other matters we esteem, and ordain that, if it be so, and the said Catharine on account of this has not been carried off and the consent of the parents of the said Andrew and Catherine and the greater part of their kinsfolk within the third degree has been given

thereto, you dispense by our authority with the said Andrew and Catherine that notwithstanding the impediment which arises from this consanguinity they may lawfully remain in the said marriage, declaring the children begotten or to be begotten of this marriage lawful. Dated at Avignon, 21st January, in our third year.

Petition of John of Dumbreck, canon of Caithness, granted.

Petitions, vol. 41, f. 182; 3 Urban v.; Papal Petitions, i. 507.

107. August 11, 1365. Avignon.

John de Drumbrek, M.A., scholar of canon law, for a canonry of Caithness, with expectation of a prebend, notwithstanding that he has a grant of a benefice in the gift of the abbot and convent of Aberbrothoc, hitherto without effect.

Granted. Avignon, 3 Id., Aug. (11 August).

John More, canon of Caithness, removed from the canonry of Aberdeen.

Petitions, vol. 42, f. 163 d.; 4 Urban v.; Papal Petitions, i., 527.

108. May 6, 1366. Bastide by Avignon.

Michael de Monymusk, licentiate in canon law. For the canonry and prebend of Aberdeen, to be voided by the removal of John More from the same, he having also canonries and prebends of Glasgow, Dunkeld, Moray, and Caithness, notwithstanding that Michael has the deanery of Glasgow and a canonry and prebend of Brechin.

Granted, and we remove John, if the facts stated in the following petition are true.

The value of the aforesaid benefices are, of Glasgow 30 marks, of Dunkeld 10 marks, Moray 50 marks, of Caithness 10 marks, and of Aberdeen 50 marks, making a total of 150 marks.

Bastide by Avignon, prid. Non. May (6 May).

Safe-conduct for Richard Mufford, esquire to the Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 902b.

109. May 6, 1366. Westminster.

Safe-conduct to Richard Mufford, esquire to the Earl of Sutherland, for a year, to come into England on the Earl's business with another horseman in company.

Safe-conduct to William, Earl of Sutherland.

"*Rotuli Scotiæ*," vol. i., p. 902b.

110. May 11, 1366. Westminster.

Prorogation of the license granted to William, Earl of Sutherland, to go to and remain in Scotland till Michaelmas next.

Charter by King David the Second to Mariota Cheyne, widow of John Douglas, of the half of the barony of Strabrock, and fourth part of the Earldom of Caithness.

Registrum Magni Sigilli, Lib. i., No. 132.

111. May 26, 1366. Edinburgh.

David, Dei gracia Rex Scottorum, omnibus, etc., salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse Mariote Chene, sponse quondam Johannis de Douglas, medietatem baronie de Strabrok cum pertinenciis infra vicecomitatum de Edynburghe, in constabularia de Lynlithcu, et quartam partem comitatus Catannie cum pertinenciis infra vicecomitatum de Invernys: quas vero medietatem baronie et quartam partem comitatus cum pertinenciis dicta Mariota, non vi aut metu ducta nec errore lapsa et mera et spontanea voluntate sua nobis apud monasterium Sancte Crucis de Edynburche in presencia diversorum procerum et baronum regni nostri, die, videlicet, vicesima quinta mensis Maii, anno Domini

millesimo trecentesimo sexagesimo sexto, per fustum et baculum sursum reddidit, pureque et simpliciter resignavit, ac totum jus et clameum quod in dicta medietate et quarta parte comitatus predicti cum pertinenciis habuit vel habere potuit imperpetuum: Tenendas et habendas dicte Mariote et heredibus inter ipsam et Johannem de Douglas procreatis, masculis seu femellis, quibus forte deficientibus, heredibus predictæ Mariote legitimis quibuscunque, de nobis et heredibus nostris in feodo et hereditate, per omnes rectas metas et divisas suas, cum omnibus et singulis libertatibus, comoditatibus, aysiamenis et justis pertinenciis suis quibuscunque ad dictas medietatem baronie et quartam partem comitatus predicti cum pertinenciis spectantibus seu quoquo modo juste spectare valentibus in futurum, adeo libere, quiete, plene, integre et honorifice in omnibus et per omnia sicut dicta Mariota vel aliquis antecessorum suorum dictas medietatem baronie et quartam partem comitatus cum pertinenciis aliquo tempore liberius, quiecius, plenius, integrius et honorificencius juste tenuit seu possedit vel tenuerunt seu possederunt: Faciendo inde servicium debitum et consuetum. In cujus rei, etc. Testibus, etc. Apud Edynburghe, vicesimo sexto die Maii, anno regni nostri tricesimo sexto.

(Translation.)

David, by the grace of God, King of Scots, to all, etc., greeting. Know ye that we have given and granted and by this our present Charter have confirmed to Mariota Cheyne, spouse of the deceased John of Douglas, the half of the barony of Strabrok, with pertinents, within the sheriffdom of Edinburgh, in the constabulary of Linlithgow, and the fourth part of the Earldom of Caithness, with pertinents, within the sheriffdom of Inverness; which half of the barony and fourth part of the Earldom with pertinents the said Mariota, neither induced by force or fear nor misled by

error, but freely and of her own will surrendered by staff and baton and purely and simply resigned with all right and claim she had or could have in the said half and fourth part of the Earldom forsaid for ever at the Monastery of Holyrood of Edinburgh in presence of sundry of the magnates and barons of our realm on the twenty-fifth of May, in the year of our Lord one thousand three hundred and sixty-six: To be had and held by the said Mariota and the heirs, male or female, procreated between her and John of Douglas, whom failing, the lawful heirs of the foresaid Mariota whomsoever, of us and our heirs in fee and heritage by all their right meiths and divisions, with all and sundry liberties, commodities, easements, and their just pertinents whatsoever belonging to the said half barony and fourth part of the said Earldom with pertinents, or which, by any manner of way, may justly be held to belong thereto in time coming, as freely, quietly, fully, entirely and honourably in all and by all as the said Mariota or any of her predecessors justly held or possessed the said half barony and fourth part of the Earldom with pertinents at any time: Rendering therefor the service due and customary. In witness whereof, etc.; witnesses, etc.; at Edinburgh, the twenty-sixth of May in the thirty-sixth year of our reign. [1365].

Petition of John Wasil, canon of Caithness, granted.

Petitions, vol. 43, f. 193 d.; 4 Urban v.; Papal Petitions, i., 528.

112.

June 9, 1366.

Avignon.

John Wasil, scholar of canon law, for a canonry of Moray, with reservation of a prebend, notwithstanding that he is chancellor and has a canonry and prebend of Caithness, which he is ready to resign, especially as he is ignorant for the most part of the language of the people of that part.

Granted. Avignon, 5 Id., June (9 June).

Reg. Mag. Sig., Lib. i., No. 157. "Sutherland Book," vol. iii., p. 21.

King David II. grants and confirms to William, Earl of Sutherland, for his homage and service, that half of the thanage of Fermartyne, in Aberdeenshire, which now he has, and which was otherwise granted to him for the term of his life; to be held by him and his heirs male of the Crown in free barony, with all privileges; rendering therefor four suits of court at the sheriff court of Aberdeen yearly; and the heirs foresaid to hold ward and relief. Witnesses, William, Bishop of St. Andrews, and Patrick, Bishop of Brechin, Chancellor, Robert, Steward of Scotland, Earl of Stratherne, the king's nephew (nepote nostro), Patrick, Earl of March and Moray, William, Earl of Douglas, Robert of Erskine and John Prestoun, knights. At Dundee, 30th July, 37th year of reign.

"*Rotuli Scotiæ*," vol. i., p. 906 b.

Prorogation of the license granted to William, Earl of Sutherland, to remain in Scotland, until Michaelmas next.

"*Rotuli Scotiæ*," vol. i., p. 909 b.

King Edward III. grants a protection and safe-conduct to William of Murrif, son of William, Earl of Sutherland, and to his goods, while he resides in England ; to endure for a year.

*Safe-conduct for William, Earl, and Jean, Countess
of Sutherland.*

"*Rotuli Scotiæ*," vol. i., p. 911 a.

116. March 20, 1366-7. Westminster.

Safe-conduct granted to William, Earl of Sotherland, now about to return into England with Joanna, his spouse, and twenty horsemen, and their furnishings, beasts and other property; to endure for a year.

*Appointment by Pope Urban the Fifth of Malcolm
as Bishop of Caithness.*

Theiner's Vetera Monumenta, p. 333, No. 681.

117. February 21, 1869. Rome.

Urbanus, Episcopus, etc. Dilecto filio, Malcolmo, Electo Cathanensi, salutem, etc. Inter cetera, etc. Dudum siquidem bone memorie Thoma, Episcopo Cathanensi, regimini ecclesie Cathanensis, ad eandem Romanam ecclesiam nullo medio pertinentis, presidente, nos, cupientes eidem ecclesie, cum vacaret, per apostolice sedis providentiam utilem et ydoneam presidere personam, provisionem ipsius ecclesie ordinationi et dispositioni nostre duximus ea vice specialiter reservandam, decernentes ex tunc irritum et inane si secus super hiis per quoscumque quavis auctoritate scienter vel ignoranter contingeret attemptari. Postmodum vero dicta ecclesia per ejusdem Thome, Episcopi, obitum, qui extra Romanam curiam diem clausit extraneum, pastoris solatio destituta, dilecti filii capitulum ejusdem ecclesie, hujusmodi reservationi et decreti, ut asserunt, ignari, te, ejusdem ecclesie canonicum, in sacerdotio constitutum in Episcopum Cathanensem, licet de facto, concorditer elegerunt: tuque, reservationis et decreti predictorum similiter inscius electioni hujusmodi, illius tibi presentato decreto, licet de facto, consensisti; et deinde reserva-

tione et decreto predictis ad tuam deductis notitiam, hujusmodi electionis negotium proponi fecisti in consistorio coram nobis. Nos igitur electionem predictam, utpote post et contra reservationem et decretum predicta, ut premittitur, atemptatam, et quecumque inde secuta, irrita, prout erant, et inania reputantes, et ad provisionem ejusdem ecclesie celerem et felicem, de qua nullus preter nos hac vice se intromittere potuit, neque potest, reservatione et decreto obsistentibus supradictis, ne longe vacationis subjaceret incommodis, paternis et sollicitis studiis intendentes, post deliberationem, quam de preficiendo eidem ecclesie personam utilem et etiam fructuosam cum fratribus nostris habuimus diligentem, demum ad te, litterarum scientia, vite ac morum honestate, spiritualium providentia et temporalium circumspectione, et aliis multiplicium virtutum meritis apud nos fidedigno testimonio commendatum direximus oculos nostre mentis : quibus omnibus, necnon dictorum capituli te eligentium concordi voluntate attenta meditatione pensatis, de persona tua prefate ecclesie de dictorum fratrum consilio auctoritate apostolica providemus, teque illi preficimus in Episcopum et pastorem, curam et administrationem ipsius ecclesie tibi in spiritualibus et temporalibus plenarie committendo, etc. Datum Rome apud Sanctum Petrum, viii kal. Marcii, pontificatus nostri anno septimo.

In eodem modo capitulo ecclesie Cathanensi, populo civitatis et diocesis Cathanensis, et Davidi, Regi Scocie illustri.

(Translation.)

Urban, Bishop, etc., to our beloved son, Malcolm, elect of Caithness, greeting, etc. Among other things, etc. Recently when Thomas, Bishop of Caithness, of good memory, presided in the government of the church of Caithness, which holds immediately of the Church of Rome itself, as we were anxious when a vacancy should occur in that church, that the provision

thereof should be by the apostolic see, we caused the providing of a suitable and competent person to preside therein to be reserved in that event to our disposition and appointment, declaring that whatsoever might be done in the contrary by whomsoever or by whatsoever authority should forthwith be null and void. And after the said church, by the death of the said Bishop Thomas, who closed his career as a stranger outwith the Roman Court, was left destitute of the consolations of a pastor, our beloved sons, the chapter of that church, in ignorance, as they affirm, of this our reservation and decree, with one accord elected you, a canon of that church and an ordained priest, to be Bishop of Caithness, supposing it done; and you also likewise unaware of the foresaid reservation and decree, on this election being presented to you, supposing it done, consented thereto; but afterwards when the foresaid reservation and decree were brought to your notice you caused the matter of this election to be laid before us in consistory. We therefore, considering the foresaid election as done after and in contravention of the foresaid reservation and decree, as abovesaid, to be null and void, as it and whatsoever followed thereupon were, and desiring with fatherly and earnest care to make a speedy and happy provision for that church, as to which no other than ourselves could or can interfere in this juncture, as the foresaid reservation and decree stands in their way, and that it should not be subjected to the inconveniences of a long vacancy, we, after anxious deliberation with our brethren for the supplying of that church with a useful and also a fruitful person, directed our thoughts towards you as a person of learning, upright in life and morals, prudent in matters spiritual and circumspect in temporal affairs, and whose other manifold good qualities were testified to us by trustworthy evidence. In consideration of all which and also of the cordial unanimity of the said chapter in electing you, we by apostolic authority, with consent of our said

brethren, provide your person to the aforesaid church and promote you as bishop and pastor thereof, committing fully to you the charge and administration of the said church in things spiritual and temporal, etc.; dated at St. Peter's at Rome, 21st February, in the seventh year of our pontificate.

In like manner to the chapter of the Church of Caithness; to the people of the city and diocese of Caithness; and to David the renowned King of Scots.

Charter to Walter Leslie of the thanedoms of Kincardine, Aberluthnot and Fettercairn, of which William, Earl of Sutherland, has the liferent.

Reg. Mag. Sig., i., 242; printed, vol. i., No. 338.

118.

February 27, 1369-70.

Perth.

David II. King of Scots, grants to Walter of Lesley, knight, for faithful service, the fee and reversion of the thanedoms of Kyncardyn, Abirlouthnot and Fethirkerne, with pertinents, in the sheriffdom of Kyncardyn, whereof William, Earl of Sutherland, has now the liferent; to be held by the said Walter, and Eupham, his cousin and spouse, and their heirs, of the Crown in fee and heritage, in a free barony, rendering the service of two knights, and three suits at the sheriff court of Kyncardyn, with the frank-tenement of the said thanedoms when it shall come into their hands.

Appointment by the Abbot of Scone of Sir Andrew Kinross to the Church of Kildonan for ten years.

Liber Ecclesie de Scon, p. 139, No. 181. This document is much mutilated.

119.

c. 1370.

Preceptum Domino Andree de Kynros.

Willelmus, miseracione divina Abbas . . . [in] specturis, salutem in Domino . . . habito in capitulo

nostro diligenti tractatu de una . . . de Kyldonan, dyocesis Cathanensis, una cum terra nostra de Borowbull cum pertinentiis . . . redditibus et obventibus ad dictam ecclesiam nunc spectantibus seu aliquo jure vel consuetudine spectare valentibus, tam non nominatis quam nominatis, dilecto concanonico nostro, Domino Andree de Kynros, p . . . ordinis Sancti Augustini professo, et rite et canonice ad omnes suos ordines promoti, viro bone conversationis et honesto, non suspendo nec excommunicato nec aliqua labe seu vicio, prout nostra percepit cognitio resperso, ad divina celebranda, eumque licenciavimus usque ad terminum decem annorum completum, termino introitus sui incipiente in festo sanctorum apostolorum, Philippi et Jacobi, anno tercentum septuagesimo primo, ita quod expletis dictis tribus primis annis ab ingressu suo supradicto in dictis tribus annis proximis sequentibus: Idem concanonicus solvet monasterio nostro antedicto ad utilitatem ejusdem quolibet anno quadraginta solidos ad festum Sancti Michaelis Archangeli, et sex libros, quamquidem summam pecunie nos, dicti Abbas et conventus, domino episcopo Cathanense in subsidium pro dicta ecclesia premanibus persolvi fecimus in Flandres. Et dictus concanonicus sustinebit omnia onera ordinaria et extraordinaria interim a tempore introitus sui in eadem ecclesia antedicto usque ad exitum suum antedictum qualitercunque contigerint. In cujus rei testimonium . . .

(Translation.)

Precept for Sir Andrew Kinross.

William, by the mercy of God Abbot [of Scone, to all who shall see or hear these presents] greeting in the Lord [everlasting. Know ye that we after careful consideration of the matter] in our chapter concerning a . . . of Kildonan in the diocese of Caithness, together with our land of Borroboll with pertinents . . . rents

and revenues now belonging to the said church or by any right or custom known to belong thereto, as well not named as named, to our beloved fellow-canon, Sir Andrew of Kinross, a professed p[riest] of the order of Saint Augustine and duly and canonically promoted to all his orders, a man of good and honest conversation, neither suspended nor excommunicated, nor so far as we have been able to ascertain, is his reputation tarnished by any error or vice; and we have licensed him to conduct divine services for a period of ten years complete, the date of his entry being the feast of the apostles Philip and James in the year 1371, in such wise that on the completion of the first three years from his aforesaid entry, he shall then proceed to the next three following years. And our said fellow-canon shall pay to our monastery aforesaid for the uses thereof every year the sum of forty shillings at the feast of Saint Michael the Archangel, and six pounds; which sum of money we, the foresaid Abbot and convent have caused to be payed in Flemish coin beforehand as a subsidy to the Lord Bishop of Caithness for the said church. And the said fellow canon shall be responsible for all burdens ordinary and extraordinary of whatsoever nature which may happen during the period from his entry to the aforesaid church until his foresaid departure therefrom. In witness whereof . . .

Charter by King Robert the Second to his son David, Earl of Strathearn, of the lands of Alexander of the Aird in Caithness, or elsewhere.

Reg. Mag. Sig. Roll 6, No. 27; printed, vol. i., p. 159.

120.

March 21, 1374-5.

Scone.

Robertus, etc. Omnibus, etc., salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse, karissimo filio nostro David Senescallo, Comiti de Strathern, castrum de Brathwelle, ac totam

et integram terram ejusdem, ac omnes alias et singulas terras, dominia atque jura terrarum quecunque, cum pertinentiis, tam in comitatu Catanie quam alibi infra regnum nostrum ubicunque, que fuerunt Alexandri de le Arde, quacunque successione hereditaria ipsum contingentes vel contingencia ratione Matilde de Stratherne, matris sue; quasquidem terras ac jura dictus Alexander, non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, apud Sconam coram pluribus de nostro consilio nobis sursum reddidit et resignavit: Tenendas et habendas dicto filio nostro et heredibus suis de nobis et heredibus nostris in feodo et hereditate imperpetuum per omnes rectas metas et divisas suas, cum serviciis liberetenencium, et advocacionibus ecclesiarum, donacionibus hospitalium, et cum omnibus aliis et singulis libertatibus, etc., adeo libere et quiete in omnibus et per omnia sicut Alexander aut aliquis antecessorum suorum predictum castrum, terras predictas, dominia et jura terrarum predictarum quecunque liberius et quocius juste tenuit et possedit: Faciendo inde servicia debita et consueta. In cujus rei, etc., testibus, etc., apud Sconam, vicesimo primo die Marci, anno regni nostri quinto.

(Translation.)

Robert, etc., to all . . . greeting. Know ye that we have given and granted and by this our present charter have confirmed to our dearest son, David Stewart, Earl of Strathearn, the castle of Brathwell and all and whole the land thereof, and all other and sundry lands, lordships and rights of the lands whatsoever, with their pertinents, as well in the earldom of Caithness as elsewhere, wherever they may be within our realm, which belonged to Alexander of the Aird by any manner of heritable succession affecting himself, or affecting him in connection with Matilda of Strathearn, his mother; which lands and rights the said Alexander, constrained

neither by force or fear nor misled by fraud, but of his mere and voluntary good pleasure resigned and surrendered at Scone in our hands in presence of a large number of our Council; To be held and possessed by our said son and his heirs of us and our heirs in fee and heritage for ever by all their right meiths and marches, with the services of free tenants, advocations of churches, donations of hospitals and all and sundry other liberties, as freely and quietly in all and by all as Alexander or any of his predecessors justly held and possessed the foresaid castle, lands, lordships and rights of the lands aforesaid whatsoever: Rendering therefor the usual and customary services. In witness whereof. . . . Witnesses. . . . At Scone, 21st March, in the fifth year of our reign.

Charter by King Robert the Second to Alexander Stewart, Lord of Badenoch, of three davachs of the lands of Garthyes, in Sutherland.

Registrum Magni Sigilli, Roll. 5, No. 46; printed vol. i., p. 135.

121. February 9, 1376-7. Methven.

Robertus, etc., omnibus, etc. Sciatis nos dedisse dilecto filio nostro, Alexandro Senescalli, Domino de Badenache, tres davatas terre de Garthyes in comitatu Sothyrlandie infra vicecomitatum de Invernisse, cum pertinenciis; que fuerunt Alexandri de Ard, et quas idem Alexander nobis sursum reddidit et resignavit: Tenendas et habendas dicto Alexandro, heredibus suis et suis assignatis, de nobis et heredibus nostris in feodo et hereditate, libere et quiete, cum omnibus et singulis libertatibus, commoditatibus, aysiamendis et justis pertinenciis quibuscunque ad dictas tres davatas terre spectantibus seu juste spectare valentibus in futurum: Reddendo inde annuatim dictus Alexander, heredes sui et assignati, unum par calcarium deauratorum nomine albe firme ad festum Pentecostes tantum pro

wardis, releviis, maritagii et serviiciis quibuscunque, etc. Apud Methfen, nono die Februarii, anno regni nostri sexto.

(Translation.)

Robert, etc., to all, etc. Know ye that we have given to our beloved son, Alexander Stewart, Lord of Badenoch, three davachs of the lands of Garthyes in the Earldom of Sutherland within the sheriffdom of Inverness, with pertinents, which belonged to Alexander of Ard, and which the said Alexander surrendered and resigned to us: To be had and held by the said Alexander and his heirs and assignees of us and our heirs in fee and heritage, freely and quietly, with all and sundry liberties, commodities, easements, and just pertinents whatsoever belonging to the said three davachs of land or which may justly be held to belong thereto in time coming: Paying therefore yearly the said Alexander and his heirs and assignees a pair of gilt spurs in name of blench farm at Whitsunday only for wards, reliefs, marriages and services whatsoever, etc. At Methven, ninth February, in the sixth year of our reign [1376-7].

Charter by King Robert the Second confirming to William of Rosse a grant of the lands and rents in the earldom of Caithness, which belonged to Walter of Moray.

Registrum Magni Sigilli, Roll 5, No. 111; printed vol. i., p. 150.

122. December 28, 1377. St. Andrews.

Robertus Dei gratia Rex Scottorum, omnibus, etc., salutem. Sciatis nos approbasse, ratificasse et hac presenti carta nostra confirmasse donacionem illam et concessionem quas carissimus filius noster, David Senescallus, Comes Palatinus de Stratherne et de Cathania, fecit et concessit Willelmo de Rosse, filio juniore quondam Hugonis de Rosse, de omnibus terris

et redditibus, cum pertinentiis, que fuerunt Walteri de Moravia infra comitatum Cathanie, exceptis terris de Westyrclythe et de Nethirgreneland, cum pertinentiis, que concesse sunt Thome Scarlet hereditarie: Tenendis et habendis eidem Willelmo et heredibus suis de corpore suo legitime procreandis in feodo et hereditate per omnes rectas metas et divisas suas, cum omnibus et singulis libertatibus commoditatibus, aysiamenis et justis pertinentiis suis quibuscunque ad dictas terras spectantibus seu quoquomodo juste spectare valentibus in futurum, adeo libere et quiete, plene, integre et honorifice in omnibus et per omnia, sicut carta dicti filii nostri eidem Willelmo exinde confecta in se plenius juste continet et proporat; salvo servicio nostro. In cujus rei testimonium presenti carte nostre confirmationis nostrum precepimus apponi sigillum, testibus ut supra. Apud Sanctum Andream, vicesimo octavo Decembris, anno regni nostri septimo.

(Translation.)

Robert, by the grace of God, King of Scots, to all, etc., greeting. Know ye that we have approved and ratified and by this our present charter have confirmed that gift and grant which our dearest son, David Stewart, Earl Palatine of Strathearn and of Caithness, made and granted to William of Ross, younger son of the deceased Hugh of Ross, of all the lands and rents, with pertinents, which belonged to Walter of Murray within the Earldom of Caithness, except the lands of Wester Clyth and Nether Greenland, with pertinents, which were granted heritably to Thomas Scarlet: To be had and held by the said William and the lawful heirs male to be procreated of his body in fee and heritage by all their right meiths and divisions, with all and sundry liberties, commodities, easements, and their just pertinents whatsoever belonging to the said lands, or which may justly be held to belong thereto in

time coming as freely and quietly, fully, entirely, and honourably, in all and by all, as the charter thereupon granted by our said son to the said William more fully in itself contains and sets forth; saving our service. In witness whereof we have ordained our seal to be appended to this our present charter of confirmation: witnesses as formerly. At St. Andrews, the twenty-eighth of December in the seventh year of our reign [1377].

Petition on behalf of William Gerland, canon of Caithness, granted.

Petitions, vol. 49, f. 184; 1 Clement vii., Anti-Pope; Papal Petitions, i., 545.

123. November 17, 1378. Fondi.

From the Roll of the University of Paris. Roll of the Masters of Arts of the nation called English:—

The University of Paris. On behalf of the masters of the nation of old called English (whose place is last in the roll, not because it is of less dignity, but because this order was observed of old), for the underwritten benefices:—(inter alios).

* * * * *

William Gerland, priest, M.A., scholar of canon law. For a canonry of Moray, with expectation of a prebend, notwithstanding that he has the perpetual chaplaincy of Duffus Castle, and the perpetual vicarage of Neutyle, in the diocese of St. Andrews, which last he is ready to resign. . . .

Granted for all. Fondi, 15 Kal. Dec. (17 November).

Petition of William Gerland, canon of Caithness, granted.

Petitions, vol. 47, f. 177; 1 Clement vii., Anti-pope; Papal Petitions, i., 543.

124. November 22, 1378. Fondi.

William Gerland, of the diocese of Moray, for a canonry of Caithness, with expectation of a prebend, notwithstanding that he has the perpetual vicarage of Neutill, in the diocese of St. Andrews, which he is ready to resign, and the chaplaincy of Duffus Castle.

Granted. Fondi, 10 Kal. Dec. (22 November).

Charter of confirmation by King Robert II. to Ferquhar, the royal physician, of a gift of the lands of Melness and part of Hope by Alexander Stewart, Lord of Badenoch.

Original on vellum in Collection of Charters, General Register House, Edinburgh, No. 174; printed in "The Book of Mackay," p. 371.

125.

September 4, 1379.

Perth.

Robertus, Dei gratia Rex Scottorum, omnibus probis hominibus totius terre sue, salutem. Sciatis nos approbasse, ratificasse et hac presenti carta nostra confirmasse donationem illam et concessionem quas dilectus filius noster, Alexander Senescallus, miles, Dominus de Badenach, fecit et concessit Farchardo, medico nostro, de terris de Mellenes et de duabus partibus de le Hope cum pertinentiis: Tenendis et habendis dicto Farchardo cum omnibus et singulis libertatibus, commoditatibus, aysiamenis et justis pertinentiis suis quibuscunque ad predictas terras cum pertinentiis spectantibus seu quoquomodo juste spectare valentibus in futurum, adeo libere et quiete, plenarie, integre et honorifice in omnibus et per omnia sicut carta dicti filii nostri eidem medico exinde confecta in se plenius juste continet et proportat, salvo servicio nostro. In cujus rei testimonium presenti carte nostre confirmationis nostrum precepimus apponi sigillum, testibus, venerabilibus in Christo patribus, Willielmo et Johanne, Cancellario nostro, ecclesiarum Sancti Andree et Dunkeldensis episcopis; Johanne, primogenito nostro, de Carric, Senescallo Scocie; Roberto de Fyffe et de Menteth, filio nostro dilecto; Willielmo de Douglas et de Marr, consanguineo nostro, Comitibus; Jacobo de Lyndesay, nepote nostro carissimo, et Alexandro de Lyndesay, consanguineo nostro, militibus. Apud Perth, quarto die mensis Septembris, anno regni nostri nono.

(Translation.)

Robert by the grace of God King of Scots to all good men of his whole realm, greeting. Know ye that we have approved and ratified and by this our present charter have confirmed that gift and grant which our beloved son, Alexander Stewart, Knight, Lord of Badenoch, made to and conferred upon Farquhar, our physician, of the lands of Melness, and the two parts of the Hope with their pertinents: To be held and possessed by the said Farquhar with all and sundry liberties, commodities and easements and their just pertinents whatsoever belonging to the aforesaid lands with their pertinents or which by any manner of way may justly be held to belong thereto in time coming, as freely and quietly, fully, entirely and honourably in all and by all as is more fully contained and set forth in the charter granted by our said son to the said physician thereupon, saving our service. In witness whereof to this our present charter of confirmation we have ordained our seal to be appended; witnesses, the venerable fathers in Christ, William and John, our Chancellor, Bishops of the Churches of St. Andrews and Dunkeld; John, Earl of Carrick, our eldest son, Steward of Scotland; Robert, Earl of Fife and Menteith, our beloved son; William, Earl of Douglas and Mar, our cousin; James of Lindsay, our dearest nephew, and Alexander of Lindsay, our cousin, knights. At Perth, 4th September, in the ninth year of our reign.

William Gerland, canon of Caithness.

Regesta, vol. ccxcii., f. 33 d.; 1 Clement vii., *Anti-pope*; *Papal Letters* iv., 237, 238.

126.

November 17, 1379.

Avignon.

To William Gerland, Canon of Caithness, M.A. Confirmation of the provision made to him by the present Pope of a canonry

of Caithness, with reservation of a prebend and personatus or office, with or without cure [10 Kal. Dec. 1378. See *Cal. Pet. i.* 543], notwithstanding that no mention was made therein of a previous provision, also by the present Pope, of a canonry of Moray, with similar reservation [15 Kal. Dec. 1378. See *Ibid.* 545]. William, who is in priest's orders, has also the vicarage of Neutill (Newtyle), which has cure of souls (vicarian curatum), and the chaplaincy of Duffus Castle in the dioceses of St. Andrews and Moray, of which the first is to be resigned [See *Ibid.* 575]. As soon as by either of the two letters of provision he shall obtain such personatus or office with cure, the remaining letters, as far as regards another personatus or office, shall be null and void.

Alexander, elect of Caithness.

Petitions, vol. 57, f. 169 d.; 3 Clement vii., Anti-Pope; *Papal Petitions*, i., 556.

127. September 24, 1381. Avignon.

Alexander Trayl, B.C.L., for the canonry and the prebend of Moray, on their voidance by the consecration of Alexander, Bishop elect of Caithness, notwithstanding that he has papal provision of the church of Kinkel, of which he has not yet got possession.

Granted. Avignon, 8 Kal. Oct. (24 September).

Petition of Alexander, Bishop of Caithness,
granted.

Petitions, vol. 61, f. 1 d.; [4-6] Clement vii., Anti-Pope; *Papal Petitions*, i., 565.

128. December 10, 1381. Avignon.

Alexander, Bishop of Caithness, for license to dispense fifty persons of illegitimate birth so that they may be ordained and hold a benefice.

Granted for twenty-five of his city or diocese.

The same, for license to dispense twenty persons related in the third or fourth degree, so that they may inter-marry. [The words "third or" are cancelled.]

Granted for six as above. Avignon, 4 Id., Dec. (10 December).

Petitions on behalf of Thomas Wyse and Richard Grant, canons of Caithness, granted.

Petitions, vol. 60, f. 11, 11 d.; 4 Clement vii., Anti-Pope; Papal Petitions, i., 561, 562.

129. December 12, 1381. Avignon.

Roll of Alexander, Bishop of Caithness:—

On behalf of Thomas Wyse, M.A., and S.C.L., for a canonry of Ross, with expectation of a prebend, notwithstanding that he has a canonry and the chancellorship of Caithness, which last he is ready to resign. Granted. . . . (Also, inter alios). . . . On behalf of Richard Grant, for a benefice in the gift of the abbot and convent of Aberbrothoc, value 60 marks, notwithstanding that he has a canonry and prebend of Caithness, and the vicarage of Durrays, in the diocese of Moray, which last he is ready to resign. . . .

Granted for all. Avignon, prid. Id., Dec. (12 December).

Charter by King Robert the Second to Alexander Stewart, Earl of Buchan, and Eupham, Lady of Rosse, of the baronies of Skye and Lewis, lands in Caithness and Sutherland, and others.

Registrum Magni Sigilli, Roll vii., No. 26; printed vol. i., p. 165.

130. July 25, 1382. Inverness.

Robertus, etc. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto filio nostro, Alexandro Senescalli, Comiti Buchanie, et Eufamie, Domine de Rosse, baronias sive dominia de Sky et de Lewes, omnes illas terras in Cathania et Suthirlandia, omnes illas terras infra vicecomitatum de Narne [omnes illas terras], infra vicecomitatum de Invernys, omnes illas terras infra metas Atholie infra vicecomitatum de Perthie, baroniam de Fythkille cum pertinenciis infra vicecomitatum de Fyffe, omnes terras infra Galwydiam, terras de Forgrundtheny et Kynfawnys infra vicecomitatum de Perthie, ac eciam thanagium de

Glendovachy et terras de Deskford infra vicecomitatum de Banffe; que fuerunt dicte Eufamie jure hereditario, et quas eadem Eufamia, non vi aut metu ducta nec errore lapsa set mera et spontanea voluntate sua nobis per fustum et baculum sursum reddidit pureque et simpliciter resignavit, ac totum jus et clameum, etc., omnino quietum clamavit in perpetuum: Tenendas et habendas eisdem Alexandro et Eufamie et eorum diucius viventi heredibusque inter ipsos legitime procreandis, quibus forsan deficientibus, heredibus dicte Eufamie legitimis quibuscunque, de nobis et heredibus nostris in feodo et hereditate, per omnes rectas metas et divisas suas, etc., cum tendandiis (*sic*) et serviciis liberetenencium et advocacionibus ecclesiarum, necnon cum omnibus aliis et singulis libertatibus, commoditatibus, aysiamentis et justis pertinenciis suis quibuscunque ad dictas terras cum pertinenciis spectantibus, etc., in futurum: Faciendo inde servicia debita et consueta. In cujus rei, etc. Testibus ut supra. Apud Invernys, vicesimo quinto die Julii, anno regni nostri duodecimo.

(Translation.)

Robert, etc. Know ye that we have given and granted and by this our present charter have confirmed to our beloved son, Alexander Stewart, Earl of Buchan, and Euphemia, Lady of Ross, the baronies or lordships of Skye and Lewis, all those lands in Caithness and Sutherland, all those lands within the sheriffdom of Nairn, [all those lands] within the sheriffdom of Inverness, all those lands within the bounds of Atholl, within the sheriffdom of Perth, the barony of Fythkille, with pertinents within the sheriffdom of Fife, all lands within Galloway, the lands of Forgandenny and Kinfauns within the sheriffdom of Perth, and likewise the thanage of Glendovachy and lands of the Deskford, within the

sheriffdom of Banff, which belonged to the said Euphemia by heritable right, and which the said Euphemia, induced neither by force nor fear, nor misled by fraud, but of her own spontaneous will surrendered to us by staff and baton and purely and simply resigned with all right and claim, etc., entirely renouncing the same for ever: To be had and held by the said Alexander and Euphemia and the survivor of them and the heirs lawfully to be procreated between them, whom failing, the lawful heirs of the said Euphemia whatsoever, of us and our heirs in fee and heritage, by all their right meiths and divisions, etc., with tenandries and services of free tenants and advocations of churches, as also with all other and sundry liberties, commodities, easements and just pertinents thereof whatsoever belonging to the said lands with pertinents, etc., in time coming: Rendering therefore the services due and customary. In witness whereof, etc.; witnesses, as formerly; at Inverness, the twenty-fifth day of July, in the twelfth year of our reign. [1382].

Petition on behalf of William Forrester, archdeacon of Caithness, granted.

Petitions, vol. 60, f. 34 d.; 4 Clement vii., Anti-Pope; Papal Petitions, i., 563).

131.

January 25, 1382.

Avignon.

William Forester, who for two years has studied canon law at Paris, for whom the marshal of Scotland has petitioned, for a benefice in the gift of the bishop, prior, and chapter of St. Andrews, valued at 80 marks, notwithstanding that he has the archdeaconry of Caithness, which he is ready to resign, and the canonry and prebend of Duffous in Moray, having been presented by the lay patron but not yet admitted, as to which he is about to begin a suit in the papal palace.

Granted to the value of 60 marks. Avignon, 8 Kal. Feb. (25 January).

Charter by King Robert II. to Farquhar, the leech, of the Little Islands of Strathnaver, lying between the Rhu Stoer in Assynt and Rhu Armadale.

Original on vellum in Collection of Charters, General Register House, Edinburgh, No. 186; printed in "The Book of Mackay," p. 371.

132.

December 31, 1386.

Edinburgh.

Robertus, Dei gratia Rex Scottorum, omnibus probis hominibus totius terre sue clericis et laycis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse, dilecto et fideli nostro Ferchardo Ieche, pro suo servitio nobis facto et faciendo, insulas de Jura, Calwa, Sanda, necnon et Elangawne, Elanewillighe, Elanerone, Elanehoga, Elaneqwhochra, Elaneegelye, Elanenyofe, et omnes insulas nostras jacentes inter Rowestorenastynge et Rowe Armedale, infra vicecomitatum de Innernys: Tenendas et habendas eidem Ferchardo et heredibus suis de nobis et heredibus nostris in feodo et hereditate, per suas rectas metas et divisas, cum omnibus et singulis libertatibus, commoditatibus, aysiamenis et justis pertinentiis quibuscunque ad easdem insulas pertinentibus seu pertinere valentibus in futurum, libere, quiete, plenarie, integre et honorifice, bene et in pace: Faciendo nobis et heredibus nostris dictus Ferchardus et heredes sui servitia antiquitus inde debita et consueta. In cujus rei testimonium presenti carte nostre nostrum precepimus apponi sigillum, testibus, reverendissimo in Christo patre, Waltero, Dei gratia sedis apostolice Cardinali; venerabili in Christo patre, Joanne, Episcopo Dunkeldense, Cancellario nostro; Joanne, primogenito nostro, de Carric, Senescallo Scocie; Roberto de Fyfe et de Menteth, Jacobo de Douglas, filiis nostris dilectis, Comitibus; Archebaldo de Douglas et Thoma de Erskyne, consanguineis nostris, militibus. Apud

Edinburgh, ultimo die Decembris, anno regni nostri sexto decimo. [A small fragment of the great seal is still attached.]

(Translation.)

Robert, by the grace of God King of Scots, to all good men of his whole realm, cleric and laic, greeting. Know ye that we have given and granted and by this our present charter have confirmed, to our beloved and faithful Farquhar Leech, for his service rendered and to be rendered to us, the islands of Jura, Calva, Sanda, also Ellangowan, Ellanwillighe, Eilean Roan, Ellanhaga, Ellanwhoera, Ellanegelye, Ellannyofo, and all our islands between Rhu Stoer in Assynt and Rhu Armadale, within the sherifffdom of Inverness: To be held and possessed by the said Farquhar and his heirs of us and our heirs in fee and heritage by all their right meiths and marches, with all and sundry liberties, commodities, easements and just pertinents whatsoever belonging to the said islands or which may belong thereto in time coming, freely, quietly, fully, entirely and honourably, well and in peace: Rendering to us and our heirs the said Farquhar and his heirs the services of old, used and customary, therefrom. In witness whereof to this our present charter we have ordained our seal to be appended; witnesses, the very reverend father in Christ, Walter, by the grace of God cardinal of the apostolic see; the venerable father in Christ, John, Bishop of Dunkeld, our Chancellor; John, Earl of Carrick, our eldest son, Steward of Scotland; Robert, Earl of Fife and Menteith, and James, Earl of Douglas, our beloved sons; and Archibald of Douglas and Thomas of Erskine, our cousins, knights. At Edinburgh, 31st December, in the sixteenth year of our reign.

Petition on behalf of Richard Grant, prebendary of Assynt, granted.

Petitions, vol. 70, f. 185 d.; 11 Clement vii., Anti-Pope; Papal Petitions, i., 572.

133.

October 9, 1389.

Avignon.

Alexander Steward (Senescalli), third son of the King of Scotland, Earl of Buchan, on behalf of his kinsman and continual fellow commoner (commensalis), Richard le Grant, of the diocese of Moray, for a canonry of Moray, with expectation of a prebend, notwithstanding that he has the church of Westray in Orkney, and the prebend of Assent in Caithness, of moderate value, and the vicarage of Durs, in the diocese of Moray.

Granted. Avignon, 7 Id. Oct. (9 October).

Roll of the Earl of Caithness.

Petitions, vol. 91, f. 182; 1 Benedict xiii., Anti-Pope; Papal Petitions, i., 620.

134.

October 13, 1394.

Avignon.

Roll presented on the part of the Earl of Caithness, Lord of Brechin, brother of the King of Scotland, on behalf of the under-written:—

Andrew de Trebrun, rector of Kinnoul, licentiate of civil law, advanced in canon law, and M.A., for a canonry of Brechin, with expectation of a prebend, notwithstanding that he has been lately presented to the church of Erol.

Laurence de Lundars, M.A., bachelor of theology, for a benefice, value 100 marks, in the gift of the bishop of St. Andrews.

Simon de Creych, M.A., advanced in canon law, for a canonry of Moray, with expectation of a prebend, notwithstanding that he has the church of Doldbar (sic.), in the diocese of St. Andrews, and the chapel of Forgrond in the diocese of Dunkeld.

William de Ramsay, priest, for a benefice, valued at 60 marks, in the gift of the bishop, prior, and chapter of St. Andrews.

Michael Cartar, perpetual vicar of Kilmany, for a benefice, valued at 40 marks, in the gift of the bishop, prior, and chapter of St. Andrews.

Granted for all. Avignon, 3 Id. Oct. anno 1 (13 October, 1394). Ad vacatura post 6 Id. Mar. anno 9 (10 March, 1402-3).

Petition on behalf of John of Spynie for a canonship of Caithness, granted.

Petitions, vol. 83, f. 52; 1 Benedict xiii., Anti-Pope; Papal Petitions, i., 587.

135.

October 26, 1394.

Avignon.

Gilbert, Bishop of Aberdeen (inter alia), for John de Spyny, of the diocese of Moray, student in arts at Paris, that the papal grants made to him of canonries of Caithness and Dunkeld may be expedited, notwithstanding the rule touching non-graduates and absent persons, inasmuch as he has not enough to live on at the University, and in all Scotland there is no collegiate church of which the prebends are in the gift of the Pope.

Granted for all the above. Avignon, 7 Kal. Nov. (26 October).

Petition on behalf of William Gerland, canon of Caithness, granted.

Petitions, vol. 86, f. 234 d.; 1 Benedict xiii., Anti-Pope; Papal Petitions, i., 591.

136.

October 26, 1394.

Avignon.

Roll of the Bishop of Dunblane:—(inter alios).

William Gerland, priest, M.A. [for a canonry in Ross, with reservation of a prebend], notwithstanding that he has the sub-deanery of Moray and a canonry and prebend of Caithness, of slender value.

* * * * *

Granted for those in the diocese, Avignon, 8 Kal. Nov. (25 October); for the others, 7 Kal. Nov. (26 October).

Petitions on behalf of John of Spynie and William Gerland, canons, and Malcolme Clyne, priest of Caithness, granted.

Petitions, vol. 80, f. 176 d., 212; 1 Benedict xiii., Anti-Pope; Papal Petitions, i., 582.

137.

October 29 and 31, 1394.

Avignon.

Roll of the Coronation:—(inter alios).

John de Spyny, of the diocese of Moray, student in arts at Paris, for a canonry of Caithness, with reservation of a prebend, notwithstanding that he has the like in Dunkeld.

Malcolm de Clyve (or Clyne), priest, of the diocese of Caithness, for a benefice in the gift of the prior and chapter of St. Andrews.

* * * * *

Granted for the above; for those present, Avignon, 4 Kal. Nov. (29 October); for others, prid. Kal. Nov. (31 October).

* * * * *

William Gerland, priest, M.A., scholar of canon law, for a canonry of Ross, with expectation of a prebend, notwithstanding that he is canon and sub-dean of Moray, and has a canonry and prebend of Caithness.

* * * * *

Granted for the above. Avignon, 4 Kal. Nov. (29 October).

Petition of John of Spynie, canon of Caithness, granted.

Petitions, vol. 78, f. 169 d.; 1 Benedict xiii., Anti-Pope; Papal Petitions, i., 580.

138.

December 1, 1394.

Avignon.

John de Espyny (or Spyny), of the diocese of Moray, scholar of arts at Paris, for a canonry of Dunkeld (Donzeliden), with expectation of a prebend, notwithstanding that he has by papal authority, on the nomination of the King of Scotland, a canonry and prebend of Caithness.

Granted. Avignon, Kal. Dec. (1 December).

Charter by Robert, sixth Earl of Sutherland, to his brother, Kenneth Sutherland, and his heirs male, of the lands of Drummoy, Backies and Torrish in Sutherland, to be held of the Earls of Sutherland, ward and relief.

"Sutherland Book," vol. iii., p. 22.

139.

. . . . 1400.

Referred to by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 428, as existing in his time, and producible as a proof of the precedence of the title of the Earl of Sutherland over that of the Earl of Caithness.

Pope Boniface IX. nominates Conrad as Bishop of Sodor in succession to John, who has been transferred to the bishopric of Caithness.

Reg. Later. Bonif. IX., No. 102, f. 128. Printed: Diplomatarium Norvegicum, XVII., No. 951, p. 881.

140. January 9, 1402. Rome, Vatican.

Bonifacius, etc. Dilecto filio Conrado Electo Soderensi (*sic*) salutem, etc. Apostolatus officium. . . . Sane ecclesia Soderensi ex eo nuper pastoris solatio destituta, quod nos venerabilem fratrem nostrum Johannem Cathedensem, tunc Soderensem Episcopum, licet absentem a vinculo quo regimini eiusdem Soderensis ecclesie cui tunc preerat, tenebatur . . . absolventes, ipsum ad ecclesiam Cathedensem tunc pastore carentem duximus auctoritate apostolica transferendum . . . nos, ad provisionem eiusdem ecclesie Soderensis . . . intendentes . . . ad te ordinis Cisterciensis professorem, et in sacerdotio constitutum, qui de religionis zelo, vite munditia, honestate morum, aliisque probitatis et virtutum meritis apud nos laudabilia testimonia perhibentur, direximus oculos nostre mentis: quibus omnibus meditatione pensatis, de persona tua . . . ipsi Soderensi ecclesie . . . providemus, teque illi preficimus in episcopum et pastorem, curam et administrationem ipsius ecclesie Soderensis tibi in spiritualibus et temporalibus plenarie committendo. . . . Quocirca discretionis tue per apostolica scripta mandamus, quatenus impositum tibi onus a Domino regiminis dicte Soderensis ecclesie suscipiens. . . . Volumus autem quod quamprimum litteras apostolicas super provisione et perfectione huiusmodi habueris expeditas, ad ipsam ecclesiam Soderensem accedas et resideas personaliter in eadem, quodque extra tuas civitatem et diocesim Soderensem pontificalia officia exercere non presumas. Datum Rome apud Sanctum Petrum quinto idus Januarii, anno tertio-decimo. Jac. xx. de Teramo.

(Translation.)

Boniface, etc . . . to our beloved son, Conrad, Elect of Sodor, greeting, etc. . . . The Apostolic Office. . . . Whereas the Church of Sodor is recently deprived of the comfort of a pastor because we caused our venerable brother John, Bishop of Caithness, then Bishop of Sodor, although in absence to be released from his government of that church of Sodor, and to be transferred by apostolic authority to the Church of Caithness, which was destitute of a pastor, we, minding to provide for the said Church of Sodor, have turned our inward eyes to you, a professor of the Cistercian order and appointed to the priesthood, of whose religious zeal, purity of life, high morality and other virtues and goodness praiseworthy testimony has been given to us, all which, being well considered, we provide you to the said Church of Sodor and advance you to the episcopate and pastorate, committing the care and administration of the said Church of Sodor fully to you in spiritual and in temporal affairs. Therefore to your discretion we command by these apostolic writings that, taking upon you the burden of the government of the said Church of Sodor imposed upon you by the Lord. . . . We will also that as soon as you have received the apostolic letters exped upon this provision and preferment you proceed to the said Church of Sodor and make personal residence there, and that you do not presume to exercise the priestly functions outwith your own see and diocese of Sodor. Given at St. Peters at Rome, 9th January, 1402. James xx. From Teramo.

Simon of Creech, councillor of the Earl of Athole and Caithness.

Petitions, vol. 96, f. 34 d.; 10-12 [10] Benedict xiii., Anti-Pope; Papal Letters, i., 628.

141.

October 16, 1403.

Sallon.

Roll composed by the Precentor of Bayeaux for the Scots:—
(inter alios).

* * * * *

Simon de Creych, councillor of the Earl of Athol and Caithness, M.A., advanced in canon and civil law, of noble birth, for a canonry of Brechin, with expectation of a prebend, notwithstanding that he has the church of Audebair, in the diocese of St. Andrews, value 14 marks, and a sinecure chaplaincy of Dunkeld.

* * * * *

Granted for all. Sallon, in the diocese of Arles, 17 Kal. Nov. anno 10 (16 October, 1403). Ad vacatura post 7 Id. Oct. (9 October) anno quo supra.

Dispensation for the marriage of Walter, Earl of Caithness, and Elizabeth, daughter of Sir William Graham.

Vatican Transcripts, in Gen. Reg. House, Edinburgh, 326, fol. 220.

142.

August 1, 1404.

Marseilles.

Dilecto filio nobili viro Waltero, Comiti de Caitenes, et dilecte in Christo filie nobili mulieri, Elizabeth, nate dilecti filii nobilis viri Willermi Grame, militis, Dumblanensis, diocesis, salutem et apostolicam benedictionem. Providencia sedis apostolice circumspecta qualitates temporum ac status et conditiones personarum diligenter attendens nonnulla personis generis claritate sublimibus Deo et sibi devotis quandoque rigore canonum mansuetudine temperato prout in Deo cognoscit expedire gracie concedit que juris sanctio interdicat. Sane peticio vestra nobis nuper exhibita continebat quod vos ex certis et rationabilibus causis desideratis legitime invicem matrimonialiter copulari, et quod ex huiusmodi matrimonio quamplurimum bonum consequi multeque lites et jurgia evitari possunt, sed quia tercio gradu affinitatis exeo provenientes quod tu, fili Waltere, quondam Margaretam que tibi, filia Elizabeth, in tercio gradu consanguinitatis attinebat, duxisti in uxorem et exeo eciam quod quondam Robertus de Keyth tui, fili, nepos tuque, filia, sponsalia contraxistis desiderium huiusmodi non potestis adim-

plere dispensatione apostolica super hoc non obtenta; quare pro parte vestra fuit nobis humiliter supplicatum ut providere vobis super hoc de dispensationis oportune gracia de benignitate apostolica dignaremur. Nos igitur votis vestris quantum cum Deo possumus favorabiliter annuere volentes vestris in hac parte supplicationibus inclinati, vobiscum ut impedimentis inde provenientibus non obstantibus dummodo tu, filia Elizabeth, propter hoc rapta non fueris matrimonium invicem libere contrahere et in eo postquam contractum fuerit remanere libere valeatis auctoritate apostolica de speciali gratia dispensamus, prolem suscipiendam ex huiusmodi matrimonio legitimam nunciantes. Volumus autem quod vos si huiusmodi matrimonium inter vos contrahi et consummari contingat teneamini decem marchas sterlingorum fabrice ecclesie fratrum minorum de Dunfres, Glasguensis diocesis, in elemosinam erogare. Nulli ergo, etc., nostre dispensacionis et voluntatis infringere, etc. Datum Massilie apud Sanctum Victorem, Kalendas Augusti pontificatus nostri anno decimo.

(Translation.)

To our beloved son, the noble man Walter, Earl of Caithness, and our beloved daughter in Christ, the noble woman Elizabeth, daughter of our beloved son, the noble man William Graham, knight, of the diocese of Dunblane, greeting and the apostolic benediction. The circumspect prudence of the apostolic see carefully regarding the circumstances of the times and position and conditions of people with distinction of the kind of person, graciously grants what the authority of the law refuses to their humble prayers presented to God and it, tempering the rigor of the canon law by tenderness as it knows in God to be expedient. The petition lately presented to us by you shews that you for certain and reasonable causes desire to be lawfully married, and

that from this marriage much good will follow and many lawsuits and disputes may be avoided; but because you are related in the third degree of affinity arising from the fact that you, son Walter, married the deceased Margaret who was related in the third degree of consanguinity to you, daughter Elizabeth, and because also that the deceased Robert de Kayth, nephew of you, son, and you, daughter, were espoused, you were unable to fulfil this desire without obtaining the apostolic dispensation thereupon, wherefore on your behalf humble petition was made to us that we would grant of apostolic grace a suitable dispensation hereupon. We therefore desiring so far as it is possible in our duty to consent to your petition in this behalf, notwithstanding of the impediments above referred to, so long as you, daughter Elizabeth, are not compelled hereto, by apostolic authority and by special grace dispense therewith so that you may freely contract marriage together and freely remain therein, declaring the offspring of the said marriage to be legitimate. Moreover we will that you, if you have already contracted and consummated this marriage, shall be bound to pay ten merks sterling to the fabric of the church of the Friars Minors of Dumfries in the diocese of Glasgow as an alms gift. Let no one infringe this dispensation, etc. Dated at Marseilles, 1st August, 1404.

Alexander de Brothi for a benefice in Caithness.

Petitions, vol. 92, f. 205; 10-13 [12] Benedict xiii, Anti-Pope; Papal Petitions, i., 621.

143.

December 3, 1405.

Savona.

Alexander de Brothi, sub-deacon, of the diocese of Moray, of noble birth, who for three years has studied law at Orleans, for a benefice in the gift of the bishop, dean, and chapter of Caithness, notwithstanding that he has the perpetual vicarage of Alycht, in the diocese of Dunkeld, value 15l.

Granted. Savona, 3 Nov. Dec. anno 12 (3 December, 1405).

Ratification by John Sutherland, son and heir of Nicholas Sutherland, lord of the Castle of Duffus, of a resignation of lands made by his father, and of the regrant thereof to his brother Henry.

"Sutherland Book," vol. iii., p. 22.

144. November 30, 1408. Castle of Duffus.

Universis ad quorum notitiam presentes litere pervenerint, Johannes de Suthirland, filius et heres Nicholai de Suthirland, domini castri de Duffous, salutem in Domino sempiternam. Noverit universitas vestra me, habito maturo consilio amicorum, ratificasse, approbasse et affirmasse illam resignationem sive sursum redditionem quam dudum fecit dictus Nicholaus, pater meus, domino Comiti Suthirlande, tanquam domino suo superiori, de quadraginta libratibus terre cum pertinentiis infra comitatum Suthirlandie quas de ipso comite tenuit in capite; ac etiam ratificasse, approbasse, necnon pleno et integro consensu meo et assensu affirmasse illas concessionem, dationem et infeodationem quas concessit, dedit et fecit idem Comes Suthirlandie predictus charissimo fratri meo, Henrico de Suthirland, super dictis quadraginta libratibus terre cum pertinentiis: Tenendis et habendis predicto Henrico de Suthirland, fratri meo, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, de dicto domino Comite Suthirlandie imperpetuum sine medio; ita tamen quod, dictis heredibus masculis de dicto Henrico fratri meo legitime procreatis seu procreandis, quod absit, deficientibus, dicte quadraginta librate terre cum pertinentiis ad me et heredes meos quoscunque libere et integre revertantur. Promitto insuper et per presentes me obligo et heredes meos nuncquam contra hanc meam voluntariam et spontaneam concessionem et ratificationem sive assensus et consensus prohibitionem in aliquo devenire neque contrarium dictorum punctorum vel articulorum pro toto vel pro parte, propter aliquod evenire poterit

clamare in futurum. In cuius rei testimonium sigillum meum presentibus est appositum apud Castrum de Duffous, ultimo die mensis Novembris, anno Domini millesimo quadringentesimo octavo.¹

(Translation.)

To all to whose notice these present letters shall come John of Sutherland, son and heir of Nicholas of Sutherland, lord of the Castle of Duffus, greeting in the Lord everlasting. Be it known to all men that I, after mature advising with my friends, have ratified, approved and confirmed that resignation or surrender which the said Nicholas, my father, recently made to the Earl of Sutherland as his superior, of the £40 lands with pertinents within the earldom of Sutherland which he held in chief from the said Earl, and I have also ratified, approved and with full consent and assent have confirmed that grant, gift and infestment which the said Earl of Sutherland made to my dearest brother, Henry of Sutherland, of the said £40 lands with pertinents: To be had and held by the foresaid Henry of Sutherland, my brother, and the heirs male of his body lawfully procreated or to be procreated, directly from the said Earl of Sutherland for ever, yet so that in the event of the heirs male of my said brother Henry, lawfully procreated or to be procreated failing, which God forbid, the said £40 lands with pertinents shall freely and entirely revert to me and my heirs whomsoever. Moreover I promise and by these presents oblige myself and my heirs never to come in the contrary of these my free and voluntary grant and ratification or prohibition of assent and consent in any wise nor to object to the said points or articles in whole or in part on account of anything which may happen in time coming. In witness whereof my seal is appended to these presents at the Castle of Duffus, 30th November, 1408.

¹Copied from transumpt of this and other charters made by the Commissary of Moray, 16th December, 1549.

Charter by Robert, Duke of Albany, Governor of Scotland, confirming the Charter by Robert, sixth Earl of Sutherland, in 1400, to his brother, Kenneth Sutherland, and his heirs male, of the lands of Drummoy, Backies and Torrish, in Sutherland.

"Sutherland Book," vol. iii., p. 22.

145.

. . . . 1408.

Referred to by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 428, as existing in his time, and producible as a proof of the precedence of the title of the Earl of Sutherland over that of the Earl of Caithness.

Charter by Robert, Duke of Albany, Governor of Scotland, to his brother, Walter Stewart, Earl of Athole and Caithness, of the barony of Cortachie, resigned by Archibald, Earl of Douglas.

"Sutherland Book," vol. iii., p. 23.

146.

September 22, 1409.

Perth.

Robertus, Dux Albanie, Comes de Fyif et de Menteith ac regni Scotie Gubernator, omnibus probis hominibus totius regni predicti clericis et laicis salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse carissimo fratri nostro, Waltero Senescallo, Comiti Atholie et de Caithnes, militi, omnes et singulas terras baronie de Cortachie cum pertinentiis, unacum advocatione ecclesie parochialis ejusdem, jacentes infra vicecomitatum de Forfar; quequidem terre cum pertinentiis et advocatione dicte ecclesie fuerunt charissimo consanguinei nostri, Archibaldi, Comitis de Douglas, et quas idem Archibaldus, non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua in presentia plurium nobilium

regni, procerum et baronum ac testium subscriptorum nobis per fustem et baculum ac per literas suas patentes apud Perth sursum reddidit pureque et simpliciter resignavit, ac totum jus et clameum que in dictis terris et advocacione ecclesie de Cortoquhy cum pertinentis habuit vel habere potuit pro se et heredibus suis omnino quietum clamavit imperpetuum : Tenendas et habendas dictas terras et advocacione donatione (*sic*, l. ecclesie) de Cortaquhy cum pertinentiis prefato Waltero, heredibus suis et assignatis, de domino nostro rege et heredibus suis, in feodo et hereditate imperpetuum, per omnes rectas metas et divisas antiquas, in unam integram et liberam baroniam, cum furca, fossa, soc, sac, thole, thame, infangtheif et outfangtheif, cum tenandriis et libere tenentium servitiis, cum curiis, eschaetis et curiarum exitibus, bondis, bondagiis, nativis et eorum sequelis, in boscis, planis, moris, maresiis, viis, semitis, aquis, stagnis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus et piscationibus, cum brasinis, pasturis et fabrinis, cum lapide et calce ac cum omnibus aliis et singulis libertatibus, commoditatibus, aisiamentis ac justis pertinentiis quibuscunque, tam sub terra quam supra terram, tam non nominatis quam nominatis, procul et prope, ad dictas terras et advocacionem ecclesie spectantibus seu quovismodo spectare valentibus in futurum; adeo libere et quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Archibaldus, Comes de Douglas, aut predecessores sui, dictas terras et advocacionem ecclesie cum pertinentiis de domino nostro rege ante dictam resignationem nobis inde factam, liberius, quietius, plenius, et honorificentius tenuit aut possedit, tenuerunt seu possederunt : Faciendo domino nostro regi et heredibus suis, dictus Walterus, heredes sui et assignati, de dictis terris, advocacione, cum pertinentiis, servitia debita et consueta; testibus, reverendo in

Christo patre Gilberto, Episcopo Abirdonensi, Cancellario Scotie, carissimo filio nostro Joanne Senescallo, Domino de Buchane, Patricio, Comite de Stratherne, Joanne Senescallo de Innermeth, Waltero Senescallo de Raylistoun, militibus, Roberto de Ross, Thome Birsbane, Thoma Charterhous, Joanne de Spens. In cuius rei testimonium presenti carte nostre sigillum officii nostri apponi precepimus, apud Perth, vicesimo secundo die mensis Septembris, anno Domini millesimo quadringentesimo nono et gubernationis nostre anno quarto.

Haec est vera copia principalis carte suprascripte contentae in rotulis cartarum, donationum et confirmationum dicti Roberti, Ducis Albanie, Gubernatoris Scotie, extracta per me, Magistrum Joannem Skene, Clericum rotulorum Registri ac Consilii supremi domino nostri regis, sub meis signo et subscriptione manualibus. Joannes Skene, Cls. Regri., etc.

(Translation.)

Robert, Duke of Albany, Earl of Fife and Monteith and Governor of the kingdom of Scotland, to all good men of the said whole kingdom, cleric and laic, greeting. Know ye that we have given, granted and by this our present charter confirmed to our dearest brother, Walter Stewart, Earl of Athole and Caithness, knight, all and sundry the lands of the barony of Cortachie, with pertinents, and the advocation of the parish church thereof lying within the sheriffdom of Forfar, which lands with pertinents and advocation of the said church belonged to our dearest cousin, Archibald, Earl of Douglas, and which the said Archibald, induced neither by force nor fraud, but of his free will in presence of many of the nobles, lords and barons of the realm and of the witnesses underwritten, by his letters patent purely and simply resigned at Perth, with all right and claim which he had or could have to the said lands and

advocation of the church of Cortachie with pertinents, and for himself and his heirs discharged the same entirely for ever: To be had and held the said lands and advocation of the church of Cortachie with pertinents by the foresaid Walter and his heirs and assignees of our lord the king and his heirs in fee and heritage for ever by all their right meiths and ancient boundaries in one entire and free barony with gallows, pit, soc, sac, thole, thame, infangtheif and outfangtheif with tenandries and services of free tenants, courts and the escheats and exits of courts, with bonds and bondagers, natives and their followers, in woods, plains, muirs, marshes, roads, pathways, waters, pools, meadows, pastures and pasturages, mills, multures and their sequels, fowlings, huntings and fishings with maltkilns, pastures and smithies, with stone and lime and with all and sundry other liberties, commodities, easements and just pertinents whatsoever both above the earth and under the earth, as well not named as named, near and remote, belonging to the said lands and advocation of the church or which by any manner of way may belong thereto in time coming, as freely and quietly, fully, entirely, honourably, well and in peace in all and by all as the said Archibald, Earl of Douglas, or his predecessors held or possessed the said lands and advocation of the church with pertinents from our lord the king before making of the said resignation in our hands: Rendering to our lord the king and his heirs the said Walter and his heirs and assignees from the said lands, advocation and pertinents the services due and wont. Witnesses, the reverend father in Christ, Gilbert, Bishop of Aberdeen, Chancellor of Scotland; our dearest son John Stewart, Earl of Buchan; Patrick, Earl of Strathearn; John Stewart of Innermeath, and Walter Stewart of Rayliston, knights; Robert of Ross, Thomas Birsbane, Thomas Charterhouse and John of Spens. In witness

whereof to this our present charter we have ordained our seal of office to be appended at Perth, 22nd September, 1409, in the fourth year of our governorship. This is a true copy of the principal charter above-written contained in the rolls of charters, donations and confirmations of the said Robert, Duke of Albany, Governor of Scotland. Extracted by me, Mr. John Skene, Lord Clerk Register, under my sign and subscription.

Alexander Barbour, archdeacon of Caithness.

Petitions, vol. 88, f. 52; 13-25 [16] Benedict xiii, Anti-Pope; Papal Petitions, i., 596.

147.

May 18, 1410.

Barcelona.

Alexander Barberii, archdeacon of Caithness, kinsman of James, King of Scotland, and of Robert, Duke of Albany, governor of the realm, whose secretary he is, for the treasurer-ship of Aberdeen, void by reason that James de Lindsay, who was dispensed to hold it and the annexed canonry and prebend, together with the church of Inchebrioch, valued together between 40l. and 50l. Scots money, in the diocese of St. Andrews, for three years, on condition of exchanging the church for a compatible benefice, has not done so, or by the death of William de Ormsuch, notwithstanding that he has been dispensed so as to hold the archdeaconry of Caithness, value 30l., and the church of Mukkyrsi, in the diocese of Dunkeld, value 16l.

Granted, with the necessary dispensation to hold also Inchebrioch. Barcelona, 15 Kal. June, an. 16 (18 May, 1410). Expedited 7 Kal. June (26 May).

Confirmation by Robert, Duke of Albany, Governor of Scotland, of a wadset by William Morat to his son John of some lands in Freswick and Auchingill, in Caithness.

Registrum Magni Sigilli, Roll xii., No. 8.

148.

July 28, 1410.

Doune in Menteith.

Robertus, Dux Albanie, Comes de Fyfe et de Mentethe, ac gubernator regni Scocie, omnibus probis

hominibus tocius regni predicti clericis et laicis, salutem. Sciatis nos quoddam scriptum impignorationis et in vadium immobile dimissionis Willelmi de Monte Alto factum et concessum dilecto nostro Johanni de Monte Alto, filio suo, de omnibus et singulis terris suis cum pertinenciis quas habet in tenemento et territoriis de Freswic et de Ockyngille jacentibus in Catnes, pro octoginta marcis usualis monete quas ab ipso recepit et in usu suo convertebat, de mandato nostro visum, lectum, inspectum et diligenter examinatum, non rasm, non abolitum non cancellatum sed omni prorsus vicio et suspicione carens inspexisse et intellexisse ad plenum, in hec verba: Omnibus hoc scriptum visuris vel audituris, Willelmus de Monte Alto, Dominus de Loscragy, salutem in Domino. Noverit universitas vestra me impignorasse et in vadium immobile dismisisse carissimo filio meo, Johanni de Monte Alto, pro octoginta marcis usualis monete quas ab ipso causa mutui recepi et in usu meo necessario et honesto convertebam, omnes et singulas terras means quas habeo in tenemento et territoriis de Freswike et de Ockyngille cum pertinenciis in Catnes: Tenendas et habendas omnes terras meas cum pertinenciis predicto Johanni, heredibus suis et assignatis, de me et heredibus meis in feodo impignorationis imperpetuum, per omnes rectas metas et divisas suas, in boscis, planis, viis, semitis, moris, marresiis, pratis, pascuis et pasturis, in aucupacione, venacione et piscacione, in curiis et earum exitibus, et cum aliis et singulis libertatibus, commoditatibus, aysiammentis et justis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam procul quam prope, tam sub terra quam supra terram, ad omnes terras meas predictas spectantibus seu quovismodo spectare valentibus in futurum, adeo libere, quiete, integre, bene et in pace, sicut aliqua terra impignorata infra regnum Scocie liberius et quiecuis tenetur seu possidetur: Quandocunque tamen ego seu heredes mei

prenominato Johanni, filio meo, octoginta marcas usualis monete, heredibus suis vel suis assignatis, uno die inter solis ortum et occasum ejusdem simul et semel bene et fideliter sine dolo vel fraude in ecclesia parochiali de Freswic super magnum altare ejusdem persolvero vel persolverint, omnes et singule dicte terre mee cum pertinenciis extunc ad me et heredes meos revertentur et penes nos remanebunt imperpetuum, et presens scriptum inde confectum nullius erit valoris et omni vigore et effectu carebit: Do insuper pro me et heredibus meis predictis Johanni heredibus suis et suis assignatis, ex libero dono meo, pro suo consilio et auxilio michi sepius impensis et impendendis, omnes et singulas fructus, firmas, commoditates et aysiamenta in omnibus et per omnia medio tempore de dictis terris proveniencia seu provenire valencia in futurum, nichil computando in solucione summe principalis: Quasquidem omnes et singulas terras cum pertinenciis in tenemento et territorio de Freswic et Ockingille supradictis ego, dictus Willelmus, et heredes mei predicto Johanni, filio meo, heredibus et suis assignatis, in omnibus, ut supradictum est, contra omnes homines et feminas warantizabimus, acquitabimus et imperpetuum defendemus. In cujus rei testimonium sigillum meum presenti scripto meo est appensum apud Perthie vicesimo secundo die mensis Julii anno Domini millesimo quadringentesimo decimo, hiis testibus, nobilibus viris, Dominis Johanne Senescalli de Lorne, Georgio de Lesly, Willelmo de Monte Alto de Ferne, militibus, Roberto Senescalli de Lorne, et Thoma de Blare, scutiferis, cum multis aliis. Quodquidem scriptum impignoracionis et in vadium immobile dimissionis in omnibus punctis suis et articulis, condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effectum, in omnibus et per omnia approbamus, ratificamus et auctoritate officii nostri gubernacionis regni predicti durante tempore impignoracionis confirmamus:

Salvo domino nostro Regi et heredibus suis de dictis terris cum pertinenciis servicio debito et consueto. In cujus rei testimonium presenti carte nostre confirmationis sigillum officii nostri apponi precipimus, testibus, etc., ut supra, apud Doun in Mentethe vicesimo octavo die mensis Julii anno Domini millesimo quadringentesimo decimo, et gubernacionis nostre anno quinto.

(Translation.)

Robert, Duke of Albany, Earl of Fife and Menteith, and Governor of the Realm of Scotland, to all good men of the whole realm foresaid, cleric and laic, greeting. Know ye that at our command there has been seen, read, inspected and diligently examined a certain wadset, writ and deed of mortgage made and granted by William of Mowat to our beloved John of Mowat, his son, of all and sundry his lands with pertinents which he has in the holding and territories of Freswick and Auchingill, lying in Caithness, for eight hundred merks usual money which he has received and converted to his own use, which has been found not erased, destroyed nor cancelled, but in every respect free from flaw and suspicion, and we have fully understood the same, which is as follows:—To all who shall see or hear this writing, William of Mowat, lord of Loscragy, greeting in the Lord. Be it known to you all that I have wadset and in stable mortgage disposed to my dearest son, John of Mowat, for eight hundred merks usual money which I have received from him by way of loan and converted to my honourable and necessary use, all and whole my lands that I have in the tenement and territories of Freswick with pertinents in Caithness: To be had and held all my lands with pertinents by the aforesaid John and his heirs and assignees of me and my heirs in wadset fee for ever by all their right meiths and divisions in woods, plains, roads, pathways, muirs, marshes, meadows, pastures and pasturages, in hunt-

ing, fowling and fishing, in courts and their exits, and with all and sundry other liberties and commodities, easements and just pertinents whatsoever, as well not named as named, alike near and remote, both under the earth and above the earth, belonging to all these my lands aforesaid or which may by any manner of way be held to belong thereto in time coming, as freely, quietly, wholly, well and in peace as any wadset land within the kingdom of Scotland is held or possessed. But whensoever I or my heirs shall pay to the before-named John, my son, his heirs or assignees, eighty merks usual money on one day between the sunrise and sunset thereof together and at once well and truly without fraud or guile in the parish church of Freswick and upon the high altar thereof, all and sundry my said lands with pertinents shall forthwith revert to me and my heirs and shall remain with us for ever, and this present writ made hereupon shall be of no more force, strength, nor effect. Moreover, I for myself and my heirs do give to the foresaid John and his heirs and assignees, of my free gift, for his counsel and assistance often rendered to me and to be rendered, all and sundry the fruits, rents, commodities and easements in all and by all meanwhile accruing or which may accrue in time coming from the said lands, but reckoning nothing thereof in payment of the principal sum: Which all and sundry lands with pertinents in the tenement and territory of Freswick and Auchingill aforesaid I, the said William and my heirs shall warrant, acquit and for ever defend to the foresaid John, my son, his heirs and assignees, as is above-written against all men and women. In witness whereof to this my present writing, my seal is appended at Perth the twenty-second day of July in the year of our Lord one thousand four hundred and ten, before these witnesses, the noble men, Sir John Stewart of Lorne, George of Lesly, and William of Mowat of Ferne, knights; Robert Stewart of Lorne and

Thomas of Blair, esquires, with many others. Which wadset, writ and deed of mortgage in all the points and articles thereof, and conditions, modes and circumstances whatsoever therein in form likewise and effect in all and by all we approve, ratify, and by authority of our office of Governor of the foresaid kingdom, do confirm during the continuance of the wadset, reserving to our lord the King and his heirs the services due and customary from the said lands with pertinents. In witness whereof to this our present charter of confirmation we have ordained our seal of office to be appended; witnesses, as formerly; at Doun in Menteith the twenty-eighth day of July in the year of our Lord one thousand four hundred and ten, and of our governorship the fifth year.

Alexander Barbour, archdeacon of Caithness.

Petitions, vol. 88, f. 261 d.; 13-25 [21] *Benedict xiii.*, *Anti-Pope*; *Papal Petitions*, i., 603.

149.

June 20, 1415.

Valencia.

Alexander Barberii. Whereas the pope made provision to Richard Crech of a canonry, prebend, and the precentorship of Moray, on condition that he resigned the church of Abernit, in the diocese of Dunkeld, value 20l., which was thereupon reserved to Thomas Butil; but as Richard had not obtained possession of the canonry, prebend, and precentorship, the Pope gave him Kinkel, in the diocese of Aberdeen; and as Abernit is void by the consecration of Thomas, the Pope is prayed to grant it to Alexander, notwithstanding that he has the church of Mukkyrissy, in the diocese of Dunkeld, value 30 marks, which he is ready to resign, and the archdeaconry of Caithness, value 20l., which he prays to be allowed to retain.

Granted. Valencia, 12 Kal. July, an. 21 (20 June, 1415).

Charter by Donald, Lord of the Isles, to Angus of Strathnaver and Neil, his son, by Elizabeth, sister of the granter, of the lands of Strathhalladale and Ferancostgrayg.

Transumpt in the Reay Papers from the Acta Dominorum Concilii where it was registered on 15 Feb., 1506-7. Printed in the Book of Mackay, p. 375.

150.

October 8, 1415. Isle of Marcaig.

Comperit Sir Johne Polsoun, chanter of Cathness, servitor and procurator for Y Mcky, and gave in this charter underwritten and desyrit the saymn to be transumpt and copiit attently of whilk the tenor follows :
 “ Sciant presentes et futuri quod nos Donaldus de Ile, Dominus Insularum, dedimus, concessimus et presenti carta nostra confirmavimus nobili viro Angusio Eyg de Strathnawir et Nigello, filio suo seniori inter ipsum et Elizabetam de Insulis, sororem nostram, procreato et ipsius filii heredibus masculis de ejus corpore legitime procreandis, et si contingat dictum filium sine heredibus masculis de ejus corpore legitime procreandis de hac vita migrare, alteri filio superviventi qui successive supervivere contingat de suis germanis fratribus et illius superviventibus filii heredibus masculis de ejus corpore legitime procreandis, terras de Strathalgadill et Ferancostgrayg : Habendas et tenandas per suas rectas metas et antiquas fines in hereditatem et feodem de nobis et herdibus nostris sibi et supradicto suo filio et illius filii heredibus masculis ex ejus corpore legitime procreandis : Reddendo inde nobis et heredibus nostris dictus Angusius et ejus filius, ut supradictum est, et ipsius filii heredes masculi de ejus corpore procreandi eorum homagium famylaritatem et servitium contra omnes hujus vite mortales, dolo et fraude remotis, ut per ipsius Angusii patentes literas nobis inde factas plenius continetur : Solvendo etc. nobis et heredibus nostris prefatus Angusius et ejus filii seu heredes predicti

wardam et releviam quotiens fuerit debitum et solvi consuetum. Nos vero et heredes nostri predictas terras de Strathalgadil et Ferancostgraygis concedimus dicto Angusio et heredibus suis supradictis in planis, pasturis, campis et nemoribus, stagnis, rivis, aquis, molen-
dinis, venationibus, piscariis cum ceteris aliis emolumentis et pertinentiis sicut melius, plenius, liberius et honorificentius terre in hereditatem solent dari seu literis confirmari. In cuius rei testimonium sigillum nostrum presentibus apponi fecimus; data apud insula Margage octavo die mensis Octobris anno Domini millesimo quadringentesimo quinto decimo; hiis testibus, Lauchlano Makgillane et Roderico Makcloid, cum diversis aliis." The quilk desyre the Lords understandand juste and consonand to resone decerns and ordans the sade charter to be transumyt attently and to be put in public forme, and als meikille faith to be gevin to the sade transumpt as to the principal charter in judgment and without in all tymes to cum, notwithstanding the cancellation and revin of the samye reklessly and in the bak be evil disposit persons, because that public mandate and summonition of all partiis hafand or traistant to haye intress thairto to here the samyn to be transumyt ordorly procedit as efferit.

(Translation.)

Know all men present and to come that we, Donald of Ile, Lord of the Isles, have given, granted and by this our present charter confirmed to a noble man, Angus Eyg of Strathnaver, and Neil, his eldest son, procreated between him and Elizabeth of the Isles, our sister, and the heirs male lawfully to be procreated of the body of the said son, and, if it should happen the said son to die without heirs male lawfully procreated of his body, to the other surviving son who shall happen to survive successively of his brothers german, and the surviving heirs male lawfully procreated of the

body of that son, the lands of Strathhalladale and Ferancostgrayg: To be had and held by their right meiths and ancient bounds in heritage and fee of us and our heirs by him and his foresaid son and the heirs male lawfully to be procreated of the body of that son: Paying therefor to us and our heirs the said Angus and his son as is aforesaid and the heirs male to be procreated of the body of the said son their homage, attendance and service against all mortals, all guile and fraud away put, as is more fully contained in the letters patent of the said Angus made to us hereupon; paying also to us and our heirs the foresaid Angus and his sons or heirs foresaid the ward and relief as often as the same is due and customary to be paid. And we and our heirs grant the foresaid lands of Strathhalladale and Ferancostcraigs to the said Angus and his heirs aforesaid in plains, pastures, fields and groves, pools, streams, waters, mills, huntings, fishings with all their emoluments and pertinents as well, fully, freely and honourably as any lands are wont to be given in heritage or confirmed by deed. In witness whereof we have caused our seal to be appended to these presents dated at the Isle of Marraig 8 October 1415; witnesses, Lauchlan McLean and Roderick Macleod, with several others.

Alexander Barbour, archdeacon of Caithness.

Petitions, vol. 88, f. 278; 13 to 25 [22] Benedict xiii., Anti-Pope; Papal Petitions, i., 605.

151.

January 3, 1416.

Peniscola.

Alexander Barberii, canon, prebendary, and archdeacon of Caithness, for the canonry and prebend of Guttry in Brechin, valued at 10 marks, on their voidance by Patrick de Howiston obtaining the canonry and prebend of Rentfrew in Glasgow, notwithstanding that he has also the church of Abernit in the diocese of Dunkeld.

Granted. Peniscola, 3 Non. Jan. an. 22 (3 January, 1416).

Alan Stewart, natural son of the Earl of Athole and Caithness.

Petitions, vol. 88, f. 281 d.; 13 to 25 [22] Benedict xiii., Anti-Pope; Papal Petitions, i., 605.

152.

January 5, 1416.

Peniscola.

Alan Stewart (SENECALLI), nephew of the governor of the realm of Scotland, and son of the Earl of Athol and Caithness, for the canonry and prebend of Menmuir in Dunkeld, valued at 20l., old sterling, which he has held for five months by authority of the ordinary, void by the death of William Ade, honorary papal chaplain, notwithstanding that he is illegitimate, and twelve years of age.

Granted with the necessary dispensation. Peniscola, Non. Jan. an. 22 (5 January, 1416); expedited 15 Kal. March (15 February).

Commission to grant Dispensation for the marriage of John de Sutherland and Margaret de Duff.

Vatican Transcripts, in Gen. Reg. House, Edinburgh, 349, fol. 378 v.

153.

July 5, 1417,

Peniscola.

Venerabili fratri Episcopo Moraviensi salutem, etc. Oblate nobis pro parte dilecti filii nobilis viri, Johannis de Suthirland domicelli et dilecte in Christo filie nobilis mulieris, Margarete de Duf domicelle Cathanensis diocesis petitionis series continebat quod ipsi de comuni parentum et amicorum suorum consilio et tractatu ad sedandum stragem magnam et scandala que inter ipsos, procurante humani generis inimico, sequi verisimiliter dubitatur desiderant insimul matrimonialiter copulari, sed quia tercio consanguinitatis gradu invicem sunt conjuncti desiderium hujusmodi adimplere non possunt, dispensatione super hoc apostolica non obtenta; quare pro parte Johannis et Margarete predictorum fuit nobis humiliter supplicatum ut providere ipsis super hoc de oportune dispensacionis gratia de benignitate apostolica dignaremur. Nos igitur qui pacem et quietem querimus singulorum cupientes

scandalis ipsis totis viribus obviare hujusmodi supplicationibus inclinati ex certis causis rationabilibus quas presentibus haberi volumus pro expressis fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per apostolica scripta comittimus et mandamus quatenus si est ita, dictaque Margareta propter hoc rapta non fuerit, cum eisdem Johanne et Margareta ut ipsi impedimento quod ex consanguinitate hujusmodi provenit non obstante matrimonium invicem contrahere et in eo postquam contractum fuerit remanere licite valeant auctoritate nostra dispenses; prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando. Datum Paniscole Dertusensis diocesis III. Nonas Julij anno vicesimo tercio. Expedita XIII. Kalendas Augusti anno XXIII. A. de Campis.

(Translation.)

To our venerable brother, the Bishop of Moray, greeting, etc. There has been presented to us on behalf of our beloved son the noble man, John de Sutherland, and our beloved daughter in Christ, the noble woman Margaret de Duff, young people of the diocese of Caithness, a petition setting forth that they, with common consent and treaty of their friends and relatives for composing the great slaughter and scandals which by the procuring of the enemy of the human race might probably arise among them, desire to be joined together in marriage, but because they are not able to fulfil this desire, being related in the third degree of consanguinity, without obtaining the apostolic dispensation, we have been humbly besought on behalf of the said John and Margaret to provide hereupon by the grace of the apostolic kindness a suitable dispensation. We, therefore, who seek the peace and quiet of everyone, desiring to set aside the stumbling-blocks of the whole race of man and inclining to these supplications,

for certain reasonable causes which we will shall be considered as set forth in these presents, by these apostolic writings commit to you, brother, in whom concerning these and other things we have special trust in the Lord, and we ordain you that, if it be so and that the said Margaret has not been compelled hereto, you dispense with the impediment which arises through their consanguinity, and by our authority permit them to contract marriage together and lawfully remain therein, declaring the children of such marriage to be legitimate. Dated at Peniscola in Valencia, 5th July, 1417.

Alan Stewart, natural son of Walter, Earl of Athole and Caithness.

Petitions, vol. 88, f. 319 d.; 13 to 25 [25] *Benedict xiii*, *Anti-Pope*; *Papal Petitions*, i., 609.

154.

December 9, 1418.

Peniscola.

Alan Steward (SENESCALLI), of the diocese of St. Andrews, son of Walter, son of the King of Scotland, Earl of Athol and Caithness, of illegitimate birth, for rehabilitation and remission of fruits received from the canonries and prebends of Menmuir in Dunkeld, Crudan in Aberdeen, and other benefices, successively held by him for two years since his fifteenth year, when studying arts in the University of St. Andrews.

Granted, with the necessary dispensation and provision. Peniscola, 5 Id. Dec. an. 25 (9 December, 1418).

Petitions by Walter, Earl of Athole and Caithness.

Petitions, vol. 88, ff. 320, 321; 13 to 25 [25] *Benedict xiii*, *Anti-Pope*; *Papal Petitions*, i., 610, 611.

155.

December 11, 1418.

Peniscola.

Walter, son of the King of Scotland, Earl of Athol and Caithness, on behalf of his natural son, Alan Steward (SENESCALLI), for dispensation to hold benefices and cathedral dignities, and to exchange them.

Granted. Peniscola, 3 Id. Dec. an. 25 (11 December, 1418).

The same, on behalf of his chaplain, Nicholas Grenlaw, of the diocese of Dunkeld, dispensed as the son of a priest, for a further dispensation to hold two additional benefices, and exchange them.

Granted. Dated as above.

The same, on behalf of his chaplain, William Lytstar, dispensed on account of illegitimacy, and rector of Rossy, in the diocese of St. Andrews, for a further dispensation to hold any additional benefices and exchange them.

Granted. Dated as above.

Collation of Henry Hervy, canon of Caithness, to the canonry and prebend of Banchory Devenock, Aberdeen.

Regesta Lateran, Vol. ccxvi., f. 34. Noted in the Calendar of Papal Registers: Papal Letters, Vol. vii., p. 188.

156.

March 25, 1421. Rome, St. Peter's.

To the precentor (cantori) and chancellor of Aberdeen and the prior of the priory of Monymusk in the diocese of Aberdeen—Mandate to collate and assign to Henry Hervy, canon of Caithness, bachelor of canon law, official of Aberdeen, the canonry and prebend called of Banchori Devenoc in Aberdeen, value not exceeding 16 l. sterling, void as below. After Benedict XIII's general reservation of benefices, void and to be void, of papal chaplains, Thomas de Tynyngham, a papal chaplain (who had had indult from the said Benedict to resign the said canonry and prebend and his other benefices simply or for exchange, the will of the said Pope being that, after such exchange, they should remain reserved as before), exchanged them with Thomas de Eddynham for the parish church of Fethirressoch in the diocese of St. Andrews, the resignations being made to Bishops Gilbert and Henry, who carried out the exchange, the said canonry and prebend subsequently becoming void by the death of

Eddynham and remaining reserved, as above, to the said Benedict, who was deposed by the Council of Constance without disposing of them, so that they are still void and reserved, although John Barbier, priest of the said diocese, who is to be removed, unduly detains possession. The collation is to be made whether they became void as stated above or by the free resignation of Thomas de Tynyngham before notary public and witnesses, or became void otherwise; notwithstanding that Hervy holds a canonry and prebend of Caithness, and the perpetual vicarage of Aberdeen in the diocese of Aberdeen, value not exceeding 10 and 20 l. sterling respectively. Litterarum, etc. (Ja. xxv. Tercio Nonas Aprilis anno quarto. de Cerretanis).

Dispute between Nicholas Tunno and Alexander Barbour about the Archdeaconry of Caithness.

Regesta Lateran, Vol. ccxiv., f. 176. Noted in the Calendar of Papal Registers, Papal Letters, Vol. vii., p. 185.

157.

April 7, 1421. Rome, St. Peter's.

To Master John de Opiczis, papal chaplain and auditor—Mandate as below, at the recent petition of Nicholas Tunnok, canon of Ross, M.A. of Paris, priest, containing that a cause arose between the late Alexander Barberii, priest, and Thomas de Grenlaw, canon of Dunkeld, about the archdeaconry of Caithness, upon the voidance of which and its annexed canonry and prebend (because Alexander, [now] bishop of Caithness, sometime elect of Orkney, after receiving provision of Orkney from Benedict XIII., did not have himself consecrated within the canonical time) the said Barberii claimed that he had received papal provision, Thomas claiming that the archdeaconry belonged to him; that the cause, although not lawfully devolved to the Roman court, was committed

by the present Pope at the instance of Thomas to the above auditor, and that whilst the suit had been pending before him Barberii has died. The Pope orders the auditor to surrogate Nicholas to Barberii's right, if any, and moreover to collate and assign to him the archdeaconry itself, an office with cure, value with its said annexes not exceeding 40 marks sterling, notwithstanding that he holds a canonry and prebend of Ross and the parish church of Furvi in the diocese of Aberdeen, value not exceeding 12 and 16 marks respectively, and that the Pope lately granted him provision of canonries with expectation of prebends of Aberdeen and Moray. He is hereby dispensed to hold the said church for seven years with the said archdeaconry, after which he is to resign the church. Litterarum, etc. (Franciscus. xxx. Sexto Kal. Maii Anno Quarto. De Agello).

Pope Martin V. grants to Mr. Nicholas Tunoh, canon of Ross, the archdeaconry and prebend of the Church of Caithness in succession to Alexander, Bishop of Caithness, whom Pope Benedict XIII. had nominated as Bishop of Orkney.

From Reg. Later. No. 214, fol. 176. Printed: Diplomatarium Norvegicum XVII., No. 986, p. 928.

158.

April 9, 1421.

Rome, Vatican.

Martinus, etc. Dilecto filio magistro Johanni de Opiczis, capellano nostro et palatii apostolici causarum auditori, salutem, etc. Litterarum scientia, vite ac morum honestas, alique laudabilia probitatis et virtutum merita, super quibus dilectus filius Nicolaus Tunoh, canonicus Rossensis, magister in artibus, apud nos fidedigno commendatur testimonio, nos inducunt ut sibi reddamur ad gratiam liberales. Exhibita siquidem nobis nuper pro parte dicti Nicolai petitio continebat,

quod orta dudum inter quondam Alexandrum Barberii, presbyterum, et dilectum filium Thomam de Grenlaw, canonicum Dunkeldensem, super archidiaconatu ecclesie Cathanensis, de quo tunc, cum canonicatu et prebenda ipsius ecclesie sibi canonice annexis, ex eo vacante quod venerabilis frater noster Alexander, Episcopus Cathanensis, olim Electus Orchadensis, de cuius persona, tunc archidiacono dicte ecclesie Cathanensis, ecclesia Orchadensi tunc pastore carente, per Petrum de Luna, olim Benedictum xiii. in eius obedientia, de qua partes ille tunc erant, nuncupatum, eadem obedientia durante, eidem ecclesie Orchadensi provisum ac in ipsius ecclesie Episcopum prefectus fuerat et in pastorem, infra tempus de consecrandis Episcopis a canonibus diffinitum non obtinuerat sibi munus consecrationis impendi, Alexander Barberii sibi auctoritate apostolica provisum fuisse, Thomas vero predictus eundem archidiaconatum ad se de jure spectare asserebat, prout idem Thomas adhuc asserit, materia questionis: Nos causam huiusmodi, non obstante quod de sui natura ad Romanam curiam legitime devoluta, et apud eam tractanda et finienda non esset, tibi, ad instantiam dicti Thome, audiendam commisimus et fine debito terminandum tuque in ea ad nonnullos actus, citra tamen conclusionem, inter partes ipsas, diceris processisse. Cum autem, sicut eadem petitio subungebat, prefatus Alexander Barberii, lite huiusmodi sic coram te indecisa pendente, extra predictam curiam decesserit, nos, statum cause huiusmodi habentes presentibus pro expresso, et ne ad dictum archidiaconatum, si lis huiusmodi legitimo careat defensore qui tueatur eandem, alicui vitiosus pateat ingressus, intendentes providere prefatoque Nicolao, qui etiam presbyter est, et, ut asserit, magisterii gradum in eisdem artibus Parisius suscepit . . . specialem gratiam facere volentes, discretionis tue per apostolica scripta mandamus quatenus eundem Nicolaum, dummodo

in dicto archidiaconatu intrusus non fuerit, in omni jure et ad omne jus, si quod prefato Alexandro Barberii in archidiaconatu cum canonicatu et prebenda predictis tempore obitus sui hujusmodi quomodolibet competeat aut competere potuerat, auctoritate nostra surroges dictumque jus sibi conferas et provideas etiam de eodem, ipsumque ad hujusmodi jus, ejusque necnon litis et cause predictarum prosecutionem et defensionem in eo statu in quo causam ipsam invenerit . . . admittas et admitti facias ut est moris; et nichilominus dictum archidiaconatum, qui officium curatum existit, et cuius ac annexorum hujusmodi fructus redditus et proventus quadraginta marcharum sterlingorum, secundum communem extimationem, valorum annum, ut ipse Nicolaus asserit, non excedunt; . . . dummodo tempore date presentium non sit in eo alicui specialiter jus quesitum, cum canonicatu et prebenda predictis ac omnibus juribus et pertinentiis suis prefato Nicolao, auctoritate predicta, conferas et assignes; inducens . . . contradictores . . . non obstantibus . . . Seu quod idem Nicolaus, ut asserit, canonicatum et prebendam ecclesie Rossensis, quorum duodecim, necnon parrochiam ecclesiam de Zur [Zurin?], Aberdonensis diocesis, cuius sedecim marcharum similium fructus, redditus et proventus, secundum extimationem predictam, valorem annum non excedunt, obtinet; nosque dudum sibi de uno Aberdonensium, et alio Moravien-sium ecclesiarum canonicatibus, sub expectatione totidem inibi prebendarum, gratiose concessimus provideri. Nos enim cum eodem Nicolao ut ipse parrochiam ecclesiam predictam unacum prefato archidiaconatu, si illum vigore presentium pacifice assequatur, per septennium retinere libere et licite valeat . . . dispensamus. . . . Datum Rome apud Sanctum Petrum septimo idus Aprilis anno quarto.

Franciscus, xxx., sexto kal. Maii anno quarto, de Agello.

(Translation.)

Martin, etc. To our beloved son, Mr. John of Opiczis, our chaplain and auditor of the causes of the Apostolic palace, greeting, etc. The literary accomplishments, integrity of life and morals and other laudable merits of goodness and virtue of our beloved son Nicholas Tunoh, Canon of Ross, and Master of Arts, which have been reported to us by reliable authority, impel us willingly to receive him to our favour. A petition has lately been presented to us on his behalf showing that a dispute had recently sprung up between the deceased Alexander Barbour, priest, and our beloved son, Thomas of Greenlaw, Canon of Dunkeld, respecting the archdeaconry of the church of Caithness. This canonship and a prebend of the said church canonically joined therewith became vacant when our venerable brother, Alexander, Bishop of Caithness, formerly Elect of Orkney, and at that time archdeacon of the said Church of Caithness, was during the vacancy of the Church of Orkney provided to that see by Peter de Luna, sometime called Benedict the Thirteenth by his following, to which those parts then adhered, during which secession he was promoted to be bishop of that church, but failed to obtain consecration as such within the time appointed by the canon law for the consecration of bishops, and Alexander Barbour was provided thereto by apostolic authority, but the foresaid Thomas objected, declaring that the said archdeaconry rightfully belonged to him, as he still affirms. Notwithstanding that causes of this nature lawfully fall to the Roman Court, and are not to be dealt with and disposed of there, we, at the instance of the said Thomas, committed this matter to your hearing to be brought to a due termination, and you reported that you had proceeded in it between those parties to certain acts yet without coming to a conclusion. But when, as the said petition adds, the foresaid Alexander Barbour, while

this suit was still pending before you undecided, departed this life outwith the foresaid court, we, having the state of the case thus expressly before us, and lest that while this lawsuit lacked a lawful defender who might watch over the same, unlawful entry might be open to any one; desiring also to provide for the foresaid Nicholas, who is also a priest, and, as he affirms, has taken the degree of master in these arts at Paris, and willing to show him special favour, by these apostolic writings ordain your discretion by our authority to surrogate the said Nicholas, provided he has not intruded into the said archdeaconry, in and to all right, if any belonged or could belong by any manner of way to the foresaid Alexander Barbour in the said archdeaconry with the canonship and prebend foresaid at the time of his said death, and that you confer upon him this right and provide him to the same and to the right of pursuing and defending the said cause in such condition as he shall find it, and that you admit and cause him to be admitted as the custom is, and nevertheless that you assign to and confer upon him the said archdeaconry which is an administrative office and of which and its annexes the fruits, rents and profits by common estimation do not exceed the value of forty merks sterling annually, as the said Nicholas affirms; . . . provided that at the date of these presents no one claims a special right thereto, together with the canonship and prebend aforesaid and all their rights and pertinents; inducting . . . contradictors . . . notwithstanding. . . . Or that the said Nicholas, as he represents, may obtain a canonship and prebend of the church of Ross, of which [there are] twelve, likewise the parish church of Zurvi [? Tarvie] in the diocese of Aberdeen, of which the annual value by common estimation does not exceed the yearly value of sixteen merks; and we have lately graciously granted to him to be provided in one canonship of the Church of Aberdeen and in another

of the Church of Moray under the expectation of there being as many therein. For we dispense with the said Nicholas having the said parish church along with the foresaid archdeaconry, if he can by the strength of these presents peacefully acquire it, and that he may freely and lawfully hold the same for seven years. . . . Given at Rome at St. Peters, 9th April, 1421. Francis xxx. 25th April in our fourth year D'Agello.

Collation of Nicholas Tunnok, to the deanery of Aberdeen, in which it is mentioned that "he is litigating in the papal palace about the archdeaconry of Caithness."

Regesta Lateran, Vol. ccxxviii. f. 279. Noted in Calendar of Papal Registers : Papal Letters, Vol. vii., p. 243.

159.

August 30, 1422.

Vicovaro.

To Nicholas Tunnok, M.A.—Collation and provision to him, who has taken his M.A. at Paris, of the deanery of Aberdeen, a major elective dignity with cure, value not exceeding 100 marks of old sterlings, to which a canonry and prebend are annexed, void and reserved, as above, f. 133d. by the recent death of Patrick de Spalding; notwithstanding that he holds the [parish] church of Furby in the diocese of Aberdeen, value not exceeding 16 merks sterling, and a canonry and prebend of Ross, that he is litigating in the papal palace about the archdeaconry of Caithness, a non-major dignity, and that the Pope lately granted him provision of canonries with expectation of prebends of Dunkeld and Moray. He is hereby dispensed to hold for three years the said deanery together with the said parish church, within which period he is to exchange, as usual, or thereafter resign the said church. He is also, on obtaining the deanery, to resign, as he has offered, the said canonry and prebend and the said archdeaconry, if he win it. Litterarum, etc.

Concurrent mandate to the Bishop of Alet, the Abbot of Dere and the Prior of Monymoske in the diocese of Aberdeen. Litterarum, etc. (Ja. xvi. xviii. Octavo id. Octobris anno quinto. De Cerretanis).

Translation of Alexander Vaus, Bishop of Caithness, to Whithorn.

Regesta Lateran, Vol. ccxxxiii., f. 260. *Noted in the Calendar of Papal Registers: Papal Letters*, Vol. vii., p. 287.

160. December 4, 1422. Rome, St. Maria Maggiore.

To Alexander [Vaus], bishop of Whiteherne—Translation from Caithness to the said see, immediately subject, void by the death of Thomas, during whose life it was reserved by the present pope. Before taking possession he is to take to the Bishops of Glasgow and Dunkeld the usual oath of fealty. *Romani pontificis*. [In Eubel, *Hierarchia*, from a brief entry in Arm. xii, vol. 121, p. 155].

Concurrent letters to the chapter, to the clergy and to the people of the city and diocese, to the vassals of the church—*Romani*, etc.; and to James, King of Scotland—*Gracie divine*.

Dispensation to John Beton, Secretary of the Bishop of Caithness.

Regesta Lateran, Vol. ccxxxi., f. 100. *Noted in the Calendar of Papal Registers: Papal Letters*, Vol. vii., p. 253.

161. December 5, 1422. Rome, St. Maria Maggiore.

To John Beton, clerk of the diocese of Aberdeen, bachelor of canon law—Dispensation to him (who formerly received papal dispensation as the son of an unmarried man and an unmarried woman to be promoted to all, even holy orders, and hold a benefice even with cure, and subsequently after he had been promoted to all minor orders, to hold one other com-

patible benefice and to resign both simply or for exchange once only; and who is the secretary of Thomas (*sic*), Bishop of Caithness) to hold one other benefice with or without cure compatible with the others above, and to resign it and the said others simply or for exchange as often as he pleases. Litterarum, etc. (Ja. xvi. Decimoseptimo Kal. Aprilis anno sexto. De Cerretanis).

Translation of Alexander, Bishop of Caithness, to Whithorn.

Regesta Lateran, Vol. cccxxvi., f. 238 d. Noted in *Calendar of Papal Registers: Papal Letters*, Vol. vii., p. 298.

162. March 25, 1423. Rome, St. Peter's.

To the Bishops of Glasgow and Dunkeld. Mandate to receive from Alexander, Bishop of Whiteherne, whom the pope has recently translated thither from Caithness, the usual oath of fealty, and to send it to the Pope. *Cum nos nuper.*

John de Crannach, elect of Caithness.

Regesta Lateran, Vol. cclv., f. 281 d. Noted in the *Calendar of Papal Registers: Papal Letters*, Vol. vii., p. 407.

163. December 11, 1424. Rome.

To John de Crannach, elect of Caithness—Provision to him, rector of Chantenay in the diocese of Le Mans, M.A., S.T.B., priest of the above church, immediately subject, void at the apostolic see and therefore reserved by the Pope's late translation to Whiteherne of Alexander who was at the said see. *Apostolatus officium*. [In Eubel, *Hierarchia*, with reference to f. 282].

Concurrent letters to the chapter, to the clergy and to the people of the city and diocese, and to the vassals of the church of Caithness—*Apostolatus*, etc.,; also to James, King of Scotland—*Gracie divine*.

Safe-conduct to Mr. John Cranok, Bishop of Caithness, and others.

Privy Seals (Tower), 4 Hen. vi. File 3. Printed: Bain's Calendar of Documents relating to Scotland, Vol. iv., No. 988.

164. December 4, 1425. Westminster.

Warrant to the King's cousin the Bishop of Winchester, for a safe-conduct till Michaelmas next to Master John Cranok, Bishop of Caithness, Master James of Hawdenston, prior of St. Andrew, Master Thomas of Mirton, dean of Glasgow, and Master Alexander of Lawedre, archdeacon of Dunkeld, ambassadors of the King of Scots, about to set forth with 50 servants and horses to the Roman Court.

Robert de Strabrok, elect of Caithness.

Regesta Lateran, Vol. cclxxx., fol. 154. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 31.

165. June 4, 1427. Rome, SS. Apostoli.

To Robert de Strabrok, elect of Caithness—Provision to him, a priest of the diocese of St. Andrews, of the said see, immediately subject, void and therefore reserved by the translation thence to Brechin, lately made by the Pope, of Bishop John, who was then at the apostolic see. *Apostolatus officium.*

Concurrent letters to the chapter, to the clergy and to the people of the city and diocese, and to the vassals of the church of Caithness—*Apostolatus*, etc.; also to James, King of Scots—*Gracie divine.*

Collation of Robert de Tulloch to the precentorship of Caithness.

Regesta Lateran, Vol. cclxxxi., f. 74d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 44.

166. January 6, 1428. Rome, SS. Apostoli.

To the Bishop of Ross,—Mandate to collate and assign to Robert de Tulloch, clerk of the diocese of

Brechin, the precentorship of Caithness, a non-major non-elective dignity with cure, value not exceeding 9 l. sterling, which he formerly obtained by exchange with John Lichton for the perpetual vicarage of Elon in the diocese of Aberdeen, the resignations being made to Bishops John and Henry respectively, who carried out the exchange; Robert doubting whether the collation and provision made to him of the said precentorship held good. The collation is to be made whether the precentorship be void in the way stated or because Alexander de Suthirland held it for more than a year without being ordained priest or in any other way. *Dignum, etc. Exhibita siquidem nobis.* (Ja. xx. Decimo Kal. Aprilis anno undecimo. De Cerretanis).

Collation of John Rossell to the parish churches of Latheron and Dunbeath, in the diocese of Caithness.

Regesta Lateran. Vol. cclxxviii. f. 94d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 11.

167.

March 19, 1428. Rome, SS. Apostoli.

To the bishop, the archdeacon and the precentor of Caithness,—Mandate to collate and assign to John Rossell, priest of the diocese of Brechin, the perpetual vicarage, value not exceeding 6 l. sterling, of the united parish churches of Lathryn and Dumbeth in the diocese of Caithness, void because William de Suthirlandia held it for more than a year without being ordained priest, although the said William, who is to be summoned and removed, has continued to unduly detain possession after the lapse of the said year, and has done so for more than seven years. *Vite, etc.* (Pe. xx. Quinto-decimo Kal. Maii, anno undecimo. De Casatiis).

Dispensation to Gilbert Waus, Chancellor of Caithness, to hold, for three years, any other benefice with cure.

Regesta Lateran, Vol. cclxxxvi., f. 45. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 85.

168. April 8, 1429. Rome, SS. Apostoli.

To Gilbert Wause, chancellor of Caithness, bachelor of canon law,—Dispensation to hold for three years with the said chancellorship, which is a non-major non-elective dignity without cure, value not exceeding 20 l. sterling, any other benefice with cure or otherwise incompatible. Litterarum, etc.

Dispensation to Thomas Tulloch, archdeacon of Caithness, to hold the archdeaconry for life, etc.

Regesta Lateran, Vol. cclxxxv., f. 263. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 79.

169. June 7, 1429. Rome, SS. Apostoli.

To Thomas Tulach, archdeacon of Caithness,—Dispensation to him, who is a priest and of a great noble race by both parents, and holds the said archdeaconry, which is a non-major dignity with cure, and is litigating in the apostolic palace about a canonry and prebend of Moray, of which he is not in possession, total value not exceeding 30 l. sterling, to hold for life the said archdeaconry, even if it be elective, and therewith one other incompatible benefice, or, if he resign the archdeaconry, to hold for life two other benefices incompatible with one another even if one or both have cure, etc., and to resign both, simply or for exchange. Nobilitas, etc.

Charter by King James I., to Neil Neilson, of the lands of Creich, etc., in the earldoms of Ross and Sutherland and the sherifffdom of Inverness, forfeited by his brother Thomas for rebellion.

Registrum Magni Sigilli, Lib. iii., No. 64.

170.

March 20, 1429-30.

Perth.

Rex concessit Nigello Nelesoun pro homagio et servitio ejus regi in captione quondam Thome Nelesoun, germani ejus ac rebellis regis, impensis, etc.— terras de Creich, Gerloch, Daane, Moyzeblary, Croinzueorth, Tuiteamtarwach, Langort, Amayde, in comitatibus de Ross et de Suthirland, vicecomitatu Invernys; quas dictus Thoma per rebellionem suam contra majestatem regis nequiter rebellando forisfecit: Tenendas dicto Nigello et heredibus ejus de corpore ejus legitime procreatis, in feodo: Faciendo tres sectas curie ad tria placita capitalia apud Invernys annuatim, cum wardis, etc.

(Translation.)

The King grants to Neil Neilson for homage and service done to the King in the taking of the deceased Thomas Neilson, his brother, the King's rebel, the lands of Creich, Gairloch, Daan, Muieblairie, Croinzueorth, Tuiteamtarbhach, Langort, Amayde, in the earldoms of Ross and Sutherland and sherifffdom of Inverness, which the said Thomas forfeited by his wicked rebellion against the King's Majesty, to be held by the said Neil and the heirs of his body lawfully procreated in fee, rendering three suits of court at the three head courts held annually at Inverness with wards, etc. Dated 20th March, 1429-30.

Charter by King James I., to Angus of Moray, of the lands of Spinningdale, etc., in the earldoms of Ross and Sutherland and sherifffdom of Inverness.

Registrum Magni Sigilli, Lib. iii., No. 66.

171. March 23, 1429-30. Perth.

Rex concessit Angusio de Moravia, filio quondam Alexandri de Moravia de Culbyn, pro ejus homagio et fidei servitio regi in captione quondam Thome Nelesoun, rebellis regis, et alias multipliciter impensis et impendendis, terras de Spangdull, Alrecarre, Fud, Polyssy, de Byghosse, de duabus Trontulis et duabus Forssis, in comitatibus de Ross et de Suthirland, vicecomitatu Invernys: Tenendas dicto Angusio et heredibus ejus de corpore ejus legitime procreatis in feodo: Faciendo tres sectas curie, etc., apud Invernys annuatim, cum wardis, etc.

(Translation.)

The King grants to Angus of Moray, son of the deceased Alexander of Moray of Culbin, for his homage and faithfull service in the apprehending of the deceased Thomas Neilson, the King's rebel, and other numerous services rendered and to be rendered, the lands of Spinningdale, Alrecarre, Fud, Polyssy, Bighouse, the two Tranlles, and the two Forsses in the earldoms of Ross and Sutherland and sherifffdom of Inverness, to be held by the said Angus and the lawful heirs of his body in fee, rendering three suits of court, etc., annually at Inverness, with wards, etc.; dated 23rd March, 1429-30.

Grant by King James I., to Allan Stewart, of the Earldom of Caithness.

Registrum Magni Sigilli, Lib. iii., No. 74.

172. May 15, 1430. Perth.

Rex concessit Alano Stewart comitatum de Cathenesse, vicecomitatu Invernes, quem avunculus

regis Valterus, comes Atholie, resignavit: Tenendum dicto Alano et heredibus ejus masculis de corpore ejus legitime procreatis, quibus deficientibus, predicto Valtero et heredibus ejus quibuscunque, in feodo.

(Translation.)

The King grants to Allan Stewart the earldom of Caithness in the sheriffdom of Inverness, which the uncle of the King, Walter, Earl of Atholl, resigned, to be held by the said Allan and the lawful heirs male of his body, whom failing, the foresaid Walter and his heirs whomsoever in fee; dated 15th May, 1430.

Papal provision of Robert Scrymgeour to the Deanery of Caithness.

Regesta Lateran, Vol. cccxxiv., f. 2. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 496.

173.

August 3, 1434.

Florence.

To Master John de Cameraco, papal chaplain and auditor,—Mandate, at the recent petition of Robert Scrymgeour, canon of Lismore (alias Argyll), M.A., containing that (after the Pope had ordained that who-soever impetrated a benefice peaceably possessed for a year by another should express in his impetration the possessor and his degree, nobility, and how many years he had been in possession, and the explicit cause of his having no right, and should be bound to have the possessor cited within six months before a competent judge, etc. [Ottenthal, *Regulæ Cancell. Apost.*, p. 248, *i.e.*, No. 81 of the *Regulæ Eug. IV.*], the Pope ordered provision to be made to him of the deanery of Caithness, a major dignity with cure, which was then void because Alexander de Suthirlande had held it for more than a year without being ordained priest, and which the said Alexander had unduly detained for about twelve years; that Robert obtained a commission by the Pope to Master Peter Nardi, papal chaplain and auditor, of the cause which he intended to bring against

Alexander, but that, because the public instruments of citation, etc., were lost in a shipwreck, no further proceedings have been taken for about two years; and adding that Alexander, who has continued to detain possession for about two years, is of noble race, although not so described in the [Pope's] said letters, to collate and assign to Robert, who is also B.C.L., by both parents of noble race, and a kinsman of King James, the said deanery, value not exceeding 20 l. sterling, still void as above, summoning and removing the said Alexander; notwithstanding that Robert holds the parish church of Dunnott[ar] in the diocese of St. Andrews and the canonries and prebends of Glascre in Lismore and Logy in Ross, value altogether not exceeding 60 l. sterling, and that the Pope has granted him provision of a canonry with reservation of a prebend and a dignity, etc., of Glasgow, and of a benefice with or without cure in the gift of the Bishop and the Prior and Chapter, etc., of St. Andrews, and that he lately dispensed him, then holding the parish church of Glascre in the diocese of Lismore, which he has since resigned, to hold therewith for life another benefice with cure or otherwise incompatible and to resign them simply or for exchange as often as he pleased. Nobilitas generis, litterarum, etc. (An. and J. Goier. An. xxxiiii. Quarto Idus Novembris anno quarto. De Adria).

Mandate and sentence regarding the provision of Robert Scrymgeour, Dean of Caithness, to the deanery of Caithness.

Regesta Lateran, Vol. cccxxiii., f. 136 d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 489.

174. January 17, 1434-5. Florence.

To the Abbot of Balmorynoch in the diocese of St. Andrews, the archdeacon of Hainaut (Hannonie) in Liege, and the treasurer of Aberdeen,—Mandate as

below. The petition of Robert Scrymgeour, dean of Caithness, contained that provision of the deanery was ordered to be made to him by papal authority, on its avoidance because Alexander Suthulande (*rectius* Suthirlande) had held it for more than a year without being ordained priest, but that the said Alexander prevented the said mandate from taking effect and detained possession as he still does; that the Pope committed the cause, although not lawfully devolved to the Roman court at Robert's instance, to Master Peter Nardi, and afterwards for certain reasons to Master John de Cameraco, papal chaplains and auditors, the latter of whom by a definitive sentence declared the said mandate canonical, adjudged and made collation and provision of the deanery to Robert, removed Alexander, inducted Robert, and imposed perpetual silence on Alexander, and condemned him in costs, which he afterwards assessed at 28 gold florins of the camera. At the said petition adding that Robert fears . . . secular arm, etc., as in the preceding, *mutatis mutandis*. Exhibita, etc. (an. and Anselmus. An. xx. De Adria).

*Papal grant to Henry Rhind, Canon of Caithness,
and incumbent of Olrig.*

*Regesta Lateran, Vol. cccxxxi., f. 314. Noted in the Calendar of
Papal Registers: Papal Letters, Vol. viii., p. 555.*

175.

April 28, 1435.

Florence.

To Henry Rynde, canon of Caithness, M.A.,—Grant to him, to whom on 8 Kal. May anno [1431] the present Pope ordered provision to be made of one or two benefices, even if one of them had cure or were a dignity (*personatus*) perpetual administration or office, elective and with cure, or if each of them were a canonry and prebend, in a cathedral or a collegiate church, in the gift of the bishops and the deans and chapters, etc.,

of Aberdeen and Moray; after which, as his recent petition contained, he obtained the parish church of Logy in the diocese of Aberdeen, collated to him by authority of the ordinary, which he, who is of a race of barons, at present holds, as well as a canonry and the prebend of Olryk in Caithness, value not exceeding 20 l. and 6 l. sterling respectively; that the said letters of provision shall from the date thereof hold good as regards a benefice, administration or office with cure or such dignity or *personatus* as if the said church had not been collated to him; with dispensation hereby to hold together for life such benefice, administration, etc., or any other benefice with cure or otherwise incompatible, even if a major or principal dignity, etc., elective and with cure, and the said church of Logy and to resign them, simply or for exchange, as often as he pleases and hold instead two other incompatible benefices, provided that they be not two parish churches. Nobilitas generis, litterarum, etc. (An. and Franchomme. An. l Quintodecimo Kal. Junii anno quinto. de Adria).

Papal collation of Patrick Fraser to the Deanery of Caithness.

Regesta Lateran, Vol. cccxliii., f. 303. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 606.

176.

November 8, 1436.

Bologna,

To Patrick Frasser, dean of Caithness,—Collation as below. His recent petition contained that in the cause long ventilated in the papal palace before a certain auditor between the late Robert Scrymgeour, clerk, and Alexander Suderlande, clerk of the diocese of Caithness, about the deanery of Caithness, a major dignity, provision of which had been made to the said Robert by papal authority and of which the said Alexander was unduly detaining possession, the said Robert obtained a definitive sentence by which the said deanery was

adjudged to him and perpetual silence imposed on Alexander, which sentence became a *res judicata*. The said deanery having subsequently become and being void by the death without the Roman court of the said Robert after the execution of the said sentence, and being therefore reserved as above, f. 283, the Pope hereby makes to the above Patrick (who was lately dispensed as the son of a baron, now married, and an unmarried woman, (i) by authority of the ordinary to be tonsured, (ii) having been tonsured, by papal authority to be promoted to all, even holy orders and hold any mutually compatible benefices of any number and kind, with and without cure, even if canonries and prebends and dignities, even major, etc., and to resign all, simply or for exchange as often as he pleased), collation and provision of the said deanery which has cure and is elective, value not exceeding 20 l. sterling whether void by the non-promotion within the statutory time of the said Alexander to the holy orders which the deanery requires, or by the death of the said Robert or by the resignation of one of the said Robert and Alexander or of any other, or void in any other way: notwithstanding that provision was recently made to him by papal authority of a canonry and a prebend called sub-decanal of Ross, of which he is not in possession, value not exceeding 16 l. sterling, and that the pope has granted him provision of a canonry of Aberdeen and another of Brechin with expectation of as many prebends therein and of a dignity, etc., of one of them, which grant shall, upon his obtaining the said deanery, be null as far as regards another incompatible benefice only. *Vite*, etc.

Concurrent mandate to the Bishops of Moray and Ross and the dean of St. Mary's Utrecht (Trajectem.). *Vite*, etc. (An. and Ja. de Ugolinis, G. de Elten. An. xiii. xv. Tercio Kal. Decembris anno sexto. De Adria).

Papal provision of Thomas de Lochmalony, to a canonry of Caithness.

Regesta Lateran, Vol. cccxxv., f. 293 d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 578.

177. January 28, 1436-7. Bologna.

To Thomas de Lochmaloni, canon of Caithness, B.C.L.—Grant validating the grant lately made to him by the Pope and from the date on which they shall be drawn up of the letters thereof, of provision of a canonry with expectation of a prebend and a dignity, etc., of Caithness and provision of a benefice with or without cure, even if a canonry and prebend or a dignity, etc., in the gift of the bishop and the dean and chapter, etc., of Brechin, even if such dignities, etc., were elective and had cure, notwithstanding that it is expressed in the petition which was signed in the matter that he was a B.C.L., which, although he is now, he was not yet at the date of the said grant. *Litterarum*, etc. (An. and Pizolpassus. An. xvi. Septimo Id. Octobris anno octavo. De Adria).

Walter de Idil, Canon of Caithness, to resign the rectory of Logy in Buchan.

Regesta Lateran, Vol. cccliii., f. 218 d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., pp. 645, 646.

178. March 28, 1437. Bologna.

To the abbot of Dere in the diocese of Aberdeen. Mandate as below. Lately the present Pope—on its being set forth to him by the dean and chapter of Aberdeen that although the late David, king of Scots, gave them his patronage of the parish church of Logy in Buchan (in Bochannia) in the diocese of Aberdeen; and that although the said church was by authority of the ordinary appropriated to the capitular mensa in such wise that its fruits, etc., a fit portion thereof being

reserved for a perpetual vicar, should be distributed amongst the canons present at divine offices, and that the dean and chapter should be obliged to keep in perpetuity a chaplain to celebrate mass daily in the choir of the church of Aberdeen for the souls of the said king and of his ancestors and successors, and be present at the said offices; and that although the said dean and chapter by vigour of the said appropriation took possession of the said church and held it or its rectory for some time to their uses they nevertheless, inasmuch as several others were afterwards in the said possession, feared that they had lost their right in the said church or rectory; and that, moreover, at the said church of Aberdeen, a new and costly work, had been begun for whose completion had been assigned fruits, etc., belonging to the said mensa, to the injury of the dean and chapter—ordered the above abbot, if he found the aforesaid to be true, to incorporate the said rectory to the said mensa in perpetuity. At the recent petition of the said dean and chapter—containing that meanwhile Duncan Lichton, being in possession of the said rectory, after having caused the said mandate to be delayed (arestari) by a certain auditor of causes of the apostolic palace, resigned the rectory for purpose of exchange to Bishop Henry and that Walter de Idil, a canon of Caithness, has by authority of the ordinary and with consent of the said dean and chapter obtained it, void by the said resignation; adding that the said Walter proposes as soon as the said incorporation takes effect, to resign the rectory, whose value and that of the said mensa do not exceed 26 l. and 150 l. sterling respectively; and praying that the rectory may be appropriated to them anew—the Pope, hereby extinguishing any litigation on account of the foregoing, orders the above abbot to receive from the said Walter or his proctor resignation of the said rectory and to appropriate it in perpetuity to the said mensa, so that the dean and

chapter may take possession and convert its fruits, etc., to the said distribution, deducting the aforesaid portion [for a vicar], and moreover to reserve to the said Walter a yearly life pension from the said fruits, etc., notwithstanding that he holds a canonry of Caithness and the prebend of Canysby, value not exceeding 10 l. sterling, and that (by vigour of letters of the present Pope making provision to him of a canonry with reservation of a prebend and a dignity, etc., even if elective and with cure, of Aberdeen, and of a benefice with or without cure in the gift of the bishop and the prior and chapter, etc., of St. Andrews) he has within the lawful time accepted and had provision made to him of the perpetual vicarage of Cupar (de Cupro) in the diocese of St. Andrews, value not exceeding 30 l. sterling, about which he is litigating. and that the Pope lately dispensed him then holding the perpetual vicarage of Inverhore in the diocese of Aberdeen, to hold it for life, together with such dignity, etc., or office with cure or with any other benefice with cure or otherwise incompatible, and to resign them, simply or for exchange as often as he pleased and hold instead for life two other incompatible benefices. The Pope wills that the dean and chapter shall keep a chaplain to celebrate mass and assist at divine offices as above. Tunc injunctum nobis. (An. and M. Pinardi. An. xxxxy. de Adria).

*Reservation of the archdeaconry of Caithness to
James Bruce, canon of Dunkeld.*

*Regesta Lateran, Vol. cccliv., f. 167. Noted in the Calendar of
Papal Registers: Papal Letters, Vol. viii., p. 650.*

179.

July 15, 1437.

Bologna.

To James Broys, canon of Dunkeld, M.A. The Pope has this day ordered provision to be made to Thomas de Tulach, holding *inter alia* the archdeaconry

of Caithness, a non-major, non-elective dignity with cure, of the parish church of Tanadas in the diocese of St. Andrews [requiring him, as he himself also offered, upon obtaining possession to resign the said archdeaconry]. He therefore reserves to his gift for collation to the said James, who is of a race of barons, the said archdeaconry, to become void as above, value not exceeding 20 l. sterling. *Nobilitas generis, litterarum, etc.*

Concurrent mandate to the archdeacon of Hainaut in Liege, the dean of Dunkeld and the chancellor of Ross. *Nobilitas, etc.* (An. and G. de Elten, Cyprianus. An. xv. xvii. Terciodecimo Kal. Augusti anno septimo. De Adria).

Papal provision to Robert de Tulloch, precentor of Caithness, of the deanery of Ross.

Regesta Lateran, Vol. cccliv., f. 68d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. viii., p. 650.

180.

September 12, 1437.

Bologna.

To the archdeacon of Moray. Mandate as below. The Pope ordered provision to be made to Thomas de Tulach of the deanery of Ross, requiring him, as he himself also offered, upon obtaining possession thereof, to resign his canonry of Ross and the prebend of Kaerlemychael (*sic*). Seeing that they have since become void at the apostolic see and therefore *ipso facto* reserved by the resignation to the Pope of the said Thomas, without having possession of the said deanery, provision of which has been duly made to him, the Pope orders the above archdeacon to collate and assign them, value not exceeding 8 l. sterling, to Robert de Tulach, precentor of Caithness, of noble birth. *Dignum, etc.* (An. and G. de Elten. An. xxvii. Quintodecimo Kal. Octobris anno septimo. De Adria).

Obligation by Alexander of Ile, Earl of Ross, to Alexander of Sutherland and Marion of the Isles, his spouse, sister of the granter.

"*The Thanes of Cawdor*," p. 16.

181.

October 24, 1439.

Inverness.

Be it mayde kende till all men be thire present lettres us Alexander of Ile, Erle of Ross and Lorde of the Ilys, to be oblyst and be thyre oure present lettres oblysis and stratlie byndis us fore us ande oure arrys till be upricht with Alexander of Suthirlande and oure derrast syster, Maryoun of the Ilys, hys spous, ande the arrys gottyn betuex thame of thare bodyis, in the defens of the castell and landis of Dunbeth and the landis of Ra with the pertinens agane all tha that leffis ore dee may. Ande gyff it happynnis that the sayde castell and landys of Dunbeth with the pertinens be optenyt and lachfully wonnyn fra Alexander of Suthirlande ore fra the arrys bodely gottyn ore to be gottyn betuex hym and Maryoun of Ile, oure syster, now ore in tymys for to cum, we oblysis and stratlie byndys us fore us and oure arrys that we sall gyf alsmekeyll landys heretabilly with all profitis that sall extende till alsmeckill malys yerly as all the landis of Dunbeth with the pertinens betuexe the bryg of Alnes and the gyrth of Tayne within the Erldom of Ross till the forsayde Alexander and till Marioun, oure forsayde systyre, hys spous, ore tyl the arrys bodely gottyn ore to be gottyn betuexe thame; and we oblyse us and our arrys till fulfyll this obligacioun before wrytyn, all fraude, gyll, cauylacioun and excepcionys excludyt and biput. In witnes of the quhilk thyng oure seill we haf toput at Inuernys, the xxiiij day of the moneth of Octobris, the yere of oure Lorde, a thowsande four hundyr thyrty and nyne yeris, before thire witnes, that is to say, Lauchlayne Maklan of Dowart, John Makloyde of Dunvegane, Carlich Makkerthyre, Alexander McCullauch, and Aychyn Carlichsoun, with syndry utheris.

Collation to Alexander de Leighton, holder of the Archdeaconry of Caithness, of the chancellorship of Dunblane.

Regesta Lateran, Vol. ccclxxiv., f. 299. Noted in the Calendar of Papal Registers: Papal Letters, Vol. ix., p. 131.

182. September 23, 1440. Florence.

To Alexander de Lichton, M.A. Collation and provision to him, a priest and I.U.B., of the chancellorship of Dunblane, a non-major and non-elective dignity with cure, value not exceeding 20 l. sterling, void at the apostolic see and *ipso facto* reserved by the recent resignation to the Pope, made by his proctor John, Bishop of Brechin, of Robert Crannach; notwithstanding that he holds canonries and the prebends of Duffis in Moray and Lethnoth in Brechin, value not exceeding 50 l., and that provision was lately granted to him of the archdeaconry of Caithness, value not exceeding 15 l. sterling, of which he is not in possession. Upon obtaining the said chancellorship he is, as he has offered, to resign the said archdeaconry, if he meanwhile obtain it, or all right in or to it. *Nobilitas generis litterarum, etc.*

Concurrent mandate to the bishop of Valva and the dean and the subdean of Brechin. *Nobilitas etc. (An. and Pizolpassis, Ja. Patri. An. xiii. xv. Tercio Non. Novembris anno decimo. De Adria.)*

Claim by James de Innes, dean of Ross, to the archdeaconry of Caithness, etc.

Regesta Lateran, Vol. ccclxxii. f. 258d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. ix., p. 107.

183. October 26, 1440. Florence.

To James de Innes, dean of Ross, M.A. Grant, etc. as below. A cause arose lately between Thomas (de Tullach now) bishop of Ross, then of lower rank, and Laurence Piot, clerk, of the diocese of St. Andrews,

about the deanery of Ross, the said bishop alleging that, on its voidance by the death without the Roman court of William Farher, provision was made to him by papal authority (see *Cal. Lett.* VIII., pp. 583, 584), and that in virtue thereof he canonically obtained possession, and the said Laurence opposing, and claiming that it belonged to him (see *ibid*, pp. 610, 611). The Pope committed the cause, although not lawfully devolved to the said court, at Laurence's instance, to Master Peter Peregrini, and then to Master Paul de Sanctafide, papal chaplains and auditors, the latter of whom proceeded short of a conclusion. Whilst the cause was pending before the said Paul, the Pope made provision to the said bishop of the said see, whereby, and by his then future consecration, his right in or to the deanery was to become void; and the Pope therefore by other letters ordered the said Paul to reserve the said right to the above James, and to collate and assign it to him, as well as the deanery itself. Seeing that thereafter the said bishop was consecrated by the Pope's order at the apostolic see, and that, whilst the said suit was pending, the said Laurence obtained, collated to him by papal authority, the archdeaconry of Caithness, and afterwards that of Aberdeen (see *ibid*, pp. 276, 295), nonmajor dignities with cure, and subsequently the parish church of Benham (*sic*) in the said diocese (of St. Andrews), the Pope hereby calls up the said cause to himself, extinguishes the suit, and grants to James (who was lately dispensed by papal authority to hold for life any two benefices with cure or otherwise incompatible, even if dignities etc., and to resign them, simply or for exchange, as often as he pleased, etc. [see *ibid*, p. 314]) that the said provision made to him, and the said other letters, which have not yet been executed, and their consequences, shall hold good from the date of these presents, even if the said deanery, which is a major elective dignity with cure, value not exceeding

Collation to Alexander de Ratir, of the Vicarage of Westra in Orkney, by the archdeacon of Caithness, etc.

184. October 5, 1443. St. Peter's, Rome.

Concurrent mandate to the bishop of Aquila and the archdeacons of Orkney and Caithness. *Vite etc. (An. and P. de Casatiis, G. Gonne. An. x. xii. sextodecimo Kal. Novembris anno terciodecimo. De Adria.)*

Regesta Lateran. Vol. ccciii., f. 236d. Noted in the Calendar of Papal Registers : Papal Letters, Vol. ix., p. 379.

To Alexander de Suthyrland, clerk of the diocese of Caithness. Rehabilitation, at his recent petition con-

taining that formerly, after he had been dispensed by papal authority as the son of an unmarried nobleman and an unmarried woman, to be promoted to all, even holy orders and hold a benefice even with cure, he having been tonsured, obtained the perpetual vicarage of Westra in the diocese of Orkney, collated to him by authority of the ordinary, being then in about his eighteenth year and having obtained no canonical dispensation for the purpose, which he detained for about three years, but has resigned; with dispensation hereby to receive four (*quatuor*) other benefices with or without cure, compatible with one another, even if canonries and prebends, dignities etc., and to resign them, simply or for exchange, as often as he pleases, and hold instead four (*quatuor*) other mutually compatible benefices. *Solet sedis apostolice.* (*An. and G. Gonne. An. xxx. De Adria.*)

Collation to Alexander de Ratir of the chancellorship of Caithness.

Regesta Lateran., Vol. cccxcix., f. 284. *Noted in the Calendar of Papal Registers: Papal Letters*, Vol. ix., p. 348.

186. November 2, 1443. St. Peter's, Rome.

To the abbot of Fearn (Nonefern) in the diocese of Ross, the succentor of Ross and the official of Caithness. Mandate to collate and assign to Alexander de Ratir, priest of the diocese of Caithness, the chancellorship of Caithness, a non-major dignity with cure, value not exceeding 12 l. sterling, void by the death without the Roman court of Gilbert Vaws; summoning and removing David de Dysyngton, clerk, of noble birth, who took possession under pretext of a collation made by the ordinary after it had been void so long that its collation had lapsed to the apostolic see, and has detained it for more than a year but less than two; whether it be void as stated, or because the said Gilbert

held it without being promoted within the lawful time to the holy orders which it requires and without dispensation, or by the resignation of the said Gilbert, or in any other way; notwithstanding that the present Pope recently ordered provision to be made to Alexander of the perpetual vicarage of Westra in the diocese of Orkney, value not exceeding 4 marks sterling. He is hereby dispensed to hold both together for life, and resign them, simply or for exchange, as often as he pleases, and hold instead two other incompatible benefices, provided that they be not two major or principal dignities, nor one of each, nor one of such and a parish church, nor two parish churches. *Vite etc. (An. and Jo. de Tefelen. An. xxxxx. Sexto Id. Novembris anno terciodecimo. De Adria.)*

Charter of Confirmation by John, seventh Earl of Sutherland, to Alexander Sutherland, lord of Torboll, of the lands of Torboll.

"Sutherland Book," Vol. iii., p. 25.

187.

July 12, 1444.

Pontefract.

Omnibus Christi fidelibus ad quos presentes litere pervenerint, Johannes, Comes de Suthirland, salutem in Domino sempiternam. Sciatis nos, predictum Johannem, Comitem de Suthirland, vidisse et legi fecisse coram nobis apud Pontemfractum in Anglia, quandam resignacionem quam Nicholaus de Suthirland, dominus de castello de Duffhus, apud capellam Sancti Andree, cum bono consilio amicorum fecit et sursum reddidit et resignavit a se et heredibus suis imperpetuum omnia et singula et integra terras et tementa de Thurboll cum pertinenciis, videlicet, terras ad valorem quadraginta librarum jacentes infra comitatum de Suthirland et infra vicecomitatum de Inverness, in manus honorabilis et potentis domini

Roberti, Comitis de Suthirland, tanquam domino suo superiori de quo omnes predictæ terre cum pertinentiis tenentur; et in predicta capella Sancti Andree predictus Robertus, Comes de Suthirland, cum consilio bono et bene avisatus concessit et libere dedit omnes predictas terras de Thorboll cum pertinentiis, videlicet, terras ad valorem quadraginta librarum jacentes infra comitatum de Suthirland, cuidam honorabili viro, Henrico de Suthirland, filio predicti Nicholai, in feodo et hereditate sibi et heredibus masculis legitime procreatis et procreandis, a predicto Comite de Suthirland et heredibus suis; et quod predictus Henricus et heredes sui haberent et gauderent omnes predictas terras cum pertinentiis adeo libere, pacifice et proficue, sicut habuit predictus Nicholaus easdem terras ante dictam resignacionem predictarum terrarum: Et predictus Comes dedit et concessit predictas terras cum pertinentiis a se et totis heredibus suis ita libere sicut predictus Nicholaus resignavit predictas terras cum pertinentiis in manus predicti Comitis, predicto Henrico et heredibus suis masculis de corpore suo legitime procreatis et procreandis, facientibus et faciendis predicto Comiti et heredibus suis wardam et relevium et tres sectas annuatim ad curiam ipsius Comitis in Suthirland, cum omnibus aliis serviciis forensicis pertinentibus warde et relevio faciendis, prout in dicta litera et scripto resignacionis plenius continetur et specificatur; de quibus terris ad valorem quadraginta librarum idem Henricus obiit vestitus et satus et habuit exitum masculum, dilectum consanguinem nostrum, Alexandrum de Suthirland, dominum de Thorboll: Et modo saltem die confectionis presencium apud Pontemfractum, nos, predictus Johannes, Comes de Suthirland, concessimus et confirmamus a nobis et heredibus nostris predicto Alexandro Suthirland de Thurboll, resignacionem predictam et terras prenomatas de Thurboll cum pertinentiis, videlicet, Thurboll, Straghagcharn,

Litil Thurboll, Ilik, Prounsecroie, Nethirprounse, Ovirprounse, Aghaghasshe, Dale, Royaghier, Grodebrorer, Karoumenzhe, Sipursale, Kilpedder more, Kilpedder beg, acra terre jacente ex parte australi de Helmesdale, Kabeyn et Kilpedder, jacentes in Strethulzhe, cum pertinenciis suis pertinentibus pre-nominatis terris tenure de Thurboll ad valorem quadraginta libratarum terre. Et nos predictus Johannes, Comes de Suthirland, a nobis et heredibus nostris ratificamus et confirmamus predicto Alexandro Suthirland, domino de Thurboll, et heredibus masculis de corpore suo legitime procreatis et procreandis, omnes prenominate terras cum pertinenciis, libertatibus et proficuis dictis terris quovismodo pertinentibus seu imposterum de jure pertinere valentibus, tam in ista confirmacione non specificatis et nominatis quam specificatis et nominatis, tam subtus terram quam supra terram et cum libertatibus, proficuis et aisiamentis et pertinenciis dictis terris ad valorem quadraginta librarum pertinentibus. In cuius rei testimonium huic presenti confirmacioni nostre sigillum nostrum apposuimus, apud Pontemfractum, duodecimo die mensis Julii anno Domini millesimo cccc^{mo} quadragesimo quarto annis; coram hiis testibus, Domino Willelmo Bailze, milite, domino de Hepryke; Alexandro de Stratoun, domino de Laurenstoun; Alexandro Erskyne, domino de Done; Michaele Scot, domino de Balwery, et multis aliis ad testimonium premissorum requisitis.

(Translation.)

To all the faithful in Christ to whom these present letters shall come, John, Earl of Sutherland, greeting in the Lord everlasting. Know ye that I, the foresaid John, Earl of Sutherland, have seen and caused to be read before me at Pontefract in England a certain resignation which Nicholas of Sutherland, lord of the

Castle of Duffus, by the counsel of his friends made at the Chapel of St. Andrews whereby he surrendered and resigned from him and his heirs for ever all and sundry and whole the lands and tenements of Torboll with pertinents, viz., lands valued at £40 lying within the earldom of Sutherland and sheriffdom of Inverness, in the hands of the honourable and potent lord, Robert, Earl of Sutherland, as his superior, of whom all the foresaid lands with pertinents are held, and in the foresaid chapel of St. Andrews the foresaid Robert, Earl of Sutherland, after good consideration and advice granted and freely gave all the foresaid lands of Torboll, with pertinents, namely lands worth £40 lying within the earldom of Sutherland, to a certain honourable man, Henry of Sutherland, son of the foresaid Nicholas, in fee and heritage, and the heirs male lawfully procreated and to be procreated by him, granting that the foresaid Henry and his heirs should enjoy all the foresaid lands with pertinents as freely, peacefully and profitably as the foresaid Nicholas did enjoy the same prior to the said resignation thereof; and the foresaid Earl gave and granted the said lands with pertinents from himself and his whole heirs as freely as the foresaid Nicholas resigned the same with pertinents in the hands of the foresaid Earl to the foresaid Henry and the heirs male lawfully procreated and to be procreated of his body, for rendering to the foresaid Earl and his heirs ward and relief and three suits annually at the court of the said Earl in Sutherland with all other forensic services pertaining to the said ward and relief, as is more fully contained and set forth in the said letter and deed of resignation; in which lands of the value of £40 the said Henry died infest and seized leaving male issue, our beloved cousin, Alexander of Sutherland, lord of Torboll; and now on the day of the making of these presents at Pontefract, I, the foresaid John, Earl of Sutherland, have granted and confirmed

from me and my heirs to the foresaid Alexander Sutherland of Torboll the foresaid resignation and lands before named of Torboll with pertinents, viz., Torboll, Straghagcharn, Little Torboll, Evelix, Proncycroy Netherproncy, Overproncy, Achosnich, Dale, Rearquhar, Grudiebrora, Karoumenzhe, Sipursale, Kilpedder-more, Kilpedder-beg, an acre of land lying on the south side of Helmsdale, Caen and Kilpedder lying in Strathillidh with pertinents belonging to his before named lands of the holding of Torboll to the value of a £40 land. And I, the foresaid Iohn, Earl of Sutherland, for myself and my heirs ratify and confirm to the foresaid Alexander Sutherland, lord of Torboll, and the heirs male of his body lawfully procreated and to be procreated all the before named lands with pertinents, with the liberties and profits pertaining in any manner to the said lands or which in time coming shall lawfully pertain thereto, whether specified and named in this confirmation or not, as well below the earth as above the earth, and with the liberties, profits, easements, and pertinents belonging to the said lands of the value of £40. In testimony whereof to this my present confirmation I have appended my seal at Pontefract, 12 July, 1444; witnesses, Sir William Baillie, laird of Hoprig, Alexander Straton, laird of Lauriston, Alexander Erskine, laird of Dun, Michael Scot, laird of Balwearie, and many others hereto required.

Collation to John Kennochsen, precentor of Caithness, of the succentorship of Ross.

Regesta Lateran, Vol. cccix., f. 103. Noted in the *Calendar of Papal Registers: Papal Letters*, Vol. ix., p. 426.

188. August 22, 1444. St. Peter's, Rome.

To the dean of Moray. Mandate to collate and assign to John (son of Alexander) Kennochsen, clerk

of the diocese of Ross, the succentorship of Ross (to which are annexed a canonry and prebend of the same church and the parish church St. Madidus in the said diocese) a non-elective office without cure, value not exceeding 9l. sterling, void by the resignation of William Bayn to bishop Thomas; notwithstanding that the Pope lately ordered provision to be made to him of the parish church of Eygh, in the diocese of Sodor, of the patronage of laymen (above p. 169), and of the precentorship of Caithness, a non-major dignity without cure, value not exceeding 13 l. and 15 l. sterling respectively. *Dignum etc. (An. and Ja. de Vicentia. An. xxi. Pridie Id. Septembris anno quartodecimo. De Adria.)*

*Mandate for annulment of a simoniacal transaction
in benefices in Caithness.*

Regesta Lateran, Vol. ccccxv., f. 178. Noted in the Calendar of Papal Registers: Papal Letters, Vol. ix., p. 465.

189. February 3, 1444-5. St. Peter's, Rome.

To the official of Caithness. Mandate—the Pope having been informed by Alexander de Suthirland, clerk of the diocese of Caithness, that Richard de Holland, priest of the said diocese, made a bargain with William de Sicc(h)irland (*rectius* Sut(h)irland), then archdeacon of Caithness, that if he would exchange his archdeaconry for Richard's canonry and prebend of Ross, Richard would release him from paying, and would pay in his stead, a certain yearly money pension which William had simoniacally bound himself to pay to Alexander de Ratir, priest, of the said diocese; that the resignations were accordingly made, and the exchange carried out by Robert, bishop of Caithness, (who had special power from Thomas, bishop of Ross), under pretext of whose collation and provision Richard

obtained the archdeaconry and paid the said pension to the said Alexander de Ratir, thereby committing simony, if the said Alexander de Sicchirland (*rectius* Suthirland), who was lately dispensed by papal authority, as the son of an unmarried nobleman and an unmarried woman, to be promoted to all, even holy orders and hold four compatible benefices with or without cure, and resign them, simply or for exchange, as often as he pleased, will accuse the said Richard before the above official, etc., as usual, to summon Richard and others concerned, and, if he find the above to be true, to decree the nullity of the said collation and provision to him of the said archdeaconry, remove him, and in that event collate and assign it, a non-major non-elective dignity with cure, value not exceeding 20 l. sterling, to Alexander; whether it be void by the resignation of the said William or of the said Alexander de Ratir, or be void in any other way; and notwithstanding that Alexander holds the poor hospital without cure of St. Mary (St. Magnus?) in the said diocese, value not exceeding 6 l. sterling. *Dignum, etc.* (*An. and G. Gonne. An. xxxi. sexto Id. Martii anno quarto-decimo. De Adria.*)

Safe-conducts for Margaret, Robert and Alexander of Sutherland, and others.

Privy Seals (Tower), 23 Hen. vi. File 2. Printed: Bain's Calendar of Documents relating to Scotland, Vol. iv., No. 1175.

190. February 6, 1444-45. Westminster.

Warrant to the Chancellor for safe-conducts for a year for Margaret of Sutherlande, Robert of Sutherlande, Alexander of Sutherlande, and Thomas Robertson, "Escottz," and three servants, to come and go between Scotland and England.

Letter in favour of Andrew de Tulloch, Archdeacon of Orkney, in reference to a canonry of Caithness, etc.

Regesta Lateran, Vol. ccccxviii., f. 250d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. ix., p. 499.

191. April 3, 1445. St. Peter's. Rome.

To the bishops of Ossero (*Ausaren.*), Gap (*Vapincen.*) and Ross. Mandate as below. The recent petition of Andrew de Tulach, archdeacon of Orkney, contained that formerly, when he was holding the perpetual vicarage of Lochrewton, and Alexander de Methfan that of Cowlle, in the dioceses of Glasgow and Aberdeen, Alexander's brother promised Andrew a yearly pension in order that he should resign Lochrewton for exchange with Cowlle, which pension Andrew, having made the said resignation, received for some years; that, in order that Gilbert Vaus should resign his canonry of Caithness and prebend of Canesbi for the said vicarage of Cowlle, whereof Andrew was then in possession, to Andrew's brother (*ipsius germano*), Andrew promised him a yearly pension, which he paid for some time, committing simony and thereby incurring ecclesiastical sentences, etc.; that subsequently, upon the expected voidance of the precentorship (*cantoria*) of the church of Moray, then held by Ingram (now) bishop, then elect of Aberdeen, by the present Pope's promotion of him to that see and his impending consecration, the Pope ordered it, a non-major dignity with cure, to be granted *in commendam* to Thomas, bishop of Orkney, at the same time granting that bishop faculty to resign it without the Roman court to any canon or dignitary, to admit such resignation and carry out an exchange for any benefice with or without cure; that Bishop Thomas, in virtue thereof, resigned to John, bishop of Moray, his *commenda* of the said precentorship, which has been duly made to

him on its becoming void by the said promotion and by the said elect's consecration at the apostolic see, that the said Andrew resigned the said canonry and prebend, and that the said Bishop John, under pretext of the said faculty, made collation and provision to Andrew of the said precentorship, and granted the said canonry and prebend *in commendam* to Bishop Thomas; that under pretext of the said collation and provision Andrew obtained possession of the precentorship, and has held together for some time the said vicarage of Cowlle, canonry and prebend and precentorship, still detaining the precentorship, and taking the fruits of them. The Pope therefore orders the above to absolve Andrew, who is by both parents of noble birth, from the said sentences, etc., enjoining penance, dispense him on account of irregularity contracted by celebrating mass, etc., when under the said sentences and rehabilitate him. Before they proceed to execute these presents, he is to resign the precentorship. *Sedes apostolica, pia mater.* (*An. and Ciprianus. An. xvi. de Adria.*) Within the upper half of the initial E of Eugenius is the name Leo.)

Pope Eugene IV. allows Thomas of Tulloch, clerk in the diocese of St. Andrews, to accept the canonry of Caithness with the prebend of Canisby, which Thomas of Tulloch, Bishop of Orkney, had resigned.

A. Bugge's transcript from Supplicationes Eugen. IV. (lib. 3 a. XV.), n. 399, fol. 6 v. Printed: Diplomatarium Norvegicum XVII., No. 571, p. 458.

192.

May 26, 1445.

Rome, Vatican.

Beatissime pater, Cum devota creatura vestra Thomas, Episcopus Orkadensis, cui sanctitas vester dudum cantoriam ecclesie Moraniensis tunc certo modo vacantem auctoritate apostolica vnacum ecclesia Orkadensi tenendam, regendam et gubernandam commendavit seu

commendari mandavit, volens inter cetera quod si ipse Episcopus commende huiusmodi cedere vellet loca illius quodcunque aliud simile vel dissimile beneficium, etc., recipere posset quout in litteris apostolicis desuper confectis quarum tenores, etc., continetur, quique postmodum postquam commende de cantoria huiusmodi sibi facte cessit loco illius canonicatum ecclesie Cathenensis et prebendam de Canisbi in eadem, etc., certo modo vacantes in vim litterarum huiusmodi sibi commendari obtinuit possessione subsecuta, prout possidet de presenti; certis de causis animum suum moventibus commende sibi facte de canonicatu et prebenda predictis sponte et libere cedere proponat, prout cedit de presenti. Supplicat et sanctitas vester deuotus orator Thomas de Thulach Sancti Andree diocesis quatenus cessionem huiusmodi admittentes seu admitti mandantes sibique specialem gratiam facientes de canonicatu et prebenda predictis quorum fructus, etc., sex librarum sterlingorum secundum communem extimationem valorem annum non excedunt, sive ut premittitur sive per obitum Gilberti Walls vel resignacionem ipsius vel Johannis Lychton, Walteri Ydyll, Gilberti Walls, junioris, aut Andree de Tulach vel cuiuscumque alterius de illis . . . eidem Thome dignemini misericorditer providere non obstante defectu natalium quem patitur de soluto genitus et soluta super quo secum fuit auctoritate apostolica et in cancellaria apostolica exprimetur dispensatum et super eo in quantum opus est dispensare dignemini cum certis non obstantibus et clausulis oportunis. Concessum ut petitur in presencia domini nostri pape. Jo. Zamorensis. Datum Rome apud Sanctum Petrum septimo kalendas Junij anno quintodecimo.

(Translation.)

Most blessed father, Whereas, upon your devoted servant Thomas, Bishop of Orkney, your holiness by

apostolic authority bestowed or ordained to be bestowed the precentorship of Moray then in a certain manner vacant, to be held, ordered and governed by him along with the Church of Caithness, and consenting among other things that if the said bishop desired to give up this benefice he might in place of it receive any other similar or dissimilar benefice, as is set forth in the apostolic letters thereupon made of which the tenor, etc., is contained; and he afterwards, after having obtained the commend of this precentorship yielded up the canonship of the Church of Caithness in place of it; and the prebend of Canisby in the same, etc., falling vacant in a certain manner he obtained himself commended thereto in virtue of the said letters, and having subsequently obtained possession still holds the same. But for certain reasons he proposes freely and willingly to resign the gift made to him of this canonship and prebend foresaid as he hereby resigns the same, and your devoted orator, Thomas de Tulloch, of the diocese of St. Andrews, supplicates your holiness that you would receive or cause to be received the said resignation and graciously provide him of your special favour to the said canonship and prebend foresaid, of which the fruits, etc., do not exceed the annual value by common estimation of six pounds sterling, and which are vacant either as aforesaid or by the death of Gilbert Walls, or by his resignation or that of John Lychton, Walter Ydyll, Gilbert Walls, younger, or Andrew de Tulloch, or one or other of them . . . and that notwithstanding the illegitimacy of the said Thomas's birth, of which he craves that a dispensation may be granted from the apostolic chancery by apostolic authority in so far as may be necessary, and with other notwithstanding and suitable clauses. Granted, as desired, in presence of our lord the Pope. Jo. Zamorensis. Given at St. Peter's at Rome, 26th May, 1445.

Pope Eugene IV. allows Andrew of Tulloch, archdeacon of Orkney, to accept the deanery of Caithness on condition that he resigns the archdeaconry of Orkney.

A. Bugge's transcript from Supplicationes Eugen. IV., n. 400, fol. 22. Printed: Diplomatarium Norvegicum XVII., No. 572, p. 459.

193. July 10, 1448. Rome, Vatican.

Supplicat sanctitatem vestrum deuotus orator eiusdem Andreas de Thuloch, archidiaconus ecclesie Orchaden-sis, quatenus sibi specialem gratiam facientes de decanatu ecclesie Cathanensis qui inibi dignitas maior post pontificalem curata et electiva existit cuiusque fructus, etc., viginti librarum sterlingorum communi extimatione valorem annum non excedunt . . . misericorditer providere dignemini de gratia specialj non obstante archidiaconatu ecclesie Orchadiensis predicte quem obtinet et quem paratus est dimittere in eventum et cum ceteris non obstantiis et clausulis oportunis. Concessum ut petitur in presentia domini nostri pape. Jo. Zamorensis. Et quod idem Andreas alias suas obstantias beneficiales et dispensationes in cancellaria apostolica exprimere possit. Concessum. Jo. Zamorensis. Datum Rome apud Sanctum Petrum sexto idus Julij, anno quintodecimo.

(Translation.)

To your holiness your devoted orator Andrew Tulloch, archdeacon of the Church of Orkney, prays that of your special grace you would mercifully deign to bestow upon him the particular favour of the deanery of the Church of Caithness, which is a weighty and elective dignity therein, next in dignity to the episcopate, and of which the fruits by common computation do not exceed the value of twenty pounds sterling yearly; notwithstanding that he holds the foresaid archdiaconate of the said Church and which he is ready to demit if preferred to the other (and with other notwithstanding and suitable clauses). The petition is granted in presence of our lord, the Pope. (Signed) Jo.

Zamorensis. And that the said Andrew may declare his other interposing benefices and dispensations in the apostolic chancery. Granted. (Signed) Jo. Zamorensis. Given at St. Peter's at Rome, 10th July, 1445.

Petition by David de Dishington in reference to his right to the chancellorship of Caithness.

Regesta Lateran, Vol. ccccxv., f. 18d. Noted in the Calendar of Papal Registers : Papal letters, Vol. ix., p. 532.

194. August 12, 1445. St. Peter's, Rome.

To the bishop, the chancellor and the archdeacon of Ross. Mandate, as below. The recent petition of David de Dissynton, chancellor of Caithness, contained that although provision was made to him by authority of the ordinary of the said chancellorship, and that in virtue thereof he obtained possession and had held it in peace for some time, Alexander de Ratre, priest, of the diocese of Caithness, alleging that provision had been ordered to be made to him of the chancellorship under pretext of certain letters of the Pope, caused him to be summoned before Frulayus (*rectius* Finlayus), abbot of Ferne, in the diocese of Ross, one of the executors of the said letters, and that, after the said abbot had proceeded, even as far as a conclusion, John de Strabrok, priest, of the said diocese, then official of Caithness, proceeding in the cause without the knowledge of the said abbot and otherwise wrongfully, promulgated an unjust definitive sentence by which he adjudged the chancellorship to Alexander, and imposed perpetual silence on David, who appealed to the apostolic see. At the petition of the said David for the commission of the said appeal and of the principal matter to persons in those parts, the Pope orders the above to summon the said Alexander and others concerned and hear and decide the said appeal. *Humilibus supplicum votis. (An. and Jo. de Steccatis. An. xiii. De Adria.)*

Reservation to Gilbert Forster, archdeacon of Brechin, of the prebend of Botary, held by John, Elect of Caithness.

Regesta Lateran, Vol. cccxxxi., f. 63d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. ix., p. 581.

195. April 8, 1446. St. Peter's, Rome.

To Gilbert Forstar, archdeacon of Brechin, M.A., a papal acolyte. Reservation to the Pope for collation to him, who is of noble birth and a counsellor of James, King of Scots, and his proctor in the Roman court, of the canonry and prebend called Botari in Moray, value not exceeding 8 l. sterling, about to become void by the promotion, made by the Pope, of John, elect of Caithness, and by his consecration which he is to receive; notwithstanding that he holds the said archdeaconry, which is a non-major non-elective dignity with cure, and a canonry and the prebend called Mortlai in Aberdeen, value altogether not exceeding 28 l. sterling. *Grata deuotionis obsequia. (An. and Blondus. An. xii. xiiii. Pridie Id. Maii anno sextodecimo. De Adria.)*

Richard de Holland to be inducted to the archdeaconry of Caithness.

Regesta Lateran, Vol. cccxxvi., f. 195d. Noted in the Calendar of Papal Registers: Papal Letters, Vol. ix., p. 543.

196. June 17, 1446. St. Peter's, Rome.

To the bishops of Aquila, Dunkeld and Ross. Mandate, as below. The petition of Richard de Holand, archdeacon of Caithness, contained that on the voidance of the said archdeaconry by the resignation of William de Swthirland to Robert, Bishop of Caithness, collation and provision were made to him thereof by authority of the ordinary, and that he was instituted, but that Alexander de Swthirland, priest of the diocese of Caithness, unjustly opposed, prevented the said collation, provision and institution

from taking effect, intruded himself, and took and still retains possession, receiving the fruits; that the cause which arose between them was, although not lawfully devolved to the Roman court, committed by the Pope at Richard's instance to Master John Didaci de Coca, a papal chaplain and auditor, who by a definitive sentence adjudged the archdeaconry to Richard, removed Alexander, inducted Richard, imposed perpetual silence on Alexander and condemned him in fruits and costs, which latter he afterwards taxed at 27 gold florins of the *camera*. At the said petition, which added that Richard fears that whilst the suit has been pending others have intruded themselves or may do so, etc., the Pope orders the above to execute the aforesaid, inducting Richard, removing Alexander, causing satisfaction to be made to Richard in respect of the said fruits and costs, and to proceed to execution even against such intruders, as far only as regards giving possession to Richard, as if the said sentence had been given against them, invoking the secular arm, etc. *Exhibita nobis. (An. and Anselmus. An. viii. Residuum pro Deo. De Adria.)*

Presentation by John, Earl of Sutherland, of Alexander of Ratter, to the chaplainry of St. Andrew of Golspie, with the town of Drummie and others.

"*Sutherland Book*," Vol. iii., p. 26.

197.

May 10, 1448.

Dunrobin.

Reverendo in Christo patri ac domino, domino Dei et apostolice sedis gracia episcopo Cathanensi, vel ejus vicario generali, Johannes, comes Suthirlandie, reverencias debitas et salutem. Ad capellaniam perpetuam Sancti Andree apostoli de Golspi ab omni prorsus possessore et capellano viduatam, ad nostram presentacionem vestramque collacionem pleno jure spectantem, discretum virum dominum Alexandrum de

Ratir, vestre dyocesis presbiterum, tenore presentamus presencium, vestram reverendum paternitatem humiliter exorantes quatinus dictum dominum Alexandrum, nostrum presentatum, ad dictam capellaniam, videlicet, specialiter ad villam de Drommoy cum croftis et terris circa capellam, et crofta[m] supra montem inter torrentes, cum omnibus et singulis suis justis pertinenciis, redditibus et connexis dicte ville de Drommoy, cum croftis et terris ut supra dictum est, per antecessores nostros datas, mortificatas et per nos confirmatas dicte capellanie, admittere dignemini, auctoritate vestre ordinarie potestatis, ceteraque dicto domino Alexandro in premissis facientes que ad vestrum pastorale officium circa premissa dinoscuntur pertinere. In cuius rei testimonium sigillum nostrum presentibus est appensum, apud Dunroben, decimo die mensis Maij, anno Domino millesimo quadringentesimo et quadragesimo octavo, coram hiis testibus videlicet, Alexandro de Suthirlande de Thuroboll, Nicholaio de Suthirlande, filio nostro, Alexandro Willelmi et Thoma Roberti, cum diversis aliis.

(Translation.)

To the reverend father in Christ and lord by the grace of God and the Apostolic See Bishop of Caithness or his vicar-general John, Earl of Sutherland, greeting with due reverence. The perpetual chaplainry of St. Andrew the Apostle of Golspie being at present entirely devoid of a possessor and chaplain and clearly of right belonging to my presentation and your collation I by the tenor hereof present a discreet man, Sir Alexander of Ratter, a priest of your diocese, humbly entreating you, reverend father, to deign to admit by the authority of your ordinary power to the said chaplainry the said Sir Alexander, my presentee, that is to say, specially to the town of Drummue with the crofts and lands about the chapel and the croft on the hill between the waters with all and sundry their just pertinents, rents and annexes of the said town of Drummue with the crofts and lands as above mortified by my pre-

decessors and confirmed by me, and to do all other things in the premises concerning the said Sir Alexander which are known to pertain to your pastoral office. In witness whereof my seal is appended to these presents at Dunrobin, 10 May, 1448 witnesses, Alexander Sutherland of Torboll, Nicholas Sutherland, my son, Alexander Williamson, and Thomas Robertson, with sundry others.

Charter by John de Yle, Earl of Ross and Lord of the Isles, to Alexander Sutherland of Dunbeath, of the lands of Easter Kindeace.

"The Thaness of Cawdor," p. 16.

198.

August 13, 1449.

Inverness.

Omnibus hanc cartam visuris vel audituris Johannes de Yle, Comes Rossie et dominus Insularum, eternam in Domino salutem. Noverit universitas vestra nos dedisse, concessisse et hac presenti carta mea confirmasse dilecto nostro consanguineo, Alexandro de Suthirlande de Dunbeth, omnes et singulas terras de Ester Kyndeis cum pertinenciis iacentes in comitatu nostro Rossie infra vicecomitatum de Invernys pro suo homagio et fidei seruitio; quequidem terre fuerunt quondam Thome de Fentoune de Ogil et quas idem Thomas . . . resignavit . . . : Tenendas et habendas dictas terras de Estir Kyndeis cum pertinenciis prefato Alexandro de Suthirlande heredibus suis et suis assignatis de nobis et successoribus nostris, Comitibus Rossie, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas in boscis et planis, . . . venacionibus, aucupationibus, piscariis et falconibus. . . . In cuius rei testimonium presenti carte nostre sigillum nostrum appendi fecimus apud Invernys, decimo tercio die mensis Augusti, anno Domini millesimo quadringentesimo quadragesimo nono: presentibus ibidem, Johanne Stewart, Domino de Lorn; Lachlanno McGilleoin de Dowarde, Johanne Murchardi McGilleoin de Fynschenys, Johanne Lachlanni McGilleoin de

Colla, Willelmo, thano de Caldor; Magistro Thoma Lochmalony, cancellario ecclesie Rossensis; Andrea Reede, preposito burgi de Invernys: et Alexandro Flemmyng de Perth, cum diversis aliis in testimonium vocatis.

(Translation.)

To all who shall see or hear this charter, John de Yle, Earl of Ross and Lord of the Isles, greeting in the Lord everlasting. Know all men that we have given and granted and by this our present charter confirmed to our beloved cousin, Alexander de Sutherland of Dunbeath, all and sundry the lands of Easter Kindeace with pertinents lying in our earldom of Ross within the sheriffdom of Inverness, for his homage and faithful service; which lands formerly belonged to the deceased Thomas de Fenton of Ogil and which the said Thomas . . . resigned . . . : To be had and held the said lands of Easter Kindeace with pertinents by the foresaid Alexander de Sutherland and his heirs and assignees of us and our successors, Earls of Ross, in fee and heritage for ever by all their right meiths, ancient and divided, in woods and plains, . . . huntings, fowlings, fishings and hawkings, . . . In witness whereof to this our present charter we have caused our seal to be appended at Inverness, 13th August, 1449; witnesses, John Stewart, lord of Lorn, Lauchlan McLean of Duart, John Murchard McLean of Fynscheyns, John Lauchlan McLean of Coll, William, thane of Cawdor, Mr. Thomas Lochmalony, chancellor of the church of Ross, Andrew Reid, provost of Inverness, and Alexander Fleming of Perth, with sundry others called to be witnesses hereto.

Charter by King David I., granting Hector Comon to Andrew, Bishop of Caithness.

Register de Dunfermelyn, No. 24. Lawrie's *Early Scottish Charters*, 199. Circa 1150. Scone.

David Rex Scottorum, omnibus probis hominibus tocius terrae suae salutem. Sciatis me dedisse et con-

cessisse A. Episcopo de Katenes, Hctor Comon liberam et quietam ab omni servitio excepto communi exercitu. Testibus, GG. Episcopo Dunkeldense, Duncan, comite, Gillandres de Scona, Alwyn Mac Archil. Apud Scona.

(Translation.)

David, King of Scots, to all good men of his whole realm, greeting. Know ye that I have given and granted to Andrew, Bishop of Caithness, Hctor Comon, free and quit from all service except in the common army; witnesses, Gregory, Bishop of Dunkeld; Earl Duncan, Gillanders of Scone, Alwyn son of Archil; At Scone.

Charter by King James I. to Morgan Neilson of the Lands of Golval, etc.

Registrum Magni Sigilli, Lib. iii., No. 65.

200.

March 20, 1429-30.

Perth.

Rex concessit Morgundo Nelesoun, pro ejus fidei servitio in captione quondam Thome Nelsoun, rebellis regis, fratris ejus carnalis, alias impenso et impendendo in posterum,—terras de Galvale et de Balehegliss in Strathelovdele, de Achaness, Alcaasmore, Leynsatmore et Inveran, vicecomitatu Inverness:—Tenendas dicto Morgundo et heredibus ejus de corpore ejus legitime procreatis in feodo: Faciendo tres sectas curie, etc., apud Invernys annuatim cum wardis, etc.

(Translation.)

The King [James I.] grants to Morgan Neilson for his faithful service in the capture of the deceased Thomas Neilson, the King's rebel, his natural brother, likewise for service rendered and to be rendered in time coming the lands of Golval and Kirkton [Baile na h-eaglaise] in Strath Halladale, Achness, Alcaasmore, Linsidemore and Inveran, in the sheriffdom of Inverness; to be held by the said Morgan and his heirs lawfully procreated of his body in fee; Rendering three suits of court, etc., at Inverness yearly, with wards, etc.

NOTES.

Abbreviations :

C.P.R. = *Calendar of Papal Registers.*

C. and Sd. in connection with place-names indicate their location in Caithness and Sutherland respectively.

C.R. = *Celtic Review.*

G. = Gaelic.

Miscellany = *Old-Lore Miscellany of Viking Society.*

N. = Norse.

S.P. = *Scots Peerage*, edited by Sir James Balfour Paul, LL.D.

No. 1, p. 1.

David rex Scottorum, p. 1. David I. (1124-1153).

Reinvaldo comiti de Orchadia, etc., p. 1. Rögnvald, earl of Orkney (1136-1158). See footnote p. 1.

Omnibus probis hominibus Cateneis et Orchadie, p. 1. "I think," writes Cosmo Innes, "English lawyers have now agreed that *probi homines* may be correctly rendered either vassals or subjects" (*Scotch Legal Antiquities*, 36). In a footnote he adds: "With us *probus homo* has a similar meaning." In course of time when these vassals were promoted to a crown holding they were styled *lairds*.

Monachos et homines . . . ad Durnach, p. 1. In his important monograph on the *Célidé*, commonly called *Culdees*, Dr. Reeves calls attention to a catalogue of the religious houses of England and Wales, at the end of which is a list of the Scottish Sees and the orders of their respective societies. It is annexed to Henry of Selgrave's Chronicle. Dr. Reeves maintains that this list cannot be earlier than 1272. In respect to the See of Caithness and its monastic institution there is the entry:—"Episcopatus de Katenesis . . . Keledei" (*Trans. Royal Irish Academy*, xxiv., 150). The monks accordingly would be Keledei or Culdees. In some of the early documents the Keledei were designated *canons*—"Keledei quidam qui se canonicos gerunt" (*Regist. Priorat. S. Andree*, 370), but in this particular case it was for a special purpose, and in the early grants it was to the 'brethren' and not to the 'canons' they were made" (*Inchaffray Charters*, xxiv., n.).

Durnach in Cateneis, p. 1. Dornoch in Caithness to distinguish it from Durnach (Durno) in Aberdeenshire.

Cancellario, p. 1. As Rögnvald was earl of Orkney from 1138-1158 this brings the date of the charter to 1138-1153. The chancellors during these years, according to Sir A. C. Lawrie, were William Cumyn, who ceased to act in 1140; he was succeeded by Edward, afterwards bishop of Aberdeen; Jordan; and Walter de Bidun. (*Early Scottish Charters*, 349, 366-370, 380, 390, 430).

Herberto, camerario, p. 1. Herbert was chamberlain in or before 1130. His name occurs in numerous charters by David and a few by Malcolm IV. With a short intermission, c. 1138-9, he seems to have continued in office till 1160, in which year he witnessed a charter of Malcolm IV. (*Exchequer Rolls*, II., cxviii.).

No. 2, p. 2.

Haraldus Orcadensis, Hetlandensis, Catanesie, comes, p. 2. Harald Maddadson, son of earl Paul's sister, Margaret, and Maddad, earl of Atholl. Made earl of half of Orkney and Caithness by his mother's influence in 1139 when only five years old. His mother after 1152 eloped with Erlendr Ungi, of whom nothing is known, though he is invariably confused with earl Erlendr, as in the *S.P.* II., 315, but this would make him to elope with his own aunt (*Saga Book* IX., 13). Earl Harald was deprived of Sutherland, which was given to Hugh Freskin. It was this earl who was responsible for the mutilation of John, bishop of Caithness (see No. 4), for which he was punished by King William in 1201.

Turphino, p. 2. Son of earl Harald by his second wife, Hvarflöd. He became hostage for his father, and on his father's rebellion he had his eyes put out. He died in prison.

Uxoris mee, p. 2. Harald was twice married (1) to Afreka, daughter of Duncan, earl of Fife, whom he repudiated, (2) to Hvarflöd (G. *Gormflaith*), who is described as the daughter of Malcolm, earl of Ross (*S.P.* VII., 231), and also as a daughter of Macheth of Moray (II., 315, 316). At p. 230, vol. vii., the *Scots Peccage* identifies this Malcolm with Malcolm MacEth.

Canonicis manentibus in Scona, p. 2. This gift by earl Harald to the canons of Scone is probably the beginning of the connection between the Abbey of Scone and the See of Caithness. The Abbot of Scone was *ex officio* a canon of Caithness (pp. 14, 19) and had the church of Kildonan as his prebend (pp. 16, 20, 105-108). See *Orig. Par.* II., p. 735 and note.

No. 3, pp. 2-4.

Innocentius Episcopus, etc., p. 3. Pope Innocent III. (1198-1216).

Orchadiensi et Rosmarchenensi Episcopis, p. 3. Bishops Biarne and Reginald respectively. Biarne's mother was the great granddaughter of Earl Paul. A reference to the book containing his principal poem is given by Munch in the *Bannatyne Miscellany*, III., 184 (Dowden's *Bishops of Scotland*, 256). Reginald, bishop of Ross, was a monk of Melrose, and consecrated at St. Andrews 10 September, 1195. Died 13 December, 1213 (*Bishops of Scotland*, 210, 211).

Haraldus Catenensis et Orcadiensis comes, p. 3. See No. 2, p. 250.

Alexandri Pape, p. 3. Pope Alexander III. (1159-81). This is the Pope who canonized Thomas à Becket.

A[ndree], olim *Catenensis episcopi*, p. 3. Andrew, bishop of Caithness, died at Dunfermline on 29 December, 1184, according to the *Scotichronicon* (viii., 33), or according to *Cron. de Mailros* on 30 December, 1185.

No. 4, pp. 5-7.

Innocentius episcopus, p. 5. Innocent III.: see No. 3.

Orchadiensis episcopi, p. 5. Bishop Biarne: see No. 3.

No. 5, pp. 7-9.

Hugo Freskyn, p. 7. The direct and immediate ancestor of the Sutherland family.

Magistro Gilberto archidiacono Moravie, p. 7. Gilbert, archdeacon of Moray, afterwards bishop of C., son of Murdac of Moravia (*S.P.* II., 121. *Trans. Gael. Soc., Inverness*, XXV., 5, 6).

Scelbol, p. 7. Skelbo in Dornoch parish (Sd.).

Fernebuchlyn, p. 7. Its location is unknown; but Dr. Bentinek writes: "An old native says that Tornabuachaillin is near 'The Poles'; probably the same place. Derived from *fearann*, land, and *buachaillean*, herds" (*Dornoch Cathedral and Parish*. p. 512).

Inverchyn, p. 7. Invershin (G. *Inbhir-shin*) in Creich parish (Sd.).

Tenendas, p. 8. The *tenendas* clause in a charter sets forth the nature of the tenure by which the lands are held, whether it be feu, blench, etc.

In bosco et in plano, p. 8. See No. 84, p. 275.

Faciendo, p. 8. The *faciendo* clause relates to the duties which the vassal on claiming entry was bound to render to the superior as his right. *Faciendo* is the first word of the clause in the Latin form—*faciendo domino superiori quod de jure facere tenetur* (by performing that to the superior which by law he is bound to perform).

Servicium unius sagittarii, p. 8. The military service of an archer given to the superior in return for the land granted to Gilbert, archdeacon of Moray.

Forinsecum servicium, p. 8. Usually explained as war service to be rendered without Scotland; within Scotland it was designated *Servitium Scoticanum* (*Scotch Legal Antiquities*, 62). The exact significance of the term, however, is a matter of dispute among feudalists. It is generally agreed that it applies to service outside, that due to the immediate superior and ordinarily to service due to the king. Others, again, such as Cosmo Innes referred to above, would confine the application to *expeditio*, or the foreign military service of the king (*Chart. Lindores Abbey*, lxxv., n.).

- Hugone Douglas*, p. 8. Hugh, son of William de Douglas. He was archdeacon of Moray from 1222 until c. 1238. (*S.P.* III., 135).
- Freskyno Douglas*, p. 8. Freskyn, brother of the above, was dean of Moray, and appears to have died before September, 1232. (*Ibid.* III., 135).
- Ricardo de Moravia*, p. 8. Richard, brother of Gilbert, bishop of Caithness. He married Marjory, daughter and heiress of Alan of Lascelles, and through her he had a great estate in Fife. He is supposed to be the Richard de Moravia to whom the Abbot of Dunfermline granted the lands of Kildun, c. 1240 (*Reg. de Dunf.*, 195-6), where he is described as *filius Murdaci filii Alexandri de Moravia*. He is supposed to have been killed at the battle of Embo (1263). His sarcophagus is still to be seen in Dornoch Cathedral (*S.P.* II., 121; *Trans. Gael. Soc., Inverness*, XXV. 5; *Murrays of Pulrossie in Northern Chronicle*, 3rd August, 1910).
- Archebaldo de Duffus*, p. 8. In a charter of confirmation by Alexander II. to the Abbey of Kinloss, Archibald de Dufhus is mentioned with his brother as *fratres Bricii episcopi Moraviensis* (*Records of the Monastery of Kinloss*, 113). Archibald Douglas was the son of William Douglas. He not only appears to have resided in Moray at intervals, as suggested by the *Scots Peerage*, but to have had lands there, as he is designated Archibald de Duffus. His brothers were Bricius, bishop of Moray; Alexander, Henry and Hugh, canons of Spynie; Freskin, parson of Douglas (No. 5, p. 252). Archibald Douglas disappears from record after 1239 (*S.P.* III., 135, 136).

No. 6, pp. 9, 10.

- Willelmus . . . rex Scottorum*, p. 9. William the Lion (1165-1214).
- Omnibus probis hominibus*, p. 9. See No. 1, p. 249.
- Hugo Freskin*, p. 9. See No. 5, p. 251, and Gray's *Sutherland and Caithness in Saga Times*, 55, 77, 91, 92. Mr. Gray gives a genealogical tree of the early Freskins in the foregoing book.
- Scelebol*, p. 10. Skelbo in Dornoch parish (Sd.).
- Ferenbeuchlin*, p. 10. Variant of Fernebuchlyn. See No. 5, p. 251.
- Salvo servicio meo*, p. 10. That is the king reserves his right to the feudal services due him from these lands while in possession of Gilbert and the heirs of his parents.
- Willelmo de Boscho, cancellaris meo*, p. 10. William of Boscho (Bosco) made chancellor of the king, 28 June, 1210 (*Charters Inchaffray Abbey*, 271). He resigned his chancellorship in 1226 and died in 1231.
- Olivero et Willelmo, capellano meis*, p. 10. Both are witnesses to an Inchaffray Charter (1211-14). Oliver (according to Dr. Maitland

Thomson) appears only during the last years of King William; perhaps not before 1207 (*Charters Inchaffray Abbey*, 273).

Philippo de Valoniis, camerario meo, p. 10. Lord of Panmure, chamberlain, 1180, to his death, 1215 (*Charters Inchaffray Abbey*, 269). He was son of Roger de Valoniis, who had come to Scotland from Normandy about the end of the reign of Malcolm IV. He died on 5 November, 1215, and was interred in Melrose Abbey (*Chart. Lindores Abbey*, 235).

Hugone de Sigillo, clerico meo, p. 10. A frequent witness to charters throughout King William's reign. According to Dr. Dowden, there may have been two or more of the same name, whom it is now impossible to distinguish (*Charters Inchaffray Abbey*, 271). There was a Hugo de Sigillio, consecrated bishop of Dunkeld c. 1214. He died in 1229, *vir mansuetissimus, qui dicebatur pauperum episcopus*. Dr. Dowden says he had been clerk of King William, but Dr. Maitland Thomson points out that this Hugo de Sigillo was Hugh de Roxburgh, made chancellor in 1189 (Dowden's *Bishops of Scotland*, 53, 299).

Seleschirche, p. 10. Selkirk in Selkirkshire.

No. 7, pp. 11-12.

Willelmus, dominus de Suthyrlandia, p. 11. William, first lord of Sutherland.

Testibus:—*Hugone Duglas; Freskyno de Duglas*; p. 11. See No. 5. p. 252.

No. 8, pp. 12, 13.

Alexander rex Scottorum, p. 12. Alexander II. (1214-1249).

Ballivis, p. 12. *Ballia*, says Cosmo Innes, is the jurisdiction or territory of a *ballivus*, but as the king addresses all his administrative officers as his *bailies*, *ballia* comes to mean any royal jurisdiction (*Scotch Legal Antiquities*, 84).

Probis hominibus, p. 12. See No. 1, p. 249.

Abbatis de Scona, p. 12. See No. 2, p. 250.

No. 9, pp. 14-23.

Gilbertus Episcopus Cathanensis, p. 14. Gilbert, bishop of Caithness; see Introduction under Bishops of Caithness.

Decanatu, precentaria, cancellaria, thesauraria et archidiaconatu, p. 14. For an explanation of these terms designating the Cathedral dignitaries, see Introduction under Medieval Church in Caithness and Sutherland.

Clun, p. 15. Clyne (G. Clin). Name of a parish in Sd.

Decimas garbarum civitatis de Durnach, p. 15. The garbal tithes or teind-sheaves (*decimae garbarum*) were the tithes of the sheaves (*garbae*) of all kinds of corn or grain (*bladum*), wheat, bere, oats, etc. They are also sometimes designated the great

- tithes (*decimae majores*) to distinguish them from the tithe of the young of sheep, kine, and other animals, of milk, butter, cheese, wool, etc., which are named the small tithes (*decimae minores*)—Dowden's *Medieval Church in Scotland*, 162.
- Ethenbol*, p. 15. Embo (G. *Eiribol*). In Dornoch parish (Sd.).
- Altaragii de Durnach*, p. 15. With reference to the term altarage, Dr. Dowden says:—"By some writers who have not been well versed in the study of medieval antiquities, the word has been, perhaps not unnaturally, understood to signify only the oblations or offerings (some of which had come to be regarded as 'dues' customarily paid to the priest officiating at the altar. But a more careful study makes it plain that by the term there was also sometimes included the customary allowance of the small tithes (as distinguished from the greater or garbal tithes) made to the vicar" (*Med. Church in Scotland*, 137, 138).
- Methandurnach*, p. 15. Mid-Dornoch (G. *Meadhon Dhornach*; the more usual form, at least, in more modern Gaelic would be *Dornach Meadhonach*). Its exact location is unknown.
- Crech*, p. 15. *Creich* (G. *Craoich*), the name of a parish in Sd.
- Proinci*, Proncy (G. *Pronnsaidh*); *Avelech* (G. *Eibhleag*), Evelix; *Stradormerli*, Strathormlary; *Askesdale*, Astle; *Rutheuerchar*, Rearquhar, p. 15. All these places are in the parish of Dornoch (Sd.).
- Huetherhinche*, p. 15. The Upper Meadow or Common (G. *Uachdar innis*). Prior to 1153 David I. granted to Andrew, bishop of Caithness, *Hector Comon*, which the *Orig. Par. Scot.*, II., part II., 598, conjectures to be Huetherhinche. This suggestion would appear to be correct, for *Hector* is probably the anglicised form of *Uachdar*, so that *Hector Comon* is simply *Uachdar innis* (Huetherhinche), Upper Common or Meadow. It would seem that this is the "common pasturage of the said city of Dornoch" granted by Bishop Gilbert to the chancellor, treasurer-ship and archdeaconate of Caithness in equal parts (p. 20).
- Rothegorth*, p. 15. Rogart, the name of a parish in Sd. The following G. forms have been given of the name:—*Rao'ird* (Dr. W. J. Watson); *Raoghard* (Rev. C. M. Robertson); *Roghard* (Rob Donn, the poet).
- Dawachs*, p. 15. The *davach* was a measure of land known chiefly over the north-eastern counties. It differed in extent, being either one or four ploughgates according to locality and land. Its derivation is disputed. Dr. MacBain derives it from Irish *dabhach*, a vat (*Etymolog. Gael. Dict.*). For further discussion of the meaning and derivation of the term, see Cosmo Innes' *Scotch Legal Antiquities*, pp. 271-273.
- Scelleboll*, Skelbo; *Scitheboll*, Skibo (G. *Sgiobul*), p. 15. These places are in Dornoch parish (Sd.).

- Larg*, p. 15. *Lairg* (G. *Lairg*), name of parish in Sd.
- Sycardhoch* (*Sigurds-haugr*), p. 15. Cyderhall (G. *Siara*), in Creich parish (Sd.).
- Far*, p. 15. Farr, name of a parish in Sd.
- Helgedall*, p. 15. Halladale (N. *helga-dalr*, holy or Helga's dale), formerly in Reay, now in Farr, parish (Sd.).
- Ra*, p. 15. Reay (G. *Meaghrath*—see *Miscellany*, IV., 8), name of a parish, part of which was formerly in Sutherland and part in Caithness. The larger part of the parish was transferred to Farr parish (Sd.) in 1891 by the Boundary Commissioners. Reay parish is now confined to Caithness.
- Ecclesiam de Far in communi assignavimus*, p. 15. Churches whose income, after providing for a vicar were devoted to the cathedral chapter, or as in this to groups of the canons, were called *common churches*.
- Officialium et decanorum ruralium*, p. 16. In each diocese the bishop had a consistorial court, presided over by a lawyer skilled in the Canon Law and not infrequently well trained in the civil law, who was designated the *official*. In most of the Scottish dioceses parishes were grouped together in sections, which were generally known as *deaneries of Christianity*, each presided over by one of the parochial clergy, who was known as the *dean of Christianity* or *rural dean*. Dr. Dowden gives a brief account of the duties that fell to the lot of the rural dean in his *Med. Church in Scotland*, 213, 215.
- Bouer*, p. 16. Bower, name of a parish in C. (G. *Sgìre Bhagair*).
- Watne*, p. 16. Watten, name of a parish in C. (G. *Sgìre Bhatain*).
- Pethgrudi*, p. 16. Pitgrudie (G. *Baile-Ghrùididh*) or Pitgrudy in Dornoch parish (Sd.).
- Herkenys*, p. 16. A difficult place-name: location unknown. For suggested derivation, see *Miscellany* IV., 127.
- Kelduninach*, p. 16. Kildonan (G. *Cill-Donnain*, Donan's cille). Kilduninach, however, as Dr. W. J. Watson suggests, points to *Cill-Domhnaich*, Lord's Kirk (*C.R.* II., 141).
- Olrigh*, *Donot* (G. *Dunaid*), *Canenisbi*, p. 16. Olrig, Dunnet, Canisbay, respectively, the names of parishes in C.
- Scynend*, *Scynand*, pp. 16, 17. Skinnet formerly embraced what is now known as the parish of Halkirk, or at least part of it.
- Dyrnes*, p. 17. Durness (G. *Duirnis* or *Diùranais*), the name of a parish in Sd.
- Thoreboll*, p. 17. Torboll in Dornoch parish (Sd.).
- Kynald*, p. 17. Kinnauld, formerly in Dornoch parish, but in 1891 the Boundary Commissioners transferred it to Rogart.
- Cum tofto et crofto*, p. 17. The following definition and etymology of *toft* has been given by Mr. A. W. Johnston in the Index to the *Orkney and Shetland Records*:—"Old Norse *toft*, *topt*, site

of a house, building ground, e.g., *aðaltuþt*, the original house site of a farm, *almenningsuþt*, a building site held in common; *uppsátartuþt*, a place for the storage of ships during winter; Danish *toft*, enclosed homefield, *tomt*, site (of a building). In England a homestead, messuage, the land adjacent and belonging to a house, an enclosure, land on which a house has formerly stood.—*English Dialect Dict.* In ecclesiastical documents, the *toft* was the garden assigned to the canons, and both it and the *croft* were of sufficient size to be exempted from tithes.

No. 10, pp. 23-27.

Honorius episcopus, etc., p. 23. Pope Honorius III. (1216-1227).

Sancti Andree . . . Glaswensi . . . Dunkeldensi et . . . Dumblanensi episcopis, p. 23. The bishops of St. Andrews, Glasgow, Dunkeld and Dunblane at the date were William Malvoisine (died 1238), Walter (died 1232), Hugh de Sigillo (died 1229), and Abraham respectively.

Karissimus in Christo filius noster . . . rex Scotorum, p. 23. Alexander II. (1214-1249).

A. *Cathanensem episcopum*, p. 23. For an account of the burning of Bishop Adam see *Orkneyinga Saga*, xlv.; Fordun, *Annals*, 41; Wyntoun's *Orygnale Chronykil*, II., 239, bk. vii., c. 9, ll. 2735-2753; *Liber Pluscardensis*, bk. vii., c. 9; Beaton's *Eccles. Hist. of Caithness*, 93-96.

No. 11, pp. 27, 28.

Alexander . . . rex Scotorum, p. 27. Alexander II. (1214-1249).

Omnibus probis hominibus, p. 27. See No. 1, p. 249.

Skellebolle, p. 27. Skelbo in Dornoch parish (Sd.).

Willemo, Episcopo Glasgnensi, p. 27. William de Bondington, chancellor of the king, to which office he was appointed in 1231. Elected to Glasgow in 1232, consecrated 1233 (Dowden's *Bishops of Scotland*, 302, 303).

Patricio, Comite de Dunbar, p. 27. Patrick, sixth earl of Dunbar, succeeded his father in 1232. He died at Damietta in Egypt in 1248, in the Crusade under Louis IX. of France (*Chart. of Lindores Abbey*, 242; *S.P.*, III., 255-257).

Waltero, filio Alani Senescalli, justiciario Scocie, p. 27. Walter, third High Steward of Scotland, succeeded his father in 1204. Justiciar of Scotland from 1232-3 till his death in 1241 (*Charters Inchaffray Abbey*, 275).

Waltero Olifard justiciario Laodonie, p. 27. Son of the first Walter Olifard or Oliphant. He was the greatest of his line and took a leading part in public affairs. He was justiciar of Lothian in 1239, and held the office with one short break until his death in 1242 (*S.P.*, VI., 527, 528).

- Alano Hostiario*, p. 27. Alan Durward (*hostiarius*), earl of Atholl. He first appears as earl in confirmation of a deed of gift to Arbroath, 12 October, 1233. He succeeded to the earldom by right of his marriage with Isabella, the eldest daughter of earl Henry (*Chart. Lindores Abbey*, 258; *S.P.*, I., 422).
- Waltero Byset*, p. 27. Walter Bisset or Bysset, earl of Aboyne and Stratherrick. Died in Arran 1251 (*Charters Inchaffray Abbey*, 279; *S.P.*, I., 422; IV., 139).
- Willelmo de Mar*, p. 27. Probably William, afterwards earl of Mar, who succeeded his father, Duncan, earl of Mar, some time before 7 February, 1243-44. He became Great Chamberlain of Scotland in 1252. A long and keen contest for the earldom of Mar took place between him and Alan Durward. Earl William remained in possession after the contest. He died 25 July, 1281 (*S.P.*, V., 574-577).

No. 12, pp. 28-32.

- Urbanus episcopus*, p. 28. Pope Urban IV. (1261-1265).
- Duncheldensi Brechinensi et . . Rossensi episcopis*, p. 27. The bishops of Dunkeld, Brechin and Ross at this date were Richard of Inverkeithing, Albin, and Robert (II.) respectively.
- Magistrum Walterum de Baltrodin*, p. 29. See Introduction under Bishops of Caithness.
- Que immediate dicte sedi subesse dinoscitur*, p. 29. The Scottish Church as established by Alexander and David possessed no metropolitan; this necessitated the confirmation of episcopal elections direct from Rome. In 1188 Clement III. issued his famous bull (*Cum universi*—Patrick's *Statutes of the Scottish Church*), declaring the Scottish Church to be the peculiar daughter (*filia specialis*) of the Roman Church, to which alone (*nullo mediante*) she was to show subjection. Efforts made by the kings and archbishops of England to secure the subjection of the Scottish Church failed, but it was not until 1472 Scotland received a metropolitan of her own. In 1386 the anti-Pope Clement VII., in view of the heavy expenses and delays in connection with appeals made to the Roman See, issued an ordinance dated 15 Kal. March, 1386, to Walter, bishop of St. Andrews, appointing him to hear and decide all first appeals. In the decree he says:—"Seeing that all the bishops of Scotland are immediately subject to the Roman Church, that appeal from them must be made immediately to the Apostolic See, etc." (*C.P.R. Letters*, IV., 252). Bishop Dowden, however, points out that Bishop Traill's appointment was personal and not official, that is, it was not continued to his successor (*Med. Church Scotland*, 13; see also MacEwen's *Hist. of the Church in Scotland*, I., 227-251).

Quia ipsam invenimus contra formam canonicum attentatam, etc., p. 29. In refusing to confirm an election of a bishop, it was not usual for the Pope to state definitely the reason or reasons. The expression employed being some such phrase as "contrary to canonical form or usage" (*contra formam canonicum*). "As it was not uncommon," says Dr. Dowden, "for the Pope in such cases to claim the right of appointment, there was, to say the least, a strong temptation to find some technical irregularity in the procedure" (*Med. Church in Scotland*, 28).

Eumque dispensatione, quam super pluralitate beneficiorum, etc., p. 30. Only one benefice could be held at a time except by papal dispensation. This led ultimately to the discreditable custom of holding a number of benefices by the same person. There is abundant evidence in the list of Caithness church dignataries and clergy given in the Introduction to show that some of these were pluralists of the first order.

No. 13, pp. 33-36.

Archebaldus . . Moraviensis episcopus, p. 33. Archibald, formerly dean of Moray; consecrated bishop in 1253; died 9 December, 1298.

Domino Reginaldo le Chen juniore, p. 33. Sir Reginald le Chen, the younger, son of Sir Reginald, chamberlain of Scotland; married Mary, daughter of Freskin, lord of Duffus. See No. 19, pp. 55-9, and the *Knightly Chenes*, by Mr. D. Murray Rose, in *Northern Ensign*, 29 May and 5 June, 1900.

Marie, spouse one, p. 33. Mary, Sir Reginald le Chen's wife, was daughter of Freskin, lord of Duffus, and his spouse, Johanna, lady Strathnaver.

Ad feodifirmam, p. 33. See No. 59, p. 270.

Domina Johanna, p. 33. Dr. Skene (*Celtic Scotland*, III., 450) surmised that Lady Johanna was a daughter of earl John, son of Harold Maddadson, and that she was a hostage of the king and was given by him in marriage to Freskin de Moravia. Sir William Fraser shows that this was impossible, as Matilda was the name of the earl of Caithness's daughter who was held as hostage (*Sutherland Book*, I. 12 n). She married Freskin de Moravia of Duffus. Mr. James Gray, in his *Caithness and Sutherland in Saga Times*, 55, 56, 57, 100-107, holds that Johanna was daughter of Snaekoll Gunnison and Ragnhild, youngest sister of Harald, son of Ungi Gunni. It was the Erlend half of Caithness that went to Johanna, while Paul's part went to a nameless daughter of earl John.

Quondam Freskyni de Moravia, p. 33. Freskin, lord of Duffus, son of Walter de Moravia and his wife Eufemia, daughter of Ferchard, earl of Ross. He married Johanna, lady Strath-

- naver, by whom he had Mary, referred to above, and Christian, who was married to William de Federeth (S.P. II., 122).
- In puram et perpetuam elemosinam*, p. 33. That is, *in pure and perpetual charity*. In the case of lands so granted no return was made, but prayers and supplications for the grantor and masses to be performed after his death. Grants of lands to the Church in these terms were designated a grant in *frank-almoigne*. It was one of the most coveted of feudal tenures. The lands were freed by such grants, unless there were reservations, from all the burdens of secular service. The question as to whether such a grant freed the holders from military service to the Crown has been answered in the affirmative with the qualification that the holders were not released from the obligation to join a levy to resist foreign invasion. When private individuals granted lands to the Church in *frank-almoigne*, these lands had to be confirmed by the Crown, or else, as is common, the grantor undertook the military burden (*onus exercitus*).
- Duorum capellanorum*, p. 33. See No. 17 (p. 262) for another instance of the custom of appointing chaplains in cathedrals.
- Langeval* (N. *lang völlr*, long field), and *Rosseval* (N. *hross-völlr*, horse field), p. 33. Langwell and Rossal in parish of Farr. They are not to be confused with the Langwells and Rossals in other Sutherland parishes.
- Achenedess*, p. 33. Achness (G. *Ach-an-eas*) in Strathnaver, parish of Farr (Sd.).
- Clibre*, p. 33. G. *Clibric*, Clibrig, in Farr parish (Sd.). Ben Clibrig or Clibrick rises to a height of 3,154. The tofts of Clibrig would be in the vicinity.
- Dovyr* and *Ardovyr*, p. 33. The location of these places is unknown. The names are Old Gaelic, *dobur*, water, and *ardobur*, upper water.
- Corneferne*, p. 33. G. *Coire-na-fearna* (Alder corrie), the place lies at the back of Ben Clibrig.
- These lands, granted to Sir Richard le Chen, are frequently designated in later charters as *Kerrow na Shein* (G. *Ceathramh a' Shein*), Chen's quarter.
- Reddendo*, p. 33. The *reddendo* clause in a charter sets forth the payment to be made or service to be rendered by the vassal to the superior.
- Crucesignatorum et crucesignandorum omne consuetudini et statuto*, p. 34. By the 12th canon of the First (General) Lateran Council (1123) certain privileges were granted to Crusaders, and in the General Statutes of the Scottish Church it was enacted that "no priest or vicar or any other cleric shall—without the command or knowledge of the bishop, archdeacon or dean of

the place where such demand is to be made—demand from the hands of lay bailies any one bearing the sign of the cross." It was also enacted that Crusaders were to be defended by the Church "unless for the heinousness of their crimes they have been debarred from ecclesiastical protection" (Patrick's *Statutes of the Scottish Church*, 18, 19).

No. 14, pp. 37, 38.

Henricum de Nothingham, p. 37. Dr. Joseph Anderson thinks that the Notingham (Nothingham, Nottigan, etc.) from which Henry took his name is the Notingham near Forse in Latheron parish (*Orkneyinga Saga*, lxxxiv. n). This may be, but the designation "de Nothingham (Notingham)" is applied to others in Scottish documents who do not appear to have any connection with Caithness. Whether Notingham in Caithness is a native or imported place-name, it is difficult with present information to say. The Rev. George Sutherland, Bruan, informs the writer that the Gaelic-speaking people of the district call the place *Noagan* (a very short), which is probably an attempt to gaelicise Nottigan, a form in which the name sometimes appears. In 1274 the name of Henry de Notingham (Tottyngham) appears as *rector ecclesiae de Taruodal* (Tarradale) in connection with a dispute between himself and the Prior of Beaulieu which was settled at Elgin in the above year (*Charters of the Priory of Beaulieu*, 56-59).

No. 15, pp. 38-42.

Moraviensi Aberdonensi, et . Ergadiensi episcopis, p. 38. The bishops of Moray, Aberdeen and Argyll (*Ergadia*) at this date were Archibald, Hugh de Benham and Lawrence respectively.

R. decanus, p. 38. Richard, dean of Caithness, elected *concorditer per viam compromissi* three months before March, 1278-9. See Introduction under Bishops of Caithness.

Que ad Romanam ecclesiam nullo pertinet mediante, p. 38. See No. 12, p. 257.

Per viam procedere compromissi, p. 38. One of the three modes adopted in electing bishops. According to this method, the whole body of the electors committed the choice to certain persons, either of their own body or of outsiders, or to some of their own body conjoined with one or more outsiders. This mode was said to be *per viam compromissi*, and the persons delegated to make the choice styled *compromissarii*. It seems to have been a frequent mode of procedure (Dowden's *Med. Church in Scotland*, 24, 25). See No. 18, p. 263.

Archebaldus. archideaconus Moraviensis. See Introduction under Bishops of Caithness.

Perpetuum vicarium ecclesie de Duffis, p. 39. Each canon, whose prebend was a parish church, had to provide a priest to take charge of the parish. In early times he was removable at will, but latterly, owing to decrees from Rome and synodical enactments, the deputy or *vicarius* had permanency of tenure, hence they were called *Perpetual Vicars*.

No. 16, pp. 42, 43.

Collectio decime in Episcopatu Cathanie, p. 42. When Gregory X. was elected Pope, he was in the Holy Land with Prince Edward of England. He made a vow not to forget Palestine and returned to Rome in 1272. His efforts to raise new Crusades were in fulfilment of his vow, but the enthusiasm had died out, and the Crusades became a matter of history. In 1275, Boiamund de Vicci had been directed by the Pope to make a new valuation of Church property which was admitted to be below the actual value. He was to exact from the clergy on oath the *verus valor* (true value) of their several benefices, and upon this statement he was to proceed in exacting a *tenth* for six years. We have a record during two years of the amount collected. Non-payment was visited with excommunication if persisted in. Boiamund himself was accused of failing to dispatch the money collected to Rome, and pled as an excuse the King's prohibition (*C.P.R. Letters*, I., 478).

De pensione H. de Notingham, p. 42. When the whole tithes of a parish were assigned to the rector, he was required to pay to the vicar a fixed sum of money or "pension" (*pensio*), as it was called. *Pensio*, however, was used in a general way of any annual payment to whomsoever made out of the revenues of an ecclesiastical benefice (*Med. Church in Scotland*, 65).

Lord Eugene, p. 43, l. 14. Read "Sir Ewen" or "Eugenius" (see No. 35, p. 82). *Dominus* (Sir) was the ecclesiastical title borne by priests who were not Masters of Arts (*Magister artium*); hence they were known as the "Pope's knights."

No. 17, pp. 43-49.

Archebaldus . . Episcopus Cathannie, p. 43. Archibald, bishop of Caithness; see Introduction under Bishops of Caithness.

Gilbertum, Willelmum et Waltherum, p. 44. Bishops Gilbert (c. 1222-1245); William and Walter de Balrodi (1263-1270).

Schythebolle, Skibo; *Syttheraw*, Sidera or Cyderhall; *Miggewec*, *Miggeweck* (G. Migeon, *C.R.* II., 363, and *Miscellany* VI., 66), *Migdale*; *Swerdisdale*, *Swerdel* (G. Suardail), *Swordale*; *Creych*, *Creich*; *Bunnach*, Bonar (G. *Am Bannath*, *C.R.*, II., 240); *Cuttheldawach*, *Cuthel*, pp. 44, 45. All these places are in Creich parish (Sd.).

Monimor, p. 45. Probably *G. Moine Mhór* (big moss), or *A' Mhoine Mhór* (the big moss), but its location is unknown, though from the position of the place-name in the above list, it would appear to be either in the parish of Creich or Dornoch. The *Origines Parochiales Scotiæ* reads:—*Mouimor* instead of *Monimor* (II., part II., 603). If this is the correct reading, it would give *Muigh mor*, the great plain (level piece of country); *Muigh* is the locative of *Magh*. The Rev. D. Munro, D.D., Ferintosh, in a letter says:—"I am not aware of a *Muie Moire* in the parish of Dornoch, but I know a place in the valley of the Black Water, which flows into the river Brora, *Muie Moire*. Prior to the 'Clearances,' it contained a number of crofts. It lies in the heights of the parish of Clyne."

Awelec, *Awelech*, *Evelix*; *Proinsy*, *Proncy*; *Rouherchar*, *Rutherford*, *Rearquhar*; *Haskesdale*, *Astle*; *Hacchencossy*, *Hachencosse*, *Achosnich*; *Thorebolle*, *Torboll*, pp. 44, 45. All these places are in Dornoch parish (Sd.).

Kynalde, pp. 44, 45. *Kinnauld*, formerly in Dornoch parish, but since 1891 transferred to Rogart parish.

Largge, pp. 44, 45. *Lairg*, name of a parish in Sd.

Unum capellanum . . . ad altare sancti Jacobi, p. 45. It was a common practice for persons of means to endow an altar in the cathedral where masses would be said for the well-being of the founder or others. In some cases the priest, distinct from the vicars of the choir, was appointed, but in other cases the chaplaincy was given to one of the vicars. See p. 35 for another instance where Lady Jean gave the church of Moray certain lands in Strathnaver *in puram et perpetuam elemosinam*, two chaplains to minister perpetually therein.

Salvo forinseco servicio domini regis, p. 45. See No. 5, p. 251.

Willelmi filii, p. 44. William, afterwards 3rd earl of Sutherland (1307-27).

Owanes, p. 45. *Unes* (*G. Unais*), in Dornoch parish (Sd.), now known as the Little Ferry.

Domini Willelmi de Monte Alto, p. 46. Sir William of Mowat was heritable sheriff of Cromarty under Edward I. in 1305 (*Bain's Cal. Doc. relating to Scotland*, II., 458). Joined Bruce in 1306.

Domini Andree de Moravia, p. 46. Probably Sir Andrew de Moravia, lord of Bothwell. He took an active part against the English, was captured in 1296 and consigned to the Tower of London, where he died some time between 1297 and 1300 (*S.P.*, II., 125, 126).

Domini Alexandri de Moravia, p. 46. Sir Alexander de Moravia of Culbin succeeded his father Richard, and inherited estates in Perthshire from his mother's uncle, Duncan of Lascelles, lord of Bolton and Windsor. Sir Alexander granted charters

at Kildun and Culbin. He was succeeded by his son John (*The Murrays of Pulrossie in Northern Chronicle*, 3rd August, 1910). *Domini David de Ynverlunan*, p. 46. Sir David of Inverlunan (Innerlunan) granted a charter to the monks of Beaully, c. 1275, of the land of Auchterwaddale (G. *Uachdar-Tharradail*, Over Tarradale), and because his seal is not sufficiently known uses that of Walter de Moray. Lunan or Inverlunan is in Forfar (*Charters of the Priory of Beaully*, 60-62). *Achnosnich*, p. 48, line 10. Read *Achosnich*.

No. 18, pp. 49-55.

Per viam compromissi procedere, p. 50. See No. 15. p. 260.

Qui tandem consentientes in Richardum decanum ecclesie supra-dicte, p. 50. See No. 14, p. 260.

Nicolao, pape predecessori, p. 54. Pope Nicholas III., died 1280.

Sancti Andree et . . . Haberdonensi episcopis, p. 50. The bishops of St. Andrews and Aberdeen at this date were William Wischard and Hugh de Benham.

Per viam scrutinii procedentes, p. 50. The order followed in the case of an election *per scrutinium* was that the Chapter, after a general discussion of the question, chose three trustworthy members of their own body, who took the votes of every member of the Chapter one by one. Each vote was given secretly, but was recorded in writing by the three Examiners or *Scrutatores*. When the examiners had counted the votes, the result was announced. The other methods of election were *per inspirationem* and *per viam compromissi* (Dowden's *Med. Church in Scotland*, 24). See No. 15, p. 260.

Dispositioni sedis apostolice duximus reservandam, p. 50. It was customary when an election had been declared uncanonical, or a bishop-elect had died before consecration, for the Pope to make the appointment of a successor directly.

Regi Scotie illustrie, p. 52. Alexander III. (1249-1285-6).

No. 19, pp. 55-9.

Willelmum de Fedreth, portionarium de Duffhus, p. 55. William de Federeth, constable of Edinburgh Castle, married Christian, daughter of Freskin de Moravia, lord of Duffus (*S.P.*, II., 122), see No. 13, pp. 33-36.

Domini Reginaldum le Chene. See No. 13, p. 258.

Strathnavyr, p. 56. Strathnaver in Farr parish (Sd.).

Tertiam partem liberi servitii unius militis, p. 56. Military service to be rendered in return for the portion of Strathnaver lands received. The monks of Melrose held lands of Halsington in the Merse for the twentieth part of the service of a knight (*quando*

commune servitium exigitur per totum regnum Scocie (Lib. S. Marie de Melros, 294).

Baronia de Duffhus, p. 56. Barony of Duffus in Elginshire.

Baronia de Strathbrok, p. 56. Barony of Strathbrock (now Uphall and Broxburn), in Linlithgowshire.

Scoticanum servitium, p. 56. See No. 5, p. 251.

No. 20, pp. 59-60.

Johannes, Comes Catenensis et Orcadensis, p. 59. John appears as earl of Caithness in 1289. Died before 28 October, 1312 (S.P., II., 318).

Willelmus de Grumbaig, p. 59. There is a Grumbeg on the west side of Loch Naver in the parish of Farr (Sd.) and another in the parish of Kildonan (Sd.).

No. 21, pp. 60, 61.

Alexandro Comyn, p. 60. Probably Sir Alexander Comyn, son of Alexander Comyn, earl of Buchan. He was taken prisoner in Dunbar Castle by Edward I. He died before 3 December, 1308 (S.P., II. 255).

Ternway in Moravia, p. 60. Darnaway near Forres in Elginshire.

Alexandri, quondam Regis Scotie, p. 60. Alexander III. Born 1241.

Married when little more than ten years old, Margaret, eldest daughter of Henry III. (S.P., I., 6).

Margarete, quondam Regine ejusdem regni Scotie, p. 60. Eldest daughter of Henry III., married to Alexander III. She died February, 1274-5 (S.P., I., 6).

A[lan] Catanensi episcopo, p. 60. Alan of St. Edmund. See Introduction under Bishops of Caithness.

No. 22, pp. 61, 62.

Willelmi Sancti Andree et Roberti Glasuensis. The bishops of St. Andrews and Glasgow at this date were William Fraser and Robert Wischard respectively. With John Comyn, lord of Badenoch and James, High Steward of Scotland, these two bishops carried on the government of Scotland in 1290.

No. 23, pp. 62-65.

Bonifacius episcopus, p. 62. Pope Boniface VIII. (1294-1303) made a proclamation that "God had set him over kings and kingdoms."

H. Ostiensem Episcopum, p. 63. Hugh Sequin de Belio, cardinal bishop of Ostia and Velletri; a Frenchman and Dominican; created cardinal by Pope Nicholas IV. in 1288; died 1297.

Carissimo in Christo filio . . . regi Scotie illustri, p. 63. John de Balliol became king by the award of Edward I. as arbitrator on 17th November, 1292. He abdicated on 10 July, 1296.

No. 24, p. 65.

Johannes, Comes Catanniæ, p. 65. See No. 20, p. 264.

No. 25, p. 66.

Johanni de Warennæ, Comiti Surrey, p. 66. John, earl of Surrey, warden of Scotland. His daughter, Isabella, married John de Balliol. King Edward bestowed the earldom of Strathearn upon him, having passed sentence of forfeiture for some reason or other upon Malise, 8th earl of Strathearn.

Andres Fresel, p. 66. Andrew Fraser appears to have been related to Sir Richard Fraser of Touch, as his son Alexander succeeded Sir Richard. He is not to be confounded with Sir Andrew, son of Sir Gilbert Fraser. Andrew was sheriff of Stirling in 1293. He was taken prisoner into England in 1296. According to the *Fraser of Philorth*, I., 46, his name is not known; he is supposed to have belonged to the Cheynes of Duffus (*S.P.*, VII., 425).

No. 26, pp. 67-70.

Que ad Romanum ecclesiam nullo pertinet mediante, p. 67. See No. 12, p. 257.

Nos ad provisionem ipsius. This is one of the earliest illustrations we have of papal "*provision*." It has already been seen that the Pope claimed the right of appointing a bishop where the election had been uncanonical, but in process of time there was a growing disposition on the part of the Pope to take the appointments in Scotland into his own hands. A feeling of resentment, at what seemed a usurpation of the church's rights, finds expression in the *Scotichronicon* (lib. VI., cap. 45) by Bower when Pope John XXII. conferred the bishopric of St. Andrews on James Bene, before the result of the capitular election had been announced. Bower says: *Qui quasi omnes episcopatus mundi ad collationem suam reservavit*. In England, the interference with the freedom of elections was keenly resented, and found expression in the famous Statute of Provisors passed in 1351. Any collation to an ecclesiastical dignity or benefice by the Pope which interfered with free election was penalised by the Crown assuming the patronage, and any person accepting a papal provision was to be arrested and imprisoned till he had satisfied the fine imposed by the king. The person accepting the *provision* was called a *provisor* in England, hence the title of the Act—*Statute of Provisors*. Scotland did not legislate until later. The papal policy of provision may be said to have begun in earnest with Pope John XXII. (1316), though, of course, there were a few cases, such as the above, prior to his pontificate. After 1316, however, with

rare exceptions, the Popes claimed to have "reserved" to their own appointment, or "provision," all the bishoprics, deaneries and headships of monastic houses. The system caused widespread dissatisfaction, and at the Council of Constance the French prelates protested against it. In Scotland, while there were loud murmurings of discontent, yet there was no organised attempt to deal with the matter until the end of the 15th century. Dr. Dowden offers the explanation that the Popes had profited by their experience with England, and that while they held all capitular elections to be null and void, nevertheless as a rule, appointed, as it were *ex proprio motu*, the person whom the Cathedral Chapter had chosen (*Med. Church of Scotland*, 29). Long after papal "reservations" had become the recognised order, the Pope condoned the offence of the Chapter in making an election on the ground of their ignorance that he had "reserved the See to his own disposal," and proceeded as it were *ex proprio motu* to appoint the person elected by the Chapter.

No. 29, pp. 72, 73.

Willielmo, Comiti de Sutherland, p. 72. William, second earl of Sutherland.

No. 32, p. 74-78.

Forcardo, episcopo Catanenensi, p. 74. See Introduction under Bishops of Caithness.

Per viam . . . compromissi, p. 74. See No. 15, p. 260.

P. Sabinensem episcopum, p. 75. Peter Gometii, cardinal-bishop of Sabina.

No. 33, p. 79.

William, earl of Ross, custos of the See, p. 79. William, third earl of Ross, sided alternately with English and Scottish parties. In 1305, he was appointed by Edward, Warden beyond the Spey. In 1306, Bruce's Queen and daughter, Princess Marjory, took refuge in the girth of St. Duthac, Tain, but the earl violating the sanctuary, delivered them up to the English. In 1308, Bruce and the earl were reconciled at Auldearn. He did homage to Bruce, and was infeft in the lands of Dingwall and Fernerosky. Died at Delny 28 January, 1322-3 (*S.P.*, VII., 233-5). See p. 268.

No. 34, pp. 79-81.

Counte de Rosse, p. 79. William, third earl of Ross; see preceding note.

Sire Roberd de Bruce, p. 79. For an account of Bruce's operations in the north, see paper by E. M. Barron in the *Miscellany of Viking Club*, II., 90; and also his *Scottish War of Independence* (London, 1914).

Johan, nostre fiz puisnee, p. 80. Sir John Ross married Margaret, Comyn, second daughter and co-heiress of John, earl of Buchan. He had with her half of the earl of Buchan's heritage in Scotland. He died without issue, and his lands passed to his nephew, William, fifth earl of Ross (*S.P.*, VII., 235).

No. 35, pp. 81-83.

See No. 16, p. 261.

No. 36, p. 83.

Leonard de Flisco, bishop elect of Caithness, p. 83. Dr. Dowden makes no reference to Leonard in his *Bishops of Scotland*. We know the see was vacant 29 July, 1297 (Bain's *Cal. Doc. Scotland*, II., No. 927, p. 249), and Ferquhard Belegaumbe is mentioned as bishop elect in June, 1304 (*Ibid.*, II., No. 1574, p. 408), so that an election may have taken place in 1297 and 1304, when Ferquhard is mentioned as bishop elect. There is no evidence, however, to show that Leonard was consecrated.

No. 37, pp. 83.

Duncan, earl of Fife, p. 83. Tenth earl of Fife. He was the first of the earls that signed the famous letter to the Pope, 6 April, 1320. Died 1353 (*S.P.*, IV., 12).

Thomas, earl of Moray, lord of Maine and Annandale, p. 83. Thomas Randolph, the famous earl of Moray. Died at Musselburgh 1332. He designated himself lord of Man (Maine) in a writ dated 1316 (*S.P.*, VI., 291-295).

Patrick de Dunbar, earl of March, p. 83. Patrick, 9th earl of Dunbar and 2nd or 4th of March. Born in 1282, he succeeded his father in 1307, and latterly became an active supporter of Bruce. Sometime after 1346, the earl assumed the title of Moray (see No. 83, p. 134). He died c. 1368 (*S.P.*, III., 264-269).

Malisius, earl of Strathern, p. 83. Malise, 7th earl. Little is known of him. He was dead before 1329, when his son succeeded to part of the old earldom of Caithness (*S.P.*, VIII., 251).

Malcolm, earl of Levenaux, p. 83. The fifth earl of Lennox, a steady supporter of the national cause. Slain at Halidon Hill, 1333 (*Charters of Inchaffray Abbey*, 295).

William, earl of Ross, p. 83. See No. 33, p. 266.

Magnus, earl of Caithness and Orkney, p. 83. Magnus appears first as a witness to the treaty between King Robert the Bruce and King Hakon V. of Norway, 28 October, 1312. On 6 April, 1320 he signed the letter to the Pope. Died before 1329 (*S.P.*, II., 319).

William, earl of Sutherland, p. 83. Third earl of Sutherland. Succeeded in 1306 or 1307; he was dead before 1330, when his brother Kenneth was earl (*S.P.*, VIII., 323).

William de Soulis, butler, p. 83. Sir William Soulis of Gilmerton. Fordun says that about August, 1320, a plot was discovered of treason against King Robert. At the Black Parliament held at Soone, 1320, twelve persons were accused of conspiracy. Some of these were acquitted, but Sir William was sentenced to perpetual imprisonment.

Robert de Hay, constable, p. 83. This is probably Sir Gilbert de Hay of Erroll, appointed constable of Scotland by Bruce. He died in April, 1333 (*S.P.*, III., 559, 560).

Robert de Keth, marshal of Scotland, p. 84. Sir Robert de Keith, eldest son of Sir William de Keith. He is said by Boece to have been killed at the battle of Dupplin, 1332, but it would appear that he survived the battle, and that it was not until the battle of Durham, 17 October, 1346, he was killed (*S.P.*, VI., 30-33).

No. 38, p. 84.

William, earl of Ross, p. 84. See No. 91, p. 278.

Lands of Frenerosherie, p. 84. Sir Robert Gordon gives an idea of the location of Frenerosherie (Fernacosrech, Ferrincoskarie, etc.), when he writes: "Ther is a pairt of Sutherland within the parish of Creigh [Creich], called Chilis [G. *Caolas*, Kyle] or Ferrin-Coskarie, which is eighteen mylls in lenth, lying upon the northsyd of the rivers of Port-ne-Couter [Port-na-Culter] and Oikell, wher ther are hills of marble" (*Geneal. Hist. of the Earldom of Sutherland*, 4). He says further: "The lands of Creigh-More, with all the lands of Sleash-Chilis, lying upon the north syd of the river Port-ne-Couter, ar called Ferrin-Coscarrie, and did appertein somtyme to the Clandonald, which they had from the Earles of Rosse, who possessed the same, as appeareth by ane infeftment granted to the Earle of Ross, by King Robert Bruce, the 16th yeir of his raigne, and of God, 1322, of certane lands, and speciallie of the lands of Ferran-Coscarie, or Sleash-Chilish, fell to the lairds of Glengarie and Kildun, by the marriage of two sisters of the surname of Clandonald, who wer heyrs and heretors of the same; which lands were sold by Glencarie and Kildun to the Banes, and the Banes disposed them to the Monrois, who doe possesse most of them at this day, and have alwise keiped a true and inviolable friendship with the erles of Sutherland" (*Ibid.*, p. 65). Frenerosherie (Fernacosrech, Ferrincoskarie, etc.) thus lay along the Kyle of Sutherland, and from the *Reg. Mag. Sig.* we learn it included Creichmor, Spinningdale, Davacharry (Acharry), Plodd (Flood) and Pulrossie (No. 806, 21 August, 1464). Prof. Watson says in reference to this place-name: "This district often occurs on record in various spellings, and though the Gaelic form is now

forgotten the name represents *Fearann Coscraigh*, 'Coscraich's land.' The personal name *Coscraich* or *Coscarach* is from *coscar*, victory, and means 'conqueror'; it was once fairly common in Ireland, but does not seem to have been much used in Scotland" (*Hist. of the Celtic Place-names of Scotland*, p. 117).

No. 39, pp. 84-90.

Ade Herok, p. 84. Adam Herok, afterwards chancellor of Caithness. *Episcopo et dilectis filiis*, p. 85. The bishop of Caithness at this date was David; see Introduction under Bishop of Caithness.

Reservationis, p. 86. The system of papal reservations proceeded on the doctrine that every ecclesiastical benefice was in theory at the disposal of the Pope. When a benefice fell vacant, the Pope might declare that he had 'reserved' it to his own provision. In such cases the rights of the ordinary patron were set aside and the appointment made by the Pope.

Episcopo Brechinensi, p. 86. Adam de Moravia. Provided by Pope John XXII. on 15 October, 1328. Probably died c. 1349 (*Dowden's Bishops of Scotland*, 180-1).

No. 41, pp. 90-97.

Johannes episcopus, etc., p. 91. Pope John XXII.

Episcopo et dilectis filiis, capitulus Cathanensibus, p. 91. David was bishop of Caithness at this date.

No. 43, pp. 97-102.

Donationi apostolice reservamus, p. 98. See No. 39, p. 269.

Venerabili fratri nostro, episcopo, etc., p. 98. David was bishop of Caithness at this date.

Episcopo Moraviensi, p. 99. John de Pylmore. He died in the castle of Spynie, 1362 (*Bishops of Scotland*, 152-3).

No. 44, pp. 102-105.

Kennatus, comes Suthyrlandye, p. 102. Kenneth, 4th earl of Sutherland.

Reginaldi de Moravia, filii et heredis Alani quondam de Moravia, domini de Culbyn, p. 103. Reginald, son and heir of Alan of Culbin, a firm supporter of Robert the Bruce. Reginald acquired a large estate on the Borders. His Assynt estates were forfeited and bestowed on Macleod of Lewis (*Murrays of Pulrossie in Northern Chronicle*, 3rd August, 1910).

Ex causa copule matrimonialis inter Gilbertum . . et Eustachiam, primo-genitam filiam nostram, p. 103. Gilbert, son of Reginald de Moravia, lord of Culbin, married Eustachia, eldest daughter of Kenneth, 4th earl of Sutherland. Gilbert and Eustachia had issue, and their line ended in an heiress, Egidia Moray, who was married to Thomas Kinnaid (S.P., VIII., 325).

No. 45, pp. 105-108.

Kyldonane, pp. 105, 106. Kildonan (Sd.). For the Abbey of Scone's connection with Kildonan, see No. 9.

Borubol, p. 106. Børrobol, in Kildonan parish (Sd.).

Post festum Sancti Barnabe Apostoli, p. 105. The feast of St. Barnabas the Apostle was on 11 June.

No. 46, pp. 108-112.

Benedictus episcopus, etc., p. 108. Pope Benedict XII. (1334-42).

Ecclesia Cathanensi, dicte Romane ecclesie immediate subjecta, p. 108. See No. 12, p. 257.

Per formam procedere scrutinii, p. 108. See No. 18, p. 263.

No. 47, p. 112.

John de Rate. Afterwards bishop of Aberdeen (1351-1355); see Dowden's *Bishops of Scotland*, 113, 114.

Church of Kilchodilscam in the diocese of Aberdeen. Dr. Dowden says: "I offer the conjecture that the church of 'Codylstane' is meant. The letter *c* in the last syllable was probably a misreading of *t*: these two letters are particularly like one another in mediæval manuscripts" (*Bishops of Scotland*, 114 n.). It cannot be *Coldstone*, says Mr. G. M. Fraser, Aberdeen, as its old forms are Collessen, Colcoyn, Codelstan, and Colquholdstane.

No. 49, pp. 113-116.

Clemens episcopus, etc., p. 113. Pope Clement VI. (1342-1352).

Ecclesia Cathanensi, eidem Romane ecclesie immediate subjecta, p. 113. See No. 12, p. 257.

Per formam scrutinii, p. 113. See No. 18, p. 263.

Bertrandum episcopum Ostiensem, p. 113. Bertrand de Podiat, bishop of Ostia.

David regi Scotie, p. 114. David II. (1329-1370).

No. 50, pp. 117-119.

Guillelmi, comitis Sothirlandie, p. 117. William, fifth earl of Sutherland.

No. 59, pp. 121-122.

Thanage, p. 121. Skene agrees with Fordun in defining a thanage, as a portion of a province, lesser or greater, held of the king in *feodofirmam* or feu-farm, for payment annually of a certain *census* or feu duty. The thane is to be distinguished from an ordinary tenant. In the case of the latter, who was designated *firarius*, he paid his *firma*, that is, the share of the produce of the land, to the landlord by way of rent. Between the

firmarii and those who had feudal holdings granted by charter for military service, ward and relief, there were the thanes (*thayni*). Their lands were granted at *feodofirmam*; the *feodo-firma* being the annual payment. In the grant *ad feodofirmam*, the vassal's interest (*dominum utile*) of the land is conveyed to him by charter, and the title is completed by infeftment. In a thanage there were different classes of tenants:—(1) the *agricolae*, the lowest, were divided into two classes (*a*) the *bondi*, who held the land by the year *ad firmam*, (*b*) the *nativi*, who held the land at will: they were pure serfs. (2) Next to the *agricolae* were the *liberi et generosi*. These again were divided into two classes (*a*) the *liberi firmarii*, who held land for a fixed term of ten or twenty years; (*b*) *liberi tenantes* who held lands for life, with remainder to one or two heirs. These were not farmers, but feudal sub-vassals, who possessed what were called *tenandia* or *tenandries*. (3) Those who held the thanage *in capite* of the Crown. They were either *milites*—who held it by military service—or *thani*, who were the pure thanes and *principes*, by which term Skene understands Fordun to designate the ancient *Toshachs* or chiefs who preceded the *Thanes*. The thanages were gradually converted into feudal holdings. The first step in this direction was to grant them for military service, and then to convert these military holdings into a barony (Fordun's *Chronicle of the Scottish Nation*, ed. by W. F. Skene, II., 414-418).

Douny. Downie in Forfarshire.

Fethircarne. Fettercairn in Kincardineshire.

Abirluthnok. Aberluthnet.

Fermartyne, p. 122. Formartine, a central district of Aberdeenshire (Temple's *Thanage of Fermartyn*, p. ix.).

Kintor, p. 122. Kintore, a town and parish of central Aberdeenshire.

Robert Stewart, the King's nephew, p. 122. Robert Stewart, afterwards Robert II., son of Walter, sixth High Steward of Scotland, and Lady Marjorie Bruce. Created earl of Strathearn, November, 1357. Became King, February, 1370-1, on the death of his uncle, David II. Died at Dundonald, 1390 (*S.P.*, I., 15).

John Randolph, earl of Moray, lord of Annandale and Man, p. 122.

John Randolph, third earl of Moray, son of the famous Randolph, earl of Moray. Killed at battle of Neville's Cross, 1346. He married Euphemia, daughter of Hugh, earl of Ross (*S.P.*, VI., 295-7).

Patrick of Dunbar, earl of March, p. 122. See No. 37, p. 267.

Maurice, earl of Strathearn, p. 122. King David II. bestowed the earldom of Strathearn upon Maurice Moray, who was probably the son of John Moray of Drumsargard. He had distinguished

himself in the patriotic endeavour of winning back Scotland from the English (*S.P.*, VIII., 255-8).

Thomas de Carnoto, chancellor, p. 122. Sir Thomas of Charteris (de Carnoto) was chancellor of Scotland in 1340. Before 1328 he had been firmarius of the King's lands and mill in Selkirkshire. He was made chancellor on King David's return from France, and fell at the battle of Durham. Another member of the same family, Mr. Thomas of Charteris, is mentioned as chancellor in 1290 (*Exchequer Rolls*, I., lxxv.).

No. 60, pp. 122-123.

Cum omnibus et singulis liberatibus . . . que ad liberam regalitatem, p. 122. A grant of regality invested the grantee in the sovereignty of the territory. It raised up formidable jurisdictions that often set the Crown itself at defiance (*Cosmo Innes' Scotch Legal Antiquities*, 40).

Testibus, p. 123. The witnesses are the same as in No. 59. *Thoma de Carnocho, cancellario nostro*, is Sir Thomas of Charteris (Carnoto).

No. 61, p. 124.

All privileges and pertinents of a free barony, p. 124. A grant in *liberam baroniam* implied not only the highest and most privileged tenure of land, but also a great jurisdiction over the inhabitants, and all the fees and emoluments that of old made such jurisdictions valued. A list of "the privileges and pertinents" of a free barony will be found in *Cosmo Innes' Scotch Legal Antiquities*, 42 *et seq.*

No. 62, p. 124.

Paying yearly to the Crown a pair of white gloves (unum par cyrothecarum albarum), p. 124. This was one of the blench farms (albe) or blanchferme, a nominal rent paid by a vassal in acknowledgment of the right of his superior.

No. 63, pp. 124-127.

In heading p. 124, for *Maurice, earl of Moray*, read *Maurice de Moravia or Moray*. He was earl of Strathearn.

Clements Episcopus, etc. Clement VI.

Episcopo Cathanensi. Thomas of Fingask. See Introduction under Bishops of Caithness.

Willelmi, comitis Sothyrlandie et Johanne, comitisse de Stratheryn, p. 125. William, fifth earl of Sutherland, married (1) Margaret Bruce, (2) Joanna, countess of Strathearn. She is said to have been Joanna Menteith, daughter of Sir John Menteith of Rusky, widow of earl Malise, the 7th earl of Strathearn (*S.P.*, I., 435; VIII., 251).

- Johanne Atholie*, p. 125. John Campbell, earl of Atholl, was son of Sir Neil Campbell, earl of Atholl, and Mary his wife, sister of King Robert the Bruce, who had received a grant of the earldom from King Robert the Bruce through the forfeiture of David of Strathbogie, earl of Atholl in 1314. The earl was slain at Halidon Hill, 1333. His wife was Joanna Menteith, daughter of Sir John Menteith of Rusky and Knapdale, and apparently widow of Malise, earl of Strathearn (*S.P.*, I., 434-5).
Mauritio de Moravia, p. 125. See No. 59, p. 271.

No. 64, p. 127.

- Master William of Laundels*, bishop of St. Andrew, p. 127. See No. 83, p. 274.
Master Adam of Murreve, bishop of Breghyn, p. 127. See No. 39, p. 269.
Master Thomas of Fygaske, bishop of Caithness, p. 127. See Introduction under Bishops of Caithness.
Monsire David of Lyndesay, lord of Crawford, p. 127. Sir David of Lindsay, lord of Crawford, lord of the Byres, son of Sir Alexander of Lindsay. He was one of the barons who sealed the letter to Pope John XXII. in Parliament, 6 April, 1320, asserting the independence of Scotland. He died before 13 October, 1357 (*S.P.*, III., 10, 11).
Monsire Robert of Erskyne, p. 127. No. 83, p. 274.
William of Meldrome, p. 127. William of Meldrum was son of Thomas of Meldrum. In a charter of confirmation by King David Bruce, he is described as *vicecomes de Aberdeen*. His son William succeeded him (*Temple's Thanage of Fermartyn*, 688).
James of Sandilandes, p. 127. Sir James of Sandilands, ancestor of the Sandilands, lords of Torphichen. He died in 1358 (*S.P.*, VIII., 378, 379).

No. 69, p. 129.

- Deceased Sir William of Moray*, lord of Tolibardy. Son of Andrew Moray of Tullibardine, he had a charter of the lands of Tullibardine from Malise, earl of Strathnaver, c. 1333 (*S.P.*, I., 454).
William, earl of Sotheyrland and Jean his spouse, countess of Stratheryn, p. 129. William, 5th earl of Sutherland.
Wards or reliefs, p. 129. See No. 121, p. 283.
Clause of warrandice, p. 129. Warrandice was the obligation whereby a party conveying a subject or right was bound to indemnify the grantee, disponee, or receiver of the right, in case of eviction, or of real claims or burdens being made effectual against the subject, arising out of obligations or transactions antecedent to the date of the conveyance.

Reginald More, p. 129. Chamberlain of Scotland from 1329-1333 and from 1334-1340. He died before 21 May, 1340 (*Exchequer Rolls*, II., cxxiii., cxxiv). In 1337, King David II. allowed to Reginald More, his chamberlain, for his lands in Berriedale (Caithness) granted to William of Crichton the sum of £40, reckoned at the king's pleasure for the two years ending at the previous Martinmas, on condition that he was able to let the lands at the same yearly rate for the future (*Ibid.*, I., 453, 483).

Walter Oliphant, p. 129. Walter was successor to Sir William Oliphant of Aberdalgie. In 1362-63, he witnesses a charter as lord of Aberdalgie. He married Elizabeth, daughter of King Robert Bruce (*S.P.*, VI., 536, 537).

No. 78, p. 132.

William, earl of Sutherland . as a hostage for King David, p. 132. In 1351, earl William is mentioned as having obtained a safe conduct to Newcastle to confer on the subject of King David, taken prisoner at the battle of Neville's Cross, 1346. In 1357, the earl with his eldest son was a hostage for the payment of the King's ransom.

No. 79, p. 132.

In excambion, p. 132. *Excambion* is the legal name of the contract whereby one piece of land is exchanged for another.

No. 83, p. 134.

Baronies of Douny, Kincardine, Aberluthnot, Formartine and Kintore, p. 134. See No. 59, p. 271.

William, bishop of St. Andrews, p. 134. William de Landallis. Provided and consecrated 1342. Died 1385 (*Bishops of Scotland*, 25-27).

Patrick, bishop of Brechyn, p. 134. Patrick de Locrys. Elected, provided, consecrated, 1351. Chancellor of Scotland. Resigned his bishopric owing to old age, 1383 (*Bishops of Scotland*, 182-3).

Robert the Steward of Scotland, Earl of Stratherne, p. 134. See No. 59, p. 271.

Patrick, earl of March and Moray, p. 134. See No. 37, p. 267.

William, earl of Douglas, p. 134. William, second son of Sir Archibald Douglas, the Regent. He succeeded his uncle to the estates and title. In 1374 he is found styling himself earl of Douglas and Man. He died c. May, 1384 (*S.P.*, III., 148-155).

Robert of Erskyne, p. 134. Sir Robert Erskine, son of Sir William Erskine. He is referred to as chamberlain in account of bailies of Aberdeen, 8 August, 1348, to 14 March, 1358-9. His successor, Thomas, earl of Angus, became chamberlain in 1357 (*Excheq. Rolls*, II., cxxiv.). In an undated charter of Thomas, earl of

Mar, there is a grant to Sir Robert de Erskyne, and to his 2nd wife, Cristiana de Kethe, of certain lands in Garioch, together with four marks annual rent, due by the abbot and convent of Lindores out of the land of Flandres (Flinder)—*Collections for Hist. of Aberdeen and Banff*, 536. He died between Whitsunday and Martinmas, 1385 (*S.P.*, V., 592-596).

John of Prestoun, p. 134. Sir John of Preston, ancestor of the Prestons, lords of Dingwall. He was taken prisoner at the battle of Durham (1346), and was imprisoned for a long time in the Tower of London. He was an ambassador for a treaty with England in 1360 (*S.P.*, III., 117).

No. 84, pp. 134-137.

Nicolao de Sothyrland, p. 134. Nicolas, second son of Kenneth, 4th earl of Sutherland. Married Mary, daughter and co-heiress of Reginald le Cheyne and Mary, lady of Duffus, his wife. With her he received the portion of the lordship of Duffus and was styled lord of the castle of Duffus. He was the ancestor of the Sutherlands of Duffus, whose genealogy is given in the *Sutherland Book*, I., 513.

In libera baronia, p. 134. See No. 61, p. 272.

Thorbol, Torboll; *Rouearkar*, Rearquhar; *Assatel*, Astle; *Proncecroey*, Pronceyroy; *Evelek*, Evelix, p. 134. All these places are in the parish of Dornoch (Sd.).

Sibyrsoc (G. *Siobarscaig*), Sciberscross; *Kylpedre* (G. *Cill-Pheadair*), Kilpeder. All these places are in the parish of Clyne (Sd.). Kilpeder in Clyne parish is to be distinguished from Kilpeder in Kildonan strath.

Grodybrorak, Grudie Brora, in Rogart parish.

Meyngferri, p. 135. See No. 187, p. 299.

Caden, p. 135. Caen in Strath of Kildonan (Sd.).

Kylpedre, p. 135. Kilpeder in Strath of Kildonan (Sd.).

Strathulli, p. 135. Strathillidh. Now known as Strath of Kildonan.

Ilidh (*dh* is silent) is the Gaelic name of the river Helmsdale.

In moris, maresiis, p. 135. "Moors and marshes." These terms with the following indicate the extent of the grant of free barony.

Planis, p. 135. Plains: *planum* probably meaning "manurit" land—arable lands.

Pratis, p. 135. "*Pratum*," says Cosmo Innes, "was a hay meadow. Our old Scotch custom gave lawful travellers a right of pasturing their cattle where they stopped for the night, except always within *prata et segetes*—hayfields and cornfields, I should translate it, except perhaps that the word *field* implies more cultivation and enclosure than hay husbandry of old required. I find

- in English charters, *pratum* applied to the hay itself, and tenants and bondagers bound to mow and carry the *prata* to the lord's castle" (*Scotch Legal Antiq.*, 43).
- Semitis, viis*, p. 135. The liberty of paths and roads in a grant of barony has reference to a right of exclusion as well as use (*Ibid.*, 43).
- Piscariis, venacionibus, aucupacionibus*, p. 135. Fishings, huntings and hawkings or fowlings were rights implied in a barony.
- In stangnis, aquis*, p. 135. "*Aqua*," says Cosmo Innes, "seems to be the running water in distinction from *stagnum*, which is the pond sometimes for fish, sometimes for mill purposes" (*Scotch Legal Antiq.*, 44).
- Turbariis et petariis*, p. 135. Denote the places where turf and peat were cut.
- Molendinis*, p. 135. Mills were one of the oldest adjuncts of a barony and gave rise to one of the most grievous oppressions of the peasantry. It is often amplified by the addition *cum multaris et sequelis*, specifying the multure dues of the baron's mill and the *suckem*, as the population *thirled* to the mill were called (*Scotch Legal Antiq.*, 47).
- Fabricis et brasinis*, p. 135. The smithy and the malt-kiln or brew-house were held natural pertinents of an estate in land. The *brasina* was superseded by the alehouse, which was evidently intended as a hostelry for travellers (*Ibid.*, 48).
- Cum sok et sak*, p. 135. "*Sac*," says Cosmo Innes, "is the abbreviation of *sacu*, and means *placitum*—a plea or suit at law, and the jurisdiction or right of judging in litigious suits. *Soc* again strictly denotes the district included within such a jurisdiction, just as *socmen* and *socmanni* mean the persons within and subject to it" (*Ibid.*, 55).
- Tol et them*, p. 135. *Tol* or *Thol* was the right of exacting toll or custom. The holder had the right of exacting toll for goods passing through his land. *Them* has been explained as warranty, a term which has a great variety of meanings. "You cannot read the laws of David I.," says Cosmo Innes, "and William the Lion without seeing an attempt to bind the loose and separate parts of society together in some bond of mutual warranty, such as was known in England under the name of frank pledge, and to such a system this old word *Them* may apply" (*Ibid.*, 56).
- Furca et fossa*, p. 135. The baron in olden times had jurisdiction in life and limb (*curia vite et membrorum*). "Perhaps," says Cosmo Innes, "the *fossa*, the pit, was for the female thief, for women sentenced to death were for the most part drowned" (*Ibid.*, 59). The gallow-hill beside many a lordly mansion is a reminder of how the barons explained *furca*.

Infangandthief, p. 135. This term expresses the right to judge and punish a thief caught "with the fang" within the grantee's jurisdiction. *Outfangthief*, which was less common, was the term used to express the power over a thief caught beyond the jurisdiction of the lord.

Curiis, placitis et querelis, p. 135. The Baron's Courts were conducted on similar lines to the higher courts. Pleas between man and man were discussed as in the former, and in the case of slaughter or theft, the baron bailie selected from the suitors of the court, fifteen of an assize, before whom was laid the accusation and an outline of the evidence. All was accompanied by an assertion of the notoriety of the fact with the iterated assertion "which thou canst not deny" (*Ibid.*, 59).

Cum nativis, p. 135. The description, *nativus* suggests, as Cosmo Innes points out, that these serfs or *neyfs*, as they were sometimes designated, were the remains of the native population obliged by the invaders to become slaves. Sometimes *et eorum sequelis* is added, meaning with *neyfs* and their followers, "just as a horse dealer now sells a mare with her followers" (*Ibid.*, 50, 51). In 1375 in a grant by Robert II. of the thanage of Kintore to the earl of Moray and Marjory, his wife, we find the expressions *in bondis, bondagiis, nativis et eorum sequelis*. In 1413 the same language occurs in a charter by Robert, Duke of Albany, to John Stewart, Earl of Buchan (*Reg. Mag. Sig.*, p. 256, No. 28). Mr. Cosmo Innes says "the last claim of neyfiship or serfdom proved in a Scotch Court was in 1364" (*Chart. Lindores Abbey*, lvii.).

Servicium unius militis per annum, p. 135. See No. 5, p. 251.

Johanne, Moraviensi et Thoma Cathenensi episcopis, p. 135.

John de Pilmore and Thomas de Fingask.

Thoma de Moravia, panetario, Scocie, p. 135. Sir Thomas, son of Sir Andrew Moray, lord of Bothwell. Wyntoun states that Sir Thomas's death took place in London in 1361 (*S.P.*, II., 129-131).

No. 91, pp. 138-140.

David . rex Scotorum, p. 139. David II. (1329-1370-1).

Omnibus probis hominibus, p. 139. See No. 1, p. 249.

Malisii, comitis de Cathanense, p. 139. Malise, 8th earl of Strathearn, succeeded his father between 1323 and 1329. Succeeded to the earldom of Caithness in right of his great grandmother, Matilda, daughter of Gilbert, earl of Caithness. He is said to have been twice married, but the only recorded wife was Marjorie Ross, daughter of Hugh, fifth earl of Ross and sister of William, the 6th earl (*S.P.*, II., 319; VIII., 252).

Marjoriam sponsam nostram, p. 139. Marjory was daughter of Hugh, 4th earl of Ross (*S.P.*, VII., 236).

Isabelle, flie nostre, p. 139. Isabella was married to Sir William Sinclair of Roslin, and her second son, Henry Sinclair, was made earl of Orkney (*S.P.*, II., 320).

Gulielmo, comiti de Ros, p. 139. William, fifth earl of Ross. He came into possession of the earldom in 1336. He was in Norway in 1333, when his father died (*S.P.*, VII., 237).

No. 96, pp. 141-145.

David . rex Scotorum, p. 141. David II. (1329-1370-1).

Omnibus probis hominibus, p. 141. See No. 1, p. 249.

Quandam cartam. See No. 84, p. 134.

Willelmi, comitis de Sothirland, p. 141. William, 5th earl of Sutherland.

Caven, p. 142. Caen in Kildonan Strath (Sd.). For the modern form of the other place-names in this document and their location, see No. 84, p. 275.

In moris, maresiis, etc., p. 142. For explanation of these terms, See No. 84, p. 275.

Servicium unius militis per annum, p. 142. See No. 5, p. 251.

Willelmo, Episcopo Sancti Andree, p. 143. William de Landallis (Dowden's *Bishops of Scotland*, 25).

Patricio, episcopo Brechinensi, cancellario nostro, p. 143. Patrick de Locrys. His first dated appearance as chancellor of Scotland is 26 September, 1357. He had ceased to be chancellor before 15 February, 1370-1 (*Ibid.*, 182, 183).

Roberto, senescallo Scotie, comite de Stratherne nepote nostro, p. 143. Robert, High Steward of Scotland, created earl of Strathearn between 6 and 13 November, 1357. On 22 February, 1370-1, he succeeded his uncle, David II., as king of Scotland, under the title of Robert II. (*S.P.*, VIII., 259).

Roberto de Erskyne, camerario nostro, p. 143. Sir Robert Erskine. See No. 83, p. 274.

Johanne del Yle, p. 143. John, lord of the Isles, known as "the good John of Isla." He succeeded his father in 1330, and died in 1386. When Robert the Steward was thrown into prison, John, lord of the Isles, his son-in-law, exercised for a time the functions of High Steward. His first wife was Amy Macruari, whom he divorced, and married Lady Margaret, daughter of Robert, the High Steward of Scotland (*Clan Donald*, I., 103-129; *S.P.*, V., 39; IX., 115). The designation *de Ile* was confined to the heads of the race descended from Reginald, son of Somerled, who was the first of the family known as *de Ile*. "This title of *De Ile*," says the *Clan Donald*, "was the oldest territorial designation of his [Reginald's] family, and always stood first and foremost in the order of their honours and dignities. It was confined to the

heads of the race, and while cadets of MacDonald might designate themselves *De Insulis* or assume any other title they chose, they never presumed to adopt that of *De Ile*" (I., 437).

No. 98, p. 145.

Jean, countess of Sutherland, p. 145. Joanna, countess of Sutherland, second wife of William, 5th earl of Sutherland. See No. 69, p. 273.

No. 99, pp. 145-147.

Johanni de Tarale, p. 146. Tarrel is in the parish of Tarbat, Ross. *Ruchy*, p. 146. Rovie, in parish of Rogart (Sd.).

Straflete, p. 146. *Strathfleet* (G. *Srath-Fleoid*), (Sd.). The river Fleet flows through the Strath into Dornoch Firth at The Mound.

Willelmo, episcopo Sancti Andree; Patricio episcopo Brechynensi, cancellario nostro; Roberto, senescallo Scocie, Roberto de Erskyne, p. 146. See No. 96, pp. 53, 54.

Willelmo, comite de Douglas, p. 146. See No. 83, p. 274.

Archibaldo de Douglas, p. 146. Sir Archibald Douglas, styled the *Grim*, was a natural son of the "good Sir James" Douglas, Bruce's trusted warrior. He was present at the battle of Poitiers (19 September, 1356), and fell into the hands of the English a few months later. Between 1361-64 he was constable of the castle of Edinburgh. On the death of the 2nd earl of Douglas at Otterburn, the estates fell to Sir Archibald, who was also lord of Galloway. His death took place sometime before 9 February, 1400-1 (S.P., III., 157-165).

No. 106, pp. 149-151.

Episcopo Cathanensi, p. 149. Thomas de Fingask; see Introduction under bishops of Caithness.

Andree Garwyach, p. 149. Sir Andrew of Garioch, son of Sir James of Garioch, was *dominus* of Caskieben in 1357. His daughter and heiress, Margaret, became the wife of the first Johnston of Caskieben (Davidson's *Inverurie and the Earldom of Garioch*, pp. 34, 62, 63, 448). A charter by Andrew of Garioch, of date 8 August, 1357, was confirmed by Isabella Randolph, widow of Sir Patrick Dunbar and heiress of John Randolph, earl of Moray (*Antiq. of Aberdeen and Banff*, II., 37).

No. 111, pp. 152-154.

Mariote Chen, p. 152. *Mariota* (or Mary) Chen (Cheyne), daughter of Reginald le Cheyne (3rd of that name) of Inverurie. Married (1) John of Douglas; (2) John, son of Edward de Keith, marischal of Scotland, who became, through her, the ancestor of the Keiths of Strabrock, Inverurie and Ludquhairn (S.P., VI., 34, 343, 354 n.).

Quondam Johannis de Douglas, p. 152. John, son of Sir John Douglas. Married Mariota Chen (Cheyne). He was dead before 26 May, 1366, as he is described as *quondam* above.

No. 113, p. 155.

Witnesses:—William, bishop of St. Andrews ; Robert earl of Stratherne, etc. See No. 83, p. 134.

No. 115, p. 155.

William of Murrif, son of William, earl of Sutherland, p. 155. The *Scots Peerage* says:—"A William de Murrif or Moravia is named in 1367, in a safe conduct by King Edward III., as a son of William, earl of Sutherland. He may have been a natural son of this or a previous earl William" (VIII., 329).

Sir William Fraser, in reference to this William, writes:—"A William de Murrif or Moray, described as a son of William, earl of Sutherland, received a safe conduct from King Edward the Third in the year 1367. He has been claimed as the successor of William, fifth earl, and the father of Robert, sixth earl. It is, however, unnecessary to insert a generation between William and Robert. The three sons of William, fifth earl, John, Robert and Kenneth, had the surname of Sutherland; their uncle Nicholas had also the surname of Sutherland, so there must have been some peculiarity connected with the birth of this son, who is surnamed Moray. A William of Moray is mentioned among the prisoners taken at Durham in 1346, and if he is identical with this William, he may have been the son, not of William, fifth, but of an earlier earl of Sutherland. If otherwise, then he was probably illegitimate, and received the surname of Moray to make a distinction between him and his three legitimate brothers" (*Book of Sutherland*, I., 37 n.).

No. 117, pp. 156-159.

Urbanus, episcopus, etc., p. 156. Pope Urban V. (1362-70).

Thoma, episcopo Cathanensi, p. 156. Thomas de Fingask; see Introduction under Bishops of Caithness.

Ad eandem Romanam ecclesiam nullo medio pertinentis, p. 156. See No. 12, p. 257.

Extra Romanam curiam, p. 156. The *Curia Romana*, or the Roman court, is wherever the Pope actually is, whether at Rome or elsewhere. Clement IV. reserved all benefices, and John XXII. all monasteries, held by persons dying within the Roman curia, but in these cases the Pope was bound to confer the vacant benefices within a month. The expression *extra Romanam curiam* (without the Roman court) was evidently added to point

out that the delay in the appointment, as the right to appoint did not arise from a vacancy in *curia*, was no objection to its validity (*Charters of Priory of Beaulieu*, 308). For instances in these Records see pp. 207, 220, 227.

Hujus mode reservationi et decreti, ut asserunt, ignari, etc., p. 156. This was the usual form in which the Popes set aside the capitular elections when they had reserved the Sees to themselves, and then proceeded, as in this case, to appoint the elect of the Chapter to the vacant See.

No. 118, p. 159.

Walter Leslie, p. 159. Son of Sir Andrew Leslie of that Ilk; married Euphemia, countess of Ross. On 23 October, 1370, he and his wife were secured in their title to the earldom of Ross. He died at Perth, 27 February, 1381-2 (*S.P.*, VII., 240).

Thanedom of Kyncardyn, Abirlouthnot and Fethirkerne, etc. See No. 59, p. 271.

Eupham, his cousin and spouse, p. 159. Euphemia, countess of Ross, daughter of William, 5th earl of Ross. Married to (1) Sir Walter Leslie; (2) Alexander Stewart, earl of Buchan, known as the Wolf of Badenoch.

Service of two knights, p. 159. See No. 19, p. 263

Three suits at the sheriff court of Kyncardyn, p. 159. The suit was to make up the necessary gathering required for business, members of assize, witnesses, compurgators, etc. (*Scotch Legal Antiquities*, 61). The whole subject has been learnedly discussed by Mr. P. J. Hamilton-Grierson in an article in the *Scottish Historical Review* (XIV., 1-18), entitled "The Suitors of the Sheriff Court," and the following summary indicates the conclusions reached.—(1) It was obligatory to give *suit* and *presence* only when an obligation to that effect was imposed by the terms of the infetment; (2) The obligation to give suit or suit and presence was satisfied only by appearance at all courts held by the sheriff, unless its extent was limited by the terms of the infetment to a fixed number of appearances, e.g., to three suits at three head courts. In the case of three head courts, requesting by summons to appear was unnecessary; in the case of other courts it seems to have been essential; (3) He who owed suit only could relieve himself of the burden of attendance at court by entering a suitor to give suit on his behalf. But he who owed suit and presence was bound to appear in person; (4) The most important function of the suitors was not merely to determine claims of right but to supply the law upon which the determination was to be vested. It seems probable that the barons and freeholders who were put upon inquests were selected more

because of their acquaintance with the facts of the case than because of their legal knowledge, and that it was the suitor's part to keep them right as to the law involved and as to the procedure to be followed.

Frank tenement, p. 159. The *frank tenement* or *free fee* (*feudum francum*) was one of the kinds of feudal tenures. It was so called because the vassal was free of all feudal services, and was only bound to the superior by an oath of fealty.

No. 119, pp. 159-161.

Borowbull, p. 160. Borrobol, in Kildonan Strath (Sd.).

No. 120, pp. 161-163.

Robertus, etc., p. 161. Robert II. (1370-1-1390).

David, *Senescallo*, *comiti de Strathern*, p. 161. David, eldest son of the second marriage of King Robert II. with Euphemia Ross. He was created earl of Caithness between March 1374-5, and 28 December, 1377.

Brathwelle, p. 162. Brawl (G. *Breithal*), near Halkirk (C.). The ruins of the old castle are still to be seen. There is also a Brawl on the north coast of Sutherland in Farr parish.

Alexandri de la Arde, p. 162. Son of Welandus de Arde and Matilda of Strathearn. He resigned his right to Strathearn and Caithness to Robert II. previous to the creation of David Stewart as earl of both earldoms. Alexander de la Arde afterwards claimed to be earl of Orkney, and King Hakon of Norway granted it to him provisionally in 1375, not as earl but as commissioner, afterwards selecting one of the younger co-heirs (*Charters of Inchaffray Abbey*, (lxx.). The Aird is a fertile district in the E. of Invernessshire, in the basin of the river Beauly. It was originally the lowland jutting out into the sea between Bunchrew and the mouth of the river Beauly (*Wardlaw MS.*, Scottish Hist. Society, p. 59 n). Further particulars of the De Aird (or del Ard) family will be found in *Charters of the Priory of Beauly*, pp. 77, 84, 85, 90, 94, 95, 97, 303, and in the *Northern Chronicle* (Inverness) in a series of articles by the Rev. Archibald Macdonald, D.D., Kiltarlity, under the title "A Historical Problem: Origin of the Del Ard Family" (5 October-2 November, 1927).

Matilde de Stratherne, p. 162. Matilde, eldest daughter of Malise, 8th earl of Strathearn. She married Welandus de Arde, by whom she had Alexander.

Castle of Brathwell, p. 162, line 4 of translation; read: "castle of Brawl."

No. 121, pp. 163-164.

Robertus, etc., p. 163. Robert II. (1370-1-1390).

Alexandro senescalli domino de Badenache, p. 163. Sir Alexander Stewart, fourth son of Robert II. Title came to him in 1382 as the result of his marriage with Euphemia, countess of Ross, who was baroness of the barony of Kingedward, originally comprehending the greater part of the lands in Aberdeenshire belonging to the ancient earldom of Buchan. These she resigned to the King, 22 July, 1382, who regranted them to her and her husband. In this charter he is styled the lord of Badenoch, though in one granted three days later he is designated earl of Buchan. He deserted his wife for a woman, Mariota, who may have been the mother of his illegitimate children. For deserting his wife he was reprimanded and excommunicated by the bishops of Moray and Ross, 2 November, 1389, and ordered to adhere to his wife. In revenge he burnt the towns of Elgin and Forres and the cathedral of the former in 1390. Finally he submitted under the pressure of ecclesiastical discipline. He had six sons and one daughter—all illegitimate (*S.P.*, II., 262-3).

Terre de Garthyes, p. 163. The land of the Gartys—Gartymore, Mid-Garty and West Garty are in the parish of Loth (Sd.).

Alexandri de Ard, p. 163. See No. 120, p. 282.

Unum par calcarium deauratorum nomine albe firme, p. 163. A pair of gilt spurs was one of the common *blench* duties. The *alba firma* was a yearly rent (*firma*) paid to the superior in *white* (*alba*) money, i.e., silver, as distinguished from rent in victual. Latterly the *blench* duties, while valued at certain sums, were merely nominal (see *Scotch Legal Antiquities*, pp. 65, 66).

Wardis, relevis, p. 164. *Ward* and *relief* were the common casualties of superiority. (1) By the former casualty the superior was entitled to the full rent of the ward lands after the vassal's death, during the heir's minority, because the heir at that period was incapable of performing military service. *Ward* expired when the heir, if male, reached his majority. In females it lasted only till fourteen, at which age women became marriageable by the old law. (2) The casualty of *relief* was a sum exigible from an heir on his entry with the superior. The term *relief* was applied to this exaction because the feu was thereby relieved or recovered from the superior by the entry of the heir.

Maritagii, p. 164. The *Maritagium* was a casualty in ward holding which entitled the superior to demand a certain sum from the heir of his former vassal on the heir's marriage or on his becoming marriageable. If the heir was a female, the superior was entitled to select for her a husband, and she could not refuse the person so selected without forfeiting her estate, or at least as much as the match was estimated to be worth (*Trayner's Latin*

Maxims and Phrases, 339). Ward holding was abolished by the Statute 20 Geo. II., c. 50.

David, senescallus, comes Palatinus de Stratherne et de Cuthania, p. 164. David, eldest son of the second marriage of King Robert II. with Euphemia Ross. In this charter he is styled earl Palatine of Strathearn and Caithness. The word *palatine* is foreign to English and feudal law, and its meaning is not quite clear: but it is supposed to denote a quasi-sovereign fief, of which the lord is autocrat in respect of all internal jurisdiction (*Charters of Inchaffray Abbey*, lvii.).

Willelmo de Rosse, filio juniiori quondam Hugonis de Ross, p. 164. In 1375, Robert II. confirms *Willelmo de Ross, filio et haeredi quondam Hugonis de Ross*, a charter of William, earl of Ross, to the said Hugh, his brother, of the lands of Balnagown. The "said Hugh" was son of Hugh, 4th earl of Ross, and is designated "of Rarichies." He was the first of Balnagown (*S.P.*, VII., 236, 238, 239). In MacBain's ed. of Skene's *Highlanders of Scotland* (p. 417), Hugh of Rarichies is wrongly described as "third son of Hugh, fifth earl of Sutherland."

Westyrclithe, p. 165. Wester Clyth, in parish of Latheron (C.).
Nethir Greneländ, p. 165. Nether Greenland, in parish of Dunnet (C.).

Thoma Scarlet, p. 165. Thomas Scarlet of Longforgan.

No. 123, p. 166.

These petitions from No. 123 to No. 155 were presented to Clement VII., anti-Pope, and his successor, Benedict XIII. Clement's opponent, Urban VI., had been elected by sixteen cardinals at Rome (9 April, 1378). Fifteen of these cardinals elected Clement at Fondi six months afterwards (21 September, 1378). England, Italy, Austria, Bohemia, Hungary and Norway supported Urban, while Scotland, France, Spain, Sicily and Cyprus acknowledged the anti-Pope. Benedict XIII. (anti-Pope) was deposed in 1409, and again in 1417. In 1417 the Scottish Church transferred its allegiance from Benedict to Martin V., in compliance with the decision of a Council General assembled at Perth, 2 October, 1417. While this was so, it is evident that as late as 11 December, 1418, Caithness petitions were granted by Benedict (No. 155, pp. 200, 201).

No. 125, pp. 167-168.

Robertus rex Scottorum, p. 167. Robert II. (1370-1-1390).

Alexander Senescallus, etc. See No. 121, p. 283.

Farchardo medico nostro, p. 167. Fearchur or Farquhar Leche G. Lighich, physician). In an article by Captain William Morrison in the *Celtic Review*, II., 246-255, he says that the traditions in Sutherland give no countenance to the commonly

received opinion that Farquhar was one of the Beaton, the famous physicians. This mistake may have arisen through the Rev. Alexander Falconer's statement in the *Old Statistical Account*, VI., in which he says the grant of the islands was made to "Ferchard Beaton, a native of Islay." Captain Morrison is inclined to think Farquhar was a Macleod. The Rev. Angus MacKay was firmly convinced that Farquhar was a MacKay, in fact a son of Iye MacKay of Strathnaver (*Book of MacKay*, 46, 48; *Old Lore Miscellany*, III., 177-181). Dr. George Henderson, in his *Norse Influence on Celtic Scotland*, 316-318, gives in Gaelic the Reay country folk-tradition regarding Farquhar. In a Gaelic poem—*Oran nan Eilean*—printed in the *C.R.*, II., 250, the bard gives the names of most of the islands mentioned in Robert II.'s Charter of Confirmation (No. 132).

Hope, p. 167. Hope, in the parish of Durness (Sd.).

Mellenes, p. 167. Melness, in the parish of Tongue (Sd.).

Willielmo et Johanne, cancellario nostro, etc., p. 167. William de Landallis, bishop of St. Andrews: see No. 83, p. 274. John de Peblys, bishop of Dunkeld, appointed c. 1377. He was chancellor of Scotland, and died before 1 February, 1390-1 (*Bishops of Scotland*, 67, 68).

Johanne de Carric, senescallo Scocie, p. 167. Succeeded his father as Robert III., 19 April, 1390. David II. conferred on him the earldom of Carrick, 22 June, 1368. He died at Dundonald, 4 April, 1406 (*S.P.*, I., 17).

Roberto de Fyffe et de Menteth, p. 167. Robert, duke of Albany, earl of Fife and Menteith. See No. 146, p. 290.

Willielmo de Douglas et de Marr, p. 167. William, earl of Douglas and Mar, second son of Sir Archibald Douglas, the Regent. He married Margaret of Mar, daughter of Donald and sister of Thomas, earl of Mar. After 1374, when Thomas, earl of Mar, was apparently dead, William styles himself earl of Douglas and Mar, and continued the use of the title till his death, 1384 (*S.P.*, III., 148-155; V., 585-6).

Jacobo de Lyndesay, p. 167. Sir James Lindsay, only son and heir of Sir James Lindsay, lord of Crawford and Kirkmichael. He was a knight banneret, lord of Crawford, Kirkmichael, Wigton, Lymontoun, and many other baronies. He is described in charters as "*nepos Regis*." He was justiciar north of the Forth in 1373. He died in 1397 (*S.P.*, III., 12).

Alexandro de Lyndesay, p. 167. Sir Alexander Lindsay, second surviving son of David, lord of Crawford. In 1378 he obtained a passport to go on pilgrimage to the Holy Land. He married as his second wife Marjory, daughter of Sir John Stewart of Ralstoun, niece of King Robert II. (*S.P.*, III., 12-15).

No. 128, p. 169.

Licence to dispense fifty persons of illegitimate birth, p. 169. In regard to this petition Dr. Dowden makes the following remarks:—"In 1381, Alexander, Bishop of Caithness, petitions the Pope, Clement VII. (after the end of the schism reckoned an anti-Pope), for licence for fifty persons of illegitimate birth to be ordained and hold a benefice apiece. The largeness of this demand for the sparsely populated diocese of Caithness seems to have staggered the Pope, for the answer was: 'Granted for twenty-five of this city or diocese.' The petition does not state that the dispensation was intended for the sons of the clergy. But its general terms (if they are correctly stated in the Calendar of Petitions) would probably be taken to include such (*Med. Church in Scotland*, 318)."

No. 130, pp. 170-172.

Alexandro Senescalli, comiti Buchanie, p. 170. Alexander Stewart, earl of Buchan. See No. 121, p. 283.

Eufamie, domine de Ross, p. 170. Euphemia, countess of Ross. See No. 121, p. 284.

Forgrundtheny, p. 170. Forgandenny, a village and parish in Perthshire (formerly partly in Kinross-shire).

Kynfawnys, p. 170. Kinfauns, the name of a parish in Perthshire.

Tendandiis, p. 171. For tenandriis. The baron's rights as feudal superior and lord over the inhabitants is indicated by the term *cum tenandriis*, to which is sometimes added *servicis liberetencium*. This seems to give the grantee the rights of a landlord over a free tenant only, though no doubt there were services exacted from the freest tenant by the lord—service in harvest, such as carriages and labour on the roads of the barony (*Scotch Legal Antiquities*, 49, 50).

No. 132, p. 173.

Ferchardo leche, p. 173. See No. 125, p. 284.

Jura, p. 173. N. *dyr-ey*, Deer Island. Now Oldaney (G. *Alltanaidh*), in Assynt parish (Sd.). Not to be confused with Jura in Argyll.

Calwa, p. 174. Calva in Eddrachillis parish (Sd.), 5½ miles south by east of Scourie. There is a *Calbha Mhór* and a *Calbha Bheag*. Calva means calf island, a name applied to small islands standing off the shore.

Sanda, p. 173. N. *Sand-ey*. Now Handa, which is the form resulting from the Gaelic genitive *Eilean Shanda* (pronounced Handa). The island is in the parish of Eddrachillis, and lies 2½ miles NNW. of Scourie.

Elangawne, p. 173. G. *Eilean a'ghamhna* (Stirk's Island). Dr. George Henderson says this island is near Loch Clash, Kinlochbervie (*Memoirs of a Highland Gentleman*, 345).

Elanewillighe. Prof. W. J. Watson points out that in the line—

Chi mi 'm Balg 's Rudh' a' Bhuachail

(I see the *Balg* and the Shepherd's Head)

of the Gaelic poem already referred to, we have the key to this somewhat difficult place-name, which in its gen. form would be *Eilean a' bhuilg*. In the translation of the above poem it is equated with *Blister*, evidently referring to the form of the island like a blister on the sea. It is in the parish of Eddrachillis near Sandwood. On some maps it appears as *Bulgac*.

Elanerone, p. 173. G. *Eilean nan Ron* (Seal's Island). Now known as Island Roan; the island lies at the mouth of the Kyle of Tongue. It is of considerable size, the soil is fertile, and the whole island is under cultivation. There is another Island Roan on the west coast of Sutherland.

Elanehoga, p. 173. Dr. George Henderson equates it with *burial island* (*Memoirs of a Highland Gentleman*, 345), which would give *Eilean na h-uaghaidh* (Island of the Burial-mound). The Ordnance Survey map indicates a burial place on the island. Dr. W. J. Watson includes *Hoga* in a list of Sutherland place-names with the N. terminal *-ey* (island). In *Oran nan Eilean*, it is given in G. as *Eilean Hothan*, an impossible G. form. *Hoga* appears later as *Howga*; its present form is *Hoan*. The island is in the parish of Durness off the west side of the mouth of Loch Eriboll. It is $1\frac{1}{2}$ miles long.

Elaneqwhochra, p. 173. Island Choarie in Loch Eriboll. In *Oran nan Eilean* its G. form is given as *Eilean Chobhairidh*. Groome's *Ordnance Gazetteer of Scotland* (1901) gives *An Correilean* as a Gaelic equivalent but does not state its authority.

Elaneegelye. G. *Eilean a' Ghoill* (Stranger's Isle). Sometimes *Eilean nan Gall* (Strangers' Isle) is given as the equivalent of *Elaneegelye*, but *Eilean a' Ghoill* seems nearer to the unsuccessful attempt to Anglicize the Gaelic form. The Gaelic form ultimately took the form of *Gyld*, under which it appears in documents until displaced by the more modern name. It forms one of three islands in the mouth of Tongue Bay, which are now known as Rabbit Islands. They are overrun with swarms of rabbits; hence their modern name.

Elaneyofa, p. 173. G. *Eilean nan Naomh* (Saints' Island). Dr. W. J. Watson gives *Eilean nan Neimhe*—*neimhidh* being from the old Gael., a sacred place (*Celtic Review*, II., 241). The late Rev. Dr. Adam Gunn, Durness, however, says that the local pronunciation to-day does not favour *neimhe*. The island is in Tongue parish,

and has an old dedication to Columba or Colum, hence sometimes called *Eilean Coomb*, Coomb or Colum's Island.

Rowestorenastyngle, p. 173. Read *Rowestorenastynghe*, i.e., *G. Ruadha Storr ann Assaint* (Stoerhead in Assynt).

Rowe Armedale, p. 173. *G. Ruadha Armadail*; Armadale Point in Farr parish (Sd.).

Waltero, Dei gratia sedis apostolice Cardinali, p. 173. Cardinal Walter Wardlaw, bishop of Glasgow. He was made a Cardinal priest by Clement VII. (anti-Pope). Wardlaw died in 1387 (*Bishops of Scotland*, 314-316).

Joanne, episcopo Dunkeldense *Joanne . . . de Carric*; . .

Roberto de Fyfe, etc. See No. 125, p. 285.

Jacobo de Douglas, p. 173. James, second earl of Douglas, son of William, earl of Douglas. He was slain at Otterburn, and his death is commemorated in the well-known lines of the ballad:—

My wound is deep, I fain would sleep;
Take thou the vanguard of the three
And hide me by the braken bush
That grows on yonder lilye lee.

Archibaldo de Douglas, p. 173. Sir Archibald Douglas: see No. 99, p. 279.

Thoma de Erskyne, p. 173. Sir Thomas Erskine, son of Sir Robert Erskine (No. 83, p. 274). He was taken prisoner at Homildon (14 September, 1402) and remained captive in England until his death, which took place between Martinmas, 1403, and Whitsunday, 1404. He was the ancestor of the Erskines, earls of Mar (*S.P.*, V., 596-601).

No. 133, p. 175.

Alexander Steward . . . earl of Buchan, p. 175. See No. 121, p. 283.

Assent, p. 175. Assynt (*G. Assaint*), name of a parish in Sutherland.

Durs, p. 175. Dores, a village and parish in Inverness-shire.

No. 134, p. 175.

Earl of Caithness, Lord of Brechin, etc., p. 175. Walter, 2nd son of Robert II., by his wife Euphemia Ross. In 1378 he married Margaret, daughter and heiress of Sir David Barclay of Brechin, through whom he obtained the lordship of Brechin. He generally appears as Lord of Brechin until 1402. He is styled earl of Caithness from July, 1402, till May, 1409, when he becomes earl of Atholl. He was cruelly put to death for his alleged plot that ended in the assassination of James I. (1436-37) (*S.P.*, I., 436-439).

No. 135, p. 176.

The case of John de Spyny illustrates another aspect of papal dispensations. He could not legally hold a benefice, but having

obtained papal dispensation and grant, he could draw the revenues from the benefices to which he had been appointed. Sometimes mere children were granted benefices. In 1416, Alan Steward, then only twelve years old, an illegitimate son of the earl of Atholl and Caithness, was made a canon and prebendary of Dunkeld by Benedict XIII. For other cases see Dowden's *Med. Church in Scotland*, 281, 282.

No. 139, p. 177.

The lands of Drummoy, Backies and Torrish, p. 177. Drummoy and Backies are in the parish of Golspie. There is a Torrish four miles above Helmsdale.

No. 140, pp. 178-179.

Bonifacius, etc., p. 178. Pope Boniface IX. (1389-1404).

Conrado electo Soderensi, p. 178. The bishops of the Isles were designated bishops of the Sudreys, that is the Hebrides, as distinguished from the northern isles, the Orkneys. The name is retained to this day in the English episcopal title, bishop of Sodor and Man. In regard to Conrad, Dr. Dowden remarks:—"When two sets of claimants to the papacy are appointed within the same period to a bishopric which had little attractions for anyone, it is not easy to adjust and place properly the various names which make their appearance. A bishop named John was translated *ad Catheden* (sic) before John Sproten, a Dominican, was provided by Boniface IX., 27 Sept., 1392. John Sproten was released, and on 9 Jan. 1401-2, Conrad, a Cistercian, was provided by the same Pope (*Bishops of Scotland*, 288).

Johannem Cathedensem tunc Soderensem episcopum, p. 178. Dr. Dowden does not include John in his list of Caithness bishops, and as Caithness at this date acknowledged the anti-Pope Benedict XIII., it is not likely it would pay any attention to an appointment by Pope Boniface IX., the Roman Pope. According to the foregoing authority, this John of Caithness was John Sproten, a Dominican. The other bishop John referred to in the preceding note was apparently a different individual. Stubbs gives the authority of *Bullarium Ordinis Praedicatorum* for his translation *ad Cathadensem ecclesiam* on 27 September, 1392. But as Dr. Maitland Thomson points out, the name seems to be corrupt (*Ibid.*, 286 n). The confusion in these appointments is traceable to the appointment by Popes and anti-Popes, and as the see of Caithness favoured the anti-Pope Benedict XIII., it may be accepted as certain that John Sproten was never recognised as bishop of Caithness.

No. 142, pp. 180-2.

Waltero, comiti de Caitenes, p. 180. Walter, earl of Caithness: see No. 134, p. 288.

Quondam Margaretam, p. 180. Margaret of Brechin, wife of Walter, earl of Caithness: see No. 134, p. 288.

No. 144, pp. 183-184.

Johannes de Suthirland, p. 183. John, son and heir of Nicolas, lord of the Castle of Duffus, seems to have died without issue (*Sutherland Book*, I., 513).

Nicolai de Suthirland, p. 183. Nicolas of Sutherland, second son of Kenneth, 4th earl of Sutherland; see No. 84, p. 275.

Henrico de Suthirland, p. 183. Henry of Sutherland, brother of John of Sutherland and son of Nicolas. He was succeeded by Alexander, lord of Torboll and Duffus (*Sutherland Book*, I., 513).

No. 146, pp. 185-189.

Robertus dux Albanie, etc., p. 185. Robert Stewart, duke of Albany, third son of Robert II. He married (1) Margaret, countess of Menteith, by which marriage he became by courtesy earl of Menteith. He entered into an indenture with Isobel, countess of Fife, relict of his elder brother Walter (30 March, 1371), wherein she acknowledges him to be her lawful heir-apparent, and that when the earldom of Fife is recovered, and the countess has got possession of it, she will resign it into the king's hands for infeftment in his favour. In consequence of this, he succeeded to the earldom and was styled earl of Fife and Menteith. Created duke of Albany in April, 1398 (*S.P.*, I., 146-149).

Nobili mulieri, Elizabeth, p. 180. Daughter of Sir William Graham. She was contracted but not married to Robert de Keith (Kayth), and again contracted to Walter, earl of Caithness. She was finally married to Sir John Stewart of Dundonald, natural son of Robert II., between 1412 and 1414 (*S.P.*, VI., 37, 218).

Willelmi Grame, militis, p. 180. Sir William Graham, son of Patrick Graham. He married (1) a lady whose name is unknown, (2) Princess Mary (or Mariota) Stewart, daughter of Robert III. (*S.P.*, VI., 215-219).

Robertus de Keyth, p. 180. Son of John, son of Sir William Keith, marischal of Scotland, and his wife Jean, youngest daughter of King Robert II. He was betrothed to Elizabeth, daughter of Sir William Graham, but the marriage did not take place. He is wrongly described in the *Scots Peerage* as "marshal of Scotland" (VI., 218). Sir Robert Keith, marischal of Scotland, was his uncle (*S.P.*, VI., 37).

Waltero Senescallo, comiti Atholie et de Caithnes, p. 185. Walter Stewart, earl of Atholl and Caithness: see No. 134, p. 288.

- Archibaldi, comitis de Douglas*, p. 185. Archibald, 4th earl of Douglas. Succeeded to the earldom c. 1400. He was created duke of Touraine by the French King (Charles VII.) in April, 1424. Killed in France 24 August, 1424 (*S.P.*, III., 165-168).
- Cortaquhy*, p. 186. Cortachy in Forfarshire.
- Cum jurca, fossa*, etc., p. 186. For an explanation of these terms see No. 84, p. 276.
- Cum tenandriis et libere tenentium servitiis*, p. 186. For explanation see No. 130, p. 286.
- Gilberto, Episcopo Abirdonensi*, etc., p. 187. Gilbert de Greenlaw was chancellor of Scotland for many years but not continuously. Dr. Dowden gives September, 1421, as the probable year of his death (*Bishops of Scotland*, pp. 119, 120).
- Joanne Senescallo domino de Buchane*, p. 187. John Stewart, earl of Buchan, eldest son of Robert Stewart, duke of Albany. Born about 1380. On the resignation of Euphemia Leslie, countess of Ross, of the earldom of Ross, etc., of which she got a re-grant to herself, with remainder to the earl of Buchan and his brother, whom failing, to the King, he was from 1415 sometimes styled earl of Ross. He was killed at the battle of Verneuill, 17 August, 1424. His wife was Elizabeth, daughter of Archibald, earl of Douglas, she afterwards married Sir Thomas Stewart, natural son of the earl of Mar, and on the death of her second husband she married William Sinclair, earl of Orkney, afterwards earl of Caithness (*S.P.*, II., 264-5).
- Patricio, comite de Stratherne*, p. 187. Patrick, son of Sir Patrick Graham of Dundaff. He married Euphemia, who was designated Countess Palatine of Strathearn. He was killed on 10 August, 1413, near Crieff, by Sir John Drummond of Conraig, in an encounter between them arising out of the earl's dissatisfaction with Sir John's official duties. His son Malise became earl of Menteith (*S.P.*, VI., 214; VIII., 260).
- Joanne Senescallo de Innermeth*, p. 187. Sir John Stewart of Innermeth: see No. 148, p. 292.
- Waltero Senescallo de Raylistoun*, p. 187. Sir Walter Stewart of Railston, son of Sir John Stewart, son of Walter, 6th High Steward of Scotland and his second wife, Isabel Graham (*S.P.*, I., 14).
- Thome Birsbane*, p. 187. Probably ancestor of the Brisbanes of Bishopton in Renfrewshire.
- Thoma Charterhous*, p. 187. Probably Thomas Charteris of Kinfauns.
- Joanne de Spens*, p. 187. Probably John Spens of Glen Douglas and Lathallan, son of William Spens of Lathallan. He married Isabel, daughter of Sir John Wemyss of Nires (*Douglas Baronage*, 292).

No. 148, pp. 189-194.

Robertus dux Albanie, p. 189. See No. 146, p. 290.

In vadium, p. 190. Wadset was the conveyance of land in pledge for, or in satisfaction of a debt or obligation, with a reserved power to the debtor to recover his lands, on payment or performance.

Freswic, p. 190; *Freswike*, p. 190. Freswick in Canisbay parish (C.).

Ockyngille, p. 190. Aukengill in same parish.

Super magnum altare, p. 191. The ceremony of laying on the altar a symbol of a grant was a common practice. A knife was often used: the donor opened and shut it, then laid it upon the altar. Another symbol was a sod of earth. When Alexander I. restored certain lands to the Church of St. Andrews, he led his Arab horse up to the altar as a symbol of the grant (*Lawrie's Early Scottish Charters*, 256).

Dominis Johanne Senescalli de Lorne, p. 191. Sir John Stewart of Innermeath is designated "lord of Lorn" in 1407. He is described as "kinsman of Robert, Duke of Albany." He died, 26 April, 1421 (*S.P.*, V., 2).

Georgio de Lesly, p. 191. Probably Sir George of Leslie, ancestor of the Leslies, earls of Rothes. In a charter dated 8 August, 1394, Euphemia, countess of Ross, calls Sir George Leslie her brother (*S.P.*, VII., 271-273).

Roberto Senescalli de Lorne, p. 191. Robert Stewart of Lorne, son of Sir John Stewart. He succeeded his father as Lord of Lorn in 1421 (*S.P.*, V., 3).

No. 149, p. 194.

Thomas Butil, p. 194. Thomas Butil was afterwards bishop of Gallo-way. He died probably in the autumn of 1422 (*Bishops of Scotland*, 367, 368).

Mukkyrssy, p. 194. Muckcross. A suppressed parish now annexed to Forteviot, Perthshire.

No. 150, pp. 195-197.

Y McKy, p. 195. Y or Iye Roy MacKay (1486-1517), son of Angus Roy MacKay (*Book of MacKay*, 70-78). The "Y" is the attempt to Anglicize *Aodh*, which appears in the surname in its genitive form, *Mac Aoidh*. MacKay, i.e., son of *Aodh*. Sometimes *Aodh* is equated with Hugh, but wrongly so.

Donaldus de Ile, dominus insularum, p. 195. Donald, Lord of the Isles, eldest son of the second marriage of John, Lord of the Isles (see No. 96, p. 278). On the death of Alexander, earl of Ross, c. 1410, his only child, Euphemia, by his wife, a daughter of Robert, earl of Fife and duke of Albany, took the veil

and resigned the earldom to her uncle, the earl of Buchan. Donald, however, claimed the earldom through his wife, a sister of the late Alexander, earl of Ross. The duke of Albany naturally supported the cause of his own son and was joined by the earl of Mar. Probably owing to his relationship to the latter, Angus Du of Strathnaver joined the confederacy against the Lord of the Isles. MacKay was defeated at Dingwall, 1411, and taken prisoner. The Lord of the Isles thereafter met the earl of Mar at Harlaw. In the same year the victorious Highland chieftain marched on Aberdeen and on the bloody field of Harlaw routed his opponents. From this great victory he has been designated "Donald of Harlaw." He died c. 1423. Angus Du MacKay married, as his first wife, Elizabeth, sister of Donald, Lord of the Isles. His second wife was a daughter of Alexander Carrach MacDonald of Keppoch, son of John, Lord of the Isles (*Book of MacKay*, 54-62; *Clan Donald*, I., 130-168; *S.P.*, V., 40-42). *Angusio Egg*, p. 195. Angus Eyg, son of Angus MacKay, succeeded his father. Killed at the battle of Drum nan Coup, 1433 (*Book of MacKay*, 54-62).

Nigello, p. 185. Neil, eldest son of the foregoing. He was called "Neill Wasse [Vass]," says Sir Robert Gordon, "because he had been imprisoned in the Basse."

Strathalgadil, p. 195. Strathhalladale (Sd.).

Ferancostgraygis, p. 195. This appears to be a variant of *Fernacoscreech*: see p. 268, under "lands of Frenerosherie."

Lauchlano Makgillane, p. 196. Lauchlan (*Bronnach*) Maclean, son of *Eachann Ruadh a' Chath*, who was killed at the battle of Harlaw (1411). He was taken prisoner after the battle of Harlaw by the earl of Mar. He married (1) daughter of Macleod of Harris, (2) Janet Stewart, illegitimate daughter of the earl of Mar (*MacFarlane's Genealogical Collections*, I., 126; *S.P.*, V., 389).

No. 152, p. 198.

Alan Stewart, nephew of the Governor of the realm of Scotland, p. 198. The *Scots Peerage* says that this may be another son, if not the Alan to whom Walter Stewart resigned the earldom of Caithness (I., 439). See No. 172, p. 296.

No. 153, pp. 198-200.

Episcopo Moraviensi, p. 198. Henry de Lychton, elected 1414; provided and consecrated 1415. Translated to Aberdeen 1422. Died, 1440 (*Bishops of Scotland*, 120, 121; 157, 158).

Johannis de Sutherland. *Margarete de Duf*, p. 198. The John of Sutherland is probably John, son and heir of Nicolas Sutherland (No. 84, p. 275), lord of Torboll. The parentage of the lady

is not cleared up. There were Duffs in Caithness, though they were not a prominent family like those in Ross. It has been suggested that she may have been a daughter of Angus Du MacEyg in Strathnaver by his first wife (*Highland Dispensations* in *Northern Chronicle*, 27 December, 1911).

No. 154, p. 200.

Alan Steward, p. 200. See No. 152, p. 293.

No. 155, pp. 200-1.

Walter earl of Athol and Caithness, p. 200. See No. 134. p. 288.

No. 156, p. 201.

Benedict XIII., p. 201. Peter de Luna, a Spaniard. Elected Pope in 1394 by the French cardinals at Avignon. A council which met at Paris, 1395, asked him to resign, but Benedict was not the man to be so easily disposed of. He was twice deposed—(1) by the council of Pisa (1408), and (2) by council of Constance (1417). Scotland, according to the *Scotichronicon*, refused to acknowledge him afterwards, but from the petitions in the *C.P.R.*, at least as far as Caithness is concerned, it is evident that he was acknowledged as late as 11th December, 1418.

Bishops Gilbert and Henry, p. 201. Gilbert de Greenlaw, bishop of Aberdeen, was elected in 1389. He was chancellor of Scotland for many years. Died probably in September, 1421 (*Bishops of Scotland*, 118-120). Henry Wardlaw, bishop of St. Andrews, was consecrated 1403. Eubel gives 9 April, 1440, as the date of his death (*Ibid.*, 30, 31).

No. 157, pp. 202-3.

Alexander [now] bishop of Caithness, sometime elect of Orkney, p. 202. See Introduction under Bishops of Caithness.

Furvi, p. 202. Tarves in Aberdeenshire: see No. 158, p. 294.

No. 158, pp. 203-208.

Martinus, etc., p. 203. Pope Martin V. (1417-1431). Martin was elected Pope by the Council of Constance after the deposition of John XXIII., Gregory XII., and Benedict XIII., and by his election the Great Schism was brought to an end.

Petrus de Luna, olim Benedictum XIII., etc., p. 204. See No. 156. p. 79.

Zur, Aberdoniensis diocesis, p. 205. Probably Tarves, a village and parish in central Aberdeenshire.

Zurvi [*? Tarvie*] in the diocese of Aberdeen, p. 207. See preceding note.

No. 159, p. 208.

Furby, p. 208. Probably Tarves in Aberdeenshire. See preceding note.

No. 160, p. 209.

Alexander [Vaus], bishop of *Whitherne*, p. 209. See Introduction under Bishops of Caithness.

No. 162, p. 210.

Bishops of Glasgow and Dunkeld, p. 210. The Bishops of Glasgow and Dunkeld at this date were William Lawedre and Robert de Cardeny respectively.

No. 166, p. 211.

Bishop of Ross, p. 211. John Bullock, consecrated 1420. From the *Exchequer Rolls*, V., 101-2, it would appear that Bullock resigned the See and was alive after 1 January, 1440-1 (*Bishops of Scotland*, 217, 218).

No. 167, p. 212.

Lathryn, p. 212. Latheron (C.).

Dumbeth, p. 212. Dunbeath in Latheron parish (C.).

No. 169, p. 213.

Thomas Tulach, archdeacon of *Caithness*, p. 213. Thomas Tulloch, afterwards bishop of Ross. On 4 October, 1440, he is mentioned as "elect of Ross in Scotland." He held the deanery of Ross in 1436, and was provided to the church of Tannadice in the diocese of St. Andrews in 1437 (*Bishops of Scotland*, 218).

No. 170, p. 214.

Nigello Nelesoun, p. 214. Neil Neilson, brother of Thomas Neilson.

Thome Nelesoun, p. 214. Thomas Neilson of Creich, who burnt Mowat of Freswick in the chapel of St. Duthus, Tain. The *Book of MacKay* says he was a cousin of Angus Du of Strathnaver (p. 19). Mr. D. Murray Rose disputes Neilson being a MacKay (*Murrays of Pulrossie in Northern Chronicle*, 10 August, 1910).

Gerloch, p. 214. Gairloch, the name of a parish in Ross.

Daane, p. 214. Daan in Edderton parish, Ross.

Moyzeblary, p. 214. Muieblairie (G. *Muighbhlairidh*) in Edderton parish, Ross.

Croinzueorth, p. 214. Read *Croinzneorth*: Gruinard or Greenyards (N. *Grunnfjorðr*, shallow firth) in Kincardine parish, Ross.

Tuiteamtarwach, p. 214. Tutim (G. *Tuiteamtarbhach*, abundant fall) on the left bank of the Oyke. The place-name is said to commemorate the sanguinary conflict between the MacLeods and the MacKays, c. 1404. In Strathnaver there is a saying—*Tha so mar Latha Tuiteamtarbhach*, this is as the Day of the

Abundant Fall, used when one is very successful in anything (Rev. A. MacKay's *Hist. of the Province of Cat*, 96).

Langort, p. 214. Probably Longphort, G. 'an encampment,' or 'shieling' (*C.R.*, II., 239).

Amayde, p. 214. Amat, in Strath-Oykell. (G. *Amait*, from Norse á-mót, river meet, confluence. (Watson's *Place-names of Ross and Cromarty*, p. 6). There is another *Amat* in Kincardine parish at the junction of the Einig (Eunag) and Oykell. This *Amat* was known as *Amat na gullan*, i.e., *Amait nan cuilean*, Amat of the whelps. There is also an Amat in the parish of Clyne.

No. 171, p. 215.

Rex, p. 215. James I. (1406—1436-7).

Angusio de Moravia, p. 215. Angus of Moray, son of Alexander de Moravia of Culbin and his wife Janet of Monymusk. Angus played an important part in the clan feuds of his day. He is generally said to have been killed at the battle of Drum-nan-Coup in 1430, but Mr. D. Murray Rose points out that he died in 1441, as is proved in the retour of his son made in that year (*Murrays of Pulrossie in Northern Chronicle*, 10 August, 1910).

Alexandri de Moravia de Culbyn, p. 215. Alexander, son of John de Moravia of Culbin, married Janet of Monymusk. He is known as Alastir na Shreine Ghorm (G. *Alastair na sreine guirme*, Alexander of the blue (or green) bridle). He had three sons—Sir Thomas, killed at Harlaw (1411); Sir Walter and Angus, referred to in preceding note (*Northern Chronicle*, 3 August, 1910).

Spangdull, p. 215. *Spinningdale* (G. *Spainigdail*) in Creich parish (Sd.).

Alrecarre, p. 215. Acharry in Creich parish (Sd.).

Fud, p. 215. Flod or Flood.

Polyssy, p. 215. Pulrossie in Creich parish (Sd.).

Byghosse, p. 215. Bighouse in Farr parish (Sd.). The present Bighouse, known to the natives as *An Torr*, is near the mouth of the Halladale. The older Bighouse is farther up Strathhalladale.

Duabus Trontulis, p. 215. The two Trantles—Trantlemore and Trantlebeg—in Strathhalladale (Sd.).

Duabus Forssis, p. 215. The two Forsses—Forsinard and Forsinain—in Strathhalladale, parish of Farr (Sd.).

No. 172, pp. 215, 216.

Rex, p. 215. James I. (1406—1436-7).

Alan Stewart, p. 216. Alan Stewart, son of Walter Stewart, earl of Atholl and Caithness. He was one of the leaders of the royal forces sent against Donald Balloch of Isla, who defeated the king's troops at Inverlochy, where Alan was slain (*S.P.*, I., 439).

Valterus, comes Atholie, p. 216. Walter Stewart, earl of Atholl and Caithness: see No. 134, p. 288.

No. 173, pp. 216, 217.

Glasere in Lismore, p. 217. Glassary in Argyll. Sometimes the diocese of Argyll was designated "Lismore."

No. 176, pp. 219, 220.

Death without the Roman court, p. 220. See No. 117, p. 280.

No. 178, pp. 221-223.

The present Pope, p. 221. Eugenius IV. (1437-1447).

Capitular mensa, p. 221. When the fruits of a church were devoted to the chapter of a cathedral, they were said to be appropriated to the *capitular mensa*.

Bishop Henry, p. 222. Henry de Lychtone, formerly bishop of Moray; he is described as a kinsman of the duke of Albany. He was translated to Aberdeen in 1422 (*Bishops of Scotland*, 120-122).

Canysby, p. 223. Canisbay (C.).

No. 179, pp. 223-4.

Tanadas in diocese of St. Andrews, p. 223. Tannadice, a village and parish of N.W. central Forfarshire.

No. 180, p. 224.

Kaerlemychael, p. 224. Probably Kirkmichael or Kilmichael in the Black Isle, Ross. Kirkmichael was, prior to 1662, a separate parish, when it was joined to Cullicudden. The parish is now generally known as Resolis. Kirkmichael was the eastern part of the parish, and its church was known as *Cill Mhicheil*, and the parish as *Sgìre Mhicheil* (Watson's *Place-names of Ross and Cromarty*, 120, 121).

No. 181, p. 225.

Alexander of Ile, erle of Rosse, etc., p. 225. Alexander, Lord of the Isles, eldest son of Donald, Lord of the Isles, and Mary (Margaret) Lesley. Died at Dingwall, 8 May, 1449 (*Clan Donald*, I., 169-199; *S.P.*, V., 43-45).

Alexander of Suthirlande, p. 225. Alexander Sutherland of Dunbeath. His eldest son, Alexander, was dean of Caithness, and a daughter Marjory was married to William Sinclair, earl of Caithness and Orkney as his second wife. His testament is given in the *Bannatyne Miscellany*, vol. III., and in Calder's *Civil and Trad. Hist. of Caithness* (2nd ed.), 292-297.

Maryoun of the Isles, p. 225. Marion or Mariota, daughter of Donald, Lord of the Isles. She was married to Alexander of Dunbeath. A papal dispensation had been granted on 13 February, 1419-20 for her union with Archibald or Celestin Camp-

bell, but whether the marriage actually took place is not known (*S.P.*, VII., 244; IX., 18).

Lauchlayne Maklan of Dowart, p. 225. See No. 150, p. 293.

John Makloyde of Dunvegane, p. 225. Son of William Macleod of Dunvegane and a daughter of John Maclean of Lochbuie; fought at Harlaw in 1411. He married Margaret, granddaughter to Earl of Douglas (*Mackenzie's Hist. of Macleods*, 13).

No. 183, pp. 226-228.

Death without the Roman court, p. 227. See No. 117, p. 280.

No. 187, pp. 230-234.

Johannes, comes de Suthirland, p. 230. John, 7th earl of Sutherland.

Thorboll, p. 231. Torboll in Dornoch parish.

Alexandrum de Suthirland, dominum de Thurboll, p. 231. Alexander of Sutherland, lord of Torboll, son of Henry of Sutherland. He married Muriel, daughter and heiress of Chisholm of Chisholm, and obtained with her the lands of Quarrelwood and others in Elginshire. He died before 1487 (*Book of Sutherland*, I., 513).

Straghagharn. Probably Strathcarraig in Dornoch parish (Sd.).

Litil Thurboll, Little Torboll. To be distinguished from Torrobal in Lairg parish, which, in the old documents, is also spelt Thurboll.

Ilík, Evelix; *Prounsecroie*, Proncycroy; *Nethirprounse*, Nether Proncy; *Overprounse*, Over Proncy; *Aghaghasshe*, Achosnich, p. 231. All these places are in Dornoch parish.

Dale. This may be Doll (G. *Dal*) in Clyne parish, but from its position among the other place-names it would appear to be in Dornoch parish. It may, therefore, be Dalnameine in Strathcarraig.

Boyaghier. Rogart (Sd.).

Grodebrorer, p. 232. Grudie Brora (G. *Grùididh*) in Strath Brora, parish of Rogart (Sd.). Grudie, as a river name, occurs twice in Sutherland and twice in Ross, but not elsewhere. Pitgrudie in G. is *Baile ghrùididh*; Gruids (Lairg) is *Na Gruidean* (*C.R.*, II., 235).

Karoumenzhe, p. 232. Kerrow (G. *Ceathramh-na-Meine*) in Strath Brora, about 12 miles west by north of Brora. Part of it lies on the north side of the river Brora, and is in the parish of Clyne. The other part, on the south side of the river, is in the parish of Rogart. This place-name has suffered severely at the hands of transcribers. It meets us in 1556 as Carnameyne, and in all likelihood it is the Meyngferri of No. 84, p. 135. *Ceathramh-na-Meine* is the G. for the fourth part of the ore

land. *Meine* enters largely into place-names, and is the term that is usually applied where the water is marked by the rust of oxidized iron. The following note from the Rev. Dr. Munro, Ferintosh, is interesting and seems to clear up the difficulty of *Meyngferri*:—" *Ceathramh* is not now called *Ceathramh-na-Meine*, but simply *Ceathramh* in Gaelic and *Kerrow* in English. The old natives of Strath Brora, many of whom I knew well, nearly always used the plural form—*na Ceithridhean*—that is, the Sutherland form of *Ceithreamhnan*. As to *ferri* in *Meyngferri*, I don't think it is the English word *ferry*. May we not have here a case of reversing the constituent terms in the place-names? Instead of *Ceathramh-na-Meine*, this would give *Meine a' Cheithreimh*. The genitive of *ceathramh*—*ceithreimh*—is pronounced in Sutherland as *ceithridh*, phonetically *kerri*. That one of the old scribes should turn *kerri* into *ferri* would after all be but a small effort in comparison to some of the changes they made. Of course there may have been a ford at Kerrow but not a ferry, if we keep to the usual meaning of that word."

Sipursale, p. 232. A scribe's unhappy effort to write some old form of the place-name Sciberscross in Strath Brora, parish of Clyne (Sd.).

Kilpedder more, *Kilpedder beg*, p. 232. Both places are in Strath Brora, Clyne parish—this Kilpedder is to be distinguished from the Kilpedder in Kildonan Strath.

Kabeyn, p. 232. Caen in Kildonan Strath (Sd.).

Kilpedder, p. 232. Kilpedder in Kildonan Strath.

Strethulzhe, p. 232. Strath-illidh, now known as Strath of Kildonan.

Domino Willelmo Bailze, milite, p. 232. Sir William Bailie, of Hoprig, probably a grandson of Sir William Bailie of Hoprig, had charter of Lamington from King James I., 6 March, 1423. He married Catherine, daughter of Sir John Hamilton of Cadzow (*Lives of the Baillies*, 16).

Alexandro de Stratoun, etc., p. 232. Alexander de Stratoun of Lauriston in the Mearns.

Alexandro Erskyne, domino de Done, p. 232. Probably eldest son of John Erskine, first of Dun (*Scottish Antiquary*, iv., vi.).

Michaele Scot, domino de Balwery, p. 232. Son of William Scott of Balwery, was one of the hostages for King James I.'s ransom (*Douglas Baronage*, 303).

No. 188, pp. 234-5.

Succentorship. The sub-chanter or succentor was the precentor's deputy.

Bishop Thomas, p. 235. Thomas de Tulloch: see No. 189, p. 300.

No. 189, pp. 235-236.

Official of Caithness, p. 235. See No. 9, p. 255.

The Pope, p. 235. Pope Eugenius IV. (1431-1447).

Robert, bishop of Caithness, p. 235. Robert Strathbrock: see Introduction under Bishops of Caithness.

Thomas, bishop of Ross, p. 235. Thomas de Tulloch; provided 26 September, 1440. Tulloch was archdeacon of Caithness in June, 1429. See pp. 213, 223 of the Records (*Bishops of Scotland*, 218, 219).

No. 190, p. 236.

Margaret, Robert and Alexander of Sutherland, p. 236. The *Scots Peerage* suggests that these may be John, 7th earl of Sutherland's wife and two sons. At any rate earl John was married to Margaret Baillie (VIII., 331).

No. 191, pp. 237-238.

Bishop of Ross, p. 237. Thomas de Tulloch: see No. 189, p. 300.

Canesbi. Canisbay (C.).

Granted in commendam, p. 237. When a vacancy occurred in a benefice, the bishop of the diocese frequently appointed some one as steward to levy the fruits during the vacancy. The person thus appointed was designated *commendator*.

Ingram, now bishop, then elect of Aberdeen, p. 237. Ingram (Ingeram, Ingelram) de Lindsay, whose provision to the see is given by Eubel as 28 April, 1441 (*Bishops of Scotland*, 123-125).

Thomas, bishop of Orkney, p. 237. Thomas de Tulloch (Tulach). He was provided by Pope Martin V. on 19 August, 1418. Eubel says he resigned, but date of resignation is not given (*Ibid.*, 261).

John, bishop of Moray, p. 237. John de Winchester. Eubel gives 23 March, 1435, as the date of his provision. Dr. Dowden thinks 1 April, 1460, is the correct date of his death (*Ibid.*, 159, 160).

No. 192, pp. 238-240.

Beatissime pater, p. 238. Pope Eugenius IV. (1431-1447) was deposed by the Council of Basel. Felix V. was appointed in 1439 and occupied the papal chair until 1449, when he resigned. Though deposed, Eugenius continued to be acknowledged as Pope.

Canisbi, p. 239. Canisbay in Caithness.

No. 199, pp. 247-8.

Hoctor Comon, p. 248. Hoctor is the anglicized form of *Uachdar* (G.), upper; hence "Hoctor Comon" is the Upper Common. See No. 9, p. 254.

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Abbreviations.—A=Aberdeen. C=Caithness. M=Moray. O=Orkney.
R=Ross. Sd=Sutherland. wit.=witness.

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